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Rules and Regulations

Title 7—AGRICULTURE

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

[Valencia Orange Reg. 9]

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

Limitation of Handling

§ 908.309 Valencia Orange Regulation 9.

(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 April 19, 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., April 22, 1962, and ending at 12:01 a.m., P.s.t., April 29, 1962, are hereby fixed as follows:

(i) District 1: 350,000 cartons;

(ii) District 2: 225,000 cartons;

(iii) District 3: 125,000 cartons.

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

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

Dated: April 20, 1962.

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

[F.R. Doc. 62–4011; Filed, Apr. 20, 1962; 8:51 a.m.]

[Lemon Reg. 17]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.317 Lemon Regulation 17.

(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 April 17, 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., April 22, 1962, and ending at 12:01 a.m., P.s.t., April 29, 1962, are hereby fixed as follows:

(i) District 1: 4,650 cartons;

(ii) District 2: 251,100 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: April 19, 1962.

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

[F.R. Doc. 62–3910; Filed, Apr. 20, 1962; 8:51 a.m.]

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

[Milk Order No. 38]

PART 1038—MILK IN ROCK RIVER VALLEY MARKETING AREA

Order Amending Order

AUTHORITY: §§ 1038.0 to 1038.101 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1038.0 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 Rockford-Freeport, Illinois, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

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

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

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

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to skim milk and butterfat in (i) producer milk (including a handler's own farm production), (ii) other source milk at a pool plant which is allocated to Class I milk pursuant to § 1038.46(a) (3) and (4) and the corresponding steps in § 1038.46(b), and (iii) subject to the proviso of § 1038.78, receipts at a nonpool fluid milk plant of Grade A milk from dairy farmers on which no administration expense has been paid pursuant to another order issued pursuant to the Act.

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

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

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

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

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Rock River 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:

DEFINITIONS

§ 1038.1 Act.

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

§ 1038.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and perform the duties of the Secretary of Agriculture.

§ 1038.3 Department.

"Department" means the United States Department of Agriculture.

§ 1038.4 Person.

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

§ 1038.5 Cooperative association.

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

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

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

§ 1038.6 Rock River Valley marketing area.

"Rock River Valley marketing area", hereinafter called the "marketing area", means all the territory within the boundaries of Rock County, Wisconsin; the Illinois counties of Boone, Carroll, De Kalb, Jo Daviess (except the city of East Dubuque), Lee, Ogle, Stephenson, Winnebago and the townships of Caloma, Hahnaman, Hopkins, Hume, Jordan, Montmorency, Sterling and Tampico in Whiteside County; including territory within such boundaries occupied by government (Municipal, State or Federal) reservations, installations, institutions or other similar establishments.

§ 1038.7 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, sour cream and sour cream products labeled Grade A, cream or any mixture in fluid form of cream and milk or skim milk (except eggnog, ice cream mix, frozen dessert mix, aerated cream products, evaporated and condensed milk or skim milk, and sterilized products in hermetically sealed metal containers).

§ 1038.8 Route.

"Route" means a delivery (including disposition from a plant store or from a distribution point and distribution by a vendor or vending machine) of any fluid milk product classified as Class I pursuant to § 1038.41(a)(1) to a retail or wholesale outlet other than a milk plant or a distribution point.

§ 1038.9 Distributing plant.

"Distributing plant" means a plant in which any Grade A fluid milk product is processed or packaged and disposed of during the month on routes in the marketing area.

§ 1038.10 Supply plant.

"Supply plant" means a plant from which Grade A milk, skim milk or cream is shipped during the month to a pool plant.

§ 1038.11 Pool plant.

"Pool plant" means a plant specified in paragraph (a) or (b) of this section except that of a producer-handler or a nonpool plant pursuant to § 1038.65: *Provided,* That if a portion of a plant is physically separated from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

(a) A distributing plant from which not less than 50 percent of the total Grade A milk receipts is disposed of during the month on routes and not less than 10 percent of such receipts is disposed of in the marketing area on routes.

(b) A supply plant from which not less than 50 percent of the Grade A milk received from dairy farmers at such plant during the month is shipped as fluid milk products to pool plants qualified pursuant to paragraph (a) of this section: *Provided,* That a supply plant which qualified pursuant to this paragraph in each of the immediately preceding months of September through November shall be a pool plant for the months of March through June unless written application is filed with the market administrator on or before the first day of any such month to be designated a nonpool plant for such month and for each subsequent month through June during which it would not otherwise qualify as a pool plant.

§ 1038.12 Nonpool plant.

"Nonpool plant" means a plant (except a pool plant or that of a producer-handler) which receives milk from dairy farmers or is a milk manufacturing, processing or bottling plant.

§ 1038.13 Fluid milk plant.

"Fluid milk plant" means:

(a) A pool plant; or

(b) A distributing plant which is a nonpool plant.

§ 1038.14 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more fluid milk plants;

(b) Any cooperative association with respect to milk from producers which it causes to be diverted from a pool plant to a nonpool plant for the account of such cooperative association; or

(c) Any cooperative association with respect to the milk of its producers which is delivered from the farm to the fluid milk plant of another handler in a tank truck owned and operated by or under contract to such cooperative association: *Provided,* That such cooperative association shall not be a handler pursuant to this paragraph unless the market administrator is notified in writing prior to the first day of the month in which such milk is delivered that it elects to be the handler for such milk: *And provided further,* That such milk for which a cooperative association is the handler pursuant to this paragraph shall be deemed to have been received at the location of the fluid milk plant to which such milk is delivered.

§ 1038.15 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant and who receives no fluid milk products from other dairy farmers or from sources other than pool plants: *Provided,* That such person provides proof satisfactory to the market administrator that the care and management of all the dairy animals and other resources necessary to produce the entire volume of fluid milk products handled (excluding receipts from pool plants) and the operation of the processing and distributing business are the personal enterprise and risk of such person.

§ 1038.16 Producer.

"Producer" means any person, except a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received at a pool plant.

§ 1038.17 Producer milk.

"Producer milk" means the skim milk and butterfat contained in Grade A milk received at a pool plant directly from a dairy farmer or a handler pursuant to § 1038.14(c): *Provided,* That milk diverted from pool plants to nonpool plants which are not subject to the classification and pricing provisions of another order issued pursuant to the Act shall be deemed to have been received by the diverting handler at the pool plant from which diverted: *And provided further,* That in any of the months of August through January, the quantity of milk of any producer diverted from pool plants to nonpool plants which are not subject to the classification and pricing provisions of another order issued pursuant to the Act that is greater than the quantity delivered to pool plants shall not be deemed to have been received by the diverting handler at the plant from which diverted and shall not be producer milk.

§ 1038.18 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Fluid milk products from any source except (1) fluid milk products received from pool plants, (2) producer milk, or (3) inventory of fluid milk products at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed, converted into or combined with another product in the plant during the month.

§ 1038.19 Base milk.

"Base milk" means producer milk during each month of March through June which is not in excess of such producer's base multiplied by the number of days of production that such milk was received at pool plants in such month: *Provided,* That base milk shall not include milk received from a farm from which milk is delivered in the same month to a plant at which it is subject to the classification and pricing provisions of another order issued pursuant to the Act: *And provided further,* That from the effective date of this order

through June 1962 all producer milk received at a pool plant in such period shall be base milk.

§ 1038.20 Excess milk.

"Excess milk" means milk received at pool plants from a producer during each month of March through June which is in excess of the base milk received from such producer during such month.

§ 1038.21 Butter price.

"Butter price" means 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 at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 1038.30 Designation.

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

§ 1038.31 Powers.

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

(a) To administer its terms and provisions;

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

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

(d) To recommend amendments to the Secretary.

§ 1038.32 Duties.

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

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

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

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

(d) Pay out of the funds provided by § 1038.78, the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses except those incurred under § 1038.77, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

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

(f) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1038.35 and 1038.36, nor payments pursuant to §§ 1038.64, 1038.70, 1038.74, 1038.76, 1038.77 and 1038.78;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends, or by such investigation as the market administrator deems necessary;

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

(j) Publicly announce on or before:

(1) The 5th day of each month the minimum price for Class I milk pursuant to § 1038.51(a) and the Class I butterfat differential pursuant to § 1038.52(a), both for the current month, and the minimum price for Class II milk pursuant to § 1038.51(b) and the Class II butterfat differential pursuant to § 1038.52(b), both for the preceding month;

(2) The 11th day after the end of each month of July through February the uniform price pursuant to § 1038.62 and the butterfat differential pursuant to § 1038.71; and

(3) The 11th day after the end of each month of March through June, the uniform prices for base milk and excess milk pursuant to § 1038.63 and the butterfat differential pursuant to § 1038.71;

(k) On or before the 10th day after the end of each month report to each cooperative association, upon request by such association, the percentage of the milk caused to be delivered by the cooperative association or its members which was utilized in each class at each pool plant receiving such milk. For the purpose of this report, the milk so received shall be allocated to each class at each pool plant in the same ratio as all producer milk received at such plant during the month; and

(l) On or before February 15 of each year, notify each producer and the handler receiving milk from such producer of the base established by such producer.

REPORTS, RECORDS AND FACILITIES

§ 1038.35 Reports of receipts and utilization.

On or before the 8th day after the end of each month, each handler, except a producer-handler and a handler pursuant to § 1038.14(c), shall report to the market administrator for such month, reporting separately for each fluid milk plant, in detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in or represented by:

(1) Grade A milk received from dairy farmers (including for each month of March through June the quantity of producer milk that is base milk and excess milk) and from handlers pursuant to § 1038.14(c);

(2) Fluid milk products received from pool plants;

(3) Other source milk;

(4) Milk diverted to nonpool plants pursuant to § 1038.17; and

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

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area; and

(c) Such other information with respect to the utilization of skim milk and butterfat as the market administrator may prescribe.

§ 1038.36 Other reports.

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

(b) Each handler pursuant to § 1038.14(c) shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 8th day after the end of each month the quantities of skim milk and butterfat in producer milk (including for each month of March through June the quantity of producer milk that is base milk and excess milk) delivered to each pool plant in such month.

(c) Each handler except a producer-handler shall report to the market administrator in detail and on forms prescribed by the market administrator, on or before the 25th day after the end of the month his producer payroll for such month which shall show for each producer:

(1) His identity;

(2) The quantity of milk received from such producer and the number of days, if less than the entire month, on which milk was received from such producer;

(3) The average butterfat content of such milk; and

(4) The net amount of such handler's payment, together with the price paid and the amount and nature of any deductions.

§ 1038.37 Records and facilities.

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

(a) The receipts and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk and milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products in inventory at the beginning and end of each month; and

(d) Payments to dairy farmers and cooperative associations, including the amount and nature of any deductions and the disbursement of money so deducted.

§ 1038.35 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which books and records pertain: *Provided,* That if within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1038.40 Skim milk and butterfat to be classified.

The skim milk and butterfat which are required to be reported pursuant to § 1038.35 shall be classified each month by the market administrator pursuant to the provisions of §§ 1038.41 through 1038.46.

§ 1038.41 Classes of utilization.

Subject to the conditions set forth in § 1038.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including that used to produce reconstituted skim milk) and butterfat:

(1) Disposed of in the form of a fluid milk product (except as provided in paragraph (b) (2), (3) and (4) of this section); and

(2) Not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be:

(1) Skim milk and butterfat used to produce any product other than a fluid milk product;

(2) Skim milk in fluid milk products disposed of for livestock feed or dumped if the market administrator has been notified in advance and afforded the opportunity to verify such dumping;

(3) Skim milk represented by the nonfat milk solids added to a fluid milk product which is in excess of the weight of an equivalent volume of the fluid milk products prior to such addition;

(4) Skim milk and butterfat in fluid milk products delivered in bulk to and used at commercial food establishments devoted exclusively to the manufacture of bakery products, candy, or processed foods in hermetically sealed containers;

(5) Skim milk and butterfat contained in inventory of fluid milk products on hand at the end of the month;

(6) Skim milk and butterfat, respectively (except in milk diverted to a nonpool plant pursuant to § 1038.17) in shrinkage allocated pursuant to § 1038.42(b)(1) but not in excess of:

(i) 2.0 percent of producer milk except that received from a handler pursuant to § 1038.14(c);

(ii) Plus 1.5 percent of producer milk received from a handler pursuant to § 1038.14(c): *Provided,* That if the handler receiving such producer milk files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage pursuant to this subdivision shall be 2.0 percent;

(iii) Plus 1.5 percent of bulk fluid milk products from pool plants; and

(iv) Less 1.5 percent of bulk fluid milk products transferred to other plants; and

(7) Skim milk and butterfat in shrinkage of other source milk allocated pursuant to § 1038.42(b)(2).

§ 1038.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts at each of his pool plants as follows:

(a) Compute the total shrinkage of skim milk and butterfat at each pool plant, and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in:

(1) Producer milk (except milk diverted to a nonpool plant pursuant to § 1038.17), plus fluid milk products in bulk from other pool plants and less transfers of fluid milk products in bulk to other plants; and

(2) Other source milk.

§ 1038.43 Responsibility of handlers and reclassification of milk.

All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 1038.44 Transfers.

Skim milk or butterfat disposed of each month from a fluid milk plant shall be classified:

(a) As Class I milk if transferred in the form of a fluid milk product to a pool plant unless utilization as Class II milk is claimed for both plants in the reports submitted for the month to the market administrator pursuant to § 1038.35: *Provided,* That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the transferee plant after the subtraction of other source milk pursuant to § 1038.46 and any additional amounts of such skim milk or butterfat shall be classified as Class I milk: *Provided further,* That if the transferor plant is a nonpool plant the skim milk or butterfat transferred shall be classified as Class I milk and as Class II milk in the same ratio as other source milk at the transferee plant is allocated to each class pursuant to § 1038.46(a)(4) and the corresponding step of § 1038.46(b): *And provided further,* That if other source milk was received at either or both plants, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk at both plants;

(b) As Class I milk, if transferred to a producer-handler in the form of a fluid milk product and if the transferor plant is a pool plant;

(c) As Class I milk, if transferred or diverted to a nonpool plant in the form of a fluid milk product except as provided in paragraph (d) of this section; and

(d) As Class II milk, if transferred or diverted in bulk in the form of a fluid milk product to a nonpool plant not more than 150 miles, by the shortest highway distance as determined by the market administrator, from the nearer of the City Halls of Janesville, Wisconsin and Sterling, Illinois: *Provided,* That:

(1) The transferring or diverting handler claims classification in Class II milk in his report submitted pursuant to § 1038.35;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat in fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from such nonpool plant do not exceed the receipts of skim milk and butterfat in Grade A milk received during the month from dairy farmers who the market administrator determines constitute the regular source of supply for such plant: *Provided,* That any skim milk or butterfat in fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from the nonpool plant which is in excess of receipts from such dairy farmers shall be assigned to such transfers or diversions from the fluid milk plant and shall be classified as Class I milk: *And: provided further,* That if the total skim milk and butterfat which were transferred or diverted during the month to such nonpool plant from all plants subject to the classification and pricing provisions of this part and any other orders issued pursuant to the Act are more than the skim milk and butterfat available for assignment to Class I milk pursuant to the preceding proviso hereof, the skim milk and butterfat assigned to Class I milk at a fluid milk plant shall be not less than that obtained by prorating the assignable Class I milk at the transferee plant over the receipts at such plant from all plants subject to the classification and pricing provisions of this and other orders issued pursuant to the Act.

§ 1038.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical

and for other obvious errors the reports of receipts and utilization submitted pursuant to § 1038.35 for each fluid milk plant and shall compute the pounds of skim milk and butterfat in each class at each such plant: *Provided,* That if any water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be a quantity equivalent to the nonfat milk solids contained in such product plus all the water originally associated with such solids.

§ 1038.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1038.45, the market administrator shall determine the classification of Grade A milk received from dairy farmers and from handlers pursuant to § 1038.14(c) at each fluid milk plant each month as follows:

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

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk classified as Class II milk pursuant to § 1038.41(b)(6);

(2) Subtract from the total pounds of skim milk in Class I milk the pounds of skim milk received in the form of fluid milk products in containers not larger than a gallon subject to the pricing and pooling provisions of another order issued pursuant to the Act and disposed of as Class I in the same package as received;

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

(4) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products not subject to the pricing and pooling provisions of another order issued pursuant to the Act;

(5) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products subject to the pricing and pooling provisions of another order issued pursuant to the Act and not subtracted pursuant to subparagraph (2) of this paragraph;

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

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

(8) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from pool plants according to the classification of such products pursuant to § 1038.44(a); and

(9) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in Grade A milk received from dairy farmers and handlers pursuant to § 1038.14(c), subtract such excess (hereinafter referred to as "overage") from the remaining pounds of skim milk in each class in series beginning with Class II milk.

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

(c) Determine the weighted average butterfat content of milk in each class as computed pursuant to paragraphs (a) and (b) of this section.

§ 1038.47 Inventory reclassification.

From any skim milk or butterfat assigned to Class I milk pursuant to § 1038.46(a)(6) and the corresponding step in § 1038.46(b), subtract in the following order the skim milk and butterfat, respectively, assigned during the preceding month to Class II milk pursuant to § 1038.46 in:

(a) The remainder after the subtraction pursuant to § 1038.46(a)(6) and the corresponding step in § 1038.46(b);

(b) Other source milk classified and priced as Class I milk pursuant to another Federal order; and

(c) Other source milk not classified and priced as Class I milk pursuant to another Federal order.

Minimum Prices

§ 1038.50 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: *Provided,* That such reported price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent at the rate of the butter price times 0.120 and rounded to the nearest cent.

§ 1038.51 Class prices.

Subject to the provisions of §§ 1038.52 and 1038.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.12 August through November; $0.72 March through June and $0.92 in other months: *Provided,* That such Class I price shall be increased or decreased, respectively, 2 cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio.

(b) *Class II milk price.* The Class II milk price shall be the basic formula price for the month.

§ 1038.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices for the month pursuant to § 1038.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at a rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the butter price for the preceding month by 0.120.

(b) *Class II price.* Multiply the butter price for the month by 0.115.

§ 1038.53 Location differentials to handlers.

The Class I price for Grade A milk received from dairy farmers or handlers pursuant to § 1038.14(c) at a fluid milk plant 115 miles or more from the Chicago City Hall shall be decreased 2 cents for each 15 miles or fraction thereof that such plant is more than 100 miles from the Chicago City Hall, as determined by the market administrator: *Provided,* That the differential pursuant to this section shall not be more than 12 cents at plants in the marketing area: *And provided further,* That for the purpose of calculating such location differential, fluid milk products transferred between fluid milk plants shall be assigned to any remainder of Class II milk in the transferee plant after making the calculation prescribed in § 1038.46(a)(6) and the corresponding step of § 1038.46(b) for such plant, such assignment to the transferor plant to be made in sequence according to the location differential applicable at each plant, beginning with the plant farthest from the City Hall in Chicago, Illinois.

§ 1038.54 Use of equivalent prices.

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

§ 1038.55 Rate of payment on unpriced milk.

The rate of payment per hundredweight to be made by handlers on unpriced other source milk allocated to Class I milk shall be any plus amount obtained by subtracting the Class II price adjusted by the Class II butterfat differential from the Class I price adjusted by the Class I butterfat and location differentials applicable at a pool plant of the same location as the nonpool plant supplying such other source milk.

Application of Prices

§ 1038.60 Computation of value of milk at each pool plant.

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

(a) Multiply the quantities of milk in each class by the applicable class price and add the resulting amounts;

(b) Add the amounts obtained by multiplying the overage deducted from each class pursuant to § 1038.46(a)(9) and the corresponding step of § 1038.46(b) by the applicable class prices;

(c) Add the amount obtained by multiplying the quantities of skim milk and

butterfat subtracted from Class I milk pursuant to § 1038.46(a) (3) and (4) and the corresponding steps of § 1038.46 (b) by the rate of payment on unpriced milk pursuant to § 1038.55 at the nearest nonpool plants from which an equivalent amount of such other source skim milk or butterfat was received: *Provided,* That if the source of any such fluid milk product received at a pool plant is not clearly established, or if such skim milk and butterfat is received or used in a form other than a fluid milk product, such product shall be considered to have been received from a source at the location of the pool plant where it is classified; and

(d) Add the amounts obtained by multiplying (1) the quantities of skim milk and butterfat subtracted pursuant to § 1038.47(a) by the difference between the Class II price for the preceding month and the Class I price for the current month, and (2) the quantities of skim milk and butterfat subtracted pursuant to § 1038.47(c) by the rate of payment on unpriced milk pursuant to § 1038.55.

§ 1038.61 Computation of aggregate value used to determine uniform prices.

For each month the market administrator shall compute an aggregate value from which to determine the uniform prices as follows:

(a) Combine into one total the values obtained pursuant to § 1038.60 for all handlers who received producer milk at pool plants during the month and who reported pursuant to § 1038.35 for such month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk represented by the values included under paragraph (a) of this section is less or more, respectively, than 3.5 percent the amount obtained by multiplying such difference by the butterfat differential to producers and multiplying the result by the hundredweight of such producer milk;

(c) Add an amount equal to the sum of the location differential deductions to be made pursuant to § 1038.72; and

(d) Add an amount equal to one-half the unobligated cash balance in the producer-settlement fund.

§ 1038.62 Computation of uniform price.

For each month of July through February, the market administrator shall compute a uniform price as follows:

(a) Divide the aggregate value computed pursuant to § 1038.61 by the total hundredweight of producer milk included in such computation; and

(b) Subtract not less than four nor more than five cents from the price computed pursuant to paragraph (a) of this section.

§ 1038.63 Computation of uniform prices for base milk and excess milk.

For each month of March through June, the market administrator shall compute the uniform prices for base milk and excess milk as follows:

(a) Determine the aggregate classification of producer milk included in the computation of value pursuant to § 1038.61 and the total hundredweight of such milk that is base milk and that is excess milk;

(b) Determine the value of excess milk by assigning such milk in series, beginning with Class II milk, to the hundredweight of milk classified pursuant to paragraph (a) of this section, multiplying the quantity so assigned by the respective class prices for milk containing 3.5 percent butterfat, and adding together the resulting amounts;

(c) Divide the total value of excess milk obtained in paragraph (b) of this section by the total hundredweight of such milk. The quotient, rounded to the nearest cent, shall be the uniform price for excess milk;

(d) Subtract the value of excess milk pursuant to paragraph (c) of this section from the aggregate value of all milk obtained in § 1038.61; and

(e) Divide the amount obtained in paragraph (d) of this section by the total hundredweight of base milk obtained in paragraph (a) of this section, and subtract not less than four cents nor more than five cents from the price thus computed. The resulting figure rounded to the nearest cent shall be the uniform price for base milk.

§ 1038.64 Handlers operating nonpool plants.

Each handler in his capacity as the operator of a nonpool plant (except a nonpool plant pursuant to § 1038.65) shall pay to the market administrator for deposit into the producer-settlement fund the amount computed pursuant to paragraph (b) of this section unless the handler elects at the time his report pursuant to § 1038.35 is due, to pay the amount computed pursuant to paragraph (a) of this section. The amounts payable pursuant to this section shall be made on or before the 18th day after the end of each month.

(a) An amount obtained by multiplying the rate determined pursuant to § 1038.55 by the hundredweight of skim milk and butterfat disposed of as Class I milk from such plant on routes in the marketing area during the month which is in excess of the hundredweight of skim milk and butterfat, respectively, received from pool plants during the month and classified as Class I milk at such pool plants.

(b) Any plus amount remaining after deducting from the obligation pursuant to § 1038.60 computed as if such plant were a pool plant:

(1) The total payment made on or before the 18th day after the end of the month to dairy farmers or handlers pursuant to § 1038.14(c) for Grade A milk received at such plant during the month; and

(2) Any payments to the producer-settlement fund under other orders issued pursuant to the Act applicable to milk at such plant during the month.

§ 1038.65 Plants subject to other Federal orders.

A distributing plant or a supply plant shall be a nonpool plant during any month in which such plant would be subject to the classification and pricing provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant pursuant to § 1038.11 and a greater volume of fluid milk products is disposed of from such plant on routes in this marketing area and to pool plants qualified on the basis of route distribution in this marketing area than in the marketing area regulated pursuant to such other order. The operator of a distributing plant or a supply plant which is a nonpool plant pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 1038.35) and allow verification of such reports by the market administrator.

PAYMENTS FOR MILK

§ 1038.70 Time and method of payment.

(a) Each handler who operates a pool plant shall pay each producer on or before the 18th day after the end of each month, at not less than the applicable uniform prices pursuant to § 1038.62 or § 1038.63 adjusted pursuant to §§ 1038.71, 1038.72 and 1038.77, for each hundredweight of producer milk received during such month for which payment is not made to a cooperative association pursuant to paragraph (b) of this section;

(b) Each handler shall make payment to a cooperative association for producer milk, on or before the 15th day after the end of each month, which it caused to be delivered to such handler if such cooperative is authorized to collect such payment for its members and exercises such authority: *Provided,* That such payment shall be an amount equal to the sum of the individual payments pursuant to paragraph (a) of this section;

(c) In making the payments for producer milk pursuant to this section, each handler who operates a pool plant shall furnish each producer or cooperative association from whom he has received such milk a supporting statement in such form that it may be retained by the recipient, which shall show:

(1) The month and identity of the producer;

(2) The daily and total pounds (including for the months of March through June, the pounds of base milk and excess milk) and the average butterfat content of producer milk;

(3) The minimum rate or rates at which payment to the producer is required pursuant to the order;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer or cooperative association.

§ 1038.71 Butterfat differential to producers.

The uniform prices pursuant to §§ 1038.62 and 1038.63 shall be increased or decreased for each one-tenth of one percent that the butterfat content of

such milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I and Class II milk pursuant to § 1038.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth cent.

§ 1038.72 Location differentials to producers.

The uniform price pursuant to § 1038.62 and the uniform price for base milk pursuant to § 1038.63 for producer milk received at a pool plant 115 miles or more from the Chicago City Hall shall be decreased two cents for each 15 miles or fraction thereof that such plant is more than 100 miles from the Chicago City Hall, as determined by the market administrator: *Provided,* That the differential pursuant to this section shall not be more than 12 cents at plants in the marketing area.

§ 1038.73 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made to such fund and out of which he shall make all payments from such fund pursuant to §§ 1038.64, 1038.74, 1038.75 and 1038.76: *Provided,* That the market administrator shall offset the payment due to a handler against payments due from such handler.

§ 1038.74 Payments to the producer-settlement fund.

On or before the 15th day after the end of each month each handler shall pay to the market administrator the amount by which the obligation pursuant to § 1038.70 of such handler for producer milk received during the month is less than the value of such producer milk pursuant to § 1038.60.

§ 1038.75 Payments from the producer-settlement fund.

On or before the 16th day after the end of each month the market administrator shall pay to each handler the amount by which the obligation, pursuant to § 1038.70, of such handler for producer milk received during the month exceeds the value of such producer milk pursuant to § 1038.60: *Provided,* That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 1038.76 Adjustment of accounts.

(a) Whenever verification by the market administrator of reports or payments of any handler discloses errors resulting in money due (1) the market administrator from such handler, (2) such handler from the market administrator, or (3) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made not later than the date for making payment next following such disclosure.

(b) Any unpaid obligations of a handler shall be increased one-half percent on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

§ 1038.77 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 1038.70 shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to producer milk received by such handler (except such handler's own farm production) during the month, and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples, and tests of producer milk and to provide producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of each month, pay over such deductions to the association rendering such services.

§ 1038.78 Expense of administration.

As his pro rata share of the expense of the administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of each month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to skim milk and butterfat contained in (a) producer milk (including a handler's own farm production), (b) other source milk at a pool plant which is allocated to Class I milk pursuant to § 1038.46(a) (3) and (4) and the corresponding steps in § 1038.46(b), and (c) receipts at a fluid milk plant which is a nonpool plant of Grade A milk from dairy farmers on which no administration expense assessment is being paid pursuant to another order issued pursuant to the Act: *Provided,* That if the operator of such nonpool plant elects to make payment to the producer-settlement fund pursuant to § 1038.64(a), the expense of administration pursuant to this section shall be applicable only to the hundredweight of skim milk and butterfat on which payment to the producer-settlement fund is due pursuant to that paragraph.

§ 1038.79 Termination of obligations.

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

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

(1) The amount of the obligation:

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

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

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

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

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

DETERMINATION OF BASE

§ 1038.80 Base.

"Base" for each producer shall be determined by the market administrator and shall be the amount obtained by dividing the total pounds of producer milk received from such producer at all pool plants during the months of September through November immediately preceding by the number of days on which such milk is received from such

producer: *Provided,* That for the purpose of computing the base of a producer pursuant to this section, the number of days included in his producer milk deliveries shall be the number of days of production of producer milk and the deliveries of any dairy farmer during the preceding September through November to a nonpool plant that is a pool plant in any of the months of March through June shall be considered producer milk received at a pool plant: *Provided further,* That if no milk is received from a producer at a pool plant during the months of September through November or if milk is received on less than 60 days during such months, the base of such producer shall be his average daily deliveries of producer milk for each of the months of March through June multiplied by 60 percent in March, 55 percent in April and 50 percent in May and June: *And provided further,* That any producer for whom a base has been established pursuant to this section based on deliveries of 60 or more days during the preceding months of September through November may, in lieu thereof, by notifying the market administrator prior to March 1, be accorded a base computed pursuant to the immediately preceding proviso of this section.

§ 1038.81 Base rules.

The following rules shall apply in connection with the establishment of bases:

(a) A base shall be held in the name of the producer and may be transferred only at his option;

(b) The milk to which the transferred base shall apply must be produced on the same farm from which such base was earned and the transferee must notify the market administrator in writing on or before the last day of the month that such base is to be transferred indicating the name of the transferee, the amount of base transferred, and the effective date of the transfer; and in the event of a producer's death his base may be so transferred upon written notice to the market administrator from any member of the producer's immediate family;

(c) Where two or more producers deliver milk from the same farm, the market administrator shall compute one base for each such farm, which base shall be held jointly in the names of the producers, and during March through June, each producer having an interest in a jointly held base shall share the base during each delivery period in the same proportion as he shares in the milk deliveries in such delivery period: *Provided,* That if the producers have earned bases separately, one or more of which was earned on another farm, each producer may retain his individual base if application is made in writing to the market administrator postmarked not later than the last day of the first month during which the base is to apply;

(d) When two or more producers holding a joint base cease delivering milk from the same farm, the base may be divided among the producers having an interest in such base by notification in writing to the market administrator postmarked not later than the last day of the month during which the division is to be effective, such notification to specify the terms of division of base and bearing the signature of all interested producers: *Provided,* That in the event producers do not notify the market administrator of their agreed terms of division of base by letter postmarked not later than the last day of the month during which the division is effective, the market administrator shall divide the base among the producers in the same ratio as they shared in the milk deliveries during the base-making period, or if the base is held in the name of a partnership, it shall be divided equally among the interested producers; and

(e) Subject to the provisions set forth in paragraphs (a) and (b) of this section, a producer who discontinues shipping milk to a pool plant during September through November may transfer to another producer credit for milk deliveries for base-making purposes.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1038.90 Effective time.

The provisions of this part, or any amendments to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1038.91 Suspension or termination.

The Secretary shall suspend or terminate any or all of the provisions of this part whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

§ 1038.92 Continuing power and duty of the market administrator.

(a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator shall, if the Secretary so directs be performed by such other person, persons or agency as the Secretary may designate.

(b) The market administrator or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and

(3) If so directed by the Secretary execute such assignment or other instruments necessary or appropriate to vest in such person full title to all funds, property and claims vested in the market administrator or such person pursuant thereto.

§ 1038.93 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1038.100 Separability of provisions.

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

§ 1038.101 Agents.

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

Effective date: June 1, 1962.

Signed at Washington, D.C., on April 18, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-3930; Filed, Apr. 20, 1962; 8:50 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 4]

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

Internal Control

Pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Public Law 85–699, 72 Stat. 694, as amended, there is added, as set forth below, a new § 107.717 of Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations as revised in 26 F.R. 8232–8242 and amended (27 F.R. 167, 851 and 1720).

Information and effective date. There was published in the FEDERAL REGISTER on March 2, 1962 (27 F.R. 2054) a notice of intention to add a new § 107.717 and to amend § 107.713 of Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations. Interested persons were given an opportunity to present their comments or suggestions pertaining thereto to the Investment Division, Small Business Administration, Washington 25, D.C., within a period of twenty-one days of the date of publication. After consideration of all such relevant matter as was presented by interested persons § 107.717, with changes resulting from such consideration, is hereby adopted as set forth below; the proposed amendment of § 107.713 is being further considered and is not being adopted at this time. Because of the necessity of promptly applying the amendment set forth below to the program authorized under the Small Business Investment Act of 1958, as amended, the subject amendment shall become effective upon publication thereof in the FEDERAL REGISTER.

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

1. Adding a new § 107.717 following § 107.716 which reads as follows:

§ 107.717 Internal control.

(a) Each Licensee shall adopt a plan of organization and coordinate methods and measures designed to safeguard its assets and check the accuracy and reliability of its financial data. Effective control arrangements shall be established and maintained covering the Licensee's personnel, portfolio of investment securities, funds, and equipment.

(b) With the exception provided for hereinafter, each Licensee shall establish and maintain dual control over disbursement of funds and withdrawal of securities from safekeeping. Disbursements of funds from bank accounts of a Licensee shall be made only by means of checks requiring the signatures of two or more officers of the Licensee, covered by the Licensee's fidelity bond, as drawers of such checks: *Provided, however,* A Licensee may establish and maintain a separate imprest bank account to be drawn upon for the payment of operating expenses. Such imprest bank account shall have an aggregate balance not in excess of $25,000 or the amount of fidelity bond coverage carried by the Licensee, whichever is the lesser; such account shall be reimbursed periodically through deposit therein of a check requiring dual signatures and drawn on Licensee's general funds bank account, covering disbursements made from the imprest bank account which have had the post-approval of the two signers of the reimbursement check. Checks drawn upon such imprest bank account in amounts of $1,000 or less may be signed by any authorized bonded officer of the Licensee. Checks drawn on such account for amounts in excess of $1,000 or any check drawn upon any other account maintained by the Licensee shall require the signatures of two or more bonded officers of the Licensee as drawers thereof. Two or more bonded officers or one bonded officer and one bonded employee of the Licensee shall be required to open safe deposit boxes or withdraw securities from safekeeping. Each Licensee shall furnish to each of its depository banks, custodians, and entities providing safe deposit boxes a certified copy of the resolution adopted by its board of directors placing the foregoing control procedures in effect.

Dated: April 17, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-3925; Filed, Apr. 20, 1962; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1085; Amdt. 428]

PART 507—AIRWORTHINESS DIRECTIVES

Bell Model 47J Helicopters

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection and modification of the elevator on Bell Model 47J helicopters was published in 27 F.R. 2053.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

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:

BELL. Applies to all Model 47J helicopters Serial Numbers 1420 through 1802 with Rollpins P/N 49–040–187–1750 or clevis pins P/N MS 20392–2–49 installed in elevator spar, and with end rib P/N 47–267–453–1 (0.025-inch thick) installed; except those helicopters that have Bell Kit No. 47–3746–1 or 47–3746–2 installed. Compliance required as indicated.

Numerous reports have been received of fatigue cracking of the tubular spar of both the right and left elevator at the Rollpin hole at B.L. 7.0, and fatigue cracking of the inboard rib of the elevators. To preclude failure of the elevator, the following shall be accomplished:

(a) Within 25 hours' time in service after the effective date of this AD:

(1) Remove the elevators from the tail boom in accordance with the Bell Maintenance Manual.

(2) Clean the area around the Rollpin hole and remove any zinc chromate putty from any plugged hole in the tubular spar at B.L. 7.0 for both right and left elevators.

(3) Inspect for cracks in the tubular spar of both elevators at the Rollpin hole at B.L. 7.0 using a 5-power or higher magnifying glass.

(4) Inspect the inboard rib for cracks using a 5-power or higher magnifying glass.

(b) If cracks are found in the tubular spar modify the elevator with Bell Helicopter Kit No. 47–3746–1 or 47–3746–2, "Improved Design Synchronized Elevator," or FAA engineering approved equivalent prior to further flight.

(c) If no cracks are found in the tubular spar, install clevis pin in accordance with Subparagraphs (1) through (4) or Bell Service Letter No. 56 and reinspect in accordance with Subparagraph (5).

(1) Position coupling assembly P/N 47–267–483–1 on elevators and line drill through Rollpin holes with a "D" (0.2460-inch diameter) drill. Remove sharp edges from holes. Install MS 20392–3–49 clevis pins, AN 960–4162 washers, and AN 381–3–6 cotter pins. A finger tight slip fit of the clevis pins is desired, approximately 0.0005 inch loose.

(2) Reinstall the elevator on the helicopter, shim as required to prevent preload or end play at bearings.

(3) Check clearance between skin and end of clevis pins. Trim skin, if necessary, to obtain clearance.

(4) Rerig elevator in accordance with the Bell Maintenance Manual.

(5) Reinspect in accordance with (a)(1) through (a)(3) within each succeeding 50 hours' time in service until Bell Helicopter Kit No. 47–3746–1 or 47–3746–2, "Improved Design Synchronized Elevator", or FAA approved equivalent is installed.

(d) If cracks are found in the inboard rib, repair the elevator as specified below, or modify with Bell Helicopter Kit. No. 47–3746–1 or 47–3746–2, or FAA engineering approved equivalent prior to further flight.

(1) Remove the inboard rib by drilling out the rivets and remove the Bell P/N 47–267–404–7 shoulder from the rib by drilling out the rivets.

(2) Add a doubler of 0.032 thickness, or a new rib of 0.032 thickness, material aluminum alloy 2024–0, or a Bell rib P/N 47–267–453–7 (one required per elevator).

(3) Rivet Bell P/N 47–267–404–1 shoulder to the old rib and new doubler or the new rib. Use the rivet pattern in the shoulder with AN 470–AD3 or –4 rivets.

(4) Install the rib assembly, using the rivet pattern in the elevator skin with MS 20600 AD4 or –5 rivets.

(e) If no cracks are found in the inboard rib:

(1) Reinstall the elevator on the helicopter in accordance with Bell Maintenance Manual.

(2) Reinspect rib for cracks in accordance with (a)(4) within each succeeding 50 hours' time in service until Bell Helicopter Kit. No. 47–3746–1 or 47–3746–2, "Improved Design Synchronized Elevator", or FAA engineering approved equivalent is installed.

(f) Upon request of the operator, an FAA maintenance inspector subject to prior approval of the Chief, Engineering and Manufacturing Branch, Southwest Region, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspec-

tion period of the operator if the request contains substantiating data to justify the increase for such operator.

(Bell Service Bulletin No. 135 SB dated July 27, 1961, covers this same subject. Bell's Service Letter No. 56 covers an acceptable fix for paragraphs (c)(1) through (c)(4) of this AD.)

This amendment shall become effective May 22, 1962.

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

Issued in Washington, D.C., on April 17, 1962.

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

[F.R. Doc. 62-3891; Filed, Apr. 20, 1962; 8:45 a.m.]

[Reg. Docket No. 1094; Amdt. 429]

PART 507—AIRWORTHINESS DIRECTIVES

Graviner Mark 2 Fire Extinguisher Cartridges

A proposal to amend Part 507 of the regulations of the Administrator to include a new airworthiness directive superseding Amendment 241, 26 F.R. 161 (AD 61-2-1), which requires inspection of the Graviner Mark 2 fire extinguisher cartridges every 550 hours' time in service was published in 27 F.R. 2292.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

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:

GRAVINER. Applies to aircraft equipped with automatic fire extinguisher cartridge Mark 2, A-716, A-717, A-718, A-719 and Fenwal P/N 690202-3, A-716, A-717, A-718, A-719. (The Fenwal installations noted are Graviner systems. Some Mark 2 cartridges modified to Mark 3 have "-3" added to the number on the flat plate, i.e., A-716-3 etc. This AD does not apply to Mark 3 cartridges.)

Compliance required as indicated.

As a result of instances of the igniter wire in extinguisher cartridges becoming corroded in service, the following shall be accomplished:

(a) Within the next 275 hours' time in service or the next 60 days, whichever occurs first after effective date of this AD, unless already accomplished within the past 275 hours' time in service or the past 60 days conduct a continuity inspection of the cartridge circuits using a safety ohmmeter which restricts the current used to 13 milliamperes. A resistance reading of between 5 and 6 ohms indicates a serviceable fuse wire. A resistance reading not between 5 and 6 ohms indicates a defective fuse wire. Repetitive inspection of all cartridge circuits shall be accomplished within each succeeding 550 hours' time in service or 120 days, whichever occurs first after the last inspection.

(b) Replace defective Mark 2 cartridges with either serviceable Mark 2 cartridges or with Mark 3 cartridges which have an improved fuse wire. If Mark 2 cartridges are installed the repetitive inspection specified in (a) shall be continued. If Mark 3 cartridges are installed the repetitive inspections specified in (a) may be discontinued.

(c) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, International Division, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Graviner Technical Notice No. 2 covers this subject.)

This supersedes Amendment 241, 26 F.R. 161 (AD 61-2-1).

This amendment shall become effective May 22, 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 April 17, 1962.

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

[F.R. Doc. 62-3892; Filed, Apr. 20, 1962; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-NY-104]

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

Revocation and Designation of Control Zones

On January 14, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 304) stating that the Federal Aviation Agency (FAA) proposed to revoke the Baltimore (Harbor Field), Md., control zone (§ 601.2003) and to alter the Baltimore (Friendship International Airport) control zone (§ 601.2267).

The Aircraft Owners and Pilots Association (AOPA) concurred with the revocation of the Baltimore (Harbor Field) control zone but questioned the need for either the present extension or the proposed extension of the Baltimore (Friendship International Airport) control zone beyond the ILS outer marker.

The controlled airspace requirements for aircraft executing instrument approach procedures west of the outer marker is under review by the FAA. Therefore, action to lengthen the existing control zone extension to the west and to designate an extension based on the VORTAC 280° True radial as proposed in the notice is being deferred pending completion of the review of the Baltimore terminal area requirements.

No other adverse comments were received regarding the proposed amendments.

Subsequent to publication of the Notice, a revision in the final approach course alignment of the prescribed instrument approach procedures based on the Baltimore VORTAC was effected. Accordingly, action is taken herein to align the control zone extension based on the Baltimore VORTAC on the 088° True radial instead of on the 089° True radial as proposed.

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 herein and in the notice, the following actions are taken:

§ 601.2003 [Revocation]

1. Part 601 (14 CFR Part 601) is amended by revoking the following § 601.2003 *Baltimore, Md., control zone.*

2. Section 601.2267 (14 CFR 601.2267) is amended to read:

§ 601.2267 Baltimore, Md., control zone.

Within a 5-mile radius of the Friendship International Airport (latitude 39°-10'25" N., longitude 76°40'15" W.); within 2 miles either side of the Baltimore ILS localizer E. course extending from the 5-mile radius zone to 6 miles E. of the localizer; within 2 miles either side of the Baltimore VORTAC 088° radial extending from the 5-mile radius zone to 6 miles E.; and within 2 miles either side of the ILS localizer W. course extending from the 5-mile radius zone to 10 miles W. of the OM.

These amendments shall become effective 0001 e.s.t., June 28, 1962.

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

Issued in Washington, D.C., on April 16, 1962.

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

[F.R. Doc. 62-3893; Filed; Apr. 20, 1962; 8:45 a.m.]

[Airspace Docket No. 62-WA-38]

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

Alteration of Control Zone

The purpose of this amendment to Part 601 of the regulations of the Administrator is to alter the Raleigh, N.C., control zone (§ 601.2164).

The Raleigh control zone is designated within a 5-mile radius of the Raleigh-Durham Airport and within 2 miles either side of the southeast course of the Raleigh radio range, extending 10 miles southeast of the radio range.

The control zone extension based on the southeast course of the Raleigh radio range is no longer required for air traffic control purposes. Therefore, action is taken herein to revoke the control zone extension based on this navigational aid.

Since the change effected by this amendment is less restrictive in nature than present requirements, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronau-

tical charts, this amendment will become effective more than thirty days after publication.

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

1. Part 601 (14 CFR Part 601) is amended by revoking § 601.2164 *Raleigh, N.C., control zone.*

2. In the text of § 601.1984 (14 CFR 601.1984) the following is added:

Raleigh, N.C.: Raleigh-Durham Airport (latitude 35°52'21" N., longitude 78°47'02" W.).

This amendment shall become effective 0001 e.s.t., June 28, 1962.

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

Issued in Washington, D.C., on April 16, 1962.

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

[F.R. Doc. 62-3894; Filed, Apr. 20, 1962; 8:45 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter VIII—Office of Business Economics, Department of Commerce

PART 803—REPORTS ON FOREIGN INVESTMENT AND ON INTERNATIONAL RECEIPTS AND PAYMENTS OF ROYALTIES AND FEES

Introduction. Quarterly and annual reports giving data on United States direct business investments in foreign countries, foreign direct business investments in the United States, and international receipts and payments of royalties, licensing fees, rentals, and other service payments, are being collected by the Department of Commerce to provide information needed in the preparation and compilation of aggregate statistics used in the balance of international payments statements of the United States.

Since the volume and importance of these transactions has continuously risen in the post-war period, the need for accurate statistics in these fields makes it necessary to collect this information on a mandatory basis. Information obtained from these reports will provide data on the flow of United States and foreign private direct-investment capital, on the income payments to parents and net earnings of these direct investment organizations, and the receipts from, and payments to, foreign countries of royalties, fees, rentals, etc.

The report forms used to collect data on United States foreign business investments are Forms BE-577, BE-577S, BE-577A, BE-35, BE-578, BE-578B and BE-578I. The forms used for data on foreign direct business investments in the United States are Forms BE-605, BE-606, BE-606B and BE-606I. Form BE-93 is used for data on international receipts and payments of royalties, license fees, rentals, etc. (other than those between direct investment organizations and parent companies). These forms are described in detail in § 803.2 of these instructions.

Pursuant to Executive Order 10033 of February 8, 1949 (14 F.R. 561), issued under section 8 of the Bretton Woods Agreements Act (59 Stat. 515, 22 U.S.C. 286f), the National Advisory Council on International Monetary and Financial Problems, after consultation with the Director of the Bureau of the Budget, has determined that the collection of current data on international investment, licensing and related service transactions of U.S. business firms is essential in order that the United States Government may continue to comply with official requests from the International Monetary Fund for balance-of-payments information.

In accordance with section 2 (b) and (c) of Executive Order 10033, the Director of the Bureau of the Budget has designated the Commerce Department as the Federal executive agency to collect the required data and the Secretary of Commerce has assigned this responsibility to the Office of Business Economics, Department of Commerce.

Reports on Forms BE-577, BE-577S, BE-577A, BE-35, BE-578, BE-578B, BE-578I, BE-605, BE-606, BE-606B, BE-606I and BE-93 are therefore mandatory under section 8(b) of the Bretton Woods Agreements Act cited above.

This collection of data has been approved by the Bureau of the Budget under the Federal Reports Act (56 Stat. 1078, 5 U.S.C. 139-139f). All replies will be held in confidence and used only in the preparation of aggregates for balance of payments and related tabulations, under the provisions of section 4(b) of that act and section 8(c) of the Bretton Woods Agreements Act.

Inasmuch as the reports involve a foreign affairs function of the United States, section 4 of the Administrative Procedure Act does not apply. In any event it is found that because of the nature of the reports, the fact that they are required under the Bretton Woods Agreements Act upon appropriate request, and that, consequently, the Instructions and Forms are merely declaratory of that Act and Executive Order above mentioned, no useful purpose would be served by notice and public procedure thereon, the same being impracticable and unnecessary. Inasmuch as the required reports will not be due for 30 days from publication of these instructions, there is no need for postponement of their effective date, and such instructions are, therefore, effective upon publication in the FEDERAL REGISTER.

A new Part 803 is added to Chapter VIII, Title 15, to read as follows:

GENERAL INSTRUCTIONS

AUTHORITY: §§ 803.1 to 803.12 issued under R.S. 161; 5 U.S.C. 22. Interpret or apply sec. 8, 59 Stat. 515; 22 U.S.C. 286f, E.O. 10033, 14 F.R. 561, 3 CFR, 1949 Supp.

GENERAL INSTRUCTIONS

§ 803.1 Who must report.

(a) *United States business investments abroad*—(1) *Basic requirement.* A report is required from every corporation, partnership, individual, or any other person or closely related group of persons subject to the jurisdiction of the United States and ordinarily residing within the United States having:

(i) Ownership of 25 percent or more of the voting stock of foreign corporations, either directly or together with domestic or foreign affiliates (Forms BE-577 and BE-577S). See § 803.2(a)(1) for further detail.

(ii) Ownership of at least 10 percent, but less than 25 percent, of the voting stock of foreign corporations, or the equivalent interest in an unincorporated foreign enterprise, held either directly or together with domestic affiliates (Form BE-577A). See § 803.2(a)(1) for further detail.

(iii) Unincorporated foreign branches, or other direct foreign operations conducted by a United States incorporated interprise or other business organization in its own name in a foreign country. This includes mining claims, oil concessions, exploration and development activities or other property held by United States persons directly or jointly with others (Form BE-578). See § 803.2(a)(1) for further detail.

(2) *Estates and trusts.* Direct foreign investments held by a domestic estate or trust, i.e., an estate or trust created under the laws of the United States or any subdivision thereof, shall be reported by the fiduciary and not by a beneficiary. Such property must be reported whether or not any beneficiary is subject to the laws of the United States or any subdivision thereof.

(3) *Persons beneficially interested in property.* If direct foreign investments beneficially owned by a person subject to the jurisdiction of the United States were held by or in the name of another, only the person having the beneficial interest shall report, except as specifically provided above regarding domestic estates and trusts.

(4) *More than one person owning an interest in the same foreign organization.* Each owner is required to report if the aggregate ownership of the affiliated persons in the foreign organization totals 25 percent or more of the voting securities. However, combined reports may be filed to cover the transactions of more than one owner. Where combined reports are filed, all owners other than the reporter(s) filing the full report remain liable for the report.

(5) *Insurance companies.* Reports for foreign branches or subsidiaries are required on Form BE-578I.

(6) *Motion picture companies.* United States producers or distributors of motion pictures operating in foreign countries through subsidiaries, affiliates or branches, may file quarterly reports on Form BE–35 in lieu of Forms BE–577 and BE–578; however, Forms BE–577S and BE–577A must be filed annually, if applicable.

(b) *Foreign business investment in the United States*—(1) *Basic requirement.* A report is required to be filed with respect to every business enterprise subject to the jurisdiction of the United States in which foreign persons, either as individuals or as affiliates hold a controlling interest, or which is controlled in the manner indicated in subparagraph (2) of this paragraph directly or indirectly by a foreign person or persons. Such business enterprises shall include, but not be limited to, corporations, partnerships, investments in real property, leaseholds, estates, trusts, and sole proprietorships or other forms of outright individual ownership.

(2) *Foreign beneficial interest.* If the foreign controlling interest in a United States business enterprise, including commercial real property, is held, exercised or administered by a United States estate, trust (including irrevocable trusts), nominee, agent, representative, custodian, or other intermediary of the foreign beneficial owners, such intermediary shall be responsible for reporting for the business enterprise the required information on Form BE–605, BE–606, BE–606B or BE–606I, or shall instruct the United States business enterprise in question to submit the required information. This does not relieve the United States business enterprise of responsibility for reporting if such business enterprise has knowledge of the direct or indirect foreign controlling interest, but only one report should be filed for each such enterprise. For the purposes of this report, accounts or transactions of a United States business enterprise with a United States estate, trust, nominee or other intermediary of foreign beneficial owners shall be considered as accounts or transactions with such beneficial owners.

(3) *Insurance companies.* Reports for U.S. branches or subsidiaries of foreign insurance companies are required on Form BE–606I.

(4) *Consolidated reports.* If a reporter held a controlling interest in other United States enterprises engaged in the same type of business and is required to report, the information requested in the reporting forms may be consolidated for such reporter and enterprises, provided all accounts are fully consolidated. A list of the enterprises included in the consolidations must be provided.

(c) *International receipts and payments of royalties, license fees, rentals, etc.* United States individuals and firms who have entered into agreements with residents or governments of foreign countries to sell or buy outright or provide or be provided with the use of intangible assets or rights such as patents, techniques, processes, formulae, designs, trademarks, copyrights, franchises, manufacturing rights, and other similar intangible property or rights shall report on Form BE–93.

NOTE: Film royalties, oil royalties, and other natural resources (mining) royalties are not reportable on this form.

Companies leasing or renting machinery, equipment, etc., should also respond on this form.

§ 803.2 Forms to be used and frequency of reports.

(a) *Each reporter is required to submit reports on the following forms, as applicable.* (1) United States direct investments abroad:

Form BE–577. One Form BE–577 is to be filed quarterly for each foreign corporation directly owned by the reporter and/or its domestic and foreign affiliates to the extent of at least 25 percent of total outstanding voting stock. Where more than one domestic affiliate has transactions with, or interests in, the same foreign corporation, consolidated reports should be filed; consolidated reports may also be filed where several foreign subsidiaries operate in the same country and industry. Reports are also required for direct transactions with foreign enterprises in which 25 percent or more of the voting stock is held through primary foreign enterprises.

Form BE–578. One Form BE–578 is to be filed quarterly for each foreign branch and other direct foreign operations of American reporters, including mining claims, oil concessions held directly or jointly with others and other property such as real estate but excluding branches of banks or insurance companies which are reportable on Forms BE–578B and BE–578I respectively. Separate reports should be filed for each foreign branch. Where a reporter, or several affiliated American corporations, has (or have) branches operating in the same country, or a joint interest in one or more branches, consolidated reports may be filed.

Form BE–35. United States motion picture producers or distributors may elect to file one Form BE–35 quarterly for each foreign subsidiary, affiliate or branch, in lieu of Forms BE–577 or 578, as applicable. The instructions as to ownership and consolidations listed for Forms BE–577 and 578 also apply to filing on Form BE–35.

Form BE–578B. One Form BE–578B is to be filed quarterly for each foreign branch of a United States banking institution. Separate reports should be filed for each foreign branch; consolidated reports may however be filed where a United States bank has several branches operating in the same country.

Form BE–578I. One Form BE–578I is to be filed annually for each foreign branch or subsidiary of a United States insurance firm. Separate reports should be filed for each foreign branch; consolidated reports may however be filed where a United States insurance company has several branches operating in the same country.

Form BE–577A. One Form BE–577A is to be filed annually covering the foreign organizations in which the reporter and its domestic affiliates own in excess of 10 percent, but less than 25 percent, of voting stock, or equivalent ownership in unincorporated foreign enterprises.

Form BE–577S. Reports covering transactions between primary and secondary foreign corporations (see § 803.6(a) for definitions) are to be filed on an annual basis. Separate reports should be filed for each secondary foreign corporation owned through a primary foreign corporation and its foreign affiliates for which the United States equity amounts to 25 percent or more of its voting securities. However, a reportable interest is deemed to exist only if the United States parent owns 50 percent or more of the voting stock of the primary foreign corporation and it in turn owns at least 50 percent of the voting stock of the secondary foreign organization. Transactions of domestic affiliated companies directly with such secondary foreign corporations should be treated as primary relationships, and are reportable on Form BE–577 on a quarterly basis. Combined reports may be filed where several secondary foreign corporations operating in the same country are owned by the same primary foreign corporation. (See also § 803.6(a)(2)).

(2) Foreign direct investments in the United States.

Form BE–605. One Form BE–605 is to be filed quarterly for each United States corporation 25 percent or more of whose voting stock is owned directly or indirectly by a foreign person(s) or organization(s) and its United States or foreign affiliates.

Form BE–606. One Form BE–606 is to be filed quarterly for each United States branch of a foreign business organization, or for leaseholds, real property or other United States unincorporated business property owned directly by a foreign person or organization but excluding branch operations in the United States of foreign banks or insurance companies.

Form BE–606B. One Form BE–606B is to be filed quarterly for each United States branch of a foreign banking institution. Where a foreign bank has more than one United States branch, consolidated reports may be filed.

Form BE–606I. One Form BE–606I is to be filed annually for each United States branch of a foreign insurance firm, or for United States insurance companies 25 percent or more of whose voting stock is held by foreign owners.

(3) International payments of royalties, fees, etc.

Form BE–93. One Form BE–93 is to be filed annually by each United States person or firm receiving from foreigners, or paying to foreigners, royalties, licensing fees, rentals, etc., arising from the use, purchase or sale of intangible assets or rights.

(b) *Frequency of reports.* Reports on Forms BE–577S, BE–577A, BE–578I, BE–606I and BE–93 must be filed annually beginning with a report covering the calendar or fiscal year 1961; reports on Forms BE–577, BE–578, BE–35, BE–578B, BE–605, BE–606 and BE–606B must be filed quarterly beginning with a report for the first calendar or fiscal quarter of 1962.

§ 803.3 Reporting by banks and insurance companies.

(a) *United States banks, including agencies of foreign banks, reporting on Forms BE–577, 577A, 577S, 578B, 605 or 606B.* In order to avoid duplication of claims or liabilities reported on Treasury Foreign Exchange Forms B–1 and B–2, intercompany or branch accounts reported on the Commerce forms listed above should exclude accounts with or investments in foreign branches or subsidiaries or accounts with a foreign parent organization and its affiliates, to the extent they are included in the Treasury foreign exchange forms. However, data covering earnings, income, fees or other charges remitted or credited, or permanent investments not includible in the Treasury forms, should be reflected in the Commerce forms.

(b) *United States insurance companies.* United States insurance companies should file annual reports on

Form BE–578I covering their transactions with their foreign subsidiaries or branches, or on Form BE–606I, covering their transactions with their foreign parent companies or head offices.

§ 803.4 Exemptions.

(a) *United States direct investments abroad.* (1) Exemption based on value of property. A reporter whose property in foreign countries otherwise subject to reporting has an aggregate value of less than $2,000,000, at the beginning of the current calendar year based on the value of holdings of securities, equity in surplus accounts, and intercompany indebtedness or net branch investment in foreign countries, is not required to report. Value is to be determined by the book value as carried on the books of the foreign organization converted into United States dollars. Reports for individual foreign subsidiaries, affiliates, or branches (other than banks) which are inactive, or have a book value of less than $25,000 at the beginning of the calendar year, can be omitted with a note to that effect. For foreign branches of banks, reports are required if either (i) the book value exceeds $25,000, or (ii) the total assets exceed $2,000,000.

(2) Certain persons exempted regardless of the amount or kind of property. Report need not be made by any person who is within any of the following categories.

(i) Members of the Armed Forces of the United States serving outside continental United States;

(ii) Citizens of the United States who permanently reside in a foreign country;

(iii) Officers or employees of foreign governments and members of the immediate families of such persons, provided they are not citizens of the United States;

(iv) Religious bodies, charitable organizations and other nonprofit organizations, except for the interests of such groups in foreign organizations conducting business for profit.

(b) *Foreign direct investments in the United States*—(1) *Exemption based on value.* If the value of a business organization (other than a U.S. branch or agency of a foreign bank) otherwise required to report is less than $2,000,000 at the beginning of the current calendar year, such a person or business organization is not required to report. The value is to be determined by the book value of the foreign owner's holdings in the securities, surplus accounts, and liability accounts of the reporter. For banks, reports are required if total assets exceed $3,000,000.

(2) *Certain property exempted.* Reports are not required for foreign-owned assets in the United States not employed in connection with a United States business enterprise controlled abroad. Assets of religious bodies, charitable organizations or other non-profit organizations are exempt from reporting, except for the interest of such groups in United States enterprises primarily conducting business for profit. Real or personal property acquired for personal use or occupancy by a foreign owner is exempt from reporting. However, interests in real property in the United States acquired for business purposes by a foreign owner must be reported, except as otherwise exempted by this section.

(c) *International receipts and payments of royalties, license fees, etc.* Reports on Form BE–93 are not required if the respondent's annual foreign receipts and payments, combined, of the types covered by the form, are less than $25,000 in the year covered by the report.

§ 803.5 General definitions.

For the purpose of these reports, the following definitions are prescribed:

(a) *Person.* "Person" shall include an individual, partnership, association, corporation, estate or trust or other organization.

(b) *Person subject to the jurisdiction of the United States.* (1) Any person ordinarily residing in the United States.

(2) Any corporation or other organization created or organized under the laws of the United States or any State, territory, district, or possession thereof.

(3) Any other resident of the United States including branches of foreign organizations, real property, leaseholds, sole proprietorships and partnerships.

(c) *United States.* United States shall mean the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

(d) *Foreign.* Foreign shall mean subject to the jurisdiction of a country other than the United States, and when applied to persons shall also mean not ordinarily residing within the United States.

(e) *Affiliates.* (1) Any group of persons who ordinarily exercise their voting rights in a business organization as a unit.

(2) In relation to any corporation or other organization issuing stock or similar securities, any person who, directly or indirectly, owns, controls, or holds with power to vote, 10 percent or more of the outstanding voting securities thereof.

(3) As to any other organization, any person who owns or controls 10 percent or more of the comparable ownership rights therein.

Any corporation or other business organization of which a person was an affiliate also shall be deemed to be affiliates of each other.

(f) *Control or controlling interest.* Control or controlling interest shall mean, for the statistical purposes of these reports, the direct ownership and/or indirect ownership through intermediaries or affiliates of 25 percent or more of the voting securities of a corporation or of other ownership equities in other types of organizations. Indirect control should be deemed to exist only if the United States parent owns 50 percent or more of the voting stock of the primary foreign corporation and it in turn owns at least 50 percent of the voting stock of the secondary foreign corporation.

(g) *Parent.* Parent shall mean any person or affiliated group of persons directly owning 25 percent or more of the voting securities of a corporation or of other ownership equities in other types of organizations. In some cases there may be more than one parent.

§ 803.6 Specific definitions.

(a) *Terms relating to the reporting of United States direct investments abroad.* (1) Primary foreign organizations shall include the following organizations located in or under the jurisdiction of a foreign country:

(i) Any foreign corporation of which—

(*a*) The reporting organization owns 25 percent or more of the voting securities, or

(*b*) The reporting organization owns less than 25 percent of the voting securities but affiliates, either domestic or foreign, of the reporting organization own additional voting securities which when added to the amount owned by the reporting organization total 25 percent or more, or

(*c*) The reporting organization owns none of the voting securities but does own bonds, notes, or other certificates of indebtedness or has direct dealings by exchange of merchandise or rendering services, and 25 percent or more of the voting securities are owned by affiliates (domestic or foreign) of the reporting organization.

(ii) Any partnership in which a person subject to the jurisdiction of the United States is one of the partners, whether general, special, limited, or otherwise.

(iii) Branch: The interest of any person subject to the jurisdiction of the United States in property in any foreign country allocated to or held in the name or for the use of any branch, depot, or office outside of the United States maintained by such person for the transaction of any of his business. Foreign operations conducted by United States corporations in their own names and not through foreign incorporated companies are to be reported as branch operations.

(iv) Any business enterprise or real property owned outright by a resident of the United States.

(2) "Secondary foreign organization" shall include the following organizations:

(i) A foreign organization allied with the reporter through the ownership of at least 50 percent of its voting securities or other certificates of ownership by a primary foreign organization, which in turn is owned by the reporting organization to the extent of at least 50 percent of its voting stock, giving the U.S. reporter an ownership of at least 25 percent of the secondary foreign organization.

(ii) Branches of primary foreign organizations located in countries other than the primary organization have to be reported separately. However, branches or subsidiaries of a primary foreign organization located in the same country and engaged in the same type of business as the primary organization may be combined and one report submitted covering the activities of all of these organizations. The report must be a consolidated report showing the total activities of all

organizations and not a report of the primary organization showing only the investment of the primary in the secondary organizations. Provide a list of all organizations included in such consolidations.

(3) "Associated" foreign organization: The ownership of at least 10 percent but less than 25 percent of the voting securities of a corporation, or an equivalent interest in an unincorporated foreign organization, held directly by the reporter and its United States affiliates, shall constitute association with that organization for the purposes of these reports. Note that separate reports are required for each "associated foreign organization." (When the ownership of the foreign organization is 25 percent or more, either entirely by the reporter or in conjunction with affiliates, the foreign organization must be reported on Form BE–577.)

(b) *Terms relating to the reporting of foregoing direct investment in the United States.* (1) "Branch" shall mean an unincorporated business enterprise subject to the jurisdiction of the United States controlled by a foreign person or organization, including all assets or liabilities connected with the operations of such a branch.

(2) "Reporter" shall mean the business enterprise for which a report is required. If the enterprise is in the nature of a leasehold or real property not identifiable by name, the report may be filed on behalf of the reporter by an agent or representative of the foreign beneficial owner or by such owner.

§ 803.7 Estimates.

Every question on the reporting forms which a reporter is required to use in rendering his report must be answered. If the information is not available as specified in the form, a reasonable estimate should be entered, labeled as such. If there is no basis for such an estimate, state, "unknown" with an appropriate explanation. However, if and when the information becomes available, a supplementary report must be filed promptly with a full explanation.

§ 803.8 Space not needed.

Space not needed or inapplicable for supplying requested information should be left entirely blank. When there is nothing to report under any question state "no" or "none."

§ 803.9 Special filing procedures.

When data specified on the reporting forms are not available to the reporter, or when consolidation beyond that specifically provided for above would reduce reporting burden without loss of significant information, the reporter may apply to the Balance of Payments Division of the Office of Business Economics, United States Department of Commerce, for consideration of the specific problem.

§ 803.10 Number of reports.

Only the original report should be filed.

§ 803.11 Time and place of filing reports.

Reports on Forms BE–577, BE–578, BE–35, BE–578B, BE–605, BE–606 and BE–606B shall be filed on a quarterly basis within 30 days of the close of the calendar or fiscal period used by the reporter except for the final quarter of the calendar or fiscal year when reports may be filed within 45 days. Reports on Form BE–577S, BE–577A, BE–578I, BE–606I and BE–93 shall be filed on an annual basis within 90 days of the close of the calendar or fiscal year. Reports should be sent to the Department of Commerce, Office of Business Economics, BE–50, Washington 25, D.C. If additional time is needed to prepare the reports, a request for an extension of time should be addressed to the above office.

§ 803.12 Information regarding preparation of reports.

Anyone desiring information concerning these reports, or copies of forms, may apply directly to the United States Department of Commerce, Office of Business Economics, BE–50, Washington 25, D.C. Each reporting form contains the specific instructions needed for completion.

EDWARD GUDEMAN,
Acting Secretary of Commerce.

[F.R. Doc. 62-3946; Filed, Apr. 20, 1962; 8:50 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 7616 o.]

PART 13—PROHIBITED TRADE PRACTICES

Lifetime, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15–30 *Connections or arrangements with others;* § 13.15–225 *Personnel or staff;* § 13.15–250 *Qualifications and abilities;* § 13.20 *Comparative data or merits;* § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices:* § 13.155–10 *Bait;* § 13.170 *Qualities or properties of product or service:* § 13.170–30 *Durability or permanence;* § 13.175 *Quality of product or service;* § 13.225 *Services.* Subpart—Securing signatures wrongfully: § 13.-2175 *Securing signatures wrongfully.*

(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, Lifetime, Inc., et al., Philadelphia, Pa., Docket 7616, Dec. 1, 1961]

In the Matter of Lifetime, Inc., a Corporation, Youngstown Homes, Inc., a Corporation, and Sam Leonard and Samuel Moskowitz, Individually and as Officers of Each of Said Corporations

Order requiring two associated companies engaged in home construction and improvement in Philadelphia—acting as a sales and financing organization and subcontracting construction and installation work to other parties—to cease using bait advertising in newspapers and other publications to get leads to prospective customers, which made false representations as to the costs and quality of their services and materials, guarantees, their connections with well-known concerns, and professional status of their salesmen; and to cease securing purchasers' signatures to negotiable promissory notes deceptively.

The order to cease and desist is as follows:

It is ordered, That respondents Lifetime, Inc., a corporation, and its officers, and Youngstown Homes, Inc., a corporation, and its officers, and Sam Leonard and Samuel Moskowitz, individually and as officers of each of the said corporations, 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 houses, garages, or building materials and supplies, including simulated stone fronts, roofs, bathrooms, heating equipment, and basement waterproofing 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. Representing, directly or indirectly, that merchandise or service is offered for sale when such offer is not a bona fide offer to sell the merchandise or service so offered, or that merchandise or service is offered for sale at a specified price unless the price so represented is in fact the price of the merchandise or service offered for sale;

2. Representing, directly or indirectly, that said products or services are guaranteed unless the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed and respondents do in fact fulfill all of their requirements under the terms of the said guarantee;

3. Representing, directly or indirectly, that respondents are a part of or affiliated with Youngstown Kitchens, or Youngstown Industries, Inc., a Pennsylvania corporation; or misrepresenting respondents' connection or affiliation with any other person, firm or corporation;

4. Representing, directly or indirectly, that respondents' salesmen are sales managers or owners of Youngstown Kitchens, or otherwise misrepresenting the business or professional status which respondents' salesmen occupy;

5. Representing, directly or indirectly, that respondents' so-called "glass-lined" roofing will outlast any other kind or form of roofing; or otherwise misrepresenting the lasting or performance qualities of the aforesaid products in relation to any other product or kinds of products or misrepresenting the performance qualities of said products in any other manner;

6. Representing, directly or indirectly, that respondents' simulated or so-called stone is natural stone; or otherwise misrepresenting the grade, quality or composition of any of said products;

7. Representing, directly or indirectly, that respondents will or can make all basements waterproof from the exterior without digging;

8. Representing, directly or indirectly, that respondents' products or services which are defective or deficient sold or performed by respondents are of first-class quality;

9. Procuring the signature of purchasers on negotiable promissory notes without revealing to such purchasers that they are signing a negotiable promissory note and revealing the amount, terms and conditions of the promissory note; or representing, directly or indirectly, that respondents themselves finance the contractual indebtedness assumed by purchasers of the aforesaid goods and services.

By "Final Order," report of compliance was required as follows:

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

Issued: December 1, 1961.

By the Commission.

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

[F.R. Doc. 62-3905; Filed, Apr. 20, 1962; 8:46 a.m.]

[Docket No. C-35]

PART 13—PROHIBITED TRADE PRACTICES

Pacific Coast Fur Co. et al.

Subpart—Advertising falsely or misleading: § 13.155 *Prices:* § 13.155-15 *Comparative;* § 13.180 *Quantity:* § 13.-18-35 *Offered.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* § 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212-30 *Fur Products Labeling Act.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1745 *Source or origin:* § 13.-1745-70 *Place.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845-30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852-35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865-40 *Fur Products Labeling Act;* § 13.1900 *Source or origin:* § 13.1900-40 *Fur Products Labeling Act:* § 13.1900-40(b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Pacific Coast Fur Company et al., Los Angles, Calif., Docket C-35, Nov. 30, 1961]

In the Matter of Pacific Coast Fur Company, a Corporation, and Venus Furs, a Corporation, and Ralph J. Nymer, and Moe Basner, Individually and as Officers of the Said Corporations, and Milton Corb, Individually and as General Manager of the Said Corporations

Consent order requiring associated furriers in Los Angeles, Calif., to cease violating the Fur Products Labeling Act by failing, on invoices and labels, to show the true animal name of the fur used in fur products and to disclose when fur was dyed; failing to show the country of origin of imported furs and when fur products contained flanks, and falsely representing mink as from the Aleutian Islands, on invoices; by newspaper advertising which failed to disclose the names of the fur-producing animals, represented prices as reduced without giving the time of compared higher prices, and falsely represented "$200,000 worth of precious furs" offered for sale; failing to keep adequate records for price and value claims; and failing in other respects to comply with labeling and invoicing requirements.

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

It is ordered, That Pacific Coast Fur Company, a corporation, and Venus Furs, a corporation, and Ralph J. Nymer and Moe Basner, individually and as officers of the said corporations and Milton Corb, individually and as general manager of the said corporations, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution, in commerce, of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act do forthwith cease and desist from:

1. Misbranding fur products by:

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

B. Setting forth on labels affixed to fur products:

(1) The term "blended" as part of the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe the pointing, bleaching, dyeing or tip-dyeing of furs.

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

C. Failing to set forth the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in the required sequence.

2. Falsely or deceptively invoicing fur products by:

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

B. Setting forth on invoices a false geographic origin of the animal that produced the fur.

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

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

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

A. Fails to disclose the name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations.

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

C. Represents, directly or by implication, that the volume of merchandise offered for sale is higher than is the fact.

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

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: November 30, 1961.

By the Commission.

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

[F.R. Doc. 62-3906; Filed, Apr. 20, 1962; 8:47 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter V—Bureau of Employment Security, Department of Labor

PART 604—POLICIES OF UNITED STATES EMPLOYMENT SERVICE

Service to Minority Groups

Pursuant to authority in section 12 of the Wagner-Peyser Act (29 U.S.C. 49K), reorganization plan No. 2 of 1949 (3 CFR, 1949-1953 Comp., p. 998), and 29 CFR 602.21, I hereby revoke paragraphs (c) and (d) of 20 CFR 604.8 and establish in their place a new paragraph (c) of 20 CFR 604.8 to read as set forth below. The purpose of this amendment is to adapt the policy of the United States Employment Service regarding service to minority groups to Executive Order 10925 (26 F.R. 1977).

As this amendment merely provides a statement of general policy, notice of

proposed rule making, public participation in its adoption, and delay in its effective date are excepted from the requirements of section 4 of the Administrative Procedure Act. Accordingly, it shall become effective upon publication in the FEDERAL REGISTER.

The new paragraph (c) shall read as follows:

§ 604.8 Service to minority groups.

It is the policy of the United States Employment Service:

* * * * *

(c) To assist the President's Committee on Equal Employment Opportunity in effectuating Executive Order 10925 by not accepting discriminatory job orders from Federal establishments or from employers on Federal contracts, and by cooperating with procurement agencies and other appropriate agencies of the Government in their efforts to secure compliance with nondiscrimination clauses in Government contracts.

(48 Stat. 117, as amended; 29 U.S.C. 49K)

Signed at Washington, D.C., this 13th day of April 1962.

ROBERT C. GOODWIN,
Administrator,
Bureau of Employment Security.

[F.R. Doc. 62-3909; Filed, Apr. 20, 1962; 8:47 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE (OR TETRACYCLINE-) CONTAINING DRUGS

Pyrrolidinomethyl Tetracycline; Order Changing Name to Rolitetracycline

No comments nor objections having been filed to a notice of proposed rule making published in the FEDERAL REGISTER of February 13, 1962 (27 F.R. 1322), the name "pyrrolidinomethyl tetracycline" or "*N*-(pyrrolidinomethyl) tetracycline" is changed to "rolitetracycline," wherever it occurs in Parts 141c, 146, 146c, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), as follows:

1. Section 141c.248, section heading; paragraph (a).
2. Section 141c.249, section heading.
3. Section 141c.250, section heading; paragraph (f), paragraph heading.
4. Section 146.1(b)(7), three places.
5. Section 146.1(c)(2)(vi), three places.
6. Section 146.1(d)(9), two places.
7. Section 146c.248, section heading; introduction to paragraph (a), one place; paragraph (a)(5); introduction to paragraph (c); paragraph (c)(2); paragraph (d)(3), first sentence.
8. Section 146c.249, section heading; paragraph (a), first sentence (2 places), and eighth sentence; paragraph (b), third sentence; paragraph (c)(1)(ii); paragraph (d)(1), first sentence, two places; paragraph (d)(2)(ii); paragraph (d)(3)(ii); paragraph (d)(4)(ii).
9. Section 146c.250, section heading; paragraph (a), first sentence, two places, and sixth sentence; paragraph (b), third sentence; paragraph (c)(1)(ii); paragraph (d)(1); first sentence, two places; paragraph (d)(2)(ii); paragraph (d)(3)(ii); paragraph (d)(4)(ii).

Effective date. This order shall become effective for all batches of rolitetracycline received for certification after May 15, 1962.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: April 16, 1962.

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

[F.R. Doc. 62-3918; Filed, Apr. 20, 1962; 8:48 a.m.]

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE (OR TETRACYCLINE-) CONTAINING DRUGS

Tetracycline-Amphotericin B Oral Drops

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 357, 371 and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tests and methods of assay and certification of antibiotic and antibiotic-containing drugs (21 CFR 141c.262, 146c.262) are amended as follows:

1. Section 141c.262 is amended by changing the section heading to read:

§ 141c.262 Tetracycline-amphotericin B syrup; tetracycline-amphotericin B oral drops.

2. The introductory text and paragraph (a) of § 146c.262 are amended to read as follows:

§ 146c.262 Tetracycline-amphotericin B syrup; tetracycline-amphotericin B oral drops.

Tetracycline-amphotericin B syrup and tetracycline-amphotericin B oral drops conform to all requirements and procedures prescribed by § 146c.257 for tetracycline-amphotericin B for oral syrup and tetracycline-amphotericin B for oral drops that have been reconstituted as directed in the labeling, except § 146c.257(b), and except that:

(a) Its pH is not less than 4.0 nor more than 5.0.

In the promulgation of this order, I find that notice and public procedure and delayed effective date would be contrary to the public interest. I further find that the conditions for the certification of tetracycline-amphotericin B oral drops, concerning its safety and efficacy of use, have been complied with.

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

(Sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 357, 371)

Dated: April 16, 1962.

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

[F.R. Doc. 62-3919; Filed, Apr. 20, 1962; 8:48 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

PART 207—NAVIGATION REGULATIONS

Duluth-Superior Harbor, Minn. and Wis.

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), the cross reference notation following § 203.640 is hereby deleted; § 203.640a is hereby prescribed describing signals for opening certain bridges across Duluth-Superior Harbor, Minnesota and Wisconsin; § 203.641 is hereby amended with respect to paragraph (f) redesignating subparagraphs (1)–(4) as (2)–(5) and prescribing a new subparagraph (1) to govern the operation of all drawbridges across Duluth-Superior Harbor during certain months; and § 207.400 is hereby amended revising the title and revoking paragraph (b), effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.640 Red River of the North, Minnesota and North Dakota; bridges.

* * * * *

CROSS REFERENCE: [Deleted]

§ 203.640a Duluth-Superior Harbor, Minnesota, and Wisconsin; bridges (highway and railroad).

(a) The regulations in this section shall govern the opening of the draws in the Duluth Ship Canal, Northern Pacific Railway, Grassy Point and Arrowhead bridges from March 16 to December 31.

(b) The owners of or agencies controlling the bridges shall provide necessary tenders and the proper mechanical appliances for the safe, prompt and efficient opening of the draws for the passage of vessels. The tender's house shall be high enough to clear trains, buses, trucks, or other vehicles, and allow the tender to see readily the channels in all directions.

(c) *Signals*—(1) *Call signals.* Call signals for opening of bridges are:

Duluth Ship Canal Bridge: 1 long, 1 short, 1 long, 1 short.
Northern Pacific Railway Bridge:
Minnesota Draw: 1 long, 2 short.
Wisconsin Draw: 2 long, 2 short.
Grassy Point Bridge: 2 short, 1 long.
Arrowhead Bridge (Twin Ports): 3 long.
The duration of a long blast should not exceed 3 seconds, and a short blast should not exceed 1 second.

(2) *Acknowledging signals by bridge tenders.* (i) Each of the bridges listed in subparagraph (1) of this paragraph must be provided with a signal of sufficient strength of sound to be heard distinctly three-fourths of a mile in any condition of weather.

(ii) Upon receiving a signal for opening the draw the tender shall at once answer with a return signal, which shall be the same as the signal for opening, to indicate that the vessel signal has been heard. The tender shall take note of the vessel's position and speed, and open the bridge in time to allow the vessel to pass through. (See, however, subdivision (iii) of this subparagraph.)

(iii) In case the bridge, other than the Duluth Ship Canal Bridge (see subdivision (iv) of this subparagraph), is not ready to open at the time of receiving a signal or very soon thereafter for any cause, as for instance when a train is passing over or in case the bridge should be so disabled that it cannot be opened at all, the tender will answer the vessel with five short blasts given in quick succession, as a signal to check down and stop. As soon as the bridge is ready to open, he will give the return signal stated in subdivision (ii) of this subparagraph.

(iv) In case the Duluth Ship Canal bridge is disabled, the bridge authorities must give incoming and outgoing vessels timely and dependable notice, by tug service if necessary, so that they will not attempt to enter the canal. At all other times the bridge tender must lift the bridge promptly on receiving signal to do so. In case of a sudden breakdown during the lifting operation, five short blasts shall be given as a danger signal.

(v) Vessels must be given precedence over highway or railway traffic. When a signal is given by a vessel to open the bridge, a railroad train or any vehicle that may be approaching to cross the bridge must be required to wait for the vessel to pass: *Provided, however,* That except at the Duluth Ship Canal bridge, vessels of 100 gross tons or under may be held for a short period in case a first-class passenger train carrying United States mails is ready to cross the bridge.

§ 203.641 Great Lakes Tributaries; bridges where constant attendance of draw tenders is not required.

* * * * *

(f) The bridges to which this section applies, and the special regulations applicable in each case, are as follows:

(1) Duluth-Superior Harbor, Minn. and Wis.; all drawbridges. During the winter months from January 1 to March 15, at least 24 hours' advance notice required except for the Duluth and Superior Bridge Company Interstate Railroad and Highway Toll Swing Bridge. Also from March 16 to December 31 at least 3 hours' advance notice is required for opening the Duluth Missabe and Iron Range Railway Company Bridge (Transfer Bridge). The Duluth and Superior Bridge Company Interstate Railroad and Highway Toll Bridge will remain in an open position at all times, except for the passage of trains. When this bridge is locked in a open position, a continuous amber light will be visible.

(2) Ontonagon Harbor, Mich. [Redesignated]

(3) Black River at Port Huron, Mich. [Redesignated]

(4) Calumet River, Chicago, Ill. [Redesignated]

(5) Chicago River, North Branch, Chicago, Ill. [Redesignated]

§ 207.400 Duluth-Superior Harbor, Minnesota and Wisconsin; use, administration, and navigation.

* * * * *

(b) *Bridge regulations.* [Revoked]

[Regs., Apr. 5, 1962, 285/112 (Duluth-Superior Harbor)—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. 62-3888; Filed, Apr. 20, 1962; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2657]

[2141236]

OHIO

Revoking Public Land Order No. 426 of December 1, 1947

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

Public Land Order No. 426 of December 1, 1947, transferring jurisdiction over the oil and gas deposits in two parcels of acquired lands in Ohio of about 70 acres and 50 acres, respectively, from the Department of the Navy to the Department of the Interior, is hereby revoked.

The lands are described generally as (1) a part of the N½NW¼ of sec. 18, T. 10 (Canton), R. 8 Stark County, and (2) a part of the S½NW¼ of sec. 18 T. 10 (Canton), R. 8 Stark County. They comprise the site of the former Naval Industrial Ordnance Plant at Canton, Ohio. Jurisdiction of the deposits of oil and gas was transferred to the Department of the Interior to prevent loss to the United States by reason of drainage or threatened drainage. Subsequently, it was determined that no protective action was necessary.

The Department of the Navy has declared the lands to the General Services Administration as excess to its needs.

The lands and their minerals will be administered by the General Services Administration pending their disposal as surplus to the United States, pursuant to provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377; 40 U.S.C. 472) as amended.

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

APRIL 18, 1962.

[F.R. Doc. 62-3940; Filed, Apr. 20, 1962; 8:50 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 12—AMATEUR RADIO SERVICE

Miscellaneous Amendments

The Commission, having under consideration the amendment of Part 12, Amateur Radio Services, to effect the editorial changes described below; and

It appearing that the Geneva 1959 Radio Regulations were ratified by the United States on October 4, 1961, superceding the Atlantic City 1947 Radio Regulations; and

It further appearing that the Commission amended Part 2 of its rules to conform to the Geneva 1959 regulations to the extent practicable in Docket 13928, adopted October 18, 1961, and effective December 1, 1961; and

It further appearing that the amendments of Part 12 ordered herein conform without any substantive change to prior actions of the Commission and, being editorial in nature, the prior public notice and effective date provisions of the Administrative Procedures Act are not applicable; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and section 0.341(a) of the Commission's Statement of Delegations of Authority;

It is ordered, This 16th day of April 1962, that, effective April 16, 1962, Part 12 is amended as set forth below.

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

Released: April 16, 1962.

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

1. Section 12.90(a) is amended to read as follows:

§ 12.90 Requirements for portable and mobile operation.

(a) Within the continental limits of the United States or its possessions, an amateur station may be operated as either a portable or a mobile station on any frequency authorized and available for the amateur radio service. Notice of such operation in accordance with the provisions of § 12.91 shall be given to the Engineer in Charge of the radio district in which operation is intended.

2. Section 12.111 is amended to read as follows:

§ 12.111 Frequencies and types of emissions for use of amateur stations.

(a) Subject to the limitations and restrictions set forth in paragraph (b) of this section and in § 12.114, the following frequency bands and types of emissions are allocated and available for amateur station operation:

Band	Emission(s)	Limitations
kc/s		
1800 to 2000	A1, A3	1, 2, 3, 4
3500 to 4000	A1, A3, F1, F3	5
7000 to 7300	A1, A3, F1, F3	6
14000 to 14350	A1, A3, F1, F3	7
Mc/s		
21.0 to 21.45	A1, A3, F1, F3	8
28.0 to 29.7	A1, A3, F1, F3	9
50.0 to 54.0	AØ, A1, A2, A3, A4, FØ, F1, F2, F3.	10
144 to 148	AØ, A1, A2, A3, A4, FØ, F1, F2, F3.	11
220 to 225	AØ, A1, A2, A3, A4, FØ, F1, F2, F3, F4.	12, 13
420 to 450	AØ, A1, A2, A3, A4, A5, FØ, F1, F2, F3, F4, F5.	12, 14
1215 to 1300	AØ, A1, A2, A3, A4, A5, FØ, F1, F2, F3, F4, F5.	12
2300 to 2450	AØ, A1, A2, A3, A4, A5, FØ, F1, F2, F3, F4, F5, P.	12, 15
3300 to 3500	AØ, A1, A2, A3, A4, A5, FØ, F1, F2, F3, F4, F5, P.	12
5650 to 5925	AØ, A1, A2, A3, A4, A5, FØ, F1, F2, F3, F4, F5, P.	12, 15
10000 to 10500	AØ, A1, A2, A3, A4, A5, FØ, F1, F2, F3, F4, F5.	12
21000 to 22000	AØ, A1, A2, A3, A4, A5, FØ, F1, F2, F3, F4, F5, P.	
Above 40000	AØ, A1, A2, A3, A4, A5, FØ, F1, F2, F3, F4, F5, P.	

(b) Explanation of the limitations appearing in the frequency tabulation of paragraph (a) of this section:

(1) Use of this band is on a shared basis with the Loran system of radionavigation. The amateur service may use, in any area, whichever band, 1800–1825 or 1975–2000 kc/s, is not required for Loran in that area. The use of these frequencies by the amateur service shall not be a bar to the expansion of the radionavigation (Loran) service.

(2) The use of these frequencies by stations in the amateur service shall not cause harmful interference to the Loran system of radionavigation. If an amateur station causes such interference, the station licensee shall, as directed by the Commission, immediately cease operation on the frequencies involved.

(3) Amateur operation shall be limited to the following areas, to the indicated frequency bands within each such area, and to the indicated maximum plate power input to the tube or tubes supplying energy to the antenna during day and night hours, respectively, on such frequencies:

Area	Bands (kc/s)	DC plate input power in watts	
		Day	Night
Minnesota, Iowa, Wisconsin, Michigan, Pennsylvania, Maryland, Delaware, and States to the north of these including the District of Columbia.	1800–1825	500	200
North Dakota, South Dakota, Nebraska, Colorado, New Mexico, and States to the west of these States (except State of Washington)	1975–2000	500	200
State of Washington	1975–2000	200	50
Oklahoma, Kansas, Missouri, Arkansas, Illinois, Indiana, Kentucky, Tennessee, Ohio, West Virginia, Virginia, North Carolina, South Carolina, Texas (West of 99° W. or North of 32° N.)	1800–1825	200	50
State of Hawaii	1975–2000	500	200
Texas (East of 99° W. and South of 32° N.) Louisiana, Mississippi, Alabama, Alaska, Georgia, Florida, Puerto Rico, Virgin Islands, Guam, and other Possessions of the U.S. not listed in this table	None	No operation	

(4) Subparagraphs (1), (2), and (3) of this paragraph shall be considered as temporary in the sense that they shall remain subject to cancellation or to revision, in whole or in part, by order of the Commission without hearing whenever the Commission shall deem such cancellation or revision to be necessary or desirable in the light of the priority within this band of the Loran system of radionavigation.

(5) 3500 to 4000 kc/s, type A1 emission; 3500 to 3800 kc/s, type F1 emission; 3800 to 4000 kc/s, type A3 emission and narrow band frequency or phase modulation for radiotelephony; except that frequencies 3900 to 4000 kc/s are not available to stations located within the following United States possessions in Region 3, as defined in the Geneva 1959 Radio Regulations: Baker, Canton, Enderbury, Guam, Howland, Jarvis, Palmyra, American Samoa, and Wake Islands.

(6) 7000 to 7300 kc/s, type A1 emission; 7000 to 7200 kc/s, type F1 emission; 7200 to 7300 kc/s, type A3 emission or narrow band frequency or phase modulation for radiotelephony.

(7) 14,000 to 14,350 kc/s, type A1 emission; 14,000 to 14,200 kc/s, type F1 emission; 14,200 to 14,350 kc/s, type A3 emission or narrow band frequency or phase modulation for radiotelephony.

(8) 21.00 to 21.45 Mc/s, type A1 emission; 21.00 to 21.25 Mc/s, type F1 emission; 21.25 to 21.45 Mc/s, type A3 emission and narrow band frequency or phase modulation for telephony.

(9) 28.0 to 29.7 Mc/s, type A1 emission; 28.5 to 29.7 Mc/s, type A3 emission and narrow band frequency or phase modulation for radiotelephony and, on frequencies 29.0 to 29.7 Mc/s, special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques).

(10) 50.0 to 54.0 Mc/s, type A1 emission; 50.1 to 54.0 Mc/s, type A2, A3, A4 and narrow band F1, F2 and F3 emissions; 51.0 to 54.0 Mc/s, type AØ emission; 52.5 to 54.0 Mc/s, type FØ, F1, F2, and F3 emission.

(11) 144.0 to 148.0 Mc/s, type A1 emission; 144.0 to 147.9 Mc/s, type AØ, A2, A3, A4, FØ, F1, F2, and F3 emission.

(12) In this band the amateur service shall not cause harmful interference to the government radiolocation service.

(13) In those portions of the States of Texas and New Mexico in the area bounded on the south by parallel 31°53′ N., on the east by longitude 105°40′ W., on the north by parallel 33°24′ N., and on the west by longitude 106°40′ W., the frequency band 220–225 Mc/s is not available for use by amateur stations engaged in normal amateur operation between the hours of 0500 and 1800 local time Monday through Friday inclusive of each week. However, the entire frequency band 220–225 Mc/s shall be available in all areas to those amateur stations authorized to operate in an organized civil defense network during all periods when civil defense emergencies exist and, in addition, special arrangements for civil defense drills between the hours and within the area set forth in this subparagraph may be made upon mutual agreement between the Federal Communications Commission Engineer in Charge at Dallas, Texas, and the Area Frequency Coordinator at White Sands, New Mexico, if it appears necessary to conduct such drills. Such arrangements shall specify dates and times, and will depend upon the degree of use of the frequency band at White Sands at any particular time.

(14) The maximum DC plate power input to the final stage of the transmitter shall not exceed 50 watts.

(15) Operations in the frequency bands 2300 to 2450 Mc/s and 5650 to 5925 Mc/s are subject to such interference between 2400 and 2450 Mc/s and between 5775 and 5925 Mc/s, respectively, as may result from emissions of industrial, scientific and medical devices on the frequencies 2450 and 5800 Mc/s, respectively.

3. Section 12.201(i)(2) is amended to read as follows:

§ 12.201 Definitions.

* * * * *

(i) * * *

(2) The plan must have been approved by the state and federal civil defense

authorities having jurisdiction of the area affected.

4. Section 12.212(c) is amended to read as follows:

§ 12.212 Approval of civil defense communications plans.

* * * * *

(c) Written certification of approval by the competent state and federal civil defense authorities of each civil defense communications plan, or of any changes or modifications thereof, shall accompany the copies of such plans, changes, or modifications which are submitted to the Commission in accordance with the provisions of this part.

5. Section 12.213(b) is amended to read as follows:

§ 12.213 Certification of civil defense radio officer.

* * * * *

(b) FCC Form 482, when completed in accordance with this section, shall be forwarded to the Commission via the responsible state and federal civil defense officials whose approval (or disapproval) shall be clearly indicated on the form.

6. Section 12.231(d) is amended to read as follows:

§ 12.231 Frequencies available.

* * * * *

(d) In the band 220 to 225 Mc/s, stations operating in the Radio Amateur Civil Emergency Service shall not at any time cause harmful interference to the government radiolocation service.

[F.R. Doc. 62-3932; Filed, Apr. 20, 1962; 8:50 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER D—MANAGEMENT OF WILDLIFE RESEARCH AREAS

PART 60—PATUXENT WILDLIFE RESEARCH CENTER

Special Regulations; Hunting and Sport Fishing

Pursuant to the authority vested in the Secretary of the Interior by section 10 of the act of February 18, 1929 (45 Stat. 1224; 16 U.S.C. 715i), and section 161 of the Revised Statutes (5 U.S.C. 22), Part 60 of 50 CFR is amended by the addition of new § 60.11. The purpose of this amendment is to provide a note of reference to the special or temporary regulations for this part which are not codified in Title 50 CFR. The List of Sections Affected appearing in Title 50, makes reference to these special or temporary regulations by listing the pages on which the notice of issuance appeared in the daily issue of the FEDERAL REGISTER. Heretofore reference to such regulations for Patuxent Wildlife Research Center was not included in the List of Sections Affected.

Notice and public procedure concerning this amendment are deemed unnecessary as it is of a minor nature and of limited public interest.

The amendment to the regulations is hereby adopted as set forth below and will become effective at the beginning of the calendar day on which it is published in the FEDERAL REGISTER.

A new section is added to Part 60, to read as follows:

§ 60.11 Special regulations; hunting and sport fishing.

NOTE: For FEDERAL REGISTER pages of regulations affecting temporary and special regulations, see List of Sections Affected.

STEWART L. UDALL,
Secretary of the Interior.

APRIL 16, 1962.

[F.R. Doc. 62-3907; Filed, Apr. 20, 1962; 8:47 a.m.]

Chapter III—International Regulatory Agencies (Fishing and Whaling)

PART 301—PACIFIC HALIBUT FISHERIES

Regulations of the International Pacific Halibut Commission adopted pursuant to the Pacific Halibut Fishery Convention between the United States of America and Canada, signed March 2, 1953.

Sec.
301.1 Regulatory areas.
301.2 Length of halibut fishing seasons.
301.3 Closed seasons.
301.4 Catch limits in Areas 2 and 3A.
301.5 Size limits.
301.6 Licensing of vessels.
301.7 Retention of halibut taken under permit.
301.8 Conditions limiting validity of permits.
301.9 Statistical return by vessels.
301.10 Statistical return by dealers.
301.11 Dory gear prohibited.
301.12 Nets prohibited.
301.13 Retention of tagged halibut.
301.14 Responsibility of master.
301.15 Supervision of unloading and weighing.
301.16 Sealing of fishing equipment.
301.17 Previous regulations superseded.

AUTHORITY: §§ 301.1 to 301.17 issued under Art. III, 50 Stat., Part II, 1353.

§ 301.1 Regulatory areas.

(a) Convention waters which include the territorial waters and the high seas off the western coasts of Canada and the United States of America including the southern as well as the western coasts of Alaska shall be divided into the following areas, all directions given being magnetic unless otherwise stated.

(b) Area 1 (south of Willapa Bay) shall include all convention waters southeast of a line running northeast and southwest through Willapa Bay Light on Cape Shoalwater, as shown on Chart 6185, published in November 1947, by the United States Coast and Geodetic Survey, which light is approximately latitude 46°43'17'' N., longitude 124°04'15'' W.

(c) Area 2 (Willapa Bay to Cape Spencer) shall include all convention waters off the coasts of the United States of America and of Alaska and of Canada between Area 1 and a line running through the most westerly point of Glacier Bay, Alaska, to Cape Spencer Light as shown on Chart 8304, published in June 1940, by the United States Coast and Geodetic Survey, which light is approximately latitude 58°11'57'' N., longitude 136°38'18'' W.; thence south one-quarter east.

(d) Area 3A (Cape Spencer to Shumagin Islands) shall include all the convention waters off the coast of Alaska that are between Area 2 and a straight line running southeast one-half east from the highest point on Kupreanof Point, which highest point is approximately latitude 55°34'08'' N., longitude 159°36'00'' W.; the highest point on Kupreanof Point shall be determined from Chart 8859 as published May 1954 (2d Edition) by the United States Coast and Geodetic Survey.

(e) Area 3B South (Shumagin Islands to Cape Sagak, Umnak Island not including Bering Sea) shall include all convention waters off the coast of Alaska that are between Area 3A and a straight line running southwest by west from Cape Sagak, the southwestern extremity of Umnak Island, at a point approximately latitude 52°49'20'' N., longitude 169°07'00'' W. and that are south of straight lines running from Cape Kabuch Light at the head of Ikatan Bay, which light is approximately latitude 54°49'00'' N., longitude 163°21'36'' W.; thence to Scotch Cap Light at the western end of Unimak Island, which light is approximately latitude 54°23'48'' N., longitude 164°44'30'' W.; thence to Brundage Head on Unalaska Island, which head is approximately latitude 53°56'00'' N., longitude 166°12'36'' W.; thence to Cape Aiak on Unalaska Island, which cape is approximately latitude 53°15'45'' N., longitude 167°29'30'' W.; thence to Cape Sagak. The positions of Cape Kabuch Light, Scotch Cap Light and Brundage Head were determined from Chart 8860, published 1942 (12th Edition), and the positions of Cape Sagak and Cape Aiak were determined from Chart 8861, published in May 1942, revised April 1959, both charts as published by the U.S. Coast and Geodetic Survey.

(f) Area 3B North (Bering Sea and Aleutian Islands west of Cape Sagak) shall include all convention waters which are not included in Areas 1, 2, 3A, and 3B South.

§ 301.2 Length of halibut fishing seasons.

(a) In Area 1, the halibut fishing season shall commence and terminate at the same time as the halibut fishing season in Area 2 shall commence and terminate.

(b) In Area 2, the halibut fishing season shall commence at 6:00 p.m. on the 9th day of May and terminate at 6:00 p.m. on a date to be determined and announced under § 301.4(b).

(c) In Area 3A, the halibut fishing season shall commence at 6:00 p.m. of the 9th day of May and terminate at 6:00 p.m. on a date to be determined and announced under § 301.4(b).

(d) In Area 3B South, the halibut fishing season shall commence at 6:00 p.m. of the 19th day of April and terminate at 6:00 p.m. of the 30th day of September, or at the time of termination of the halibut fishing season in Area 3A, whichever is later.

(e) In Area 3B North, the halibut fishing season shall commence at 6:00 p.m. of the 28th day of March and terminate at 6:00 p.m. of the 15th day of October, or at the time of termination of the halibut fishing season in Area 3A, whichever is later.

(f) All hours of opening and closing of areas in this section and other sections of the regulations in this part shall be Pacific standard time.

§ 301.3 Closed seasons.

(a) Under paragraph 1 of Article I of the Convention, all convention waters shall be closed to halibut fishing except as provided in § 301.2.

(b) All convention waters, if not already closed under other provisions of the regulations in this part, shall be closed to halibut fishing at 6:00 p.m. of the 30th day of November and shall remain closed until reopened as provided in § 301.2, and the retention and landing of any halibut caught during this closed period shall be prohibited.

(c) Nothing contained in the regulations in this part shall prohibit the fishing for species of fish other than halibut during the closed halibut seasons, provided that it shall be unlawful for a vessel to have halibut aboard, or for any person to have halibut in his possession while so engaged except as provided for in § 301.7. Nor shall anything in these regulations prohibit the International Pacific Halibut Commission, hereafter in the regulations in this part referred to as "the Commission", from conducting or authorizing fishing operations for investigation purposes as provided for in paragraph 3 of Article I of the Convention.

§ 301.4 Catch limits in Areas 2 and 3A.

(a) The quantity of halibut to be taken during the halibut fishing season in Area 2 and during the halibut fishing season in Area 3A in 1962 shall be limited to 28,000,000 pounds and 33,000,000 pounds respectively of salable halibut, the weights in each limit to be computed as with heads off and entrails removed.

(b) The Commission shall as early in the said year as is practicable determine and announce the date on which it deems each limit of catch defined in paragraph (a) of this section will be attained, and the limit of each such catch shall then be that which shall be taken prior to said date, and fishing for halibut in the area to which each limit applies shall at that date be prohibited until each area is reopened to halibut fishing as provided in § 301.2, and provided that if it shall at any time become evident to the Commission that the limit will not be reached by such date, it may substitute another date.

(c) Catch limits shall apply only to the halibut fishing season in Area 2 and to the halibut fishing season in Area 3A.

§ 301.5 Size limits.

The catch of halibut to be taken from all areas shall be limited to halibut which with head on are 26 inches or more in length as measured from the tip of the lower jaw to the extreme end of the middle of the tail or to halibut which with the head off and entrails removed are 5 pounds or more in weight, and the possession of any halibut of less than the above length, or the above weight, according to whether the head is on or off, by any vessel or by any master or operator of any vessel or by any person, firm or corporation, is prohibited.

§ 301.6 Licensing of vessels.

(a) All vessels of any tonnage which shall fish for halibut in any manner or hold halibut in possession in any area, or which shall transport halibut otherwise than as a common carrier documented by the Government of the United States or of Canada for the carriage of freight, must be licensed by the Commission: *Provided,* That vessels of less than five net tons or vessels which do not use set lines need not be licensed unless they shall require a permit as provided in § 301.7.

(b) Each vessel licensed by the Commission shall carry on board at all times while at sea the halibut license thus secured whether it is validated for halibut fishing or endorsed with a permit as provided in § 301.8, and this license shall at all times be subject to inspection by authorized officers of the Governments of Canada or the United States or by representatives of the Commission.

(c) The halibut license shall be issued without fee by the customs officers of the Governments of Canada or the United States or by representatives of the Commission or by fishery officers of the Governments of Canada or the United States at places where there are neither customs officers nor representatives of the Commission. A new license may be issued by the officer accepting statistical return at any time to vessels which have furnished proof of loss of the license form previously issued, or when there shall be no further space for record thereon, providing the receipt of statistical return shall be shown on the new form for any halibut or other species taken during or after the voyage upon which loss occurred.

(d) The halibut license of any vessel shall be validated before departure from port for each halibut fishing operation for which statistical return is required. This validation of a license shall be by customs officers or by fishery officers of the Governments of Canada or the United States when available at places where there are no customs officers and shall not be made unless the area in which the vessel will fish is entered on the license form and unless the provisions of § 301.9 have been complied with for all landings and all fishing operations since issue of the license; *Provided,* That if the master or operator of any vessel shall fail to comply with the provisions of § 301.9, the halibut license of such vessel may be validated by customs officers or by fishery officers upon evidence either that there has been a judicial determination of the offense or that the laws prescribing penalties therefor have been complied with, or that the said master or operator is no longer responsible for, nor sharing in, the operations of said vessel.

(e) The halibut license of any vessel fishing for halibut in Area 3B South or Area 3B North when Area 3A is closed to halibut fishing must be validated at a port or place within Area 3B South prior to such fishing, except as provided in paragraph (f) of this section.

(f) Any vessel already fishing in Area 3B South or in Area 3B North prior to the date of closure of Area 3A may continue to fish in said areas until first entry at a port or place with a validating officer or until any halibut is unloaded. The vessel must comply with paragraph (g) of this section when it departs from Areas 3B North and 3B South.

(g) The halibut license of any vessel departing from Area 3B South into Area 3A with any halibut on board when Area 3A is closed to halibut fishing, must be validated at a port or place in Area 3B South subsequent to fishing and prior to such departure.

(h) A halibut license shall not be validated for departure for halibut fishing in Areas 1 or 2 more than 48 hours prior to the commencement of any halibut fishing season in said areas.

(i) A halibut license shall not be validated for departure for halibut fishing in Areas 3A or 3B South or 3B North from any port or place inside said areas more than 48 hours prior to the commencement of the halibut fishing season in each of said areas, except that a halibut license validated for fishing in Area 3B North prior to the opening of Area 3B South may at the same time be validated for halibut fishing in Area 3B South when the latter area is opened; nor shall a halibut license be validated for departure for halibut fishing in Area 3A from any port or place outside said area more than 5 days prior to commencement of the halibut fishing season in said area.

(j) A halibut license shall not be valid for halibut fishing in more than one of Areas 1, 2, or 3A, as defined in § 301.1, during any one trip nor shall it be revalidated for halibut fishing in another of said areas while the vessel has any halibut on board.

(k) A halibut license may be validated for halibut fishing in more than one of Areas 3A, 3B South or 3B North except that when Area 3A is closed such validation shall be subject to the conditions contained in paragraphs (e), (f), and (g) of this section and to any other applicable provisions of the regulations in this part.

(l) A halibut license shall not be valid for halibut fishing in any area closed to halibut fishing nor for the possession of halibut in any area closed to halibut fishing except while in actual transit to or within a port of sale and as provided in paragraph (o) of this section. The said license shall become invalid for the possession of halibut if the licensed vessel is fishing or attempting to fish for any

species of fish in any area closed to halibut fishing, or if the vessel has not complied with the provisions of § 301.16, if applicable.

(m) Any vessel which is not required to be licensed for halibut fishing under paragraph (a) of this section shall not possess any halibut of any origin in any area closed to halibut fishing except while in actual transit to or within a port of sale.

(n) A halibut license shall not be valid for halibut fishing in any area while a permit endorsed thereon is in effect, nor shall it be validated for halibut fishing while halibut taken under such permit is on board.

(o) A halibut license when validated for halibut fishing in Area 3A shall not be valid for the possession of any halibut in Area 2 if said vessel is in possession of baited gear more than 25 miles from Cape Spencer Light, Alaska; and a halibut license when validated for halibut fishing in Area 3B South or in Area 3B South and Area 3B North shall not be valid for the possession of any halibut in Area 3A, when Area 3A is closed to halibut fishing, if said vessel is in possession of baited gear more than 20 miles by navigable water route from the boundary between Areas 3A and 3B South.

(p) No person on any vessel which is required to have a halibut license under paragraph (a) of this section shall fish for halibut or have halibut in his possession, unless said vessel has a valid license issued and in force in conformity with the provisions of this section.

§ 301.7 Retention of halibut taken under permit.

(a) There may be retained for sale on any vessel which shall have a permit as provided in § 301.8 such halibut as is caught incidentally to fishing by that vessel in any area after it has been closed to halibut fishing under § 301.2 or § 301.4 with set lines (of the type commonly used in the Pacific Coast halibut fishery) for other species, not to exceed at any time one pound of halibut for each seven pounds of salable fish, actually utilized, of other species not including salmon or tuna; and such halibut may be sold as the catch of said vessel, the weight of all fish to be computed as with heads off and entrails removed, provided that it shall not be a violation of this section for any such vessel to have in possession halibut in addition to the amount herein allowed to be sold if such additional halibut shall not exceed thirty percent of such amount and shall be forfeited and surrendered at the time of landing as provided in paragraph (d) of this section.

(b) Halibut retained under such permit shall not be filleted, flitched, steaked or butchered beyond the removal of the head and entrails while on the catching vessel.

(c) Halibut retained under such permit shall not be landed or otherwise removed or be received by any person, firm or corporation from the catching vessel until all halibut on board shall have been reported to a customs, fishery or other authorized enforcement officer of the Governments of Canada or the United States by the master or operator of said vessel and also by the person, firm or corporation receiving the halibut, and no halibut or other fish shall be landed or removed or be received from the catching vessel, except with the permission of said officer and under such supervision as the said officer may deem advisable.

(d) Halibut retained under such permit shall not be purchased or held in possession by any person other than the master, operator or crew of the catching vessel in excess of the proportion allowed in paragraph (a) of this section until such excess, whatever its origin, shall have been forfeited and surrendered to the customs, fishery or other authorized officers of the Governments of Canada or the United States. In forfeiting such excess, the vessel shall be permitted to surrender any part of its catch of halibut: *Provided*, That the amount retained shall not exceed the proportion herein allowed.

(e) Permits for the retention and landing of halibut caught in all convention waters in the year 1962 shall become invalid at 6:00 p.m. of the 15th day of November of said year or at such earlier date as the Commission shall determine.

§ 301.8 Conditions limiting validity of permits.

(a) Any vessel which shall be used in fishing for other species than halibut in any area after it has been closed to halibut fishing under § 301.2 or § 301.4 must have a halibut license and a permit if it shall retain, land or sell any halibut caught incidentally to such fishing or possess any halibut of any origin during such fishing, as provided in § 301.7.

(b) The permit shall be shown by endorsement of the issuing officer on the face of the halibut license form held by said vessel and shall show the area or areas for which the permit is issued.

(c) The permit shall terminate at the time of the first landing thereafter of fish of any species and a new permit shall be secured before any subsequent fishing operation for which a permit is required.

(d) A permit shall not be issued to any vessel which shall have halibut on board taken while said vessel was licensed to fish halibut in an open area unless such halibut shall be considered as taken under the issued permit and shall thereby be subject to forfeiture when landed if in excess of the proportion permitted in § 301.7(a).

(e) A permit shall not be issued to, or be valid if held by, any vessel which shall fish with other than set lines of the type commonly used in the Pacific Coast halibut fishery.

(f) The permit of any vessel shall not be valid unless the permit is granted before departure from port for each fishing operation for which statistical returns are required. This granting of a permit shall be by customs officers or by fishery officers of the Governments of Canada or the United States when available at places where there are no customs officers and shall not be made unless the area or areas in which the vessel will fish is entered on the halibut license form and unless the provisions of § 301.9 have been complied with for all landings and all fishing operations since issue of the license or permit: *Provided*, That if the master or operator of any vessel shall fail to comply with the provisions of § 301.9, the permit of such vessel may be granted by customs or fishery officers upon evidence either that there has been a judicial determination of the offense or that the laws prescribing penalties therefor have been complied with, or that the said master or operater is no longer responsible for, nor sharing in, the operations of said vessel.

(g) The permit of any vessel shall not be valid if said vessel shall have in its possession at any time halibut in excess of the amount allowed under § 301.7(a).

(h) No person shall retain, land or sell any halibut caught incidentally to fishing for other species in any area closed to halibut fishing under § 301.2 or § 301.4, or shall have halibut of any origin in his possession during such fishing, unless such person is a member of the crew of and is upon a vessel with a halibut license and with a valid permit issued and in force in conformity with the provisions of §§ 301.7 and 301.8.

§ 301.9 Statistical return by vessels.

(a) Statistical return as to the amount of halibut taken during fishing operations must be made by the master or operator of any vessel licensed under the regulations in this part and as to the amount of halibut and other species by the master or operator of any vessel operating under permit as provided for in §§ 301.7 and 301.8, within 96 hours of landing, sale or transfer of halibut or of first entry thereafter into a port where there is an officer authorized to receive such return.

(b) The statistical return must state the port of landing and the amount of each species taken within the area or areas defined in the regulations in this part, for which the vessel's license is validated for halibut fishing or within the area or areas for which the vessel's license is endorsed as a permit.

(c) The statistical return must include all halibut landed or transferred to other vessels and all halibut held in possession on board and must be full, true and correct in all respects herein required.

(d) The master or operator or any person engaged on shares in the operation of any vessel licensed or holding a permit under the regulations in this part may be required by the Commission or by any officer of the Governments of Canada or the United States authorized to receive such return to certify to its correctness to the best of his information and belief and to support the certificate by a sworn statement. Validation of a halibut license or issuance of a permit after such sworn return is made shall be provisional and shall not render the license or permit valid in case the return shall later be shown to be false or fraudulently made.

(e) The master or operator of any vessel holding a license or permit under the regulations in this part shall keep

an accurate log of all fishing operations including therein date, locality, amount of gear used, and amount of halibut taken daily in each such locality. This log record shall be retained for a period of two years and shall be open to inspection by representatives of the Commission authorized for this purpose.

(f) The master, operator or any other person engaged on shares in the operation of any vessel licensed under the regulations in this part may be required by the Commission or by any officer of the Governments of Canada or the United States to certify to the correctness of such log record to the best of his information and belief and to support the certificate by a sworn statement.

§ 301.10 Statistical return by dealers.

(a) All persons, firms or corporations that shall buy halibut or receive halibut for any purpose from fishing or transporting vessels or other carrier shall keep and on request furnish to customs officers or to any enforcing officer of the Governments of Canada or the United States or to representatives of the Commission, records of each purchase or receipt of halibut, showing date, locality, name of vessel, person, firm or corporation purchased or received from and the amount in pounds according to trade categories of the halibut and other species landed with the halibut.

(b) All persons, firms or corporations receiving fish from a vessel fishing under permit as provided in § 301.7 shall within 48 hours make to an authorized enforcement officer of the Governments of Canada or the United States a signed statistical return showing the date, locality, name of vessel received from and the amount of halibut and of other species landed with the halibut and certifying that permission to receive such fish was secured in accordance with § 301.7(c). Such persons, firms or corporations may be required by any officer of the Governments of Canada or the United States to support the accuracy of the above signed statistical return with a sworn statement.

(c) All records of all persons, firms or corporations concerning the landing, purchase, receipt and sale of halibut and other species landed therewith shall be retained for a period of two years and shall be open at all times to inspection by any enforcement officer of the Governments of Canada or the United States or by any authorized representative of the Commission. Such persons, firms or corporations may be required to certify to the correctness of such records and to support the certificate by a sworn statement.

(d) The possession by any person, firm or corporation of halibut which such person, firm or corporation knows to have been taken by a vessel without a valid halibut license or a vessel without a permit when such license or permit is required, is prohibited.

(e) No person, firm or corporation shall unload any halibut from any vessel that has fished for halibut in Area 3B South or in Area 3B North after the closure of Area 3A unless the license of said vessel has been validated at a port or place in Area 3B South as required in § 301.6 (e) and (g) and unless the vessel has complied with the provisions of § 301.16, or unless permission to unload such halibut has been secured from an enforcement officer of the Governments of Canada or the United States.

§ 301.11 Dory gear prohibited.

The use of any hand gurdy or other appliance in hauling halibut gear by hand power in any dory or small boat operated from a vessel licensed under the provisions of the regulations in this part is prohibited in all convention waters.

§ 307.12 Nets prohibited.

It is prohibited to retain halibut taken in any convention waters with a net of any kind or to have in possession any halibut in said areas while using any net or nets other than bait nets for the capture of other species of fish, nor shall any license or permit validated for said areas under the regulations in this part be valid during the use or possession on board of any net or nets other than bait nets, provided that the character and the use of said bait nets conform to the laws and regulations of the country where they may be utilized and that said bait nets are utilized for no other purpose than the capture of bait for said vessel.

§ 301.13 Retention of tagged halibut.

Nothing contained in the regulations in this part shall prohibit any vessel at any time from retaining and landing any halibut which bears a Commission tag at the time of capture, provided that such halibut with the tag still attached is reported at the time of landing to representatives of the Commission or to enforcement officers of the Governments of Canada or the United States and is made available to them for examination.

§ 301.14 Responsibility of master.

Wherever in these regulations any duty is laid upon any vessel, it shall be the personal responsibility of the master or operator of said vessel to see that said duty is performed and he shall personally be responsible for the performance of said duty. This provision shall not be construed to relieve any member of the crew of any responsibility with which he would otherwise be chargeable.

§ 301.15 Supervision of unloading and weighing.

The unloading and weighing of the halibut of any vessel licensed under the regulations in this part and the unloading and weighing of halibut and other species of any vessel holding a permit under the regulations in this part shall be under such supervision as the customs or other authorized officer may deem advisable in order to assure the fulfillment of the provisions of the regulations in this part.

§ 301.16 Sealing of fishing equipment.

Any fishing vessel, prior to departing from Area 3B South into Area 3A with any halibut on board when Area 3A as defined in § 301.1 is closed to halibut fishing, shall be equipped with approved attachments on the chute to permit the securing of a seal or seals, and prior to such departure shall request that said chute or the gurdy used for hauling gear or both chute and gurdy be sealed with such seal or seals as shall be required by any customs or fishery officer or any other duly authorized officer of the Government of the United States. The vessel shall keep such seal or seals intact until removed by a customs or fishery officer of the United States or of Canada and shall not unload any halibut until such time as said officer removes the seal or seals and grants permission to unload.

§ 301.17 Previous regulations superseded.

The regulations in this part shall supersede all previous regulations adopted pursuant to the Convention between Canada and the United States of America for the preservation of the halibut fishery of the Northern Pacific Ocean and Bering Sea, signed March 2, 1953, except as to offenses occurring prior to the approval of the regulations in this part. The regulations in this part shall be effective as to each succeeding year, with the dates herein specified changed accordingly, until superseded by subsequently approved regulations. Any determination made by the Commission pursuant to the regulations in this part shall become effective immediately.

HAROLD E. CROWTHER,
Chairman.
WILLIAM M. SPRULES,
Vice-Chairman.
WILLIAM A. BATES.
HAROLD S. HELLAND.
MATTIAS MADSEN.
RICHARD NELSON.
H. A. DUNLOP,
Secretary.

Approved: March 27, 1962.

JOHN F. KENNEDY.

[F.R. Doc. 62-3913; Filed, Apr. 20, 1962; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 909]

[Docket No. AO 143-A3]

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

Notice of Hearing With Respect to Proposed Amendments to the Amended Marketing Agreement and Order

Pursuant to the applicable 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) and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Elks Lodge, Northwest corner of Bliss and Jackson Streets, Indio, California, at 10 a.m., P.d.t., May 24, 1962, with respect to proposed further amendments to the marketing agreement, as amended, and Order No. 909, as amended (7 CFR Part 909), hereinafter referred to as the "marketing agreement" and "order," respectively, 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. The proposed amendments have not received the approval of the Secretary of Agriculture.

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

The following amendments to the marketing agreement and order, were proposed by the Administrative Committee, the Administrative Agency established pursuant to the marketing agreement and order:

1. Add a new § 909.32 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 developments projects designed to assist, improve, or promote the maketing, distribution and consumption of grapefruit, the expense of such projects to be paid from funds collected pursuant to this part.

§ 909.41 [Amendment]

2. Revise the first sentence of § 909.41 (a) 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, such handler's pro rata share of the expenses, including inspection expenses, which the Secretary finds will be necessarily incurred by the said committee for its maintenance and functioning during each fiscal period."

§ 909.51 [Amendment]

3. Revise the second sentence of § 909.51(a) to read as follows: "Whenever the committee finds that such 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 thereof deemed advisable by it to be handled during such period; and any such recommendation may include a proposal that size limitations shall be different for any variety or varieties handled to any one or more of the marketing zones established in § 909.56, and in export including Alaska, Canada, and Hawaii."

§ 909.53 [Amendment]

4. Revise the first sentence of § 909.53 to read as follows: "Whenever the Secretary shall find from the recommendation and information submitted by the Administrative Committee or from other available information that to limit the handling of any variety or varieties of grapefruit to particular grades or sizes thereof would tend to effectuate the declared policy of the act he shall so limit the handling of such variety or varieties during a specified period; and any such limitation may provide that size limitations shall be different for any variety or varieties handled to any one or more of the marketing zones established in § 909.56, and in export including Alaska, Canada, and Hawaii."

5. Add a new § 909.56 as follows:

§ 909.56 Marketing zones.

The Continental United States is divided into the following marketing zones:

(a) Zone 1 shall consist of the States of California and Arizona.

(b) Zone 2 shall consist of the States of Washington, Oregon, Montana, Idaho, Wyoming, Nevada, and Utah.

(c) Zone 3 shall consist of all of the States which are not enumerated in zones 1 and 2.

The Fruit and Vegetable Division, Agricultural Marketing Service, has proposed that consideration be given to making such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing may be obtained from the Office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D.C., or the Field Representative, Fruit and Vegetable Division, Agricultural Marketing Service, 1031 South Broadway, Room 1005, Los Angeles 15, California.

Dated: April 18, 1962.

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

[F.R. Doc. 62-3929; Filed, Apr. 20, 1962; 8:50 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 747) has been filed by Humble Oil & Refining Company, Houston 1, Texas, proposing the issuance of a regulation to provide for the safe use of silicon dioxide polymermetallic zinc matrix coatings as the food-contact surface of articles intended for use in contact with food.

Dated: April 13, 1962.

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

[F.R Doc. 62-3914; Filed, Apr. 20, 1962; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 713) has been filed by Pabst Brewing Company, 917 West Juneau Avenue, Milwaukee 1, Wisconsin, proposing the issuance of a regulation to provide for the safe use of bacitracin in feed for sheep, at a level of 10 milligrams per pound, for growth promotion and feed efficiency.

Dated: April 16, 1962.

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

[F.R. Doc. 62-3915; Filed, Apr. 20, 1962; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 749) has been filed by The Upjohn Company, Kalamazoo, Michigan, proposing the issuance of a regulation to provide for the safe use of novobiocin in chicken and turkey feeds, as follows:

Quantity	Limitations	Indications for use
Grams per ton		
200	For chickens and turkeys; feed 5 to 7 days; withdraw 3 days prior to slaughter.	Prevention of staphylococcal infections, including synovitis and breast blisters.
350	do.	Treatment of staphylococcal infections including synovitis.

Dated: April 16, 1962.

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

[F.R. Doc. 62-3916; Filed, Apr. 20, 1962; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 758) has been filed by United States Rubber Company, Naugatuck, Connecticut, proposing the issuance of a regulation to provide for the safe use of tri(nonylphenyl) phosphite as a stabilizer in synthetic rubber and plastics used in the fabrication of articles for handling and packaging of food.

Dated: April 13, 1962.

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

[F.R. Doc. 62-3917; Filed, Apr. 20, 1962; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 600]

[Airspace Docket No. 62-SO-14]

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 amendments to §§ 600.1503 and 600.1677 of the Regulations of the Administrator, the substance of which is stated below.

Intermediate altitude VOR Federal airway No. 1503 is designated in part as a 12-mile wide airway from the Wilmington, N.C., VOR to the intersection of the Wilmington VOR 014° and the Cofield, N.C., VOR 209° True radials; thence as a 14-mile wide airway to the intersection of the Cofield VOR 209° and the Rocky Mount, N.C., VOR 112° True radials; thence as a 10-mile wide airway via the Cofield VOR; the intersection of the Cofield VOR 046° and the Cape Charles, Va., VOR 200° True radials to the Cape Charles VOR.

Intermediate altitude VOR Federal airway No. 1677 is designated in part as a 16-mile wide airway from the Wilmington, N.C., VOR to the intersection of the Wilmington VOR 352° and the Rocky Mount, N.C., VOR 191° True radials; thence as a 14-mile wide airway to the intersection of the Rocky Mount VOR 191° and the Raleigh-Durham, N.C., VOR 116° True radials; thence as a 16-mile wide airway to the Rocky Mount VOR.

The existing configuration of Victor 1503 between the Wilmington VOR and the intersection of the Cofield VOR 046° and Cape Charles VOR 200° True radials (overlies the Norfolk, Va., VOR) was necessary to bypass R-5307 as previously designated. The existing configuration of Victor 1677 between the Wilmington VOR and the Rocky Mount VOR was necessary to provide lateral separation with Victor 1503.

On January 11, 1962, (Airspace Docket No. 60-WA-277, 26 F.R. 10876) the designated altitudes of R-5307 were changed "from 6,000 feet MSL to flight level 550", to "from flight level 350 to flight level 550" thereby permitting redesignation of Victor 1503 from the Wilmington VOR direct to the Norfolk VOR. This alteration of Victor 1503 will permit the redesignation of Victor 1677 from the Wilmington VOR direct to the Rocky Mount VOR. The movement of intermediate altitude traffic would be facilitated by these direct airway alignments.

Accordingly, the Federal Aviation Agency proposes the following airspace actions.

1. Redesignate the Wilmington-Cape Charles segment of Victor 1503 as a 16-mile wide airway from the Wilmington VOR to the intersection of the Norfolk VOR 209° and the Cofield VOR 101° True radials; thence as a 13-mile wide airway (8 miles to the west and 5 miles to the east of the centerline) to the Norfolk VOR; thence as a 10-mile wide airway to the Cape Charles VOR.

2. Redesignate the Wilmington-Rocky Mount segment of Victor 1677 as a 16-mile wide airway from the Wilmington VOR direct to the Rocky Mount VOR.

The reduction of route width on the east side of Victor 1503 would provide lateral separation from high altitude approach procedures at NAS Oceana.

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 C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

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

Issued in Washington, D.C., on April 16, 1962.

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

[F.R. Doc. 62-3890; Filed, Apr. 20, 1962; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

[46 CFR Part 510]

[General Order 4, Amdt. 2]

LICENSING OF INDEPENDENT OCEAN FREIGHT FORWARDERS

Notice of Proposed Rule Making

Pursuant to the provisions of section 4, Administrative Procedure Act (5 U.S.C. 1003), and sections 43 and 44 of the Shipping Act, 1916 (75 Stat. 522, 523, and 766); notice is hereby given that the Federal Maritime Commission is considering the promulgation of the regulations set forth hereinafter affecting the practices of independent ocean freight forwarders.

Interested persons may submit such written data, views, or arguments as they desire. Communications should be submitted in original and fifteen copies to the Secretary, Federal Maritime Commission, Washington 25, D.C. For good cause found, all communications received within ten days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken by the Federal Maritime Commission.

Dated: April 16, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

A new paragraph (g) is added to § 510.5 of Chapter IV of this title reading as follows:

§ 510.5 Requirements for licensing.

(g)(1) The purpose of this paragraph is to prescribe a temporary bonding rule and establish the form and amount of a surety bond to be filed with the Federal Maritime Commission by applicants for licenses as independent ocean freight forwarders, who on September 19, 1961 were not operating under a registration number issued by the Commission or who were so operating but failed to file an application for license in the prescribed form on or before January 17, 1962. This requirement is not applicable to other ocean freight forwarders.

(2) A rulemaking proceeding will be instituted at a later date for the promulgation of a bond in such form and amount as the Commission may require for industry-wide applicability. All applicants temporarily licensed upon the basis of the bond prescribed herein will be required to comply with any future bonding regulations adopted by the Commission.

(3) No license shall be issued to a person to whom this paragraph is applicable unless such person has filed with the Commission a surety bond in the amount of $10,000 and in the following form:

FEDERAL MARITIME COMMISSION

Bond No. --------
License No. ------

INDEPENDENT OCEAN FREIGHT FORWARDER'S BOND

(Section 44, Shipping Act of 1916, as added by Public Law 87–254, September 19, 1961.)

Know all men by these presents, That we ----------, as Principal (hereinafter called Principal), and ----------, as Surety (hereinafter called Surety), are held and firmly bound unto the United States of America in the sum of ------ dollars ($------) for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

Whereas, Principal has applied, or is about to apply, for a license as an independent ocean freight forwarder pursuant to section 44 of the Shipping Act, 1916, as amended by Public Law 87–254 of September 19, 1961, and has elected to file this bond with the Federal Maritime Commission;

Now, therefore, the Condition of this obligation is such that if the Principal shall, while this bond is in effect supply the services of an independent ocean freight forwarder in accordance with the contracts, agreements, or arrangements made therefor, then this obligation shall be void, otherwise to remain in full force and effect.

The liability of the Surety shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall aggregate the penalty of this bond, and in no event shall the Surety's total obliagtion hereunder exceed said penalty.

This bond shall inure to the benefit of any and all persons for whom the Principal shall have undertaken to act as an independent ocean freight forwarder.

This bond is effective the ------ day of ------, 196--, and shall continue in effect until discharged or terminated as herein provided. The Principal or the Surety may at any time terminate this bond by written notice to the Federal Maritime Commission at its office in Washington, D.C. Such termination shall become effective thirty (30) days after receipt of said notice by the Commission. The Surety shall not be liable for any contracts, agreements, or arrangements made by the Principal after the expiration of said thirty (30) day period but such termination shall not affect the liability of the Principal and Surety for any breach of the Condition hereof occurring prior to the date when said termination becomes effective.

The underwriting Surety will promptly notify the Secretary, Federal Martime Commission, Washington 25, D.C., of any levies against this bond.

Signed and sealed this ---------- day of ----------, 196--.

(Please type name of signer under each signature.)

---------- (Individual principal)	[SEAL]	---------- (Business address)
---------- (Individual principal)	[SEAL]	---------- (Business address)
---------- (Individual principal)	[SEAL]	---------- (Business address)
---------- (Corporate principal)		[Affix corporate seal]
---------- (Business address)		
By ---------- ---------- (Title)		
---------- (Corporate surety)		
---------- (Business address)		[Affix corporate seal]
By ---------- ---------- (Title)		

(Secs. 43, 44, Shipping Act, 1916 (75 Stat. 522, 523, 766); sec. 204, Merchant Marine Act, 1936 (49 Stat. 1987, as amended; 46 U.S.C. 1114))

[F.R. Doc. 62–3927; Filed, Apr. 20, 1962; 8:49 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 2]

[Docket No. R–200]

CERTIFICATE APPLICATIONS, RATE FILINGS, PIPELINE QUALITY GAS STANDARDS, DELIVERY CONDITIONS AND CERTAIN PRICE ADJUSTMENTS; STATEMENTS OF GENERAL POLICY

Notice of Extension of Time

APRIL 16, 1962.

Additions to the Commission's statements of general policy as to certificate applications, rate filings, pipeline quality gas standards, delivery conditions and certain price adjustments (§§ 2.60 and 2.61).

On May 22, 1961, the Commission issued a notice in the above-entitled matter (26 F.R. 4614) proposing, inter alia, the prescription of a standard for "pipeline quality" gas, as that term is used in our Statement of General Policy No. 61–1 (25 F.R. 13969; 24 FPC 818; 18 CFR 2.56). The Statement established area price levels for purposes of determining the acceptability of initial price proposals and increased rate filings by independent producers. Further comment to be submitted by December 20, 1961, was invited by notice issued November 28, 1961 (26 F.R. 11459) and the time enlarged to January 4, 1962, by notice of December 18, 1961 (26 F.R. 12304).

The Commission has not taken any action with respect to the proposals made in the initial notice. However, almost a year has passed since we originally invited comments and we believe that the public interest requires us to give a further opportunity for the expression of new or additional views on the proposals. Accordingly,

Take notice that any interested person, whether or not he has already responded, may submit to the Federal Power Commission on or before May 15, 1962, data, views, and comments concerning the proposals described in the notice herein issued May 22, 1961 (26 F.R. 4614). An original and nine (9) copies of any such submittal should be filed.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62–3903; Filed, Apr. 20, 1962; 8:46 a.m.]

Notices

DEPARTMENT OF JUSTICE

Office of Alien Property

KURT OTTENSOOSER AND HANS LEURER

Notice of Intention To Return Vested Property

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

Claimant, Claim No., Property, and Location

Kurt Ottensooser, Jerusalem, Israel; Dr. Hans Leurer, Jerusalem, Israel; Claim No. 66524, Vesting Order No. 5879; $1,520.05 cash in the Treasury of the United States, one-half thereof to each claimant.

Executed at Washington, D.C., on April 17, 1962.

For the Attorney General.

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

[F.R. Doc. 62-3886; Filed, Apr. 20, 1962; 8:45 a.m.]

WILLEM JACOBUS CORNELIS VERWOERD

Notice of Intention To Return Vested Property

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

Claimant, Claim No., Property, and Location

Willem Jacobus Cornelis Verwoerd, Gravelandseweg 69, Bussum, The Netherlands; Claim Nos. 61065 and 61066, Vesting Order No. 15827; $3,202.91 in the Treasury of the United States.

Executed at Washington, D.C., on April 17, 1962.

For the Attorney General.

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

[F.R. Doc. 62-3887; Filed, Apr. 20, 1962; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order No. 2864]

BONNEVILLE POWER ADMINISTRATION

Negotiation of Contracts for Experimental Supplies and Equipment for Direct-Current Test Line and Terminals

Section 1. *Determination.* The Bonneville Power Administration is investigating the construction and operation techniques of high voltage direct-current power transmission lines for regional interconnections or long distance energy transmission. Many of the items of apparatus or accessory hardware of the standard types developed for use with alternating-current line techniques are either not suitable or of doubtful economy for use on direct-current lines. In order to pursue the investigation, the Administration must contract for the manufacture and furnishing of supplies and equipment for use in constructing a direct-current test line approximately five miles in length and terminating facilities. Accordingly, I determine that contracts for supplies and equipment which (1) are made for the foregoing purpose in the exercise of the authority granted by this order, and (2) are for supplies or equipment of types or designs not commonly used in alternating-current power transmission, are contracts for the manufacture and furnishing of property for experimentation within the meaning of section 302(c)(11) of the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. sec. 252(c)(11)).

SEC. 2. *Delegation.* The Bonneville Power Administrator is authorized, subject to section 3 of this order, to exercise the authority delegated by the Administrator of General Services to the Secretary of the Interior (24 F.R. 1921) to negotiate without advertising, under section 302(c)(11) of the Federal Property and Administrative Services Act of 1949, as amended, contracts for supplies or equipment of types or designs not commonly used in alternating-current power transmission but required for the construction of a direct-current test line and terminating facilities.

SEC. 3. *Exercise of Authority.* The authority delegated by section 2 of this order shall be exercised in accordance with the applicable limitations in the Federal Property and Administrative Services Act of 1949, as amended, and in accordance with applicable policies, procedures and controls prescribed by the General Services Administration and the Department of the Interior. The authority delegated by this order does not include authority to make advance payments under section 305 of the act.

SEC. 4. *Redelegation.* The Bonneville Power Administrator may, in writing, redelegate or authorize written redelegation to a subordinate official or employee of the authority granted in section 2 of this order. Each such redelegation of this authority shall be published in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

APRIL 16, 1962.

[F.R. Doc. 62-3908; Filed, Apr. 20, 1962; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

FARMERS LIVESTOCK CO.

Posted Stockyard

The stockyard formerly known as the Farmers Livestock Auction Company, Mayfield, Kentucky, was originally posted on December 9, 1959 (25 F.R. 685), as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.). On September 19, 1961, there was published in the FEDERAL REGISTER (26 F.R. 8820) a notice concerning the deposting of such stockyard for the reason that it was no longer being conducted as a public market. Subsequent to the publication of such notice and prior to the taking of the further steps required by section 302(b) of the Act (7 U.S.C. 202(b)) for the deposting of a stockyard, it was ascertained that operation of such livestock market, under the name of Farmers Livestock Company, would be continued as a stockyard within the definition of that term contained in section 302(a) of the Act (7 U.S.C. 202(a)).

Notice is hereby given, therefore, that the livestock market presently known as the Farmers Livestock Company, Mayfield, Kentucky, originally posted on December 9, 1959, remains posted as a stockyard within the definition of that term contained in section 302 of the Act and remains subject to the provisions of the Act.

Done at Washington, D.C., this 17th day of April 1962.

JOHN R. BRANNIGAN,
Acting Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 62-3920; Filed, Apr. 20, 1962; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

NUMBER OF EMPLOYEES, TAXABLE WAGES, GEOGRAPHIC LOCATION, AND KIND OF BUSINESS FOR ESTABLISHMENTS OF MULTIUNIT COMPANIES

Notice of Determination for Surveys

In conformity with the Act of Congress approved August 31, 1954, 13 U.S.C. 181, 224, and 225, and due Notice of Consideration having been published on November 1, 1961 (26 F.R. 10246), pursuant to said Act, I have determined that a First Quarter 1962 Survey of selected multiunit companies is needed to collect information for the 1962 County Business Patterns Report. The Survey is similar to those conducted for previous County Business Patterns Reports and is designed to collect information on number of employees, taxable wages, geographic location, and kind of business for establishments of selected multiunit companies. Only those companies which do not report in sufficient detail on Form 941, "Employers Quarterly Federal Tax Report," or in the special Bureau of Old Age and Survivors Insurance survey on Forms CBP–1 and CBP–2, "Report of Employment and Taxable Wages, First Quarter 1962," will be required to report in this survey. The data will have significant application to the needs of the public and to governmental agencies and are not publicly available from nongovernmental or governmental sources.

Report forms will be furnished to firms included in the survey and additional copies of the forms are available on request to the Director, Bureau of the Census, Washington 25, D.C.

I have, therefore, directed that a survey be conducted for the purpose of collecting these data.

RICHARD M. SCAMMON,
Director, Bureau of the Census.

[F.R. Doc. 62–3923; Filed, Apr. 20, 1962; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

STATE OF MISSISSIPPI

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of Mississippi for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A summary of the Mississippi program submitted to the Commission is set forth below as an appendix to this notice. A copy of the complete text of the Mississippi program, including proposed Mississippi regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Office of Radiation Standards, U.S. Atomic Energy Commission, Washington 25, D.C. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them in triplicate to the Secretary, U.S. Atomic Energy Commission, Washington 25, D.C., within 30 days after initial publication in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as Part 150 of the Commission's regulations in FEDERAL REGISTER issuance of February 14, 1962; 27 F.R. 1351. In reviewing this proposed agreement, interested persons should also consider the aforementioned exemptions.

Dated at Germantown, Md., this 4th day of April 1962.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

Agreement Proposed by the State of Mississippi Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended, for the Assumption of Certain of the Atomic Energy Commission's Regulatory Authority

Whereas the U.S. Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act) to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas the Governor of the State of Mississippi is authorized to enter into this agreement with the Commission; and

Whereas the Governor of the State of Mississippi certified on January 29, 1962, that the State of Mississippi (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas the Commission found on _____ that the program of the State for the regulation of the materials covered by this agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas the State recognizes the desirability and importance of maintaining continuing compatibility between its program and the program of the Commission for the control of radiation hazards in the interest of public health and safety; and

Whereas the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this agreement; and

Whereas this agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

Article I. Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

Article II. This agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

Article III. Notwithstanding this agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

Article IV. This agreement shall not affect the authority of the Commission under subsection 161 b or i of the Act, to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

Article V. The State will use its best efforts to maintain continuing compatibility between its program and the program of the Commission for the regulation of like materials. To this end the State will use its best efforts to keep the Commission informed of proposed changes in its rules and regulations, and licensing, inspection, and enforcement policies and criteria, and of proposed requirements for the design and distribution of products containing source, byproduct, or special nuclear material, and to obtain the comments and assistance of the Commission thereon.

Article VI. The Commission will use its best efforts to keep the State informed of proposed changes in its rules and regulations, and licensing, inspection, and enforcement policies and criteria and to obtain the comments and assistance of the State thereon.

Article VII. The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

Article VIII. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this agreement and reassert the licensing and regulatory authority vested in it under the Act, if the Commission finds that such termination or sus-

pension is required to protect the public health and safety.

Article IX. This agreement shall become effective on June 15, 1962, and shall remain in effect unless, and until such time as it is terminated pursuant to Article VIII.

APPENDIX A

Policies and Procedures of the State of Mississippi for the Licensing and Regulation of Byproduct, Source, and Special Nuclear Materials

Authority. (1) The Attorney General by letter dated January 16, 1961, has rendered an opinion to the effect that the Governor has necessary authority to enter into an agreement with the Atomic Energy Commission. (Opinion from Attorney General, dated Jan. 16, 1961.)

(2) The Governor, by letter order (Aug. 27, 1960), designated the State Board of Health as the Agency to administer the licensing and regulatory responsibilities.

(3) The Attorney General has rendered an opinion to the effect that the Mississippi State Board of Health has necessary authority to make and publish such rules and regulations necessary to discharge its duties. (Opinion from Attorney General, dated Aug. 8, 1961.)

The radiation control program. The radiation control program will be conducted by the Radiological Health Unit, which is directly responsible to the Executive Officer of the State Board of Health. In addition to an environmental monitoring program which exists around nuclear industries, an extensive X-ray inspection program is now in progress. This program was initiated on January 1, 1961, and to date over 1,400 inspections have been performed. At present, pertinent radiological repairs are made by the Agency at the discretion of the owner of X-ray equipment, and materials and labor are currently being provided at no charge.

The State program is designed to control all sources of ionizing radiation. In addition to byproduct, source, and special nuclear materials, regulations require specific licensing of naturally occurring radioactive materials such as radium, and registration of radiation producing machines. The right of inspection is granted to the Agency by regulations.

An agreement with the Atomic Energy Commission will result in radiation control activities in the following fields:

(1) Licensing and regulation of byproduct materials, source materials, special nuclear materials in less than a critical mass, naturally occurring and accelerator-produced isotopes.

(2) Registration and evaluation of machines which produce ionizing radiation.

(3) Environmental monitoring.

Licensing and registration. Provisions have been made for the issuance of both specific and general licenses. The specific license will be issued to authorize possession of radioactive materials not exempted or generally licensed by the Agency. Requirements for the possession of byproduct, source, and special nuclear materials will be comparable to those of the Atomic Energy Commission. In addition, regulations provide that the Agency may require specific radioactive materials licenses for other naturally occurring radioactive materials such as radium.

The responsibility for evaluating applications and issuing licenses rests with the Radiological Health Unit. Provisions have been made for a Radiation Advisory Board which will assist in evaluations that are unique and require technical consultation. When possible, this Board will consist of physicians, a nuclear physicist, nuclear technologists, engineers, metallurgists, certified radiation physicists, and health physicists.

Prelicensing inspections will be an integral part of the evaluation procedure. In cases where individuals may be affected by procedures or decisions of the Agency, provisions allow for a hearing, and any interested party may be heard.

With respect to human use of radioactive materials, a committee of not less than three qualified physicians will be available for consultation and recommendations concerning license applications.

Inspection. Based upon the existing number and kind of the specific licenses, a priority system will be established under which inspection of the most hazardous activities will be conducted at least once each 6 months, and the remainder on a less-frequent basis, depending upon the relative hazard. Initial priorities will be established on the basis of the preinspections. It is expected that all licensed activities will be inspected at least once in 2 years.

Most inspections will be scheduled visits; a significant number may be on an unannounced basis. Inspection visits will usually entail a comprehensive review by the inspector of the licensee's equipment, facilities, the handling or storage of radioactive material, the procedures in effect, including actual operation, and interviewing the personnel directly involved. The inspector will review the licensee's survey methods and results, personnel monitoring practices and results, the posting and labeling used, the instructions to personnel, and the methods and apparent effectiveness of maintaining control of people in the restricted area. He will review the licensee's records of receipts, transfers, and inventory of licensed material. He may physically check the inventory. He will examine records concerning disposal to the sewerage system and burial in the soil, if pertinent. He may take measurements of radiation levels. Prior to leaving the licensee's premises, he will meet with management to discuss the results of his inspection. During this meeting, he will attempt to answer questions concerning the regulatory program.

The inspector will prepare a report in sufficient detail to inform his supervisor of the facts and circumstances observed during the inspection. These reports will provide the basis for any necessary enforcement action.

In addition, there will be investigations of incidents and complaints involving licensed materials and operations to determine the cause, the steps taken by the licensee to cope with the incident, whether or not there was noncompliance with a regulation, and the steps the licensee is taking to avoid recurrence of the incident.

Licensees will be informed of the results of all inspections, first orally at the time of the inspection, and by letter or notice from the inspecting agency.

Enforcement. Reports of inspections of licensees' activities will be evaluated by the inspecting agency to determine the status of compliance of the licensees with license conditions and regulations. If no item of noncompliance is observed, the licensee is so informed. If only minor matters of noncompliance, such as improper signs, failure to label, etc., are involved, which, at the time of the inspection the licensee agrees to correct, the licensee will be informed in writing of the items of noncompliance and that corrective action will be reviewed during the next inspection. If the inspection reveals a noncompliance of a more serious nature, the licensee will be required to inform the inspecting agency in writing, usually within 15 to 30 days, as to corrective action taken and the date completed. In these cases, the inspecting agency representative will either conduct a prompt follow-up inspection or the matter will be reviewed during a regular inspection to insure that corrective action has, in fact, been accomplished. If the reply does not satisfactorily explain the noncompliance and assure that further violations will be prevented, the inspecting agency will take such administrative actions as are available.

It is expected that most of the enforcement functions will be administratively consummated by the Radiological Health Unit. In cases where this is not successful, the Radiological Health Unit will refer the matter to the Executive Officer of the State Board of Health, who may issue an order to show cause why the license should not be modified or terminated.

Pursuant to Mississippi Law, Section 7031, Code of 1942, which allows the State Board of Health to make and publish all reasonable rules and regulations necessary to enable it to discharge its duties and powers and carry out the purposes and objects of its creation, an injunction or other court order may be obtained prohibiting any violation of any provision of the regulations of the State Board of Health or any order issued thereunder. Any person who willfully violates any of the provisions of the regulations adopted by the State Board of Health, or any order issued thereunder, may be guilty of a crime, and upon conviction may be punished by fine or imprisonment or both, as provided by law.

Provisions are made which entitle an opportunity for a hearing upon the request of any person whose interest may be affected by proceedings, and any person may be allowed as a party to such a hearing.

Transfer of material. Byproduct, source, special nuclear materials in quantities not sufficient to form a critical mass, or other radioactive materials including radon, radium, polonium, and accelerator-produced isotopes, may not be transferred except as authorized pursuant to regulations of the State Board of Health.

The transfer of the above sources of radiation may be made to: (1) The State Board of Health, (2) the U.S. Atomic Energy Commission, or any successor thereto authorized to receive such material, (3) any person exempt from these regulations pertaining to the transfer of radioactive materials to the extent permitted under such exemption, (4) any person licensed to receive such material under terms of a general or specific license issued by the State Board of Health, the U.S. Atomic Energy Commission, or any successor thereto, or any other state having an agreement with the USAEC pursuant to section 274 of the Atomic Energy Act of 1954 as amended, or to any person otherwise authorized to receive such material by the Federal Government or any agency thereof, the State Board of Health, or any other State having an agreement with the USAEC pursuant to section 274 of the Atomic Energy Act of 1954 as amended, (5) as otherwise authorized by the State Board of Health in writing.

Reciprocal recognition of licenses. Persons who use, transfer, possess, or receive source, byproduct, or special nuclear material in quantities not sufficient to form a critical mass within this State, pursuant to a license issued by the U.S. Atomic Energy Commission or any State having an agreement with the U.S. Atomic Energy Commission pursuant to section 274 of the Atomic Energy Act of 1954, as amended, may be excepted from the requirement for a license under this regulation: *Provided that,* Such persons notify the Agency immediately of the presence of such materials within this State.

Maintaining compatibility. It is recognized that frequent modifications are necessary in a program of this nature. The State Board of Health is cognizant of the responsibility which it assumes in accepting direction of this program, and will make every effort to maintain the existing compatible relationship with the Atomic Energy Commission. It is further realized that a close working relationship will have to be

maintained between the State and the Atomic Energy Commission, and the State Board of Health is willing to participate in various programs sponsored by the Commission or others.

[F.R. Doc. 62-3384; Filed, Apr. 6, 1962; 8:47 a.m.]

NOTICE OF AGREEMENT WITH THE STATE OF CALIFORNIA

Notice is hereby given that the Chairman of the Atomic Energy Commission and the Governor of the State of California have signed the attached Agreement for the discontinuance of certain Commission regulatory authority. The Agreement is published in accordance with the requirements of Public Law 86-373 (section 274 of the Atomic Energy Act of 1954, as amended). The exemptions from the licensing requirements of Chapters 6, 7, and 8 of the Atomic Energy Act are contained in Part 150 of the Commission's regulations (10 CFR Part 150), which was published in the February 14, 1962, issue of the FEDERAL REGISTER. (27 F.R. 1351).

Dated at Washington, D.C., this 18th day of April 1962.

For the Atomic Energy Commission.

WOODFORD B. McCOOL,
Secretary.

Agreement Between the United States Atomic Energy Commission and the State of California for Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State Pursuant to Section 274 of the Atomic Energy Act of 1954, as amended

Whereas the United States Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended, (hereinafter referred to as the Act), to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas the Governor of the State of California is authorized under section 25830, Chapter 7.6, Division 20 of the California Health and Safety Code to enter into this Agreement with the Commission, subject to its ratification by the State Legislature; and

Whereas the Governor of the State of California certified on December 15, 1961, that the State of California (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas the Commission found on February 26, 1962, that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas the State recognizes the desirability and importance of maintaining continuing compatibility between its program and the program of the Commission for the control of radiation hazards in the interest of public health and safety; and

Whereas the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this Agreement; and

Whereas this Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

ARTICLE I

Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

ARTICLE II

This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ARTICLE III

Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ARTICLE IV

This Agreement shall not affect the authority of the Commission under subsection 161 b or i of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ARTICLE V

The State will use its best efforts to maintain continuing compatibility between its program and the program of the Commission for the regulation of like materials. To this end the State will use its best efforts to keep the Commission informed of proposed changes in its rules and regulations, and licensing, inspection, and enforcement policies and criteria, and of proposed requirements for the design and distribution of products containing source, byproduct, or special nuclear material, and to obtain the comments and assistance of the Commission thereon.

ARTICLE VI

The Commission will use its best efforts to keep the State informed of proposed changes in its rules and regulations, and licensing, inspection, and enforcement policies and criteria and to obtain the comments and assistance of the State thereon.

ARTICLE VII

The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ARTICLE VIII

The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this Agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

ARTICLE IX

This Agreement, upon ratification by law of the State, shall become effective on the ninety-first day after the adjournment of the First Extraordinary Session of the 1962 California Legislature or on September 1, 1962, whichever is later, and shall remain in effect unless, and until such time as it is terminated pursuant to Article VIII.

Done at Washington, District of Columbia, in triplicate, this 9th day of March 1962.

For the United States Atomic Energy Commission.

[SEAL] GLENN T. SEABORG,
Chairman.

Done at Sacramento, State of California, in triplicate, this 12th day of March 1962.

For the State of California.

[SEAL] EDMUND G. BROWN,
Governor.

[F.R. Doc. 62-3926; Filed, Apr. 20, 1962; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 62-SW-6]

PROPOSED RADIO ANTENNA STRUCTURES

Determination of No 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 LBJ Broadcasting Company, Austin, Texas, proposes to construct an array of four antenna structures near Austin, Texas, at latitude 30°14'14" north, longitude 97°37'44" west. The overall height of each structure would be 830 feet above mean sea level (400 feet above ground).

The antenna array would be located approximately 5.4 miles southeast of the approach end of Runway 30L at the Robert Mueller Municipal Airport, Austin, Texas, and would be situated within the radio signal pattern of the outer marker of the Instrument Landing System serving the above runway. The antenna array would extend 199 feet above the elevation of Robert Mueller Municipal Airport, and would be outside the Airport Traffic Area.

Objections were made in response to the circularization by the Air Transport Association of America on the basis that the proposed structures would require an increase in ceiling minimums for Instrument Approach Procedure AL-30-ILS-RWY 30L (with glide path inoperative) and Instrument Approach Procedure AL-30-ADF to Robert Mueller Municipal Airport.

At the Fort Worth Informal Airspace Meeting the ATA reiterated its objection on the basis stated above, but indicated that if a waiver were granted resulting in no increase in instrument approach procedure minimums it would reconsider its position. The National Business Aircraft Association objected on the basis that the proposed structures would have an adverse effect upon instrument approach procedure minimum altitudes.

Any structure of the overall height above mean sea level specified in this proposal which would be located within the final approach area for Runway 30L would normally require an increase in ceiling minimums for instrument approach procedures AL-30-ILS-RWY 30L (with glide path inoperative) from 300 to 500 feet, and for AL-30-ADF from 400 to 500 feet. However, due to the proximity of the proposed antenna array to the final approach facility (ILS outer marker and compass locator), aircraft on final approach at the approach fix would have a vertical clearance over the proposed structures of approximately 1,370 feet and 870 feet, respectively, in these procedures and therefore, safety would not be adversely affected. This conclusion is reached in view of the fact that the distance on final approach course from the final approach fix to a point abeam the proposed site is approximately 600 feet and, therefore, a highly improbable rate of descent would be required in order for an aircraft to descend to the height of the proposed structures within this distance after crossing the final approach fix at the final approach altitude. Therefore, if the proposed structures were built, the Agency would issue a Non-Standard Treatment Form for the Robert Mueller Municipal Airport instrument approach procedures noted above and would retain the present ceiling minimums. ATA and NBAA have been advised of the Agency position in this matter and as a consequence, they have withdrawn their objections.

The Agency study revealed that with the retention of the affected instrument approach ceiling minimums the proposed antenna structures would have no substantial adverse effect upon aeronautical operations at the Robert Mueller Municipal Airport. No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structures.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33; 26 F.R. 5292), it is concluded that the erection of the proposed antenna array at the location and mean sea level elevation specified herein would have no substantial adverse effect upon aeronautical operations, and it is hereby determined that these structures would not be a hazard to air navigation, provided that the structures be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

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 (26 F.R. 5292). 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. Unless otherwise revised or terminated a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on April 10, 1962.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 62-3889; Filed, Apr. 20, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14597-14599; FCC 62-393]

KWEN BROADCASTING CO. ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Felix Joynt and James Joynt d/b as KWEN Broadcasting Company, Port Arthur, Texas, Docket No. 14597, File No. BP-13627, Requests: 1510 kc, 1 kw, Day; Petty Durwood Johnson tr/as Radio Orange, Orange, Texas, Docket No. 14598, File No. BP-13739, Requests: 1510 kc, 1 kw, Day; Vidor Broadcasting Company, Inc., Vidor, Texas, Docket No. 14599, File No. BP-14619, Requests: 1510 kc, 1 kw, Day; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 12th day of April 1962;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the applicants is legally, technically and otherwise qualified to construct and operate the proposed stations, that the KWEN Broadcasting Company and the Vidor Broadcasting Company, Inc., are financially qualified, but, for the reasons hereinafter indicated, it cannot be determined that Petty Durwood Johnson is financially qualified; and

It further appearing, that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The instant proposals involve mutually prohibitive interference.

2. Felix Joynt and James Joynt, partners and co-owners with each having a 50 percent interest in KWEN Broadcasting Company, are also partners with each having a 50 percent interest in Station KWLD, Liberty, Texas. KWLD is located 54 miles from the site of the KWEN application, and a grant of the latter application would involve substantial overlap of the 0.5 mv/m contours.[1] Due to the proximity of Liberty and Port Arthur, it will be necessary to determine in the hearing ordered below whether a grant of the KWEN Broadcasting Company application would be in contravention of § 3.35(a) of the Commission's rules on multiple ownership. In considering the Port Arthur proposal and § 3.35(a) of the Commission's rules, it appears appropriate to consider the size, extent and location of the areas served and to be served; the extent of the overlap involved; the number of persons residing within the overlap area; the classes of stations involved; the extent of other competitive service to the areas in question; the extent to which the stations will rely on the same revenue and program sources; the nature of the programming that the stations will present with particular reference to the needs of the communities they are designed to serve; the advertising practices of the stations; the source of program material and talent for each station; and such other facts as will tend to demonstrate that the overlap will or will not be in contravention of § 3.35(a) of the Commission's rules.

3. It cannot be determined whether Petty Durwood Johnson will have sufficient funds available to construct and meet initial operating expenses (for a three month period) of the proposed facility. Commission records disclose that Johnson has commitments in addi-

[1] Approximately 40 percent and 65 percent of the primary service areas (0.5 mv/m contours) of the subject application and KWLD, respectively, would be affected.

tion to the subject application which will require cash expenditures. One commitment is to purchase $33,000 worth of property from his brother (BP–13573). The other is to expend $26,056 for the construction of another broadcast facility (BP–13836). If these commitments are fulfilled, it would appear that Johnson's cash resources will be reduced to an amount insufficient to meet the needs of his proposed station at Orange, Texas. While Johnson's net worth exceeds the total of his commitments, there is some question as to the liquidity of his assets. Under these circumstances, it cannot be determined that the applicant is financially qualified.

4. Commission records disclose that Johnson may have overstated the value of his interests in Station KVWC, Vernon, Texas and Station KTEO (formerly KTXL), San Angelo, Texas. Johnson has valued his interests in these stations at figures which after a check of data on file raises a question as to whether these evaluations are realistic. This question appears even more pertinent since available information indicates that the Internal Revenue Service recently filed two tax liens in the amount of $3,902 against Burkhart Broadcasting Corporation, licensee of Station KTEO, for non-payment of 1961 taxes. Commission records further disclose that on June 28, 1958, Johnson acquired Station KWEL, Midland, Texas for a consideration of $60,000 and a little over a year later (July 26, 1959) filed an application to assign the license of Station KWEL to others for a consideration that was twice the purchase price. When Johnson acquired KWEL, he stated his reasons for said purchase were that: "This assignment will satisfy applicant's desire to operate a station to serve the public interest in Midland, Texas." However, his reasons for the assignment of license were: "Although this station is making a profit, assignor's other financial interests require him to take too much money from the station. Assignor feels that the public interest can better be served by a licensee with more fluid finances and assignor after this sale will be better able to operate another station for the public interest." When the aforementioned statement was made, Johnson owned a two-thirds interest in KVWC. During 1960 Johnson purchased KTEO; in March 1960, BTC–3398 was filed by Johnson to acquire a two-thirds interest and in December, 1960 a 323 Report was filed showing that Johnson had purchased the remaining one-third interest. Shortly after Johnson assigned the license of KWEL, he filed the subject application on December 16, 1959, as well as applications for new stations at Spring Valley, New York (BP–13778) December 29, 1959 (now dismissed), and Niles, Ohio (BP–13836), January 21, 1960. Under these circumstances, it appears appropriate to determine whether or not Johnson filed information with the Commission to mislead it as to his true financial position and to determine Johnson's intentions with respect to broadcast licenses held and proposed to be held by him.

5. Commission records also indicate that Johnson has made substantially similar program proposals in three independent applications: Spring Valley, New York (BP–13778), now dismissed; Niles, Ohio (BP–13836); and the instant proposal at Orange, Texas. Such similarity raises a question as to whether Johnson has, in fact, made appropriate investigation of the separate needs of the individual communities which he proposes to serve. In view of these facts, it cannot be determined that the applicant has fully considered the needs and interests of the area to be served and has proposed a schedule which will meet such needs and interests.

6. The instant applications involve some mutual interference with respect to the following proposals:

Instant Applicant and Other Proposals Not Consolidated

KWEN Broadcasting Co.:
- BP–13809, Higson-Frank Radio Enterprises, Houston, Tex.
- BP–14609, George Leon Gossage, Robstown, Tex.
- BP–14632, SSB Corporation, Houston, Tex.
- BMP–9060 (KXKW), General Communications, Inc., Lafayette, La.

Radio Orange: BP–13809, BP–14609.
Vidor Broadcasting Co., Inc.: BP–13809, BP–14609, BP–14632.

The interference noted will not render any of the proposals in violation of any Commission rule. Accordingly, the "other proposals" above have not been consolidated herein and any grant of a subject application will be appropriately conditioned.

It further appearing that in view of the outstanding proposed rule making procedure in Docket No. 14419 with respect to presunrise operation with daytime facilities, any grant of the proposals in this proceeding, prior to a final decision in Docket 14419, should be appropriately conditioned.

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the instant applicants and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas affected by interference from any of the instant proposals.

3. To determine whether a grant of the instant proposal of KWEN Broadcasting Company would be in contravention of the provisions of § 3.35(a) of the Commission rules with respect to multiple ownership of standard broadcast stations.

4. To determine whether Petty Durwood Johnson is financially qualified to construct his proposal herein, taking into consideration his existing financial status and such capital commitments as he may have undertaken.

5. To determine what efforts have been made by Petty Durwood Johnson to ascertain the programming needs and interests of the area he proposes to serve, and the manner in which he proposes to meet such needs and interests.

6. To determine whether Petty Durwood Johnson has filed information with the Commission which was intended to mislead it as to his financial qualifications and as to his intentions with respect to broadcast licenses held and proposed to be held by him.

7. To determine, in light of evidence adduced pursuant to the foregoing issues, whether Petty Durwood Johnson is qualified to be a broadcast licensee.

8. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

9. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered, That, in the event of a grant of the application of KWEN Broadcasting Company, permittee shall accept any interference resulting from a subsequent grant of the application of George Leon Gossage, (BP–14609); the application of General Communications, Inc., (BMP–9060); and either one of the applications of Higson-Frank Radio Enterprises (BP–13809) or SBB Corporation., (BP–14632).

It is further ordered, That, in the event of a grant of the application of Radio Orange, permittee shall accept any interference that may result from a subsequent grant of the application of George Leon Gossage or from the application of Higson-Frank Radio Enterprises.

It is further ordered, That, in the event of a grant of the application of Vidor Broadcasting Company, Inc., permittee shall accept any interference that may result from a subsequent grant of the application of George Leon Gossage and either one of the applications of Higson-Frank Radio Enterprises or the SBB Corporation.

It is further ordered, That, in the event of a grant of the application of KWEN Broadcasting Company, permittee shall submit a complete proof-of-performance to show that an effective field strength at one mile of approximately 180 mv/m/kw has been achieved as proposed.

It is further ordered, That any grant of the proposals in this proceeding, prior to a final decision in Docket No. 14419, will be conditioned as follows: "Pending a final decision in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission rules are not extended to this authorization, and such operation is precluded."

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants consolidated herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually, or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: April 16, 1962.

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

[F.R. Doc. 62-3931; Filed, Apr. 20, 1962; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-4769 etc.]

EL PASO NATURAL GAS CO.

Order Approving Presiding Examiner's Continuance for More Than 30 Days

APRIL 17, 1962.

El Paso Natural Gas Company, Docket Nos. G-4769, G-12948, G-17929 and RP60-3.

The Presiding Examiner's certification of a continuance of the hearing for more than 30 days was submitted April 6, 1962 pursuant to § 1.13(e) of the Commission's rules of practice and procedure.

At the conclusion of the session of the hearing held herein on April 6, 1962, counsel for El Paso Natural Gas Company requested a continuance of the hearing herein for a period of 45 days which was said to be required for the preparation of its rebuttal evidence. Staff counsel objected to such a postponement. Whereupon, the Presiding Examiner recessed the hearing to reconvene on May 15, 1962, with the proviso that all rebuttal evidence be served by all parties proposing to offer such evidence on May 7, 1962.

The Commission finds: Good cause has been shown herein for the approval of the continuance of the hearing for more than 30 days.

The Commission orders: Continuance of the hearing until May 15, 1962, in Washington, D.C., at 10:00 a.m., e.d.t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D.C., as fixed by the Presiding Examiner is approved.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-3895; Filed, Apr. 20, 1962; 8:46 a.m.]

[Docket Nos. RI62-389—RI62-391]

HUMBLE OIL & REFINING CO. ET AL.

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

APRIL 17, 1962.

Humble Oil & Refining Company, Docket No. RI62-389; Johntom Oil Company, Inc., et al. Docket No. RI62-390; Kenneth J. Rich (Operator), et al. Docket No. RI62-391.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. All of the sales are made at a pressure base of 14.65 psia. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI62-389...	Humble Oil & Refining Co., P.O. Box 2180, Houston 1, Tex.	257	15	Texas Eastern Transmission Corp. (Helen Gohlke "B" Sand Field, DeWitt and Victoria Counties, Tex.) (R.R. District No. 2).	$539	3-19-62	[1] 4-19-62	9-19-62	15.3765	[2] [3] 15.7099	RI61-126
RI62-389...	Humble Oil & Refining Co.	258	14	Texas Eastern Transmission Corp. (Helen Gohlke "A" Sand Field, Victoria County, Tex.) (R.R. District No. 2).	992	3-19-62	[1] 4-19-62	9-19-62	15.3765	[2] [4] 16.0432	RI61-130
RI62-390...	Johntom Oil Co., Inc., et al., 734 Meadows Bldg., Dallas 6, Tex.	1	1	Natural Gas Pipeline Co. of America (Boonsville (Bend) Field, Jack and Wise Counties, Tex.) (R.R. District No. 9).	3,244	3-19-62	[1] 4-19-62	9-19-62	13.91	[5] [6] 14.70	----------
RI62-391...	Kenneth J. Rich (Operator), et al., 734 Meadows Bldg., Dallas 6, Tex.	1	1	Natural Gas Pipeline Co. of America (Ken-Rich Field, Jack County, Tex.) (R.R. District No. 9).	4,740	3-26-62	[7] 5- 1-62	10- 1-62	13.91	[5] [6] 14.70	----------

[1] The stated effective date is the first day after expiration of the required statutory notice.
[2] Favored-nation rate increase.
[3] Includes 0.5 cent per Mcf for dehydration charged by seller (except gas from C. T. Hensley No. 2-1 well and M. G. Hensley Unit No. 2 well).
[4] Includes 0.5 cent per Mcf for dehydration charged by seller.
[5] Periodic increase of 1.0 cent per Mcf less 0.21 cent for upward Btu adjustment for 1,050 Btu gas in lieu of 1,070 Btu gas.
[6] Includes 0.70 cent per Mcf for upward Btu adjustment based on 1,050 Btu gas.
[7] The stated effective date is the effective date proposed by respondent.

The proposed increased rates exceed the applicable area price levels set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56).

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

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

The Commission orders:

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

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such

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

further time as they are made effective in the manner prescribed by the Natural Gas Act.

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before June 4, 1962.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-3896; Filed, Apr. 20, 1962; 8:46 a.m.]

[Project No. 2309]

JERSEY CENTRAL POWER & LIGHT CO.

Notice of Application for License

APRIL 16, 1962.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Jersey Central Power & Light Company (correspondence to J. E. Logan, Vice President, Jersey Central Power & Light Company, Madison Avenue at Punch Bowl Road, Morristown, New Jersey) for license for a proposed pumped storage hydroelectric development, designated Project No. 2309, to be located on Yards Creek in Warren County, New Jersey, in the vicinity of Pahaquarry and Blairstown Townships, and to consist of Lower Reservoir, created by a main earth dam located 3¾ miles upstream from the mouth of Yards Creek, an earth saddle dam and a concrete uncontrolled spillway; the reservoir with a maximum water surface of 818.5 feet, a surface area of 300 acres and usable power storage of 4,650 acre-feet; and outlet works under the main dam; Auxiliary Reservoir, created by a low earth dam located on a small tributary of Yards Creek, an excavated spillway having a concrete sill and the dam provided with outlet works; the reservoir with 480 acre-feet of seasonal storage to be released into the Lower Reservoir as needed; and Upper Reservoir, created by a main earth dam located across an intermittent tributary of Yards Creek near the top of Kittatinny Mountain and earth dikes following the limits of the watershed of the tributary; the reservoir with maximum water surface of 1,555 feet, a surface area of about 164 acres and usable capacity of 4,650 acre-feet; a water passage between the Upper and Lower Reservoirs comprised of an intake channel, a pressure tunnel and a penstock; a powerhouse with three reversible pump-turbines, each having a rated capacity of 150,500 horsepower when generating and 186,000 horsepower when pumping and connected to a 112,500-kilowatt generator (125,000 kva at 0.90 P.F.); step-up transformers and switch gear; a short 230-kilovolt transmission line to applicant's Kittatinny Substation (nonproject); and appurtenant electrical and mechanical facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is May 24, 1962. The application is on file with the Commission for public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-3897; Filed, Apr. 20, 1962; 8:46 a.m.]

[Docket No. G-16913 etc.]

MAXSON OIL & GAS CO. ET AL.

Notice of Severance

APRIL 17, 1962.

W. H. Mossor d.b.a. Maxson Oil & Gas Co. et al., Docket No. G-16913 et al.; Oil Reserves Corporation (Operator), Docket No. CI61-468; Stanton A. Hall, Docket No. CI61-520.

Notice is hereby given that the matters of Oil Reserves Corporation (Operator), Docket No. CI61-468, and Stanton A. Hall, Docket No. CI61-520, heretofore scheduled for a hearing to be held on April 24, 1962, at 9:30 a.m. (EST), in the consolidated proceeding entitled W. H. Mossor d.b.a. Maxson Oil & Gas Co., et al., Docket Nos. G-16913, et al., are severed therefrom for such disposition as may be appropriate.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-3898; Filed, Apr. 20, 1962; 8:46 a.m.]

[Docket No. G-16913 etc.]

MAXSON OIL & GAS CO. ET AL.

Notice of Severance

APRIL 16, 1962.

W. H. Mossor d.b.a. Maxson Oil & Gas Co. et al., Docket No. G-16913, et al.; K. D. Owen, et al., d.b.a. Owen and Moss, Docket No. CI61-1579; Appell Petroleum Corporation (Operator), et al., Docket No. CI61-1591.

Notice is hereby given that the matters of K. D. Owen, et al., d.b.a. Owen and Moss, Docket No. CI61-1579, and Appell Petroleum Corporation (Operator), et al., Docket No. CI61-1591, heretofore scheduled for a hearing to be held on April 24, 1962, at 9:30 a.m., e.s.t., in the consolidated proceding entitled W. H. Mossor d.b.a. Maxson Oil & Gas Co., et al., Docket Nos. G-16913, et al., is severed therefrom for such disposition as may be appropriate.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-3899; Filed, Apr. 20, 1962; 8:46 a.m.]

[Docket No. G-14288, etc.]

SUNRAY MID-CONTINENT OIL CO. ET AL.

Notice of Applications and Date of Hearing

APRIL 16, 1962.

Sunray Mid-Continent Oil Company, Docket Nos. G-14288, G-15199, G-15468, G-15520, G-16010, G-16134, G-16716, G-17032, G-17489, G-17558, G-18294, G-18614, G-19060, G-19409, G-20092, CI60-42, CI60-84, CI60-85, CI60-205, CI60-239, CI60-377, CI60-800, CI61-133, CI61-1088, CI61-1103, CI61-1229, CI61-1385, CI61-1395, CI61-1819, CI62-286, CI62-462; Rodney B. Belknap d.b.a. Belknap Gas Company, Docket No. CI62-617; George W. Moses d.b.a. Byron A. Woofter No. 1, Docket No. CI62-618; John G. McMillian, Jr., et al., Docket No. CI62-631; Edward M. Hartman, Docket No. CI62-637; Durell Nealy (Operator), et al., d.b.a. Marie Engle Farm Account, Docket No. CI62-640; William B. Rezek, et al., d.b.a. Mid Eastern Oil & Gas Company, Docket No. CI62-641; Don W. Hardman d.b.a. Clay Bailey Oil & Gas Company, Docket No. CI62-645; Kincaid Oil & Gas Company, Docket No. CI62-646; W. L. McKnight d.b.a. Arrowhead Exploration Company, Docket No. CI62-647; Delbert Goff, et al., Docket No. CI62-648; T. H. McElvain, Docket No. CI62-650; Ashland Oil & Refining Company, Docket No. CI62-652; Shell Oil Company, Docket No. CI62-653; Paul H. Ash, et al., d.b.a A. & C. Oil & Gas Company, Docket No. CI62-655; Bert T. Combs, Docket No. CI62-659; James C. Sherrill, et al., Docket No. CI62-660; Claude Drake d.b.a. Ellyson Gas Company, Docket No. CI62-661; Manuel Alvarez, Jr. d.b.a. Red Lick Gas & Oil Company, Docket No. CI62-662; W. H. Mossor, et al., d.b.a. Freed Oil & Gas Company, Docket No. CI62-663; W. H. Mossor d.b.a. Hurst Oil & Gas Company, Docket No. CI62-664; Philip Lemon, et al., Docket No. CI62-665; I. C. Houck d.b.a. ADDCO, Docket No. CI62-666; Glenn L. Haught, et al., d.b.a. Gibson Gas Company, Docket No. CI62-667; Lu-Ray Land, Inc., Docket No. CI62-668; C. E. Hall d.b.a. Brady Oil & Gas Company, Docket No. CI62-669; Virgil E. Daugherty d.b.a. Adams-Deel Gas Company, Docket No. CI62-670; W. H. Mossor d.b.a. Rinehart Oil & Gas Company, Docket No. CI62-671; Skylark Gas Company, Docket No. CI62-673; Emmett Cronin, Agent for White Rocks Oil & Gas Company, Docket No. CI62-678; W. H. Mossor d.b.a. E. G. Waugh Oil & Gas Company, Docket No. CI62-679; J. L. Coats d.b.a. William E. Allen, et al., Docket No. CI62-680; Maxwell Oil Company (Operator), et al., Docket No. CI62-685; Toto Gas Company, Docket No. CI62-692; Toto Gas Company (Operator), et al., Docket No. CI62-699; A. A. Kelly, Docket No. CI62-700; Skelly Oil Company, Docket No. CI62-701; Humble Oil & Refining Company, Docket No. CI62-704; Perry R. Bass (Operator), et al., Docket No. CI62-705; R. J. Hunter,

et al., Docket No. CI62–708; Jas. F. Smith (Operator), et al., Docket No. CI62–710; Sunset International Petroleum Corporation (Operator), et al., Docket No. CI62–711; N. G. Clark, et al., d.b.a. Grundy Associates, Docket No. CI62–715; Jackson & Yaste Oil & Gas Company, Docket No. CI62–716; Trio Oil & Gas Company, Inc., Docket No. CI62–717; W. C. Blewster and Joe F. Rushton, Docket No. CI62–718; Hayden Simmons Oil & Gas Company, et al., Docket No. CI62–719; E. A. Ballengee d.b.a. Eddy Farm Gas & Oil Company, Docket No. CI62–722; Sinclair Oil & Gas Company, Docket No. CI62–723; Brookside Oil & Gas Company, Docket No. CI62–727; Holly Nester, Agent for Optimist Oil & Gas Company, et al., Docket No. CI62–728; T. F. Hodge (Operator), et al., Docket No. CI62–733; Calder, N. Bruce & Curtis E., Jr.,[1] Docket No. CI62–734; Oil Property Management, Inc. (Operator), et al., Docket No. CI62–735; The Pure Oil Company, Docket No. CI62–736; Service Gas Products Company, Docket No. CI62–739; Francis E. Cain, et al., d.b.a. Jane Blosser Oil & Gas Company, Docket No. CI62–740; Pioneer Petroleum, Inc., Docket No. CI62–741; Clarence Powell, et al., d.b.a. P. & J. Gas Company, Docket No. CI62–743; Holly Nester d.b.a. Shartiger Gas Company, Docket No. CI62–744; Charles E. Clowe, Jr., et al., Docket No. CI62–746; W. H. Peachee d.b.a. Oil Property Management, Inc., Docket No. CI62–748; W. H. Peachee d.b.a. Oil Property Management, Inc., Docket No. CI62–749; P. & J. Development Co., Inc., Docket No. CI62–754; James I. Shearer d.b.a. Worldwide Petroleum Corporation, et al., Docket No. CI62–755; B. E. Talkington, Docket No. CI62–756; Trio Oil and Gas Company, Inc., Docket No. CI62–757; A. M. Carlson d.b.a. Tower Service Company, Docket No. CI62–766; W. H. Mossor d.b.a. Stout Oil & Gas Company, Docket No. CI62–767; Trio Oil and Gas Company, Inc., Docket CI62–768; Homer P. Queen, et al., Docket No. CI62–769; Jackson and Bowers, Docket No. CI62–770; R. J. Braden, et al., Docket No. CI62–772; W. E. Smith d.b.a. E. W. Gainer Well No. 1, Docket CI62–773; Brookside Oil & Gas Company, Docket No. CI62–774; D. A. Dorward d.b.a. D. A. Dorward, et al., Docket No. CI62–775; Walter E. Smith, d.b.a. George Bigler Well No. 1, Docket No. CI62–776; Carl E. Smith, Inc., Docket No. CI62–777; Stelbar Oil Corporation, Inc., Docket No. CI62–781; Santiago Oil and Gas Company (Operator), et al., Docket No. CI62–784; George Longfellow d.b.a. Hunter Bennett No. 5, Docket No. CI62–786; P. & J. Development Co., Inc., Docket No. CI62–787; Dale Cottrill d.b.a. D. & E. Oil Company, Docket No. CI62–788; Fred Snyder Co., Docket No. CI62–789; LuRay Land, Inc., Docket No. CI62–791; T. F. Hodge (Operator), et al., Docket No. CI62–793; Rodney P. Calvin, Docket No. CI62–802.

Take notice that each of the above Applicants has filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas in interstate commerce as hereinafter described, all as more fully described in the respective applications (and any supplements or amendments thereto) which are on file with the Commission and open to public inspection.

The Applicants herein produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket Nos., Field and Location, Purchaser, and Price/Mcf

G–14288; Hugoton Field, Finney County, Kans.; Northern Natural Gas Co.; 12.0 cents at 14.65 psia.

G–15199 (as Supp.); Langlie-Mattix Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 5.5 cents at 14.65 psia.

G–15468; Nena Lucia Field, Noland County, Tex.; West Lake Natural Gasoline Co.; 10.0 cents at 14.65 psia.

G–15520; Camrick Field, Beaver County, Okla.; Natural Gas Pipeline Co. of America; 16.0 cents at 14.65 psia.

G–16010; Harper Ranch Field, Clark County, Kans.; Northern Natural Gas Co.; 15.0 cents at 14.65 psia.

G–16134; Hogoton Field, Texas County, Okla.; Natural Gas Pipeline Co. of America; 12.0 cents at 14.65 psia.

G–16716; Carlton Area, Ouachita Parish, La.; Texas Gas Transmission Corp.; 16.5 cents at 15.025 psia.

G–17032; Camrick Field, Beaver County, Okla.; Natural Gas Pipeline Co. of America; 16.4 cents at 14.65 psia.

G–17489; E. Capeza Creek Field, Goliad County, Tex.; United Gas Pipe Line Co.; 6.0 cents at 14.65 psia.

G–17558 (as Supp.); Murray-Rust Field, Tom Green County, Tex.; Sinclair Oil & Gas Co.; 8.25 cents at 14.64 psia.

G–18294; Blackburn Field, Claiborne and Webster Parishes, La.; Texas Gas Transmission Corp.; 16.5 cents at 15.025 psia.

G–18614; Hugoton Field, Kearny County, Kans.; Colorado Interstate Gas Co.; 12.5 cents at 14.65 psia.

G–19060; Bijou Field, Morgan County, Colo.; N. C. Ginther; 12.0 cents at 15.023 psia.

G–19409 (as Supp.); South Hopewell Field, Pratt County, Kans.; Panhandle Eastern Pipe Line Co.; 15.0 cents at 14.65 psia.

G–20092; Rocky Mount Field, Bossier Parish, La.; Arkansas Louisiana Gas Co.; 11.721 cents.

CI60–42; North LaWard Field, Jackson County, Tex.; United Gas Pipe Line Co.; 14.0 cents at 14.65 psia.

CI60–84; Azalea Field, Midland County, Tex.; Phillips Petroleum Co.; 12.5 cents at 14.65 psia.

CI60–85; Calhoun Field, Ouachita Parish, La.; United Gas Pipe Line Co.; 17.0 cents at 15.025 psia.

CI60–205 (as Supp.); East Kremlin Field, Garfield County, Okla.; Arkansas Louisiana Gas Co.; 11.0 cents at 14.65 psia.

CI60–239; Woodward Field, Woodward County, Okla.; Cities Service Gas Co.; 16.0 cents at 14.65 psia.

CI60–377; Cypress Creek Field, Newton County, Tex.; Trunkline Gas Co.; 15.0 cents at 14.65 psia.

CI60–800; Calhoun Field, Ouachita Parish, La.; Texas Gas Transmission Corp.; 18.75 cents at 15.025 psia.

CI61–133; Dower Field, Barber County, Kans.; Cities Service Gas Co.; 13.0 cents at 14.65 psia.

CI61–1088; Tecula Field, Cherokee County, Tex.; United Gas Pipe Line Co.; 9.5 cents at 14.65 psia.

CI61–1103; Seeligson Field, Jim Wells County, Tex.; Tennessee Gas Transmission Co.; 17.24347 cents at 14.65 psia.

CI61–1229; Troup Field, Cherokee County, Tex.; United Gas Pipe Line Co.; 9.5 cents at 14.65 psia.

CI61–1385 (as Supp.); Dower Field, Barber County, Kans.; Cities Service Gas Co.; 13.0 cents at 14.65 psia.

CI61–1395; Hugoton Field, Finney County, Kans.; Cities Service Gas Co.; 12.0 cents at 14.65 psia.

CI61–1819; Mocane Chester Zone, Beaver County, Okla.; Panhandle Eastern Pipe Line Co.; 17.0 cents at 14.65 psia.

CI62–286; Hugoton Field, Kearny and Finney Counties, Kans.; Cities Service Gas Co.; 12.0 cents at 14.65 psia.

CI62–462; Harper Ranch Field, Clark County, Kans.; Northern Natural Gas Co.; 16.0 cents at 14.65 psia.

CI62–617; Otter District, Braxton County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–618; Freemans Creek District, Lewis County, W. Va.; Columbian Carbon Co. (for resale to Hope Natural Gas Co.); 16.0 cents at 15.325 psia.

CI62–631; Azalea Field, Midland County, Tex.; Phillips Petroleum Co. (for resale to Permian Basin Pipeline Co.); 12.5 cents at 14.65 psia.

CI62–637; Bloomfield Area, San Juan County, N. Mex.; El Paso Natural Gas Co.; 12.0 cents at 15.025 psia.

CI62–640; Troy District, Gilmer County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–641; Grant and Jefferson Districts, Ritchie and Pleasants Counties, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–645; Leatherbark Field, Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–646; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–647; Acreage in Ochiltree County, Tex.; Northern Natural Gas Co.; 16.5 cents at 14.65 psia.

CI62–648; Salt Lick District, Braxton County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–650; Ignacio Blanco Field, La Plata County, Colo.; El Paso Natural Gas Co.; 12.0 cents at 15.025 psia.

CI62–652; Harper Ranch Field, Clark County, Kans.; Northern Natural Gas Co.; 15.0 cents at 14.65 psia.

CI62–653; Southwest Helen Gohlke Field, Victoria County, Tex.; Coastal Transmission Corp.; 17.0 cents at 14.65 psia.

CI62–655; Skin Creek District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI62–659; Lotts Creek Field, Perry County, Ky.; Kentucky-West Virginia Gas Co.; 18.0 cents at 15.225 psia.

CI62–660; West Panhandle Field, Potter County, Tex.; Colorado Interstate Gas Co.; 12.0 cents at 14.65 psia.

CI62–661; Troy District, Gilmer County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–662; Collins Settlement District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–663; Sheridan District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–664; Freemans Creek District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–665 (as Supp.); Murphy District Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–666; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI62–667; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

[1] D.b.a. Horizon Oil & Gas Co.

CI62–668; Clark District, Harrison County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–669; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–670; Washington District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–671 (as Supp.); Freemans Creek District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–673; Acreage in Grant, Elk, Warren, and Hackers Creek Districts, Lewis, Upshur, and Harrison Counties, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI62–678; Acreage in Murphy District, Ritchie County, W. Va.; Cabot Corp.; 15.2 cents at 15.325 psia.
CI62–679; Little Brannon Lease, Freemans Creek District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–680; Acreage in Salt Lick District, Braxton County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–685; Jack Herbert (Fusselman) Field, Upton County, Tex.; El Paso Natural Gas Co.; 15.70925 cents at 14.65 psia.
CI62–692; Southeast Autwine Field, Kay County, Okla.; Wunderlich Development Co.; 6.2 cents at 14.65 psia.
CI62–699; Southeast Autwine Field, Kay County, Okla.; Wunderlich Development Co.; 6.2 cents at 14.65 psia.
CI62–700; Clay District, Ritchie County, W. Va.; Barron Kidd; 17.0 cents at 15.325 psia.
CI62–701; Hugoton Field, Finney County, Kans.; Cities Service Gas Co.; 12.0 cents at 14.65 psia.
CI62–704; NE. Loma Novia and S. Lundell Fields, Duval County, Texas.; Tennessee Gas Transmission Co.; 17.24347 cents at 14.65 psia.
CI62–705; Brown-Bassett Field, Terrell County, Tex.; El Paso Natural Gas Co.; 16.0 cents at 14.65 psia.
CI62–708; Freemans Creek District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–710; Mocane Field, Beaver County, Okla.; Panhandle Eastern Pipe Line Co.; 17.0 cents at 14.65 psia.
CI62–711; Hansford Field, Hansford County, Tex.; Panhandle Eastern Pipe Line Co.; 17.0 cents at 14.65 psia.
CI62–715; Court House District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI62–716; Grant District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–717; West Union District, Doddridge County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–718; Court House and Collins Settlement Districts, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI62–719; Spencer District, Roane County, W. Va.; South Penn Oil Co.; 15.0 cents at 15.325 psia.
CI62–722; Murphy District, Ritchie County, W. Va.; Sam T. Mallison, et al., Trustees for Penova Interests; 19.0 cents at 15.325 psia.
CI62–723; Hugoton Field, Finney County, Kans.; Cities Service Gas Co.; 12.0 cents at 14.65 psia.
CI62–727; Center & Otter Districts, Gilmer & Braxton Counties, W. Va.; Hope Natural Gas Co; 25.0 cents at 15.325 psia.
CI62–728; Washington District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25 cents at 15.325 psia.
CI62–733; South Karon Field, Live Oak and Bee Counties, Tex.; Texas Eastern Transmission Corp.; 11.6 cents at 14.65 psia.
CI62–734; Hansford Field, Hansford County, Tex., Panhandle Eastern Pipe Line Co.; 16 cents at 14.65 psia.
CI62–735; Acreage in Sumner County, Kans.; Wunderlich Development Co.; 6.2 cents at 16.4 psia.
CI62–736; South Sterling Field, Comanche County, Okla.; Cities Service Gas Co.; 15 cents at 14.65 psia.
CI62-739; Acreage in Garvin County, Okla.; Lone Star Gas Co.; 15 cents at 14.65 psia.
CI62–740; Spencer District, Roane County, W. Va.; Hope Natural Gas Co.; 25 cents at 15.325 psia.
CI62–741; Hackers Creek District, Lewis County, W. Va.; Hope Natural Gas Co.; 25 cents at 15.325 psia.
CI62–743; New Milton District, Doddridge County, W. Va.; Hope Natural Gas Co.; 25 cents at 15.325 psia.
CI62–744; Washington District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25 cents at 15.325 psia.
CI62–746; North Nellie Field, Stephens County, Okla.; Lone Star Gas Co.; 15 cents at 14.65 psia.
CI62–748; Acreage in Sumner County, Kans.; Wunderlich Development Co.; 6.2 cents at 16.4 psia.
CI62–749; Acreage in Sumner County, Kans.; Wunderlich Development Co.; 6.2 cents at 16.4 psia.
CI62–754; Eagle District, Harrison County, W. Va.; Hope Natural Gas Co.; 25 cents at 15.325 psia.
CI62–755; Union District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25 cents at 15.325 psia.
CI62–756; McClellan District, Doddridge County, W. Va.; Hope Natural Gas Co.; 25 cents at 15.325 psia.
CI62–757; Grant District, Doddridge County, W. Va.; Hope Natural Gas Co.; 25 cents at 15.325 psia.
CI62–766; Collins Settlement District, Lewis County, W. Va.; Hope Natural Gas Co.; 25 cents at 15.325 psia.
CI62–767; Freemans Creek District, Lewis County, W. Va.; Hope Natural Gas Co.; 25 cents at 15.325 psia.
CI62–768; Grant District, Doddridge County, W. Va.; Hope Natural Gas Co.; 25 cents at 15.325 psia.
CI62–769 (as Supp.); Skin Creek District, Lewis County, W. Va.; Hope Natural Gas Co.; 25 cents at 15.325 psia.
CI62–770; DeKalb District, Gilmer County, W. Va.; Hope Natural Gas Co.; 25 cents at 15.325 psia.
CI62–772; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25 cents at 15.325 psia.
CI62–773; Sherman District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25 cents at 15.325 psia.
CI62–774; Salt Lick District, Braxton County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–775; Glenville District, Gilmer County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–776; Sheridan District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–777; Grant District, Doddridge County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–781; Acreage in Sumner County, Kans.; Wunderlich Development Co.; 6.2 cents at 14.65 psia.
CI62–784; Crawar Field, Crane County, Tex.; Transwestern Pipeline Co.; 16.0 cents at 14.65 psia.
CI62–786; Washington District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–787; Eagle District, Harrison County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.025 psia.
CI62–788; Clay District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.025 psia.
CI62–789; Church District, Wetzel County, W. Va.; South Penn Oil Co.; 12.0 cents at 15.325 psia.
CI62–791; Union District, Harrison County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.025 psia.
CI62–793; Rudman Field, Bee County, Tex.; Texas Eastern Transmission Corp.; 11.6 cents at 14.65 psia.
CI62–802; Acreage in San Juan County, N. Mex.; El Paso Natural Gas Co.; 12.0 cents at 15.025 psia.

The public convenience and necessity require that these matters be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 17, 1962, at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 7, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made: *Provided, further,* If a protest, petition to intervene or notice of intervention be timely filed in any of the above dockets, the above hearing date as to that docket will be vacated and a new date for hearing will be fixed as provided in § 1.20(m)(2) of the rules of practice and procedure.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62–3900; Filed, Apr. 20, 1962; 8:46 a.m.]

[Project 2276 etc.]

ROBERT P. WILSON AND NATIONAL YOUTH FOUNDATION

Order Consolidating Proceedings and Fixing Hearing

APRIL 16, 1962.

Robert P. Wilson, Project Nos. 2276 and 2279 and National Youth Foundation, Project Nos. 2125 and 2126.

By order issued April 13, 1962, on application for rehearing, the Commission granted a request by Robert P. Wilson

for a hearing on his application for a preliminary permit for proposed Project No. 2279.

Robert P. Wilson also has an application pending for a preliminary permit for a proposed Project No. 2276. In addition, Robert P. Wilson is President of National Youth Foundation which has two incomplete applications pending for licenses for proposed Project Nos. 2125 and 2126. Proposed Hydroelectric Project Nos. 2125, 2126, 2176 and 2279 would be located on streams in Plumas County, California, ultimately tributary to North Fork of Feather River, and would affect lands of the United States within the Plumas National Forest.

It is appropriate and in the public interest that the proceedings on the pending applications in Projects Nos. 2125, 2126, 2276 and 2279 be consolidated for purpose of a hearing thereon, and that the time and place of hearing be fixed as hereinafter provided.

The Commission orders:

(A) The proceedings on the aforesaid applications in Projects Nos. 2125, 2126, 2276 and 2279 are consolidated for purpose of a hearing.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly section 308 thereof, and the Commission's rules of practice and procedure, a public hearing shall be held on May 31, 1962 at 10:00 a.m. (San Francisco time) at the Commission's Regional Office, 555 Battery Street, San Francisco, California, respecting the matters involved and issues presented by the aforesaid applications in Project Nos. 2125, 2126, 2276, and 2279.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-3901; Filed, Apr. 20, 1962; 8:46 a.m.]

LAND WITHDRAWN IN PROJECT NO. 1165

Vacation of Withdrawal Under Section 24 of the Federal Power Act

APRIL 16, 1962.

The Forest Service, Department of Agriculture, has requested that we revoke the power withdrawal of 141 acres of lands of the United States, comprising lots 1, 2, 3, NW¼NE¼ section 31, T. 39 N., R. 108 W., 6th P.M., Wyoming, and located within the Wyoming—now Bridger National Forest.

The above-described land was withdrawn for power purposes pursuant to the filing on May 4, 1931 of an application for license by Green River Lake Lodge for minor Project No. 1165. The license, which was issued September 19, 1931, expired on September 18, 1956. Notice of the withdrawal was given by Commission letter dated June 3, 1931.

By letter dated July 18, 1961, the Forest Service has advised that the licensee does not wish renewal of the license and has dismantled the project structures associated with the hydroelectric development. The Service advises further that the lands have been restored to a condition satisfactory to it.

Our records show that the project works comprising Project No. 1165 involved the use of only approximately 5 acres of the 141 acres of the withdrawn lands, that the power potential of the site is of little or no appreciable value, and that the further retention of the 141 acres of lands in the power site withdrawal serves no beneficial use.

The Commission finds: The existing power withdrawal pertaining to the above-described land under section 24 of the Federal Power Act serves no useful purpose and vacation of the withdrawal is in the public interest.

The Commission orders: The above-mentioned existing power withdrawal is vacated.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-3902; Filed, Apr. 20, 1962; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 989]

SEA-LAND SERVICE, INC., PUERTO RICAN DIVISION

Certain Tariff Practices

On March 28, 1962, the Federal Maritime Commission entered the following order:

Whereas, Sea-Land Service, Inc., Puerto Rican Division, on February 23, 1962, filed with the Federal Maritime Commission, a 13th Revised Page No. 34 to its Homeward Freight Tariff No. 4, FMC-F No. 2 (Pan Atlantic Steamship Corporation series), naming single-factor through rates on "Sugar, Refined or Turbinated, in Bags", from inland points in the Commonwealth of Puerto Rico to Port Newark, New Jersey; and

Whereas, the Commission believes that the question of the lawfulness of the filing of said rates should be made the subject of a proceeding limited to the legal issue involved;

Now therefore, it is ordered, That pursuant to sections 18(a) and 22 of the Shipping Act, 1916, as amended, and sections 2, 3, and 4 of the Intercoastal Shipping Act, 1933, as amended, a proceeding be instituted on the Commission's own motion to determine whether the Commission has jurisdiction to accept, and should accept, the filing of said single factor through rates from inland points in Puerto Rico to Port Newark, New Jersey; and

It is further ordered, That this proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners; that the hearing be held at a date and place to be determined and announced by the presiding examiner; that Sea-Land Service, Inc., Puerto Rican Division, be made a respondent in this proceeding; and that a copy of this order be served upon said respondent and published in the FEDERAL REGISTER.

Notice is hereby given that the hearing in this proceeding will be held before an examiner of the Commission's Office of Hearing Examiners at a date and place hereafter to be announced. The hearing will be conducted in accordance with the Commission's rules of practice and procedure, and an initial decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR 201.74) of said rules.

Dated: April 18, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-3928; Filed, Apr. 20, 1962; 8:49 a.m.]

FEDERAL RESERVE SYSTEM

MARINE CORP.

Notice of Application for Approval of Acquisition of Shares of a Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842), by The Marine Corporation, which is a bank holding company located in Milwaukee, Wisconsin, for the prior approval of the Board of the acquisition by applicant of 16,000 (80 percent) or more of the voting shares of Marine National Bank of Waukesha, Waukesha, Wisconsin, a proposed new bank.

In determining whether to approve this application submitted pursuant to section 3(a)(2) of the Bank Holding Company Act, the Board is required by that Act to take into consideration the following factors: (1) The financial history and condition of the company and the bank concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington 25, D.C.

Dated at Washington, D.C., this 16th day of April 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-3904; Filed, Apr. 20, 1962; 8:46 a.m.]

TARIFF COMMISSION

[TC Publication 54; AA1921-23]

PORTLAND CEMENT FROM DOMINICAN REPUBLIC

Determination of No Injury

APRIL 18, 1962.

On January 18, 1962, the United States Tariff Commission was advised by the Assistant Secretary of the Treasury that portland cement, other than white, nonstaining portland cement, from the Dominican Republic, is being, or is likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended. In accordance with the requirements of section 201(a) of the Antidumping Act (19 U.S.C. 160(a)), the Tariff Commission instituted an investigation to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

A public hearing in connection with the investigation was held on March 1, 1962. Notice of the investigation and hearing was published in the FEDERAL REGISTER (27 F.R. 680).

In arriving at a determination in this case, due consideration was given by the Tariff Commission to all written submissions from interested parties, all testimony adduced at the hearing, and all factual information obtained by the Commission's staff.

On the basis of the investigation, the Commission has unanimously determined that an industry in the United States is not being, and is not likely to be, injured, or prevented from being established, by reason of the importation of portland cement, other than white, nonstaining portland cement, from the Dominican Republic, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

Statement of reasons. The imports of portland cement from the Dominican Republic that were purchased at less than fair value were entered during the period March–July 1961, inclusive, at the port of New York City, and during the period January–July 1961, inclusive, at the port of San Juan, Puerto Rico. The imports entered at New York City were sold or otherwise disposed of almost exclusively in the metropolitan area of New York City. The imports entered at San Juan were sold exclusively in Puerto Rico. Each of said geographic areas represents a "competitive market area" for purposes of this determination. The domestic portland cement plants that have historically supplied such cement in either "competitive market area" and that have in recent years sold substantial quantities of such cement there, are, in each case, considered to constitute "an industry" for the purposes of the Antidumping Act. Entries of the above-mentioned imports into each "competitive market area" were of short duration and the supplies thereof have been sold or otherwise disposed of. Any injury to the pertinent domestic industries that may have been attributable to these imports was inconsequential.

When the importers became fully aware of the method by which their purchase prices were determined by the Treasury Department to be at less than fair value, they and the exporter took prompt steps to adjust existing contracts so as to avoid future sales at less than fair value. Setting aside the claims and counterclaims regarding the affiliations with the Trujillo Government of the several importers and exporters involved during the course of the Government's investigation of this case, but taking into account the changes that have occurred in the Dominican Republic with respect to the operation of its portland cement industry, the Commission believes that continued effort is being made on behalf of the parties concerned to avoid future sales at less than fair value. The evidence does not indicate any predatory motivation on the part of the importers. Accordingly, there is no sufficient evidence to indicate that a domestic industry is likely to be injured by reason of the importation of portland cement from the Dominican Republic that is sold below its fair value.

This determination and statement of reasons are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended.

Issued: April 18, 1962.

By the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 62-3924; Filed, Apr. 20, 1962; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF-3008]

CAPITAL MANAGEMENT CORP.

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

APRIL 17, 1962.

I. Capital Management Corporation (issuer), 44 East Indian School Road, Scottsdale, Arizona filed with the Commission on December 27, 1961, a notification and offering circular relating to an offering of 60,000 shares of its $2.50 par value common stock at $5.00 per share for an aggregate offering of $300,000.00, 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 has reason to believe that a person (as specified in Rule 252(d)) who is an officer, director, promoter and controlling person of issuer, and the owner of all the shares and an officer of underwriter has been indicted for crimes and offenses (as specified in Rule 252(d)(1)) involving the purchase or sale of securities and arising out of such person's conduct as an underwriter, broker or dealer.

III. *It is ordered,* Pursuant to Rule 261(a)(6) of the general rules and regulations under the Securities Act of 1933, as amended, that an exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having an 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. 62-3911; Filed, Apr. 20, 1962; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 18, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37684: *Substituted service—central and southern territory.* Filed by Central and Southern Motor Freight Tariff Association, Incorporated, Agent (No. 76), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between points in southern territory, on the one hand, and points in central territory, and other points in the United States, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 4 to Central and Southern Motor Freight Tariff Association, Incorporated tariff MF-I.C.C. 258.

FSA No. 37685: *Acrylonitrile to Cincinnati, Ohio.* Filed by Southwestern Freight Bureau, Agent (No. B-8191), for interested rail carriers. Rates on acrylonitrile, in tank-car loads, from Texas City, Tex., and New Orleans, La., to Cincinnati, Ohio.

Grounds for relief: Barge and market competition.

Tariffs: Supplement 41 to Southwestern Freight Bureau tariff I.C.C. 4435 and supplement 237 to Southern Freight Association tariff: I.C.C. 452 (Marque series).

FSA No. 37687: *Rubber, guayule, natural and crude from Dowling, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B–8193), for interested rail carriers. Rates on rubber, guayule, natural and crude, in carloads, from Dowling, Tex., to points in official (including Illinois), southern, southwestern, and western trunk-line territories, also Colorado.

Ground for relief: Carrier competition.

FSA No. 37688: *Cleaning compounds to points in Alabama and Georgia.* Filed by Seatrain Lines, Inc., Agent (No. 21), for itself and interested rail carriers. Rates on cleaning, scouring and washing compounds, as described in the application, in carloads, from Edgewater, N.J. (Proportional rates), to specified points in Alabama and Georgia.

Grounds for relief: Rail competition.

Tariff: Supplement 66 to Seatrain Lines, Inc. tariff I.C.C. 159.

FSA No. 37689: *Sal soda to points in Georgia.* Filed by Seatrain Lines, Inc., Agent (No. 22), for itself and interested rail carriers. Rates on sal soda, in carloads, from Edgewater, N.J. (Proportional rates), to specified points in Georgia.

Grounds for relief: Rail competition.

Tariff: Supplement 66 to Seatrain Lines, Inc. tariff I.C.C. 159.

AGGREGATE OF INTERMEDIATES

FSA No. 37686: *Acrylonitrile to Cincinnati, Ohio.* Filed by Southwestern Freight Bureau, Agent (No. B–8192), for interested rail carriers. Rates on acrylonitrile, in tankcar loads, from Texas City, Tex., and New Orleans, La., to Cincinnati, Ohio.

Grounds for relief: Maintenance of depressed rates published to meet barge and market competition without use of such rates as factors in constructing combination rates.

Tariffs: Supplement 41 to Southwestern Freight Bureau tariff I.C.C. 4435 and supplement 237 to Southern Freight Association tariff I.C.C. 452 (Marque series).

By the Commission.

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

[F.R. Doc. 62–3921; Filed, Apr. 20, 1962; 8:48 a.m.]

[Notice 628]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 18, 1962.

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

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

No. MC–FC 64905. By order of April 12, 1962, the Transfer Board approved the transfer to Richard R. Johncox, Williamson, N.Y., of Certificate No. MC 117916, issued November 3, 1961, to Alex Buchholz and Samuel Buchholz, a partnership, doing business as B & S Trucking and A. Buchholz Trucking, New York, N.Y., authorizing the transportation of: Frozen fruits and frozen vegetables, from points in that part of New York on and west of a line beginning at Oswego, N.Y., and extending along New York Highway 57 to Syracuse, N.Y., and thence along U.S. Highway 11 to the New York-Pennsylvania State line, to Mt. Vernon and New York, N.Y., and Jersey City and Newark, N.J., with no transportation for compensation on return except as otherwise authorized. Martin Werner, 2 West 45th Street, New York 36, N.Y., attorney at law.

No. MC–FC 64907. By order of April 12, 1962, the Transfer Board approved the transfer to Ace Line, Inc., Plainfield, N.J., of the operating rights in Certificate No. MC 112719, issued September 6, 1951, to A. H. Tompkins, Plainfield, N.J., authorizing the transportation, over irregular routes, of household goods, between Plainfield, N.J., and points in Union, Morris, Somerset, and Middlesex Counties, N.J., within 10 miles of Plainfield, on the one hand, and, on the other, points in New York, Connecticut, and Pennsylvania. Charles J. Williams, 1060 Broad Street, Newark 2, N.J., applicants' attorney.

No. MC–FC 64926. By order of April 13, 1962, the Transfer Board approved the transfer to Charles F. Rust, doing business as Rust Moving & Storage Service, 272 Grove Street, Northampton, Mass., of Certificate No. MC 78451, issued April 8, 1958, to Armand P. Deshais and Joseph B. Deshais, a partnership, doing business as Deshais Bros., 45 Farnsworth Street, Springfield, Mass., authorizing the transportation of: Canned goods and seafoods, from Boston, Mass., to Springfield, Mass., and points in Massachusetts within 10 miles of Springfield; and empty canned goods and seafoods containers, from Springfield, Mass., and points in Massachusetts within 10 miles of Springfield to Boston, Mass., and household goods, between Springfield, Mass., and points within 10 miles of Springfield, on the one hand, and, on the other, points in Vermont, Connecticut, New York, New Jersey, and Rhode Island.

No. MC–FC 64944. By order of April 12, 1962, the Transfer Board approved the transfer to Henry C. Bungie doing business as Washington-Solomons Freight Line, Washington, D.C., of Certificate No. MC 80243, issued November 8, 1957, to The Whittington Lines, Inc., Baltimore, Md., acquired by Wilbert Arnold Ridgley, Baltimore, Md., pursuant to No. MC–FC 64478, approved September 27, 1961, and consummated October 31, 1961, authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over irregular routes, between points in Maryland within 6 miles of Baltimore, Md., including Baltimore, and ink in cans, and paper, from Baltimore, Md., to Ilchester, Cedarhurst, and Westminster, Md., and Washington, D.C. Henry C. Bungie, 4408 Sheriff Road NE., Washington 19, D.C.; Wilbert Arnold Ridgley, 718 Bartlett Ave., Baltimore 18, Md.

No. MC–FC 64950. By order of April 13, 1962, the Transfer Board approved the transfer to Ferguson Transportation Co., a corporation, Bloomsburg, Pa., of Certificates Nos. MC 15881, MC 15881 Sub 1, and MC 15881 Sub 8, issued May 31, 1941, August 3, 1948, and September 24, 1951, to Fred Ferguson, Theodore H. Ferguson, Administrator, Bloomsburg, Pa., authorizing the transportation over irregular routes, of potato chips, from Berwick, Pa., to New York, N.Y., Baltimore, Md., Richmond, Va., and Passaic, N.J.; household goods, between Bloomsburg, Pa., and points within 15 miles of Bloomsburg, on the one hand, and, on the other, points in Maryland, New York, New Jersey, Ohio, Delaware, Virginia, West Virginia, and the District of Columbia; potato chips and advertising materials and machinery used in the manufacture, sale, and packing of potato chips, from Berwick, Pa., to all points in Connecticut, Delaware, the District of Columbia, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, Virginia, and West Virginia (except potato chips from Berwick to New York, N.Y., Baltimore, Md., Richmond, Va., and Passaic, N.J.; packing materials, machinery, and equipment used in the manufacture and packing of potato chips, from all points in Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, Virginia, and West Virginia to Berwick; and bakery products, from Kinston, Pa., to Hornell, Jamestown, Binghampton, Elmira, Buffalo, Rochester, and Olean, N.Y., New Brunswick, Camden, Trenton, and Atlantic City, N.J., Frederick and Hagerstown, Md., and Wilmington, Del. James W. Hagar, P.O. Box 432, Commerce Building, Harrisburg, Pa., attorney for applicants.

No. MC–FC 64954. By order of April 12, 1962, the Transfer Board approved the transfer to Marvin L. Fair, doing business as Fair Piano Movers, Toledo, Ohio, of Certificate No. MC 119597, issued January 3, 1961, to Minnie R. Fair, doing business as Fair Piano Movers, Toledo, Ohio, authorizing the transportation of pianos and electronic organs, from Toledo, Ohio, to points in Monroe, Lenawee, Hillsdale and Washtenaw Counties, Mich., and traded-in merchandise of the above-specified commodities, from points in Monroe, Lenawee, Hillsdale and Washtenaw Counties, Mich., to Toledo, Ohio; such commodities, as are dealt in by retail electrical appliance

stores, restricted to transportation in retail delivery service, from Toledo, Ohio, to points in Michigan within 45 miles of Toledo, Ohio (except Detroit, Mich.) and empty containers and such other incidental facilities as are used in transporting the commodities described immediately above, from points in Michigan within 45 miles of Toledo, Ohio, (except Detroit, Mich.) to Toledo, Ohio. Arthur R. Cline, 420 Security Building, Toledo 4, Ohio, attorney for applicants.

No. MC–FC 64961. By order of April 12, 1962, the Transfer Board approved the transfer to McFarren Cartage Co., Inc., Detroit, Mich., of Permit No. MC 109223 issued November 9, 1959, to Stanley Kubicki doing business as McFarren Cartage Co., Detroit, Mich., authorizing the transportation of meats, meat products, and meat byproducts, as described in section A of the appendix in Modification of Permits—Packing House Products, 46 MCC 23, over irregular routes, from Detroit, Mich., to points in Michigan on and south of Michigan Highway 55; and rejected shipments of the above-described commodities, from points in Michigan on and south of Michigan Highway 55 to Detroit, Mich. Earl H. Victorson, 2925 Cadillac Tower, Detroit 26, Mich., attorney at Law.

No. MC–FC 64965. By order of April 12, 1962, the Transfer Board approved the transfer to Harold Paekel, doing business as DeVries Transfer Co., Orange City, Iowa, of Certificate No. MC 22291 issued June 25, 1957, to Stephen DeVries and Harold Paekel, a partnership, doing business as DeVries Transfer Co., Orange City, Iowa, authorizing the transportation of household goods, over irregular routes, between points in Iowa and South Dakota; and between points in Iowa and South Dakota, on the one hand, and, on the other, points in Illinois, Michigan, Minnesota, Nebraska, New York and Wisconsin. R. W. Wigton, 710 Badgerow Building, Sioux City 1, Iowa, ICC practitioner.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62–3922; Filed, Apr. 20, 1962; 8:49 a.m.]

CUMULATIVE CODIFICATION GUIDE—APRIL

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during April.