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FEDERAL REGISTER

VOLUME 27 NUMBER 58

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 25—FEDERAL EMPLOYEES' PAY REGULATIONS

Subpart G—Payments During Evacuation

Effective March 25, 1962, Subpart G is added to Part 25 as follows:

Sec.
25.701 Purpose.
25.702 Applicability.
25.703 Employee coverage.
25.704 Definitions.
25.705 Limitations.
25.706 Approval of Departmental Regulations.
25.707 Payment to employees of other departments.

AUTHORITY: §§ 25.701 to 25.707 issued under 75 Stat. 662 et seq. and E.O. 10982, Dec. 25, 1961.

§ 25.701 Purpose.

The purpose of the regulations in this subpart is to provide the authority necessary for the departments to administer the Act (except section 5), by establishing an efficient, orderly, and equitable procedure for the payment of compensation and allowances in the event of an emergency evacuation of employees or their dependents, or both, from duty stations for military reasons or because of imminent danger to their lives.

§ 25.702 Applicability.

The regulations in this subpart apply to departments which exercise the authority under the Act and Executive order to provide for advance payments and evacuation payments for their employees who are located in United States areas.

§ 25.703 Employee coverage.

The regulations in this subpart apply (a) to civilian employees of a department who are United States citizens or who are United States nationals, (b) to civilian employees of a department who are not citizens or nationals of the United States but who were recruited with a transportation agreement which provides return transportation to the area from which recruited, and (c) to alien employees of a department hired within the United States.

§ 25.704 Definitions.

As used in this subpart, the following terms shall have the meanings as stated:

(a) "Act" means the Act of September 26, 1961 (Public Law 87-304, 75 Stat. 662).

(b) "Commission" means the United States Civil Service Commission.

(c) "Department" means any executive department of the Government of the United States of America, any agency or independent establishment in the executive branch of the Government, and any corporation wholly owned or controlled by the Government.

(d) "Executive order" means Executive Order 10982 dated December 25, 1961.

(e) "United States area" means the United States of America (including the District of Columbia), the Commonwealth of Puerto Rico, the Canal Zone, and any territory or possession of the United States, but excluding the Trust Territory of the Pacific Islands.

§ 25.705 Limitations.

A department may not provide an authority in its regulations to make advance payments or evacuation payments when evacuations are occasioned by a natural disaster within the 48 contiguous States or the District of Columbia.

§ 25.706 Approval of Departmental Regulations.

(a) *Advance approval.* The Commission has prescribed, and published in the Federal Personnel Manual, departmental regulations for adoption by a department as the regulations authorized to be issued by the department under section 6(c) of the Act. When the head of a department proposes to exercise the authority given him under sections 2 and 3 of the Act, he may adopt these departmental regulations for use in United States areas; or for use in specifically designated localities within these areas. When the departmental regulations are adopted without change as published in the Federal Personnel Manual, regulations so adopted have the prior approval of the Commission as required by section 4(b) of the Executive order. If a department adopts the departmental regulations, the Commission shall be notified of the date of adoption and of the areas in which the departmental regulations will be applied.

(b) *Request for prior approval.* When a department proposes to issue regulations which deviate from the departmental regulations published in the Federal Personnel Manual, prior approval as required by section 4(b) of the Executive order must be secured from the Commission before the regulations may be made effective.

(c) *Revision of departmental regulations.* When the Commission revises the departmental regulations provided for in paragraph (a) of this section, departments which have previously adopted the regulations in this subpart shall adopt the revisions or within 30 days request approval from the Commission to retain the regulations without change.

(d) *Supplemental regulations.* When a department has regulations which have been approved under paragraphs (a) or (b) of this section, the department may issue any supplemental regulations or instructions, not inconsistent with its approved regulations, deemed necessary for internal operations.

(e) *Delegation of authority.* There is hereby delegated to departments having approved regulations the authority vested in the Commission by section 2(a) of the Executive order with respect to section 3 (a) and (b) of the Act when the approved regulations provide for continuation of evacuation payments for an additional 120 days under section 3(a) of the Act and for the payment of special allowances under section 3(b) of the Act.

§ 25.707 Payment to employees of other departments.

When a department has adopted regulations which have been approved by the Commission, the name of the department will be listed in the Federal Personnel Manual together with the areas to which the regulations of the department will apply. When this information is published in the Federal Personnel Manual, other departments (whether or not they have approved regulations) are authorized to make advance payments or evacuation payments to employees (including dependents and designated representatives) of a department, having approved regulations, who are assigned to posts of duty within the areas covered by the department's regulations. When a payment is made under the regulations of the this subpart by other than the employee's department, the amount and date of payment will be immediately reported to the employee's department in order that prompt reimbursement may be made.

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

[F.R. Doc. 62-2868; Filed, Mar. 23, 1962; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; DISCONTINUANCE OF INSURANCE IN COUNTIES PREVIOUSLY DESIGNATED FOR BARLEY CROP INSURANCE

Colusa, Glenn, Monterey, and Yolo Counties, California, are hereby deleted from the list of counties published September 23, 1960, which were designated for barley crop insurance for the 1962 crop year pursuant to the authority

contained in § 401.1 of the above-identified regulations.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 62-2851; Filed, Mar. 23, 1962; 8:47 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; DISCONTINUANCE OF INSURANCE IN COUNTIES PREVIOUSLY DESIGNATED FOR COMBINED CROP INSURANCE

The counties listed below are hereby deleted from the list of counties published February 16, 1961, which were designated for combined crop insurance for the 1962 crop year pursuant to the authority contained in § 401.1 of the above-identified regulations.

IOWA

Delaware.	Union.
Emmet.	Warren.
Howard.	Winnebago.
Humboldt.	Worth.
Tama.	

LOUISIANNA

Vermilion.

NEBRASKA

Antelope.

TENNESSEE

Franklin.

WISCONSIN

Fond du Lac.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 62-2852; Filed, Mar. 23, 1962; 8:47 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; DISCONTINUANCE OF INSURANCE IN COUNTIES PREVIOUSLY DESIGNATED FOR WHEAT CROP INSURANCE

Colusa, Glenn, Monterey, and Yolo Counties, California, Marion County, Illinois, and Potter County, Texas, are hereby deleted from the list of counties published September 23, 1960, which were designated for wheat crop insurance for the 1962 crop year pursuant to the authority contained in § 401.1 of the above-identified regulations.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 62-2853; Filed, Mar. 23, 1962; 8:47 a.m.]

PART 402—RAISIN CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; DISCONTINUANCE OF INSURANCE IN COUNTY PREVIOUSLY DESIGNATED FOR RAISIN CROP INSURANCE

San Joaquin County, California, is hereby deleted from the list of counties published January 24, 1962, which were designated for raisin crop insurance for the 1962 crop year pursuant to the authority contained in § 402.1 of the above-identified regulations.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 62-2854; Filed, Mar. 23, 1962; 8:47 a.m.]

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

[Navel Orange Reg. 12]

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

Limitation of Handling

§ 907.312 Navel Orange Regulation 12.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 22, 1962.

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

(i) District 1: Unlimited movement;

(ii) District 2: 650,000 cartons;

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

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

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

Dated: March 23, 1962.

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

[F.R. Doc. 62-2940; Filed, Mar. 23, 1962; 11:40 a.m.]

[Valencia Orange Reg. 5]

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

Limitation of Handling

§ 908.305 Valencia Orange Regulation 5.

(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 Ad-

ministrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 22, 1962.

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

(i) District 1: 2,100 cartons;

(ii) District 2: Unlimited movement;

(iii) District 3: 100,000 cartons.

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

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

Dated: March 23, 1962.

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

[F.R. Doc. 62–2941; Filed, Mar. 23, 1962; 11:40 a.m.]

[Lemon Reg. 13]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.313 Lemon Regulation 13.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011), because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 20, 1962.

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

(i) District 1: 4,650 cartons;

(ii) District 2: 209,250 cartons;

(iii) District 3: Unlimited movement.

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

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

Dated: March 22, 1962.

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

[F.R. Doc. 62–2892; Filed, Mar. 23, 1962; 8:50 a.m.]

[Grapefruit Reg. 7]

PART 912—GRAPEFRUIT GROWN IN INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

§ 912.307 Grapefruit Regulation 7.

(a) *Findings.* (1) Pursuant to the marketing agreement and order (7 CFR Part 912; 27 F.R. 87) regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

dlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 22, 1962.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period beginning at 12:01 a.m., e.s.t., March 26, 1962, and ending at 12:01 a.m., e.s.t., April 2, 1962, is hereby fixed at 195,000 standard packed boxes.

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

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

Dated: March 22, 1962.

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

[F.R. Doc. 62-2908; Filed, Mar. 23, 1962; 9:35 a.m.]

[959.302 Amdt. 2]

PART 959—ONIONS GROWN IN SOUTH TEXAS

Limitation of Shipments

Notice of rule making with respect to a proposed amendment to the limitation of shipments under Marketing Agreement No. 143 and Order No. 959, both as amended (7 CFR Part 959), regulating the handling of onions grown in designated counties in South Texas, was published in the March 16, 1962, FEDERAL REGISTER (27 F.R. 2510). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to file data, views, or arguments pertaining thereto within five days after publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, it is hereby found that the amendment to the limitation of shipments regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this amendment beyond March 25, 1962 (5 U.S.C. 1001–1011) in that (1) onions grown in the production area are now being shipped, and the volume of shipments is expected to increase by the effective date of this amendment, (2) more orderly marketing in the public interest than would otherwise prevail will be promoted by regulating the handling of onions in the manner set forth in this amendment, (3) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted under the circumstances for such preparation, and (5) notice has been given of the proposed amendment through publicity in the production area and by publication in the FEDERAL REGISTER of March 16, 1962 (27 F.R. 2510).

Order, as amended. In § 959.302 (27 F.R. 1451, 2594) delete the introductory paragraph and substitute in lieu thereof a new introductory paragraph as set forth below.

§ 959.302 Limitation of shipments.

During the period from March 25, 1962, through June 30, 1962, no person shall package or load onions on Sundays or handle any lot of onions grown in the production area, except onions of the red variety, unless such onions meet the grade requirements of paragraph (a) of this section, one of the applicable size requirements of paragraph (b) of this section, and the container requirements of paragraph (c) of this section, or unless such onions are handled in accordance with the provisions of paragraphs (d), (e), (f), and (g) of this section.

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

Effective date. Dated, March 23, 1962, to become effective March 25, 1962.

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

[F.R. Doc. 62-2944; Filed, Mar. 23, 1962; 12:07 p.m.]

[Onion Reg. 1, Amdt. 2]

PART 980—VEGETABLES; IMPORT REGULATIONS

Onions

(a) *Findings.* Notice of rule making regarding a proposed amendment to § 980.100, Onion Regulation No. 1 (formerly § 1070.1; 26 F.R. 10632, 11287) was published in the February 27, 1962, FEDERAL REGISTER (27 F.R. 1802). This regulation is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674; Public Law 87–128).

The notice afforded interested persons an opportunity to file data, views, or arguments pertaining thereto within 15 days after publication.

The notice also contained a determination to the effect that imports of onions into the United States during the spring marketing season are in most direct competition with onions produced in the South Texas onion production area as defined in Marketing Order No. 959 (7 CFR Part 959), and that import regulations for onions during such period shall be based on regulations effective under said Order No. 959. Such a determination is required under section 8e of the act whenever regulations are in effect under two or more marketing orders for the same commodity.

Within the period specified, data, views, and arguments were filed by one importer opposing issuance of the proposed amendment and taking exception to the determination.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the data, views, and arguments submitted, and other available information, it is hereby found that the proposal as published in the notice should be issued except that the effective date of the amendment should be delayed to allow for shipping time from country of origin, and that the definitions in paragraph (h) should be clarified, as hereinafter set forth, to correspond with the regulations issued for South Texas onions.

It is hereby further found that good cause exists for not postponing the effective date of this section beyond the time specified (5 U.S.C. 1001–1011) in that (1) the requirements established by this section are mandatory under section 8e of the act; (2) all known onion importers were notified of the proposed regulation; and (3) notice hereof was published in the February 27, 1962, FEDERAL REGISTER (27 F.R. 1802), and such notice is determined to be reasonable.

(b) *Order, as amended.* In § 980.100, Onion Regulation No. 1 (formerly § 1070.1, 26 F.R. 10632, 11287), delete paragraphs (a), (b), and (h), and substitute in lieu thereof new paragraphs (a), (b), and (h), as set forth below.

§ 980.100 Onion Regulation No. 1.

(a) *Import restrictions.* During the period beginning on the effective date hereof through June 30, 1962, no person shall import dry onions, except red onions, unless such onions are inspected and meet the requirements of not to exceed 20 percent defects of U.S. No. 1 grade, or better quality. The minimum size for white onions shall be 1 inch in diameter, and for all others 1¾ inches in diameter.

(b) *Condition.* Due consideration shall be given to the time required for transportation and entry of onions into the United States. For onions with transit time from country of origin to entry into the United States of ten or more days, onions otherwise meeting import quality and size requirements may be entered if they meet an average tolerance for decay of not more than 5 percent.

* * * * *

(h) *Definitions.* For the purpose of this part, "onions" means all varieties of Allium cepa marketed dry, except onion sets, green onions, and pickling onions. Onions commonly referred to as "braided," that is, with tops, may be imported if they meet the grade and size requirements except for top length. The term "U.S. No. 1" shall have the same meaning as when used in the United States Standards for Onions (§§ 51.2830–51.2850 of this title), or United States Standards for Bermuda-Granex-Grano Type Onions (§§ 51.3195–51.3209 of this title), whichever is applicable to the particular variety, including the tolerances set forth therein. In percentage grade lots, tolerances shall not exceed 2-percent decay, except as provided in paragraph (b) of this section. Double the lot tolerance shall be permitted in in-

dividual packages. Onions meeting the requirements of Canada No. 1 grade shall be deemed to comply with the requirements of the U.S. No. 1 grade. "Importation" means release from custody of the United States Bureau of Customs.

Effective date. Dated, March 21, 1962, to become effective March 28, 1962, except, that for onions in transit on March 28 from countries of origin with travel time of ten days or more to entry into the United States, the effective date shall be extended by such additional travel time.

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

[F.R. Doc. 62-2866; Filed, Mar. 23, 1962; 8:49 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Q]

PART 217—PAYMENT OF INTEREST ON DEPOSITS

Rate of Interest on Interest Compounded Quarterly at Maximum Rate

§ 217.124 Rate of interest on interest compounded quarterly at maximum rate.

(a) The views of the Board of Governors of the Federal Reserve System have been requested as to whether, in paying interest on a savings account at 4 percent, compounded quarterly, interest paid on interest may be computed at the 4-percent rate since the basic interest credited to the account quarterly will, of course, not have been on deposit for 12 months.

(b) It is provided in § 217.6 that "No member bank shall pay interest accruing at a rate in excess of 4 percent per annum, compounded quarterly, regardless of the basis upon which such interest may be computed", on that portion of the deposit that has remained on deposit for not less than 12 months. This permits a member bank, under certain circumstances, to pay interest at a rate of 4 percent, compounded quarterly. Therefore, when a member bank, pursuant to this authority, agrees to pay interest on a 12-month deposit at a rate of 4 percent, compounded quarterly, the bank is obligated to compute the interest on the interest at 4 percent.

(c) In compounding interest, the interest being credited to the account quarterly is not treated the same as a new deposit; on such a deposit, interest would be restricted to a rate of 3½ percent until the funds have remained on deposit for 12 months at which time they become eligible for the so-called retroactive bonus of ½ percent. It has been recognized (§ 217.116) that in compounding interest, a bank is permitted to pay interest in an amount slightly greater than that paid on a straight yearly percentage basis.

(Sec. 11(i), 38 Stat. 262; 12 U.S.C. 248(i). Interprets or applies secs. 19, 24, 38 Stat. 270, 273, as amended, sec. 8, 48 Stat. 168, as amended; 12 U.S.C. 264(c)(7), 371, 371a, 371b, 461)

Dated at Washington, D.C., this 16th day of March 1962.

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-2840; Filed, Mar. 23, 1962; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1102; Amdt. 412]

PART 507—AIRWORTHINESS DIRECTIVES

General Dynamics/Convair 22 and 22M Aircraft

Pursuant to the authority delegated to me by the Administrator, (25 F.R. 6489), an airworthiness directive was adopted on March 5, 1962, and made effective immediately because of the safety emergency involved as to all known operators of General Dynamics/Convair Models 22 and 22M aircraft by individual telegrams dated March 5, 1962. This directive required inspection of the inboard elevator balance board forward support trunnions within 65 hours' time in service and every 65 hours' time in service thereafter, until a rigging check and adjustments were made. As a result of further investigation it was found that all elevator balance board trunnions were affected and the cause of the failures was not misrigging. Accordingly, an airworthiness directive was adopted on March 9, 1962, and made effective immediately as to all known operators of the General Dynamics/Convair Models 22 and 22M aircraft by individual telegrams dated March 9, 1962, superseding the directive of March 5, 1962.

Since it was found that immediate corrective action was required in the interest of safety, notice and public procedure thereon were impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of General Dynamics/Convair Models 22 and 22M aircraft by individual telegrams dated March 9, 1962. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 507.10(a) of Part 507 (14 CFR 507), to make it effective as to all persons.

GENERAL DYNAMICS/CONVAIR. Applies to all Models 22 and 22M aircraft.

Compliance required within the next 75 hours' time in service after the effective date of this AD and at periods thereafter not to exceed 75 hours' time in service.

To prevent further failures of the forward support trunnions for all elevator and rudder balance boards P/N 22-14715-7, 9, 15, and 17, the following shall be accomplished:

Inspect the forward support trunnions for all elevator and rudder balance boards P/N 22-14715-7, 9, 15, and 17 for failure or cracking. The inspection shall be conducted in accordance with Part A(1) of General Dynamics/Convair Alert Service Bulletin 880-A27-55 or 880M-A27-24. Replace any failed or cracked part prior to further flight.

Upon request of the operator an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Western Region, 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.

(General Dynamics/Convair Alert Service Bulletins 880-A27-55 and 880M-A27-24 pertain to this same subject.)

This amendment shall become effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram dated March 9, 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 March 19, 1962.

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

[F.R. Doc. 62-2831; Filed, Mar. 23, 1962; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-WE-26]

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

Revocation of Control Area Extension

The purpose of this amendment to Part 601 of the regulations of the Administrator is to revoke the Mullan Pass, Mont., control area extension (§ 601.1465).

The Federal Aviation Agency has determined that the Mullan Pass control area extension is no longer required for air traffic control purposes and therefore is no longer justified as an assignment of controlled airspace. Action is taken herein to revoke the Mullan Pass control area extension.

Since the change effected by this amendment reduces a burden on the public, 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 aeronautical 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), Part 601, (14 CFR 601) is amended by revoking the following section: **§ 601.1465 *Control area extension (Mullan Pass, Mont.).***

This amendment shall become effective 0001 e.s.t. May 31, 1962.

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

Issued in Washington, D.C., on March 20, 1962.

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

[F.R. Doc. 62-2832; Filed, Mar. 23, 1962; 8:45 a.m.]

[Airspace Docket No. 62-WE-28]

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 § 601.2362 of the regulations of the Administrator is to alter the Merced, Calif., control zone.

The present Merced control zone is designated, in part, on the Bear Creek, Calif., radio beacon. The Bear Creek radio beacon has been decommissioned and the instrument approach procedure based on the radio beacon has been cancelled. Therefore, the Federal Aviation Agency has determined that the portion of the control zone based on the radio beacon for the protection of this approach is no longer required for air traffic service purposes and may be revoked. Since the size of the control zone will be reduced and the change effected by this amendment is less restrictive in nature than the present requirements and imposes no additional burden on any person, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 601.2362 (14 CFR 601.2362) is amended to read:

§ 601.2362 Merced, Calif., control zone.

Within a 5-mile radius of the Castle AFB, Calif. (latitude 37°22'45" N., longitude 120°34'00" W.), within a 5-mile radius of the Merced Airport, Calif. (latitude 37°17'10" N., longitude 120°-31'20" W.), and within 2 miles either side of the Castle VOR 307° and 321° radials extending from the Merced 5-mile radius zone to the VOR, excluding that portion of the Merced 5-mile radius zone northeast of a line 2 miles northeast of and parallel to the Castle VOR 321° True radial.

This amendment shall become effective 0001 e.s.t. May 31, 1962.

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

Issued in Washington, D.C., on March 20, 1962.

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

[F.R. Doc. 62-2833; Filed, Mar. 23, 1962; 8:45 a.m.]

[Airspace Docket No. 62-WE-42]

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to § 608.25 of the regulations of the Administrator is to change the controlling agency of the Camp Pendleton, Calif., Restricted Area R-2503 from "Federal Aviation Agency, Los Angeles ARTC Center" to "Federal Aviation Agency, El Toro Approach Control".

A letter of agreement between the Los Angeles Center and the El Toro Approach Control delegates the authority for the control of air traffic within the airspace which encompasses R-2503 to El Toro Approach Control. Therefore, in order to ensure maximum efficiency in the control of air traffic within R-2503, the El Toro Approach Control is designated herein as the controlling agency of this joint use restricted area.

Since this amendment is procedural in nature and imposes no additional burden on the public, notice and public procedure hereon are unnecessary, and it may be made effective immediately.

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

In § 608.25 *California*, R-2503 Camp Pendleton, Calif. (26 F.R. 7190), is amended to read:

R-2503 Camp Pendleton, Calif.:

Boundaries. Beginning at latitude 33°24'23" N., longitude 117°15'15" W.; to latitude 33°18'00" N., longitude 117°16'08" W.; to latitude 33°17'30" N., longitude 117°16'40" W.; to latitude 33°18'20" N., longitude 117°21'48" W.; to latitude 33°27'48" N., longitude 117°33'15" W.; to latitude 33°30'13" N., longitude 117°29'13" W.; to the point of beginning.

Designated altitudes. Surface to 15,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, El Toro Approach Control.

Using agency. Commanding General, Camp Pendleton, Calif.

This amendment shall become effective upon date of publication in the FEDERAL REGISTER.

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

Issued in Washington, D.C., on March 20, 1962.

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

[F.R. Doc. 62-2834; Filed, Mar. 23, 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 2634]

[Idaho 010828]

IDAHO

Withdrawal for Stock Driveway (Twin Falls County)

By virtue of the authority contained in section 10 of the Act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), it is ordered as follows:

1. Subject to valid existing rights the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws and reserved under jurisdiction of the Bureau of Land Management for stock driveways:

BOISE MERIDIAN

T. 11 S., R. 15 E.,
Sec. 9, SE¼NE¼, E½SE¼;
Sec. 21, E½E½;
Sec. 28, E½E½;
Sec. 33, E½E½.
T. 12 S., R. 15 E.,
Sec. 1, lots 1, 2, 3, 4;
Sec. 2, lots 1, 2, 3, 4;
Sec. 3, lots 1, 2, 3, 4;
Sec. 4, lots 1, 2, 3, 4, SE¼NE¼, E½SE¼;
Sec. 5, lots 1, 2, 3, 4;
Sec. 6, lots 1, 2, 3, 4;
Sec. 9, E½E½;
Sec. 21, E½, E½W½;
Sec. 28, E½E½;
Sec. 33, E½E½.
T. 13 S., R. 15 E.,
Sec. 3, lot 4, W½SW¼, SW¼NW¼;
Sec. 4, lot 1, SE¼NE¼;
Sec. 10, NW¼, E½SW¼;
Sec. 15, NE¼NW¼, W½NE¼, N½SE¼, SE¼SE¼;
Sec. 22, E½E½;
Sec. 23, W½NW¼;
Sec. 27, E½E½;
Sec. 34, E½E½.
T. 14 S., R. 15 E.,
Sec. 3, lot 1, SE¼NE¼, E½SE¼;
Sec. 7, SE¼SE¼;
Sec. 8, W½SW¼, S½NW¼, S½NE¼, NE¼SE¼;
Sec. 9, W½SW¼, SE¼SW¼, S½SE¼;
Sec. 10, S½SW¼, SW¼SE¼, E½E½.
T. 15 S., R. 15 E.,
Sec. 15, E½W½, W½E½;
Sec. 22, E½W½, W½E½;
Sec. 27, E½W½, W½E½.
T. 12 S., R. 16 E.,
Sec. 1, lots 1, 2, 3, 4;
Sec. 2, lots 1, 2, 3, 4;
Sec. 5, lot 4;
Sec. 6, lots 1, 2, 3, 4.
T. 14 S., R. 16 E.,
Sec. 10, NW¼, NE¼NE¼, W½NE¼, W½SW¼, NE¼SW¼.
T. 16 S., R. 16 E.,
Sec. 24, E½SE¼;
Sec. 25, E½E½.
T. 12 S., R. 17 E.,
Sec. 4, lots 1, 2, 3, 4;
Sec. 5, lots 1, 2, 3, 4;
Sec. 6, lots 1, 2, 3, 4;
Sec. 10, N½N½;
Sec. 11, NW¼NW¼.
T. 14 S., R. 17 E.,
Sec. 20, SW¼;
Sec. 29, W½;
Sec. 32, W½W½.
T. 15 S., R. 17 E.,
Sec. 5, lot 4;
Sec. 7, N½NE¼, SW¼NE¼, E½SW¼, and NW¼SE¼;
Sec. 18, lots 1, 2, 3, 4, and NE¼NW¼;
Sec. 19, lots 1, 2, 3, and 4;
Sec. 30, lots 1, 2, 3, and 4;
Sec. 31, lots 1, 2, 3, and 4
T. 16 S., R. 17 E.,
Sec. 6, lots 1, 2, 3, and 4;
Sec. 7, lot 1, SW¼NE¼, E½NW¼, NE¼SW¼, W½SE¼, and SE¼SE¼;
Sec. 18, E½E½;
Sec. 19, lots 2, 3, 4, NE¼NE¼, W½NE¼, and SE¼NW¼;
Sec. 30, lots 1, 2, 3, and 4;
Sec. 31, lot 4.
T. 11 S., R. 18 E.,
Sec. 35, SW¼NE¼.

The areas described aggregate about 10,598 acres.

2. The lands shall be subject to prospecting, location, entry and purchase under the United States mining laws in accordance with regulations in 43 CFR 185.35–185.36, and to mineral leasing.

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

MARCH 20, 1962.

[F.R. Doc. 62–2863; Filed, Mar. 23, 1962; 8:49 a.m.]

[Public Land Order 2635]

[Nevada 056459]

[Nevada 055593]

NEVADA

Withdrawing Lands for Use of Department of the Navy; Revoking Certain Reclamation Withdrawals (Newlands Project)

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and reserved for use of the Department of the Navy in connection with the Naval Auxiliary Air Station, Fallon, Nevada:

MOUNT DIABLO MERIDIAN

T. 18 N., R. 29 E.,
Sec. 3, W½SW¼ and SE¼SW¼;
Sec. 4, lot 6;
Sec. 10, W½NE¼, NE¼NW¼, E½SW¼, and SE¼;
Sec. 24, N½NE¼, SW¼NE¼, NW¼, N½SW¼, SW¼SW¼, NW¼SE¼.

The areas described aggregate 966.57 acres.

2. The Departmental orders of July 2, 1902, and August 26, 1902, and any other order or orders which withdrew lands for reclamation purposes under the provisions of the Act of June 17, 1902, supra, are hereby revoked so far as they affect any of the lands described in paragraph 1 of this order.

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

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

5. There is reserved to the Bureau of Reclamation the right to operate and maintain certain irrigation and drainage works on the lands, and to have access to and across the lands described in this order for the purpose.

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

MARCH 20, 1962.

[F.R. Doc. 62–2864; Filed, Mar. 23, 1962; 8:49 a.m.]

[Public Land Order 2636]

[New Mexico 0153504]

[New Mexico 061385]

NEW MEXICO

Opening Lands Under Section 24, Federal Power Act (Power Site Reserve No. 548 and Water Power Designation No. 1)

1. In DA–64– and DA–65–New Mexico, the Federal Power Commission determined that the value of the following described lands would not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended:

NEW MEXICO PRINCIPAL MERIDIAN

T. 23 N., R. 10 E.,
Sec. 15, lots 6 and 9;
Sec. 19, SE¼SE¼;
Sec. 20, S½S½;
Sec. 21, S½SW¼;
Sec. 27, lots 3 to 11, incl.;
Sec. 28, lots 1 to 6, incl., 9 to 13, incl., 17, 19, 26, 41, 66, 67, and SW¼SE¼;
Sec. 29, lots 1, 2, 4, 6, SW¼NW¼, and N½SW¼;
Sec. 30, NE¼NE¼.

The areas described aggregate 1,168 acres.

2. Until 10:00 a.m. on September 18, 1962, the State of New Mexico shall have (1) a preferred right of application to select the lands described, in accordance with subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and (2) a preferred right to apply for the reservation to it or to any of its political subdivisions under any statute or regulation applicable thereto of any of the lands required for a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways, in accordance with the provisions of section 24 of the Federal Power Act, supra.

3. This order shall not otherwise be effective to change the status of the lands until 10:00 a.m. on September 18, 1962. At that time the said lands shall be open to the operation of the public land laws generally, subject to valid existing rights and equitable claims, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals.

4. The lands have been open to applications and offers under the mineral leasing laws, and to locations under the United States mining laws subject to the provisions of the act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

5. Any disposals of the lands described in this order shall be subject to the provisions of section 24 of the Federal Power Act, supra, as specified by the Federal Power Commission in its determinations.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Santa Fe, New Mexico.

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

MARCH 20, 1962.

[F.R. Doc. 62–2865; Filed, Mar. 23, 1962; 8:49 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter V—Foreign Assets Control, Department of the Treasury

PART 515—CUBAN IMPORT REGULATIONS

Miscellaneous Amendments

The Cuban Import Regulations, 31 CFR 515.201–515.801 are being amended as follows:

Section 515.201 is being amended to prohibit the unlicensed importation or other transactions incidental to the importation of merchandise made or derived in whole or in part of Cuban articles.

Section 515.202 is being revoked.

The authority for the regulations is being amended to provide that they are additionally issued under the authority of section 5, 40 Stat. 415, as amended, 50 U.S.C. App. 5; E.O. 9193, July 6, 1942, 7 F.R. 5205, 3 CFR 1943 Cum. Supp.; E.O. 9989, August 20, 1948, 13 F.R. 4891, 3 CFR 1948 Supp.

1. Section 515.201 of the Cuban Import Regulations (31 CFR 515.201) is hereby amended to read as follows:

§ 515.201 Prohibitions.

(a) The importation into the United States of all goods of Cuban origin and all goods imported from or through Cuba is prohibited except as authorized by the Secretary of the Treasury.

(b) The effective date of paragraph (a) of this section is 12:01 a.m., eastern standard time, February 7, 1962.

(c) Except as specifically authorized by the Secretary of the Treasury (or any person, agency, or instrumentality designated by him) by means of regulations, rulings, instructions, licenses, or otherwise, no person, partnership, organization, association, or corporation actually within the United States or organized or doing business under the laws of the United States or of any territory, possession, or district thereof, may import, or engage in any transaction in foreign exchange, transfer of credit or payment between, by, through or to any banking institution (as defined in § 500.314 of this chapter), incidental to the importation of, merchandise from outside of the United States made or derived in whole or in part of any article which is the growth, produce, or manufacture of Cuba.

(d) The effective date of paragraph (c) of this section is 12:01 a.m., eastern standard time, March 24, 1962.

§ 515.202 [Revocation]

2. § 515.202 is hereby revoked.

3. The authority for §§ 515.201 to 515.801 reads as follows:

AUTHORITY: §§ 515.201 to 515.801 issued under sec. 620(a) Public Law 87–195; Proclamation 3447; sec. 5, 40 Stat. 415, as amended, 50 U.S.C., App. 5; E.O. 9193, July 6, 1942, 7 F.R. 5205, 3 CFR 1943 Cum. Supp.; E.O. 9989, Aug. 20, 1948, 13 F.R. 4891, 3 CFR 1948 Supp.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 62–2928; Filed, Mar. 23, 1962; 9:52 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER C—REGULATIONS AFFECTING SUBSIDIZED VESSELS AND OPERATORS

[General Order 95, Rev.]

PART 293—INVENTORIES OF VESSELS COVERED BY OPERATING-DIFFERENTIAL SUBSIDY AGREEMENTS

Part 293 is hereby revised to read as follows:

Sec.
293.1 Purpose.
293.2 Definitions.
293.3 Inventory requirements.
293.4 Responsibilities and participation.
293.5 Scope and evaluation of inventories.
293.6 Certifications.
293.7 Accounting treatment.
293.8 Effective date.
293.9 Conflict of orders.

AUTHORITY: §§ 293.1 to 293.9 issued under sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114.

§ 293.1 Purpose.

The purpose of this part is to establish the policy and procedure to be followed by the Maritime Administration, and by the subsidized steamship operators in the accomplishment of inventories required on vessels approved for operation under Operating-Differential Subsidy Agreements and the application of the results thereof to the accountings required to be rendered thereunder.

§ 293.2 Definitions.

(a) *Stores and supplies.* As distinguished from expendable equipment and spare parts are those articles and commodities used and consumed in the day-to-day operation of a vessel by the operation and maintenance of machinery and equipment; the maintenance of clean and sanitary conditions; the feeding of passengers, officers, and crew; and stocked for the use and convenience of passengers, officers, and crew, more particularly defined as follows:

(1) *Consumable stores.* Those articles, commodities, and supplies required in the operation of vessels and the living and berthing of passengers, officers, and crew, including, but not limited to, the following general classifications:

(i) Articles and commodities that are completely consumed in their initial usage (paints, soaps, medicines, metals, oils, greases, chemicals, gases, fuel for auxiliary machinery and equipment, etc.).

(ii) Articles and commodities whose term of usage or life is so short that after initial use, such items cannot be recovered for reissue or are practically valueless for sale or transfer (paintbrushes, brooms, mops, rope (except hawsers) and cordage, etc.).

(iii) Articles and commodities of general use which, after installation, lose their identity and become part of a general installation or a part of a larger piece of equipment (pipe, pipefittings and valves, electrical fittings, fire bricks, and tile, etc.).

(iv) Items of the above or similar nature which, in general commercial practice, are ordered for and stocked aboard a vessel on the basis of the estimated needs for the next round voyage, but excluding spare parts for main and auxiliary machinery and ship's equipment which are maintained for emergency repairs at sea.

(2) *Subsistence stores.* Stores and supplies maintained for the feeding of ship's personnel and passengers, such as cereals and cereal products, dairy products, fish, fruits, groceries, meats and meat products, poultry, vegetables, and beverages.

(3) *Slop chest.* Those stores of clothing, toilet articles and supplies, smoking supplies, confections, etc., maintained for sale or issue to ship's personnel and passengers, usually as a charge against wages or for cash.

(4) *Bar stock.* Alcoholic and nonalcoholic beverages and related supplies maintained for sale to passengers.

(5) *Fuel.* For the main propulsion machinery.

(b) *Expendable equipment.* Those articles, outfitting and furnishings, portable, semiportable, and detachable used in equipping a ship for service and used in the normal day-to-day maintenance and operation of the ship that are in addition to and apart from all articles or fittings permanently incorporated in a vessel's hull prior to its being equipped and apart from items classified as stores and supplies or spare parts. Such items are subject to casual or gradual deterioration and replacement, but are not readily consumed by usage and include, but are not limited to, the following general classifications:

(1) *Steward's equipment.* Articles and detachable fixtures of an expendable nature utilized in connection with the living and berthing of passengers and crew such as cooking utensils, galley equipment, silverware, crockery, glassware, linens, mattresses and pillows, draperies and curtains, rugs, furniture, pianos, office machines, safes, cleaning equipment, printing, upholstery and joiner shop equipment, entertainment radio and television receivers, clocks, electric fans, windscoops, and port screens.

(2) *Deck equipment.* Articles and detachable fixtures of gradual deterioration utilized in connection with the general operation and upkeep of the vessel other than machinery such as hawsers, towing and mooring wire cables, binoculars, chronometers, sextants, portable machinery, tools, anchors except installed bower anchors, lifesaving and fire and damage control equipment, and removable hatch covers.

(3) *Engine equipment.* Articles and detachable fixtures of gradual deterioration utilized in connection with the operation and day-to-day maintenance of main propulsion and auxiliary machinery, equipment, and electrical installations of the vessel such as hand, portable power or specialized engine tools, portable or detached pressure, vacuum and testing gauges, electrical testing equipment.

(c) *Spare parts.* All items of spare and replacement parts carried for the specific purpose of maintaining and repairing mechanical and electrical equipment, machinery, mechanical controls, electric generators, motors, electrical control devices, switchboards, auxiliaries, accessories, etc., including, but not limited to, those spare and replacement parts required by the American Bureau of Shipping and other classification or regulatory bodies.

(d) *Installations.* Items of a permanent or detachable character, generally nonportable, which are permanently installed as a part of the vessel and generally necessary for the operation of the vessel for its intended purposes. Such items are not required to be recorded on inventories accomplished as provided herein, but if recorded shall be considered as general information only. Such items are as listed under the following general classifications:

(1) *Main machinery.* The central propulsion plant and main electric generating equipment and all of the machinery and operating components associated therewith.

(2) *Auxiliary machinery.* Items of machinery and equipment, nonportable in character and permanently installed, together with associated operating components which are required in and necessary to the operation of the vessel, such as steering engines, winches, windlasses, purifiers, condensers, heat extractors, blowers, vent fans, pumps, refrigeration machinery, main radios, gyro compasses.

(3) *Permanent equipment.* Items permanently installed aboard a vessel and necessary for its general operation which are generally nonportable in character, such as lifeboats, inflatable life rafts, rafts, davits, cargo booms and cranes, quick opening hatch covers, bower anchors and anchor chains, fire and access doors, ventilators.

(e) *Unbroached as applied to consumable stores.* In general, all stores that at time of inventory are in new condition; i.e., have not been used and have not lost any of their original value through age, rust, decay, or improper stowage. With respect to the contents of opened packages and containers, items normally supplied in bulk shall be considered first on the basis of condition and if meeting the above qualifications, the quantities found shall be considered unbroached. With respect to

items normally packaged in small quantities of nominal value, they shall be considered as unbroached where the containers have not been opened and none of the contents consumed.

(f) *Scrap.* Any item that is worn, used, deteriorated, aged, rusted, or decayed to such a degree it cannot perform or serve its original purpose or function and does not warrant reconditioning.

(g) *Idle status period.* Any idle status period as determined in accordance with General Order 27, Revised.

§ 293.3 Inventory requirements.

(a) Physical inventories of all unbroached stores and supplies, expendable equipment, and spare parts of each vessel approved for subsidized operations, shall be accomplished by the Operator and recorded in duplicate;

(1) At the commencement of the first voyage of each vessel upon entrance into the subsidized service (this inventory shall include only those unbroached stores and supplies purchased and aboad the vessel immediately prior to the commencement of the first subsidized voyage, but not those stores and supplies purchased specifically for the first subsidized voyage of a vessel. Equipment and spare parts purchased to bring the vessel up to standards required by Article II-5 (b) and (d) of the subsidy contract shall also be included in the inventory but the cost thereof shall not be included in voyage expenses.)

(2) Upon termination of the last voyage of each vessel;

(i) At the end of each recapture period,

(ii) At the termination of the contract period if not superseded or followed by a new contract,

(iii) Upon permanent withdrawal from the subsidized service,

(3) With respect to a vessel in idle status;

(i) At the end of each recapture period,

(ii) At the termination of the contract period if not superseded or followed by a new contract,

(iii) Upon permanent withdrawal from the subsidized service,

(4) Upon temporary withdrawal of a vessel from the subsidized service;

(i) Only in those instances where specific request therefor is provided in the written authorization to the Operator for such temporary withdrawal,

(ii) In those instances where specific inventories are not required the amounts chargeable for consumable stores, expendable equipment, and spare parts, in the determination of "net earnings", for the purposes of the reserve fund and recapture provisions of the operating-differential subsidy agreement, shall be adjusted for the period between the times of temporary withdrawal of a subsidized vessel from subsidized service and the reentry of such vessel into said service, as follows: There shall be ascertained the daily average amount of purchases of such consumable stores, expendable equipment and spare parts, based on the total days in all voyages (regardless of service and whether or not subsidized) of similar type vessels (i.e., C-1, C-2, or C-3, etc.) terminated during the year in which such period of temporary withdrawal commenced. The total of the actual purchases as recorded in the accounts of the vessel for the period of the temporary withdrawal shall be increased or decreased, as the case may be, to the equivalent of the amount calculated by multiplying such daily average amount by the number of days in the period of temporary withdrawal, with a contra adjustment in the accounts covering subsidized operations. If the amount otherwise chargeable to the period of temporary withdrawal is increased, the contra credit shall be included in the accounts covering the last preceding subsidized voyage of the vessel involved. If conversely, the amount otherwise chargeable to the period of temporary withdrawal is decreased, the contra charge shall be included in the accounts covering the next succeeding subsidized voyage of the vessel involved.

(5) In instances where the voyage results of nonsubsidized vessels are required to be taken into account for reserve fund and recapture purposes and regarding which specific inventories are not required by the Maritime Administration, the amounts chargeable for stores and supplies, expendable equipment and spare parts for all such voyages of a particular vessel terminating during an accounting period shall be adjusted as follows: There shall be ascertained the daily average amount of purchases of such stores and supplies, expendable equipment, and space parts, based on the total days in all voyages (regardless of service and whether or not subsidized) of similar type vessels (i.e., C-1, C-2, or C-3, etc.) terminated during the year in which the period of such operations commenced. The total of the actual purchases as recorded in the accounts of such nonsubsidized vessel voyages, the results of which are to be taken into account for reserve and recapture purposes, shall be increased or decreased, as the case may be, to the equivalent of the amount calculated by multiplying such daily average amount by the number of days in such voyages with a contra adjustment in the voyage accounts covering other operations of the vessel.

(6) And, at such other times as specifically directed by the Maritime Administration.

(b) Physical inventories of subsistence stores, slop-chest, bar stock (if maintained by the Operator) and fuel inventories, shall be accomplished by the Operator at the termination of each voyage of each vessel, in addition to those required under paragraph (a) (2) of this section.

§ 293.4 Responsibilities and participation.

(a) The subsidized Operators are responsible for the accomplishment of the inventories at the times required under § 293.3. The Operators shall notify the appropriate Coast Director of the Maritime Administration, of its intentions to accomplish all inventories required by § 293.3(a) not less than twenty-four hours in advance, specifying the time and place, and vessel to be inventoried.

(b) Local inventory surveyors will be assigned to observe and/or participate in the Operator's inventory required by § 293.3(a) to the greatest extent possible and practicable for the purposes of determining and attesting the accuracy and completeness of the inventories and reporting upon the methods employed by the Operator. In the event joint inventory participation is not possible or practicable, arrangements will be made by that staff to observe or to make such spot checks of the inventory as are considered necessary.

§ 293.5 Scope and evaluation of inventories.

(a) *Scope.* The inventories shall consist of detailed listings of unbroached consumable stores, subsistence stores, slop chest, bar stock (if maintained by the Operator) fuel, all expendable equipment and all spare parts, necessary for the outfitting, equipping, and supplying of the vessels, as required by § 293.3 which shall be recorded in form satisfactory to the Maritime Administration. The original inventory work sheets shall be retained by the Operator; however, it shall be the responsibility of the Operator to have all erasures or changes on said inventory sheets initialed by the Maritime Administration's Inventory Surveyors participating therein.

(b) *Valuation.* The basis to be used in determining inventory values shall be:

(1) At the times specified in § 293.3, the Operator shall compute the items of overage and shortage of expendable equipment and spare parts as disclosed by reconciliation of the initial inventory (taken when the vessel entered subsidized service) and closing inventories. Such items shall be priced by the Operator at current market price (without consideration of condition) and extensions and totals entered.

(2) The inventories of unbroached consumable stores, fuel, bar stock, slop chest, and subsistence stores taken pursuant to this section shall be priced at cost or market, whichever is the prevailing practice of each Operator, except that ending inventories shall be priced on a basis consistent with that used for the beginning inventory.

(3) Items evaluated as scrap in accordance with paragraph (c) of this section shall carry a zero valuation for inventory purposes: *Provided*, That when such items are sold the vessel shall be credited with the amount realized from the sale thereof. If such items are cumulated from more than one vessel, the vessels' operating results shall be appropriately credited.

(c) *Evaluation.* The observed condition of each item on the inventory shall be established at the time the inventory is taken and recorded as new, used, or scrap as defined in this part.

(1) Repairs or restorations estimated to cost in excess of 65 percent of the replacement cost of an item or items would be considered as not economically warranted.

(d) In the event an Operator and the local inventory staff cannot reach an agreement as to the pricing and observed condition evaluation of an inventory the local inventory staff shall submit all

pertinent inventory data to the Coast Director for decision.

§ 293.6 Certifications.

(a) *Requirements of Article II–5 (b) and (d) of the contract.* After completion of the physical inventories taken pursuant to § 293.3(a)(1) (except new vessels constructed under Title V of the Merchant Marine Act, 1936, as amended) the Coast Director shall review and determine, giving due consideration to the vessel's proposed service, if the vessel fully meets the requirements of Article II–5, paragraphs (b) and (d) of the applicable Operating-Differential Subsidy Agreement. A schedule shall be prepared by the Coast Director of any deficiencies in the outfitting and/or equipping of the vessel as contemplated by said paragraphs (b) and (d) and furnished to the Operator. The decision of the Coast Directors as to any such deficiencies is final, and the Operator shall thereupon procure, at its own expense, such items as are required to correct such deficiencies, and place same aboard the vessel not later than the termination of the first subsidized voyage. The Maritime Administration shall determine that the cost of curing such deficiencies is properly recorded on the Operator's books of account. Such costs shall not be eligible for operating subsidy or in inclusion in voyage expenses for recapture or reserve fund purposes.

(b) *Subsistence stores, slop chest, bar stock, unbroached consumable stores, and fuel.* (1) Within 30 days after the completion of the physical inventories of subsistence stores, slop chest, bar stock (if maintained by the Operator) unbroached consumable stores and fuel taken pursuant to § 293.3(a) price listings shall be submitted to the local inventory staff responsible therefor for review and the preparation of certifications.

(2) Upon completion of the physical inventories of subsistence stores taken pursuant to § 293.3(b), price listings shall be prepared by the Operator and, if requested, made available to the Maritime Administration's Auditors to be used in the audit of subsistence expenses determined to be eligible for operating-differential subsidy.

(i) Subsistence inventories, taken at the end of each voyage, shall also be reflected in Schedules P and C, which are submitted with the certified financial statements prescribed under § 281.1 of this chapter, for utilization by the Maritime Administration for subsidy rate determinations and subsidy payment purposes.

(c) *Inventory differences of expendable equipment and spare parts.* Within 120 days after the completion of the physical inventories of expendable equipment and spare parts taken pursuant to the provisions of § 293.3(a) (excepting subparagraph (1) thereof) the Operator shall submit a priced statement of differences, determined by comparison of the initial inventory with the closing inventory, together with the pertinent initial and closing inventories, to the local inventory staff responsible therefor for review and preparation of certifications. A copy, after certification by the Maritime Administration, confirming mutual agreement shall be returned to the Operator.

(d) *Reports.* Upon completion of the physical inventory of a subsidized vessel taken pursuant to § 293.3, the Maritime Administration's Inventory Surveyors participating in same will prepare, before leaving the vessel, Forms MA–290, –291, and –292, as applicable. A duplicate of such form will be affixed to the inventory work sheets of the Operator.

§ 293.7 Accounting treatment.

Inventories and inventory overages and shortages accomplished and certified pursuant to the provisions of this order shall be classified, for accounting purposes, as set forth hereinafter and recorded on the Operator's records and books of account as prescribed herein and in accordance with the account classifications prescribed by the Maritime Administration in the "Uniform System of Accounts for Operating-Differential Subsidy Contractors" under Part 282 of this chapter.

(a) The accounting entries for stores and supplies inventories as defined in § 293.2 (a)(2), (3), (4), and (5), shall be recorded, separately, for each vessel and each voyage coincident with the inventory accomplishments required under § 293.3(b).

(1) The following subsidiary voyage accounts and clearance accounts, maintained for each vessel and voyage, shall be charged with the value of such beginning inventories upon the commencement of the first voyage of the vessel. Upon the termination of each voyage of the vessel the voyage accounts shall be credited with the value of the ending inventories and a corresponding charge made to the accounts of the succeeding voyage.

(i) Account 210. Subsistence—Purchased Domestic.

(ii) Account 235. Fuel.

(iii) Clearance Account 040. Bar Accounts.

(iv) Clearance Account 045. Slop Chest Account.

(As it is impracticable to determine whether certain subsistence items were purchased domestic or foreign when taking inventories, the total value of the subsistence inventory shall be carried in Account 210.)

(2) Inventories recorded in Accounts 040 and 045 applicable to unterminated voyages as at the balance sheet date shall be reflected under the balance sheet Account 170. Inventories.

(b) The accounting entries for unbroached consumable stores inventories, as defined in § 293.2(a)(1) shall be recorded, separately for each vessel subject to the provisions of this order coincident with the inventory accomplishments required under § 293.3(a).

(1) In addition to the inventories required under § 293.3(a), the owner/operator may at his election take consumable stores inventories at the beginning and end of each subsidy accounting period: *Provided,* That such inventories are taken and priced in a manner consistent with the provisions of this part: *And further provided,* That such inventories shall be accomplished for each of the subsidy accounting periods within the Operator's recapture period or periods under its operating-differential subsidy agreement.

(2) The Clearance Account 060. Stores, Supplies, and Equipment Aboard Vessels, maintained for each vessel shall be charged with the value of such beginning inventories of unbroached consumable stores upon the commencement of the first voyage of the vessel as prescribed by § 293.3(a)(1). At the times prescribed by § 293.3 (except as to paragraph (a)(1) thereof) the account shall be credited with the value of the ending inventory and a corresponding charge made to Account 060 of the succeeding voyage.

(i) In the event an Operator elects to take consumable stores inventories at the end of each subsidy accounting period, Account 060 shall be credited with the value of the inventories upon the termination of the last voyage of the vessel within the accounting period and a corresponding charge made to Account 060 of the succeeding voyage.

(ii) Inventories recorded in Account 060 as at the balance sheet date shall be reflected in the balance sheet Account 200. Unterminated Voyage Expense.

(c) The accounting entries for overages and shortages of expendable equipment and spare parts inventories as defined in § 293.2 (b) and (c), shall be recorded, separately, for each vessel subject to the provisions of this order coincident with the inventory accomplishments required under § 293.3(a) (excepting subparagraphs (1) thereof) and § 293.6(c).

(1) The initial expendable equipment and spare parts inventory of a vessel entering subsidized operations shall be capitalized and recorded in the balance sheet Account 331. Floating Equipment—Vessels, as part of the acquisition cost of the vessel.

(2) The net overages and shortages of expendable equipment and spare parts, determined by an item by item comparison (since the initial inventory is not priced) of the initial inventory with the ending inventory, pursuant to § 293.6(c), shall for purposes of accounting for the consumption of or increase in capital assets be treated as follows:

(i) *Shortage.* Where a comparison of the ending inventory with the initial inventory discloses a net shortage (shortages exceed overages), which means that, to the extent of such net shortage, items included in the initial inventory, in the aggregate, were consumed and not replenished by purchases during the period between inventories, Account 215. Stores, Supplies, and Equipment—Purchased Domestic, of the last voyage of the vessel terminating prior to the ending inventory shall be charged with the net shortage and the corresponding account of the succeeding voyage credited with a like amount, except where a vessel (a) is being permanently withdrawn from operation, no adjustment should be made to the voyage account, and (b) is being permanently withdrawn from subsidized oper-

ations, inventory adjustments shall be made to the voyage accounts only after evidence has been presented by the owner/operator within six months after such withdrawal that restoration of the items making up said shortage has been accomplished: *Provided,* That the adjustment provided in (b) of this subdivision shall be limited to the extent that the value of the items so restored exceeds the value of the overage items, if any, appearing on the statement of overages and shortages.

(ii) *Overages.* Where a comparison of the ending inventory with the initial inventory discloses a net overage (overages exceed shortages), which means that, to the extent of such net overage, all of the purchases between inventories were not consumed, Account 215. Stores, Supplies and Equipment—Purchased Domestic, (*a*) of the last voyage of the vessel terminating prior to the ending inventory or (*b*) of the last idle status period of the vessel terminating prior to the permanent withdrawal of the vessel from subsidized operations shall be credited with the net overage and the corresponding account of the succeeding voyage of idle status period, as the case may be, charged with a like amount.

(b) In every instance where any item of expendable equipment or spare parts on which a construction-differential subsidy was paid, or an allowance thereof was included in the purchase price of a vessel, is withdrawn from the vessel's inventory, irrespective of whether it was furnished to the vessel's crew, operator's shore gang or to a contractor, for the operation, maintenance or repair of said vessel, no accounting entries shall be made to the vessel's voyage accounts for the cost, or other recorded value, of any inventory items so issued. In the event any item of expendable equipment or spare parts on which a construction-differential subsidy was paid, or an allowance thereof was included in the purchase price of a vessel, is transferred to another vessel, a credit memorandum describing such item shall be issued, together with a contra memorandum charging the vessel to which the item is transferred.

(1) Immediately upon the withdrawal of any equipment or spare parts from said inventories, the Operator shall prepare a "Memorandum of Equipment and/or Spare Parts" in the following suggested form, and file it with the applicable inventory records, work papers or listing thereof:

DEBIT-CREDIT MEMORANDUM OF EQUIPMENT AND/OR SPARE PARTS

Removed from Vessel SS _____ and Installed on Vessel SS _____ in Connection with Repairs—Maintenance for Voyage No. _____ Item No. _____ (Description) _____ Recorded Value $_____ Repair—Maintenance Order No. _____ Inventory Dated _____ Recorded in Account No. _____.

Signed _____
(Operator's representative)

NOTE: This Memorandum Transaction is not to be recorded on the vessel's voyage accounts or any inventory accounts, or charged as an item of expense, nor is the stated value hereof to be submitted for operating-differential subsidy participation. Strike out Debit or Credit as applicable.

(2) In all cases where the Operator furnishes said equipment or spare parts to its shore gang or an independent contractor for the maintenance or repair of a vessel, one copy of the "Memorandum" shall be attached to and submitted in support of the "Subsidy Repair Summary" (Form MA–140) as prescribed by paragraph (h) of § 272.6 of this chapter (General Order 20, 2d Rev. (23 F.R. 2920, May 1, 1958)).

§ 293.8 Effective date.

The provisions of this part are effective as of the date of publication in the FEDERAL REGISTER and are applicable to all inventories in process as of such date of publication.

§ 293.9 Conflict of orders.

To the extent the provisions of this part are in conflict with provisions of any other orders, instructions or regulations now in effect, the provisions of this part shall prevail.

Dated: March 19, 1962.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 62–2841; Filed, Mar. 23, 1962; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 33—SPORT FISHING

Modoc National Wildlife Refuge, California

On page 949 of the FEDERAL REGISTER of February 1, 1962, there was published a notice of a proposed amendment to § 33.4 of Title 50, Code of Federal Regulations. The purpose of this amendment is to provide public sport fishing in waters of the Modoc National Wildlife Refuge as legislatively permitted.

Interested persons were given 30 days in which to submit written comments, suggestions or objections with respect to the proposed amendment. No comments, suggestions or objections have been received. The proposed amendment is hereby adopted without change.

This amendment, because of the proximity of the legal fishing season in the State of California, is effective immediately upon publication in the FEDERAL REGISTER.

(R.S. 161, as amended, sec. 2, 33 Stat. 614, as amended, sec. 5, 42 Stat. 651, sec. 5, 45 Stat. 449, sec. 10, 45 Stat. 1224, sec. 4, 48 Stat. 402, as amended, sec. 4, 48 Stat. 451, as amended, sec. 2, 48 Stat. 1270; 5 U.S.C. 22; 16 U.S.C. 685, 725, 690d, 715i, 664, 718d; 43 U.S.C. 315a)

JAMES K. CARR,
Acting Secretary of the Interior.

MARCH 19, 1962.

Section 33.4 is amended by the addition of the following area as one where sport fishing is authorized.

§ 33.4 List of open areas; sport fishing.

* * * * *

CALIFORNIA

Modoc National Wildlife Refuge.

[F.R. Doc. 62–2862; Filed, Mar. 23, 1962; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Narcotics

[21 CFR Part 305]

PROPOXYPHENE (4-DIMETHYLAMINO-1, 2-DIPHENYL-3-METHYL-2-PROPIONOXYBUTANE)

Found Not To Be an Opiate

The Bureau of Narcotics published in the FEDERAL REGISTER (21 F.R. 1321) a notice of a proposed finding that the substance 4-dimethylamino-1,2-diphenyl -3- methyl -2- propionoxybutane (also known as propoxyphene) had an addiction-forming or addiction-sustaining liability similar to morphine and should be classified as an opiate. Eli Lilly and Company entered a protest with respect to the proposed finding and requested an opportunity to be heard on the matter. A hearing was held pursuant to this notice.

On the basis of all the evidence, including technical data offered at the hearing, plus the fact that there has been no evidence of any danger to the public welfare regarding addiction liability during the approximately five years propoxyphene has been on the market, I have concluded that this substance should not be found to be an opiate. Also taken into consideration in making this determination has been the resolution recommending such action, adopted at the January 1962 meeting of the Committee on Drug Addiction and Narcotics of the National Research Council, National Academy of Sciences.

[SEAL] HENRY L. GIORDANO,
Acting Commissioner of Narcotics.

Approved: March 17, 1962.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-2870; Filed, Mar. 23, 1962; 8:50 a.m.]

[21 CFR Part 307]

NORPETHIDINE (NORMEPERIDINE)

Applications for License To Manufacture

Notice is hereby given pursuant to the provisions of section 8 of the Narcotics Manufacturing Act of 1960 (74 Stat. 62) and 21 CFR 307.93 that an application for a license to manufacture the narcotic drug Norpethidine (normeperidine), basic class No. 34, has been submitted by each of the following named companies:

Merck Chemical Division,
Merck & Co., Inc.,
126 East Lincoln Avenue,
Rahway, N.J.

Mallinckrodt Chemical Works,
Second and Mallinckrodt Streets,
St. Louis 7, Mo.

Winthrop Laboratories Division of Sterling Drug Co.,
1450 Broadway,
New York 18, N.Y.

and that such applications are being favorably considered.

Within twenty days from the date of publication of this notice in the FEDERAL REGISTER, any interested person may file a written protest with both the Commissioner of Narcotics and the applicants, against favorable consideration of the applications. Any such protest shall specify with particularity the facts relied upon as showing that the licenses if granted to the applicants would not be in the public interest. Such interested person at the time of filing may request a hearing as to his protest.

If no written notice of a desire to be heard shall be received within twenty days from date of publication of this notice in the FEDERAL REGISTER, no hearing shall be held.

[SEAL] HENRY L. GIORDANO,
Acting Commissioner of Narcotics.

Approved: March 17, 1962.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-2869; Filed, Mar. 23, 1962; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

LASSEN VOLCANIC NATIONAL PARK, CALIFORNIA

Boating

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. sec. 3); Departmental Order No. 2640 (16 F.R. 5846), National Park Service Order No. 14 (19 F.R. 8824) and Regional Director, Region Four, Order No. 3 (21 F.R. 1495), as amended, it is proposed to amend 36 CFR 7.11 as set forth below. The purpose of these amendments is to establish a suitable management plan for the waters of the Park in the interest of public safety and preservation of natural values.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Superintendent, Lassen Volcanic National Park, Mineral, California, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

FRANK E. SYLVESTER,
Superintendent,
Lassen Volcanic National Park.

A new paragraph (g) is added to § 7.11 to read as follows:

§ 7.11 Lassen Volcanic National Park.

* * * * *

(g) *Boats*—(1) *Permit.* A permit, issued by the Superintendent is required for any boat, canoe, raft or other waterborne or floating craft, placed or operated, upon the waters of Lassen Volcanic National Park. This permit must be carried within the boat at all times when any person is aboard and shall be exhibited upon request to any authorized person. The Superintendent shall have the authority to revoke the permit and require the immediate removal of such craft upon failure of the permittee or other persons using the boat to comply with terms and conditions of the permit.

(2) *Use of motors.* The use of boats, canoes, rafts or other waterborne or floating craft, propelled by any type of motor, is prohibited on all waters within the boundaries of Lassen Volcanic National Park except for official management purposes.

(3) *Restricted waters.* Waterborne craft of every type or description are prohibited on the following waters:

Boiling Springs Lake.
Emerald Lake.
Helen Lake.
Reflection Lake.

[F.R. Doc. 62-2842; Filed, Mar. 23, 1962; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 730]

RICE

Determination of Acreage Allotments for 1959 and Subsequent Crops; Proposed Transfer of Producer Allotments

Notice is hereby given that pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301, 1352, 1353, 1354, 1377), the Department proposes to amend § 730.1025 of the regulations for the determination of rice acreage allotments for the 1959 and subsequent crops of rice (23 F.R. 8528), as amended. The purpose of this amendment is to implement the provisions of Public Law 87-412, approved March 6, 1962, which provides for the transfer of producer rice acreage allotments, upon retirement, to other producers under certain conditions. Section 730.1025 of the regulations currently provides for the succession of interest in producer allotments under certain conditions following death, the sale or lease of rice land, the sale of a leasehold, and upon dissolution of a

partnership. Public Law 87-412 provides specifically for the transfer of producer rice allotments under certain conditions following death, retirement from the production of rice, and upon dissolution of a partnership.

The proposed amendment is to become effective with the 1962 and subsequent crops of rice.

Section 730.1025 is to be amended to read as follows:

§ 730.1025 Succession of interest in producer allotments.

(a) If a producer dies or withdraws from the production of rice, his rice acreage allotment and related history acreages during the applicable base period may be transferred under the provisions of this section to another person or persons. Each such transfer shall be contingent upon the furnishing of certain information to the county committee and will be subject to the approval of a representative of the State committee. A producer who withdraws in whole from the production of rice under the provisions of paragraph (b)(2) of this section, or who withdraws from the production of rice under the provisions of paragraph (b)(3) of this section, or who transfers his entire interest in the production of rice to the remaining partner(s) under the provisions of paragraph (b)(4) of this section when the partnership is dissolved, shall not be eligible for a producer rice acreage allotment for any year subsequent to such transfer, except to the extent that he may become eligible for an allotment on the basis of rice history acquired in a year (subsequent to the transfer) for which rice acreage allotments are not in effect.

(b)(1) If a producer dies his current rice acreage allotment and related rice history acreage during the applicable base period shall be apportioned in whole or in part among his heirs or devisees according to the extent to which they may continue, or have continued, his farming operations. The heirs or devisees, or their representative, shall furnish the county committee in writing at the earliest practicable date, the names and addresses of the heirs or devisees and the extent each will continue the farming operations of the deceased. The percentage of the total allotment of the deceased that each will receive shall be determined on the basis of the information furnished by the heirs or devisees and any other pertinent information. The rice history acreages credited to the deceased during the applicable base period shall be divided among the heirs or devisees in the same proportion that the allotment is divided.

(2) If a producer withdraws in whole or in part from the production of rice in favor of a member or members of his family who will succeed to his farming operations, that portion of his current allotment and related rice history acreage during the applicable base period as may be ascribed to such withdrawal, may be transferred to such family member or members. For the purposes of this subparagraph (2) of this paragraph, a member of the transferee's family shall be limited to his wife, father, mother, brother, sister, son, daughter, grandson, granddaughter, nephew or niece. The transferor shall furnish the county committee in writing at the earliest practicable date, the names and addresses of the transferees, their relationship to him and the extent to which he is to be succeeded in his farming operations by them. The current allotment and related rice history acreages credited to the transferor during the applicable base period shall be divided among the transferor, when applicable, and the transferees in accordance with the transferor's request.

(3) If a producer permanently withdraws from the production of rice as provided in this subparagraph (3), his current allotment and related rice history acreage during the applicable base period may be transferred to another producer(s) who has had previous rice producing experience: *Provided,* That the transferee(s) acquires the transferor's entire rice farming operation, including all production and harvesting equipment, any eligible equipment not permanently attached to the land and any land owned by the transferor to which any of the transferred rice history acreage is ascribed. The transferor at the earliest practicable date, shall advise the county committee in writing of his intention to withdraw from the production of rice and the crop year for which the withdrawal is to become applicable. He shall also furnish the names and addresses of the persons who will succeed him in his rice farming operations and the percentage of his current rice acreage allotment that each person is to receive. The related rice history acreages credited to the transferor during the applicable base period shall be divided among the transferees in the same proportion that the allotment is divided. To qualify as having had previous rice producing experience as referred to in this subparagraph (3), the transferee must have actually participated in producing, harvesting and marketing one or more crops of rice as a producer. The minimum acreage of land to which history has been ascribed as referred to in this subparagraph (3) that must be transferred in order to effect a transfer of the allotment and related rice history acreages, shall be the smaller of the acreage of developed rice land owned by the transferor at the time of the transfer to which he allocated his producer rice acreage allotment (less any reapportioned allotment) in any one or more of the five years immediately preceding the current year, or the largest acreage of his producer rice acreage allotment (less any reapportioned allotment) allocated to such land by the producer in any year during such period. In order for the transfer to remain effective, the transferee must actually plant or cause to be planted at least 90 percent of his producer rice acreage allotment (after release and before reapportionment), including the allotment determined on the basis of the rice history acreage acquired from the transferor, for at least three out of the next four years following the transfer. If the transferee fails to comply with this minimum planting provision, the transfer shall become invalid and the county committee shall reduce the transferee's allotment for the current year in the same proportion that his producer allotment, immediately before the transfer, bears to the total allotment established for the producer as a result of the transfer. The rice history acreages credited to the transferee for each year of the period the transfer was in effect shall be reduced in the same proportion as the allotment is reduced.

(4) If a partnership is dissolved, the partnership's current rice acreage allotment and related history of rice production shall be divided among the partners in such proportion as agreed upon in writing by the partners: *Provided,* That if a partnership was formed in a year in which allotments were in effect and is dissolved in less than three consecutive crop years after the partnership became effective, the rice acreage allotment established for the partnership and rice history acreages credited to the partnership for each of the years during its existence shall be divided among the partners in the same proportion that each partner contributed to the allotment established for the partnership at the time such partnership was formed. The members of the partnership shall advise the county committee in writing at the earliest practicable date of the dissolution of the partnership. If the partnership was in effect for at least three consecutive years during the applicable base period, the percentage of the current rice acreage allotment that each partner is to receive shall be furnished the county committee. The rice history acreage credited to each of the partners for the years prior to the time the partnership was formed shall revert to the person to whom it was originally credited.

Prior to the issuance of the regulations referred to herein, any data, views or recommendations pertaining thereto which are submitted in writing to the Director, Grain Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington 25, D.C., will be given consideration provided such submissions are postmarked not later than 10 days from the date of publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D.C., on March 20, 1962.

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

[F.R. Doc. 62-2867; Filed, Mar. 23, 1962; 8:49 a.m.]

[7 CFR Parts 1001, 1006, 1007, 1014]

[Docket Nos. AO–14 A32, AO–302 A–6, AO–203 A–14, AO–204 A–14]

MILK IN GREATER BOSTON, SOUTHEASTERN NEW ENGLAND, SPRINGFIELD AND WORCESTER MARKETING AREAS

Decision on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Boston, Massachusetts, on December 20, 1961, pursuant to notice thereof issued on December 12, 1961 (26 F.R. 12037).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Secretary on February 23, 1962 (27 F.R. 1906; F.R. Doc 62–1992) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issue on the record of the hearing relates to providing an exemption from pooling on all or a portion of any milk received by a pool handler from public and private institutions.

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

The provisions of the Greater Boston, Southeastern New England, Springfield and Worcester milk orders should be amended to provide in the alternative (a) an exemption from pooling on milk received by a pool handler from state and local governments which operate dairy farms, or (b) the pooling of all milk so produced and received by a handler from any such governing body as "producer milk." The exemption should apply only if the eligible governing body utilizes such milk on its premises and distributes no milk through commercial outlets.

A private, nonprofit institution operating a dairy farm should continue in its present status as a producer with respect to milk from such farm received at a fully regulated plant.

A small number of nonprofit institutions which operate dairy farms, and are "producers" under the respective orders, use facilities of pool handlers for the purpose of processing and packaging their milk in quantities required to fulfill their fluid needs. There are five such institutions, public and private, under the Greater Boston order, four under the Southeastern New England order and one each under the Worcester and Springfield orders. Of such 11 institutions, four are operated by governmental agencies.

The normal practice of these institutions is to deliver all milk produced on their farms to regulated handlers' plants. All or part of such milk is processed, packaged and returned to the institutions thereof. The milk not needed by the institutions is retained for disposition by the handlers.

The proportion of the milk so returned to these institutions individually varies from minor quantities of the milk produced to all of it. Institutions using facilities of Boston, Springfield and Worcester order pool plants require for their own use, on the average, about 40 percent of their aggregate production. Institutions in the Southeastern New England market utilize on the average about 12 percent of their total production.

Under the present provisions of the orders, a handler receiving such milk from an institution is required to pay the institution at least the applicable blended price for all deliveries. The milk returned to the institution is accounted for by the handler at the applicable order's Class I price. Thus, the handler incurs an obligation under the order of the difference between the Class I and blended price on the milk so returned. This order obligation customarily is passed on to the institution as part of the cost of processing the milk.

The proposal as presented would provide an exemption from order pricing on that portion of the milk produced by the institution, processed by a pool handler, and returned for consumption by the institution. The milk retained by the processing handler would continue to be treated as "producer milk" and would be priced accordingly.

Prior to September 1, 1960, an exemption from pooling was provided under the Boston, Worcester and Springfield orders on milk returned to all "dairy farmer-distributors." The Southeastern New England order has not provided such an exemption. Official notice is here taken of the Secretary's decision of August 10, 1960 (25 F.R. 7819), to amend the several New England orders, in which appears a discussion of the need for amending the "exempt milk" definition to exclude therefrom milk returned to "dairy farmer-distributors."

An important factor in such decision to amend the orders was that the exempt milk provision allowed dairy farmer-distributors to avoid the pooling and pricing provisions on fluid milk while at the same time receiving the blended price on any surplus milk associated with their fluid operations to the disadvantage of other producers. The decision found that in May, 1959, there were 62 such dairy farmer-distributors using the exempt milk provisions in this manner.

To adopt the provision proposed likewise would be disadvantageous to producers furnishing milk for commercial outlets since the institution would not be required to share its fluid consumption with other producers through market pooling, but nevertheless would be entitled to share in the fluid (Class I) sales of the other producers. While other producers share the full burden of the lower value of the market supply of milk not needed for fluid use, the institution would be required to share only a portion of such burden, since its own Class I consumption would not be pooled.

Several of the private institutions in question produce substantially more milk on a year-round basis than is required to meet their respective needs. In addition, several of such institutions use the production of their herds to supply self-operated private schools. The fluid milk needs of these schools vary widely, depending on whether classes are in session. During vacation periods the excess production is delivered to pool plants and is paid for at the applicable blended price. The institution thereby derives an additional significant benefit from pooling since it receives the blended price on milk which normally would be used for fluid purposes during the school year but has no fluid outlet in other months.

Most of the private institutions operate in a manner not substantially different from other producers in the market. The institution's production is not necessarily geared to its own fluid milk needs. In some of the cases, at least, the successful operation of the farm enterprise depends on receipt of the blended price on the substantial proportion of the milk production which is retained by the processing handler.

Although in each instance any effect on blended prices which would result from granting the proposed exemption would be small in terms of the entire market, an exemption would not be consonant with the marketing principles which make marketwide pooling an important stabilizing factor in the market. The successful application of pooling requires that all participants share proportionately in the higher value of all fluid milk sales and in the lower value of the surplus associated with such sales. Effective marketwide equalization could not persist if special consideration were given under the order in each case where it could be shown that the particular farm enterprise was in some respect different from that of the typical milk producer.

In the case of an institution operated under public authority, the opportunity should be provided for complete exemption from the "producer" definition and pooling provisions of the order for milk produced. As a matter of public policy, the operation of a dairy farm by a state-operated facility for the purpose of carrying out a sovereign, public function of the state need not meet interference from this Federal regulation designed to regularize commercial transactions. It is proposed, therefore, that state or local governmental bodies which operate dairy farms be provided a choice as to whether or not their entire deliveries of dairy farm production to a handler are to be pooled and priced as producer milk under the order.

The alternative of complete exemption will provide appropriate procedures for eliminating any order pricing requirement as to such operations. Complete exemption would provide that any milk produced in excess of such institution's requirements and retained by a pool handler would be paid for by negotiation between the institution and the handler. The receiving handler would not

be required to pay the institution the minimum blended price for such milk as announced under the order. If an exemption were taken by the governmental body the effect would be to eliminate the pooling of the milk retained by the handler as well as that returned to the institution for consumption. The surplus over the fluid needs of the market thus would not be increased by any excess of milk produced by the institution over its own fluid requirements, with a consequent reduction in the blended price to other producers. Milk returned by the regulated handler to the institution would be covered by the definition of "exempt milk" and any milk retained by the regulated handler would be accounted for under the order in accordance with the order's definition of "outside milk" ("other source milk" in the Southeastern New England order), without payment obligation under the order unless utilized in Class I.

Because of the seasonal aspects of milk production and for administrative convenience the alternative of complete exemption should apply for not less than 12 consecutive months. If a governmental body elects the exemption, written notification to that effect should be given to the market administrator, and to the handler to which it delivers, on or before the last day of the first month for which the exemption would be applicable.

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

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

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

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

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

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

Marketing agreements and orders. Annexed hereto and made a part hereof are eight documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Greater Boston, Massachusetts, Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Greater Boston, Massachusetts, Marketing Area", "Marketing Agreement Regulating the Handling of Milk in the Southeastern New England Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Southeastern New England Marketing Area", "Marketing Agreement Regulating the Handling of Milk in the Springfield, Massachusetts, Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Springfield, Massachusetts, Marketing Area", and "Marketing Agreement Regulating the Handling of Milk in the Worcester, Massachusetts, Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Worcester, Massachusetts, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

Determination of representative period. The month of December 1961 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached orders amending the orders regulating the handling of milk in the Greater Boston, Massachusetts, Southeastern New England, Springfield, Massachusetts, and Worcester, Massachusetts, marketing areas, are approved or favored by producers, as defined under the terms of the orders as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing areas.

Signed at Washington, D.C., on March 20, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Greater Boston, Massachusetts, Marketing Area

§ 1001.0 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 Greater Boston, Massachusetts 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.

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

1. In § 1001.2(e) delete the word "nor," change the period at the end of the sentence to a comma, and add the following: "or a local or state government not engaged in the resale of any packaged fluid milk products on routes,

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

if such governing body so elects by written notification to the market administrator and the handler to which it delivers, in which event such election shall be effective for the 12 months beginning with the month in which the election is made, and for each subsequent month until cancelled in writing."

2. In § 1001.4(j), delete the word "or" at the end of subparagraphs (1) and (2), change the period at the end of subparagraph (3) to a semicolon, add the word "and" thereafter, and add a new subparagraph (4) to read as follows:

(4) Milk received at a regulated plant in bulk from the dairy farmer who produced it, in the amount of any packaged fluid milk products returned to such dairy farmer, if the dairy farmer is a state or local government which is not engaged in the resale on routes of any of the returned packaged fluid milk products and which has elected nonproducer status for the month pursuant to § 1001.2(e).

Order[1] Amending the Order Regulating the Handling of Milk in the Southeastern New England Marketing Area

§ 1014.0 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 Southeastern New England 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.

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

1. Add the following immediately after the word *"Provided"* in § 1014.2(e): "That this definition shall not include a local or state government not engaged in the resale of any packaged fluid milk products on routes, if such governing body so elects by written notification to the market administrator and the handler to which it delivers, in which event such election shall be effective for the 12 months beginning with the month in which the election is made, and for each subsequent month until cancelled in writing: *And provided further,*".

2. In § 1014.4(g) delete the word "or" at the end of subparagraph (2), change the period at the end of subparagraph (3) to a semicolon, add the word "and" thereafter, and add a new subparagraph (4) to read as follows:

(4) Milk received at a regulated plant in bulk from the dairy farmer who produced it, in the amount of any packaged fluid milk products returned to such dairy farmer, if the dairy farmer is a state or local government which is not engaged in the resale on routes of any of the returned packaged fluid milk products and which has elected nonproducer status for the month pursuant to § 1014.2(e).

Order[1] Amending the Order Regulating the Handling of Milk in the Springfield, Massachusetts, Marketing Area

§ 1006.0 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 Springfield, Massachusetts, 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.

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

1. In § 1006.2(e) delete the word "nor," change the period at the end of the sentence to a comma, and add the following: "or a local or state government not engaged in the resale of any packaged fluid milk products on routes, if such governing body so elects by written notification to the market administrator and the handler to which it delivers, in which event such election shall be effective for the 12 months beginning with the month in which the election is made, and for each subsequent month until cancelled in writing."

2. In § 1006.4(j) delete the word "or" at the end of subparagraphs (1) and (2), change the period at the end of subparagraph (3) to a semicolon, add the word "and" thereafter, and add a new subparagraph (4) to read as follows:

(4) Milk received at a regulated plant in bulk from the dairy farmer who produced it, in the amount of any packaged fluid milk products returned to such dairy farmer, if the dairy farmer is a state or local government which is not engaged in the resale on routes of any of the returned packaged fluid milk products and which has elected nonproducer status for the month pursuant to § 1006.2(e).

Order[1] Amending the Order Regulating the Handling of Milk in the Worcester, Massachusetts, Marketing Area

§ 1007.0 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 find-

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

ings 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 Worcester, Massachusetts, 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.

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

1. In § 1007.2(e) delete the word "nor," change the period at the end of the sentence to a comma, and add the following: "or a local or state government not engaged in the resale of any packaged fluid milk products on routes, if such governing body so elects by written notification to the market administrator and the handler to which it delivers, in which event such election shall be effective for the 12 months beginning with the month in which the election is made, and for each subsequent month until cancelled in writing."

2. In § 1007.4(j), delete the word "or" at the end of subparagraphs (1) and (2), change the period at the end of subparagraph (3) to a semicolon, add the word "and" thereafter, and add a new subparagraph (4) to read as follows:

(4) Milk received at a regulated plant in bulk from the dairy farmer who produced it, in the amount of any packaged fluid milk product returned to such dairy farmer, if the dairy farmer is a state or local government which is not engaged in the resale on routes of any of the returned packaged fluid milk products and which has elected nonproducer status for the month pursuant to § 1007.2(e).

[F.R. Doc. 62-2850; Filed, Mar. 23, 1962; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 201, 302, 377, 399]

[Docket No. 13481; EDR-40, PDR-18, SPDR-4, PSDR-3]

CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY; ECONOMIC PROCEEDINGS; CONTINUANCE OF EXPIRED AUTHORIZATIONS AND STATEMENTS OF GENERAL POLICY

Notice of Proposed Rule Making

MARCH 21, 1962.

Notice is hereby given that the Civil Aeronautics Board has under consideration the adoption of the following amendments to its regulations:

1. Adding a new § 201.6 to Part 201 of the Economic Regulations (14 CFR Part 201);

2. Adding a new last sentence to § 302.400 of Part 302 of the Procedural Regulations (14 CFR Part 302);

3. Revising the format of and adding a new proviso to § 377.10 of Part 377 of the Special Regulations (14 CFR Part 377);

4. Adding a new § 399.37 to Part 399 of its Policy Statement Regulations (14 CFR Part 399).

The principal features of the proposed amendments are described in the explanatory statement below and the proposed amendments are set forth below. These regulations are proposed under the authority of sections 204(a), 401, 416(b), and 1001 of the Federal Aviation Act of 1958 and sections 3(a) and 9(b) of the Administrative Procedure Act; 72 Stat. 743, 754, 771, 788, 60 Stat. 238, 242; 49 U.S.C. 1324, 1371, 1386, 1481, 5 U.S.C. 1002, 1008.

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington 25, D.C. All relevant matter in communications received on or before April 23, 1962, will be considered by the Board before taking final action on the proposed rules. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

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

Explanatory statement. Route air carriers sometimes seek authority to provide route service under terms different from those established in their certificates. The duration of the authority sought is sometimes limited by the occurrence of a particular event, but is often for a stated period. Frequently, these temporary service applications are accompanied by applications for comparable certificate modifications, and the carriers will seek renewal of the authorizations if granted. It appears that few of such temporary service authorizations have, in fact, terminated at the end of the initial periods named therein.

Until recently, the Board limited fixed-term temporary service authorizations to a one-year maximum. Consequently, many renewal applications were filed annually. In an effort to reduce the incidence of such proceedings, the Board has recently been extending the maximum term to two years. We would continue to do so as a matter of basic policy. Such a policy permits longer range planning by the air carriers concerned while retaining the necessary degree of Board control with corresponding saving of time, effort and cost to both the carrier and the Board.

It further appears to the Board that extension of a two-year authority to render route service, if granted, should take the form of a certificate or certificate amendment. After the initial period of experimental operations under exemption authority, it should be clear whether or not the continuation of the service is required by the public convenience and necessity. An air carrier's basic operating authority should be fully contained in its certificate and should not be the subject of periodically recurrent applications for renewal or extention. The following proposed amendment to Part 399 of the Board's Regulations expresses the policy to entertain an application for renewal or extension of route-type authority granted by a fixed-term temporary exemption only when it is incorporated in a duly filed and properly documented application for certificate authority for equivalent services, submitted pursuant to section 401 of the Act.

The accompanying amendment to Part 201 of the Economic Regulations implements this policy. It has the effect of permitting the holder of such an exemption to invoke the "automatic extension" benefit of section 9(b) of the Administrative Procedure Act (60 Stat. 242; 5 U.S.C. 1008)[1] while the board considers the application for certificate authority. At the same time it permits the orderly conversion of exemption authority to certificate authority when justified by the public interest. If in such a case the applicant asks for issuance of certificate authority without including a request for renewal or extension of its existing exemption authority, the Board will view any right to the section 9(b) interim extension as waived.

In the ordinary case, the Board will first consider the application for certification, and until it has reached a decision thereon the exemption authorization will continue in effect, pursuant to section 9(b). The Board reserves the

[1] "In any case in which the licensee has, in accordance with agency rules, made timely and sufficient application for a renewal or a new license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined by the agency."

right, however, to give first consideration to the concurrent application for renewal or extension of the exemption authority, and should it be denied, the "automatic extension" will terminate, regardless of the course of the application for certificate authorization.

New § 377.10(c)(3) provides that the application shall be filed not less than 90 days prior to the date of expiration of the exemption authorization. New § 201.6 provides that it shall, in addition to meeting the informational and formal requirements of Parts 201 and 302 in the customary application for certificate authority, summarize the results of operations under the exemption authority and present a forecast for the year next following the expiration date. This documentation is deemed necessary in order that the application may be processed within the relatively short filing period of 90 days.

The proposed amendment to § 302.400 merely inserts an appropriate cross reference.

It is proposed to amend the regulations of the Civil Aeronautics Board:

1. By adding a new § 201.6 to Part 201 of the Economic Regulations (14 CFR Part 201) to read as follows:

§ 201.6 Renewal or extension of fixed-term temporary route authorizations by exemption.

(a) *Form of application.* An application for certificate authority to replace a temporary route authorization by exemption, filed pursuant to § 399.37 of this chapter (Board's Policy Statements), shall in all respects comply with the requirements of this part and of Part 302 of this chapter (Procedural Regulations), except that the applicant shall additionally submit therewith exhibits which, in its judgment, establish a prima facie case for the relief requested, including a summary of the results of operations under the exemption and a forecast for the year immediately following its expiration.

(b) *Interim extension of exemption pending Board action upon application; application for renewal or extension.* If the applicant desires to invoke the provisions of the last sentence of section 9(b) of the Administrative Procedure Act (5 U.S.C. 1008(b)), it shall incorporate in the application a request for renewal or extension of the exemption authorization pending determination of the certificate application, with a statement that it invokes the interim extension provision of section 9(b) of the Administrative Procedure Act. Failure on the part of the applicant to incorporate such a request will be construed as a waiver of such rights under the cited provision of the Administrative Procedure Act. (See § 377.10(c) of this chapter (Special Regulations).)

2. By adding a new last sentence to § 302.400 of Part 302 of its Procedural Regulations (14 CFR Part 302) to read as follows: "Special requirements for applications for renewal or extension of fixed-term temporary route authorizations by exemption are set out in § 201.6 of this chapter (Economic Regulations). (See also § 377.10(c) of this chapter (Special Regulations).)"

3. By revising the provisos to § 377.10 (c) of Part 377 of its Special Regulations (14 CFR Part 377) to read as follows: "*Provided,* That, (1) Nothing herein shall supersede a requirement for earlier filing in any provision of law, the Board's Regulations, any Board orders or any temporary authorization; (2) Where an authorization pursuant to section 401 of the Act terminates by its terms upon the happening of an event which could not be foreseen, a renewal application filed within 30 days from the time the carrier has notice that the event will occur, or has occurred, shall be deemed timely; and (3) Applications for extension or renewal of fixed-term temporary route authorizations by exemption shall be filed not later than 90 days before the expiration date thereof. (See § 201.6 of this chapter (Economic Regulations).)"

4. By adding to Part 399 of its Regulations (14 CFR Part 399) a new § 399.37 to read as follows:

§ 399.37 Maximum duration of fixed-term temporary service authorization by exemption; renewal of such authority.

It is the policy of the Board to limit the duration of exemptions which authorize fixed-term temporary route service to a maximum of two years, and to entertain requests for renewal of such authority only when incorporated in a duly filed application for certificate authority under section 401 of the Act. (See § 201.6 of this chapter (Economic Regulations).)

[F.R. Doc. 62-2861; Filed, Mar. 23, 1962; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 602]

[Airspace Docket No. 61-WA-217]

JET ROUTES AND JET ADVISORY AREAS

Proposed Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 602 of the regulations of the Administrator, the substance of which is stated below.

The FAA has under consideration the designation of a jet route from the New Orleans, La., VORTAC via the intersection of the New Orleans VORTAC 021° and the Birmingham, Ala., VORTAC 232° True radials to the Birmingham VORTAC. In addition it is proposed to designate a radar jet advisory area within 16 miles either side of the proposed jet route from flight level 240 to flight level 390 inclusive. The jet route as proposed herein would provide a more direct route for civil turbojet aircraft operating between New Orleans and Birmingham. The radar jet advisory area proposed herein would provide a defined area along the route wherein jet advisory service would be available.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within 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 Chief, Airspace Utilization Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

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

Issued in Washington, D.C., on March 19, 1962.

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

[F.R. Doc. 62-2830; Filed, Mar. 23, 1962; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

[46 CFR Ch. IV]

[Docket No. 986]

RULES APPLICABLE TO SELF-POLICING AND SELF-REGULATING PROVISIONS IN CONFERENCE AGREEMENTS

Notice of Proposed Rule Making

Notice is hereby given in accordance with provisions of section 4, Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) and sections 15 and 43 of the Shipping Act, 1916 (75 Stat. 763; 46 U.S.C. secs. 814, 841a), that the Federal Maritime Commission is considering promulgation of the regulations set forth hereinafter covering self-policing and self-regulating provisions in conference agreements.

RULES APPLICABLE TO SELF-POLICING AND SELF-REGULATING PROVISIONS IN CONFERENCE AGREEMENTS

1. No conference or other association of carriers or other persons subject to the Shipping Act, 1916 (hereinafter called "conference") shall employ or use any person or firm for the purpose of policing or regulating the practices under or enforcing the provisions of a conference or other agreement, be it called "neutral body", "investigator", "controller" or any other name (hereinafter called "self-policing agent") without first obtaining the approval of the Federal Maritime Commission under the provisions of section 15, Shipping Act, 1916, for the institution of such system.

2. The person or agency which acts as self-policing agent, may be a person, firm, or corporation, but may not be in the employ of or in any manner affiliated with or controlled by any of the members of the conference: *Provided, however,* Said self-policing agent may be the public accountant or auditor of any such member, provided this relationship is disclosed to all the conference members prior to the employment of the self-policing agent by the conference, and provided all conference members agree to the employment of such self-policing agent by the conference, notwithstanding its relationship as public accountant or auditor for one or more members. Such self-policing agent may be an employee of the conference.

3. The agreement between the member lines of the conference setting up the self-policing system (self-policing agreement) shall state the type of person, firm, or corporation to be appointed as self-policing agent, i.e., by class, such as an accounting firm, an employee of the conference, etc., but need not include the specific name of such self-policing agent. The self-policing agreement shall further clearly define the violations of the conference or other agreement, tariff, rules and regulations, or other matters, or malpractices, over which the self-policing agent shall have jurisdiction; shall clearly define the procedures to be followed in processing matters presented to the self-policing agent; shall clearly state the fines or other punitive or corrective measures which may be imposed by the self-policing agent; and shall otherwise state the full scope of the self-policing system and the full authority of the self-policing agent under such system. Any contract or agreement between the conference and the self-policing agent, which sets forth the authority of such self-policing agent to carry out its duties and functions under the self-policing system (agent agreement) shall conform to the provisions set forth in the self-policing agreement above referred to. The form of such agent agreement shall be submitted to the Commission along with the self-policing agreement when submitted for approval.

4. Any modification of the self-policing agreement between the member lines of the conference must be filed with and approved by the Commission under section 15 of the Shipping Act, 1916, before becoming effective. Any modification of the agent agreement to implement such modification of the self-policing agreement shall conform to the proposed modification of the self-policing agreement submitted, and the form of such modification of the agent agreement shall be submitted to the Commission along with the proposed modification of the self-policing agreement when submitted for approval. No modification of the agent agreement between the conference and the self-policing agent, which in any manner changes the authority of the agent or the functioning of the self-policing system, may be made unless it conforms to a corresponding modification of the self-policing agreement between the conference member lines.

Upon appointment of a self-policing agent the conference shall immediately notify the Commission of such appointment and the identity of the self-policing agent appointed. The person, firm, or corporation acting as self-policing agent may be changed without approval of the Commission, so long as such person, firm, or corporation is permitted under section 2 of these rules to act as such self-policing agent. Notice of such change of self-policing agent and the identity of the new self-policing agent shall immediately be furnished to the Commission.

5. The self-policing system and the substantive terms of contracts, agreements and/or other documents setting forth the manner in which such system operates, shall be subject to the following requirements and shall expressly provide that:

(a) The terms of all such contracts, agreements and/or other documents shall be subject to termination or modification by the Commission in the same manner as the approved agreement setting up the self-policing system.

(b) Complaints and protests shall be received by the self-policing agent from any source whatsoever, shall be received directly by such self-policing agent, and shall not in any manner be subject to prior review or screening by the conference, or any of its members, or any one else.

(c) Immediately upon completion of its investigation, the self-policing agent shall furnish to the Federal Maritime Commission a complete report, including a statement of the action taken thereon, or that no action was taken with respect thereto. Within thirty days after the close of each calendar year, the self-policing agent shall furnish a report covering each complaint, or protest received, or other investigation undertaken, during such calendar year, not previously reported to the Federal Maritime Commission, describing each such complaint, protest, or other investigation, and showing the status of each. The self-policing agent shall furnish such other periodic or special reports as the Federal Maritime Commission may require.

(d) All books, records and files of the self-policing agent (or of its agents) which in any manner pertain to the self-policing system, or to any actions or investigations thereunder, shall be open upon demand to inspection and copying by the Federal Maritime Commission and any of its authorized representatives.

(e) Prior to the imposition of any fine, penalty, or other corrective measure by the self-policing agent, any party charged with a violation or malpractice shall be notified by the self-policing agent of the charges made and the evidence against it, and shall have the right to present testimony and evidence before the self-policing agent. However, the name of the complainant need not be disclosed.

(f) Neither the conference nor its members shall have any power to remit, set aside, or otherwise interfere with any finding of the self-policing agent, nor shall such decision, penalty or fine be subject to arbitration. Nothing contained in the agreement shall interfere with the jurisdiction of the Federal Maritime Commission or the rights of any person to file a complaint with the Commission, or preclude the Commission, on its own motion, from reviewing actions of the self-policing agent.

(g) All books, records, and files of the conference and each of its members and the books, records, and files of all agents of the conference and its members shall be open upon demand to inspection and copying by the self-policing agent and its employees and agents.

(h) The self-policing agent may be authorized to employ necessary assistants or agents to carry out its functions, provided, however, that such assistants or agents shall be governed by the same limitations of relationship with the conference members as set forth above in section 2.

6. The information and records received by the Federal Maritime Commission pursuant to these rules shall be for the official use of the Federal Maritime Commission and shall not be open to public inspection.

Interested parties may participate in this proposed rule-making proceeding by submitting an original and fifteen copies of written statements, data, views, or arguments pertaining thereto, to the Secretary, Federal Maritime Commission, Washington 25, D.C., within sixty (60) days after the publication of this notice in the FEDERAL REGISTER.

Dated: March 15, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-2859; Filed, Mar. 23, 1962; 8:48 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Office of the Secretary

TEXAS

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87–128 (7 U.S.C. 1961) it has been determined that in Reeves County, Texas, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1962, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 20th day of March 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62–2856; Filed, Mar. 23, 1962; 8:48 a.m.]

FOREST SERVICE

Delegation of Authority and Assignment of Functions; Amendment

Pursuant to the authority contained in R.S. 161 (5 U.S.C. 22) and Reorganization Plan No. 2 of 1953, the Secretary's Order dated December 24, 1953 (19 F.R. 74), as amended, is further amended as follows:

Section 301 is amended as follows: Subsection (8) is deleted.

Done at Washington, D.C., this 20th day of March 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62–2855; Filed, Mar. 23, 1962; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–197]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notice of Proposed Issuance of Construction Permit

Please take notice that, unless within fifteen days after the publication of this notice in the FEDERAL REGISTER a request for a formal hearing is filed with the United States Atomic Energy Commission by the applicant, or in the case of an intervener a petition for leave to intervene and a request for hearing is filed as provided by the Commission's rules of practice (Title 10, Chapter I, Part 2), the Commission proposes to issue to National Aeronautics and Space Administration, a construction permit substantially in the form annexed authorizing construction at the Lewis Research Center in Cleveland, Ohio, of a Zero Power Reactor System II solution-type critical experiments facility. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Md., or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

The proposed facility, known as the NASA Zero Power Reactor (ZPR–II), will be a uranyl-fluoride-water solution reactor which will operate at a maximum power level of 10 watts. It will be an enlarged version of the existing ZPR–I which has operated successfully for some time. The ZPR–II will be located in the existing reactor building together with the ZPR–I but only one reactor will be operated at a time.

For further details see (1) the application and (2) a hazards analysis prepared by the Test and Power Reactor Safety Branch of the Division of Licensing and Regulation, both on file at the Commission's Public Document Room. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 16th day of March 1962.

For the Atomic Energy Commission.

EDSON G. CASE,
Acting Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

PROPOSED CONSTRUCTION PERMIT

1. By application dated April 28, 1961, and amendments thereto dated September 26, 1961, and December 5, 1961 (hereinafter referred to as "the application") National Aeronautics and Space Administration (hereinafter referred to as "NASA") requested a Class 104 license, authorizing construction and operation on the Lewis Research Center at Cleveland, Ohio, of a Zero Power Reactor System II solution-type critical experiments facility (hereinafter referred to as "the reactor").

2. The Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The reactor will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities".

B. The reactor will be used in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act").

C. NASA is financially qualified to construct and operate the reactor in accordance with the regulations contained in Title 10, Chapter I, CFR, Part 50, to assume financial responsibility for the payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time.

D. NASA is technically qualified to design, construct and operate the reactor.

E. NASA has submitted sufficient information to provide reasonable assurance that a reactor of the type proposed can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

F. The issuance of a construction permit to NASA will not be inimical to the common defense and security or to the health and safety of the public.

3. Pursuant to the Act and Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities", the Commission hereby issues a construction permit to NASA to construct the reactor in accordance with the application. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act and rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. The earliest completion date of the reactor is April 15, 1962. The latest date for completion of the reactor is June 30, 1963. The term "completion date" as used herein, means the date on which construction of the reactor is completed except for the introduction of the fuel material.

B. The reactor shall be constructed and located at the location on the Lewis Research Center at Cleveland, Ohio, specified in the application.

C. At such time as this construction permit is converted into a license to operate the facility such license will incorporate conditions that (1) the reactor may not be operated while the ZPR–I reactor is in operation, and (2) that no experiment may be conducted with a core loading including all poisons, voids, etc., which would produce a reactivity insertion resulting in a 5 millisecond period if all the poisons or voids were accidentally removed.

4. Upon completion (as defined in paragraph "3.A." above) of the construction of the reactor in accordance with the terms and conditions of this permit, upon filing of the additional information needed to bring the original application up-to-date, and upon finding that the reactor has been constructed and will operate in conformity with the application as amended and in conformity with the provisions of the Act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the Act, the Commission will issue a Class 104 license to NASA pursuant to section 104c of the Act, which license shall expire ten (10) years after the date of this construction permit.

5. Pursuant to § 50.60 of the regulations in Title 10, Chapter I, CFR, Part 50, the Commission has allocated to NASA for use in

connection with the reactor 50.0 kilograms of contained uranium 235.

Date of issuance:

For the Atomic Energy Commission.

[F.R. Doc. 62-2828; Filed, Mar. 23, 1962; 8:45 a.m.]

[Docket No. 70-534]

WESTINGHOUSE ELECTRIC CORP.

Notice of Issuance of License

By application dated April 17, 1961, as supplemented July 17, July 27, December 12, and December 21, 1961, February 7, and February 8, 1962, Westinghouse Electric Corporation, Atomic Power Department, Pittsburgh, Pennsylvania, applied for a Special Nuclear Material License which would authorize transportation of irradiated fuel elements, in a specified type of cask, from the Westinghouse Testing Reactor (WTR) at Waltz Mill, Pennsylvania, to the Commission's Idaho Falls Chemical Reprocessing Plant, Idaho Falls, Idaho.

The Commission has completed an evaluation of the shipping cask and related transportation procedures submitted by the applicant and has found that, based upon the information and data submitted, the proposed transportation of irradiated fuel elements of the type described can be conducted without undue risk to the health and safety of the public. In making its evaluation the Commission used as criteria the standards contained in a draft of revised proposed 10 CFR Part 72, "Regulations to Protect Against Radiation in the Shipment of Irradiated Fuel Elements." These proposed regulations include requirements which cover general packaging, structural integrity, materials and methods of cask construction, shielding, criticality, heat removal, and operational testing.

Notice is hereby given that the Atomic Energy Commission on March 9, 1962, issued License SNM-576 to authorize the Westinghouse Electric Corporation to ship irradiated WTR fuel elements from the Corporation's Waltz Mill site to the Commission's Idaho Chemical Processing Plant in the type of cask and in accordance with the procedures described in the Corporation's application and amendments thereto identified above, subject to the following conditions:

1. The maximum temperature of the coolant under normal conditions of transport must be at least 20° F. below the boiling point of the coolant. If required, pressurization must be applied to raise the boiling point.

2. If the cask is loaded so as to produce an exterior surface temperature exceeding 180° F. at any time during normal conditions of transport, loading and unloading procedures shall include provisions to warn personnel of inadvertent contact with the hot surface and a physical barrier must be used during transit to inhibit contact.

3. Before a cask is placed in service the licensee shall furnish to the Commission's Division of Licensing and Regulation (a) a statement showing the model number and serial number assigned to the cask and its location on the cask, (b) a written report, in triplicate, containing the results of tests conducted on the completed cask as required by § 72.44 of 10 CFR Part 72 (proposed) in which the cask is identified by model number and serial number, and (c) a certification duly authorized by the licensee stating that the cask identified by model number and serial number is built according to the specifications and design approved in this license.

4. The model and serial numbers shall be permanently stamped or otherwise embossed in metal with letters and figures at least ⅜ inch high. These numbers shall be in a prominent location on the cask.

5. Prior to using the cask for a second shipment of irradiated fuel, the licensee shall submit to the Division of Licensing and Regulation a procedure for routinely verifying the presence of built-in neutron poison in the cask and, when approved by the Commission, that procedure will become a further condition of this license.

6. Before use of the cask, a means shall be provided for applying a seal so that the lid cannot be opened without destroying the seal.

7. The portions of the cask that are steel weldments filled with lead must be inspected to assure that the steel shells have not been penetrated in such a way that water can enter. The inspection should be performed on the lid and the cask and should examine the quality of welds around piping and bolts and verify the absence of screw holes for nameplate attachment.

8. If the shipping route and contained heat load of this cask are such that freezing of the water coolant may occur, and if such freezing will be detrimental to the cask or contents, a means must be provided to assure that damage will not result. If the latter is required, a procedure must be submitted specifying the means to be applied and, when approved by the Commission, will be made a condition of this license.

9. The licensee shall not transport or cause to be transported irradiated fuel elements in any cask which the licensee knows or has reason to believe is defective in any respect having a potentially significant adverse effect on the efficiency of the cask.

10. The licensee shall inspect the cask prior to each shipment to detect possible vibrational damage. Should any significant damage be noted, the licensee shall report this fact to the Division of Licensing and Regulation together with details of the methods to be employed to correct the damage. When approved by the Commission, the method of correction will be made an additional condition of the license.

11. The licensee shall not transport irradiated fuel elements until the tests described in §§ 72.45 and 72.46 of 10 CFR Part 72 (proposed) have been completed and the licensee has determined that the loaded cask complies with the conditions of the license.

12. Prior to each shipment or series of shipments, the licensee shall notify the AEC of pertinent details according to the requirements of § 72.51 of 10 CFR Part 72 (proposed). The licensee shall, unless otherwise relieved, comply with all of the requirements of §§ 72.51 through 72.53 of 10 CFR Part 72 (proposed). These relate respectively to Notification of AEC, Records, and Inspection and Tests.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the license upon receipt of a request therefor from the licensee or an intervener within thirty days after the issuance of the license. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Md., or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C. For further details see (1) the application for license dated April 17, 1961, and supplements thereto identified above, submitted by Westinghouse Electric Corporation, and (2) a hazards analysis of the proposed shipping cask and related transportation procedures, prepared by the Process Evaluation Branch of the Division of Licensing and Regulation, both on file at the AEC's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 19th day of March 1962.

For the Atomic Energy Commission.

R. Lowenstein,
Director, Division of Licensing and Regulation.

[F.R. Doc. 62-2829; Filed, Mar. 23, 1962; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 11879; Order E-18129]

AGREEMENT ADOPTED BY TRAFFIC CONFERENCE OF INTERNATIONAL AIR TRANSPORT ASSOCIATION

Cargo Rates

March 20, 1962.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA) and assigned the above designated C.A.B. Agreement number.

The agreement, adopted pursuant to unprotested notice to the carriers and embodied in IATA Memorandum TC1/Rates 1342 (Ref: TC1/Rates 1329), provides for a reduction in the general cargo rates between Buffalo, New York, and Hamilton, Bermuda, to the level applicable between Hamilton, Bermuda, and

Toronto, Ontario, a more distant point, in accordance with the construction principle contained in paragraph 4 of Resolution 014b.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that Agreement C.A.B. 16251 is adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That Agreement C.A.B. 16251 is approved.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-2860; Filed, Mar. 23, 1962; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

HOEGH LINES AND JAVA PACIFIC LINE JOINT SERVICE

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 7593-3, between the carriers comprising the Hoegh Lines joint service modifies the basic agreement of that joint service to (1) include the trade between the United States and India, Pakistan, Burma, and the Persian Gulf area within the scope of the agreement, and (2) redesignate certain countries, now served, by their current names.

Agreement 7636-2, between the carriers comprising the Java Pacific Line joint service modifies the basic agreement of that joint service to (1) include the trade between West Coast ports of the United States including Hawaii and of Canada and Taiwan (Formosa) and the British Crown Colony of Hong Kong, and the trade between West Coast ports of the United States including Hawaii and West Coast Canadian ports within the scope of the agreement, and (2) redesignate certain countries, now served, by their current names, and (3) delete the trade from India, Pakistan, Ceylon, Burma, Colony of Singapore, Federation of Malya, Indonesia, and Philippine Islands to United States Gulf ports.

Agreement 7838-3, between the member lines of the Java Pacific and Hoegh Lines joint service, modifies the basic agreement of that joint service to (1) include the trade between West Coast ports of the United States and Canadian West Coast ports within the scope of the agreement, and (2) delete the trade from India, Pakistan, Ceylon, Burma, Colony of Singapore, Federation of Malaya, Indonesia, Thailand, Vietnam, Cambodia, and Philippine Islands to United States Gulf ports after discharge and/or loading of cargoes at Pacific Coast ports of Canada and the United States.

Interested parties may inspect these agreements and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: March 21, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-2858; Filed, Mar. 23, 1962; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RP60-1]

LAKE SHORE NATURAL GAS CO.

Notice of Postponement of Hearing

MARCH 19, 1962.

Upon consideration of the request filed March 15, 1962, by Counsel for Lake Shore Pipe Line Company for postponement of the hearing now scheduled for March 21, 1962, in the above-designated matter;

The hearing now scheduled for March 21, 1962, is hereby postponed to April 12, 1962, at 10:00 a.m., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-2835; Filed, Mar. 23, 1962; 8:45 a.m.]

[Docket No. E-7027]

MONTANA-DAKOTA UTILITIES CO.

Notice of Application

MARCH 19, 1962.

Take notice that on March 12, 1962 an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Montana-Dakota Utilities Co. (Applicant), a corporation organized under the laws of the State of Delaware and doing business in the States of Minnesota, Montana, North Dakota, South Dakota and Wyoming, with its principal business office at 831 Second Avenue South, Minneapolis 2, Minnesota, seeking an order authorizing the issuance of unsecured Promissory Notes in the aggregate principal amount of $12,000,000. Applicant proposes to issue the aforesaid Notes to the First National City Bank, of New York City. The Notes will be dated as of the dates of their respective issue, which will be not later than December 31, 1962, and will become due not more than one year after the dates of their respective issue and not later than December 31, 1963. The interest rate on the aforesaid Notes will be the prime commercial rate in effect at the time of each borrowing. The Northwestern Bank of Minneapolis and the First National Bank of Minneapolis will each have a 25 percent participation in each note. Applicant states that the aforesaid Promissory Notes will be issued and sold to provide temporary financing for part of the cost of the additions to Applicant's fixed assets during the year 1962.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 9th day of April 1962 file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-2836; Filed, Mar. 23, 1962; 8:45 a.m.]

[Docket No. G-12499 etc.]

NORTH PENN GAS CO.

Notice of Postponement of Hearing

MARCH 19, 1962.

North Penn Gas Company, Docket Nos. G-12499, G-17814, G-20513.

Upon consideration of the motion filed March 13, 1962, by North Penn Gas Company for postponement of the hearing now scheduled for March 27, 1962, in the above-designated matter;

The hearing now scheduled for March 27, 1962, is hereby postponed to April 30, 1962, at 10:00 a.m., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-2837; Filed, Mar. 23, 1962; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

FIRST TRUST COMPANY OF ALBANY

Order Approving Merger of Banks

In the matter of the application of First Trust Company of Albany for approval of merger with The Broadalbin Bank.

There has come before the Board of Governors, pursuant to section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)), an application by First Trust Company of Albany, Albany, New York, a member bank of the Federal Reserve System, for the Board's prior approval of the merger of The Broadalbin Bank, Broadalbin, New York, with and into First Trust Company of Albany, under the charter and title of the latter.

Pursuant to said section 18(c), notice of the proposed merger, in form approved by the Board of Governors, has been published, and reports on the competitive factors involved in the proposed transaction have been furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice and have been considered by the Board.

It is ordered, for the reasons set forth in the Board's Statement [1] of this date, that said merger be, and hereby is approved, provided that said merger shall not be consummated (a) sooner than seven calendars days after the date of this order or (b) later than three months after said date.

Dated at Washington, D.C., this 20th day of March 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 62-2838; Filed, Mar. 23, 1962; 8:45 a.m.]

UNION TRUST COMPANY OF MARYLAND

Order Approving Merger of Banks

In the matter of the application of Union Trust Company of Maryland for approval of merger with The Kingsville Bank.

There has come before the Board of Governors, pursuant to section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)), an application by Union Trust Company of Maryland, Baltimore, Maryland, a member bank of the Federal Reserve System, for the Board's prior approval of the merger of The Kingsville Bank, Kingsville, Maryland, with and into Union Trust Company of Maryland, under the charter and title of the latter.

Pursuant to said section 18(c), notice of the proposed merger, in form approved by the Board of Governors, has been published, and reports on the competitive factors involved in the proposed transaction have been furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice and have been considered by the Board.

It is ordered, for the reasons set forth in the Board's Statement [2] of this date, that said merger be, and hereby is approved, provided that said merger shall not be consummated (a) sooner than seven calendars days after the date of this order or (b) later than three months after said date.

Dated at Washington, D.C., this 20th day of March 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 62-2839; Filed, Mar. 23, 1962; 8:45 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of New York.

[2] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Richmond.

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL DIRECTOR OF COMMUNITY FACILITIES ACTIVITIES, REGION IV, CHICAGO

Redelegation of Authority With Respect to Loans for Housing for the Elderly

The Regional Director of Community Facilities Activities, Region IV (Chicago), Housing and Home Finance Agency, with respect to the program of loans for housing for the elderly, authorized under section 202 of the Housing Act of 1959, as amended (73 Stat. 667, as amended, 12 U.S.C. 1701q) is hereby authorized within such Region:

To execute loan agreements and regulatory agreements; and to execute amendments or modifications of any such loan agreements or regulatory agreements.

This redelegation supersedes the redelegation effective February 14, 1962 (27 F.R. 1382, 2/14/62).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective Feb. 27, 1962 (27 F.R. 1850, Feb. 27, 1962))

Effective as of the 24th day of March 1962.

[SEAL] JOHN P. MCCOLLUM, *Regional Administrator, Region IV.*

[F.R. Doc. 62-2857; Filed, Mar. 23, 1962; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4016]

APPALACHIAN POWER CO.

Notice of Proposed Acquisition of Capital Stock of Business Development Corporation

MARCH 19, 1962.

Notice is hereby given that Appalachian Power Company, 40 Franklin Road, Roanoke, Virginia ("Appalachian"), an electric utility subsidiary of American Electric Power Company, Inc., a registered holding company, has filed an application and an amendment thereto with this Commission pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("Act") and the rules and regulations thereunder. Appalachian has designated sections 9 and 10 of the Act as applicable to the proposed transaction.

All interested persons are referred to the amended application on file at the office of the Commission for a statement of the transaction therein proposed, which is summarized as follows:

In 1960 Appalachian agreed to purchase, at par, 100 shares of the capital stock, par value $100 per share, of the Virginia Industrial Development Corporation ("Development Corporation") in each of the years 1961 through 1964 or an aggregate of 400 shares at a total cost of $40,000.

Pursuant to the foregoing agreement and under the exemption afforded by Rule 40(a)(5) promulgated under the Act, Appalachian acquired 100 shares of capital stock of Development Corporation in 1961 for $10,000 and now requests approval of the acquisition of the remaining 300 shares of capital stock of Development Corporation at par or for an aggregate consideration of $30,000.

According to the application, Development Corporation was organized under the laws of the State of Virginia for the purpose of stimulating and promoting the business prosperity and economic welfare of the State (Virginia) and its citizens by encouraging and assisting through financial aid, advice, technical assistance, and other appropriate means, the location of new businesses and industry and the rehabilitation, improvement, and expansion of existing businesses and industries throughout the State.

Appalachian states that it serves the Southwestern area of the State of Virginia and will derive material benefit from any action which furthers the economic development of the area it serves with electric energy; that its investment in Development Corporation will assist the latter in carrying out the program for the economic development of the State of Virginia, including the area which Appalachian serves; and that such development will materially assist Appalachian by providing additional industrial and commercial load and, to the extent that it furthers the prosperity of Appalachian's service area, should also result in additional residential load.

Development Corporation has authority to issue 20,000 shares of capital stock, par value $100 per share, and 7006 of such shares were outstanding on December 31, 1961.

It is represented that no fees, commissions or expenses have been or will be paid by Appalachian or any of its associate companies in connection with the proposed transaction; and that no regulatory approval other than that of this Commission is required.

Notice is further given that any interested person may, not later than April 5, 1962, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert; or he may request that he be

notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant, and proof of service (by affidavit, or, in case of an attorney-at-law, by certificate) filed or dispatched contemporaneously with the request. At any time after said date the amended application, as filed or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act; or the Commission may grant exemption from its rules as provided by Rules 20(a) and 100 thereof, or take such other action as it deems appropriate.

By the Commission.

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

[F.R. Doc. 62-2843; Filed, Mar. 23, 1962; 8:46 a.m.]

[File No. 70-4027]

APPALACHIAN POWER CO.

Notice of Filing of Application Regarding Issue and Sale of First Mortgage Bonds and Unsecured Debentures

MARCH 19, 1962.

Notice is hereby given that Appalachian Power Company, 40 Franklin Road, Roanoke, Virginia ("Appalachian"), a public-utility subsidiary company of American Electric Power Company, Inc., a registered holding company, has filed with this Commission an application, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), for authorization to issue and sell first mortgage bonds and unsecured debentures, and has specified sections 6(b) and 12(c) of the Act and Rules 42 and 50 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to the application on file at the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Appalachian proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 promulgated under the Act, $25,000,000 principal amount of First Mortgage Bonds, -- percent Series due April 1, 1992. The interest rate on the bonds (which shall be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, to be paid to Appalachian therefor (which shall be not less than the principal amount nor more than 102¾ percent thereof) will be determined by the competitive bidding. The bonds will be issued pursuant to the provisions of the Mortgage and Deed of Trust, dated December 1, 1940, between the company and Bankers Trust Company, New York, New York, as Trustee, as heretofore supplemented and as to be further supplemented by a supplemental indenture, dated April 1, 1962.

Appalachian also proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 promulgated under the Act, $20,000,000 principal amount of -- percent Sinking Fund Debentures due April 1, 1992. The interest rate on the debentures (which shall be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, to be paid to Appalachian therefor (which shall be not less than the principal amount nor more than 102¾ percent thereof) will be determined by the competitive bidding. The debentures will be issued pursuant to the provisions of an Agreement, to be dated April 1, 1962, between the company and Manufacturers Hanover Trust Company, New York, New York, as Trustee.

The net proceeds of the sale of the bonds and debentures will be applied to the payment of (1) notes payable to banks, outstanding and to be outstanding at the time of the sale of the bonds and debentures, in the aggregate face amount of not exceeding $30,000,000, and (2) the cost of Appalachian's construction program for 1962, estimated at $54,200,000.

The filing is not complete as to the fees and expenses, including those of independent counsel for the successful bidders, to be incurred in connection with the proposed issue and sale of the bonds and debentures. Such information is to be supplied by amendment to the application.

The application states that the proposed issue and sale of the bonds and debentures are subject to the approval of the Virginia State Corporation Commission and the Tennessee Public Service Commission. Copies of the respective orders of those commissions are to be supplied for the record by amendment. It is further stated that no other State commission, and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 2, 1962, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant, and proof of service thereof by affidavit (or, in the case of an attorney-at-law, by certificate) filed or dispatched contemporaneously with the request. At any time after such date the Commission may grant the application, as filed or as it may be amended, as provided by Rule 23 promulgated under the act, or the Commission may grant exemption from its general rules and regulations as provided in Rules 20(a) and 100 thereof or take such other action as it deems appropriate.

By the Commission.

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

[F.R. Doc. 62-2844; Filed, Mar. 23, 1962; 8:46 a.m.]

[File No. 24FW-1246]

BAL-TEX OIL CO., INC.

Order Permanently Suspending Exemption

MARCH 19, 1962.

Bal-Tex Oil Company, Inc. (the "issuer"), a Colorado corporation, filed with the Commission on December 22, 1960 a notification and offering circular for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, pursuant to section 3(b) thereof and Regulation A thereunder, with respect to a public offering of 300,000 shares of its $1.00 par value Class A common stock at $1.00 per share.

The Commission on March 3, 1961 entered an order temporarily suspending the aforesaid exemption pursuant to Rule 261 of Regulation A, and at the issuer's request a hearing was held to determine whether to vacate that order or to enter and order permanently suspending the exemption. The issuer did not controvert the allegations of deficiencies, waived a recommended decision by the hearing examiner, and did not file briefs or proposed findings.

The Commission has considered the record and makes the following findings:

1. The terms and conditions of Regulation A were not complied with in that:

(a) The issuer failed to disclose that the underwriter, Equity General Investment Corporation ("Equity"), the attorney for the underwriter and the issuer who was the owner of 25 percent of the issuer's outstanding stock, and Modern Furniture, Inc., are affiliates of the issuer; that Modern Furniture, Inc., proposed a $300,000 offering of its own securities; and that at the time the issuer filed its notification an officer and director of the underwriter was subject to an order permanently enjoining him from violations of the registration and antifraud provisions of the Securities Act and the Securities Exchange Act of 1934; and

(b) The issuer failed to make effective escrow arrangements with respect to 150,000 shares of its Class B common stock held by officers, directors and affiliates as required, and the notification did not contain as exhibits a written consent and certification by the underwriter and copies of an effective escrow agreement and incorrectly claimed an exemption under section 4(1) of the Securities Act with respect to the sale of unregistered securities.

2. Regulation A was not available to the issuer because its outstanding Class B stock, which was not effectively escrowed, and the proposed offering by Modern Furniture, Inc., had to be in-

cluded, as provided by Rules 253 and 254, in the computation of the amount of Bal-Tex's proposed offering and such amount accordingly exceeded the limit of $300,000 permitted under that regulation; because Modern Furniture, Inc., is subject to an order of this Commission suspending the Regulation A exemption with respect to its proposed public offering; and because an officer and director of Equity was the subject of a permanent injunction as described above.

3. The offering circular failed to disclose or disclose adequately, among other things, the results of prior development work on or near the issuer's property, whether the issuer would perform drilling operations itself or through others, the character of the competition to be encountered by the issuer, the source from which the amounts attributable to the costs of drilling and of completing the proposed well would be obtained and how the amount attributable to completion would be applied if the well were not commercially productive, and the proposed uses of the net cash proceeds of the offering, the amount and order of priority of each use, and whether the proceeds would be used to pay salaries of officers and directors after the first year following commencement of the offering.

4. The financial statements included in the offering circular failed to include a statement of cash receipts and disbursements, a description of the company's leasehold interest so as to disclose that such interest was acquired from the issuer's president, a statement of the nature and amounts of future payments on such interest and the terms and conditions of the lease agreement in the event of default, and a justification for treating "Unrecovered Promotional Costs" as a "current" asset.

5. The offering circular contained statements to the effect that $5,000 was received for the Class B stock held by officers, directors and affiliates which conflicted with other statements in the notification and financial statements that the stock was issued for services and property and that the issuer had not had any receipts, and the offering circular misrepresented the percentage of the issuer's presently outstanding stock owned by officers, directors and affiliates and the terms and conditions of the purported escrow arrangements relating to the outstanding Class B stock.

6. In the foregoing respects, the offering circular contained false and misleading statements which would make an offering pursuant to it violative of section 17(a) of the Securities Act.

On the basis of the above findings: *It is ordered*, Pursuant to Rule 261 of Regulation A under the Securities Act of 1933, that the exemption from registration with respect to the above public offering by Bal-Tex Oil Company, Inc., be, and it hereby is, permanently suspended.

By the Commission.

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

[F.R. Doc. 62-2845; Filed, Mar. 23, 1962; 8:46 a.m.]

[File No. 24B-1169]

CARINTHIA SKI AREA, INC.

Notice and Order for Hearing

MARCH 20, 1962.

I. Carinthia Ski Area, Inc. (issuer), a Vermont corporation, West Dover, Vermont, filed with the Commission on July 25, 1960, a notification on Form 1-A and an offering circular relating to a proposed public offering of 113 shares of no par common stock at $1,000 per share for an aggregate amount of $113,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder.

II. The Commission, on February 6, 1962, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, which temporarily suspended the issuer's exemption under Regulation A and afforded to any person having any interest therein an opportunity to request a hearing. A written request for a hearing has been received by the Commission.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension order or enter an order of permanent suspension in this matter.

It is hereby ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at 1:30 p.m., e.s.t., on April 11, 1962, in the Courtroom, U.S. Post Office and Courthouse Building, Brattleboro, Vermont, with respect to the following matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the issuer has complied with the terms and conditions of Regulation A in that the issuer failed to furnish the offering circular required by Rule 256 to certain purchasers of the issuer's common stock.

B. Whether the offering was made in violation of section 17(a) of the Securities Act of 1933, as amended, in that:

1. Investors were "guaranteed" a 6 percent return on their investments.

2. The capitalization of the corporation and number of shares outstanding were misrepresented to investors.

III. *It is further ordered*, That James G. Ewell or any officer or officers of the Commission designated by it for that purpose, shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the powers granted to the Commission under section 19(b), 21, and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Carinthia Ski Area, Inc., that notice of the entering of this order shall be given to all other persons by a general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard, or otherwise wishes to participate in the hearing, shall file with the Secretary of the Commission on or before April 9, 1962, a written request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

By the Commission.

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

[F.R. Doc. 62-2846; Filed, Mar. 23, 1962; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 21, 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. 37612: *Soda ash from Stauffer and Westvaco, Wyo.* Filed by Western Trunk Line Committee, Agent (No. A-2231), for interested rail carriers. Rates on soda ash (other than modified soda ash), in bulk, in hopper cars which carriers are not obligated to furnish, from Stauffer and Westvaco, Wyo., to Baton Rouge, La.

Grounds for relief: Rail-barge competition.

Tariff: Supplement 8 to Western Trunk Line Committee tariff I.C.C. A-4374.

FSA No. 37613: *Clay to CRI&P points in WTL territory.* Filed by O. W. South, Jr., Agent (No. A4160), for interested rail carriers. Rates on clay, kaolin, or pyrophyllite, in carloads, as described in the application, from specified points in Alabama, Florida, Georgia, North Carolina, and South Carolina, to points located on the CRI&P RR in western trunk-line territory.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 111 to Southern Freight Association tariff I.C.C. S-40.

By the Commission

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

[F.R. Doc. 62-2848; Filed, Mar. 23, 1962; 8:47 a.m.]

[Notice 613]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 21, 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 per-

son 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 64477. By order of March 19, 1962, the Transfer Board on reconsideration, approved the transfer to Mineral Transport, Inc., Gettysburg, Pa., of that portion of the operating rights in Certificate No. MC 95813, issued October 3, 1955, to T. Leroy Koser, doing business as Koser Trucking, Dillsburg, Pa., authorizing the transportation, over irregular routes, of canned goods, from Thurmont, Md., and points within 20 miles of Thurmont, to points in Virginia (except points on U.S. Highway 1 between the District of Columbia-Virginia line and Richmond, Va., including Richmond), North Carolina, and South Carolina, and from points in Cumberland County, Pa., on and west of Pennsylvania Highway 34, excluding Carlisle and Newville, Pa., and those points west of Pennsylvania Highway 233, to Albany, Elmira, Newburgh, Schenectady, Binghamton, Glens Falls, Hoosick Falls, Amsterdam, Jamestown, Olean, Gloversville, Saratoga Springs, Hudson Falls, Troy, Catskill, Wellsville, Kingston, Poughkeepsie, Syracuse, Rochester, and New York, N.Y., Union City, East Orange, Paterson, Jersey City, Newark, North Bergen, Hoboken, Morristown, Camden, and Irvington, N.J., Wilmington, Del., Baltimore, Hagerstown, and Cumberland, Md., and Washington, D.C. Christian V. Graf, 407 North Front Street, Harrisburg, Pa., attorney for applicants.

No. MC–FC 64715. By order of March 19, 1962, the Transfer Board approved the transfer to W. L. Murphey and Mrs. Sue Murphey, doing business as Sunset Stages, 333 Chestnut Street, Abilene, Tex., of Certificate No. MC 50549, issued May 11, 1940, to George W. Page, doing business as Abilene Northern Coaches, 324 Sycamore Street, Abilene, Tex., authorizing the transportation of: Passengers and their baggage, and express, mail, and newspapers, in the same vehicle, between Abilene, Tex., and Childress, Tex., over U.S. Highway 83, serving all intermediate points.

No. MC–FC 64828. By order of March 19, 1962, the Transfer Board approved the transfer to LaVerne S. Holliday, Ross Holliday, and Dellard L. Striplin, a partnership, doing business as E. Striplin, 212 West St. John Street, Litchfield, Ill., of Permit in No. MC 13070, issued March 17, 1949, to William L. Striplin, Dellard L. Striplin, and LaVerne Holliday, a partnership, doing business as E. Striplin, 212 West St. John Street, Litchfield, Ill., authorizing the transportation of: Such merchandise, as is sold or dealt in by bakeries and in connection therewith, equipment, materials, and supplies used in the conduct of such business, over irregular routes, between St. Louis, Mo., on the one hand, and, on the other, Peoria, LaSalle, Marseilles, Springfield, Decatur, Quincy, and Cairo, Ill., and points in Montgomery, Madison, Macoupin, Effingham, Marion, Fayette, Bond, and Christian Counties, Ill.

No. MC–FC 64882. By order of March 16, 1962, the Transfer Board approved the transfer to P & M Stone Co., Inc., Rutland, Iowa, of Certificate No. MC 123289 issued May 1, 1961, to Burl R. Place and C. LeRoy Place, a partnership, doing business as Place Brothers, Rutland, Iowa, authorizing the transportation of fertilizer, over irregular routes, from Humboldt, Iowa, to points in that part of Minnesota on and south of U.S. Highway 14 (except points in Fillmore, Houston, Olmsted, and Winona Counties, Minn.); and fertilizer, other than liquid, from Humboldt, Iowa, to points in that part of Minnesota north of U.S. Highway 12. William A. Landau, 1307 East Walnut, Des Moines 16, Iowa, attorney for applicants.

No. MC–FC 64904. By order of March 16, 1962, the Transfer Board approved the transfer to T. F. Dunlap Trucking Co., Inc., 6256 Wiehe Road, Cincinnati, Ohio, of Permit No. MC 9726 Sub 3, issued June 22, 1961, to Thomas Franklin Dunlap, doing business as T. F. Dunlap, 6318 Elbrook Avenue, Cincinnati, Ohio, authorizing the transportation of prefabricated buildings and houses, knocked down or in sections, and nails and hardware for erection thereof, over irregular routes, from Hamilton, Ohio, to those points in Illinois, Kentucky, Michigan, Pennsylvania, and West Virginia, beyond 300 miles of Hamilton, and points in Alabama, Delaware, Iowa, Maryland, Minnesota, Missouri, New Jersey, New York, North Carolina, South Carolina, Tennessee, Virginia, and Wisconsin; and from Hamilton, Ohio, to those points in Illinois, Kentucky, Michigan, Pennsylvania, and West Virginia, within 300 miles of Hamilton, and points in Indiana and Ohio; and empty containers and rejected shipments of the specified commodities, from those points in Illinois, Kentucky, Michigan, Pennsylvania, and West Virginia, within 300 miles of Hamilton, Ohio, and points in Indiana and Ohio, to Hamilton, Ohio.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62–2849; Filed, Mar. 23, 1962; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—MARCH

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 March.

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