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FEDERAL REGISTER

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Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of State

Effective upon publication in the FEDERAL REGISTER, subparagraph (1) of paragraph (e) of § 6.302 is amended as set out below.

§ 6.302 **Department of State.**

* * * * *

(e) *Bureau of Economic Affairs.* (1) One Deputy Assistant Secretary (International Finance and Development, one Deputy Assistant Secretary (International Trade), and one Deputy Assistant Secretary (International Resources).

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

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

[F.R. Doc. 62-2523; Filed, Mar. 14, 1962; 8:54 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 729—PEANUTS

Subpart—National Marketing Quota, National Acreage Allotment, and Apportionment to States of the National Acreage Allotment for Peanuts for the 1962 Crop

REVISION OF APPORTIONMENT TO STATES

Basis and purpose. The purpose of this document is to revise the apportionment of the 1962 national peanut allotment among the several peanut-producing States previously made on October 19, 1961 (26 F.R. 9814). This revision is necessary to apportion to peanut-producing States the reserve of 1,610.0 acres which was set aside for establishing 1962 peanut acreage allotments for new farms. This document apportions 1,389.3 acres among the peanut-producing States on the basis of applications approved under the provisions of § 729.1021, as amended, of the Allotment and Marketing Quota Regulations for Peanuts of the 1959 and Subsequent Crops (23 F.R. 8515, 24 F.R. 2677, 6803, 9611, 25 F.R. 897, 8065, 10567, 26 F.R. 1344, 2523, 4631, 8560, 10209, 11816). The remainder of the reserve, 220.7 acres, is hereby apportioned on exactly the same basis as the 1962 national acreage allotment was previously apportioned to the States.

Farmers in the southernmost areas of the United States will soon begin planting the 1962 crop of peanuts and farmers in the other peanut-producing areas of the nation are completing their plans for the production of peanuts in 1962. In order that the State and county Agricultural Stabilization and Conservation committees may apportion the additional acreage provided herein at the earliest possible date, it is essential that this revision of apportionment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure, and effective date requirements of the Administrative Procedure Act (5 U.S.C. 1001-1011) is impracticable and contrary to the public interest, and the revised apportionment of the national peanut acreage allotment among the peanut-producing States shall become effective upon filing of this document with the Director, Office of the Federal Register.

For the purpose of apportioning the national reserve of 1,610.0 acres § 729.1303 (26 F.R. 9814) is amended to read as follows:

§ 729.1303 **Apportionment of the national peanut acreage allotment for the crop produced in the calendar year 1962.**

(a) The national peanut acreage allotment proclaimed in § 729.1302 is hereby apportioned as follows:

State:	*1962 State acreage allotment*
Alabama	218,221.7
Arizona	717.1
Arkansas	4,216.6
California	939.1
Florida	55,313.3
Georgia	528,418.7
Louisiana	1,962.2
Mississippi	7,552.0
Missouri	247.0
New Mexico	5,215.2
North Carolina	168,940.5
Oklahoma	138,547.1
South Carolina	13,881.9
Tennessee	3,620.5
Texas	356,648.6
Virginia	105,558.5
Total	1,610,000.0

(b) The additional acreage hereby apportioned to each State shall be used to the extent necessary to establish new farm allotments on the basis of applications approved under the provisions of § 729.1021 and the remaining acreage shall be available for use for the purposes specified in § 729.1016(a)(5), subject to the 10 percent and other limitations contained therein, and § 729.1017 of the Allotment and Marketing Quota Regulations for Peanuts of the 1959 and Subsequent Crops, as amended (23 F.R. 8515, 24 F.R. 2677, 6803, 9611, 25 F.R. 897, 8065, 10567, 26 F.R. 1344, 2523, 4631, 8560, 10209, 11816).

(Secs. 358, 375, 55 Stat. 88, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1358, 1375)

Effective date: Upon filing of this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on March 12, 1962.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 62-2543; Filed, Mar. 14, 1962; 8:57 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 813.2, Amdt. 1]

PART 813—ALLOTMENT OF SUGAR QUOTA

Domestic Beet Sugar Area; Six-Month Period Ending June 30, 1962

Basis and purpose. This allotment order is issued under section 205(a) of the Sugar Act of 1948, as amended (61 Stat. 922), hereinafter called the "Act," for the purpose of allotting the sugar quota for the Domestic Beet Sugar Area for the six-month period ending June 30, 1962, among persons who process sugar from sugar beets and market such sugar for consumption in the continental United States.

Section 205(a) of the Act requires the Secretary to allot a quota whenever he finds that the allotment is necessary, among other things (1) to prevent disorderly marketing of sugar or liquid sugar and (2) to afford all interested persons an equitable opportunity to market sugar or liquid sugar. Section 205(a) also requires that such allotment be made after such hearing and upon such notice as the Secretary may prescribe.

Pursuant to the applicable rules of practice and procedure a preliminary finding was made that allotment of the quota is necessary and a notice was published on November 15, 1961 (26 F.R. 10691) of a public hearing to be held in Washington, D.C., Room 239-E Administration Building, U.S. Department of Agriculture, on November 28, 1961, beginning at 10:00 a.m., e.s.t., for the purpose of receiving evidence to enable the Secretary (1) to affirm or revoke the preliminary findings of necessity for allotments, and (2) to establish a fair, efficient and equitable allotment of a portion of the quota for the Domestic Beet Sugar Area for the six-month period ending June 30, 1962. Such notice further provided for the hearing to be reconvened on February 8, 1962, at the same place and time, for the purpose of

receiving evidence to enable the Secretary: (1) To establish fair, efficient, and equitable allotments of the entire quota for the six-month period ending June 30, 1962, or for the calendar year 1962, or a part thereof; (2) to revise or amend the allotment of the quota for the purposes of (a) allotting any increase or decrease in the quota, (b) prorating any deficit in the allotment for any allottee, and (c) substituting revised estimates or final actual data for estimates of such data and (3) to provide how certain marketings shall apply to allotments.

An order effective January 1, 1962 (26 F.R. 12678), established interim allotments of 80 percent of the quota for the Domestic Beet Sugar Area for the six-month period ending June 30, 1962, on the basis of the hearing held on November 28, 1961.

The hearing was reconvened on February 8, 1962, at the time and place specified in the notice and testimony was given with respect to all issues for which the hearing was reconvened. In arriving at the findings, conclusions and regulatory provisions of this order, all proposed findings and conclusions were carefully and fully considered in conjunction with the record evidence pertaining thereto.

Omission of a recommended decision and effective date. The record of the hearing shows that the supply of beet sugar available for marketing is substantially in excess of the probable quota for the Domestic Beet Sugar Area for the six-month period ending June 30, 1962. The proceeding to which this order relates was instituted for the purpose of allotting the quota for the Domestic Beet Sugar Area to prevent disorderly marketing and to afford each interested person an equitable opportunity to market sugar within the quota for the area. In view of the need for allotments and the fact that only 80 percent of the quota for the six-month period ending June 30, 1962, has been allotted on a preliminary or interim basis, it is imperative that processors know as soon as possible the quantity of sugar each may market within the quota during the balance of the six-month period ending June 30, 1962, in order to plan marketings and, thus, prevent disorderly marketings that could occur if the effective date of the amended allotment order is unduly delayed. Accordingly, in order to fully effectuate the purposes of section 205(a) of the Act, it is hereby found that due and timely execution of the functions imposed upon the Secretary under the Act imperatively and unavoidably requires the omission of a recommended decision in this proceeding. It is also hereby further found and determined for the reasons given above for the omission of a recommended decision that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impractical and contrary to the public interest, consequently, this amendment shall become effective upon publication in the FEDERAL REGISTER.

Basis for findings and conclusions. Section 205(a) of the Act reads in pertinent part as follows:

> * * * Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processings of sugar or liquid sugar from sugar beets or sugarcane to which proportionate shares, determined pursuant to the provisions of subsection (b) of sec. 302, pertained; the past marketings or importations of each such person and the ability of such persons to market or import that portion of such quota or proration thereof allotted to him * * *

The record of the hearing indicates that the prospective supply of domestic beet sugar available for marketing in the first six months of the calendar year 1962 exceeds the Domestic Beet Sugar Area quota established for such period to an extent that allotment of the quota is necessary to prevent disorderly marketing and to provide all processors of beet sugar equitable marketing opportunities within the limitations of the quota (R. 7, 31).

The allotment method set forth in this order follows the proposal made by the government witness for allotting the quota for the six-month period ending June 30, 1962, and is the same as the allotment method recommended by the Beet Sugar Industry Task Force in their letter of January 12, 1962, to the Director of the Sugar Division which was accepted in evidence at the hearing as Exhibit 10 (R. 33). Such method of allotting the quota provides for consideration of all of the factors cited in section 205(a) of the Act, and makes allowances for adverse conditions pursuant to the "hardship" provision set forth in such section (R. 36, 37).

Production of sugar from 1961-crop sugar beets is the most up-to-date measure of the processings factor available to represent the operations for each processor and a weighting of 75 percent to the processings factor in determining base allotments appears consistent with the importance of this factor (R. 40).

Processings of the 1961-crop may continue through August, but a relatively insignificant quantity of sugar will be produced from the 1961-crop after August 31, 1962. In order to permit adequate time for processors to plan for orderly marketing within allotments, it is necessary to establish such allotment for the six-month period ending June 30, 1962, on the basis of estimates of 1961-crop processings. Likewise, it is necessary to establish August 31, 1962, as the final termination date through which 1961-crop processings may be used in determining allotments (R. 39).

The factor "past marketings" when measured by the 1957–61 average annual marketings within allotments and weighted 25 percent in determining base allotments and when considered in conjunction with other provisions of the allotment method herein adopted contributes to an orderly rate of change in marketings of each processor relative to the marketings of others (R. 40). The base period is long enough to incorporate a variety of experiences representative of the sharing of marketings during the immediate past.

The "ability to market" factor is partially reflected in the above measures of the other two factors (R. 40). Additional consideration is appropriately given this factor by adjusting base allotments for January 1, 1962 inventory imbalances as set forth in detail in Finding (3).

The allotment method adopted herein differs from the allotment method set forth in the initial order effective January 1, 1962, which established preliminary allotments of 80 percent of the quota for the six-month period ending June 30, 1962, by allotting to each allottee the same proportion of the quantity to be allotted as his allotment was of total allotment of the 1961 quota established by Sugar Regulation 813, Amendment 1, for 1961. The allotment method adopted herein also differs from the allotment method set forth in the 1961 allotment order in the manner in which the alternative measure of processings is determined. The steps in determining such alternative measure are set forth in Finding (3).

The record of the hearing discloses that no beet sugar processor objected to the method of allotment proposed at the hearing (R. 46, 47), and no other method was proposed.

Findings and conclusions. On the basis of the record of the hearing, I hereby find and conclude that:

(1) At the time of the reconvened hearing it was estimated that processors of beet sugar in the Domestic Beet Sugar Area had effective inventories on January 1, 1962, of approximately 1,860,000 short tons, raw value, of sugar. This supply of sugar is sufficiently in excess of the quota for the Domestic Beet Sugar Area for the six-month period ending June 30, 1962, to cause disorderly marketing and prevent some interested persons from having equitable opportunities to market sugar.

(2) It is necessary to allot the Domestic Beet Sugar Area quota for the six-month period ending June 30, 1962, for consumption within the continental United States, in order to prevent disorderly marketing and to afford all interested persons equitable opportunities to market sugar processed from sugar beets in that area.

(3) To assure a fair, efficient and equitable distribution of the quota for the six-month period ending June 30, 1962, for consumption within the continental United States, the three factors specified in section 205(a) of the Act shall be given consideration and allotments determined as follows:

(a) Base allotments shall first be determined by giving consideration to the processing and past marketing factors as follows:

(i) The factor processings from proportionate shares shall be measured by each processor's actual processings of sugar from 1961-crop sugar beets through August 31, 1962, or the alternative measure of processing provided for herein, expressed as a percentage of the total of such actual or alternative processings for all processors, and weighted by 75 percent: *Provided*, That in recognition of the "hardship" provision in section 205(a) of the Act, the alternative measure of processings derived as follows shall be used for any processor

when the quantity so derived exceeds such processor's actual 1961-crop year processing: (Processor's average crop-year processings for 1959 and 1960 crops) × (Industry total 1961-crop year processings ÷ Industry average crop-year processings for 1959 and 1960 crops) × 85 percent, except that such alternative measure shall not exceed 125 percent of such processor's actual 1961-crop processings.

(ii) The factor past marketings shall be measured by each processor's average annual quota marketings for the years 1957 through 1961, expressed as a percentage of the total of the measure for all processors, and weighted by 25 percent.

(iii) The total of the percentage resulting from (i) and (ii), above, for each processor shall be multiplied by the Domestic Beet Sugar Area quota in short tons, raw value, to determine his base allotment in short tons, raw value.

(b) The factor "ability to market" shall be given consideration, in addition to that which is inherent in the consideration given to the other factors, by adjusting the base allotments, as determined in (a)(iii), above, for January 1, 1962 inventory imbalances to the extent as determined below: *Provided, however,* That in such determination the January 1, 1962 effective inventory to be used for individual processors shall include: (1) The January 1, 1962 physical inventory of sugar, (2) the sugar processed in 1962 prior to August 31, 1962, from 1961-crop beets, and (3) for any processor subject to the "hardship" provision of (a)(i) above, the quantity by which his alternative measure of processing exceeds his actual 1961-crop year processings.

(i) Compute the "plus" or "minus" January 1, 1962 inventory imbalance for each processor, by algebraically subtracting from his January 1, 1962 effective inventory his January 1, 1957–61 average effective inventory adjusted proportionately so that the total of such adjusted average inventories of all processors is equal to the total January 1, 1962 effective inventories of all processors.

(ii) The "plus" adjustment applicable to the base allotment for each processor having a "plus" inventory imbalance, as determined in (b)(i), shall be the quantity that such imbalance exceeds 10 percent of his adjusted January 1, 1957–61 average effective inventory and such excess multiplied by 25 percent. Such adjustment for any processor shall not exceed 10 percent of his base allotment.

(iii) The "minus" adjustments applicable to the base allotments for processors having "minus" inventory imbalances shall be computed by prorating the total of the "plus" adjustments, as determined in (b)(ii) among such processors on the basis of their "minus" inventory imbalances. Such adjustment for any processor shall not exceed 10 percent of his base allotment, and, if, as a result of this limitation, the sum of the "minus" adjustments is less than the sum of the "plus" adjustments, as determined in (b)(ii), such "plus" adjustments shall be reduced proportionately to a total equal to the total "minus" adjustments.

(iv) The adjustments determined pursuant to (b)(ii) and (b)(iii), representing hundredweight of refined sugar shall be multiplied by the factor 0.0535 to express such adjustments in short tons, raw value.

(c) Allotments for individual processors, in short tons, raw value, shall be the base allotment quantity as determined in (a)(iii) adjusted upward or downward, respectively, on the basis of "plus" or "minus" adjustments as determined in (b)(iv). Such quantities when divided by 0.0535 express allotments in the equivalent hundredweight of refined sugar.

(4) The quantities of sugar and the percentages referred to in paragraph (3), above, are set forth in the following table. They are based on data as provided for in the hearing record, including estimates for 1961-crop processings, 1961 marketings, and January 1, 1962, inventories which shall be used pending the availability and substitution of revised estimates or final data for such estimates, and as applied to the Domestic Beet Sugar Area quota of 1,032,931 short tons, raw value for the six-month period ending June 30, 1962.

Processor	Processings of sugar from 1961-crop beets (estimated)		Average marketings within the quota 1957–61 (estimated)		Base allotments		January 1 effective inventories, hundredweight, refined			Adjustments to base allotments [1]		Processor allotments, short tons raw value (col. 6+ or− col. 11)
	Hundredweight refined	Percent of total	Hundredweight refined	Percent of total	Percent of total (col. 2× 0.75+ col. 4× 0.25)	Short tons raw value (col. 5× quota)	1962	1957–61 average adjusted to col. 7 total	1962 inventory imbalances (col. 7− col. 8)	Annual basis—hundredweight refined	6-month basis—short tons raw value	
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Amalgamated Sugar Co., The	6,350,117	13.8128	5,781,241	13.6626	13.7752	142,288	5,045,037	4,833,174	+211,863	0	0	142,288
American Crystal Sugar Co	6,000,000	13.0512	5,477,149	12.9440	13.0244	134,533	4,493,036	4,631,012	−137,976	−20,883	−559	133,974
Buckeye Sugars, Inc	231,138	.5028	215,792	.5100	5.046	5,212	138,149	156,605	−18,456	−2,793	−75	5,137
Great Western Sugar Co., The	10,912,723	23.7374	10,496,066	24.8050	24.0043	247,948	8,822,238	9,172,476	−350,238	−53,009	−1,418	246,530
Holly Sugar Corp	6,590,930	14.3366	6,605,155	15.6097	14.6549	151,375	4,827,558	5,448,063	−620,505	−93,915	−2,512	148,863
Layton Sugar Co	219,291	.4770	228,094	.5391	.4925	5,087	192,115	213,633	−21,518	−3,257	−87	5,000
Menominee Sugar Co	189,484	.4122	232,151	.5486	.4463	4,610	107,813	135,615	−27,802	−4,208	−112	4,498
Michigan Sugar Co	1,496,532	3.2553	1,496,108	3.5357	3.3254	34,349	1,086,125	1,174,808	−88,683	−13,423	−359	33,990
Monitor Sugar Division of Robert Gage Coal Co	807,692	1.7569	675,142	1.5955	1.7166	17,731	627,969	515,571	+112,398	+15,210	+407	18,138
National Sugar Manufacturing Co., The	[2] 206,672	.4495	182,324	.4309	.4448	4,595	[2] 119,421	132,208	−12,787	−1,935	−52	4,543
Northern Ohio Sugar Co	603,223	1.3121	602,035	1.4228	1.3398	13,839	341,372	364,235	−22,863	−3,460	−92	13,747
Spreckels Sugar Co	5,200,805	11.3128	4,861,468	11.4889	11.3568	117,308	2,713,386	3,265,817	−552,431	−83,612	−2,237	115,071
Union Sugar Division, Cons. Foods Corp	2,184,775	4.7523	1,561,140	3.6894	4.4866	46,344	1,810,604	1,311,651	+498,953	+91,947	+2,459	48,803
Utah-Idaho Sugar Co	4,979,365	10.8311	3,900,467	9.2178	10.4278	107,712	4,396,962	3,366,917	+1,030,045	+173,338	+4,637	112,349
Total	45,972,747	100.0000	42,314,332	100.0000	100.0000	1,032,931	34,721,785	34,721,785	±1,853,259	±280,495	±7,503	1,032,931

[1] Plus (+) adjustments in col. 10=(Extent (+) quantity in col. 9 exceeds 10 percent of col. 8) × (25 percent); minus (−) adjustments in col. 10=the total of (+) adjustments in col. 10, amounting to 280,495 hundredweight, prorated to processors on the basis of minus (−) quantities in col. 9. Plus (+) and minus (−) adjustments in col. 11= (col. 10 adjustments) × (0.0535) × (½).

[2] Prior to the application of the "hardship" provision, 1961-crop processings were 172,989 hundredweight and 1–1–62 effective inventories were 85,738 hundredweight for The National Sugar Manufacturing Co.

(5) The order shall be revised without further notice or hearing for the purpose of (a) substituting revised estimates or final data for estimated data on 1961-crop processings, 1961 marketings and January 1, 1962 inventories used in measuring the factors when such data become part of the official records of the Department, (b) allotting any quantity of an allotment which may be released by an allottee to other allottees able to utilize additional allotment in proportion to the established allotments of such allottees when the written notification to the Sugar Division of such release becomes a part of the official records of the Department, and (c) revising allotments to give effect to any increase or decrease in the quota for the area pursuant to sections 201, 202, 204, or 408 of the Act. In making revisions to give effect to a change in the quota, allotments shall be made by the full application of the allotment procedure adopted herein.

(6) Official notice will be taken of (a) final or revised estimated data for 1961-crop processings, 1961 marketings and January 1, 1962 inventories submitted by processors on Forms SU–70 or other written form when such data become a part of the official records of the Department, (b) any written notice to the

Sugar Division by an allottee that he is unable to fill part of his allotment when the notification becomes a part of the official records of the Department, and (c) any regulation issued by the Secretary which changes the Domestic Beet Sugar Area quota for the six-month period ending June 30, 1962.

(7) To assure that the marketing of sugar or liquid sugar is charged against the proper allotment, it is necessary that the order provide for charges to allotments of processors who sell sugar beets, or molasses derived from sugar beets, but retain and process such sugar beets or molasses into sugar or liquid sugar for delivery to or for the account of the buyer.

(8) Allotments established in the foregoing manner will provide a fair, efficient and equitable distribution of the Domestic Beet Sugar Area quota for the six-month period ending June 30, 1962, as required by section 205(a) of the Act.

(9) Provision shall be made in the order to restrict marketings of sugar to allotments established herein.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act, and in accordance with the Findings and Conclusions heretofore made, it is hereby ordered that § 813.2 be amended to read as follows:

§ 813.2 Allotment of the domestic beet sugar area quota for the six-month period ending June 30, 1962.

(a) *Allotments.* The Domestic Beet Sugar Area quota for the six-month period ending June 30, 1962, for consumption within the continental United States of 1,032,931 short tons, raw value, is hereby allotted to the following processors in the amounts which appear opposite their respective names:

Processors	Allotments	
	Short tons, raw value	Equivalent in hundredweight refined beet sugar
Amalgamated Sugar Co., The	142,288	2,659,589
American Crystal Sugar Co	133,974	2,504,187
Buckeye Sugars, Inc	5,137	96,019
Great Western Sugar Co., The	246,530	4,608,037
Holly Sugar Corp	148,863	2,782,486
Layton Sugar Co	5,000	93,458
Menominee Sugar Co	4,498	84,075
Michigan Sugar Co	33,990	635,327
Monitor Sugar Division, Robt. Gage Coal Co	18,138	339,028
National Sugar Manufacturing Co., The	4,543	84,916
Northern Ohio Sugar Co	13,747	256,953
Spreckels Sugar Co	115,071	2,150,860
Union Sugar Division, Cons. Foods Corp	48,803	912,205
Utah-Idaho Sugar Co	112,349	2,099,981
Total	1,032,931	19,307,121

(b) *Marketing of sugar beets and molasses.* If sugar beets or molasses derived from sugar beets are sold by a processor but retained and processed by such processor and the sugar or liquid sugar processed therefrom is delivered to or for the account of the buyer of the sugar beets or molasses, such delivery at the time it occurs shall constitute a marketing which shall be effective for filling the allotment of the processor who sold and processed such sugar beets or molasses.

(c) *Marketing limitations.* Marketings shall be limited to allotments as established herein subject to the prohibitions and provisions of §§ 816.1 to 816.9 of this chapter (Sugar Regulation 816, Rev. 1; 23 F.R. 1943; 27 F.R. 1450).

(d) *Delegation.* The Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, is hereby authorized to revise the allotments established under this order without further notice or hearing in accordance with the findings and conclusions set forth under (5) accompanying this order, to give effect to (1) the substitution of revised estimates or final data for estimates, (2) the reallocation of any quantity of an allotment released by an allottee and (3) any change in the quota for the Domestic Beet Sugar Area for the six-month period ending June 30, 1962.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 205, 209; 61 Stat. 926; as amended; 928; 7 U.S.C. 1115, 1119)

Done at Washington, D.C., this 12th day of March 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-2544; Filed, Mar. 14, 1962; 8:58 a.m.]

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

[Milk Order No. 42]

PART 1042—MILK IN MUSKEGON, MICH., MARKETING AREA

Determination of Equivalent Price for Class II Milk

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and to the applicable provision of the order as amended, regulating the handling of milk in the aforesaid marketing area (7 CFR Part 1042), hereinafter referred to as the "order", it is hereby determined that:

(1) Determination of an equivalent price for Class II milk was issued April 25, 1961, by the Secretary and made effective for April 1961 and each consecutive month thereafter until the order is amended to provide otherwise for a Class II milk price.

(2) The determination of equivalent prices for Class II milk issued April 25, 1961 provided for use of the price determined pursuant to § 1040.50(c) (Southern Michigan) of this chapter.

(3) An amended order issued February 27, 1962 amends § 1040.50(c) (Southern Michigan) of this chapter in such manner as to render ineffective such previous determination of equivalent price for Class II milk with respect to this order.

(4) To continue the same Class II price basis which has been effective pursuant to this order since April 1961, it is hereby determined that pursuant to Part 1042.54 the equivalent Class II price, until the order is amended to provide otherwise for a Class II milk price, shall be the price pursuant to § 1040.52 (a)(1) (Southern Michigan) of this chapter.

(5) Notice of proposed rule making, public procedure thereon and 30 days prior notice to the effective date hereof are impractical, unnecessary and contrary to the public interest and this determination does not require substantial or extensive preparation of any interested person.

Effective date: March 1, 1962.

Signed at Washington, D.C., on March 9, 1962.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 62-2517; Filed, Mar. 14, 1962; 8:53 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 652; Amdt. 46-4]

PART 46—SCHEDULED AIR CARRIER HELICOPTER CERTIFICATION AND OPERATION RULES

Mechanical Reliability Reports; Correction

Amendment 46-4 to Part 46 of the Civil Air Regulations, published in the FEDERAL REGISTER on February 10, 1962, to become effective March 12, 1962 (27 F.R. 1247), is hereby corrected as follows:

1. The word "aircraft" appearing in § 46.508(c) (1) and (6), is corrected to read "helicopter"; and

2. The word "airplanes" appearing in § 46.509(a) is corrected to read "helicopters".

(Secs. 311, 313(a), 601, 605; 72 Stat. 751, 752, 775, 778; 49 U.S.C. 1352, 1354, 1421, 1425)

Issued in Washington, D.C., on March 8, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62-2486; Filed, Mar. 14, 1962; 8:46 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-LA-54]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

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

Revocation of Federal Airway, Associated Control Areas and Reporting Points

On September 13, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 8569)

stating that the Federal Aviation Agency proposed to revoke low altitude Green Federal airway No. 4, its associated control areas and reporting points, from Los Angeles, Calif., to Amarillo, Texas.

No adverse comments were received regarding the proposed amendments.

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

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

1. In Part 600 (14 CFR Part 600) § 600.14 Green Federal airway No. 4 (Los Angeles, Calif., to Amarillo, Texas). is revoked.

2. In Part 601 (14 CFR Part 601) § 601.14 Green Federal airway No. 4 control areas (Los Angeles, Calif., to Amarillo, Texas). is revoked.

3. In Part 601 (14 CFR Part 601) § 601.4014 Green Federal airway No. 4 (Los Angeles, Calif., to Amarillo, Texas). is revoked.

These amendments shall become effective 0001 e.s.t., May 3, 1962.

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

Issued in Washington, D.C., on March 8, 1962.

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

[F.R. Doc. 62-2484; Filed, Mar. 14, 1962; 8:46 a.m.]

[Airspace Docket No. 61-LA-19]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

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

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Areas, Federal Airways Control Area Extensions and Control Zones

The purpose of these amendments to §§ 600.101, 600.6023, 600.6813, 601.1133, 601.1331, 601.2281, 601.2438, and 608.67 of the regulations of the Administrator is to reduce the size of the Fort Lewis, Wash., Restricted Areas R-6703 and R-6704; and to modify the descriptions of the Seattle, Wash., and Tacoma, Wash., control area extensions, the Tacoma, Wash., and the Fort Lewis, Wash., control zones, Amber Federal airway No. 1 and VOR Federal airways Nos. 23 and 813.

The Department of the Army has advised that R-6703 and R-6704 (formerly identified as R-504 and R-505) may be reduced in size and has concurred in the joint use of these restricted areas. Therefore, the control areas, control zones and airways listed above are modified herein to permit use of the airspace within the restricted areas after obtaining prior approval from appropriate authority. These alterations will provide additional controlled airspace for radar vectoring of aircraft arriving and departing the Seattle/Tacoma area. Although these alterations result in an overall reduction of restricted airspace, the adjustment of the restricted area boundaries entails the inclusion within R-6704 of a small amount of airspace bordering the southwestern edge of the present area. This additional area constitutes approximately two square miles and will not effect current aeronautical operations.

Additional modifications to Victor 813 are required in order to eliminate reference to R-519 and R-535 (subsequently renumbered as R-2523 and R-5703 respectively) and R-503. R-2523 and R-503 have been revoked (Airspace Docket Nos. 61-LA-45 and 60-WA-155 respectively). It has also been determined that R-5703 does not impinge upon this airway. Further, to preclude the necessity of prior coordination for the use of the portion of Victor 813 within R-6711 and to afford maximum flexibility of operations, the airspace within R-6711 is being excluded. A further modification to the Fort Lewis control zone is required to reflect the recomputed center of Gray AAF as latitude 47°04'55" N., longitude 122°34'55" W. Other editorial changes to the descriptions of controlled airspace and airways contained in this docket are required to reflect the current identification of other restricted areas mentioned in these descriptions. Such actions are taken herein.

Since these amendments are minor in nature or less restrictive than present requirements, notice and public procedure hereon are unnecessary; however, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

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

§ 608.67 [Amendment]

1. In § 608.67 *Washington* (26 F.R. 7203), the following changes are made:

(a) R-6703 Fort Lewis, Wash., is amended to read:

R-6703 Fort Lewis, Wash.

Boundaries. Beginning at latitude 47°-03'10" N., longitude 122°31'25" W.; to latitude 47°02'30" N., longitude 122°31'40" W.; to latitude 47°02'30" N., longitude 122°-31'00" W.; to latitude 47°00'40" N., longitude 122°31'25" W.; to latitude 47°00'40" N., longitude 122°32'55" W.; to latitude 46°-58'05" N., longitude 122°34'00" W.; to latitude 46°58'05" N., longitude 122°37'50" W.; to latitude 47°04'25" N., longitude 122°-35'15" W.; to the point of beginning.

Designated altitudes. Surface to 5,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, McChord Approach Control.

Using agency. Commanding General, Fort Lewis, Wash.

(b) R-6704 Fort Lewis, Wash., is amended to read:

R-6704 Fort Lewis, Wash.

Boundaries. Beginning at latitude 47°-04'25" N., longitude 122°35'15" W.; to latitude 46°58'05" N., longitude 122°37'50" W.; to latitude 46°54'35" N., longitude 122°-41'25" W.; to latitude 46°54'05" N., longitude 122°45'00" W.; to latitude 46°57'12" N., longitude 122°46'50" W.; to latitude 47°-00'40" N., longitude 122°41'40" W.; to latitude 47°04'35" N., longitude 122°41'30" W.; to latitude 47°05'25" N., longitude 122°-38'00" W.; to the point of beginning.

Designated altitudes. Surface to 14,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, McChord Approach Control.

Using agency. Commanding General, Fort Lewis, Wash.

2. Section 601.1133 (14 CFR 601.1133, 26 F.R. 572) is amended to read:

§ 601.1133 Control area extension (Seattle, Wash.).

That airspace within a 30-mile radius of the Seattle-Tacoma International Airport (Lat. 47°26'50" N., Long. 122°-18'30" W.), including the airspace NW of Seattle bounded on the NE by Amber Federal airway No. 1, on the N by Red Federal airway No. 79, on the W by Long. 123°15'00" W., and on the S by VOR Federal airway No. 27. The portions of this control area extension within R-6703, R-6704 and R-6711 shall be used only after obtaining prior approval from appropriate authority.

3. Section 601.1331 (14 CFR 601.1331, 26 F.R. 572) is amended to read:

§ 601.1331 Control area extension (Tacoma, Wash.).

That airspace within a 40-nautical mile radius of McChord AFB (Lat. 47°-08'20" N., Long. 122°28'05" W.). The portions of this control area extension within R-6703, R-6704 and R-6711 shall be used only after obtaining prior approval from appropriate authority.

4. Section 601.2281 (14 CFR 601.2281, 26 F.R. 572) is amended to read:

§ 601.2281 Tacoma, Wash., control zone.

Within a 5-mile radius of McChord AFB (Lat. 47°08'20" N., Long. 122°-28'05" W.) and within 2 miles either side of the N course of the McChord RR extending from the 5-mile radius zone to the RR. The portion of the control zone within R-6703 shall be used only after obtaining prior approval from appropriate authority.

5. Section 601.2438 (26 F.R. 8376, 9708) is amended to read:

§ 601.2438 Fort Lewis, Wash. (Gray AAF), control zone.

Within a 5-mile radius of the Gray AAF (Lat. 47°04'55" N., Long. 122°-34'55" W.), excluding the airspace within the Tacoma, Wash., control zone (§ 601.2281). The portions of this control zone within R-6703 and R-6704 shall be used only after obtaining prior approval from appropriate authority.

§ 600.101 [Amendment]

6. In the text of § 600.101 (14 CFR 600.101; 26 F.R. 572, 8375, 11485) "Nome, Alaska, RR, excluding the portion of this airway which coincides with R-6703. The portion of this airway which coincides with R-2201 shall be used only after obtaining prior approval from ap-

propriate authority." is deleted and "Nome, Alaska, RR. The airspace within R–2201 and R–6703 shall be used only after obtaining prior approval from appropriate authority." is substituted therefor.

§ 600.6023 [Amendment]

7. In the text of § 600.6023 (14 CFR 600.6023; 26 F.R. 572, 1209, 4052, 11727; 27 F.R. 98, 1455) "Vancouver, British Columbia, VOR. The portions of this airway which lie within the geographic limits of, and between the designated altitudes of, the Fort Lewis Restricted Area (R–504), the Tacoma, Wash. (McChord AFB) Restricted Area/Military Climb Corridor (R–546) and the Portland International Airport Restricted Area/Military Climb Corridor (R–535) are excluded during these restricted areas' designated time of use." is deleted and "Vancouver, British Columbia, VOR, excluding the airspace within R–6711 and the airspace of the E alternate between Eugene and Portland within R–5703. The airspace within R–6703 shall be used only after obtaining prior approval from appropriate authority." is substituted therefor.

8. Section 600.6813 (26 F.R. 21) is amended to read:

§ 600.6813 VOR Federal airway No. 813 (San Francisco, Calif., Metropolitan Area to the Seattle, Wash., Metropolitan Area): normal traffic flow northbound.

From the INT of the San Francisco, Calif., VOR 304° and the Ukiah, Calif., VOR 172° radials via the Ukiah VOR; Fortuna, Calif., VOR; Crescent City, Calif., VOR; North Bend, Oreg., VOR; Eugene, Oreg., VORTAC; Portland, Oreg., VORTAC; INT of the Portland VORTAC 353° and the Seattle, Wash., VORTAC 197° radials; to the Seattle VORTAC, excluding the airspace within R–6711. The airspace within R–6703 shall be used only after obtaining prior approval from appropriate authority.

These amendments shall become effective 0001 e.s.t., May 3, 1962.

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

Issued in Washington, D.C., on March 9, 1962.

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

[F.R. Doc. 62–2485; Filed, Mar. 14, 1962; 8:46 a.m.]

[Airspace Docket No. 60–AN–18]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

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

PART 608—SPECIAL USE AIRSPACE

Alteration of Federal Airways, Associated Control Areas, Reporting Points, Control Area Extension, and Control Zone and Restricted Area

On October 28, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 10138) stating that the Federal Aviation Agency was considering amendments to §§ 600.18, 600.282, 601.282, 601.4018, 601.4282, and 608.22 of the regulations of the Administrator which would alter the Eagle River, Alaska, Restricted Area R–2203 and designate it as a joint use area, realign Green Federal airway No. 8, delete a designated reporting point associated with this airway and extend Red Federal airway No. 82 and its associated control area eastward to join the realigned segment of Green 8.

The Alaskan Air Command objected to the proposed expansion of the southwest corner of R–2203 west of the 149° 44′00″ W. meridian, stating that this would increase the restrictive effect of the restricted area on operations at Elmendorf AFB. In view of this comment, the Department of the Army has further evaluated its requirements in this area and concurs in the establishment of the western boundary of R–2203 along the 149°44′00″ W. meridian in order to reduce the impact of this restricted area on Elmendorf AFB operations. This change is reflected in the actions taken herein.

No other adverse comments were received regarding the proposed amendments.

Although not mentioned in the notice, action is taken herein to alter the descriptions of the Anchorage, Alaska, control area extension (§ 601.1398) and the Anchorage, Alaska (Merrill Field), control zone (§ 601.2300) to permit use of those portions of the control area extension and control zone which lie within R–2203 when the restricted area is not being used for the purpose designated.

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

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

§ 608.22 [Amendment]

1. In § 608.22 *Alaska* (26 F.R. 7189), R–2203 Eagle River, Alaska, is amended to read:

R–2203 Eagle River, Alaska.

Boundaries. Beginning at latitude 61°29′-00″ N., longitude 149°33′48″ W.; to latitude 61°22′10″ N., longitude 149°33′48″ W.; to latitude 61°17′15″ N., longitude 149°36′15″ W.; to latitude 61°17′15″ N., longitude 149°-42′25″ W.; to latitude 61°18′00″ N., longitude 149°44′00″ W.; to latitude 61°27′15″ N., longitude 149°44′00″ W.; to the point of beginning.

Designated altitudes. Surface to 18,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Anchorage ARTC Center.

Using agency. Commanding General, U.S. Army Alaska, Fort Richardson, Alaska.

2. Section 600.18 (14 CFR 600.18, 26 F.R. 8375, 11824) is amended to read:

§ 600.18 Green Federal airway No. 8 (King Salmon, Alaska, to Northway, Alaska).

From the King Salmon, Alaska, RR via the INT of the NE course of the King Salmon RR and the W course of the Homer, Alaska, RR; INT of the W course of the Homer RR and the SW course of the Kenai, Alaska, RR; Kenai RR; INT of the NE course of the Kenai RR and a line bearing 266° from the Anchorage, Alaska, RR; Anchorage RR; INT of the NE course of the Anchorage RR and the SE course of the Skwentna, Alaska, RR; Gulkana, Alaska, RR; INT of the NE course of the Gulkana RR and the SW course of the Northway, Alaska, RR; to the Northway RR. The portions of this airway within R–2201 and R–2203 shall be used only after obtaining prior approval from appropriate authority.

§ 601.4018 [Amendment]

3. In the text of § 601.4018 (14 CFR 601.4018, 26 F.R. 11824) "the intersection of the southeast course of the Skwentna, Alaska, radio range and a line bearing 357° True from the Anchorage, Alaska, radio range station;" is deleted.

4. Section 600.282 (14 CFR 600.282) is amended to read:

§ 600.282 Red Federal airway No. 82 (Skwentna, Alaska, to Matanuska, Alaska).

From the Skwentna, Alaska, RR to the INT of the SE course of the Skwentna RR and the NE course of the Anchorage, Alaska, RR.

5. Section 601.282 (14 CFR 601.282) is amended to read:

§ 601.282 Red Federal airway No. 82 control areas (Skwentna, Alaska to Matanuska, Alaska).

All of Red Federal airway No. 82.

6. Section 601.4282 (14 CFR 601.4282) is amended to read:

§ 601.4282 Red Federal airway No. 82 (Skwentna, Alaska, to Matanuska, Alaska).

No reporting point designation.

§ 601.1398 [Amendment]

7. In the text of § 601.1398 (27 F.R. 171) "Anchorage; excluding the portion which coincides with R–2203. The portion which coincides with R–2201 shall be used only after obtaining prior approval from appropriate authority." is deleted and "Anchorage. The portions of this control area extension within R–2201 and R–2203 shall be used only after obtaining prior approval from appropriate authority." is substituted therefor.

8. Section 601.2300 (26 F.R. 1661) is amended to read:

§ 601.2300 Anchorage, Alaska (Merrill Field), control zone.

Within a 3-mile radius of Merrill Field Airport (Lat. 61°13′03″ N., Long. 149°50′52″ W.); within a 5-mile radius of Elmendorf AFB (Lat. 61°15′05″ N., Long. 149°48′52″ W.); within 2 miles either side of the Elmendorf AFB ILS localizer W course extending from the 5-mile radius zone to the OM; within a 3-mile radius of Bryant AAF (Lat. 61°16′02″ N., Long. 149°39′46″ W.). The portions of this control zone within R–2201 and R–2203 shall be used only after obtaining prior approval from appropriate authority.

These amendments shall become effective 0001 e.s.t., May 3, 1962.

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

Issued in Washington, D.C., on March 8, 1962.

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

[F.R. Doc. 62-2483; Filed, Mar. 14, 1962; 8:45 a.m.]

[Airspace Docket No. 62-SW-5]

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

Alteration of Control Zone and Control Area Extension

The purpose of these amendments to §§ 601.2246 and 601.1284 of the regulations of the Administrator is to alter the Oklahoma City, Okla., control zone and control area extension.

The Oklahoma City control zone (§ 601.2246) west extension, as presently designated, is based, in part, on the west course of the Oklahoma City radio range. This control zone extension is no longer required for air traffic control purposes. Therefore, action is taken herein to revoke the control zone extension based on this navigational aid. In addition, the control zone is altered slightly to include a minute amount of airspace between the control zone extensions based on the Oklahoma City VORTAC.

The description of the Oklahoma City control area extension (§ 601.1284) is presently designated, in part, on the Oklahoma City radio range. Since low frequency navigational aids are undergoing a period of change, involving decommissioning or alteration, it is preferable that the Oklahoma City control area extension be redesignated on the geographical site of the radio range. Therefore, action is taken herein to designate this control area extension on latitude 35°24'08" N., longitude 97°38'36" W.

Since the change effected by the amendment pertaining to the control zone is less restrictive in nature than the present requirements and the amendment pertaining to the control area extension is editorial in nature, 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, these amendments will become effective more than thirty days after publication.

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

1. In the text of § 601.2246 (26 F.R. 9848) "within 2 miles either side of the W course of the Oklahoma City RR extending from the 5-mile radius zone to the Mustang FM; within 2 miles either side of the Oklahoma City VORTAC 107° radial extending from the 5-mile radius zone to the VORTAC; within a 5-mile radius of Wiley Post Airport" is deleted and "within 2 miles southwest and 3 miles northeast of the Oklahoma City VORTAC 107° radial extending from the 5-mile radius zone to the VORTAC; and within a 5-mile radius of Wiley Post Airport" is substituted therefor.

2. In the text of § 601.1284 (14 CFR 601.1284) "the Oklahoma City, Okla., RR;" is deleted and "Lat. 35°24' 08" N., Long. 97°38'36" W.;" is substituted therefor.

These amendments shall become effective 0001 e.s.t., May 3, 1962.

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

Issued in Washington, D.C., on March 8, 1962.

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

[F.R. Doc. 62-2482; Filed, Mar. 14, 1962; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8303 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Cromit Products Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.20 *Comparative data or merits;* § 13.190 *Results.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Cromit Products Corporation trading as Albicrome Products et al., Boston, Mass., Docket 8303, Oct. 25, 1961]

In the Matter of Cromit Products Corporation, a Corporation, Trading as Albicrome Products, and Donald L. Albion, Charles Albion and Roland A. Cormier (Originally Erroneously Named in the Complaint as Roland Albion), Individually and as Officers of Said Corporation

Consent order requiring Boston manufacturers of alleged chrome plating kits to cease representing falsely that purchasers of such kits could instantly chromeplate worn and pitted metal surfaces with a copper-nickel-chrome build-up, and achieve the same finish and durability as imparted by commercial electroplating methods.

The order to cease and desist is as follows:

It is ordered, That respondents Cromit Products Corporation, a corporation, doing business under its own name or trading as Albicrome Products, or under any other name, and its officers, and Donald L. Albion and Charles Albion, individually and as officers of said corporation, and Roland Cormier, as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the manufacturing, advertising, offering for sale, sale and distribution of their products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that:

1. Their kits or components will produce a chromium plating.

2. Their kits will provide a copper-nickel-chrome build-up.

3. The coating produced by the use of said kits is comparable in durability to the finish imparted by commercial electroplating.

It is further ordered, That the complaint be and the same hereby is dismissed as to respondent Roland Cormier, individually.

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

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

Issued: October 25, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-2494; Filed, Mar. 14, 1962; 8:48 a.m.]

[Docket 8348 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Kosak Furs, Inc., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* § 13.1053–35 *Fur Products Labeling Act.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Kosak Furs, Inc., et al., New York, N.Y., Docket 8348, Oct. 25, 1961]

In the Matter of Kosak Furs, Inc., a Corporation, and Fred Kosak, and Sol Horowitz, Individually and as Officers of Said Corporation

Consent order requiring New York City furriers to cease violating the Fur Products Labeling Act by failing to set forth the term "dyed Mouton processed Lamb" where required on invoices of fur products and failing in other respects to comply with invoice requirements, and by furnishing false guaranties that certain of their fur products were not misbranded, falsely invoiced, or falsely advertised.

The order to cease and desist is as follows:

It is ordered, That respondents Kosak Furs, Inc., a corporation, and its officers, and Fred Kosak, individually and as an officer of said corporation, and Sol Horo-

witz, individually, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction, into commerce, or the sale, advertising, offering for sale, transportation or distribution, in commerce, of fur products, or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Falsely or deceptively invoicing fur products by:

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

2. Failing to set forth the term "dyed Mouton proccessed Lamb" where an election is made to use that term instead of Lamb.

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

It is further ordered, That the complaint be, and the same hereby is, dismissed as to respondent Sol Horowitz as an officer of respondent corporation.

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

It is ordered, That Kosak Furs, Inc., a corporation, Fred Kosak, individually and as an officer of said corporation, and Sol Horowitz, individually, shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 25, 1961.

By the Commission.

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

[F.R. Doc. 62-2495; Filed, Mar. 14, 1962; 8:48 a.m.]

[Docket No. C-11]

PART 13—PROHIBITED TRADE PRACTICES

Ralph L. Autry and Natural Minerals Plus

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* § 13.170-52 *Medicinal, therapeutic, healthful, etc.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Ralph L. Autry trading as Natural Minerals Plus, Burbank, Calif., Docket C-11, Oct. 31, 1961]

In the Matter of Ralph L. Autry, an Individual Trading as Natural Minerals Plus

Consent order requiring a Burbank, Calif., distributor of a drug preparation designated "Natural Minerals Plus" to cease misrepresenting the therapeutic properties of the product in advertisements in newspapers and magazines and other advertising media.

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

It is ordered, That respondent, Ralph L. Autry, an individual trading as Natural Minerals Plus, or under any other name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the preparation designated "Natural Minerals Plus", or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, do forthwith cease and desist, directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or indirectly, that said preparation will be of benefit in the treatment of, or cure, blindness, rheumatism, arthritis, constipation, indigestion, weakness, nervousness, insomnia, depression, aches, pains or any disease not caused by a deficiency of calcium or iodine.

2. Disseminating or causing the dissemination of any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said preparation in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations prohibited in Paragraph 1 hereof.

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

Issued: October 31, 1961.

By the Commission.

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

[F.R. Doc. 62-2531; Filed, Mar. 14, 1962; 8:55 a.m.]

[Docket No. C-12]

PART 13—PROHIBITED TRADE PRACTICES

Magicure, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* § 13.170-22 *Corrective, orthopedic, etc.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Magicure, Inc., et al., Columbus, Ohio, Docket C-12, Oct. 31, 1961]

In the Matter of Magicure, Inc., a Corporation; and Arthur C. Kinkead, Sr., and William Kinkead, Individually and as Officers of Said Corporation

Consent order requiring Columbus, Ohio, distributors of their "Magicure" device to cease representing falsely in advertising in letters, circulars, pamphlets, etc., that use of the device would stop bed wetting and correct the bed wetting habit.

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

It is ordered, That respondent Magicure, Inc., a corporation, and its officers, and respondents Arthur C. Kinkead, Sr., and William Kinkead, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the sale of a device known as "Magicure", or any other device which functions in substantially the same manner, do forthwith cease and desist from, directly or indirectly:

1. Disseminating, or causing to be disseminated, any advertisement by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication:

(a) That the use of said device is of value in stopping bed-wetting or correcting the bed-wetting habit unless expressly limited, in a clear and conspicuous manner, to cases of bed-wetting not caused by organic defects or diseases.

(b) That said device is guaranteed, unless the terms, conditions and extent to which such guarantee applies and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

2. Disseminating, or causing to be disseminated, any advertisement, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of said products in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations prohibited in Paragraph 1, above.

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

By the Commission.

Issued: October 31, 1961.

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

[F.R. Doc. 62-2537; Filed, Mar. 14, 1962; 8:56 a.m.]

[Docket No. 8433 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Textron, Inc.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–90 *Wool Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185–90 *Wool Products Labeling Act;* § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212–90 *Wool Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–80 *Wool Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–80 *Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Textron, Inc., Providence, R.I., Docket 8433, Oct. 25, 1961]

Consent order requiring manufacturers in Providence, R.I., to cease violating the Wool Products Labeling Act by labeling fabrics "25% Wool, 70% Reprocessed Wool, 5% Nylon", "60% Reprocessed Wool, 30% Wool, 10% Nylon", and "100% Wool" and invoicing them similarly, when in fact the fabrics contained substantially less woolen fibers than thus indicated; failing to show on labels the percentage of the total fiber weight of the constituent fibers; and failing in other respects to comply with labeling requirements.

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

It is ordered, That respondent, Textron, Inc., a corporation, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of woolen fabrics, or other "wool products", as such products are defined in and subject to the Wool Products Labeling Act, do forthwith cease and desist from:

A. Misbranding such products by:

1. Falsely or deceptively tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers contained therein;

2. Failing to securely affix to, or place on, each such product a stamp, tag or label or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondent, Textron, Inc., a corporation, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of fabrics, or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Misrepresenting the character or amount of the constituent fibers contained in such products on invoices or shipping memoranda applicable thereto, or in any other manner.

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

Issued: October 25, 1961.

By the Commission.

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

[F.R. Doc. 62–2538; Filed, Mar. 14, 1962; 8:56 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

QUININE IN CARBONATED BEVERAGES

The Commissioner of Food and Drugs has evaluated the data submitted in petitions filed by Canada Dry Corporation, 100 Park Avenue, New York 17, New York, and Schweppes (U.S.A.) Ltd., 445 Park Avenue, New York 22, New York, and other relevant material concerning the use of quinine as a flavoring agent in carbonated beverages. This included the report of a scientific advisory panel to consider the safety of quinine for use as a food additive in beverages. The panel was appointed from a group of distinguished scientists recommended by the National Academy of Sciences. Members of the panel were:

Alf S. Alving, M.D., Professor of Medicine, University of Chicago, Chairman.
Robert W. Berliner, M.D., Associate Director of Research, National Heart Institute, The National Institutes of Health.
Julius M. Coon, M.D., Ph.D., Professor of Pharmacology, Jefferson Medical College.
Leon H. Schmidt, Ph. D., Research Professor, University of Cincinnati.
John V. Taggart, M.D., Associate Professor of Medicine, Columbia University.

The panel unanimously concluded that the tolerance sought would be safe.

The Commissioner has concluded that the following regulation should issue with respect to the food additive quinine as a flavoring agent in carbonated beverages. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart D the following new section:

§ 121.1081 Quinine.

Quinine, as the hydrochloride salt or sulfate salt, may be safely used in food in accordance with the following conditions:

Uses	*Limitations*
In carbonated beverages as a flavor.	Not to exceed 83 parts per million (0.0083 percent), as quinine. Label shall bear a prominent declaration of the presence of quinine either by the use of the word "quinine" in the name of the article or through a separate declaration.

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

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

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

Dated: March 12, 1962.

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

[F.R. Doc. 62–2571; Filed, Mar. 14, 1962; 8:59 a.m.]

SUBCHAPTER C—DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Sampling Requirements; Setting of Effective Date

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), notice is hereby given that no comments were filed on the order published in the FEDERAL REGISTER of January 20, 1962 (27 F.R. 619), with regard to sampling requirements of tablets, troches, and capsules of antibiotic and antibiotic-containing drugs. Accordingly, the amendments promulgated by that order became effective February 19, 1962.

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

Dated: March 9, 1962.

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

[F.R. Doc. 62–2533; Filed, Mar. 14, 1962; 8:55 a.m.]

SUBCHAPTER D—HAZARDOUS SUBSTANCES

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

Labeling of Hazardous Substances Packaged in Collapsible Tubes

The Commissioner of Food and Drugs finds that collapsible metal tubes, because of their construction and normal usage, may, through reasonably foreseeable handling and use, be folded or rolled up in such a manner as to conceal the lower part of the label during the consumer's use of the package. Warnings placed on the lower portion of labels of such containers are therefore not prominent and conspicuous as contemplated by section 2(p)(1) and (2) of the Federal Hazardous Substances Labeling Act and § 191.1(d) of these regulations. The Commissioner also finds that in order for the user to be made aware of the hazardous nature of a product until the container is discarded and for the adquate protection of the public health and safety an additional labeling requirement is necessary. Therefore, in accordance with the provisions of the statute (secs. 2(p), 10, 74 Stat. 374, 378; 15 U.S.C. 1261, 1269), and pursuant to the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the hazardous substances regulations are amended by adding to § 191.101 (21 CFR 191.101 (26 F.R. 7333 (27 F.R. 253)) the following new paragraph (e):

§ 191.101 Placement, conspicuousness, contrast.

* * * * *

(e) Collapsible metal tubes containing hazardous substances shall be labeled so that all items of label information required by section 2(p)(1) of the act or by regulations prescribing additional information shall appear as close to the dispensing end of the container as possible. The size, placement, and conspicuousness of these statements shall conform with paragraphs (a), (c), and (d) of this section.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the amendment is interpretative in nature.

Effective date. This order shall become effective August 1, 1962.

(Secs. 2(p), 10, 74 Stat. 374, 378; 15 U.S.C. 1261, 1269)

Dated: March 9, 1962.

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

[F.R. Doc. 62-2532; Filed, Mar. 14, 1962; 8:55 a.m.]

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

Labeling Requirements

In the matter of labeling requirements for carbon tetrachloride and fire extinguishers:

All views and comments received in response to the notice of proposed rule making published in the FEDERAL REGISTER of November 28, 1961, in the above-identified matter (26 F.R. 11217) have been considered, and the Commissioner of Food and Drugs has concluded, on the basis of data accumulated, that because of the toxic nature of certain substances contained in fire extinguishers, such items should be properly labeled to protect the public health. Therefore, pursuant to the provisions of the Federal Hazardous Substances Labeling Act (secs. 3, 10, 74 Stat. 374, 378; 15 U.S.C. 1262, 1269), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), Part 191 is amended in the following respects:

1. Section 191.7(b)(1) is changed to read:

§ 191.7 Products requiring special labeling under section 3(b) of the act.

* * * * *

(b) * * *

(1) *Carbon tetrachloride.* Because of the general systemic poisoning that might result from the ingestion or breathing of vapors of carbon tetrachloride and mixtures containing it, the label shall include the word "Danger," the additional word "Poison," and the skull and crossbones symbol. The statement of hazard shall include, "May be fatal if inhaled or swallowed." The label shall also bear the statement, "Avoid contact with flame or hot surface." Fire extinguishers containing carbon tetrachloride shall not be required to bear the latter statement, but instead shall bear the special labeling required by § 191.8.

2. Part 191 is amended by adding thereto the following new section:

§ 191.8 Labeling of fire extinguishers.

When a substance or mixture of substances in a container labeled for use in or for use as a fire extinguisher produces substances that are toxic within the meaning of § 191.1 (e) and (f) when used according to label directions to extinguish a fire, the containers for such substances shall bear the following labeling:

(a) When substances are produced which meet the definition of highly toxic within the meaning of § 191.1(e) the signal word "Danger" and the statement of hazard, "Poisonous gases formed when used to extinguish flame or on contact with heat" are specified.

(b) When substances are produced which meet the definition of toxic within the meaning of § 191.1(f), the signal word "Caution" or "Warning," and the statement of hazard, "Dangerous gas formed when used to extinguish flame or on contact with heat" are specified.

These statements shall be in addition to any other that may be required under the act or this section. All containers shall also bear the additional statements: "Use in an enclosed place may be fatal," and "Do not enter area until well ventilated and all odor of chemical has disappeared."

Effective date. This order shall become effective 90 days from the date of its publication in the FEDERAL REGISTER.

(Secs. 3, 10, 74 Stat. 374, 378; 15 U.S.C. 1262, 1269)

Dated: March 9, 1962.

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

[F.R. Doc. 62-2522; Filed, Mar. 14, 1962; 8:54 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER G—TRIBAL GOVERNMENT

PART 73—ELECTION OF OFFICERS OF THE OSAGE TRIBE

Miscellaneous Amendments

On pages 12708 and 12709 of the FEDERAL REGISTER of December 29, 1961, there was published a notice and text of proposed amendments to §§ 73.21, 73.32, 73.33, 73.35, 73.40, 73.41, 73.42, 73.43, and 73.49 and the proposed revocation of § 73.44. The purpose of the amendments is to improve the procedure for conducting Osage tribal elections under 25 CFR Part 73.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the amendments. It was brought to our attention that the phrase "quarterly annuity roll at the Osage Agency as of the last" had been omitted from the first sentence of § 73.21. The phrase was inadvertently omitted in typing the proposed amendments and is being inserted between the words "the" and "quarterly" in the first sentence.

No other comments, suggestions or objections were received and the amendments are adopted with the one change mentioned above and are set forth below. The amendments shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

MARCH 8, 1962.

1. Sections 73.21, 73.32, 73.33, 73.35, 73.40, 73.41, 73.42, 73.43 and 73.49 are amended to read as shown below.

§ 73.21 General.

Only members of the Osage Tribe who will be twenty-one years of age or over on election day and whose names appear on the quarterly annuity roll at the Osage Agency as of the last quarterly payment immediately preceding the date of election will be entitled to hold office or vote for any tribal officers. Each such voter shall be entitled to cast one ballot and each ballot shall have exactly the same value as the voter's headright interest shown on the last quarterly annuity roll. Any fraction of a headright, however, shall be valued as to the first two decimals only unless such interest is less than one one-hundredth of a share, then it shall have its full value.

§ 73.32 Election Board.

The Principal Chief, or in his absence, the Assistant Principal Chief shall, not more than seventy-five days nor less than sixty-five days preceding the day appointed by law for the holding of an election of officers of the Osage Tribe, issue in the form and manner prescribed in § 73.37, an election notice and appoint an election board consisting of a Supervisor who shall be chairman, Assistant Supervisor, five judges, one of whom in addition to his regular duties shall act as interpreter, and five clerks, whose duties shall be to conduct the election as provided in the regulations in this part: *Provided further,* That the Superintendent on the recommendation of the election board may designate extra clerical assistants. Prior to the date of the election, the election board shall assemble and make necessary arrangements for the election in a building to be designated by the Superintendent of the Osage Agency as the polling site and make the necessary preparation for receiving prospective voters, for receiving absentee ballots, and see to it that voting booths are arranged to afford privacy. Members of the election board and any extra clerical assistants designated by the Superintendent under authority contained in this section, other than employees of the Osage Agency when duly appointed or designated as provided for in this part may be compensated for conducting each quadrennial election at rates to be fixed by the Osage Tribal Council. If a member of the election board desires to be relieved from duty for any cause he shall notify the Principal Chief or in his absence the Assistant Principal Chief, in writing to that effect and the Principal Chief, or in his absence the Assistant Principal Chief shall designate someone else to serve as a member of the election board. The Supervisor, or in his absence the Assistant Supervisor, shall see that the rules prescribed for conducting the election are faithfully carried out. The ballots shall be handed out by a judge to the voters as they present themselves to vote, after being identified by a clerk who shall be supplied with a copy of the list of voters prepared pursuant to § 73.35. The judge before handing out a ballot shall remove the detachable portion. A judge shall receive the ballot after the voter has indicated his choice thereon by placing an "X" mark opposite the name of each candidate for whom he desires his vote counted and shall deposit same in the ballot box. The duties of the remaining judges in conjunction with the Supervisor will be to read the names on the ballot when requested so as to identify the candidates or furnish such other information as may be desired in that connection and also to assist prospective voters unable because of language difficulties or physical incapacity to cast votes for candidates of their choice, and to undertake such other duties as may be assigned by the Supervisor.

§ 73.33 Watchers and challengers.

Any candidate or political party may name a person to act as watcher and challenger at any election provided for by the regulations in this part. Each watcher and challenger shall be appointed in writing by the candidate or political party he or she represents. The watchers and challengers shall have the right to be present in the polling place but outside the voting booths and to watch the election officials, the balloting, the call, the tally, and the recording of the result of the vote. It shall be the duty of the watcher to watch, listen, and observe the count for all candidates voted for to insist upon an honest and fair count but shall have no further authority than to have the election judges and clerks note or record any objections to the count and to challenge the result thereof. The challenger shall have the right to question any voter and his right to vote. Watchers shall not divulge or give out any intimation or information as to the count prior to announcement by the election board and shall be subject to the same rules governing the election board with regard to leaving and returning to the polling place. A watcher or challenger shall receive no compensation for his services.

§ 73.35 List of voters.

The Superintendent of the Osage Agency shall compile a list of the voters of the Tribe who are qualified under § 73.21. Such list shall set forth only the name and last known address of each voter. The Superintendent shall furnish copies of the list to the Supervisor of the election board and shall post copies at the headquarters of the Osage Agency at Pawhuska, Okla., and such other places as the election board may determine to be appropriate. The compilation, posting and distribution of copies to the Supervisor of the election board shall be done as soon as possible after preparation of the last quarterly annuity roll preceding the election. Copies of the list shall also be made available to all qualified candidates for office and for the purpose of checking off the name of each voter as his ballot is cast and for determining, in the event of question, the right of any individual to vote.

§ 73.40 Ballots.

The Superintendent of the Osage Agency shall have ballots printed showing the name and the office for which each candidate has been nominated and there shall be space for writing in names of any individuals qualified to hold office, whose names do not appear on the ballot and also space for showing the value of the respective ballots. The Superintendent shall have recorded on a detachable portion of each ballot the name of the voter. The value of each voter's ballot shall be recorded on the principal portion of the respective ballots. Any faction or group has the right to nominate any candidate it chooses, in accordance with the regulations prescribed in this part. The names of such candidates shall be printed on the ballot in the manner set forth as follows:

(a) Under the heading, Principal Chief, with notation to vote for one, shall appear names of all candidates for that office. Similarly for Assistant Chief. Under the heading, Members of Council, with notation to vote for eight, shall appear names of all candidates for Council. Names of candidates for office shall appear only once on ballot, regardless of the fact that they may have been nominated on more than one ticket. The order in which names of qualified candidates for office will be placed on the ballot shall be by lot method of drawing, in a manner to be determined by the Tribal Council, and to be free from or regardless of party or factional affiliations. A record shall be kept of any ballots that may be mutilated, cancelled, or used as samples.

(b) Upon each ballot will be a space in which the clerk prior to issuing the ballot shall see that the value of the ballot shall be exactly the same value as the voter's headright interest as shown on the last quarterly annuity roll, except any fraction of a headright shall be valued as to the first two decimals only unless such interest is less than one one-hundredth then it shall have its full value. As verification the clerk shall initial the ballot so numbered in the margin. In addition each ballot shall be stamped "Official Ballot" (facsimile signature Supervisor Osage Election Board). Should any voter spoil or mutilate his ballot in his effort to vote he may surrender the ballot to the Supervisor who shall give the voter in lieu thereof another ballot which shall show its appropriate value. The spoiled or mutilated ballot shall be retained with other records pertaining to the election.

§ 73.41 Absentee voting.

(a) Any eligible voter who will be unable to appear at the polls in Pawhuska on election day shall be entitled to vote by absentee ballot and his ballot shall have exactly the same value as the voter's headright interest shown on the annuity roll, except any fraction of a headright shall be valued as to the first two decimals only unless such interest is less than one one-hundredth then it shall have its full value. All applications for absentee ballots shall be made in writing by the absent voter to the Supervisor. It shall be the duty of the Supervisor, upon receipt of such an application to forward to such absent voter an envelope enclosing a ballot (after removing the detachable portion). There

also shall be enclosed an inner envelope on which has been imprinted the below described form of affidavit, and an outer envelope. This shall be done not more than 30 days before any election provided for in this part, except that supplies, affidavits, and ballots may be mailed to absent voters residing outside the continental limits of the United States at any time after the issuance of the election notice. Each ballot shall indicate the value of the votes to which each voter is entitled. The Supervisor shall maintain a file of all applications received, together with a record of the names and addresses of all persons to whom absentee ballots are mailed, including date of mailing and shall write, mark, stamp, or print in a margin of each such ballot the words "Absentee Ballot," and the date of issuance.

(b) The absent voter shall prepare and fold the ballot and enclose it in the "inner envelope" supplied to him by the Supervisor and he shall execute the affidavit imprinted thereon which shall be in the following form:

I, do solemnly swear (or affirm) that I am a member of the Osage Tribe of Indians; that I will be twenty-one years of age or over at the election date; that I am now a resident of _____; and will be unable to appear at the polls in Pawhuska, Okla., on election day.

_____

Subscribed and sworn to before me this _____ day of _____ 19__.

(c) The absentee voter shall enclose only his ballot in the inner envelope. The inner envelope shall then be sealed by the voter and enclosed in the outer envelope (mailing envelope). It shall be incumbent on the voter to affix the necessary postage stamps. The outer preaddressed envelope shall be printed to show address as follows: (1) Supervisor, Osage Election Board, (2) the post office box number, (3) Pawhuska, Okla.

§ 73.42 Absentee ballots.

The absentee ballots shall remain in the locked box in the post office, Pawhuska, Okla., until 8 a.m. on the day of election at which time the Supervisor or Assistant Supervisor of the election board, accompanied by the Superintendent of the Osage Agency or his designated representative, shall receive the locked box from the post office and shall personally transport it to the polling site where it shall be delivered immediately still locked to the Supervisor or Assistant Supervisor of the election board. No absentee ballots will be received or counted after 8 a.m. The Supervisor or Assistant Supervisor in the presence of the judges shall immediately unlock the locked box containing the absentee ballots and then open each outer envelope but shall not open the inner envelope; shall then determine whether the person whose name which is signed to the affidavit is a duly qualified voter of the Osage Tribe and check said voter against and off the poll list. The sealed inner envelope shall then be deposited in an official ballot box for absentee ballots only. The ballot contained in any inner envelope which shall have been opened or unsealed before it has been delivered to the judges shall be rejected and not deposited in the official ballot box nor counted. After it has been determined that all of the absentee ballots have been made by duly qualified voters of the Osage Tribe the Supervisor in the presence of the election board shall unlock and open the absentee ballot box and shall cause the inner envelopes containing absentee ballots to be opened after which the count shall be started. Two judges shall act as official counters and two clerks shall record the value of each vote. These figures shall be recorded on a sheet or sheets opposite the name of each candidate for whom the voter has designated his choice and shall continue this manner of recording until all votes have been counted or until 7 p.m. The duties of the remaining election officials shall be to conduct the election at the polls as set forth in this part. After the recording from each absentee ballot is completed that ballot shall be pierced by a needle and string and after all absentee ballots have been so treated up to 7 p.m., the ends of the string shall be tied together and shall be delivered to the Supervisor who shall handle these ballots, when the count of all ballots has been completed, the same as all other ballots as set forth in § 73.43.

§ 73.43 Canvass of election returns.

Promptly at one minute past 8 p.m. the Supervisor in the presence of the election board shall open the official ballot box and move the slide on inside of box closing the slot and thereafter shall immediately and in the presence of said board close and lock the ballot box until the count of the ballot is to be started. The Supervisor shall then in the presence of the election board unlock and open ballot box, after which the count shall be started. Any absentee ballots not counted as provided in § 73.42 prior to 7 p.m. shall be mingled with all other ballots. The total of the absentee ballots counted prior to 7 p.m. shall be added to the final count. The Supervisor and not less than two of the judges shall remain continuously in the room until the ballots are finally counted. Two judges shall act as official counters and the clerks shall record the value of each vote. These figures shall be recorded on a sheet or sheets opposite the name of each candidate for whom the voter designated his choice and shall continue this manner of recording until all votes have been recorded. The duties of the remaining officials of the election board will be to assist in the correct counting and recording of the value of each vote cast and the totaling of the values of the votes for each candidate. After the recording from each ballot is completed that ballot shall be pierced by a needle and string and after all ballots have been so treated the ends of the string shall be tied together and the ballots, together with the absentee ballots counted and strung before 7 p.m., deposited with the list of names of voters kept by the clerk during the election in the ballot box which shall then again be locked and the keys retained by the Supervisor. After the ballot box is securely locked the Supervisor shall not again open it, but shall deliver said box in that condition to the Superintendent of the Osage Agency, and the box shall be retained in a safe place by said Superintendent, until opened by order of the Supervisor or the election board in the event a contest is filed. In no event shall the ballots be destroyed for a period of at least 180 days after the election is held. A statement shall be prepared by the Supervisor pertaining to the conduct of the election and correctness of vote tallied opposite each candidate, in which shall be incorporated the names of each candidate declared to have been elected, with designation of office and total value of votes credited each, and duly acknowledged before an officer qualified to administer oaths, which instrument shall, with the keys to the ballot box, be delivered by the Supervisor to the Superintendent of the Osage Agency for appropriate disposition.

§ 73.49 Expenses of elections.

All expenses of elections including compensation to the members of the election board and any clerical assistants designated by the Superintendent under § 73.32, stationery supplies, meals, printing and postage shall be borne by the Osage Tribe as set forth in an appropriate Osage Tribal Council resolution establishing current pay scale.

§ 73.44 [Revocation]

2. Section 73.44 is revoked.

[F.R. Doc. 62-2496; Filed, Mar. 14, 1962; 8:48 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 516—RECORDS TO BE KEPT BY EMPLOYERS

Revision

On January 18, 1962, notice of a proposed revision of 29 CFR Part 516 prescribing the record-keeping requirements of employers under the Fair Labor Standards Act of 1938 was published in the FEDERAL REGISTER (26 F.R. 525). After consideration of all such relevant matter as was presented by interested persons regarding the proposed revision, the regulations as so published are hereby adopted, subject to the changes set forth below.

1. The heading of § 516.1 is changed.
2. Subparagraph (5) of § 516.2(a) is amended.
3. Paragraph (c) of § 516.5 is amended.
4. Subparagraph (b) of § 516.17 is amended.

This revision shall become effective thirty days following its publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 8th day of March 1962.

CLARENCE T. LUNDQUIST,
Administrator.

INTRODUCTORY

AUTHORITY: §§ 516.1 to 516.27 issued under sec. 11, 52 Stat. 1066, as amended; 29 U.S.C. 211.

INTRODUCTORY

§ 516.1 Form of records; scope of regulations.

(a) *Form of records.* No particular order or form of records is prescribed by the regulations in this part. However, every employer who is subject to any of the provisions of the Fair Labor Standards Act of 1938, as amended (hereinafter referred to as the "act"), is required to maintain records containing the information and data required by the specific sections of this part.

(b) *Scope of regulations.* (1) The regulations in this part are divided into two subparts. Subpart A of this part contains the requirements applicable to all employers employing covered employees, including the general requirements relating to the posting of notices, the preservation and location of records, and similar general provisions. This subpart also contains the requirements applicable to employers of employees to whom both the minimum wage provisions of section 6 and the overtime pay provisions of section 7(a) of the act apply. As most covered employees fall within this category, employers, in most instances, will be concerned principally with the recordkeeping requirements of Subpart A of this part. Section 516.3 thereof contains the requirements relating to executive, administrative, professional and outside sales employees.

(2) Subpart B of this part deals with the information and data which must be kept with respect to employees (other than executive, administrative, professional, and outside sales employees) who are subject to any of the exemptions provided in the act, and with special provisions relating to deductions from and additions to wages for "board, lodging, or other facilities," industrial homeworkers, employees dependent upon tips as part of wages, and employees subject to more than one minimum wage. The sections in Subpart B of this part require the recording of more, less, or different items of information or data than required under the generally applicable recordkeeping requirements of Subpart A of this part.

Subpart A—General Requirements

§ 516.2 Employees subject to minimum wage and overtime provisions; sections 6 and 7(a) of the act.

(a) *Items required.* Every employer shall maintain and preserve payroll or other records containing the following information and data with respect to each and every employee to whom both sections 6 and 7(a) of the act apply:

(1) Name in full, and on the same record, the employee's identifying symbol or number if such is used in place of name on any time, work, or payroll records. This shall be the same name as that used for Social Security record purposes,

(2) Home address,

(3) Date of birth, if under 19,

(4) Occupation in which employed,

(5) Time of day and day of week on which the employee's workweek begins. If the employee is part of a work force or employed in or by an establishment all of whose workers have a workweek beginning at the same time on the same day, a single notation of the time of the day and beginning day of the workweek for the whole workforce or establishment will suffice. If, however, any employee or group of employees has a workweek beginning and ending at a different time, a separate notation shall then be kept for that employee or group of employees,

(6)(i) Regular hourly rate of pay for any week when overtime is worked and overtime excess compensation is due under section 7(a) of the act, (ii) basis on which wages are paid (such as "$1.30 hr."; "$10 day"; "$50 wk."; "$50 wk. plus 5 percent commission on sales over $300 wk."), and (iii) the amount and nature of each payment which, pursuant to section 7(d) of the act, is excluded from the "regular rate" (these records may be in the form of vouchers or other payment data),

(7) Hours worked each workday and total hours worked each workweek (for purposes of this section, a "workday" shall be any consecutive 24 hours),

(8) Total daily or weekly straight-time earnings or wages, that is, the total earnings or wages due for hours worked during the workday or workweek, including all earnings or wages due during any overtime worked, but exclusive of overtime excess compensation,

(9) Total overtime excess compensation for the workweek, that is, the excess compensation for overtime worked which amount is over and above all straight-time earnings or wages also earned during overtime worked,

(10) Total additions to or deductions from wages paid each pay period. Every employer making additions to or deductions from wages shall also maintain, in individual employee accounts, a record of the dates, amounts, and nature of the items which make up the total additions and deductions,

(11) Total wages paid each pay period,

(12) Date of payment and the pay period covered by payment, except that,

(13) Subparagraphs (6)(i) and (iii) and (9) of this paragraph shall not apply prior to September 3, 1963, with respect to any employee to whom the overtime provisions of section 7(a) of the act do not become effective until September 3, 1963.

(b) *Records of retroactive payment of wages.* Every employer who makes retroactive payment of wages or compensation under the supervision of the Administrator pursuant to section 16(c) of the act, shall:

(1) Record and preserve, as an entry on his payroll or other pay records, the amount of such payment to each employee, the period covered by such payment, and the date of payment.

(2) Prepare a report of each such payment on the receipt form provided or authorized by the Wage and Hour Division, and (i) preserve a copy as part of his records, (ii) deliver a copy to the employee, and (iii) file the original,

which shall evidence payment by the employer and receipt by the employee, with the Administrator or his authorized representative within 10 days after payment is made.

§ 516.3 Bona fide executive, administrative, professional, and outside sales employees as referred to in section 13(a)(1) of the act—items required.

With respect to persons employed in a bona fide executive, administrative or professional capacity or in the capacity of outside salesman, as defined in Part 541 of this chapter (pertaining to so-called "white collar" employee exemptions), employers shall maintain and preserve records containing all the information and data required by § 516.2 (a) except subparagraphs (6) through (10) thereof, and, in addition thereto the basis on which wages are paid (this may be shown as "$350 mo."; "$95 wk."; or "on fee").

§ 516.4 Posting of notices.

Every employer employing any employees who are (a) engaged in commerce or in the production of goods for commerce or (b) employed in an enterprise engaged in commerce or in the production of goods for commerce, and who are not specifically exempt from both the minimum wage provisions of section 6 and the overtime provisions of section 7(a) of the act, shall post and keep posted such notices pertaining to the applicability of the act, as shall be prescribed by the Wage and Hour Division, in conspicuous places in every establishment where such employees are employed so as to permit them to observe readily a copy on the way to or from their place of employment.

§ 516.5 Records to be preserved three years.

Each employer shall preserve for at least three years:

(a) *Payroll records.* From the last date of entry, all those payroll or other records containing the employee information and data required under any of the applicable sections of this part and

(b) *Certificates, agreements, plans, notices, etc.* From their last effective date, all written:

(1) Collective bargaining agreements relied upon for the exclusion of certain costs under section 3(m) of the act,

(2) Collective bargaining agreements, under sections 7(b)(1) or 7(b)(2) of the act, and any amendments or additions thereto,

(3) Plans, trusts, employment contracts, and collective bargaining agreements under section 7(d) of the act,

(4) Individual contracts or collective bargaining agreements under section 7(e) of the act. Where such contracts or agreements are not in writing, a written memorandum summarizing the terms of each such contract or agreement,

(5) Written agreements or memoranda summarizing the terms of oral agreements or understandings under section 7(f) of the act, and

(6) Certificates and notices listed or named in any applicable section of this part.

(c) *Sales and purchase records.* A record of (1) total dollar volume of sales or business, and (2) total volume of goods purchased or received during such periods (weekly, monthly, quarterly, etc.) and in such form as the employer maintains in the ordinary course of his business.

§ 516.6 Records to be preserved two years.

(a) *Supplementary basic records.* Each employer required to maintain records under this part shall preserve for a period of at least two years:

(1) *Basic employment and earnings records.* From the date of last entry, all basic time and earning cards or sheets of the employer on which are entered the daily starting and stopping time of individual employees, or of separate work forces, or the individual employee's daily, weekly, or pay period amounts of work accomplished (for example, units produced) when those amounts determine in whole or in part the pay period earnings or wages of those employees.

(2) *Wage rate tables.* From their last effective date, all tables or schedules of the employer which provide the piece rates or other rates used in computing straight-time earnings, wages or salary, or overtime excess computation, and

(3) *Work time schedules.* From their last effective date, all schedules or tables of the employer which establish the hours and days of employment of individual employees or of separate work forces.

(b) *Order, shipping, and billing records.* Each employer shall also preserve for at least two years from the last date of entry the originals or true copies of any and all customer orders or invoices received, incoming or outgoing shipping or delivery records, as well as all bills of lading and all billings to customers (not including individual sales slips, cash register tapes or the like) which the employer retains or makes in the course of his business or operations.

(c) *Records of additions to or deductions from wages paid.* Each employer who makes additions to or deductions from wages paid shall preserve for at least two years from the date of last entry:

(1) Those records of individual employee accounts referred to in § 516.2 (a)(10),

(2) All employee purchase orders, or assignments made by employees, all copies of addition or deduction statements furnished employees, and

(3) All records used by the employer in determining the original cost, operating and maintenance cost, and depreciation and interest charges, if such costs and charges are involved in the additions to or deductions from wages paid.

§ 516.7 Place for keeping records and their availability for inspection.

(a) *Place of records.* Each employer shall keep the records required by the regulations in this part safe and accessible at the place or places of employment, or at one or more established central recordkeeping offices where such records are customarily maintained. Where the records are maintained at a central recordkeeping office, other than in the place or places of employment, such records shall be made available within 72 hours following notice from the Administrator or his duly authorized and designated representative.

(b) *Inspection of records.* All records shall be open at any time to inspection and transcription by the Administrator or his duly authorized and designated representative.

§ 516.8 Computations and reports.

Each employer required to maintain records under this part shall make such extension, recomputation, or transcription of his records and shall submit to the Wage and Hour Division such reports concerning persons employed and the wages, hours, and other conditions and practices of employment set forth in his records as the Administrator or his duly authorized and designated representative may request in writing.

§ 516.9 Petitions for exceptions.

(a) *Submission of petitions for relief.* Any employer or group of employers who, due to peculiar conditions under which he or they must operate, desires authority to maintain records in a manner other than required in this part, or to be relieved of preserving certain records for the period specified in the regulations in this part, may submit a written petition to the Administrator setting forth the authority desired and the reasons therefor.

(b) *Action on petitions.* If, on review of the petition and after completion of any necessary investigation supplementary thereto, the Administrator shall find that the authority prayed for, if granted, will not hamper or interfere with enforcement of the provisions of the act or any regulation or orders issued thereunder, he may then grant such authority but limited by such conditions as he may determine are requisite, and subject to subsequent revocation. Where the authority granted hereunder is sought to be revoked for failure to comply with the conditions determined by the Administrator to be requisite to its existence, the employer or groups of employers involved shall be notified in writing of the facts constituting such failure and afforded an opportunity to achieve or demonstrate compliance.

(c) *Compliance after submission of petitions.* The submission of a petition or the delay of the Administrator in acting upon such petition shall not relieve any employer or group of employers from any obligations to comply with all the requirements of the regulations in this part applicable to him or them. However, the Administrator shall give notice of the denial of any petition with due promptness.

§ 516.10 Amendment of regulations.

(a) *Petitions for revision of regulations.* Any person wishing a revision of

any of the terms of the regulations in this part with respect to records to be kept by employers may submit to the Administrator a written petition setting forth the changes desired and the reasons for proposing them.

(b) *Action on such petitions.* If upon inspection of the petition the Administrator believes that reasonable grounds are set forth for amendment of the regulations in this part, the Administrator shall either schedule a hearing with due notice to interested persons, or make other provisions for affording interested persons an opportunity to present data, views, or arguments relating to any proposed changes.

Subpart B—Records Pertaining to Employees Subject to Miscellaneous Exemptions Under the Act; Other Special Requirements

§ 516.11 Employees under certain collective bargaining agreements who are partially exempt from overtime as provided in section 7(b)(1) or 7(b)(2) of the act.

(a) *Items required.* Every employer of employees who are employed:

(1) In pursuance of an agreement, made as a result of collective bargaining by representatives of employees certified as bona fide by the National Labor Relations Board, which provides that no employees shall be employed more than 1,040 hours during any period of 26 consecutive weeks as provided in section 7(b)(1) of the act, or

(2) In pursuance of an agreement, made as a result of collective bargaining by representatives of employees certified as bona fide by the National Labor Relations Board, which provides that the employee shall be employed not more than 2,240 hours during a specified period of 52 consecutive weeks and shall be guaranteed employment as provided in section 7(b)(2) of the act, shall maintain and preserve payroll or other records, with respect to each and every such employee, containing all the information and data required by § 516.2, except that with respect to paragraph (a)(9) thereof, the employer shall record daily as well as weekly overtime excess compensation.

(b) *Submission of copy of agreement to the Administrator.* The employer shall also keep as part of his records and, within 30 days after such collective bargaining agreement has been made, report and file a copy thereof with the Administrator at Washington 25, D.C. Likewise, the employer shall keep a copy of each amendment or addition thereto and, within 30 days after such amendment or addition has been agreed upon, shall report and file a copy thereof with the Administrator at Washington 25, D.C.

(c) *Record of persons and periods employed under agreements.* The employer shall also make, keep, and preserve a record, either separately or as a part of the payroll:

(1) Listing each and every employee employed pursuant to each such collective bargaining agreement and each amendment and addition thereto.

(2) Indicating the period or periods during which the employee has been or is employed pursuant to an agreement under section 7(b)(1) or 7(b)(2) of the act, and

(3) Showing the total hours worked during any period of 26 consecutive weeks, if the employee is employed in accordance with section 7(b)(1) of the act or during the specified period of 52 consecutive weeks, if employed in accordance with section 7(b)(2) of the act.

§ 516.12 Employees employed in industries "of a seasonal nature" who are partially exempt from overtime pay requirements pursuant to section 7(b)(3) of the act.

(a) *Items required.* With respect to employees employed pursuant to the partial overtime pay exemption for 14 workweeks provided in section 7(b)(3) of the act, employers shall maintain and preserve records containing all the information and data required by § 516.2, except that with respect to paragraph (a)(9) thereof, the employer shall record the daily as well as the weekly overtime compensation.

(b) *Establishment operation records.* The employer shall also note in his records the beginning and ending of each workweek during which the establishment operates under the 14 workweek exemption provided in section 7(b)(3) of the act.

(c) *Posting of notice of weeks taken under the 14 workweek exemption.* (1) In addition every employer shall prepare a legible printed, typewritten or handwritten (in ink) notice reading:

NOTICE—OVERTIME PAYMENTS

This establishment has taken the workweek (or workweeks) beginning _____ and ending _____ in this pay period as a part of the 14 workweeks permitted under section 7(b)(3) of the Fair Labor Standards Act, when overtime, at a rate of not less than time and one-half the regular hourly rate, need only be paid for any hours worked over 12 hours a day and 56 hours a week.

This week (or these weeks) in this pay period completes the _____ week of the permissible 14 workweeks.

Date _____

Signed _____

(2) On the date when employees are paid for any pay period which includes any week or part of a week during which the establishment operates under the 14 workweek partial overtime exemption provided under section 7(b)(3) of the act, the employer shall, after making appropriate notations in the blank spaces in the above form, either (i) prominently post and display that notice at the pay window or other place or places where the employees affected are being paid or (ii) otherwise notify each such employee, in writing, to the same effect.

§ 516.13 Employees exempt from overtime pay requirements during 14 workweeks pursuant to section 7(c) of the act.

(a) *Items required.* With respect to employees employed pursuant to the total overtime pay exemption for 14 workweeks provided in section 7(c) of the act, employers shall maintain and preserve records containing all the information and data required by § 516.2 except paragraph (a)(9) thereof.

(b) *Establishment operation record.* Every such employer shall also note in his records the beginning and ending of each workweek during which the establishment operates under the 14 workweek exemption provided in section 7(c) of the act.

(c) *Posting of notice of weeks taken under 14 workweek exemption.* (1) In addition, every such employer shall prepare a legible printed, typewritten or handwritten (in ink) notice reading:

NOTICE—OVERTIME PAYMENTS

This establishment has taken the workweek (or workweeks) beginning _____ and ending _____ in this pay period as a part of the 14 workweeks permitted under section 7(c) of the Fair Labor Standards Act during which overtime excess compensation, as provided in section 7(a), is not due for overtime worked.

This week (or these weeks) in this pay period completes the _____ week of the permissible 14 workweeks.

Date _____

Signed _____

(2) On the date when employees are paid for any pay period which includes any week or part of a week during which the establishment operates under the 14 workweek partial overtime exemption provided in section 7(c) of the act, the employer shall, after making appropriate notations in the blank spaces in the aforesaid notice, either (i) prominently post and display that notice at the pay window or other place or places where the employees affected are being paid or (ii) otherwise notify each such employee, in writing, to the same effect.

§ 516.14 Employees totally exempt from overtime pay requirements pursuant to section 7(c) and sections 13(b)(1), (2), (3), (4), (5), (7), (8), (9), (10), and (11) of the act—items required.

Every employer operating under the complete exemption from the overtime pay requirements of section 7(a) of the act as provided in sections 7(c), 13(b)(1), (2), (3), (4), (5), (7), (8), (9), (10), and (11) of the act, shall maintain and preserve payroll or other records, with respect to each and every employee to whom section 6 of the act applies but to whom neither section 7(a) nor 7(b) applies, containing all the information and data required by § 516.2(a) except subparagraphs (6) and (9) thereof and, in addition thereto, containing information and data regarding the basis on which wages are paid (such as "$1.30 hr."; "$10 day"; "$50 wk."; "$50 wk. plus 5 percent commission on sales over $300 wk.").

§ 516.15 Employees totally exempt from overtime pay requirements pursuant to section 13(b)(6) of the act—items required.

Every employer operating under the complete exemption from the overtime pay requirements of section 7(a) of the act as provided in section 13(b)(6) of the act shall maintain and preserve payroll or other records, with respect to each and every employee to whom section 6 of the act applies, but to whom

neither section 7(a) nor 7(b) applies, containing all the information required by § 516.2(a) except subparagraphs (5) through (9) thereof and, in addition thereto, the following:

(a) Basis on which wages are paid (such as "$1.20 hr."; "$10 day"; "$350 mo."),

(b) Hours worked each workday and total hours worked each pay period (for purposes of this section, a "workday" shall be any consecutive 24 hours; the "pay period" shall be the period covered by the wage payment, as provided in section 6(b)(2) of the act),

(c) Total straight-time earnings or wages for each pay period, and

(d) The name, type, and documentation, registry number, or other identification of the vessel or vessels upon which employed.

§ 516.16 Employees exempt from both the minimum wage and overtime pay requirements under sections 13(a)(2), (3), (4), (5), (8), (9), (10), (11), (12), (13), (14), (15), (18), (19), (20), (21), or (22) of the act—items required.

With respect to each and every employee covered by the act, but to whom the employer is neither required to pay the minimum wage provided in section 6 nor overtime compensation as provided in section 7, due to the applicability of section 13(a)(2), (3), (4), (5), (8), (9), (10), (11), (12), (13), (14), (15), (18), (19), (20), (21), or (22) of the act, employers shall maintain and preserve records containing the information and data required by subparagraphs (1) through (4) of § 516.2(a) and, in addition thereto, information indicating the place or places of employment.

§ 516.17 Employees exempt from both the minimum wage and overtime pay requirements under section 13(a)(16) of the act—items required.

(a) With respect to each and every employee covered by the act, but to whom the employer is neither required to pay the minimum wage provided in section 6 nor overtime compensation as provided in section 7, except as provided in, and due to the applicability of, section 13(a)(16) of the act, the employer shall maintain and preserve records containing the information and data required by subparagraphs (1) through (4) of § 516.2(a) and, in addition thereto, the employer shall maintain and preserve the records specified in paragraphs (b) and (c) of this section.

(b) For each workweek in which the employee is employed both in agriculture and in connection with livestock auction operations, the employer shall maintain and preserve records of: (1) The total number of hours worked by each such employee, (2) the total number of hours in which he was employed in agriculture during that workweek, and the total number of hours in which he was employed in connection with livestock auction operations during that workweek, and (3) the total straight time earnings for his employment in connection with livestock auction operations during that workweek.

(c) The employer shall maintain and preserve records indicating place or places of employment.

§ 516.18 Employees exempt from both the minimum wage and overtime pay requirements under section 13(a)(17) of the act—items required.

(a) With respect to each and every employee covered by the act, but to whom the employer is neither required to pay the minimum wage provided in section 6 nor overtime compensation as provided in section 7, due to the applicability of section 13(a)(17) of the act, the employer shall maintain and preserve records containing the information and data required by subparagraphs (1) through (4) of § 516.2(a) and, in addition thereto, the information and data required by paragraph (b) of this section.

(b) For each workweek, the employer shall maintain and preserve records containing: (1) The names of all employees described in paragraph (a) of this section actually employed (suffered or permitted to work) during any part of the workweek and (2) for all other persons employed in the elevator, whether or not covered by the act, the following information:

(i) Name in full,

(ii) Name of employer, and

(iii) Occupation in which employed in the elevator.

§ 516.19 Employees employed pursuant to a bona fide individual contract or a collective bargaining agreement, and compensated in accordance with sections 6 and 7(e) of the act—items required.

Every employer shall maintain and preserve payroll or other records, with respect to each and every employee to whom both sections 6 and 7(e) of the act apply, containing all the information and data required by § 516.2(a) except subparagraphs (8) and (9) and, in addition thereto, the following:

(a) Total weekly guaranteed earnings,

(b) Total weekly compensation in excess of weekly guaranty,

(c) A written memorandum summarizing the terms of the bona fide individual contract or the agreement made as a result of collective bargaining by representatives of employees, pursuant to which the employee is employed, where such contract or agreement is not in writing.

§ 516.20 Employees compensated for overtime work on the basis of the "applicable" piece rates or hourly rates as provided in sections 7(f)(1) and 7(f)(2) of the act—items required.

With respect to each and every employee compensated for overtime work in accordance with section 7(f)(1) or 7(f)(2) of the act, employers shall maintain and preserve records containing all the information and data required by § 516.2(a) except subparagraphs (6) and (9) thereof and, in addition thereto, the following:

(a)(1) Each hourly or piece rate at which the employee is employed, (2) basis on which wages are paid, and (3) the amount and nature of each payment which, pursuant to section 7(d) of the act, is excluded from the "regular rate,"

(b) The number of overtime hours worked at each applicable hourly rate or the number of units of work performed at each applicable piece rate during the overtime hours,

(c) Total weekly overtime excess compensation at each applicable rate; that is, the excess compensation for overtime worked which amount is over and above all straight-time earnings or wages also earned during overtime worked,

(d) The date of the agreement or understanding to use this method of compensation and the period covered thereby. If the employee is part of a work force or employed in or by an establishment all of whose workers have agreed to use this method of compensation a single notation of the date of the agreement or understanding and the period covered will suffice.

§ 516.21 Employees compensated for overtime hours at a "basic" rate which is substantially equivalent to the employee's average hourly earnings, in accordance with section 7(f)(3) of the act—items required.

With respect to each and every employee compensated for overtime hours at a "basic" rate which is substantially equivalent to the employee's average hourly earnings, in accordance with section 7(f)(3) of the act, employers shall maintain and preserve records containing all the information and data required by § 516.2 except paragraph (a)(6) thereof and, in addition thereto, the following:

(a)(1) The hourly or piece rates applicable to each type of work performed by the employee, (2) the computation establishing the basic rate at which the employee is compensated for overtime hours. If the employee is part of a work force or employed in or by an establishment all of whose workers have agreed to accept this method of compensation, a single entry of this computation will suffice, (3) the amount and nature of each payment which, pursuant to section 7(d) of the act, is excluded from the "regular rate,"

(b) A copy of the written agreement or, if there is no such agreement, a memorandum summarizing the terms of the oral agreement or understanding to use this method of computation. If the employee is part of a group, all of whom have agreed to use this method of computation a single memorandum will suffice.

§ 516.22 "Red caps" and other employees dependent on tips as part of wages—items required.

Supplementary to the provisions of any section of the regulations in this part pertaining to the records to be kept with respect to such employees, every employer shall also maintain and preserve payroll or other records containing the following additional information and data with respect to each and every employee employed in any occupation in the performance of which the employee receives tips or gratuities from third persons and which tips or gratuities are accounted for

or turned over by the employee to the employer:

(a) Actual total hours worked each workday in those occupations in the performance of which the employee receives tips or gratuities from third persons,

(b) Actual total hours worked each workday in any other occupation,

(c) Total daily or weekly straight-time earnings segregated according to:

(1) Time paid for under paragraph (a) of this section,

(2) Time paid for under paragraph (b) of this section,

(3) Tips or gratuities received and accounted for or turned over by the employee to the employer.

§ 516.23 Learners, apprentices, messengers, students, or handicapped workers employed under special certificates as provided in section 14 of the act.

(a) *Items required.* With respect to persons employed as learners, apprentices, messengers, or full-time students employed outside of their school hours in any retail or service establishment or handicapped workers at special minimum hourly rates under Special Certificates pursuant to section 14 of the act, employers shall maintain and preserve records containing the same information and data required with respect to other employees employed in the same occupations.

(b) *Segregation or designation on payroll and use of identifying symbol.* In addition, each employer shall segregate on his payroll or pay records the names and required information and data with respect to those learners, apprentices, messengers (and handicapped workers and students), employed under Special Certificates. A symbol or letter shall also be placed before each such name on the payroll or pay records indicating that that person is a "learner," "apprentice," "messenger," "student," or "handicapped worker," employed under a Special Certificate.

§ 516.24 Industrial homeworkers.

(a) *Definitions.* (1) "Industrial homeworker" and "homeworker," as used in this section, mean any employee employed or suffered or permitted to perform industrial homework for an employer.

(2) "Industrial homework," as used in this section, means the production by any person in or about a home, apartment, tenement, or room in a residential establishment of goods for an employer who suffers or permits such production, regardless of the source (whether obtained from an employer or elsewhere) of the materials used by the homeworker in such production.

(3) The meaning of the terms "person," "employ," "employer," "employee," "goods," and "production" as used in this section is the same as in the act.

(b) *Items required.* Every employer shall maintain and preserve payroll or other records containing the following information and data with respect to each and every industrial homeworker employed by him (excepting those homeworkers to whom section 13(d) of the act applies and those homeworkers in Puerto Rico to whom Part 545 or Part 681 of this chapter apply, or in the Virgin Islands to whom Part 695 of this chapter applies):

(1) Name in full, and on the same record, the employee's identifying symbol or number if such is used in place of name on any time, work, or payroll records. This shall be the same as that used for Social Security record purposes,

(2) Home address,

(3) Date of birth if under 19,

(4) With respect to each lot of work:

(i) Date on which work is given out to worker, or begun by worker, and amount of such work given out or begun,

(ii) Date on which work is turned in by worker, and amount of such work,

(iii) Kind of articles worked on and operations performed,

(iv) Piece rates paid,

(v) Hours worked on each lot of work turned in,

(vi) Wages paid for each lot of work turned in,

(vii) Deductions for Social Security taxes,

(viii) Date of wage payment and pay period covered by payment,

(5) With respect to each week:

(i) Hours worked each week,

(ii) Wages earned for each week at regular piece rates,

(iii) Extra pay due each week for overtime worked,

(iv) Total wages earned each week,

(v) Deductions for Social Security taxes,

(6) With respect to any agent, distributor, or contractor: The name and address of each such agent, distributor, or contractor through whom homework is distributed or collected and name and address of each homeworker to whom homework is distributed or from whom it is collected by each such agent, distributor, or contractor.

(7) Record of retroactive payment of wages. Every employer who makes retroactive payment of wages or compensation under the supervision of the Administrator pursuant to section 16(c) of the act, shall:

(i) Record and preserve, as an entry on his payroll or other pay records, the amount of such payment to each employee, the period covered by such payment, and the date of payment.

(ii) Prepare a report of each such payment on the receipt form provided or authorized by the Wage and Hour Division, and (*a*) preserve a copy as part of his records, (*b*) deliver a copy to the employee, and (*c*) file the original, which shall evidence payment by the employer and receipt by the employee, with the Administrator or his authorized representative within 10 days after payment is made.

(c) *Homework handbook.* In addition to the information and data required in paragraph (b) of this section, a separate handbook (to be obtained by the employer from the Wage and Hour Division and supplied by him to each worker) shall be kept for each homeworker. The information required therein shall be entered by the employer or the person distributing or collecting homework on behalf of such employer each time work is given out to or received from a homeworker. Except for the time necessary for the making of entries by the employer, the handbook must remain in the possession of the homeworker until such time as the Wage and Hour Division may request it. Upon completion of the handbook (that is, no space remains for additional entries) or termination of the homeworker's services, the handbook shall be returned to the employer for preservation in accordance with the regulations in this part. A separate record and a separate handbook shall be kept for each person performing home work.

§ 516.25 Additional records required when additions or deductions are made to or from wages for "board, lodging, or other facilities" customarily furnished to employees.

(a) In addition to keeping other records required by the regulations in this part, an employer who makes deductions from the wages of his employees for "board, lodging, or other facilities" (as these terms are used in section 3(m) of the act) furnished to them by the employer or by an affiliated person, or who furnishes such "board, lodging, or other facilities" to his employees as an addition to wages, shall maintain and preserve records substantiating the cost of furnishing each class of facility. Separate records of the cost of each item furnished to an employee need not be kept. The requirement may be met by keeping combined records of the costs incurred in furnishing each class of facility, such as housing, fuel, or merchandise furnished through a company store or commissary. Thus, in the case of an employer who furnishes housing, separate cost records need not be kept for each house. The cost of maintenance and repairs for all the houses may be shown together. Original cost and depreciation records may be kept for groups of houses acquired at the same time. Costs incurred in furnishing similar or closely related facilities, moreover, may be shown in combined records. For example, if joint costs are incurred in furnishing both housing and electricity and the records are not readily separable, the housing and electricity together may be treated as a "class" of facility for recordkeeping purposes. Merchandise furnished at a company store may be considered as a "class" of facility and the records may show the cost of the operation of the store as a whole, or records showing the cost of furnishing the different kinds of merchandise may be maintained separately. Where cost records are kept for a "class" of facility rather than for each individual article furnished to employees, the records must also show the gross income derived from each such class of facility; e.g., gross rentals in the case of houses, total sales through the store or commissary, total receipts from sales of fuel, etc.

(1) Such records shall include itemized accounts showing the nature and amount of any expenditures entering into the computation of the reasonable cost as defined in Part 531 of this chapter, and shall contain the data required to compute the amount of the depreciated investment in any assets allocable

to the furnishing of the facilities, including the date of acquisition or construction, the original cost, the rate of depreciation and the total amount of accumulated depreciation on such assets. If the assets include merchandise held for sale to employees, the records should contain data from which the average net investment in inventory can be determined.

(2) No particular degree of itemization is prescribed. The amount of detail shown in these accounts should be consistent with good accounting practices, and should be sufficient to enable the Administrator or his representative to verify the nature of the expenditure and the amount by reference to the basic records which must be preserved pursuant to § 516.6(c)(3).

(b) If additions to or deductions from wages paid (1) so affect the total cash wages due in any workweek (even though the employee actually is paid semimonthly) as to result in the employee receiving less in cash than the minimum hourly wage provided in section 6 of the act or in any applicable wage order, or (2) if the employee works in excess of 40 hours a week and (i) any addition to the wages paid are a part of his wages, or (ii) any deductions made are claimed as allowable deductions under section 3(m) of the act, the employer shall maintain records showing those additions to or deductions from wages paid on a workweek basis. (For legal deductions not claimed under section 3(m) and which need not be maintained on a workweek basis, see §§ 777.13 to 777.15 of this chapter.)

§ 516.26 Employees under more than one minimum hourly rate.

(a) *Additional items required.* An employer of any employees subject to different minimum wage rates of pay, who elects to pay less than an amount arrived at by applying the highest applicable minimum rate for all hours worked in any workweek, shall, in addition to any employee information and data required to be kept with respect to them by any applicable section of the regulations in this part maintain and preserve payroll or other records containing the following information and data with respect to each of those employees:

(1) The minimum rate of pay required to be paid for each different type of employment in which each such employee was engaged during the workweek (including, in Puerto Rico, the Virgin Islands, and American Samoa, the applicable wage order rates),

(2) The basis on which wages are paid for each such different type of employment ("$1.30 each hour"; "$10.00 a day"; "$50.00 wk."; "2¢ per piece"; "$50 wk. plus 5 percent commission on sales over $300 wk."; etc.),

(3) The piece rate, if any, for each operation on each type of goods upon which the employee has worked under each such different applicable minimum rate of pay and the number of pieces worked upon at such piece rates (including, in Puerto Rico and the Virgin Islands, the lot number of each type of goods upon which the employee has worked),

(4) The total hours or fractions thereof worked that workweek by each such employee in employment covered by each such different applicable minimum rate, and

(5) The total wages due each such employee at straight-time for the hours worked in each such different type of employment including any amounts earned in excess of the applicable minimum rate of pay.

(b) *Records of workers whose work cannot be segregated.* The provisions of paragraph (a) of this section shall not be construed to affect in any way the records to be kept, or compensation to be paid employees whose activities cannot be segregated and who are, therefore, not subject to different minimum rates of pay.

§ 516.27 Minors employed in agriculture—items required.

Every employer (other than a parent or guardian standing in the place of a parent employing his own child or a child in his custody) who employs in agriculture any minor under 18 years of age shall maintain and preserve records containing the following data with respect to each and every such minor so employed:

(a) Name in full,

(b) Place where minor lives while employed. If the minor's permanent address is elsewhere, give both addresses.

(c) Date of birth,

Provided, however, That such data need not be maintained for any minor employees who work only on days when school is not in session.

[F.R. Doc. 62-2509; Filed, Mar. 14, 1962; 8:51 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

PART 207—NAVIGATION REGULATIONS

Pacific Ocean, California, and York River, Virginia

1. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), and Chapter XIX of the Army Appropriations Act of July 9, 1918 (40 Stat. 892; 33 U.S.C. 3), § 204.197 establishing and governing the use and navigation of danger zones in the Pacific Ocean, in the vicinity of San Pedro, California, is hereby amended revoking paragraph (a)(1) and revising paragraph (b)(1) and (2) effective on publication in the FEDERAL REGISTER, since the danger zone at Whites Point has served its purpose and is no longer required, as follows:

§ 204.197—Pacific Ocean in vicinity of San Pedro, Calif.; practice firing range for United States Army Reserve, National Guard, and Coast Guard units.

(a) *The danger zone—(1) Zone A.* [Revoked]

* * * * *

(b) *The regulations.* (1) Intermittent firing may take place in the danger zone on any day from sunrise to sunset.

(2) Except as otherwise provided in this paragraph, the danger zone will be open to fishing and general navigation. When firing is not scheduled the danger zone may be occupied without restriction. When firing is in progress safety observers will be maintained to warn all vessels. Notice to vacate the area, or to stop at the boundaries, will be given by siren, patrol vessel, or other effective means, and such notice shall be promptly obeyed. All vessels permitted to enter the danger zone during a firing period, other than those owned by and operated by or under the direction of the United States Government, shall proceed across the area by the most direct route and clear the area with the greatest possible dispatch. No vessel, fishing boat, or recreational craft shall anchor in the danger zone during an actual firing period.

[Regs., February 19, 1962, 285/112-ENGCW-ON] (40 Stat. 266, 892; 33 U.S.C. 1, 3)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.128 is hereby amended with respect to paragraph (a) (1) and (2) to enlarge the prohibited area and to redesignate the boundaries of the restricted area in York River, Virginia, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.128 York River, Va.; naval prohibited and restricted areas.

(a) *The areas—(1) Naval mine service-testing area (prohibited).* A rectangular area surrounding Piers 1 and 2, Naval Weapons Station, and extending upstream therefrom, beginning at a point on the shore line at latitude 37°15'25" N., longitude 76°32'32" W.; thence to latitude 37°15'42" N., longitude 76°32'06" W.; thence to latitude 37°15'27" N., longitude 76°31'48" W.; thence to latitude 37°15'05" N., longitude 76°31'27" W.; thence to a point on the shore line at latitude 37°14'51" N., longitude 76°31'50" W.; and thence along the shore line to the point of beginning.

(2) *Naval mine service-testing area (restricted).* A rectangular area adjacent to the northeast boundary of the prohibited area described in subparagraph (1) of this paragraph, beginning at latitude 37°16'00" N., longitude 76°32'29" W.; thence to latitude 37°16'23" N., longitude 76°32'00" W.; thence to latitude 37°15'27" N., longitude 76°30'54" W.; thence to latitude 37°15'05" N., longitude 76°31'27" W.; thence to latitude 37°15'27" N., longitude 76°31'48" W.; thence to latitude 37°15'42" N., longitude 76°32'06" W.; thence to lati-

tude 37°15'40" N., longitude 76°32'09" W.; and thence to the point of beginning.

[Regs., February 26, 1962, 285/112-ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

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

[F.R. Doc. 62-2478; Filed, Mar. 14, 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 2621]

[Wyoming 0142291]

WYOMING

Partly Revoking Executive Order No. 4962 of September 17, 1928

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 4962 of September 17, 1928, which withdrew public lands for use of the Wyoming National Guard as a rifle range, is hereby revoked so far as it affects the following described lands:

SIXTH PRINCIPAL MERIDIAN

T. 24 N., R. 61 W.,
Sec. 1, W½SW¼ and SE¼SW¼.

Containing 120 acres.

2. The lands are situated approximately 1 mile northeast of Torrington, Wyoming. The topography is rolling, with native shrubs and grasses.

3. The lands are hereby restored to the operation of the public land laws, subject to valid existing rights and equitable claims, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals provided, that, until 10:00 a.m., on September 7, 1962, the State of Wyoming shall have a preferred right of application to select the lands in accordance with the provisions of subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

4. The lands have been open to applications and offers under the mineral leasing laws, and to location for metalliferous minerals. They will be open to location for nonmetalliferous minerals under the United States mining laws at 10:00 a.m., on September 7, 1962.

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

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

MARCH 9, 1962.

[F.R. Doc. 62-2501; Filed, Mar. 14, 1962; 8:49 a.m.]

[Public Land Order 2622]

[Fairbanks 022851]

ALASKA

Withdrawing Lands for Use of the Department of the Army as the Black Rapids Training Site (Fort Greely)

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

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved for use of the Department of the Army as the Black Rapids Training Site:

RICHARDSON HIGHWAY-BLACK RAPIDS AREA

Beginning at the northeast corner of the lands withdrawn by Public Land Order No. 1503; thence East, 1.167 miles; South, 2.067 miles; West, 2.063 miles; North, 1.317 miles; East, 0.896 miles; North, 0.750 miles to the point of beginning.

The tract described contains 2,299.03 acres.

The jurisdiction granted by this order shall not include the right to subject the lands or the resources thereof to waste or destruction by explosive ordnance, noxious substances, or other forms of dangerous contamination.

The general public shall have access to and across the lands for hunting and fishing during such times as public use will not be inconsistent with military requirements and national security, and the Department of the Army shall keep the public informed of the periods when such use may be permitted.

The Department of the Interior shall retain jurisdiction of the mineral and vegetative materials of the lands and may make disposals of such materials if consistent with the purposes of this withdrawal.

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 but excluding permits revocable at will, is reserved to the Secretary of the Interior or his delegate, subject to concurrence of the Department of the Army.

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

MARCH 9, 1962.

[F.R. Doc. 62-2502; Filed, Mar. 14, 1962; 8:50 a.m.]

[Public Land Order 2623]

[Idaho 011823]

IDAHO

Withdrawing Lands in Kaniksu, Nez Perce, and St. Joe National Forests

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

Subject to valid existing rights, the following-described national forest lands are hereby withdrawn from prospecting, location, entry, and purchase under the mining laws of the United States, for use of the Forest Service as indicated:

BOISE MERIDIAN

KANIKSU NATIONAL FOREST

Garfield Bay Recreation Area

T. 56 N., R. 1 W.,
Sec. 27, that portion of lot 3 lying north of a line drawn between the centers of secs. 27 and 28;
Sec. 28, lot 1, except west 20 acres and lot 2, except west 20 acres.

Huckleberry Campground

T. 57 N., R. 2 E., unsurveyed but will be when surveyed:
Sec. 7, SW¼SW¼NE¼NW¼, SE¼SE¼NW¼NW¼, NE¼NE¼SW¼NW¼, and NW¼NW¼SE¼NW¼.

NEZ PERCE NATIONAL FOREST

Red River Recreation Area

A strip of land 8 chains wide being 5 chains on the northerly side and 3 chains on the southerly side of the thread of Red River beginning at the point where Red River is closest to the center of unsurveyed sec. 34, T. 28 N., R. 9 E., and extending approximately 4.5 miles upstream to the point where Red River crosses the section line between unsurveyed sec. 24, T. 28 N., R. 9 E., and unsurveyed sec. 19, T. 28 N., R. 10 E., and located wholly within the following subdivisions:

T. 28 N., R. 9 E., unsurveyed, but will be when surveyed:
Sec. 23, E½SE¼;
Sec. 24, S½N½ and W½SW¼;
Sec. 26, NE¼, S½NW¼, E½SW¼, and NW¼SE¼;
Sec. 27, SE¼;
Sec. 34, NE¼.

Papoose Creek Camp and Picnic Area

T. 24 N., R. 1 W.,
Sec. 23, NE¼SW¼SE¼SE¼, NW¼SE¼SE¼SE¼, and S½SE¼SE¼SE¼;
Sec. 24, SW¼SW¼SW¼SW¼;
Sec. 25, NW¼NW¼NW¼;
Sec. 26, NE¼NE¼NE¼NE¼.

Low Saddle Camp and Picnic Area

T. 25 N., R. 1 W.,
Sec. 18, S½NW¼SW¼SE¼, SW¼SW¼SE¼, and E½SE¼SE¼SW¼;
Sec. 19, N½NW¼NW¼NE¼.

Wind River Recreational Area

T. 24 N., R. 4 E.,
Sec. 3, lot 1.

Peter Ready Camp and Picnic Area

T. 27 N., R. 3 E.,
Sec. 14, SE¼NE¼SW¼NW¼, NE¼SE¼SW¼NW¼, W½NW¼SE¼NW¼, and NW¼SW¼SE¼NW¼.

Rocky Bluff Camp and Picnic Area

T. 27 N., R. 4 E., unsurveyed, but will be when surveyed:
Sec. 31, S½N½NE¼SW¼ and S½NE¼NW¼SW¼.

Wildhorse Lake Recreation Area

T. 27 N., R. 6 E., unsurveyed, but will be when surveyed:
Sec. 24, SE¼SE¼;
Sec. 25, NW¼NE¼NE¼.
T. 27 N., R. 7 E., unsurveyed, but will be when surveyed:
Sec. 19, NW¼SW¼SW¼.

Mackay Bar Recreation Area

T. 24 N., R. 8 E., unsurveyed, but will be when surveyed:
Sec. 29, NW¼SW¼SE¼NE¼, S½SW¼SE¼NE¼, W½NW¼NE¼SE¼, W½NW¼SW¼NE¼SE¼, E½NE¼NW¼SE¼, SW¼NE¼NW¼SE¼, NE¼SE¼NW¼SE¼.

Mackay Bar Boat Landing

T. 24 N., R. 8 E., unsurveyed, but will be when surveyed:
Sec. 29, SW¼SE¼SE¼SW¼ and W½ SE¼SE¼SE¼SW¼.

Sam's Creek Campground

T. 25 N., R. 8 E., unsurveyed, but will be when surveyed:
Sec. 5, S½NE¼SW¼NE¼.

Florence Cemetery Historical Site

T. 25 N., R. 3 E.,
Sec. 13, SE¼SW¼NW¼NE¼, SW¼SE¼ NW¼NE¼, NW¼NE¼SW¼NE¼, and NE¼NW¼SW¼NE¼.

BOISE MERIDIAN

ST. JOE NATIONAL FOREST

Avery Landing Administrative Site

T. 45 N., R. 5 E.,
Sec. 14, lots 2, 3, and 5.

Cedar Prospect Creek Campground

T. 46 N., R. 4 E.,
Sec. 12, NE¼SW¼SW¼, S½SW¼SW¼, and NW¼SE¼SW¼;
Sec. 13, NW¼NW¼NW¼;
Sec. 14, NE¼NE¼NE¼.

Slate-Horseshoe Organization Site

T. 47 N., R. 4 E.,
Sec. 25, S½SW¼NW¼, S½NE¼NE¼SW¼, W½NE¼SW¼, SE¼NE¼SW¼, N½ NW¼ SW¼, N½S½NW¼SW¼, NE¼ NW¼SE¼, S½NW¼NW¼SE¼, and SW¼NW¼SE¼.

Rye Creek Campground

T. 46 N., R. 5 E.,
Sec. 13, N½SE¼NE¼ and SW¼SE¼NE¼.

Squaw-Stetson Creek Campground

T. 46 N., R. 5 E.,
Sec. 25, S½S½S½SW¼;
Sec. 36, N½NE¼NW¼ and NW¼NW¼.

Railroad Creek Picnic Area

T. 47 N., R. 5 E.,
Sec. 28, N½SW¼NE¼, S½N½SE¼NE¼, and N½S½SE¼NE¼.

Bullion Creek Organization Camp

T. 47 N., R. 5 E.,
Sec. 36, S½NE¼SE¼, S½N½NW¼SE¼, E½SW¼NW¼SE¼, SE¼NW¼SE¼, N½ NE¼SW¼SE¼, and N½SE¼SE¼.

Triangle Point Campground

T. 46 N., R. 6 E.,
Sec. 5, SE¼NE¼SE¼ and NE¼SE¼SE¼.

Lucky Swede Gulch Picnic Area

T. 46 N., R. 6 E.,
Sec. 6, W½ lot 1 except patented mining claim, SE¼ lot 2.

Long Liz Campground

T. 46 N., R. 6 E.,
Sec. 7, SE¼SE¼SW¼.

Cliff Creek Campground

T. 46 N., R. 6 E.,
Sec. 10, S½NE¼NE¼, N½SE¼NE¼ less that portion of HES 685.

Big Diek Creek Picnic Area

T. 46 N., R. 6 E.,
Sec. 18, NW¼ of lot 2.

Mozier Creek Recreation Area

T. 47 N., R. 6 E.,
Sec. 31, N½ lot 4 except that portion containing patented mining claim.

Bird Creek Campground

T. 45 N., R. 7 E., unsurveyed, but will be when surveyed:
Sec. 5, NE¼SW¼NW¼ and N½SE¼NW¼.

Lentz-Conrad Campground

T. 44 N., R. 8 E.,
Sec. 14, W½NW¼SW¼NE¼, W½SE¼ SW¼NE¼, E½NE¼SE¼NW¼, W½ NE¼NW¼SE¼, and N½SE¼NW¼SE¼.

Middle Quartz Creek Campground

T. 45 N., R. 8 E., unsurveyed, but will be when surveyed:
Sec. 17, S½N½S½SW¼, N½S½S½SW¼, SE¼SE¼SW¼SW¼, SW¼SW¼SE¼ SW¼, S½NE¼SE¼, and N½SW¼SE¼.

Entente Creek Campground

T. 45 N., R. 8 E., unsurveyed, but will be when surveyed:
Sec. 19, S½SE¼NW¼ and N½NW¼NE¼ SW¼.

Wahoo Creek Campground

T. 43 N., R. 9 E.,
Sec. 6, W½NE¼SE¼NW¼, E½W½SE¼ NW¼, W½NW¼NE¼SW¼, SW¼NE¼ SW¼, NW¼SE¼SW¼, and SE¼SE¼ SW¼.

Indian Creek Campground

T. 43 N., R. 9 E.,
Sec. 7, NW¼NW¼NE¼ and NE¼NE¼ NW¼.

Beaver Creek Campground

T. 43 N., R. 9 E.,
Sec. 8, SE¼SE¼SW¼, S½NW¼SW¼SE¼, and N½SW¼SW¼SE¼;
Sec. 17, NE¼NE¼NW¼.

Cave Rock Campground

T. 43 N., R. 9 E.,
Sec. 17, SE¼NW¼NE¼.

Midget Creek Campground

T. 44 N., R. 9 E.,
Sec. 31, W½NE¼ lot 3, SE¼NE¼ lot 3, N½NW¼ lot 3, and SE¼ lot 3.

Heller Creek Campground

T. 43 N., R. 10 E.,
Sec. 17, S½SE¼NE¼SE¼ and E½SE¼ SE¼;
Sec. 20, NE¼NW¼NE¼NE¼ and W½ NW¼NE¼NE¼.

Yankee Bar Campground

T. 43 N., R. 10 E.,
Sec. 22, S½SE¼SW¼SW¼;
Sec. 27, S½NE¼NE¼NW¼, E½NW¼NE¼ NW¼, NW¼NW¼NE¼NW¼, NE¼NE¼ NW¼NW¼, except for portion of patented mining claim within these subdivisions.

California Creek Campground

T. 43 N., R. 10 E.,
Sec. 26, W½SW¼NE¼SE¼ except portion of patented claim.

The areas described aggregate about 1,439.00 acres.

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

MARCH 9, 1962.

[F.R. Doc. 62–2503; Filed, Mar. 14, 1962; 8:50 a.m.]

[Public Land Order 2624]

[Colorado 046749]

COLORADO

Withdrawing Lands for Use of the Forest Service for Administrative Sites and Recreation Areas

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

Subject to valid existing rights the following described lands, in the national forests hereafter named, are hereby withdrawn from prospecting, location, entry and purchase under the mining laws of the United States, for use of the Forest Service, Department of Agriculture, for administrative sites and recreation areas, as indicated:

SIXTH PRINCIPAL MERIDIAN

ROUTT NATIONAL FOREST

Lost Lake Recreation Area

T. 6 N., R. 82 W.,
Sec. 30, lot 4;
Sec. 31, lot 1.
T. 6 N., R. 83 W. (unsurveyed), in approximate Sections 25 and 36.
Beginning at corner No. 1, the west ¼ corner of section 31, T. 6 N., R. 82 W. From corner No. 1 by metes and bounds, West, 20 chains; North, 30 chains; West, 20 chains; North, 30 chains; East, 40 chains; South, 60 chains, to point of beginning.

Lake Percy Recreation Area

T. 6 N., R. 83 W. (unsurveyed), in approximate Section 24.
Beginning at corner No. 1, the west ¼ corner of section 19, T. 6 N., R. 82 W. From corner No. 1, by metes and bounds, West, 40 chains; North, 30 chains; East, 40 chains; South, 30 chains to point of beginning.

Lake Dinosaur Recreation Area

T. 6 N., R. 83 W. (unsurveyed), in approximate section 10.
Beginning at corner No. 1, from which the southwest corner of section 7, T. 6 N., R. 82 W. bears east, 180 chains. From corner No. 1 by metes and bounds, West, 40 chains; North, 40 chains; East, 20 chains; North, 16 chains; East, 40 chains; South, 16 chains; West, 20 chains; South, 40 chains to point of beginning.

Lake Martha Recreation Area

T. 7 N., R. 83 W. (unsurveyed).
Beginning at corner No. 1, from which the southwest corner of section 30, T. 7 N., R. 82 W. bears east 70 chains. From corner No. 1 by metes and bounds, West, 80 chains; North, 100 chains; East, 80 chains; South, 100 chains to point of beginning. The tract does not include the 40.0 acre Summit Lake Recreation Area withdrawn on January 14, 1957 under Public Land Order 1381 (Colorado 013628).

Lester Creek Reservoir Recreation Area

T. 10 N., R. 85 W.,
Sec. 26, lot 20;
Sec. 35, lots 1, 2, 3, 4, 5, 7, 8, and 9, N½SE¼, NE¼SW¼, and E½NW¼ SW¼.

Hahns Peak Reservoir Recreation Area

T. 10 N., R. 86 W.,
Sec. 13, N½NE¼NW¼;
Sec. 12, S½SW¼, NW¼SW¼, and SW¼ SW¼NW¼;
Sec. 11, E½NE¼SE¼, NE¼SE¼SE¼, and SE¼NE¼.

Saw Mill Creek Picnic Area (Addition)

T. 9 N., R. 89 W.,
Sec. 1, S½SW¼SW¼.

NEW MEXICO PRINCIPAL MERIDIAN

UNCOMPAHGRE NATIONAL FOREST

Crystal Lake Back Area Camp

T. 44 N., R. 4 W.,
Sec. 19 (unsurveyed), S½SW¼NE¼, SW¼SE¼NE¼, SE¼SE¼NW¼, E½ NE¼SW¼, NE¼SE¼SW¼, W½NE¼

SE¼, NW¼SE¼, N½SW¼SE¼, and NW¼SE¼SE¼.

Big Blue Campground

T. 46 N., R. 5 W.,
Sec. 24 (unsurveyed) SE¼SW¼;
Sec. 25 (unsurveyed) N½NE¼NW¼.

Alpine Administrative Site

T. 46 N., R. 5 W.,
Sec. 13, S½SE¼SW¼;
Sec. 24, W½NW¼NE¼, SE¼NW¼NE¼, NE¼SW¼NE¼, W½SW¼NE¼, NE¼NW¼, and SE¼NW¼.

Beaver Lake Campground

T. 46 N., R. 6 W.,
Sec. 8 (unsurveyed) NE¼SE¼ and E½NW¼SE¼.

Big Cimarron Campground

T. 46 N., R. 6 W.,
Sec. 8 (unsurveyed) E½NE¼NE¼ and E½SE¼NE¼;
Sec. 9, W½NW¼NW¼ and W½SW¼NW¼.

Amphitheatre Campground

T. 44 N., R. 7 W.,
Sec. 31, lots 1, 6, and 7;
Sec. 32, SW¼NW¼NW¼, SW¼NW¼, NW¼NW¼SW¼ (Less small acreage included in M.S. 6078—O.I.C. Lode).

Trout Lake Campground

T. 41 N., R. 9 W.,
Sec. 16 (unsurveyed), SW¼NW¼NW¼, SW¼NW¼, W½NE¼SW¼, SE¼NE¼SW¼, NW¼SW¼, N½SW¼SW¼, N½SE¼SW¼, SW¼NW¼SE¼, NW¼SW¼SE¼ (Less small acreage included in M.S. 16066—Illium Placer);
Sec. 17 (unsurveyed) E½NE¼SE¼.

Ophir Trailer Park

T. 42 N., R. 9 W.,
Sec. 33, W½SW¼NE¼, SE¼SW¼NE¼, SW¼SE¼NE¼, E½SE¼NW¼, NE¼NE¼SW¼, NW¼NE¼SE¼, N½NW¼SE¼ (Less small acreage included in M.S. 5735—Broadway Lode, M.S. 14048—Loopton Lode, and M.S. 16149—Broncho Lou Placer).

Matterhorn Administrative Site

T. 41 N., R. 9 W.,
Sec. 5, N½SW¼NE¼, SE¼SW¼NE¼ (Less approximately 10 acres included in M.S. 7301—Lake Placer and M.S. 1176A—San Juan Lode).

Silesca Administrative Site

T. 47 N., R. 11 W.,
Sec. 18, lots 1 and 2, S½NE¼NW¼, and N½SE¼NW¼.

Lone Cone Administrative Site

T. 42 N., R. 12 W.,
Sec. 23, NW¼NE¼ and NE¼NW¼.

Sanborn Park Administrative Site

T. 45 N., R. 12 W.,
Sec. 4, lot 2.
T. 46 N., R. 12 W.,
Sec. 33, S½SW¼SE¼.

Iron Springs Campground Addition

T. 47 N., R. 12 W.
Sec. 23, SW¼NE¼NW¼.

Columbine Campground Addition

T. 48 N., R. 14 W.,
Sec. 11, SE¼NE¼SW¼ and NW¼SE¼SW¼.

Columbine Administrative Site

T. 48 N., R. 14 W.,
Sec. 11, NW¼NE¼SW¼, NW¼SW¼, and N½SW¼SW¼.

Divide Fork Campground

T. 51 N., R. 16 W.,
Sec. 18, S½SW¼NE¼, S½SE¼NE¼, NE¼NE¼SE¼, W½NE¼SE¼, E½NW¼SE¼, and NW¼NW¼SE¼.

SAN JUAN NATIONAL FOREST

Sultan Mountain Winter Sports Area

T. 41 N., R. 8 W. (unsurveyed)
Sec. 13, S½S½;
Sec. 24.

GRAND MESA NATIONAL FOREST

Haypress Campground

T. 14 S., R. 102 W.,
Sec. 10, SW¼NW¼NE¼, NW¼SW¼NE¼, S½NE¼NW¼, and N½SE¼NW¼.

Fruita Administrative Site

T. 14 S., R. 102 W.,
Sec. 2, SE¼NW¼, NE¼SW¼, and NW¼SE¼.

The areas described total in the aggregate 4,488.66 acres.

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

MARCH 9, 1962.

[F.R. Doc. 62-2504; Filed, Mar. 14, 1962; 8:50 a.m.]

[Public Land Order 2625]

[Colorado 043548]

COLORADO

Withdrawing Lands for Use of the Forest Service as Administrative Sites and Recreation Areas

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

1. Subject to valid existing rights, the minerals in the following described lands in the Grand Mesa National Forest are hereby withdrawn from prospecting, location, entry and purchase under the mining laws of the United States, and reserved under jurisdiction of the Secretary of the Interior in aid of programs of the Forest Service for the utilization of the surface of the lands as administrative sites and recreation areas, as indicated:

SIXTH PRINCIPAL MERIDIAN

Hightower Administrative Site Addition

T. 9 S., R. 92 W.,
Sec. 17 SW¼NW¼ and NW¼SW¼.

Weir and Johnson Campground

T. 11 S., R. 93 W.,
Sec. 30, SE¼SW¼NW¼, NE¼SW¼, and E½NW¼SW¼.

Bonham Lake Campground

T. 11 S., R. 94 W.,
Sec. 9, SE¼SE¼SW¼, and S½SW¼SE¼;
Sec. 16, SW¼NE¼NE¼, NW¼NE¼, SW¼NE¼, W½SE¼NE¼, E½NE¼NW¼, and E½SE¼NW¼.

Eggleston Campground

T. 11 S., R. 94 W.,
Sec. 31, E½SE¼SW¼ and W½SW¼SE¼.
T. 12 S., R. 94 W.,
Sec. 6, lot 9.

Eggleston Lake Campground

T. 11 S., R. 94 W.,
Sec. 31, lot 4, and W½SE¼SW¼.
T. 12 S., R. 94 W.,
Sec. 6, lot 10 and lot 11.

Trickle Park Campground

T. 11 S., R. 94 W.,
Sec. 26, S½SW¼NW¼ and N½NW¼SW¼.

Twin Lake Campground

T. 11 S., R. 94 W.,
Sec. 25, E½NE¼SW¼, SW¼NE¼SE¼, and NW¼SE¼.

White Deer Park Campground

T. 11 S., R. 94 W.,
Sec. 26, E½SW¼NE¼ and W½SE¼NE¼.

High Picnic Ground

T. 11 S., R. 95 W.,
Sec. 30, lot 8, W½SE¼SW¼;
Sec. 31, lot 5, NW¼NE¼NW¼.

Griffith Lake Campground

T. 11 S., R. 96 W.,
Sec. 25, lot 4, S½NE¼SW¼, SE¼SW¼, S½NW¼SE¼, and SW¼SE¼.

Kiwanis Youth Organization Camp

T. 11 S., R. 96 W.,
Sec. 22, lot 15 and W½SE¼SW¼.

Mesa Creek Winter Sports Area

T. 11 S., R. 96 W.,
Sec. 27, SW¼NW¼NE¼, W½SW¼NE¼, S½NE¼NW¼, E½SW¼NW¼, SE¼NW¼, NE¼SW¼, NW¼SW¼, N½SW¼SW¼, N½SE¼SW¼, W½NW¼SE¼ and NW¼SW¼SE¼.

Mesa-Lakes Recreation Area

T. 11 S., R. 96 W.,
Sec. 26, SW¼SW¼SW¼;
Sec. 27, S½SE¼SE¼;
Sec. 34, NE¼NE¼, E½NW¼NE¼, NE¼SW¼NE¼, SE¼NE¼, and NE¼NE¼SE¼;
Sec. 35, SW¼SW¼NE¼, NW¼NW¼, SW¼NW¼, NW¼SE¼NW¼, S½SE¼NW¼, NE¼NE¼SW¼, W½NE¼SW¼, N½NW¼SW¼, SE¼NW¼SW¼, and NW¼NW¼SE¼.

Mesa Lake Trailer Park

T. 11 S., R. 96 W.,
Sec. 35, E½SW¼NE¼ and SE¼NE¼;
Sec. 36, NE¼SW¼NW¼ and W½SW¼NW¼.

Aspen Cove Campground

T. 11 S., R. 96 W.,
Sec. 36, SE¼SW¼NW¼, S½SE¼NW¼, and NW¼NE¼SW¼.

NF-ORRR Site ML-144

T. 11 S., R. 96 W.,
Sec. 35, E½NE¼SE¼;
Sec. 36, NE¼NW¼SW¼ and W½NW¼SW¼.

South Mesa Back Area Development

T. 11 S., R. 96 W.,
Sec. 35, lot 2.

Skyway Point Overlook and Picnic Ground

T. 11 S., R. 96 W.,
Sec. 36, S½NE¼SW¼.

Waterdog Lake Campground

T. 11 S., R. 96 W.,
Sec. 26, SE¼SW¼.

Waterdog Lake Marina

T. 11 S., R. 96 W.,
Sec. 26, N½SW¼SE¼.

Fish Hawk Campground

T. 12 S., R. 94 W.,
Sec. 5, lot 8.

Kiser Creek Campground

T. 12 S., R. 94 W.,
Sec. 6, lots 14, 17, and 18.

Reed Reservoir Campground

T. 12 S., R. 94 W.,
Sec. 6, lot 19;
Sec. 7, lot 7.

Grand Mesa Christian Association Organization Camp

T. 12 S., R. 95 W.,
Sec. 1, NE¼SE¼, SE¼NW¼SE¼, NE¼SW¼SE¼, and N½SE¼SE¼.

Deep Slough Campground

T. 12 S., R. 95 W.,
Sec. 3, SW¼NE¼SE¼, SE¼NW¼SE¼, E½SW¼SE¼, and SE¼SE¼;
Sec. 10, NE¼NE¼NE¼, W½NE¼NE¼, and E½NW¼NE¼.

Grand Mesa Resort

T. 12 S., R. 95 W.,
Sec. 3, lot 7, lot 8, NW¼NE¼SW¼, and N½NW¼SW¼.

Island Lake Summer Home Area

T. 12 S., R. 95 W.,
Sec. 4, S½NE¼SE¼ and N½SE¼SE¼.

Lake View Point Overlook and Picnic Ground

T. 12 S., R. 95 W.,
Sec. 9, W½NE¼NW¼ and NW¼SE¼NW¼.

Little Bear Campground

T. 12 S., R. 95 W.,
Sec. 3, SE¼NE¼SW¼, E½SE¼SW¼, SW¼NW¼SE¼, and NW¼SW¼SE¼.

Little Gem Campground

T. 12 S., R. 95 W.,
Sec. 9, SE¼NE¼;
Sec. 10, SW¼NW¼NW¼ and W½SW¼NW¼.

Star Lake Campground

T. 12 S., R. 95 W.,
Sec. 1, lot 11, N½NE¼SW¼, and NW¼NW¼SE¼.

Ward Lake Recreation Area

T. 12 S., R. 95 W.,
Sec. 1, W½NW¼SW¼;
Sec. 2, lots 5, 6, 8, 9, 10, 12, 13, 14, 15, NE¼NE¼SW¼, W½NE¼SW¼, NW¼SW¼, N½SW¼SW¼, SE¼SW¼, NE¼SE¼, E½NW¼SE¼, and NW¼NW¼SE¼;
Sec. 3, SE¼SE¼NE¼ and NE¼NE¼SE¼.

Ward Lake Administrative Site

T. 12 S., R. 95 W.,
Sec. 2, S½SE¼;
Sec. 11, N½NE¼NE¼, N½NW¼NE¼, SW¼NW¼NE¼, and NE¼NW¼.

Lost Lake Back Area Development

T. 12 S., R. 96 W.,
Sec. 2, NW¼NE¼SW¼ and NE¼NW¼SW¼.

Land's End Overlook and Observatory Area

T. 12 S., R. 97 W.,
Sec. 3, S½SE¼SW¼;
Sec. 10, W½NW¼NE¼, NW¼SW¼NE¼, NE¼NW¼, and N½SE¼NW¼.

Land's End Picnic Ground

T. 12 S., R. 97 W.,
Sec. 10, S½SE¼NW¼.

Steamboat Rock Picnic Ground

T. 12 S., R. 97 W.,
Sec. 16, SE¼SW¼NE¼, SE¼NE¼, N½NE¼SE¼, and NE¼NW¼SE¼.

Wild Rose Picnic Ground

T. 12 S., R. 97 W.,
Sec. 16, NE¼NE¼.

The areas described total in the aggregate 3,732.58 acres.

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

MARCH 9, 1962.

[F.R. Doc. 62-2505; Filed, Mar. 14, 1962; 8:50 a.m.]

[Public Land Order 2626]

[Oregon 09991]

OREGON

Opening Lands Released From Water Power Withdrawal (Project 891)

1. On November 13, 1959, the Federal Power Commission issued its order vacating the withdrawal created under Section 24 of the Federal Water Power Act pursuant to the filing on April 11, 1928, of an application for a license for constructed minor Project No. 891, affecting the following described lands:

WILLAMETTE MERIDIAN

DESCHUTES NATIONAL FOREST

T. 12 S., R. 9 E.,
Sec. 28, SE¼SE¼.

The area described contains approximately 40 acres of national forest land.

2. Until 10:00 a.m. on June 8, 1962, the State of Oregon shall have 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 as 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 section 24 of the Federal Power Act of 1920, as amended.

3. Beginning at 10:00 a.m. on June 8, 1962, the lands shall be open to such other forms of disposition as may by law be made of national forest lands.

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

MARCH 9, 1962.

[F.R. Doc. 62-2506; Filed, Mar. 14, 1962; 8:50 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS RELATING TO PARKS AND MONUMENTS

Yosemite National Park, California; Motorboats

On page 9089 of the FEDERAL REGISTER of September 27, 1961, there was published a notice and text of a proposed amendment to § 7.16 of Title 36, Code of Federal Regulations. The purpose of this amendment is to prohibit the use of motorboats on any of the natural lakes and streams in Yosemite National Park.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received, and the proposed amendment is hereby adopted without change and is set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

Paragraph (i) is added to § 7.16 to read as follows:

§ 7.16 Yosemite National Park.

* * * * * *

(i) Motorboats. Motorboats are prohibited on all the natural lakes and streams of Yosemite National Park.

(39 Stat. 535; 16 U.S.C. 3)

ELMER N. FLADMARK,
Acting Superintendent, Yosemite National Park.

[F.R. Doc. 62-2508; Filed, Mar. 14, 1962; 8:51 a.m.]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

PART 530—INTERPRETATIONS AND STATEMENTS OF POLICY

Interpretation of Shipping Act, 1916

Pursuant to section 43 of the Shipping Act, 1916 (46 U.S.C. 842) and section 3(a)(3) of the Administrative Procedure Act (5 U.S.C. 1002(a)(3)), the Commission hereby promulgates the following interpretive rule, effective on publication.

§ 530.2 Further interpretation of Shipping Act, 1916.

Section 3 of Public Law 87-346 provides that any contract rate system lawfully in existence at the time of enactment of the law, October 3, 1961, must be amended to comply with the provisions of new section 14(b) by April 3, 1962, in order to be lawful for a further period of time not to exceed one year after filing, or until such time as the contracts are approved, disapproved, cancelled, or modified by the Federal Maritime Commission. One of the provisions of section 14(b) provides "* * * for a spread between ordinary rates and rates charged contract shippers which the Commission finds to be reasonable in all the circumstances but which spread shall in no event be more than 15 percentum of the ordinary rates."

Accordingly, the spread of any contract system which, on October 3, 1961, exceeded 15 percent must be reduced to not more than 15 percent by April 3,

1962. However, no spread which was not more than 15 percent on October 3, 1961, may in any manner be changed until such change in spread is approved by the Federal Maritime Commission pursuant to section 14(b) of the Shipping Act, 1916.

By the Commission.

THOMAS LISI,
Secretary.

MARCH 12, 1962.

[F.R. Doc. 62-2605; Filed, Mar. 14, 1962; 10:37 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 984]

[Docket No. AO–192 A4]

WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Notice of Hearing With Respect to Amendment of Marketing Agreement and Order, as Amended

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended, 7 U.S.C. 601–674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), as amended, notice is hereby given of a public hearing to be held beginning at 9:30 a.m. local time, April 5, 1962, in Room 203, Post Office and Court House Building, Seventh and Mission Streets, San Francisco, California, with respect to proposed amendment of the marketing agreement and order, as amended (7 CFR Part 984) regulating the handling of walnuts grown in California, Oregon, and Washington. The proposed amendment has not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amended marketing agreement and order as hereinafter set forth and to any appropriate modifications thereof. The proposal was submitted by the Walnut Control Board, the administrative agency for the Walnut Marketing Agreement and Order, with a request that a hearing be held thereon.

Proposed Amended Marketing Agreement and Order Regulating the Handling of Walnuts Grown in California, Oregon, and Washington

DEFINITIONS

§ 984.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States Department of Agriculture who is, or who may be, authorized to perform the duties of the Secretary of Agriculture of the United States.

§ 984.2 Act.

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

§ 984.3 Person.

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

§ 984.4 Area of production.

"Area of production" means the States of California, Oregon, and Washington, of which the State of California shall be District 1, and the States of Oregon and Washington District 2.

§ 984.5 Board.

"Board" means the Walnut Control Board established pursuant to § 984.30.

§ 984.6 Marketing year.

"Marketing year" means the twelve months from August 1 to the following July 31, both inclusive.

§ 984.7 Walnuts.

"Walnuts" means all walnuts of the Juglans Regia varieties grown in the area of production.

§ 984.8 Unshelled walnuts.

"Unshelled walnuts" means walnuts the kernels of which are contained in the shell.

§ 984.9 Shelled walnuts.

"Shelled walnuts" means walnut kernels after the shells are removed.

§ 984.10 Merchantable walnuts.

(a) *Unshelled.* "Merchantable unshelled walnuts" means all unshelled walnuts meeting the minimum grade and size regulations set forth in § 984.43.

(b) *Shelled.* "Merchantable shelled walnuts" means all shelled walnuts meeting the grade and size regulations effective pursuant to § 984.43.

§ 984.11 Substandard walnuts.

"Substandard walnuts" means all walnuts (whether unshelled or shelled) the kernels of which do not meet the minimum standard prescribed for merchantable shelled walnuts.

§ 984.12 To handle.

"To handle" means to sell, consign, transport, ship (except as a common or contract carrier of walnuts owned by another person), use walnuts for manufacture, purchase walnuts from a grower for retail sale, or in any other way to put walnuts, unshelled or shelled, in the current of commerce either within the area of production, or from such area to any point outside thereof: *Provided,* That sales or deliveries by growers to handlers within the area of production or authorized disposition of restricted, surplus, or substandard walnuts shall not be considered handling.

§ 984.13 Handler.

"Handler" means any person who handles unshelled or shelled walnuts, categorized as either:

(a) "Cooperative handler," meaning any handler which is a cooperative marketing association of growers regardless of where or under what laws it may be organized; or

(b) "Independent handler," meaning a handler who is not a cooperative handler.

§ 984.14 To pack.

"To pack" means to bleach, clean, grade, or otherwise prepare walnuts for market as unshelled walnuts.

§ 984.15 Packer.

"Packer" means any person who is engaged in the business of packing walnuts or has walnuts packed for his account and handles them as unshelled walnuts.

§ 984.16 Sheller.

"Sheller" means any person who is engaged in the business of shelling walnuts, or has walnuts shelled for his account and handles them as shelled walnuts.

§ 984.17 Manufacturer.

"Manufacturer" means any person who uses walnuts in the production of bakery goods, ice cream, candy, or other food products, except walnut oil.

§ 984.18 Kernel.

"Kernel" means a walnut meat or portion of walnut meat.

§ 984.19 Handler carryover.

"Handler carryover", as of any date, means:

(a) *Unshelled.* All merchantable unshelled walnuts (except those held in satisfaction of control obligations) wherever located, then held by a handler or for his account (whether or not sold), plus the estimated quantity of merchantable unshelled walnuts in lots then held by a handler for packing as merchantable unshelled walnuts.

(b) *Shelled.* All merchantable shelled walnuts (except those held as surplus) wherever located, then held by a handler or for his account (whether or not sold), plus the estimated quantity of merchantable shelled walnuts to be produced from unshelled and shelled material then held by a handler.

§ 984.20 Trade demand.

(a) *Unshelled.* The quantity of merchantable unshelled walnuts which the trade will acquire from all handlers during a marketing year for distribution in the United States, Puerto Rico, and the Canal Zone.

(b) *Shelled.* The quantity of merchantable shelled walnuts which the trade will acquire from all handlers during a marketing year for distribution in the United States, Puerto Rico, and the Canal Zone.

(c) *Inclusion of Canada and Cuba in trade demand.* Whenever there is reasonable probability that distribution of unshelled and shelled walnuts may be made to the trade in either Canada or Cuba at prices reasonably comparable with prices received in the United States,

either or both may be included in the trade demand in paragraphs (a) and (b) of this section.

§ 984.21 Restricted walnuts.

"Restricted walnuts" means those unshelled walnuts withheld in satisfaction of a merchantable restricted obligation.

§ 984.22 Free walnuts.

"Free walnuts" means those unshelled walnuts which are included in the free percentage established by the Secretary pursuant to § 984.42.

§ 984.23 Marketable walnuts.

"Marketable walnuts" means those walnuts, unshelled or shelled, which are included in the marketable percentage established by the Secretary pursuant to § 984.42.

§ 984.24 Surplus walnuts.

"Surplus walnuts" means those unshelled or shelled walnuts withheld in satisfaction of a surplus obligation.

§ 984.25 Allocation percentage.

"Allocation percentage" means the quotient, expressed as a percentage, that results from dividing the restricted percentage by the free percentage.

§ 984.26 Diversion percentage.

"Diversion percentage" means the quotient, expressed as a percentage, that results from dividing the surplus percentage by the marketable percentage.

§ 984.27 Control percentages.

"Control percentages" means free, restricted, marketable, and surplus percentages established by the Secretary pursuant to § 984.42.

§ 984.28 Part and subpart.

"Part" means the order regulating the handling of walnuts grown in California, Oregon, and Washington, and all rules, regulations, and supplementary orders issued thereunder. This order regulating the handling of walnuts grown in California, Oregon, and Washington shall be a "subpart" of such part.

ADMINISTRATIVE BODY

§ 984.30 Walnut Control Board.

(a) A Walnut Control Board is hereby established, consisting of ten members, selected by the Secretary, each of whom shall have an alternate. One member and one alternate member shall be selected by the Secretary from nominees submitted by each of the following groups or from among other eligible persons.

(1) The cooperative packers doing business within the State of California;

(2) The independent packers doing business within the State of California;

(3) The group of cooperative packers or independent packers doing business within the State of California, who, during the preceding marketing year, handled more than 50 percent of the merchantable unshelled walnuts handled by packers located within the State of California;

(4) Those walnut growers whose orchards are located in California and who market their walnuts through cooperative packers;

(5) All other growers of walnuts whose orchards are located in California;

(6) Those walnut growers whose orchards are located in California and whose walnuts were marketed during the preceding marketing year through the packer group specified in subparagraph (3) of this paragraph;

(7) The packers whose plants are located within the States of Oregon or Washington;

(8) The walnut growers whose orchards are located within the States of Oregon or Washington;

(9) Walnut shellers within the area of production who are handlers but who are not packers.

(b) The tenth member shall be selected after the selection of the nine members from the above specified groups and after opportunity for such nine members to nominate the tenth member.

§ 984.31 Term of office.

The term of office of Board members and alternate members shall be for a period of two years ending on June 30 of odd-numbered years, but they shall serve until their respective successors are selected and have qualified.

§ 984.32 Nominations.

(a) Each of the nine groups specified in § 984.30 may nominate one person as member and one person as alternate, and the nine members selected to represent such groups may nominate by majority vote one person as member and one person as alternate for the tenth member position. Nominations for each group of handlers shall be submitted on the basis of ballots mailed by the Board to all handlers in such group. Nominations on behalf of growers who market their walnuts through cooperative handlers shall be submitted on the basis of ballots cast by each such handler for its growers: *Provided,* That when growers marketing through cooperative packers and growers marketing through independent packers are in the same group entitled to submit nominations, all votes shall be cast by individual growers. Nominations on behalf of growers in groups 5 and 8 shall be submitted after ballot by such growers pursuant to announcements by press releases of the Walnut Control Board to the principal papers in the walnut producing area in California, Oregon, and Washington. Such releases shall provide pertinent voting information, including the names of the incumbents and the locations where ballots may be obtained. The ballots shall include the names of the incumbents who are willing to continue serving on the Board and shall be accompanied by full instructions as to ballot marking and mailing. All packer votes shall be weighted according to the quantity of merchantable unshelled walnuts handled by each packer during the preceding marketing year and all grower votes shall be given equal weight. Sheller votes shall be weighted according to the quantity of merchantable shelled walnuts handled by each sheller during the preceding marketing year. The packer, sheller, or grower receiving the highest vote for each position shall be nominated.

(b) Nominations received in the foregoing manner by the Board shall be reported to the Secretary on or before June 15 of each odd-numbered year, together with a certified summary of the results of the nominations. If the Board fails to report nominations to the Secretary in the manner herein specified on or before June 15 of any such year, the Secretary may select the members without nomination. If nominations for the tenth member are not submitted on or before August 1 of any such year, the Secretary may select such member without nomination.

§ 984.33 Eligibility.

No person shall be selected or continue to serve on the Board unless he is a member of or employed by a member of the group which nominated him. No independent grower shall continue to serve on the Board if he is employed by a handler or handles walnuts produced by other growers.

§ 984.33a Qualify by acceptance.

Each person selected by the Secretary as a member or alternate of the Board shall, prior to serving, qualify by filing with the Secretary, a written acceptance as soon as practicable after being notified of such selection.

§ 984.34 Alternates.

(a) An alternate for a member of the Board shall act in the place of such member in his absence or in the event of his death, removal, resignation, or disqualification, until a successor for his unexpired term has been selected and has qualified.

(b) In the event any member of the Board and his alternate are both unable to attend a meeting of the Board, any alternate for any other member nominated by the same group that nominated the absent member may serve in the place of the absent member, or in the event such other alternate cannot attend, or there is no such other alternate, such member, or in the event of his disability or a vacancy, his alternate may designate, subject to the disapproval of the Secretary, a temporary substitute to attend such meeting. At such meeting such temporary substitute may act in the place of such member. For the purposes of this paragraph, a cooperative handler group and a cooperative grower group in the same State shall be considered the same group.

§ 984.35 Vacancy.

Any vacancy occasioned by the removal, resignation, disqualification, or death of any member, or any need to select as successor through failure of any person selected as a member or alternate member to qualify, shall be recognized by the Board certifying to the Secretary a new nominee within 60 calendar days.

§ 984.36 Expenses.

The members of the Board shall serve without compensation, but shall be allowed their necessary expenses.

§ 984.37 Powers.

The Board shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violations of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 984.38 Duties.

The duties of the Board shall be as follows:

(a) To act as intermediary between the Secretary and any handler or grower;

(b) To keep minute books and records which will clearly reflect all of its acts and transactions, and such minute books and records shall at any time be subject to the examination of the Secretary;

(c) To furnish to the Secretary a complete report of all meetings and such other available information as he may request;

(d) To appoint such employees as it may deem necessary and to determine the salaries, define the duties, and fix the bonds of such employees;

(e) To cause the books of the Board to be audited by one or more competent public accountants at least once for each marketing year and at such other times as the Board deems necessary or as the Secretary may request, and to file with the Secretary two copies of all audit reports made;

(f) To investigate the growing, shipping and marketing conditions with respect to walnuts and to assemble data in connection therewith; and

(g) To investigate compliance with the provisions of this part.

§ 984.39 Procedure.

(a) The members of the Board shall select a chairman from their membership, and shall select such other officers and adopt such rules for the conduct of Board business as they deem advisable. The Board shall give to the Secretary or his designated agent and representatives the same notice of meetings of the Control Board as is given to members of the Board.

(b) All decisions of the Board, except where otherwise specifically provided, shall be by majority vote of the members present. Six members shall be required to constitute a quorum.

(c) The Board may vote by mail or telegram, upon due notice to all members, and when any proposition is submitted for voting by one of such methods, one dissenting vote shall prevent its adoption until submitted to a meeting of the Board.

RESEARCH AND DEVELOPMENT

§ 984.40 Research and development.

The Board, with the approval of the Secretary, may conduct marketing research and development projects designed to assist, improve, or promote marketing, distribution, and consumption of walnuts, the expense of such projects to be paid from funds collected pursuant to § 984.58.

MARKETING POLICY

§ 984.41 Board estimates and recommendations.

(a) Each marketing year prior to September 20, the Board shall hold a meeting for the purpose of recommending to the Secretary a marketing policy for such year. Such recommendation shall be adopted by the affirmative vote of at least six members of the Board and shall include the following:

(1) Its estimate of the orchard-run production in each district for the marketing year;

(2) Its estimate of the quantity of merchantable unshelled walnuts likely to be produced and be available for unshelled use during such year, expressed in unshelled pounds and in terms of kernel weight;

(3) Its estimate of the handler carryover of merchantable unshelled walnuts as of August 1, expressed in unshelled pounds and in terms of kernel weight;

(4) Its estimate of the trade demand for merchantable unshelled walnuts for such year, taking into consideration trade carryover at the beginning and end of the year, imports, prices, prospective shelled walnut market conditions, and other factors affecting unshelled trade demand during such year, expressed in unshelled pounds and in terms of kernel weight;

(5) Its recommendation for unshelled carryover on July 31 of such year, which may be available for handling as unshelled walnuts, expressed in unshelled pounds and in terms of kernel weight;

(6) Its estimate of merchantable shelled walnut production during such marketing year;

(7) Its estimate of merchantable shelled walnut handler carryover as of August 1;

(8) Its estimate of merchantable shelled walnut trade demand, taking into consideration trade carryover, at the beginning and end of the year, imports, prices, and other factors affecting shelled walnut trade demand;

(9) Its recommendation for shelled carryover on July 31 of such year, which may be available for handling;

(10) Its recommendation as to the merchantable free and restricted percentages to be fixed for unshelled walnuts produced in each district. In order to give due recognition to differences in production and marketing, the Board may recommend that the restricted percentage in District 2 be one-half of the percentage in District 1;

(11) Its recommendation as to the marketable and surplus percentages to be fixed for walnuts produced in each district. In order to give due recognition to differences in production and marketing, the Board may recommend that the surplus percentage in District 2 be one-half of the percentage in District 1; and

(12) Its recommendation as to grade and size regulations.

§ 984.42 Control percentages.

(a) Free and restricted percentages: Whenever the Secretary finds on the basis of the Board's recommendations or other information that limiting the quantity of merchantable unshelled walnuts which may be handled during a marketing year would tend to effectuate the declared policy of the Act, he shall establish for each district a free percentage to prescribe the portion of such walnuts which may be handled as unshelled walnuts and a restricted percentage to prescribe the portion that must be withheld from such handling.

(b) Marketable and surplus percentages: Whenever the Secretary finds on the basis of the Board's recommendations or other information that limiting the quantity of merchantable unshelled and shelled walnuts which may be handled during a marketing year would tend to effectuate the declared policy of the Act, he shall establish for each district a marketable percentage to prescribe the portion of such walnuts which may be handled in the trade demand area and a surplus percentage to prescribe the portion that must be withheld from handling in such area.

(c) In the same manner, at any time prior to February 15 of the marketing year, the Board may recommend that the marketable and free percentages be increased and the surplus and restricted percentages decreased. When changed control percentages are established by the Secretary for a marketing year, all control obligations theretofore accrued on walnuts handled during such year on the basis of previously effective percentages shall be adjusted accordingly.

QUALITY CONTROL

§ 984.43 Grade and size regulation.

(a) *Minimum standards for unshelled walnuts.* No handler shall handle unshelled walnuts unless such walnuts are equal to or better than the requirements of U.S. No. 3 grade and baby size as defined in the then effective United States Standards for Walnuts (Juglans regia) in the Shell. This minimum standard may be modified by the Secretary on the recommendation of the Board or other information.

(b) *Minimum standard for shelled walnuts.* No handler shall handle shelled walnuts unless such walnuts are equal to or better than the requirements of the U.S. Commercial Grade as defined in the then effective United States Standards for Shelled Walnuts (Juglans regia) and the minimum size shall be pieces not more than 5 percent of which will pass through a round opening $^{9}/_{64}$ inch in diameter. This minimum standard may be modified by the Secretary on the basis of a recommendation of the Board, or other information.

(c) *Effective period.* Such minimum standards, except as provided in paragraph (d) of this section and the provisions of this part relating to the administration thereof, shall continue in effect irrespective of whether the season average price for walnuts is above the parity level specified in section 2 (1) of the Act.

(d) *Additional grade and size regulations.* The Board may recommend to the Secretary additional grade and size regulations in the form of more restrictive minimum standards than those specified in paragraph (a) of this section, or pack specifications as to grades and sizes that may be handled. Different regulations may be recommended for each district. If the Secretary finds, on the basis of such recommendation or other information, that additional grade and size regulations would tend to effectuate the declared policy of the Act, he shall establish such regulations and they shall remain in effect until similarly modified. No person shall handle unshelled walnuts except in accordance with the regulations effective hereunder.

§ 984.44 Inspection and certification of unshelled and shelled walnuts.

(a) Before or upon handling or withholding any walnuts, each handler, at his own expense, shall cause such walnuts to be inspected and certified as meeting the then effective grade and size regulations by the inspection service designated, with approval of the Secretary, by the Board. All such certificates shall show the identity of the handler, the quantity, the type of container, the date of inspection, and for unshelled walnuts the highest grade and size classification that the walnuts covered by the certificate meet. Certificates covering lots of merchantable restricted unshelled walnuts shall be designated "Restricted", and those covering surplus walnuts shall be designated "Surplus". The Board may prescribe such additional information to be shown on the inspection certificates as it deems necessary for the proper administration of this part. Copies of each certificate issued shall be furnished by the inspector to the handler and the Board.

(b) As soon as practicable after inspection, all merchantable walnuts shall be identified by seals, stamps, or tags affixed to the container by the handler under the supervision of the Board or a designated inspector and such identification shall not be altered or removed except as directed by the Board. The Board may, with the approval of the Secretary, prescribe such other requirements as may be necessary to insure adequate identification of certified merchantable walnuts.

(c) Whenever the Board determines that the length of time in storage or conditions of storage of any lot of walnuts which has been previously inspected have been or are such as normally to cause deterioration, such lot of walnuts shall be reinspected at the handler's expense and recertified as merchantable prior to shipment.

(d) Processing of shelled walnuts: No handler shall slice, chop, grind, or in any manner change the form of shelled walnuts unless such walnuts have been certified as merchantable or as suitable for processing pursuant to paragraph (e) of this section. The Board shall establish such procedures as are necessary to insure that all such walnuts are inspected and certified prior to any such processing.

(e) Certification of shelled walnuts for processing: Any lot of shelled walnuts which, upon inspection, fails to meet the minimum standard effective pursuant to § 984.43 solely due to excess shriveling may be certified for processing provided that the total amount of shriveling does not exceed 20 percent, by weight, of the lot. All such walnuts must be reinspected after processing and shall be certified as merchantable if the processed material meets the effective minimum standard. The provisions of this paragraph may be modified by the Secretary, upon recommendation of the Board or other information.

DISPOSITION OF CONTROLLED WALNUTS

§ 984.47 Withholding obligation.

(a) Restricted obligation: No handler shall handle unshelled walnuts unless prior to or upon shipment thereof he has withheld from handling a quantity, by weight, of certified merchantable unshelled walnuts equal to the allocation percentage of all the unshelled walnuts handled or declared for handling by him: *Provided,* That such withholding may be temporarily deferred pursuant to the bonding provisions of § 984.51.

(b) Surplus obligation: No handler shall handle walnuts unless prior to or upon shipment thereof he has withheld from handling a quantity of certified walnuts, by kernel weight, equal to the diversion percentage of the kernel weight of all unshelled walnuts handled or declared for handling and the actual net weight of all shelled walnuts handled or declared for handling by him: *Provided,* That such withholding may be temporarily deferred pursuant to the bonding provisions of § 984.51.

(c) Walnuts withheld as surplus shall be set aside and thereafter held for the account of the Board at the expense of the handler and, from the date of withholding, shall be available for inspection during resasonable business hours by the Board or its designees. Such walnuts shall be stored in such manner as to maintain them in the same condition as when certified for surplus, except for loss through conditions beyond the handler's control. Upon demand of the Board, they shall be delivered to the Board f.o.b. rail car or truck at handler's warehouse or point of storage. All such surplus walnuts so withheld by the handler shall be at the time of withholding placed by the handler, at his own expense, in suitable containers, which may be prescribed by the Board, and identified by appropriate seals or stamps and tags to be furnished by the Board and to be affixed to the containers by the handler under the direction and supervision of the Board or its designated inspectors.

(d) The requirement for withholding a quantity of walnuts pursuant to paragraphs (a) and (b) of this section shall be the restricted and surplus obligations, respectively. Merchantable walnuts handled in accordance with the provisions of this subpart shall be deemed to be such handler's quota fixed by the Secretary within the meaning of section 8(a)(5) of the Act.

(e) Any handler may at any time prior to the end of the marketing year satisfy his control obligations by declaring to the Board his intention to handle a specified quantity of merchantable walnuts and by withholding a quantity of walnuts sufficient to meet the obligations on the merchantable walnuts so declared for handling. Such declaration and withholding may be canceled by the handler prior to the end of the marketing year.

(f) Any handler withholding restricted or surplus walnuts in excess of his respective obligations may have the excess freed from withholding by complying with such procedures as the Board may require to insure identification of the remaining walnuts withheld.

§ 984.48 Determination of kernel weight.

(a) *Merchantable unshelled walnuts handled.* All merchantable unshelled walnuts handled or declared for handling by any handler during a marketing year shall be included in the total kernel content for such handler at the unshelled weight thereof, as shown by the applicable inspection certificates issued pursuant to § 984.44, multiplied by the kernel content percentage of such walnuts as determined by the Board's designated inspectors. The inspection procedure for determining the kernel content of merchantable unshelled walnuts handled or declared for handling shall be prescribed by the Board with the approval of the Secretary.

(b) *Merchantable shelled walnuts handled.* All merchantable shelled walnuts handled or declared for handling by any handler during the marketing year shall be included in the total kernel weight for such handler at the actual net weight thereof, as shown by the reports submitted by him pursuant to § 984.61, or as shown by such handler's records.

§ 984.49 Interhandler transfers.

(a) Uncertified walnuts may be sold or delivered by one handler to another handler for packing or shelling and the receiving handler shall be responsible for compliance with the regulations effective pursuant to this part with respect to such walnuts: *Provided,* That the control obligations applicable to the district of production shall apply to any such walnuts transferred between districts.

(b) Restricted and surplus walnuts held by a handler may be sold or delivered to another handler for disposition pursuant to the requirements of § 984.52. Merchantable walnuts other than those withheld pursuant to a control obligation may be sold or delivered by one handler to another and the transferring handler shall be responsible for compliance with the requirements effective pursuant to this part.

(c) The Board, with the approval of the Secretary, shall establish procedures, including necessary reports for such transfers.

§ 984.50 Exemptions.

The Board, with the approval of the Secretary, may exempt from any or all requirements of this part, sales or deliveries of walnuts which it determines

do not interfere with the volume and quality control objectives of this part and shall require such reports, certifications, or other conditions as are necessary to insure that such walnuts are handled or used only as authorized.

§ 984.51 Deferment of withholding.

(a) *General.* Compliance by any handler with the requirements of § 984.47 as to the time when restricted and surplus walnuts shall be withheld may be deferred to any date desired by the handler up to December 31 for restricted and March 31 for surplus obligations. Such deferment shall be granted only upon the execution and delivery by such handler to the Board of a written undertaking that on or prior to the dates specified he will have fully satisfied his control obligations.

(b) *Filing of bond.* Such undertaking shall be secured by a commercial surety bond or a personal bond with surety to be filed with, and acceptable to the Board, in the amount stated below, conditioned upon full compliance with such undertaking. The amount of the bond for deferment of the restricted and surplus obligations shall be the respective total weight of deferred obligations of the handler multiplied by the applicable bonding rate. The cost of the bond shall be borne by the handler.

(c) *Bonding rates.* (1) Restricted walnuts: The bonding rate for restricted walnuts shall be an amount per pound representing the season's domestic opening prices for bulk pack, second quality, medium size, f.o.b. shipping point, announced by the packer who, during the preceding marketing year, handled the most merchantable unshelled walnuts.

(2) Surplus walnuts: The bonding rate for surplus walnuts shall be the price per pound for bulk light amber halves and pieces, f.o.b. shipping point, during the calendar week in which the Secretary establishes the marketable and surplus percentages offered by the handler who, during the preceding marketing year, handled the most bulk shelled walnuts: *Provided,* That if light amber halves and pieces are not sold or offered for sale during the aforesaid calendar week, the Board shall designate the nearest comparable grade of bulk shelled walnuts offered as a basis for the bonding rate.

(3) The prices shall be reported to the Board by the packer and handler selected and shall be certified as correct by such handlers to the Secretary and to the Board. Such rate may be modified by the Board as necessary to reasonably reflect price changes during the year.

(d) *Disposition of bond collections.* (1) Any sums collected through default of a handler on his bond shall be used by the Board to purchase from handlers, merchantable free or marketable walnuts not to exceed the total quantity represented by the sums collected. The Board shall at all times purchase the lowest priced walnuts offered, and, when offering prices are alike, the purchases shall be made from the various handlers as nearly as practicable in proportion to the quantity of their respective offerings.

(2) Any unexpended sums, which have been collected by the Board through default of a handler on his bond, remaining in the possession of the Board at the end of a marketing year shall be used to reimburse the Board for its expenses, including administrative and other costs incurred in the collection of such sums, and in the purchase of walnuts. Any balance remaining after reimbursement of such expenses shall be returned to the defaulting handler.

(3) Walnuts purchased as provided for in this section shall be turned over to the defaulting handler for restricted or surplus disposition, as appropriate. If the quantity of walnuts represented by the bond collection cannot be purchased, the Board shall distribute any unexpended sum collected, after deducting necessary expenses, to all other handlers on the basis of their respective unshelled handlings with respect to a restricted obligation default or total handlings, kernel weight basis, with respect to a surplus obligation default.

(e) *Satisfaction of control obligations.* Collection by the Board upon any bond filed pursuant to the provisions of this section shall be deemed a satisfaction of the control obligations represented by such collection and the handler shall be credited on his control obligation with that quantity of walnuts represented by the sums collected on account of such default.

(f) *Effective period.* The bonding rates established for any marketing year shall continue in effect with respect to any bonds executed and delivered after the end of such marketing year and until such bonding rates are modified. After bonding rates are established for the new marketing year, the new rates shall be applicable and any bonds theretofore given for that marketing year shall be adjusted to the new rates.

§ 984.52 Shelling restricted walnuts.

(a) Any handler may shell restricted walnuts which he has withheld pursuant to § 984.47 or deliver them to an authorized sheller for shelling.

(b) Any person within the area of production who desires to become an authorized sheller may submit an application to the Board. Such authorization shall be granted to the applicants for a period of one year upon submission to the Board of an agreement, in writing, to:

(1) Shell restricted walnuts received within the area of production or dispose of or deliver them as unshelled walnuts to another authorized sheller for shelling;

(2) Permit such audits and inspections as the Board may require to determine compliance with provisions of this part;

(3) Comply fully with all requirements of this part, applicable to the shelling of walnuts and handling of shelled walnuts; and

(4) Make such reports, certified to the Board and the Secertary as to their correctness, as the Board may require.

§ 984.53 Export.

(a) Sale and delivery of merchantable restricted and merchantable surplus walnuts in export to destination outside of the United States, Puerto Rico, and the Canal Zone, and Canada or Cuba when included in the trade demand, shall be made by the Board or the handler acting as agent of the Board under such terms and conditions as the Board may specify for export sales. Proceeds of any export sales made by the Board after deducting all expenses actually and necessarily incurred shall be paid to the handler withholding the walnnts.

(b) The kernel weight of the restricted walnuts and the actual net weight of shelled walnuts so exported shall be credited against the surplus obligation of the exporting handler. Upon a handler's written request during a marketing year, the Board shall transfer any part or all of such handler's excess export credits to such other handler as he may designate.

§ 984.54 Surplus pool.

(a) Surplus walnuts which are not disposed of pursuant to § 984.53 shall be pooled not later than August 31 of the next marketing year and shall be disposed of by the Board upon the best terms and highest prices obtainable consistent with the ultimate complete disposition of surplus, subject to the following conditions:

(1) No such surplus walnuts shall be sold in the United States, Puerto Rico, and the Canal Zone, other than to government agencies or to charitable institutions for charitable purposes or for diversion into walnut oil, poultry or animal feed, or such other uses as the Board finds to be non-competitive with marketable walnut markets and with proper safeguards in each case to prevent such walnuts thereafter entering the channels of trade in such normal markets.

(2) The Board shall not accept delivery of any surplus walnuts for pooling and disposition prior to making a determination on or before December 15 of any marketing year as to the percentage of a handler's withholding obligation which may be accepted for pooling and disposition prior to February 15 of such year.

(b) Disposition of proceeds from sales of pooled surplus: Expenses incurred by the Board in receiving, handling, holding, and disposing of the pooled surplus walnuts shall be charged against the proceeds of the sales of such surplus walnuts. The remaining proceeds from the disposition of pooled surplus walnuts shall be distributed by the Board to handlers in proportion to their contribution thereto, measured in kernel weight.

(c) Surplus pool credits: Upon a handler's written request during a marketing year, the Board shall transfer any part or all of a handler's excess surplus pool credits to such other handler as he may designate.

§ 984.55 Storage facilities.

The Board may rent and operate, or arrange for the use of facilities for storage and handling of surplus walnuts withheld.

§ 984.56 Disposition of substandard walnuts.

Substandard walnuts may be disposed of only for manufacture into oil, live-

stock feed, or for such other uses as the Board determines to be noncompetitive with marketable walnut markets and with proper safeguards to prevent such walnuts from thereafter entering the channels of trade in such normal markets.

§ 984.56a Compliance

Except as provided in this subpart, no person shall handle walnuts, unshelled or shelled, during any marketing year in which this subpart and any regulations issued by the Secretary hereunder are in effect, unless such person has previously met the obligations imposed by each regulation and the provisions of this subpart.

EXPENSES AND ASSESSMENTS

§ 984.57 Expenses.

The Control Board is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it during each marketing year for the maintenance and functioning of the Board, and for such other purposes as the Secretary may, pursuant to this part, determine to be appropriate. The Board shall file a proposed budget of expenses and rates of assessment for unshelled and shelled walnuts with the Secretary as soon as practicable after the beginning of the marketing year.

§ 984.58 Assessments.

(a) *Requirement for payment.* Each handler shall pay to the Board, on demand, his pro rata share of the expenses authorized by the Secretary for each marketing year. Each handler's pro rata share shall be the rate of assessment per pound for unshelled or shelled walnuts fixed by the Secretary times the quantity of merchantable unshelled and shelled walnuts he has handled or declared for handling. At any time during or after a marketing year the Secretary may increase the assessment rates as necessary to cover authorized expenses and each handler's pro rata share shall be adjusted accordingly.

(b) *Surplus walnut pool expenses.* The Board is authorized temporary use of funds derived from assessments collected pursuant to paragraph (a) of this section to defray expenses incurred in disposing of surplus walnuts pooled. All such expenses shall be deducted from the proceeds obtained by the Board from the sale or other disposal of pooled surplus walnuts.

(c) *Refunds.* At the end of a marketing year funds in excess of the marketing year's expenses shall be refunded to handlers from whom collected and each handler's share of such excess funds shall be the amount of assessments he has paid in excess of his pro rata share of expenses of the Board. Excess funds may be used temporarily by the Board to defray expenses of the subsequent marketing year: *Provided,* That each handler's share of such excess shall be made available to him by the Board within five months after the end of the year.

(d) *Termination.* Any money collected from assessments hereunder and remaining unexpended in the possession of the Board upon termination of this part shall be distributed in such manner as the Secretary may direct.

REPORTS, BOOKS, AND OTHER RECORDS

§ 984.60 Reports of handler carryover.

Each handler, on or before August 15 and January 15 of each marketing year, shall file with the Board a written report of his handler carryover of unshelled and shelled walnuts as of August 1 and January 1.

§ 984.61 Reports of merchantable walnuts handled.

Each handler who handles merchantable walnuts, unshelled or shelled, at any time during a marketing year shall submit to the Board in such form and at such intervals as the Board may prescribe, reports showing the quantity so handled and such other information pertinent thereto as the Board may specify.

§ 984.62 Reports of disposition of controlled walnuts.

Each handler who disposes of restricted or surplus walnuts withheld by him shall submit to the Board in such form and at such intervals as the Board may prescribe reports showing the quantity so disposed of and such other information pertinent thereto as the Board may specify.

§ 984.63 Reports of interdistrict shipments of unshelled walnuts within the area of production.

Any shipments of unshelled walnuts for packing or shelling between District 1 and District 2 shall be reported to the Board by the receiving handler, upon receipt, on forms prescribed by the Board, showing the net weight of each shipment and such other information pertinent thereto as the Board may specify.

§ 984.64 Reports of disposition of substandard walnuts.

Each handler shall submit, in such form at such intervals as the Board may determine, reports certified to the Board and the Secretary, of (a) his production and holdings of substandard walnuts, and (b) the disposition of all substandard walnuts, including all deliveries of such walnuts to any other person, showing information pertaining thereto as the Board may specify.

§ 984.65 Other reports.

Upon request of the Board, with the approval of the Secretary, each handler shall furnish to the Board in such manner and at such times as it prescribes such additional reports and information as will enable the Board to perform its duties and exercise its powers hereunder.

§ 984.66 Verification of reports.

For the purpose of verifying reports submitted by handlers, the Board, through it duly authorized agents, shall have access to each handler's premises at any time during reasonable business hours and shall be permitted to inspect any walnuts held by such handler and all records of the handler with respect to walnuts held or disposed of by such handler. Each handler shall furnish all labor necessary to facilitate such inspections as the Board may make of such handler's holdings of walnuts. Each handler shall store walnuts in such manner as to facilitate inspection and shall maintain adequate storage records which will permit accurate identification of all walnuts withheld.

§ 984.67 Certification of reports.

All reports submitted to the Board as required in this subpart shall be certified to the Secretary and the Board as to the completeness and correctness of the information contained therein.

§ 984.68 Confidential information.

All reports and records submitted by handlers to the Board, which include data or information constituting a trade secret or disclosing the trade position, or financial condition or business operations of the handler shall be kept in custody of one or more employees of the Board and shall be disclosed to no person except the Secretary.

§ 984.69 Books and other records.

Each handler shall maintain such records of walnuts received, held, and disposed of by him as are necessary to substantiate the required reports and such others as may be prescribed by the Board. Such books and records shall be retained and be available for examination by authorized representatives of the Board and the Secretary for a period of two years after the end of the marketing year in which the recorded transactions are completed.

MISCELLANEOUS PROVISIONS

§ 984.74 Rights of the Secretary.

The members and alternates of the Board and any agent or employee appointed or employed by the Board, shall be subject to removal or suspension by the Secretary, in his discretion, at any time. Each and every decision, determination, or other act of the Board shall be subject to the continuing right of the Secretary to disapprove of the same at any time, and upon such disapproval, shall be deemed null and void.

§ 984.75 Personal liability.

No member or alternate of the Board nor any employee, representative or agent thereof shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or any person for errors in judgment, mistakes, or other acts either of commission or omission, as such member, alternate, employee, representative or agent, except for acts of dishonesty.

§ 984.76 Separability.

If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder thereof or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 984.77 Derogation.

Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exer-

cise any powers granted by the act or otherwise, or in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 984.78 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination hereof except with respect to acts done under and during the existence of this subpart.

§ 984.79 Agents.

The Secretary may, by a designation in writing, name any person, including any officer or employee of the Government, or name any subdivision of the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 984.80 Effective time.

The provisions of this subpart, as well as any amendment to this subpart, shall become effective at such time as the Secretary may declare, and shall continue in force until terminated or suspended in one of the ways specified in § 984.81.

§ 984.81 Termination or suspension.

(a) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart, whenever he finds that such provisions obstruct or do not tend to effectuate the declared policy of the act.

(b) The Secretary shall terminate the provisions of this subpart at the end of any marketing year whenever he finds that such termination is favored by a majority of the producers of walnuts who during the preceding marketing year have been engaged in the production for market of walnuts in the States of California, Oregon, and Washington: *Provided*, That such majority have during such period produced for market more than 50 percent of the volume of such walnuts produced for market within said States; but such termination shall be effective only if announced on or before July 1 of the then current marketing year. Such finding may be based on a referendum.

(c) Termination of act. The provisions of this subpart shall terminate, in any event, upon termination of the act.

§ 984.82 Procedure upon termination.

Upon the termination of this subpart, the members of the Board then functioning shall continue as joint trustees, for the purpose of liquidating the affairs of the Board. Action by such trustees shall require the concurrence of a majority of said trustees. Such trustees shall continue in such capacity until discharged by the Secretary, and shall account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Board and the joint trustees, to such person as the Secretary may direct; and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all the funds, properties, and claims vested in the Board or the joint trustees, pursuant to this subpart. Any person to whom funds, property, or claims have been transferred or delivered by the Board or the joint trustees, pursuant to this section, shall be subject to the same obligations imposed upon the members of said Board and upon said joint trustees.

§ 984.83 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provisions of this subpart or any regulation issued under this subpart, or (b) release any surplus held subject to control of the Board nor permit its disposition contrary to the provisions of this subpart, or (c) release or extinguish any violation of this subpart or any regulation issued under this subpart, or (d) affect or impair any rights or remedies of the Secretary, or of any other person, with respect to such violation.

§ 984.84 Amendments.

Amendments to this subpart may be proposed, from time to time, by any person or by the Board.

§ 984.85 Counterparts.*

This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.

§ 984.86 Additional parties.*

After the effective date hereof, any handler may become a party to this agreement if a counterpart is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting part at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.

§ 984.87 Order with marketing agreement.*

Each signatory handler hereby requests the Secretary to issue, pursuant to the act, an order providing for regulating the handling of walnuts in the same manner as is provided for in this agreement.

Copies of this notice may be obtained from the Berkeley Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, 2082 Center Street, Mercantile Building, Room 416, Berkeley 4, California; Northwest Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, 1218 Southwest Washington Street, Portland 5, Oregon; or from the Hearing Clerk, Administration Building, United States Department of Agriculture, Washington 25, D.C.

Dated: March 12, 1962.

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

[F.R. Doc. 62-2542; Filed, Mar. 14, 1962; 8:57 a.m.]

*Sections identified with an asterisk (*) apply only to the proposed marketing agreement.

[7 CFR Part 987]

[Docket No. AO 269-A 2]

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

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

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Indio Chamber of Commerce Building, 82–503 Highway 111, Indio, California, beginning at 9:30 a.m., P.s.t., April 2, 1962, with respect to proposed amendments to the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California. The proposed amendments have not received the approval of the Secretary of Agriculture.

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

The Date Administrative Committee, the administrative agency for operations under the marketing agreement and order, as amended, has proposed the following amendments and has requested a hearing thereon:

§ 987.5 [Amendment]

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

§ 987.44 [Amendment]

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

§ 987.45 [Amendment]

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

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

5. Add the following two sentences at the end of § 987.45(d): "Any handler who has dates certified as marketable in excess of the restricted percentage required during any crop year and who disposes of such dates in restricted outlets within the crop year may have such dates credited to his restricted obligation of the subsequent crop year: *Provided,* That the amount of restricted credit so allowed shall not exceed that established by the Committee, with the approval of the Secretary, and shall be on a percentage basis related to the crop year in which the excess occurred."

6. Delete present § 987.47 and add a new § 987.47 to read as follows:

§ 987.47 Surplus.

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

§ 987.9 [Amendment]

7. In view of proposed amendment numbered 6, consider the need to insert in § 987.9 after "commerce," the phrase "or the disposition of substandard dates or cull dates into non-human consumption outlets," and to make such changes in the provisions of § 987.8 and other provisions of the marketing agreement and order as may be necessary to implement proposal numbered 6 and conform all such provisions thereto.

§ 987.55 [Amendment]

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

§ 987.68 [Amendment]

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

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

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

§ 987.71 Expenses.

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

§ 987.72 Assessments.

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

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

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

11. Make such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform to any amendments which may result from this hearing.

The Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, has proposed the following amendments:

12. Amend § 987.2 to read as follows:

§ 987.2 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

13. Amend § 987.26 to read as follows:

§ 987.26 Vacancies.

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

§ 987.41 [Amendment]

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

15. Renumber § 987.76 as § 987.75, and add a new § 987.76 to read as follows:

§ 987.76 Rights of the Secretary.

The members of the Committee (including successors or alternates) and any agent or employee appointed or employed by the Committee, shall be subject to removal or suspension by the Secretary, in his discretion, at any time. Each and every decision, determination, or other acts of the Committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time, and upon such disapproval, shall be deemed null and void.

Copies of this notice may be obtained from the Date Administrative Committee, 82–845 Miles Avenue, Indio, California; the Los Angeles Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, 1031 South Broadway, Los Angeles 15, California; or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C.

Dated: March 12, 1962.

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

[F.R. Doc. 62–2541; Filed, Mar. 14, 1962; 8:57 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 50]

LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Issuance of Provisional Construction Permits; Proposed Amendment

In February 1960, the Commission published in the FEDERAL REGISTER a proposed amendment to § 50.35 designed to clarify the Commission's requirements for issuance of construction permits on a provisional basis. That proposal has been revised in light of public comments received. The amendment of § 50.35, set forth below, has been developed in order to identify more explicitly the principal elements of the safety determination which the Commission makes when it issues a provisional construction permit.

Notice is hereby given that the Commission is considering adoption of the following regulations. All interested persons who desire to submit written comments and suggestions for consideration in connection with the proposed regulations should send them to the Secretary, United States Atomic Energy Commission, Washington 25, D.C., within 60 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance that consideration cannot be given except as to comments filed within the period specified.

Section 50.35 of Part 50, 10 CFR, is amended to read as follows:

§ 50.35 Issuance of provisional construction permits.

(a) When an applicant has not supplied initially all of the technical information required to complete the application and support the issuance of a construction permit which approves all proposed design features, the Commission may issue a provisional construction permit if the Commission finds that (1) the applicant has described the proposed design of the facility, including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components on which further technical information is required; (2) the omitted technical information will be supplied; (3) the applicant has proposed, and there will be conducted, a research and development program reasonably designed to resolve the safety questions, if any, with respect to those features or components which require research and development; and that (4) on the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facility and (ii) taking into consideration the site criteria contained in Part 100, the proposed facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

(b) A provisional construction permit will constitute an authorization to the applicant to proceed with construction but will not constitute Commission approval of the safety of any design feature or specification unless the applicant specifically requests such approval and such approval is incorporated in the permit. The applicant, at his option, may request such approvals in the provisional construction permit or, from time to time, by amendment of his construction permit. The Commission may, in its discretion, incorporate in any provisional construction permit provisions requiring the applicant to furnish periodic reports of the progress and results of research and development programs designed to resolve safety questions.

(c) Any construction permit will be subject to the limitation that a license authorizing operation of the facility will not be issued by the Commission until (1) the applicant has submitted to the Commission, by amendment to the application, the complete final hazards summary report, portions of which may be submitted and evaluated from time to time, and (2) the Commission has found that the final design provides reasonable assurance that the health and safety of the public will not be endangered by operation of the facility in accordance with the requirements of the license and the regulations in this chapter.

Dated at Germantown, Md., this 3d day of March 1962.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 62-2477; Filed, Mar. 14, 1962; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 514]

[Reg. Docket No. 1103; Draft Release No. 62-10]

TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

Minimum Performance Standards for VHF Radio Communication Transmitting and Receiving Equipment on Civil Aircraft of U.S. Engaged in Air Carrier Operations; Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405) notice is hereby given that the Federal Aviation Agency has under consideration a proposal to revise §§ 514.62 and 514.63 of Part 514 of the regulations of the Administrator (14 CFR Part 514) by adding new technical standard orders. These Technical Standard Orders establish minimum performance standards for VHF radio communication transmitting and receiving equipment to be used on civil aircraft of the United States engaged in air carrier operations.

The amendments are proposed to bring the technical standard orders into accord with the revised frequency deployment plans now being implemented by the Federal Aviation Agency; as well as to incorporate new environmental test procedures which were developed to be more compatible with existing and anticipated aircraft environmental conditions in which the equipment will be operated.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before April 30, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available in the Docket Section for examination by interested persons when the prescribed date for return of comments has expired.

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

In consideration of the foregoing it is proposed to amend Part 514 as follows:

By revising §§ 514.62 and 514.63 to read as follows:

§ 514.62 VHF radio communications transmitting equipment operating within the radio-frequency range of 118–136 megacycles—TSO–C37b.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for airborne VHF radio communications transmitting equipment operating within the radio-frequency range of 118–136 megacycles which is to be used on civil aircraft of the United States engaged in aircarrier operations. New models of airborne VHF radio communications transmitting equipment manufactured for use on air carrier aircraft on or after (the effective date of this section) * shall meet the standards as set forth in Radio Technical Commission for Aeronautics Papers 134–61/DO–110 [1] dated July 13, 1961, and 120–61/DO–108 [1] dated July 13, 1961, with the exceptions to these standards listed in subparagraph (2) of this paragraph.

(2) *Exceptions.* (i) Only VHF transmitters which are designed for selection of frequency channels on discrete frequencies spaced 50 kc apart or closer are eligible under this section.

(ii) Radio Technical Commission for Aeronautics Paper 120–61/DO–108 outlines various test procedures with categories which define the environmental extremes over which the equipment is designed to operate. Only equipment which meets the operating requirements of the following categories as specified in RTCA Paper 120–61/DO–108 is eligible under this section:

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*The effective date will be 90 days after publication of the adopted rule.

[1] Copies of these papers may be obtained from the RTCA Secretariat, Room 1072, T–5 Building, 16th and Constitution Avenue, NW., Washington 25, D.C. Paper 134–61/DO–110, 40 cents per copy; Paper 120–61/DO–108, 75 cents per copy.

(a) Temperature-Altitude Test—Categories A, B, C, or D;
(b) Humidity Test—Categories A or B;
(c) Vibration Test—Categories A, B, C, D, E, or F;
(d) Conducted Audio-Frequency Susceptibility Test—Categories A or B;
(e) Radio - Frequency Susceptibility Test—Category A, and
(f) Emission of Spurious Radio-Frequency Energy Test—Category A.

(b) *Marking.* (1) In addition to the markings specified in § 514.3 the equipment shall be marked to indicate the environmental extremes over which it has been designed to operate. There are seven environmental test procedures outlines in RTCA Paper 120–61/DO–108 which have categories established. These shall be identified on the nameplate by the words "environmental categories" or, as abbreviated, "Env. Cat." followed by seven letters which identify the categories designated in RTCA Paper 120–61/DO–108. Reading from left to right, the category designations shall appear on the nameplate in the following order, so that they may be readily identified:

(i) Temperature-Altitude Test Category;
(ii) Humidity Test Category;
(iii) Vibration Test Category;
(iv) Conducted Audio-Frequency Susceptibility Test Category;
(v) Radio - Frequency Susceptibility Test Category;
(vi) Emission of Spurious Radio-Frequency Energy Test Category, and
(vii) Explosion Test.

Equipment which meets the explosion test requirement shall be identified by the letter "E". Equipment which does not meet the explosion test requirement shall be identified by the letter "X".

(2) Each major component of equipment (antenna, power supply, etc.) shall be identified with at least the manufacturer's name, TSO number, and the environmental categories over which the equipment is designated to operate.

NOTE: A typical nameplate identification would be as follows: Env. Cat. DABAAAX.

(c) *Data requirements.* (1) The manufacturer shall maintain a current file of complete design data.

(2) The manufacturer shall maintain a current file of complete data describing the inspection and test procedures applicable to his product. (See paragraph (d) of this section.)

(3) Six copies each, except where noted, of the following shall be furnished to the Chief, Engineering and Manufacturing Division, Flight Standards Service, Federal Aviation Agency, Washington 25, D.C.

(i) Manufacturer's operating instructions and equipment limitations.

(ii) Installation procedures with applicable schematic drawings, wiring diagrams, and specifications. Indicate any limitations, restrictions, or other conditions pertinent to installation.

(iii) One copy of the manufacturer's test report.

(d) *Quality control.* Airborne VHF radio communications transmitting equipment shall be produced under a quality control system, established by the manufacturer, which will assure that each equipment is in conformity with the requirements of this section and is in a condition for safe operation. This system shall be described in the data required under paragraph (c)(2) of this section. A representative of the Administrator shall be permitted to make such inspections and tests at the manufacturer's facility as may be necessary to determine compliance with the requirements of this section.

(e) *Previously approved equipment.* Airborne VHF radio communications transmitting equipment approved prior to the effective date of this section may continue to be manufactured under the provisions of its original approval.

§ 514.63 VHF radio communications receiving equipment operating within the radio-frequency range of 118–136 megacycles—TSO–C38b.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for VHF radio communications receiving equipment operating within the radio-frequency range of 118–136 megacycles which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne VHF radio communications receiving equipment manufactured for use on air carrier aircraft on or after (the effective date of this section) * shall meet the standards as set forth in Radio Technical Commission for Aeronautics Papers 130–61/DO–109 [2] dated July 13, 1961, and 120–61/DO–108 [2] dated July 13, 1961, with the exceptions to these standards listed in subparagraph (2) of this paragraph.

(2) *Exceptions.* (i) Radio Technical Commission for Aeronautics Paper 130–61/DO–109, Paragraph 2.8, Selectivity, outlines selectivity requirements for receivers designed for selection of frequency channels in discrete increments of 50 kc. or 100 kc. Only VHF transmitters which are designed for selection of frequency channels on discrete frequencies spaced 50 kc. apart or closer are eligible under this section.

(ii) Radio Technical Commission for Aeronautics Paper 120–61/DO–108 outlines various test procedures with categories which define the environmental extremes over which the equipment is designed to operate. Only equipment which meets the operating requirements of the following categories as specified in RTCA Paper 120–61/DO–108 is eligible under this section:

(a) Temperature-Altitude Test—Categories A, B, C, or D;
(b) Humidity Test—Categories A or B;
(c) Vibration Test—Categories A, B, C, D, E, or F;
(d) Conducted Audio-Frequency Susceptibility Test—Categories A or B;
(e) Radio-Frequency Susceptibility Test—Category A, and
(f) Emission of Spurious Radio-Frequency Energy Test—Category A.

(b) *Marking.* (1) In addition to the markings specified in § 514.3, the equipment shall be marked to indicate the environmental extremes over which it has been designed to operate. There are seven environmental test procedures outlines in RTCA Paper 120–61/DO–108 which have categories established. These shall be identified on the nameplate by the words "environmental categories" or, as abbreviated, "Env. Cat." followed by seven letters which identify the categories designated in RTCA Paper 120–61/DO–108. Reading from left to right the category designations shall appear on the nameplate in the following order, so that they may be readily identified:

(i) Temperature-Altitude Test Category;
(ii) Humidity Test Category;
(iii) Vibration Test Category;
(iv) Conducted Audio-Frequency Susceptibility Test Category;
(v) Radio-Frequency Susceptibility Test Category;
(vi) Emission of Spurious Radio-Frequency Energy Test Category, and
(vii) Explosion Test.

Equipment which meets the explosion test requirement shall be identified by the letter "E". Equipment which does not meet the explosion test requirement shall be identified by the letter "X".

(2) Each major component of equipment (antenna, power supply, etc.) shall be identified with at least the manufacturer's name, TSO number, and the environmental categories over which the equipment is designed to operate.

NOTE: A typical nameplate identification would be as follows: Env. Cat. DABAAAX.

(c) *Data requirements.* (1) The manufacturer shall maintain a current file of complete design data.

(2) The manufacturer shall maintain a current file of complete data describing the inspection and test procedures applicable to his product. (See paragraph (d) of this section.)

(3) Six copies each, except where noted, of the following shall be furnished to the Chief, Engineering and Manufacturing Division, Flight Standards Service, Federal Aviation Agency, Washington 25, D.C.

(i) Manufacturer's operating instructions and equipment limitations.

(ii) Installation procedures with applicable schematic drawings, wiring diagrams, and specifications. Indicate any limitations, restrictions, or other conditions pertinent to installation.

(iii) One copy of the manufacturer's test report.

(d) *Quality control.* Airborne VHF radio communications receiving equipment shall be produced under a quality control system established by the manufacturer, which will assure that each equipment is in conformity with the requirements of this section and is in a condition for safe operation. This system shall be described in the data re-

*The effective date will be 90 days after publication of the adopted rule.

[2] Copies of these papers may be obtained from the RTCA Secretariat, Room 1072, T–5 Building, 16th and Constitution Avenue, NW., Washington 25, D.C. Paper 130–61/DO–109, 45 cents per copy; Paper 120–61/DO–108, 75 cents per copy.

quired under paragraph (c)(2) of this section. A representative of the Administrator shall be permitted to make such inspections and tests at the manufacturer's facility as may be necessary to determine compliance with the requirements of this section.

(e) *Previously approved equipment.* Airborne VHF radio communications receiving equipment approved prior to the effective date of this section may continue to be manufactured under the provisions of its original approval.

Issued in Washington, D.C., on March 8, 1962.

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

[F.R. Doc. 62-2481; Filed, Mar. 14, 1962; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-NY-68]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Proposed Alteration of Federal Airway and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.6454 and 60.6454 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airway No. 454 is designated in part from Liberty, N.C., to Lawrenceville, Va. It is proposed to extend Victor 454 and its associated control areas from the Lawrenceville VOR to the Hopewell, Va., VORTAC. The extension of Victor 454 as proposed herein would provide a bypass route around the Richmond, Va., terminal area for northbound aircraft en route to New York, N.Y., and points beyond.

The control areas associated with this segment of Victor 454 would extend from 700 feet above the surface to the base of the continental control area. Separate actions will be initiated to implement on an area basis Amendment 60-21 to Part 60 of the Civil Air Regulations.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

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

Issued in Washington, D.C., on March 8, 1962.

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

[F.R. Doc. 62-2479; Filed, Mar. 14, 1962; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-NY-110]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Proposed Alteration of Federal Airways and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.6001, 600.6044, 600.6238 and 601.6238 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the following actions:

1. Low altitude VOR Federal airway No. 1 is designated in part from the Waterloo, Del., VOR via the intersection of the Waterloo VOR 023° and the Barnegat, N.J., VOR 233° True radials; to the Barnegat VOR. It is proposed to realign this segment of Victor 1 and its associated control areas from the Waterloo VOR via the intersection of the Waterloo VOR 023° and the Atlantic City, N.J., VORTAC 238° True radials; Atlantic City VORTAC; to the Barnegat VOR.

2. Low altitude VOR Federal airway No. 44 is designated in part from the Kenton, Del., VORTAC via the intersection of the Kenton VORTAC 086° and the Barnegat VOR 233° True radials; to the Barnegat VOR. It is proposed to realign this segment of Victor 44 and its associated control areas from the Kenton VORTAC via the intersection of the Kenton VORTAC 086° and the Atlantic City VORTAC 238° True radials; Atlantic City VORTAC; to the Barnegat VOR.

3. Low altitude VOR Federal airway No. 238 is designated in part from the Woodstown, N.J., VOR to the intersection of the Woodstown VOR 106° and the Barnegat VOR 233° True radials. It is proposed to realign this segment of Victor 238 and its associated control areas from the Woodstown VOR via the Millville, N.J., VOR; to the Atlantic City VORTAC.

The airway alterations proposed herein would align Victor 1, 44 and 238 via the Atlantic City VORTAC. Victor 238 would also be aligned via the Millville VOR. This would provide better navigational guidance along these airways in the vicinity of Atlantic City. The control areas associated with these segments of Victor 1 and 44 are so designated that they would automatically conform to the altered airways. The vertical extent of these control areas would remain as designated. The control areas associated with Victor 238 would extend from 700 feet above the surface to the base of the continental control area pending review of the adjacent airspace. Separate actions will be initiated to implement on an area basis Amendment 60-21 to Part 60 of the Civil Air Regulations.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

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

Issued in Washington, D.C., on March 8, 1962.

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

[F.R. Doc. 62-2480; Filed, Mar. 14, 1962; 8:45 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 141]

[Docket No. R-209]

STATEMENTS AND REPORTS (SCHEDULES)

Annual Report for Municipal Electric Utilities (Classes A and B); Notice of Proposed Rule Making

MARCH 8, 1962.

Promulgation of Annual Report Form prescribed for Classes A and B Municipal

Electric Utilities subject to the requirements of the Federal Power Act, F.P.C. Form 1–M, Docket No. R–209.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to prescribe, effective for the reporting year 1961, a new annual report form, F.P.C. Form No. 1–M, for use by Classes A and B municipal electric utilities. Heretofore, "municipalities" as that term is defined in section 3 of the Federal Power Act were required to file F.P.C. Form No. 1.[1] However, Order No. 238 of December 7, 1961 (26 F.R. 11897, December 13, 1961) relieved municipal utilities of the responsibility of filing F.P.C. Form No. 1. In that order it was stated that the Commission contemplated the promulgation of a separate new form for use by Classes A and B municipal electric utilities in reporting financial and statistical data (26 F.R. 11898).

3. The proposed form [2] is designed for the particular needs of municipal electric utilities. It is simpler and briefer than the supplemented F.P.C. Form No. 1 which was used heretofore by Classes A and B municipal utilities.

It should be noted that the new form is to be filed by municipal electric utilities classified to Classes A and B; i.e., municipal electric utilities with annual electric operating revenues of $1,000,000 or more. Order No. 209 of December 11, 1958 (23 F.R. 9710, December 17, 1958; 20 F.P.C. 809) relieved Class C and Class D municipal electric utilities of the obligation to file annual financial and statistical reports, F.P.C. Forms Nos. 1–A and 1–C with this Commission.

4. Additional factors indicating the need for the promulgation of the proposed form are as follows:

(a) Pursuant to section 201 of the Federal Power Act, municipal electric utilities are not subject to certain provisions of the Federal Power Act, although they are, of course, required by section 311 of the Power Act to file reports of statistical and financial data:

(b) The average of Classes A and B municipal electric utilities usually has annual operating revenues of less than five million dollars so its operations are less complex than those of the average private Class A and B electric utilities; and

(c) The simpler format and reporting requirements of the proposed form should facilitate prompt filing of the requested data and expedite the work of the Commission staff.

5. It is also to be noted that the General Instructions in the proposed report form state among other things that: "If the respondent publishes financial and operating statements of its utility department submit three copies of such statements with this report." Inclusion of such reports should provide pertinent information concerning aspects of the municipal utilities' operations not ascertainable by a standardized form.

6. The proposed new annual report form, F.P.C. Form No. 1–M and the proposed new § 141.7 of the Commission's regulations under the Federal Power Act herein described and set forth are proposed to be issued under the authority granted the Federal Power Commission by the Federal Power Act, particularly sections 3, 4 (a), (b), 309, and 311 thereof (49 Stat. 838, 839, 858, 859; 16 U.S.C. 796, 797 (a), (b), 825h, 825j).

7. Accordingly, it is proposed to amend Part 141, Statements and Reports (Schedules), of Subchapter D, Approved Forms, Federal Power Act, Chapter I of Title 18 of the Code of Federal Regulations, by adding a new § 141.7 to the regulations under the Federal Power Act to read as follows:

§ 141.7 Form 1–M, Annual Report for municipal electric utilities (Classes A and B).

(a) The form of Annual Report for Classes A and B municipal electric utilities, designated as F.P.C. Form 1–M in the Commission's regulations under the Federal Power Act is prescribed for the calendar year 1961 and fiscal years ending in 1961 and thereafter.

(b) Each "municipality" as defined in section 3 of the Federal Power Act, (each city, county, irrigation district, or other subdivision or agency of a State competent under laws thereof to carry on the business of developing, transmitting, utilizing or distributing power) which is engaged in generation, transmission, distribution or sale of electric energy, however produced, anywhere in the United States and its possessions, having annual electric operating revenues of $1,000,000 or more, whether or not the jurisdiction of the Commission is otherwise involved, shall prepare and file with the Commission for each calendar year or fiscal year ending after January 1, 1961, on or before the last day of the third month following the close of the calendar year or other established fiscal year (except that such reports for the calendar year 1961 or a fiscal year ending during 1961 may be filed on or before _____) an original and two conformed copies all properly filled out and verified.

(c) One copy of said report should be retained by the municipality in its files. The conformed copies may be carbon copies if legible.

(d) This annual report contains the following condensed schedules:

Identification.
General Instructions.
Verification.
General Information.
Balance Sheet.
Condensed Income Statement.
Earned Surplus.
Electric Sales Data for the Year.
Sales of Electricity for Resale.
Electric Operating Expenses.
Purchased Power.
Utility Plant.
Accumulated Provisions for Depreciation of Utility Plant.
Long-Term Debt.
Contributions and Services During the Year.
Electric Energy Account.
Generating Station Statistics.
Steam Generating Stations.
Hydroelectric Generating Stations.
Transmission Line Statistics.
Transmission Lines Added During the Year.

8. Any person may submit to the Federal Power Commission, Washington 25, D.C., not later than April 9, 1962, data, views, comments and suggestions in writing concerning the proposed new annual report form for municipal electric utilities. An original and nine conformed copies of any such submittal should be filed. The Commission will consider any such written submittals before acting on the proposed revised report form and regulations.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–2492; Filed, Mar. 14, 1962; 8:47 a.m.]

[1] For the calendar years 1937 through 1952 "municipal" licensees were also required by § 141.1 to file the Licensed Project Section of F.P.C. Form No. 1. By force of the Act of August 15, 1953 (67 Stat. 587; 16 U.S.C. 828) municipal licensees were relieved of filing the Licensed Project Section of F.P.C. Form No. 1 for the calendar year 1953 and years subsequent.

[2] Filed as part of the original documents.

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

[Rev. 2]

SMALL BUSINESS SIZE STANDARDS

Furniture and Fixtures Industry

On January 19, 1961, there was published in the FEDERAL REGISTER (26 F.R. 488) a notice of hearing to be held for the furniture and fixtures industry to determine the appropriate small business size standard to be applied to that industry. On February 28, 1961, such hearing was held and testimony received.

On October 21, 1961, a notice of proposal to amend the definition of small business for the furniture and fixtures industry was published in the FEDERAL REGISTER (26 F.R. 9917).

Interested persons were invited to make oral statements at the hearing or to file with the Director, Office of Small Business Size Standards, 811 Vermont Avenue NW., Washington 25, D.C., written statements of facts, opinions or arguments concerning the proposed definition of small business for the furniture and fixtures industry. The present definition of small business for the furniture and fixtures industry for the purpose of Government procurement is a concern that (1) is independently owned and operated, (2) is not dominant in its field of operation, and (3) with its affiliates has an average employment of 500 employees or less.

The hearing was held in accordance with the notice.

After consideration of all such relevant matters as were presented by interested parties at the hearing and in written statements, and after consideration of past Government procurements for the products of this industry, it has been determined that the present definition of small business for the furniture and fixtures industry should not be changed.

Dated: February 15, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62–2516; Filed, Mar. 14, 1962; 8:52 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 62–2]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval and Termination of Approval Notice

1. Various items of lifesaving, fire-fighting, and miscellaneous equipment, installations, and materials used on merchant vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by law and various regulations in 46 CFR Chapter I to be of types approved by the Commandant, United States Coast Guard. The procedures governing the granting of approvals, and the cancellation, termination or withdrawal of approvals are set forth in 46 CFR 2.75–1 to 2.75–50, inclusive. For certain types of equipment, installations, and materials, specific specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications), and detailed procedures for obtaining approvals are also described therein.

2. The Commandant's approval of a specific item is intended to provide a control over its quality. Therefore, such approval applies only to the item constructed or installed in accordance with the applicable requirements and the details described in the specific approval. If a specific item when manufactured does not comply with the details in the approval, then such item is not considered to have the Commandant's approval, and the certificate of approval issued to the manufacturer does not apply to such modified item. For example, if an item is manufactured with changes in design or material not previously approved, the approval does not apply to such modified item.

3. After a manufacturer has submitted satisfactory evidence that a particular item complies with the applicable laws and regulations, a Certificate of Approval (Form CGHQ–10030) will be issued to the manufacturer certifying that the item specified complies with the applicable laws and regulations and approval is given, which will be in effect for a period of 5 years from the date given unless sooner canceled or suspended by proper authority.

4. The purpose of this document is to notify all concerned that certain approvals were granted and terminations of approvals were made, as described in this document, during the period from December 12, 1961 to January 30, 1962. These actions were taken in accordance with procedures set forth in 46 CFR 2.75–1 to 2.75–50, inclusive.

5. The delegations of authority for the Coast Guard's actions with respect to approvals may be found in Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167–14, dated November 26, 1954 (19 F.R. 8026), 167–15, dated January 3, 1955 (20 F.R. 840), 167–20, dated June 18, 1956 (21 F.R. 4894), CGFR 56–28, dated July 24, 1956 (21 F.R. 5659), or 167–38, dated October 26, 1959 (24 F.R. 8857), and the statutory authority may be found in R.S. 4405, as amended, 4462, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3, 70 Stat. 152 (46 U.S.C. 375, 416, 481, 489, 367, 526p, 1333, 390b), sec. 4(e), 67 Stat. 462 (43 U.S.C. 1333(e)), or sec. 3(c), 68 Stat. 675 (50 U.S.C. 198), and implementing regulations in 46 CFR Chapter I or 33 CFR Chapter I.

6. In Part I of this document are listed the approvals granted which shall be in effect for a period of 5 years from the dates granted, unless sooner canceled or suspended by proper authority.

7. In Part II of this document are listed the approvals which have been terminated. Notwithstanding this termination of approvals of the items of equipment as listed in Part II such equipment may be used so long as such equipment is in good and serviceable condition.

PART I—APPROVALS OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/525/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Ero Manufacturing Co., McKinney, Texas; Crystal Lake, Illinois; and Hazelhurst, Georgia, for S. H. Barton and Co., 4910 South Vermont Avenue, Los Angeles 37, California, effective December 12, 1961.

Approval No. 160.047/526/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Hawthorn Finishing Co., New Haven, Missouri, for H. Wenzel Tent and Duck Co., 2200 South Hanley Road, St. Louis 17, Missouri, effective December 15, 1961.

SEARCHLIGHTS, MOTOR LIFEBOAT

Approval No. 161.006/1/0, One-mile-ray, Type N Motor-lifeboat Searchlight, dwg. No. FA–4615, manufactured by The Portable Light Co., Inc., 65 Passaic Avenue, Kearny, N.J., effective January 19, 1962. (It is a change of address of manufacturer and extension of Approval No. 161.006/1/0 dated July 31, 1957.)

SAFETY RELIEF VALVES, LIQUEFIED COMPRESSED GAS

Approval No. 162.018/36/0, Type 1905, safety relief valve for liquefied compressed gas service (non-corrosive), full nozzle type metal-to-metal seat, 150 p.s.i. primary service pressure rating, dwg. No. 404217, dated May 17, 1955, approved for inlet diameters of 1 inch through 6 inches for a maximum set pressure of 250 p.s.i.g., manufactured by Manning, Maxwell and Moore, Inc., Alexandria, Louisiana, effective January 16, 1962. (It supersedes Approval No. 162.018/36/0 dated August 13, 1960, to show change of address of manufacturer.)

Approval No. 162.018/37/0, Type 1906, safety relief valve for liquefied compressed gas service (non-corrosive), full nozzle type metal-to-metal seat, 300 p.s.i. primary service pressure rating, dwg. No. 404217, dated May 17, 1955, approved for inlet diameters of 1 inch through 6 inches for a maximum set pressure of 250 p.s.i.g., manufactured by Manning, Maxwell and Moore, Inc., Alexandria, Louisiana, effective January 16, 1962. (It supersedes Approval No. 162.018/37/0 dated August 13, 1960, to show change of address of manufacturer.)

Approval No. 162.018/38/0, Type 1910, safety relief valve for liquefied compressed gas service (non-corrosive), full nozzle type metal-to-metal seat, 300 p.s.i. primary service pressure rating, dwg. No. 404217, dated May 17, 1955, approved for inlet diameters of 1 inch through 6 inches for a maximum set pressure of 250 p.s.i.g., manufactured by Manning, Maxwell and Moore, Inc., Alexandria, Louisiana, effective January 16, 1962. (It supersedes Approval No. 162.018/38/0 dated August 13, 1960, to show change of address of manufacturer.)

Approval No. 162.018/39/0, Type 1912, safety relief valve for liquefied compressed gas service (non-corrosive), full nozzle type metal-to-metal seat, 600 p.s.i. primary service pressure rating, dwg. No. 404217, dated May 17, 1955, approved for inlet diameters of 1 inch through 6 inches for a maximum set pressure of 250 p.s.i.g., manufactured by Manning, Maxwell and Moore, Inc., Alexandria, Louisiana, effective January 16, 1962. (It supersedes Approval No. 162.018/39/0 dated August 13, 1960, to show change of address of manufacturer.)

Approval No. 162.018/48/0, Type 1905 (Special), safety relief valve for liquefied compressed gas service (non-corrosive), full nozzle type metal-to-metal seat, with Buna-N "O" ring seating surface seal, 150 p.s.i. primary service pressure rating, dwg. No. 404217, dated May 17, 1955, as modified by dwg. No. TP–114, approved for inlet diameters of 1 inch through 6 inches for a maximum set pressure of 250 p.s.i.g.; relieving capacity certified by the National Board of Boiler and Pressure Vessel Inspectors' letter dated December 12, 1960; manufactured by Manning, Maxwell and Moore, Inc., Alexandria, Louisiana, effective January 16, 1962. (It supersedes Approval No. 162.018/48/0 dated January 16, 1961, to

show change of address of manufacturer.)

Approval No. 162.018/49/0, Type 1906 (Special), safety relief valve for liquefied compressed gas service (non-corrosive), full nozzle type metal-to-metal seat, with Buna-N "O" ring seating surface seal, 300 p.s.i. primary service pressure rating, dwg. No. 404217, dated May 17, 1955, as modified by dwg. No. TP–114, approved for inlet diameters of 1 inch through 6 inches for a maximum set pressure of 250 p.s.i.g.; relieving capacity certified by the National Board of Boiler and Pressure Vessel Inspectors' letter dated December 12, 1960; manufactured by Manning, Maxwell and Moore, Inc., Alexandria, Louisiana, effective January 16, 1962. (It supersedes Approval No. 162.018/49/0 dated January 16, 1961, to show change of address of manufacturer.)

Approval No. 162.018/50/0, Type 1910 (Special), safety relief valve for liquefied compressed gas service (non-corrosive), full nozzle type metal-to-metal seat, with Buna-N "O" ring seating surface seal, 300 p.s.i. primary service pressure rating, dwg. No. 404217, dated May 17, 1955, as modified by dwg. No. TP–114, approved for inlet diameters of 1 inch through 6 inches for a maximum set pressure of 250 p.s.i.g.; relieving capacity certified by the National Board of Boiler and Pressure Vessel Inspectors' letter dated December 12, 1960; manufactured by Manning, Maxwell and Moore, Inc., Alexandria, Louisiana, effective January 16, 1962. (It supersedes Approval No. 162.018/50/0 dated January 16, 1961, to show change of address of manufacturer.)

Approval No. 162.018/51/0, Type 1912 (Special), safety relief valve for liquefied compressed gas service (non-corrosive), full nozzle type metal-to-metal seat, with Buna-N "O" ring seating surface seal, 600 p.s.i. primary service pressure rating, dwg. No. 404217, dated May 17, 1955, as modified by dwg. No. TP–114, approved for inlet diameters of 1 inch through 6 inches for a maximum set pressure of 250 p.s.i.g.; relieving capacity certified by the National Board of Boiler and Pressure Vessel Inspectors' letter dated December 12, 1960; manufactured by Manning, Maxwell and Moore, Inc., Alexandria, Louisiana, effective January 16, 1962. (It supersedes Approval No. 162.018/51/0 dated January 16, 1961, to show change of address of manufacturer.)

Approval No. 162.018/52/0, Type 1905–30 (Special), safety relief valve for liquefied compressed gas service (non-corrosive), full nozzle type metal-to-metal seat, bellows type with Buna-N "O" ring seating surface seal, 150 p.s.i. primary service pressure rating, dwg. No. 401401, dated October 1, 1956 as modified by dwg. No. TP–116, approved for inlet diameters of 1½ inches through 6 inches for a maximum set pressure of 250 p.s.i.g.; relieving capacity certified by the National Board of Boiler and Pressure Vessel Inspectors' letter dated December 12, 1960; manufactured by Manning, Maxwell and Moore, Inc., Alexandria, Louisiana, effective January 16, 1962. (It supersedes Approval No. 162.018/52/0 dated January 12, 1961, to show change of address of manufacturer.)

Approval No. 162.018/53/0, Type 1906–30 (Special), safety relief valve for liquefied compressed gas service (non-corrosive), full nozzle type metal-to-metal seat, bellows type with Buna-N "O" ring seating surface seal, 300 p.s.i. primary service pressure rating, dwg. No. 401401, dated October 1, 1956 as modified by dwg. No. TP–116, approved for inlet diameters of 1½ inches through 6 inches for a maximum set pressure of 250 p.s.i.g.; relieving capacity certified by the National Board of Boiler and Pressure Vessel Inspectors' letter dated December 12, 1960; manufactured by Manning, Maxwell and Moore, Inc., Alexandria, Louisiana, effective January 16, 1962. (It supersedes Approval No. 162.018/53/0 dated January 12, 1961, to show change of address of manufacturer.)

Approval No. 162.018/54/0, Type 1910–30 (Special), safety relief valve for liquefied compressed gas service (non-corrosive), full nozzle type metal-to-metal seat, bellows type with Buna-N "O" ring seating surface seal, 300 p.s.i. primary service pressure rating, dwg. No. 401401, dated October 1, 1956 as modified by dwg. No. TP–116, approved for inlet diameters of 1½ inches through 6 inches for a maximum set pressure of 250 p.s.i.g.; relieving capacity certified by the National Board of Boiler and Pressure Vessel Inspectors' letter dated December 12, 1960; manufactured by Manning, Maxwell and Moore, Inc., Alexandria, Louisiana, effective January 16, 1962. (It supersedes Approval No. 162.018/54/0 dated January 12, 1961, to show change in address of manufacturer.)

Approval No. 162.018/55/0, Type 1912–30 (Special), safety relief valve for liquefied compressed gas service (non-corrosive), full nozzle type metal-to-metal seat, bellows type with Buna-N "O" ring seating surface seal, 600 p.s.i. primary service pressure rating, dwg. No. 401401, dated October 1, 1956 as modified by dwg. No. TP–116, approved for inlet diameters of 1½ inches through 6 inches for a maximum set pressure of 250 p.s.i.g.; relieving capacity certified by the National Board of Boiler and Pressure Vessel Inspectors' letter dated December 12, 1960; manufactured by Manning, Maxwell and Moore, Inc., Alexandria, Louisiana, effective January 16, 1962. (It supersedes Approval No. 162.018/55/0 dated January 12, 1961, to show change of address of manufacturer.)

Structural Insulations

Approval No. 164.007/33/0, "Mono-Kote" sprayed vermiculite type structural insulation identical to that described in National Bureau of Standards Test Report No. TG10210–2075: FR 3592, dated July 24, 1961, and Underwriters' Laboratories, Inc. Reports Retardant 4374, dated February 25, 1960, 4374–2, dated June 20, 1960, and 4374–3, dated October 10, 1960. For use without other insulating material to meet Class A–60 requirements in a 2-inch thickness and 18 to 22 pounds per cubic foot density, manufactured by Zonolite Co., 135 South La Salle Street, Chicago 3, Ill., effective January 16, 1962.

Part II—Terminations of Approval of Equipment, Installations, or Materials

Buoyant Cushions, Unicellular Plastic Foam

Note: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Termination of Approval No. 160.049/15/0, Group aproval for rectangular and trapezoidal unicellular plastic foam buoyant cushions, U.S.C.G. Specification Subpart 160.049, sizes to be as per Table 160.049–4(c)(1), manufactured by Seashore Upholstering Co., Marmora, N.J., effective January 30, 1962. (Approved Federal Register January 30, 1957. Terminated January 30, 1962. Item no longer manufactured.)

Safety Relief Valves, Liquefied Compressed Gas

Termination of Approval No. 162.018/24/1, Consolidated 4" Type 1661 safety relief valve for liquefied compressed gas service, carbon steel construction, internal type, valve disc seat fitted with "O" ring gasket, dwg. No. CM–4–1661, undated, approved for a maximum set pressure of 250 p.s.i., flow-rated at 110% of the following set pressures (discharge in cubic feet per minute of free air measured at 60° F. and 14.7 p.s.i.a.):

Set pressure, p.s.i.	*Discharge capacity, c.f.m. air*
100	5490
150	7780
200	9890
250	11950

manufactured by Manning, Maxwell and Moore, Inc., 2415 East 13th Place, Tulsa 4, Okla., effective January 16, 1962. (Approved Federal Register August 31, 1957. Terminated January 16, 1962. Item no longer manufactured.)

Termination of Approval No. 162.018/46/0, Consolidated 4" Type 1661S safety relief valve for liquefied compressed gas service, stainless steel construction, internal type, valve disc seat fitted with "O" ring gasket, dwg. No. CM–4–1661S, undated, approved for a maximum set pressure of 250 p.s.i., flow-rated at 110 percent of the following set pressures (discharge in cubic feet per minute of free air measured at 60° F. and 14.7 p.s.i.a.):

Set pressure, p.s.i.	*Discharge capacity, c.f.m. air*
100	5490
150	7780
200	9890
250	11950

manufactured by Manning, Maxwell and Moore, Inc., 2415 East 13th Place, Tulsa 4, Okla., effective January 16, 1962. (Approved Federal Register August 31, 1957. Terminated January 16, 1962. Item no longer manufactured.)

Dated: March 8, 1962.

[SEAL] A. C. Richmond,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 62–2521; Filed, Mar. 14, 1962; 8:53 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Alaska Public Sale Act Classification No. 27; Cancellation

MARCH 5, 1962.

1. Pursuant to the authority redelegated to me from Bureau Order No. 684, dated August 28, 1961 (26 F.R. 6215) as amended, by the Alaska State Director in section 2(c) of a memorandum dated December 1, 1961, I hereby cancel Alaska Public Sale Classification Order No. 27 of May 28, 1957 (22 F.R. 3924) in its entirety which classified the following lands for sale under the provisions of the Alaska Public Sale Act of August 30, 1949 (63 Stat. 679; 48 U.S.C. 364a–364e) for comercial and/or industrial purposes:

Parcel 1

Commencing at Corner No. 1 hereof, identical with Corner 2, U.S. Survey 1082, thence south, along the boundary between the Tongass National Forest and the herein described land under the jurisdiction of the Bureau of Land Managament, a distance of 47.87 chains, to Corner No. 2 hereof; thence west 34 chains more or less to Corner No. 3 hereof, a point on the southerly boundary line between the tract herein described and the said Tongass National Forest; thence N. 49° W., along said boundary line a distance of 7.85 chains more or less to Corner No. 4 hereof, identical with Corner 4 U.S. Survey 3281; thence N. 47°48′ E., a distance of 9.776 chains to Corner 3, U.S. Survey 3281; thence N. 21°00′ E., a distance of 9.286 chains to Corner No. 2, U.S. Survey 3281 identical with Corner No. 5 hereof; thence N. 87°12′ E., to Corner No. 6 hereof identical with Corner 2, H.E.S. 119; thence N. 0°43′ E., 7.21 chains to Corner No. 7 hereof, identical with meander Corner 1, H.E.S. 119; thence in a northerly direction meandering along the line of mean high tide of Fish Creek Bay a distance of 20 feet more or less to Corner No. 8 hereof; identical with meander Corner 2, H.E.S. 178; thence N. 36°52′ E., 16.80 chains to Corner No. 9 hereof, identical with meander Corner 1, H.E.S. 178; thence northwesterly along the line of mean high tide of Fish Creek Bay to Corner No. 10, hereof, identical with Corner 4, U.S. Survey No. 2561; thence north 5.60 chains to Corner No. 11 hereof, identical with Corner 1, U.S. Survey No. 2561; thence east 14.37 chains, along the southerly boundary line of U.S. Survey No. 1082, which course is also shown as being S. 89°56′ E., on the plat of U.S. Survey No. 2561, to Corner 1 hereof, identical with Corner No. 2 of said U.S. Survey No. 1082, the place of beginning;

Containing approximately 100 acres.

Parcel 2

Commencing at Corner No. 1, the point of beginning, identical with meander Corner 5, H.E.S. 119, a point on the line of mean high tide of Fish Creek Bay, thence meandering along the line of mean high tide which bounds said Fish Creek Bay on the west and following said line of mean high tide around Entrance Point and continuing along said line in a southeasterly direction along Fritz Cove to Corner No. 2 hereof, identical with meander Corner 4, H.E.S. 119; thence N. 71°57′ E., 1.67 chains to Corner No. 1, the place of beginning;

Containing approximately 10 acres.

Parcel 3

Commencing at Corner No. 1 hereof, Corner 2 U.S. Survey 1082; thence north along the easterly boundary of said survey 1082, or north 0°7′ W., as is shown on the plat of U.S. Survey 2560, a distance of 15.58 chains, more or less, to Corner 4, Lot D, U.S. Survey 2560; thence 6.98 chains east along the southerly boundary of said Lot D; thence north 7 chains along the east boundary of said Lot D; thence N. 28°45′ E., 6.26 chains along the easterly boundary of Lot C; thence N. 45°55′ E., 7.40 chains along the easterly boundary of Lot B of said U.S. Survey 2560; thence N. 19°35′ E., 7.10 chains along the easterly boundary of Lot A in said survey; thence south to a point which would intersect an easterly extension of the northerly boundary, Line 1–2, of said Lot D; thence S. 20°00′ W., to a point on the boundary of the Tongass National Forest; thence N. 81° 00′ W., to Corner No. 1, the point of beginning;

Containing 35 acres, more or less.

2. This order will become effective immediately.

ROBERT J. COFFMAN,
Chief, Division of Lands and Minerals Management.

[F.R. Doc. 62–2497; Filed, Mar. 14, 1962; 8:49 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands and Partial Termination; Correction

MARCH 7, 1962.

The notice of Proposed Withdrawal and Reservation of Lands published on Page 1783 of the FEDERAL REGISTER, issued for Saturday, February 24, 1962 (F.R. Doc. 62–1858; Filed Feb. 23, 1962; 8:46 a.m.) is hereby corrected as to land in T. 5 S., R. 1 E., SBM, Section 11, by deleting the first legal description NW¼ and replacing it with NE¼.

ROLLA E. CHANDLER,
Manager.

[F.R. Doc. 62–2498; Filed, Mar. 14, 1962; 8:49 a.m.]

COLORADO

Notice of Termination of Proposed Withdrawal and Reservation of Lands

MARCH 7, 1962.

Notices of an application, Serial No. Colorado 017977, for withdrawal and reservation of lands were published as Federal Register Document No. 58–8258 on Page 7770 of the issue for October 8, 1958, as Federal Register Document No. 59–2754 on Page 2564 of the issue for April 2, 1959, and as Federal Register Document No. 59–6337 on Page 6204 of the issue for August 1, 1959. The applicant agency has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 295, such lands will be at 10:00 a.m. on April 12, 1962, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 35 N., R. 14 W.,
Sec. 6, all.

T. 36 N., R. 14 W.,
Sec. 29, all portions of the NW¼NW¼ lying south of the right-of-way for U.S. Highway 160.
Sec. 30, SW¼SE¼ and all portions of the N½NE¼ lying south of the right-of-way of U.S. Highway 160.
Sec. 31, lots 2, 3, 4, the E½W½, W½E½, and the E½SE¼.

The above area aggregates approximately 1,199 acres.

HAROLD T. TYSK,
Chief, Lands and Minerals.

[F.R. Doc. 62–2499; Filed, Mar. 14, 1962; 8:49 a.m.]

[Utah (I–42)]

UTAH

Notice of Proposed Withdrawal of Lands for Reclamation Purposes

MARCH 7, 1962.

The Bureau of Reclamation, United States Department of the Interior, has filed an application, Serial No. Utah 079344, for the withdrawal of the lands described below, in Summit County, Utah, to the extent only of modifying the continuing full operation of public land laws necessary to maintain consistency with reclamation law and project development, subject to existing valid claims.

The applicant desires the land for the construction, operation, and maintenance of the Provo River Channel Revision, a Provo River Project feature. The areas requested are confined to those considered to fulfill only the absolute needs of project construction, operation and maintenance.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the State Director for Utah, Bureau of Land Management, Darling Building, P.O. Box 777, Salt Lake City 10, Utah. If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SALT LAKE MERIDIAN, UTAH

T. 3 S., R. 7 E.,
Sec. 2: NW¼NE¼NW¼SW¼, SE¼NW¼NW¼SW¼;
Sec. 3: W½SE¼SE¼SE¼;
Sec. 7: S½SW¼SE¼;
Sec. 10: E½NW¼NW¼SE¼, W½SW¼NW¼SE¼;
Sec. 16: S½S½NW¼NW¼SW¼, N½SW¼NW¼SW¼.

The above area aggregates 47.5 acres.

D. E. JENSON,
Acting State Director.

[F.R. Doc. 62–2500; Filed, Mar. 14, 1962; 8:49 a.m.]

NEVADA

Notice of Filing of Plat of Survey and Order Providing for Opening of Lands

Plat of survey of lands described below will be officially filed at the Land Office, Reno, Nevada, effective at 10:00 a.m. on the 31st day following the publication of this notice.

MOUNT DIABLO MERIDIAN, NEVADA

1. T. 14 N., R. 71 E. (Group 375),
Secs. 6, 7, 18, 19, 30, 31.

The area described aggregates 1,757.52 acres. The plat was accepted November 16, 1961.

a. Available data indicates the lands included in this plat are principally a light shallow sand to sandy clay, covered with a dense undergrowth of desert vegetation.

2. The lands dscribed above in paragraph 1 have been subject to operation of the United States mining laws and mineral leasing laws at all times.

3. Subject to any existing valid rights and the requirments of applicable law, the above-described lands are hereby opened to filing applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of the order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. on the 31st day following publication, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations. Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, P.O. Box 1551, Reno, Nevada.

H. CURT HAMMIT,
Manager, Nevada Land Office.

[F.R. Doc. 62-2519; Filed, Mar. 14, 1962; 8:53 a.m.]

[Classification No. 212]

NEVADA

Small Tract Classification; Amendment

Effective March 9, 1962, paragraph 1 is hereby amended to read as follows:

1. Pursuant to authority delegated by Bureau Order 684, dated August 28, 1961 (26 F.R. 8216) and the State Director August 30, 1961 (26 F.R. 8468), I hereby classify the following described public lands, totaling 115 acres in Washoe County, Nevada as suitable for sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 USC 682a) as amended.

MOUNT DIABLO MERIDIAN

T. 18 N., R. 19 E.,
Sec. 36, E½NE¼NW¼, S½NW¼NE¼NW¼, SW¼NE¼NW¼, SE¼NW¼, NE¼SW¼.

The area described aggregates 115 acres.

CHARLES E. HANCOCK,
Acting Chief, Division of Lands and Minerals Management.

MARCH 9, 1962.

[F.R. Doc. 62-2535; Filed, Mar. 14, 1962; 8:55 a.m.]

[Classification No. 95]

NEVADA

Small Tract Classification; Amendment

1. Effective March 9, 1962 Federal Register Document 53-8583 appearing on pages 6413-14 of the issue of October 8, 1953 is revoked as to the following described lands:

MOUNT DIABLO MERIDIAN

T. 21 S., R. 60 E.,
Sec. 36, NE¼NE¼NW¼SE¼, SW¼NW¼NW¼SE¼, NW¼SW¼NW¼SE¼, N½SE¼NW¼SE¼, SE¼SE¼NW¼SE¼, SE¼SW¼NE¼SE¼, S½SE¼NE¼SE¼, W½NW¼SW¼SE¼, NW¼NE¼SW¼SE¼, SE¼NE¼SW¼SE¼, SW¼NW¼SE¼SE¼, NE¼NE¼SE¼SE¼, N½SW¼SE¼SE¼, NW¼SE¼SE¼SE¼.

The area described aggregates 45 acres.

2. The land included in this amendment is located in greater Las Vegas and vicinity. Elevation is approximately 2,400 feet above sea level with a typical dry desert climate which receives a low annual rainfall of 5 to 7 inches. The topography of the parcels is nearly level, the soils varying from sands to fine gravels.

3. The subject land affected by this order is hereby restored as of 10 a.m. on April 12, 1962, to the operation of the public land laws, subject to any valid existing rights, with provisions of existing withdrawals, and the requirements of applicable law, rules and regulations.

CHARLES E. HANCOCK,
Acting Chief, Division of Lands and Minerals Management.

MARCH 9, 1962.

[F.R. Doc. 62-2534; Filed, Mar. 14, 1962; 8:55 a.m.]

National Park Service

INSIGNIA

I hereby prescribe the "Arrowhead Symbol" which is depicted below as the insignia of the National Park Service of the Department of the Interior.

In making this prescription, I hereby give notice that whoever manufactures, sells, or possesses this symbol, or any colorable imitation thereof, or photographs, prints or in any other manner makes or executes any engraving, photograph or print, or any colorable imitation thereof without authorization from the United States Department of the Interior is subject to the penalties prescribed in section 701 of Title 18 of the United States Code.

Dated: March 7, 1962.

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

[F.R. Doc. 62-2404; Filed, Mar. 14, 1962; 8:45 a.m.]

ROCKY MOUNTAIN NATIONAL PARK, COLORADO

Notice of Acceptance by the Secretary of the Interior of Exclusive Jurisdiction Over Certain Lands

Take notice that effective as of the first day of February 1962 at 12 m., Mountain Standard Time, the United States accepted exclusive jurisdiction, ceded by the Act of the General Assembly of the State of Colorado (Senate Bill No. 70, approved April 21, 1961), over those portions of Rocky Mountain National Park added thereto by the following: Proclamation No. 1917 (46 Stat. 3029), July 17, 1930; Proclamation No. 1985 (47 Stat. 2498), January 11, 1932; Proclamation No. 2160 (49 Stat. 3501), March 5, 1936; act of August 24, 1949 (63 Stat. 626); Proclamation No. 3144 (70 Stat. C45), June 27, 1956; Proclamation No. 3374 (25:9 FR 9284), September 23, 1960; subject to certain reservations contained in the Act of the General Assembly of the State of Colorado (Senate Bill No. 70), ceding jurisdiction to the United States over said lands, approved April 21, 1961. This acceptance was effected by notifying the Governor of the State of Colorado by a letter dated January 18, 1962, signed by Stewart L. Udall, Secretary of the Interior.

This letter reads as follows:

DEAR GOVERNOR MCNICHOLS:

Notice is hereby given, in accordance with the provisions of the act of February 1, 1940 (54 Stat. 19; 40 U.S.C., sec. 255), and by virtue of authority contained in the act of January 26, 1915 (38 Stat. 798; 16 U.S.C., sec. 191), establishing Rocky Mountain National Park, that effective as of the first day of February 1962, at 12 m., Mountain Standard Time, the United States accepts the cession of legislative jurisdiction made by the Act of the General Assembly of the State of Colorado (Senate Bill No. 70), approved April 21, 1961, over all lands added to the park subsequent to February 19, 1929, subject to the reservations set out in the State cession act as follows:

* * * saving, however, to the state of Colorado all criminal and civil jurisdiction over the existing sixty feet in width right-of-way of the westbound traffic lanes of State Highway No. 262, also known as the Moraine Park road, and a strip of land thirty feet to either side of the center line of the eastbound traffic lanes lying south of the westbound traffic lanes of said State Highway No. 262, together with the connecting roads between the eastbound and westbound traffic lanes of said highway, as rerouted and constructed by the United States where such lie within the boundaries of aforesaid National Park in the Northwest Quarter of Section 35, Township 5 North, Range 73 West of the 6th P.M.; also, saving to the state of Colorado the right to serve civil or criminal process within the limits of the aforesaid park, in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed outside of said park, and saving to the state the right to tax persons and corporations, their franchises and property on lands included in the added tracts, and saving to persons residing in said park the right to vote at all elections held within the county or counties in which the tracts are situated, and saving to all persons residing within the park upon lands now privately owned within the addition to the park, access to and from such lands, and all rights and privileges as citizens of the United States, and saving to the people of Colorado all vested, adjudicated, appropriated, and existing water rights and rights of way connected therewith, including all existing domestic or irrigation conduits and ditches.

The lands covered by this notice are those added to the park pursuant to the following acts of Congress and Presidential Proclamations and as shown on the three topographic maps of Rocky Mountain National Park enclosed herewith:

July 17, 1930—Proclamation No. 1917 (46 Stat. 3029).

January 11, 1932—Proclamation No. 1985 (47 Stat. 2498).

March 5, 1936—Proclamation No. 2160 (49 Stat. 3501); Act of August 24, 1949 (63 Stat. 626).

June 27, 1956—Proclamation No. 3144 (70 Stat. C45).

September 23, 1960—Proclamation No. 3374 (25:9 FR 9284).

It is requested that you endorse the enclosed duplicate original of this notice of acceptance, indicating the date and time of its receipt, and return it to this Department. There is enclosed for your convenience a stamped, self-addressed envelope.

Sincerely yours,

[s] STEWART L. UDALL,
Secretary of the Interior.

Hon. STEPHEN R. MCNICHOLS,
Governor of Colorado,
Denver, Colorado.

Enclosures

Received this 22 day of January, 1962, at 10 a.m.

[s] STEPHEN R. MCNICHOLS,
Governor of Colorado.

Dated: March 8, 1962.

CONRAD L. WIRTH,
Director, National Park Service.

[F.R. Doc. 62-2507; Filed, Mar. 14, 1962; 8:51 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Programs

[Case No. 300]

E. SCHNELLMAN ING. & CO. ET AL.

Default Denial and Probation Order

In the matter of E. Schnellman, Ing. & Co., Ramistrasse 33, Zurich, Switzerland; Eugen Siegrist, Wiltisgasse 2a, Kusnacht, Switzerland; Richard Frei, Wasserschopfi 8, Zurich, Switzerland; Hans Hangartner, Neuhausstrasse 45, Uitikon, Switzerland; Respondents, Case No. 300.

E. Schnellman Ing. & Co., of Zurich, Eugen Siegrist of Kusnacht, Richard Frei of Zurich, and Hans Hangartner of Uitikon, all in Switzerland, the respondents herein, were charged by the Director, Investigation Staff, Bureau of International Programs (formerly Bureau of Foreign Commerce, hereafter referred to as BFC), U.S. Department of Commerce, with violations of the Export Control Act of 1949, as amended, and of the Export Regulations issued thereunder (Title 15, Chapter III, Subchapter B, CFR, 23 F.R. 4177 et seq.) in that, as alleged, they obtained electric generators from a U.S. supplier for shipment to the firm of E. Schnellman Ing. & Co., Zurich, Switzerland, of which Siegrist was then a partner and Frei an employee, without disclosing their knowledge that said generators were to be transshipped to a Sino-Soviet bloc destination, and that said generators were then transshipped by the respondents to a Sino-Soviet bloc destination contrary to the destination control clauses on the commercial documents received by the respondents in advance of the receipt of the shipments covered therein. Hangartner was an established sub-distributor for the Schnellman firm.

Respondents Siegrist and Hangartner did not answer nor contest the charging letter, and were therefore deemed to be in default by the Compliance Commissioner, to whom the matter was referred in accordance with BIP practice. Frei sent a letter in which he admitted that he made the translations, but asked for leniency and to be absolved from blame by reason of his position. He was therefore considered a respondent answering the charges. He did not request a hearing nor to be represented at any subsequent proceedings. Some time after the hearing herein, Hangartner sent a letter admitting transshipment of the two steam generators to a Sino-Soviet bloc destination but claimed no knowledge he was thereby violating U.S. export control law by his actions. The firm of E. Schnellman Ing. & Co. also wrote a letter denying the charges against it, and was joined in this proceeding as a respondent contesting the charges set forth above, the basis for the combined default proceeding and contested hearing.

The Compliance Commissioner has reported that the evidence supports the finding of the violations charged against them and has recommended that Siegrist and Hangartner be denied export privileges for so long as export controls remain in effect, and that Richard Frei and E. Schnellman Ing. & Co. each be put on probation for a period of one year.

Now after considering the entire record consisting of the charging letter, the evidence submitted in support hereof, the answers, the transcript of hearing, and the reports and recommendations of the Compliance Commissioner, I hereby make the following findings of fact:

1. At all times hereafter mentioned the firm of E. Schnellman Ing. & Co., hereafter referred to as Schnellman, was engaged in the import and export business in Zurich, Switzerland. Hangartner was at all times hereafter mentioned a sub-distributor of U.S. origin commodities for Schnellman and others.

2. On or about May 23, 1958, Schnellman through the acts of Siegrist and Frei ordered from a United States supplier two steam generators with accessories, for 72 volt direct current.

3. On or about July 30, 1958, under GRO, the United States supplier exported the above described generators from the United States to Antwerp, Belgium, for Schnellman in Zurich, Switzerland, as ultimate consignee and destination.

4. The bill of lading and commercial invoice from the supplier covering the above exports have on their face the destination control clauses, which prohibited disposition of the commodities to the Sino-Soviet bloc, unless otherwise authorized by the United States authorities.

5. At the time Siegrist and Frei placed the aforesaid order for Schnellman with the supplier, they knew or had reason to know that the ultimate destination of the generators would be in a country in the Sino-Soviet bloc.

6. On the arrival of the said generators in Switzerland, Siegrist arranged a diversion with Hangartner according to plan, with knowledge of the violation of the U.S. Export Regulations, and notwithstanding the notice in the destination control clauses on the face of the bill of lading and commercial invoice already received. Because of his role as established agent for and distributor of U.S. origin manufactured goods Hangartner was chargeable with knowledge of and did know of the U.S. export policy set forth in the said destination control clauses. Thus they knowingly caused the generators to be diverted, transshipped and re-exported from Switzerland to a Sino-Soviet bloc destination in violation of the GRO restrictions, and the U.S. export regulations.

7. Neither E. Schnellman, the principal shareholder in E. Schnellman Ing. & Co., nor Richard Frei personnally received any business advantage directly

from the transaction nor participated (other than in clerical functions performed by Frei) in the export transactions and transshipment.

After consideration of the entire record and from the above findings of fact, I have reached the following conclusions:

(1) Eugen Siegrist and Hans Hangartner knowingly

(a) directly and indirectly concealed from the Bureau of Foreign Commerce, now the Bureau of International Programs, at the time they had the Schnellman firm order the generators from a U.S. supplier, the true ultimate consignee and destination of the generators, thereby violating § 381.5 of the Export Regulations.

(b) caused the said generators to be transshipped from Switzerland to a Sino-Soviet bloc destination, thereby violating §§ 381.2, 381.4, and 381.6 of the Export Regulations.

(2) While E. Schnellman Ing. & Co., and Richard Frei participated in a technical manner in the violations set forth in (1)(a) above, they presented evidence of mitigating circumstances to reduce their responsibility in the transactions involved herein.

Now after careful consideration of the entire record and being of the opinion that the recommendations of the Compliance Commissioner are fair and just and that this order is necessary to achieve effective enforcement of the law, it is hereby ordered:

I. All outstanding validated licenses in which Eugen Siegrist and Hans Hangartner appear or participate as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of International Programs for cancellation.

II. The respondents, E. Schnellman Ing. & Co., and Richard Frei, are placed on probation for one year from the date hereof subject to the revocation of such probation in the manner hereinafter provided. The condition of this probation, for the period stated, is that each such respondent, during the time that he is subject to such probation, shall comply in all respects with all the requirements of the Export Control Act of 1949, as amended, and all regulations, licenses, and orders issued thereunder. At any time during or subsequent to the period when any respondent herein is subject to probation as hereinabove provided, an order may be entered without notice to the respondent affected, pursuant to which order such respondent's probation may be revoked summarily upon a finding by the Director of the Office of Export Control or such other official as may at that time be exercising the duties now exercised by him that at any time during the time that any such respondent is or has been under probation by reason of this order such respondent has knowingly failed to comply with any requirement of this order or any requirements of the Export Control Act of 1949, as amended, and all regulations, licenses, and orders issued thereunder. In that event, the supplemental order to be entered against such respondent may deny all export privileges for up to the duration of the time while export controls remain in effect. The entry of such supplemental order shall not prevent the Bureau of International Programs from taking such other and further action based on such violation as it shall deem warranted. In the event that such supplemental order is issued, a respondent aggrieved thereby shall have the right to appeal therefrom, as provided in the Export Regulations.

III. So long as export controls shall be in effect, respondents Eugen Siegrist and Hans Hangartner hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing denials of export privileges, participation in an exportation is deemed to include and prohibit participation by any respondent or related party directly or indirectly in any manner or capacity (a) as a party or as representative of a party to any validated export license application, or documents to be submitted therewith, (b) in the preparation or filing of any export license application or of any documents to be submitted therewith; (c) in the obtaining or using of any validated or general export license, or other export control document, (d) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities or technical data, in whole or in part exported or to be exported from the United States, and (e), in storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

IV. Such denial of export privileges shall extend not only to the respondents, but also to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

V. During the time when any respondent or related party is prohibited from engaging in any activity within the scope of Part III hereof, no person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Programs, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with any such respondent or related party, or whereby any such respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in, any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. Should respondent Eugen Siegrist or Hans Hangartner against whom this order has been issued in default, desire to contest this order, he may apply upon good cause shown, together with evidentiary data in support thereof to set aside his default and vacate the order against him entered herein. This application shall be submitted to the Director, Office of Export Control, Bureau of International Programs, Washington 25, D.C., in accordance with the requirements of § 382.4(b) of the Export Regulations and will be disposed of in accordance with the procedure set forth therein.

Dated: March 12, 1962.

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

[F.R. Doc. 62-2530; Filed, Mar. 14, 1962; 8:55 a.m.]

Office of the Secretary

MARVIN S. PLANT

Statement of Changes in Financial Interests

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

A. Deletions: No changes.
B. Additions: No changes.

This statement is made as of February 15, 1962.

MARVIN S. PLANT.

MARCH 5, 1962.

[F.R. Doc. 62-2518; Filed, Mar. 14, 1962; 8:53 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13424]

AERONAVES DE MEXICO, S.A.

Notice of Prehearing Conference

In the matter of the application of Aeronaves de Mexico, S.A. under section 402 of the Federal Aviation Act of 1958, as amended, for an amendment and modification of its Foreign Air Carrier Permit so as to authorize foreign air transportation of persons, property and mail between the terminal point La Paz, Baja California, and the terminal point Los Angeles, California, via intermediate points in Mexico.

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on March 16, 1962, at 10 a.m., e.s.t., in Room 1029, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., March 9, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-2527; Filed, Mar. 14, 1962; 8:55 a.m.]

[Docket No. 11620]

TOOLCO-NORTHEAST CONTROL CASE

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on April 2, 1962, at 10:00 a.m., local time, in Room 725, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Merritt Ruhlen.

Without limiting the scope of the issues to be considered, particular attention will be directed to the following matters:

1. Whether the Board has jurisdiction over the acquisition of control of Northeast by Hughes and/or Toolco under section 408(a) of the Act?

2. Whether the acquisition of control of Northeast by Hughes and/or Toolco is consistent with the public interest? In resolving this, the following matters will be considered:

(a) Is Toolco financially able to render effective support to Northeast so as to enable Northeast to provide effective competitive service? Will the acquisition of control of Northeast by Toolco result in improved or impaired service by Northeast?

(b) Will the acquisition of control of Northeast by Toolco promote sound competition among air carriers?

(c) Are the terms of the acquisition and the agreements between Toolco and Northeast fair and reasonable with respect to Northeast and consistent with the policies of the Federal Aviation Act, as amended?

(d) What effect, if any, will the acquisition have upon Northeast's break-even position (including return on investment) and on its subsidy requirements, if any?

(e) What effect, if any, will the acquisition have upon the employees of Northeast?

(f) Whether, in connection with the acquisition and/or financing of aircraft equipment by TWA, Toolco has exercised its control over TWA in compliance and conformity with the Board Order of October 17, 1944, in Docket 1182 (6 C.A.B. 153), as amended, and whether with respect to such acquisition and/or financing Toolco has otherwise conducted itself in a manner authorized or approved by the Federal Aviation Act of 1958, as amended, and the regulations and orders of the Board thereunder?

(g) Whether Toolco or Hughes has already acquired control over Northeast in contravention of said Act or any regulations or orders of the Board or otherwise failed to conform to the provisions of said Act, regulations or orders?

(h) What conflicts of interest, if any, will result from the acquisition?

(i) What effect, if any, will the acquisition have upon the "honest, economical and efficient management" of Northeast?

(j) Will operations of Northeast after the acquisition insure the highest degree of safety in air transportation?

3. Whether the acquisition will result in creating a monopoly and thereby restrain competition or jeopardize another carrier not a party thereto?

4. Whether the Board should approve the acquisition and what terms and conditions, if any, should it attach to its approval?

5. Whether the Board should disapprove the acquisition and what relief should be ordered in the public interest?

For further details of the issues involved in this proceeding, interested persons are referred to the applications and any amendments thereto, petitions, motions, and orders entered in the docket of this proceeding, all of which are on file with the Civil Aeronautics Board.

Notice is further given that any person other than parties of record desiring to be heard in this proceeding should file with the Board, on or before April 2, 1962, a statement setting forth the issues of fact or law to be presented.

Dated at Washington, D.C., March 9, 1962.

[SEAL] MERRITT RUHLEN,
Hearing Examiner.

[F.R. Doc. 62-2528; Filed, Mar. 14, 1962; 8:55 a.m.]

[Docket No. 13432]

UNITED PASSENGER FARES INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 27, 1962 at 10 a.m., e.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Milton H. Shapiro.

Dated at Washington, D.C., March 12, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-2529; Filed, Mar. 14, 1962; 8:55 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14532]

HARRY E. MAHONEY

Order To Show Cause

In the matter of Harry E. Mahoney, Key Largo, Florida, Docket No. 14532; order to show cause why there should not be revoked the license for radio station 7W0734 in the citizens radio service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of Citizens Radio Station 7W0734;

It appearing that, at various times between August 1, 1961, and December 13, 1961, and particularly on August 1, 1961, November 13, 1961, and December 13, 1961, the antenna at a fixed location of Citizens Radio Station 7W0734 exceeded twenty feet in height above the man-made structure on which it was mounted, in violation of Section 19.25(c) of the Commission's rules; and

It further appearing that, in view of the foregoing, the licensee has repeatedly violated § 19.25(c) of the Commission's rules;

It is ordered, This 7th day of March 1962, pursuant to Section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b) (8) of the Commission's Statement of Delegations of Authority, that the licensee show cause why the license for Citizens Radio Station 7W0734 should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Acting Secretary send a copy of this Order to Harry E. Mahoney, P.O. Box 142, Key Largo, Florida, by Certified Mail (Airmail)—Return Receipt Requested.

Released: March 9, 1962.

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

[F.R. Doc. 62-2545; Filed, Mar. 14, 1962; 8:58 a.m.]

[Docket No. 14563; FCC 62-267]

MULLINS & MARION BROADCASTING CO. (WJAY)

Order Designating Application for Hearing on Stated Issues

In re application of the Mullins & Marion Broadcasting Company (WJAY), Mullins, South Carolina, has: 1280 kc, 1 kw, Day, req: 1280 kc, 5 kw, Day, Docket No. 14563, File No. BP-14308; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 7th day of March 1962;

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

It appearing that, except as indicated by the issues specified below, the applicant is legally, technically, financially, and otherwise qualified to construct and operate Station WJAY as proposed but that the proposed operation of Station WJAY will cause interference to Station WSAT, Salisbury, North Carolina; and

It further appearing that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the application would serve the public interest, convenience and necessity and is of the opinion that the application must be designated for hearing on the issues set forth below;

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant appli-

cation is designated for hearing at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and population which may be expected to gain or lose primary service from the proposed operation of Station WJAY and the availability of other primary service to such areas and populations.

2. To determine whether the proposed objectionable interference to Station WSAT, Salisbury, North Carolina, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

It is further ordered, That the Mid-Carolina Broadcasting Company, licensee of Station WSAT, Salisbury, North Carolina, is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date filed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(2)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: March 12, 1962.

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

[F.R. Doc. 62-2546; Filed, Mar. 14, 1962; 8:58 a.m.]

[Docket Nos. 14557, 14558; FCC 62-251]

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

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

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

1. New York Technical Institute of Cincinnati, Inc. (hereinafter called New York Tech) and Page Boy Radio Corporation (hereinafter called Page Boy) are each seeking to establish new one-way signaling facilities in the Domestic Public Land Mobile Radio Service at Detroit, Michigan. Both propose a selective-signaling type operation in which the subscriber's receiver would remain turned on at all times. When the subscriber is selectively signaled, the receiver assigned to that particular subscriber will emit an audible tone which will cause the subscriber to take some predetermined action. New York Tech and Page Boy each propose to serve subscribers with pocket receivers. In addition, New York Tech proposes to render one-way signaling service to receivers mounted in vehicles and has filed a separate application for this type of service (File No. 1149-C2-ML-62). The New York Tech application to serve pocket receivers is assigned File No. 138-C2-ML-62.

2. At the present time, Detroit is being served by two voice-type one-way signaling facilities. In one-way signaling of the voice-type, a subscriber is required to periodically monitor the base station and listen to a recording containing the code number and short message, or a code number only for all subscribers then being paged. This service is now being offered in the Detroit area by Secretarial and Radio Service, Inc., d/b as Airway Radio System and by New York Tech. New York Tech has for some time, previous to the filing of its captioned applications, provided a selective-signaling, as distinguished from a voice-type service at Detroit. Such a service was not permitted under its existing station authorization. New York Tech now has a Special Temporary Authorization expiring March 19, 1962, to provide a selective-signaling service restricted to receivers mounted in vehicles, thus excluding the rendition of such service to pocket-type receivers. The STA was granted upon New York Tech's representation that service continuity was necessary for public health and safety and was without prejudice to the Commission's consideration of the unauthorized offering of this type of service.

3. The applications of Page Boy and New York Tech, discussed *supra,* propose a similar type one-way selective-signaling service in the Detroit area. It appears that, the captioned applications may be mutually exclusive and that, therefore, a comparative hearing is necessary to determine whether a grant to either or both Page Boy and New York Tech would serve public interest, convenience and necessity.

4. It appears that New York Tech may have engaged in an unauthorized operation in employing type 3A2 emission for the purposes of selective-signaling. Therefore, it is deemed necessary to insert an issue as to the nature and extent of this unauthorized operation in the hearing ordered hereafter.

5. The petition to deny: A petition to deny the application of Page Boy (File No. 2133-C2-P-61) was filed on March 7, 1961 by Ruth Burr, d/b as Airway Radio System. An application for consent to the assignment of station KQD303, Detroit, Michigan, from Ruth Burr, d/b as Airway Radio System, assignor, to Secretarial and Radio Service, Inc., d/b as Airway Radio System (hereinafter called Petitioner) was granted on December 8, 1961. The assignment was a pro forma transaction in that Miss Burr is a principal of the assignee and an officer thereof. No change in policy or operation of the station occurred as a result of this assignment. This assignment has been completed and Petitioner has on file a motion to substitute party in interest. In support of its petition to deny, Petitioner asserts that it is a party in interest within the meaning of section 309(d) of the Communications Act of 1934, as amended, since Petitioner is the licensee of one-way station KQD303, a one-way voice-signaling station licensed in the Domestic Public Land Mobile Radio Service at Detroit, Michigan. Petitioner states that the proposed one-way facility serves the same area now served by Petitioner. Petitioner states Page Boy's proposed station will be in direct competition for revenues and customers in the Detroit area; that Petitioner's one-way station has ample excess capacity to meet existing and future demands for service; that Petitioner's facilities are still not operating at a profit; and that Page Boy's proposed station will cause serious and irreparable damage to Petitioner and may prevent Petitioner from achieving profitable operation to the ultimate detriment of the public it serves.[1]

6. Petitioner filed a supplement to its petition to add an issue concerning Page Boy's character qualifications. Petitioner noted that Mr. Robert C. Storey, one of Page Boy's principals and the proposed manager for Page Boy's station, had been indicted as a co-conspirator in a criminal case involving conspiracy to cheat and defraud. The prosecution of Mr. Storey was subsequently dropped. Petitioner alleges, however, that the Commission should have full and complete information concerning the character of any applicant insofar as any past record showing a propensity to defraud would be material and relevant.

7. *Opposition to petition:* Page Boy asserts that it is seeking authority to render a one-way selective-signaling service to pocket-type receivers in the Detroit area; that Page Boy does not contemplate the transmission of voice messages; that neither of the existing one-way services in Detroit provide the

[1] Station KQD303 is authorized type 6A3 emission, which can be utilized only for voice-signaling. Station KQD303 is not presently authorized nor does it have on file an application for a telegraphic emission (e.g., 3A2) which would be required for selective-signaling service.

type of service proposed by Page Boy;[2] that while Petitioner's losses by no means establish that Detroit is surfeited with one-way services, they may be attributable to the character of Petitioner's service practices; that there is a strong need for Page Boy's proposal and that even if it were to have a measurable impact upon Petitioner's business, that public interest would warrant the granting of the subject application for the following reasons: (1) the limited acceptance of Petitioner's service offering; (2) the difference in the type of service Page Boy would offer, i.e., selective-signaling as distinguished from voice-signaling; (3) the improvement of the radio art; and (4) better service by competition.[3] and [4]

8. Page Boy requests that Petitioner's Supplement To Petition To Deny Application be disregarded because of failure to seek leave of the Commission for such a filing. Page Boy alleges that Petitioner had knowledge of the charge against Mr. Storey prior to the date of filing its Petition To Deny; and that in view of Petitioner's raising this question in its supplemental petition, an issue should be added as to Petitioner's character qualifications to be a common carrier licensee. Since Petitioner's station at Detroit, KQD303, is now licensed until April 1, 1963, and there is presently no application pending before the Commission by this licensee, Page Boy is in effect, requesting the institution by the Commission of administrative sanctions under Section 312 of our Act.

9. *Disposition of the petition:* We find and conclude that Petitioner is a party in interest. Petitioner is an established common carrier radio licensee offering one-way signaling service generally in the area concerned, who alleges that Page Boy's proposed facility will be in direct competition with the existing facilities of Petitioner.

10. Petitioner has alleged facts, in its petition to deny, which would tend to show, if proved at a hearing, that a grant of the Page Boy application would not serve the public interest, convenience and necessity, and it is necessary to resolve this matter upon an evidentiary hearing. It also appears that the hearing on the petition should be consolidated with the hearing on the captioned applications.

11. There is no basis to disregard Petitioner's Supplement To Petition To Deny Application, since under section 309(d)(1) of the Communications Act of 1934, as amended, and § 21.27(c) of our rules, petitions to deny applications can be filed at any time prior to the day of Commission grant thereof without hearing, or the day of formal designation thereof for hearing.

12. It appears that certain activities of Mr. Storey, a vice president and director of Page Boy and the proposed station's manager, from which an indictment evolved, raise a question as to the qualifications of Page Boy to be a licensee in this service. Therefore, it is deemed necessary that an issue as to the nature and extent of these activities be inserted in the hearing ordered hereafter. There appears to be no basis, upon the pleadings before us, for instituting at this time the administrative sanctions under Section 312 of our Act. However, if upon the record established at the hearing hereafter ordered, information is elicited which would form such a basis, appropriate action will be considered at that time.

13. Page Boy requests special temporary authorization pursuant to § 21.27(b) or in the alternative a conditional grant pursuant to § 21.27(g) of our rules which would authorize it to inaugurate one-way selective-signaling in the Detroit area and cites for authority the Commission's determination in the case of Thomas Joseph Garvey (Docket No. 12699). This case, however, involved a post-grant protest pursuant to section 309(c) of the Communications Act of 1934, as amended, which is not now in effect and under which the Commission could allow a protested grant to remain in effect pending the outcome of a protest hearing if the Commission affirmatively found that the public interest so required and set forth the reasons for its determination. Section 21.27(b) of our rules derives its authority from section 309(f) of the Communications Act of 1934, as amended. The intent of this section is clearly to provide temporary authorization in those cases where extraordinary circumstances require a temporary authorization and a delay in the institution of emergency operation would seriously prejudice the public interest. Here, Page Boy is requesting a new one-way selective-signaling facility. There are presently two licensees offering a one-way paging service in this general area. Although Page Boy proposes a type of service not currently authorized on a regular basis,[5] this is not a situation where extraordinary circumstances are shown nor where a delay in the rendition of the requested service would seriously prejudice the public interest. For the same reasons noted above, there also appears to be no need for a conditional grant of Page Boy's facility, pursuant to § 21.27(g) of our rules.

14. New York Tech on February 27, 1962, filed a petition for immediate grant, or, in the alternative, for an immediate conditional grant of its application to render one-way selective signaling to receivers mounted in vehicles, as distinguished from pocket receivers. Such service is now provided by New York Tech pursuant to special temporary authority granted under § 21.27(b) of our rules, which expires March 19, 1962. New York Tech has represented that the termination of this authority will result in denial of service to 34 existing subscribers with 40 mobile receivers. It appears that the public interest requires such service to be continued without disruption, and that accordingly, a conditional grant should be made pursuant to § 21.27(g)(2) of the rules, of the New York Tech application, to render a selective signaling service to vehicular receivers. The conditional grant is made upon the express condition that it is subject to being withdrawn if, at the hearing hereinafter ordered, it is shown that the public interest will be better served by a grant or denial of all or any of the captioned applications.

15. It also appears that § 21.504 of our rules prescribes a median field strength contour of 43 decibels above one microvolt per meter as the limit of reliable service area for stations engaged in one-way signaling service and that the 43 dbu median field strength set forth in § 21.504 is based upon the Commission's Report T.R.R. 3.3.1 entitled "Service Field Intensity Required For Radio Paging Service At 40 Mc/s"; and that the procedures set forth in the Commission's T.R.R. Report No. 4.3.8 "A Summary Of The Technical Factors Affecting The Allocation Of Land Mobile Facilities In The 152 to 158 Megacycle Band" and use of the F(50,50) and F(50,10) radio wave propagation charts for TV Channel 2 (contained in Part 3 of the Commission's rules, and the Commission's Sixth Report and Order in Docket Nos. 8736, et al.) adjusted downward in field strength by 6 decibels, to compensate for the change in receiving antenna height to 6 feet above ground in lieu of the 30 foot height for which the charts were drawn, are proper for evaluation of the service contours and interference potential of the stations proposed in this proceeding.

16. *Accordingly, it is ordered,* Pursuant to sections 309 (d) and (e) of the Communications Act of 1934, as amended, that the petition is granted to the extent indicated herein, and that the captioned applications are designated for hearing on a comparative basis, all of which shall be determined in a consolidated proceeding, on the following issues:

(a) To determine on a comparative basis the nature and extent of the service proposed respectively by Page Boy and New York Tech in Detroit, including the rates, charges, practices, classifications, regulations and facilities pertaining thereto.

(b) To determine on a comparative basis the areas and population Page Boy and New York Tech propose to serve within their respective 43 dbu contours, as determined in accordance with the standards set forth in paragraph 15 of this order.

(c) To determine the nature and extent of the activities, in which Mr. Storey (the vice president, director, and proposed station manager of Page Boy) engaged, which resulted in the return of an indictment against him.

(d) To determine in the light of the evidence adduced on issue (c), whether Page Boy possesses the qualifications to

[2] As noted previously New York Tech presently provides a selective-signaling service to vehicular receivers only, under an STA which expires March 19, 1962. Page Boy's proposal envisions selective-signaling service solely to pocket receivers.

[3] Page Boy requested leave on April 3, 1961 to file a response to Reply To Opposition To Petition To Deny Application. This request is granted and filing was considered in the disposition hereof.

[4] Page Boy's Supplement to Opposition To Petition To Deny Application filed on April 27, 1961 was not timely filed. This pleading, however, has been accepted and considered. Petitioner stated it has no objection to such acceptance.

[5] Cf. footnote 2, supra.

be a licensee in the Domestic Public Land Mobile Radio Service.

(e) To determine the nature and extent of the unauthorized operation in which New York Tech's Detroit station KQC884 employed type 3A2 emission for the purposes of selective-signaling.

(f) To determine in light of the evidence adduced on issue (e), whether New York Tech possesses the qualifications to be a licensee in the Domestic Public Land Mobile Radio Service.

(g) To determine the nature and extent of service presently offered by Petitioner in Detroit, including the rates, charges, practices, classifications, regulations and facilities pertaining thereto.

(h) To determine the area and population presently served by Petitioner within its 43 dbu contour, as determined in accordance with the standards set forth in paragraph 15 of this order.

(i) To determine the nature and extent of service presently offered by New York Tech in Detroit, including the rates, charges, practices, classifications, regulations and facilities pertaining thereto.

(j) To determine the area and population New York Tech presently serves within its 43 dbu contour as determined in accordance with the standards set forth in paragraph 15 of this order.

(k) To determine whether any advantage to the public would accrue because of the one-way service proposed by Page Boy and New York Tech.

(l) To determine whether any disadvantage to the public would accrue because of the one-way service proposed by Page Boy and New York Tech.

(m) To determine in the light of the evidence adduced on the foregoing issues, which, if any, of the applications should be granted.

17. *It is further ordered,* That the hearing herein, upon the issues specified above, shall be held at the Commission's offices in Washington, D.C., on a date, and before an Examiner, to be announced in a subsequent order; and

18. *It is further ordered,* That the burden of proof on issues (a), (b), (k) and (m) is placed upon the respective applicants herein; the burden of proof on issues (e), (f), (i) and (j) is placed upon New York Tech; and the burden of proof on issues (c), (d), (g), (h) and (l) is placed upon Petitioners; and

19. *It is further ordered,* That the Petitioner and the Chief, Common Carrier Bureau, are made parties to the proceeding herein; and

20. *It is further ordered,* That the parties desiring to participate herein, shall file their notice of appearance on or before the time specified in § 1.140 of our rules; and

21. *It is further ordered,* That Page Boy's request for special temporary authorization is denied for the reasons stated herein; and

22. *It is further ordered,* That Petitioner's Motion To Substitute Party is granted.

23. *It is further ordered,* That New York Tech is authorized to continue the rendition over the facilities of station KQC884, of a selective signaling service, restricted to vehicular receivers only, pending further order by the Commission and subject to the condition that no comparative preference shall accrue to New York Tech by virtue of this operation.

Adopted: March 7, 1962.

Released: March 12, 1962.

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

[F.R. Doc. 62-2547; Filed, Mar. 14, 1962; 8:58 a.m.]

[Docket No. 14562; FCC 62-266]

POTOMAC BROADCASTING CORP. (WPIK)

Order Designating Application for Hearing on Stated Issues

In re application of Potomac Broadcasting Corporation (WPIK), Alexandria, Virginia, has: 730 kc, 1 kw, Day, requests: 730 kc, 5 kw, Day, Docket No. 14562, File No. BP-11400; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 7th day of March 1962;

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

It appearing that, except as to the matters involved in the issues set forth below, no questions exist as to the qualifications of the instant applicant; and

It further appearing that the following matters are to be considered in connection with the issues specified below:

1. The applicant's engineering showing indicates that there would be no objectionable interference to WBMD, Baltimore, Maryland, and that interference to WNAK, Nanticoke, Pennsylvania, is in an area in which that station receives interference from Station WDOS, Oneonta, New York. It appears, however, that the instant proposal would cause some loss to WBMD; and that, according to measurement data on file, the interference to WNAK would not be covered by interference from WDOS. Accordingly, an issue as to the interference caused by the instant proposal to the existing operations of WBMD and WNAK and WMNA, Gretna, Virginia, and WPIT, Pittsburgh, Pennsylvania, is included in this order.

2. Central Virginia Broadcasting Company, Incorporated, licensee of Station WMNA, Gretna, Virginia, filed a petition to deny the instant application on the grounds of interference within the normally protected contour of the station. The petition is being granted herein to the extent that the licensee corporation is being made a party to this proceeding.

3. The subject application involves mutual interference with the proposed operation of WPIT, Pittsburgh, Pennsylvania, BP-11520, but the interference involved would not render either applicant in violation of any Commission Rule. Under these circumstances, the application of WPIT has not been consolidated in this proceeding. However, a grant of the subject application will be conditioned upon acceptance of such interference as may be caused by a subsequent grant of the WPIT proposal.

4. The applicant has specified RCA transmitter, Type BTA-5U, which has not been type accepted by the Commission; and it will be necessary for the applicant (in the event of a grant) to submit measurements proving compliance with §§ 3.48 and 2.524 of the Commission rules.

It further appearing that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It further appearing that studies indicate this proposal meets the criteria adopted January 31, 1962 in connection with the Clear Channel Decision.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WPIK and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal would cause objectionable interference to WBMD, Baltimore, Maryland, WNAK, Nanticoke, Pennsylvania, WPIT, Pittsburgh, Pennsylvania, WMNA, Gretna, Virginia, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That Key Broadcasting Company, WPIT, Inc., Wyoming Radio, Inc., and The Central Virginia Broadcasting Company, Incorporated, licensees of Stations WBMD, WPIT, WNAK and WMNA, respectively, are made parties to the proceeding.

It is further ordered, That, in the event of a grant of the instant application, the construction permit shall contain conditions that the permittee shall submit measurements proving that the proposed transmitter complies with the provisions of §§ 3.48 and 2.524 of the Commission rules, and permittee shall accept any interference that may result from a subsequent grant of the application of WPIT, Inc., WPIT, Pittsburgh, Pennsylvania, which requests an increase in daytime power from 1 kilowatt to 5 kilowatts, File No. BP-11520.

It is further ordered, That the petition to deny the above-captioned application, filed herein by Central Virginia Broadcasting Company, Incorporated, on August 31, 1961, is granted, to the extent indicated in the instant order.

It is further ordered, That, to avail themselves of the opportunity to be

heard, the applicant and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to § 311 (a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission rules, give notice of the hearing, within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: March 12, 1962.

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

[F.R. Doc. 62-2548; Filed, Mar. 14, 1962; 8:58 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 954 et al.]

ATLANTIC-GULF/PUERTO RICO TRADE; RATES AND PRACTICES

Investigation of rates and practices in the Atlantic-Gulf/Puerto Rico trade, Docket No. 954; Investigation of rates and practices in the Atlantic Gulf/Puerto Rico trade, Docket No. 954 (SUB-1); Investigation of increased rates on sugar, refined or turbinated, in bags in The Atlantic/Gulf Puerto Rico trade, Docket No. 954 (SUB-2); A. H. Bull Steamship Co.—proposed increases in rates on "Freight, All Kinds", in mixed van loads in the Puerto Rican trade, Docket No. 963.

On February 28, 1962, the Federal Maritime Commission entered the following Twelfth Supplemental Order to the original order in Docket No. 954, dated July 17, 1961; following Fourth Supplemental Order to the original order in Docket No. 954 (Sub-1) dated November 13, 1961; following Fifth Supplemental Order to the original order in Docket No. 954 (Sub-2) dated December 7, 1962, and following First Supplemental Order to the original order in Docket No. 963 dated December 14, 1961.

It appearing, that there is currently pending in these proceedings an investigation into and a hearing concerning certain rates and practices from, to and/or between Atlantic and Gulf ports of the United States on the one hand and ports in the Commonwealth of Puerto Rico on the other which became effective on July 6, and on various dates thereafter; and

It further appearing, that A. H. Bull Steamship Co. has been named a respondent in these proceedings; and

It further appearing, that the Eighth paragraph in the Original Order in Docket No. 963 dated December 14, 1961; the Eleventh paragraph in the Eleventh Supplemental Order in Docket No. 954 dated February 7, 1962; the Eleventh paragraph in Third Supplemental Order in Docket No. 954 (Sub-1) dated February 7, 1962; and the Ninth paragraph in First Supplemental Order in Docket No. 954 (Sub-2) dated December 14, 1961 provide "That no change shall be made in the matter hereby suspended nor the matter which is continued in effect as a result of such suspension until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Commission"; and

It further appearing, that on February 19, 1962, the A. H. Bull Steamship Co. petitioned the Commission to modify the above quoted provisions in the aforementioned orders to the extent necessary to permit the publication and filing of tariff amendments which would (1) eliminate service to the ports of Ponce and Mayaguez, Puerto Rico; and (2) cancel the 59 cent rate on sugar currently held in effect by reason of suspension of a 75 cent rate of sugar in First Supplemental Order in Docket No. 954 (Sub-2); and

It further appearing, that the A. H. Bull Steamship Co. has petitioned the Commission to permit such tariff amendments to become effective on less than thirty days' statutory notice; and

It further appearing, that protests have been received requesting that the Commission deny the petition of A. H. Bull Steamship Co.; and

It further appearing, that upon consideration of said petition, statements in support thereof, and protests made thereto, the Commission is of the opinion that the A. H. Bull Steamship Co. has shown good cause for the granting of such petition except that good cause has not been shown for permitting the cancellation of the 59 cent sugar rate on less than 30 days' statutory notice;

Now therefore it is ordered, That the Eighth paragraph of Original Order in Docket No. 963, dated December 14, 1961; the Eleventh paragraph of Eleventh Supplemental Order in Docket No. 954, dated February 7, 1962; the Eleventh paragraph of Third Supplemental Order in Docket No. 954 (Sub-1), dated February 7, 1962; and the Ninth paragraph of First Supplemental Order in Docket No. 954 (Sub-2), dated December 14, 1961, be, and they are hereby, modified to the extent necessary to permit the publication and filing of tariff amendments which will (1) eliminate service to the ports of Ponce and Mayaguez, Puerto Rico; and (2) cancel the 59 cent sugar rate currently held in effect by reason of suspension of a 75 cent rate on sugar in First Supplemental Order in Docket No. 954 (Sub-2); and

It is further ordered, That any tariff amendment filed for the purpose of directing the elimination of service to the ports of Ponce and Mayaguez, Puerto Rico as authorized herein, shall be published on a consecutively numbered revised page No. 7 to A. H. Bull Steamship Co., Outward Freight Tariff No. 1, FMC-F No. 1 and a consecutively numbered revised page No. 5 to A. H. Bull Steamship Co., Homeward Freight Tariff No. 1, FMC-F No. 2, such amendment to become effective not earlier than one day after receipt by the Commission; and

It is further ordered, That any tariff amendment filed for the purpose of cancelling the 59 cent rate on sugar, as authorized herein, shall be published on a consecutively numbered revised page No. 27 to A. H. Bull Steamship Co., Homeward Freight Tariff No. 1, FMC-F No. 2, such amendment to become effective not earlier than 30 days after receipt by the Commission; and

It is further ordered, That any publication issued under authority granted herein must bear the following notation: "Issued under authority of Federal Maritime Commission Special Permission No. 3977 and Twelfth Supplemental Order, Docket No. 954; Fourth Supplemental Order, Docket No. 954 (Sub-1); Fifth Supplemental Order, Docket No. 954 (Sub-2) and First Supplemental Order Docket No. 963 dated February 28, 1962"; and

It is further ordered, That a copy of this Order shall be forthwith served upon all respondents, protestants, and interveners herein; and that this Order be published in the FEDERAL REGISTER.

Dated: March 9, 1962.

By the Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-2536; Filed, Mar. 14, 1962; 8:55 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI62-349—RI62-354]

GRAHAM-MICHAELIS DRILLING CO. ET AL.

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

MARCH 8, 1962.

Graham-Michaelis Drilling Company (Operator), et al., Docket No. RI62-349; Graham-Michaelis Drilling Company, Docket No. RI62-350; Graham-Michaelis Drilling Company, et al., Docket No. RI62-351; King-Stevenson Corporation, Docket No. RI62-352; Humble Oil & Refining Company (Operator), et al., Docket No. RI62-353; Humble Oil & Refining Company, Docket No. RI62-354.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. All of the sales are made at a pressure base of 14.65 psia. The proposed changes are designated as follows:

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

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date [1] unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI62-349	Graham-Michaelis Drilling Co. (Operator), et al., c/o Wm. F. Schell, attorney, 508 Petroleum Bldg., Wichita 2, Kans.	2	1	Northern Natural Gas Co. (McKinney Field, Clark County, Kans.)	$2,230	2-6-62	3-9-62	8-9-62	14.0	[2] 15.0	
		5	2	do	540	2-6-62	3-9-62	8-9-62	14.0	[2] 15.0	
		27	1	Panhandle Eastern Pipe Line Co. (Camrick Field, Texas County, Okla.).	260	2-6-62	3-9-62	8-9-62	16.0	[2] 16.4	
		34	3	Northern Natural Gas Co. (Pleasant Valley Field, Ford County, Kans.).	1,670	2-6-62	3-9-62	8-9-62	15.0	[3] 16.0	
		40	4	Kansas-Nebraska Natural Gas Co., Inc. (Camrick Field, Texas County, Okla.).	4,030	2-6-62	3-9-62	8-9-62	16.6	[3] 17.0	
		40	5	do	1,400	2-6-62	3-9-62	8-9-62	16.6	[3] 17.0	
		49	1	Northern Natural Gas Co. (McKinney Field, Meade County, Kans.).	4,850	2-6-62	3-6-62	8-9-62	14.0	[3] 15.0	
RI62-350	Graham-Michaelis Drilling Co.	3	2	Northern Natural Gas Co. (Pleasant Valley Field, Ford County, Kans.).	1,410	2-6-62	3-9-62	8-9-62	15.0	[3] 16.0	
		39	2	Northern Natural Gas Co. (Harper Ranch Field, Clark County, Kans.).	820	2-6-62	3-9-62	8-9-62	15.0	[3] 16.0	
RI62-351	Graham-Michaelis Drilling Co., et al.	6	2	Northern Natural Gas Co. (Hugoton Field, Finney County, Kans.).	385	2-8-62	3-11-62	8-11-62	12.0	[2 4] 13.0	
RI62-352	King-Stevenson Corp., c/o Wm. F. Schell, attorney, 508 Petroleum Bldg., Wichita 2, Kans.	1	2	Northern Natural Gas Co. (Hugoton Field, Seward County, Kans.).	230	2-8-62	3-11-62	8-11-62	12.0	[2 4] 13.0	
RI62-353	Humble Oil & Refining Co. (Operator), et al., P.O. Box 2180, Houston 1, Tex.	191	17	Natural Gas Pipe Line Co. of America (Southeast Camrick Field, Texas County, Okla.).	5,151	2-8-62	3-21-62	8-21-62	17.0	[3] 17.2	RI61-392
RI62-354	Humble Oil & Refining Co., P.O. Box 2180, Huston 1, Tex.	202	9	Panhandle Eastern Pipe Line Co. (Enns Field, Texas County, Okla.).	5,440	2-8-62	3-22-62	8-22-62	16.8	[3] 17.0	RI61-392
		204	5	Panhandle Eastern Pipe Line Co. (Morton County, Kans.).	2,351	2-8-62	3-18-62	8-18-62	15.5	[3] 16.5	
		213	5	Natural Gas Pipe Line Co. of America (Southeast Camrick Field, Beaver County, Okla.).	50	2-8-62	3-21-62	8-21-62	17 0	[3] 17.2	RI61-392
		215	5	do	89	2-8-62	3-21-62	8-21 62	17.0	[3] 17.2	RI61-392
		220	6	do	23	2-8-62	3-21-62	8-21-62	17.0	[3] 17.2	RI61-392
		227	4	do	22	2-8-62	3-21-62	8-21-62	17.0	[3] 17.2	RI61-392
		229	4	do	8	2-8-62	3-21-62	8-21-62	17.0	[3] 17.2	RI61-392
		242	4	do	88	2-8-62	3-21-62	8-21-62	17.0	[3] 17.2	RI61-392
		253	3	do	314	2-8-62	3-21-62	8-21-62	17.0	[3] 17.2	RI61-392

[1] The stated effective date is the first day after expiration of the required statutory notice, or, if later, the date proposed by the respondent.
[2] Periodic increase.
[3] Two step periodic increase.
[4] Subject to downward Btu adjustment.

The proposed-increased rates exceed the applicable area price levels set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR, Chapter I, Part 2, § 2.56).

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

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

The Commission orders:

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

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 20, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-2489; Filed, Mar. 14, 1962; 8:47 a.m.]

[Docket No. CP62-56]

COLUMBIA GULF TRANSMISSION CO. ET AL.

Notice of Application and Date of Hearing

MARCH 8, 1962.

Columbia Gulf Transmission Company, Kentucky Gas Transmission Corporation, United Fuel Gas Company, Docket No. CP62-56.

Take notice that on August 31, 1961, as supplemented on September 6, 1961, and October 27, 1961, Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston 1, Texas, and Kentucky Gas Transmission Corporation (Kentucky Gas), P.O. Box 1273, Charleston, West Virginia, filed in Docket No. CP62-56 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of an interconnection between their pipelines in Madison County, Kentucky, and the delivery of natural gas through said interconnection by Columbia Gulf to Kentucky Gas, in the event of an emergency on the latter's system. Take further notice that on January 18, 1962, United Fuel Gas Company (United Fuel), P.O. Box 1273, Charleston, West Virginia, filed an amendment to the subject application and joined as an applicant herein. The proposed construction, operations, and sale are more fully set forth in the application, as supplemented and amended, which is on file with the Commission and open to public inspection.

Applicants' proposed emergency connection would be made between Columbia Gulf's 30-inch main line and Kentucky Gas' 8-inch KA-1 pipeline at a point in Madison County, Kentucky.

The KA–1 is an isolated line not connected to Kentucky Gas' main transmission system. The application states that the gas supply for this line is obtained solely from Tennessee Gas Transmission Company at a point near Richmond, Kentucky, which gas is delivered for the account of United Fuel Gas Company. Through Line KA–1 Kentucky Gas provides wholesale service to the City of Richmond, Kentucky, to Columbia Gas of Kentucky, Inc., and to Petroleum Exploration, Inc., all for resale in various Kentucky communities.

The application states that to insure continuous and uninterrupted service to Kentucky Gas' utility customers (served from Line KA–1) in the event of a break on, or loss of supply to, that line, Applicants propose to establish the emergency interconnection. Any emergency deliveries to Kentucky Gas by Columbia Gulf would be made for the account of United Fuel, the latter being the only customer of Columbia Gulf and one of the suppliers to Kentucky Gas. United Fuel has requested Columbia Gulf to make the proposed connection and joins in the request for certificate authorization to establish the new delivery point to Kentucky Gas. The application states that there will be no new sale arising from the use of the proposed emergency connection. The proposed facilities will permit delivery of up to approximately 25,000 Mcf per day by Columbia Gulf to Kentucky Gas.

The total cost of the proposed facilities is estimated to be $28,300. Columbia Gulf proposes to construct and operate a 6-inch main line tap and a side gate valve on its line at an estimated cost of $4,400. Kentucky Gas proposes to construct a main line tap on its 8-inch line, a side gate, and a measuring and regulating station at an estimated cost of $23,900. United Fuel will not build anything nor bear any of the costs.

Columbia Gulf states that it will transport any emergency gas for delivery to Kentucky Gas at the proposed new delivery point as part of its regular deliveries for United Fuel, under its filed FPC Gas Rate Schedule T–1, under which it presently transports gas for United Fuel. United Fuel would charge Kentucky Gas for said emergency deliveries according to its filed FPC Gas Rate Schedule CDS–1, which is now applicable to its regular contract demand deliveries to Kentucky Gas. The emergency volumes would be considered part of United Fuel's firm contract demand deliveries to Kentucky Gas.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 17, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D.C., concerning the matters involved in and the issues presented by such application:

Provided, however, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c)(1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 6, 1962. Failure of any party to appear and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–2488; Filed, Mar. 14, 1962; 8:46 a.m.]

[Project No. 82]

ALABAMA POWER CO.

Order Granting Continuance of Hearing

MARCH 8, 1962.

Commission staff by motion filed March 1, 1962, requested that the above-entitled proceeding be continued from March 12, 1962, as presently scheduled, to May 1, 1962, to facilitate completion of staff field work now in progress in preparation for the hearing in this proceeding. Alabama Power Company the only other party of record does not oppose staff's request. That request was filed with the Presiding Examiner and referred to the Commission by the Examiner.

The Commission finds: Good cause has been shown for continuance of the hearing in the above-entitled proceeding from March 12, 1962 to May 1, 1962 and it is necessary and appropriate for the purposes of the Federal Power Act and the Commission's rules of practice and procedure (§ 1.13) that this proceeding be continued as hereinafter provided.

The Commission orders: The hearing in the above-entitled proceeding is hereby continued to reconvene at 10:00 o'clock a.m., May 1, 1962 in a hearing room of this Commission, 441 "G" Street NW., Washington, D.C.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–2487; Filed, Mar. 14, 1962; 8:46 a.m.]

[Docket No. G–16842 etc.]

TENNESSEE GAS TRANSMISSION CO. ET AL.

Order Granting Interventions and Further Consolidating Proceedings

MARCH 8, 1962.

Tennessee Gas Transmission Company, Docket No. G–16842; Tennessee Gas Transmission Company, Docket No. CP60–94; Lowell Gas Company, Docket No. CP61–9; Tennessee Natural Gas Lines, Inc., Docket No. CP61–27; Central Illinois Electric and Gas Company, Docket No. CP61–122; Midwestern Gas Transmission Company, Docket No. CP62–116; Allied Gas Company, Docket No. CP62–132; Alabama Tennessee Natural Gas Company, Docket No. CP62–133; Village of Provencal, Louisiana, Docket No. CP62–152; City of Marshall, Docket No. CP62–187; City of Casey, Illinois, Docket No. CP62–188; City of Martinsville, Illinois, Docket No. CP62–189; Central Illinois Public Service Company, Docket No. CP62–168.

Petitions seeking leave to intervene in these proceedings were timely filed as follows:

Petitioner	Date of filing	Request for intervention Docket No.
Central Massachusetts Gas Co.	6–8–60	CP60–94
Lawrence Gas Co.	6–8–60	CP60–94
Lynn Gas Co.	6–8–60	CP60–94
North Shore Gas Co.	6–8–60	CP60–94
Northampton Gas Light Co.	6–8–60	CP60–94

On January 17, 1962, Central Illinois Public Service Company (Central Illinois) filed an application pursuant to section 7 (a) of the Natural Gas Act, for an order directing Midwestern Gas Transmission Company (Midwestern) to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant, and sell and deliver to Applicant its natural gas requirements for the Village of Vermilion and environs, Edgar County, Illinois.

Applicant proposes to construct a Town border station at a point of physical connection with the Midwestern main transmission line and a 1,500 foot lateral line from this point of connection to the distribution system it intends to construct in the Village of Vermilion. The total cost of these facilities and related expenses is estimated at $30,415 which Applicant proposes to finance from funds generated internally.

The estimated annual and peak day requirements for the City of Vermilion are as follows:

Years	Peak day demand, Mcf	Annual requirements, Mcf
1st	107	11,720
2d	157	16,040
3d	175	17,710

The Commission finds:

(1) The participation in these proceedings by each of the petitioners hereinbefore named requesting permission to intervene herein may be in the public interest.

(2) The issues raised in the above-mentioned 7(a) application relates directly to the issues with respect to Tennessee Gas Transmission Company's Expansion Program and should be consolidated with these proceedings for purposes of hearing.

The Commissioner orders:

(A) Each of the petitioners hereinbefore named seeking to intervene is

hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters affecting asserted rights and interests specifically set forth in the petition to intervene: and, *Provided, further,* That the admission of the interveners shall not be construed as recognition by the Commission that they or any of them might be aggrieved by any order or orders entered in these proceedings.

(B) The proceeding upon the application filed in Docket No. CP62–168 be consolidated with the proceedings in Docket Nos. G–16842, et al., for purposes of hearing.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–2490; Filed, Mar. 14, 1962; 8:47 a.m.]

ORDER ESTABLISHING THE NATIONAL POWER SURVEY EXECUTIVE ADVISORY COMMITTEE

MARCH 8, 1962.

The Federal Power Commission is directed by section 202(a) of the Federal Power Act (16 U.S.C. 792–825r) to promote and encourage voluntary interconnection and coordination of the nation's electric power facilities in the interest of economy and conservation, and is authorized by section 311 of the Act to conduct broad investigations covering all aspects of the entire power industry. In order to accomplish these objectives more effectively, we have concluded that it is in the public interest that a National Power Survey Executive Advisory Committee be, and it hereby is, established.

1. *Purpose.* The Committee shall advise the Commission in planning and carrying out the Commission's proposed national power survey.

2. *Membership of the Committee.* The Committee shall consist of a representative group of members from all segments of the electric power industry to be selected by the Chairman of the Commission.

3. *Organization.* The detailed functions of the National Power Survey Executive Advisory Committee and any other representative committees established to advise the Commission on the survey will be in accordance with Executive Order No. 11007 of February 26, 1962 (27 F.R. 1875) relating to the Formation and Use of Advisory Committees.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–2491; Filed, Mar. 14, 1962; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

MONTANA SHARES, INC.

Notice of Application for Approval of Acquisition of Shares of a Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842), by Montana Shares, Incorporated, which is a bank holding company located in Great Falls, Montana, for the prior approval of the Board of the acquisition by applicant of all of the voting shares of Central Bank of Montana, Great Falls, Montana.

In determining whether to approve this application submitted pursuant to section 3(a)(2) of the Bank Holding Company Act, the Board is required by that Act to take into consideration the following factors: (1) the financial history and condition of the company and the bank concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington 25, D.C.

Dated at Washington, D.C., this 9th day of March 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62–2493; Filed, Mar. 14, 1962; 8:47 a.m.]

GENERAL SERVICES ADMINISTRATION

MAGNESIUM HELD IN THE NATIONAL STOCKPILE

Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b (e), notice is hereby given of a proposed disposition from the national stockpile of approximately 12,500 short tons of magnesium. This notice is also being transmitted to the Congress and to the Armed Services Committee of each House thereof.

Said magnesium is no longer needed for stockpiling purposes because of a revised determination by the Office of Emergency Planning, pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98a(a), that it is obsolescent for use in time of war. The revised determination is based upon a finding of the Office of Emergency Planning that said magnesium is deteriorating.

General Services Administration proposes to transfer said magnesium to other Government agencies, to offer it for sale on a competitive basis, or otherwise to dispose of it in the best interest of the Government, beginning six months after the publication of this notice in the FEDERAL REGISTER. Sales will extend over a period of about four years, and the initial quantity to be offered for sale will not exceed 500 short tons. Subsequent offerings will be scheduled so that sales will be made at intervals of not less than 55 days. None of such offerings will be for a quantity in excess of 700 short tons.

This plan and the dates of disposition have been fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets as well as the protection of the United States against avoidable loss on disposal.

BERNARD L. BOUTIN,
Administrator.

Dated: March 9, 1962.

[F.R. Doc. 62–2539; Filed, Mar. 14, 1962; 8:56 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF–2503]

AIR CRAFT MARINE ENGINEERING CORP.

Notice and Order for Hearing

MARCH 9, 1962.

I. Air Craft Marine Engineering Corporation (issuer), 7850 Gloria Street, Van Nuys (Los Angeles), California, filed with the Commission on May 28, 1958 a notification and offering circular relating to an offering of 300,000 shares of its $1. par value common stock at $1. per share for an aggregate offering of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission, on January 26, 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 2:00 p.m., P.s.t., on March 16, 1962, at the Los Angeles Branch Office of the Commission, Room 309 Guaranty Building, 6331 Hollywood Boulevard, Los Angeles 28, California, with respect to the following matters and questions, without prejudice, however, to the specification

of additional issues which may be presented in these proceedings:

Whether the issuer has complied with the terms and conditions of Regulation A in that:

1. The issuer has solicited the sale of shares by subscription agreement without the use of an offering circular in violation of Rule 256(a);

2. The issuer has failed to file a revised offering circular as required by Rule 256(e); and

3. The issuer has failed to file a report of sales on Form 2–A as required by Rule 260.

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

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Air Craft Marine Engineering Corp., 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 March 14, 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. 62–2510; Filed, Mar. 14, 1962; 8:51 a.m.]

[File No. 1–3842]

BLACK BEAR INDUSTRIES, INC.

Order Summarily Suspending Trading

MARCH 9, 1962.

The common stock, par value 15 cents a share, of Black Bear Industries, Inc. (Formerly Black Bear Consolidated Mining Co.) being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

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

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

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, March 10, 1962, to March 19, 1962, both dates inclusive.

By the Commission.

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

[F.R. Doc. 62–2511; Filed, Mar. 14, 1962; 8:51 a.m.]

[File No. 94D–18]

BONNEVILLE RESOURCES, INC.

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

MARCH, 9, 1962.

I. Bonneville Resources, Inc. (issuer) (17 East Oakland Avenue, Salt Lake City, Utah), formerly known as Bonneville Basin Uranium Corporation, a Utah corporation, on October 24, 1961, filed with the Commission a notification on Form 1–F and sales material relating to a proposed assessment of $0.05 per share on 6,000,000 shares of its outstanding stock for an aggregate of $300,000, and thereafter filed various amendments thereto, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof, and Regulation F promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation F have not been complied with in that:

1. Use has been made of sales material without its first having been filed with the Commission pursuant to Rule 654 of Regulation F.

2. Use has been made of sales material which failed to comply with the requirements of Rule 653 of Regulation F.

B. The sales material used in connection with the offering contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The forecast of profits which are based on conjecture.

2. The failure to disclose that monies advanced by officers to Jonlee Manufacturing Company, which liabilities were assumed by the issuer, are evidenced by 8 percent notes payable to the officers and due January 1, 1963.

3. The representation that after the assessment there will be a definite value to the issuer's stock.

4. The price at which the stock "is being listed".

5. The representation that "a market is now being developed" in the issuer's stock.

C. The offering has been made and would be made in violation of section 17 of the Securities Act of 1933, as amended.

III. *It is ordered,* Pursuant to Rule 656 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation F be, and it hereby is, temporarily suspended.

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

By the Commission.

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

[F.R. Doc. 62–2512; Filed, Mar. 14, 1962; 8:52 a.m.]

[File No. 70–4025]

GENERAL PUBLIC UTILITIES CORP.

Notice of Proposed Capital Contributions to Pennsylvania Electric Company, a Subsidiary Company

MARCH 7, 1962.

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

GPU proposes, from time to time during 1962, to make cash capital contributions in an aggregate amount not to exceed $11,000,000 to Pennsylvania Electric Company ("PENELEC"), an electric utility subsidiary company of GPU, all of whose presently outstanding common stock, par value $20 per share, is owned by GPU. Each such cash capital contribution will be credited by PENELEC to its capital surplus account. PENELEC will use such contributions to reimburse partially its treasury for expenditures

therefrom for construction prior to December 1, 1961. Out of its treasury funds so reimbursed, PENELEC will pay in full its bank loans effected in January and February 1962, and outstanding at the date of filing this declaration in the face amount of $5,000,000.

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

Notice is further given that any interested person may, not later than March 27, 1962, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon declarant, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed, contemporaneously with the request. At any time after said date, the declaration, as filed or as amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

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

[F.R. Doc. 62-2513; Filed, Mar. 14, 1962; 8:52 a.m.]

[File No. 24A-1551]

NATIONAL MERCANTILE CLEARING HOUSE, INC.

Order Canceling Hearing

MARCH 9, 1962.

The Commission by order dated January 15, 1962, having temporarily suspended the Regulation A exemption of National Mercantile Clearing House, Inc., 4539 Ponce de Leon Boulevard, Miami 46, Florida, pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, and National Mercantile Clearing House, Inc., having requested a hearing upon the allegations set forth in the aforementioned order, and the Commission by order dated February 2, 1962, having ordered a hearing in the above-entitled matter, pursuant to section 3(b) of the Securities Act of 1933, as amended, and the applicable provisions thereunder, to commence on March 27, 1962 at 10:00 a.m., e.s.t., in Room 209, United States Post Office and Courthouse Building, 301 Northeast First Avenue, Miami, Florida, before Robert Hislop, Hearing Examiner, and

The company having requested a withdrawal of its request for a hearing, and the Division of Corporation Finance and the Atlanta Regional Office not objecting thereto,

It is ordered, That the request for hearing be and it hereby is deemed withdrawn.

It is further ordered, That the hearing in this matter scheduled for March 27, 1962, be and it hereby is canceled.

Pursuant to the provisions of Rule 261 (b) of Regulation A, the suspension of the Regulation A exemption from registration under the Securities Act of 1933, as amended, with respect to the proposed public offering of securities by the company becomes permanent.

By the Commission.

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

[F.R. Doc. 62-2514; Filed, Mar. 14, 1962; 8:52 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 367]

KENTUCKY

Declaration of Disaster Area

Whereas, it has been reported that during the month of February, 1962, because of the effects of certain disasters, damage resulted to residences and business property located in Floyd, Whitley, Knox, Johnson, Mogoffin, Martin, Rowan, Bath, and Morgan Counties in the State of Kentucky;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid Counties and areas adjacent thereto, suffered damage or destruction resulting from flood and accompanying conditions occurring on or about February 27 and 28, 1962.

Office: Small Business Administration Regional Office, Standard Building, Fourth Floor, 1370 Ontario Street, Cleveland 13, Ohio.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to September 30, 1962.

Dated: March 1, 1962.

JOHN E. HORNE, *Administrator.*

[F.R. Doc. 62-2515; Filed, Mar. 14, 1962; 8:52 a.m.]

[Declaration of Disaster Area 371]

NEW YORK, NEW JERSEY, DELAWARE, MARYLAND, VIRGINIA, NORTH CAROLINA

Declaration of Disaster Area

Whereas, it has been reported that during the month of March, 1962, because of the effects of certain disasters, damage resulted to residences and business property located in the States of New York, New Jersey, Delaware, Maryland, Virginia and North Carolina;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid States suffered damage or destruction resulting from wind, rain, flood, and tide and accompanying conditions occurring on or about March 5, 6, and 7, 1962.

Offices:

Small Business Administration Regional Office, 42 Broadway, New York 4, N.Y.

Small Business Administration Regional Office, Jefferson Building, Rooms 1500-1515, 1015 Chestnut Street, Philadelphia 7, Pa.

Small Business Administration Branch Office, Calvert Building, Room 611, Fayette and St. Paul Streets, Baltimore 2, Md.

Small Business Administration Branch Office, First Federal Building, 608—13th Street NW., Washington 25, D.C.

Small Business Administration Regional Office, 900 N. Lombardy Street, Richmond 20, Va.

Small Business Administration Branch Office, Independence Building, Room 1116, 102 West Trade Street, Charlotte, N.C.

2. Temporary field offices will be established, addresses to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to September 30, 1962.

Dated: March 8, 1962.

JOHN E. HORNE, *Administrator.*

[F.R. Doc. 62-2567; Filed, Mar. 14, 1962; 8:58 a.m.]

[Declaration of Disaster Area 370]

OHIO

Declaration of Disaster Area

Whereas, it has been reported that during the month of March, 1962, because of the effects of certain disasters, damage resulted to residences and business property located in Clermont County in the State of Ohio;

Whereas, the Small Business Administration has investigated and has received

other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) (1) of the Small Business Act may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from flood and accompanying conditions occurring on or about March 1, 1962.

Office: Small Business Administration Regional Office, Standard Building, Fourth Floor, 1370 Ontario Street, Cleveland 13, Ohio.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to September 30, 1962.

Dated: March 7, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-2568; Filed, Mar. 14, 1962; 8:58 a.m.]

[Declaration of Disaster Area 369]

OHIO

Declaration of Disaster Area

Whereas, it has been reported that during the month of February, 1962, because of the effects of certain disasters, damage resulted to residences and business property located in Adams County in the State of Ohio;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) (1) of the Small Business Act may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from flood and accompanying conditions occurring on or about February 27 and 28, 1962.

Office: Small Business Administration Regional Office, Standard Building, Fourth Floor, 1370 Ontario Street, Cleveland 13, Ohio.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to September 30, 1962.

Dated: March 6, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-2569; Filed, Mar. 14, 1962; 8:58 a.m.]

[Declaration of Disaster Area 368]

KENTUCKY

Declaration of Disaster Area

Whereas, it has been reported that during the month of February, 1962, because of the effects of certain disasters, damage resulted to residences and business property located in Franklin and Powell Counties in the State of Kentucky;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) (1) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid Counties and areas adjacent thereto, suffered damage or destruction resulting from flood and accompanying conditions occurring on or about February 27 and 28, 1962.

Offices:

Small Business Administration Regional Office, Standard Building, Fourth Floor, 1370 Ontario Street, Cleveland 13, Ohio.

Small Business Administration Branch Office, Commonwealth Building, Room 1900, Fourth and Broadway, Louisville 2, Ky.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to September 30, 1962.

Dated: March 6, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-2570; Filed, Mar. 14, 1962; 8:58 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

LUXIRTI S.A. HOLDING

Notice of Intention To Return Vested Property

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

Claimant, Claim No., Property, and Location

Luxirti S.A. Holding, Boulevard Royal, 2b, Luxembourg; Claim No. 62733; $5,386.98 in the Treasury of the United States; $3,000 Italian Credit Consortium for Public Works 30 year Guaranteed External Sinking Fund Bonds of 1947, due January 1, 1977, Nos. M 18431/33 for $1,000 each, with July 1, 1962 and s.c.a., held in the Federal Reserve Bank of New York, New York, for safekeeping. Vesting Order Nos. 13561 and 17882.

Executed at Washington, D.C., on March 8, 1962.

For the Attorney General.

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

[F.R. Doc. 62-2524; Filed, Mar. 14, 1962; 8:54 a.m.]

ARTHUR OMRE

Notice of Intention To Return Vested Property

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

Claimant, Claim No., and Property

Arthur Omre, Porsgrunn, Norway; Claim No. 35827; $6.43 in the Treasury of the United States. All right, title, interest and claim of whatsoever kind or nature in and to every copyright, claim of copyright, license, agreement, privilege, power and every right of whatsoever nature, including but not limited to all monies and amounts, by way of royalties, shares of profits or other emolument, and all causes of action accrued or to accrue, relating to the work FLUKTEN by Arthur Omre to the extent owned by Arthur Omre immediately prior to the vesting thereof by Vesting Order No. 4034, executed on August 16, 1944 (9 F.R. 13782, November 17, 1944).

Executed at Washington, D.C., on March 12, 1962.

For the Attorney General.

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

[F.R. Doc. 62-2525; Filed, Mar. 14, 1962; 8:55 a.m.]

HANS RUDOLF SCHINZ

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following prop-

erty located in Washington, D.C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Hans Rudolf Schinz, Rontgeninstitute Kantonsspital, Zurich, Switzerland; Claim No. 36238; All right, title, interest and claim of whatsoever kind or nature in and to every copyright, license, agreement, privilege, power and every right of whatsoever nature, including but not limited to all monies and amounts, by way of royalties, share of profits or other emolument, and all causes of action accrued or to accrue, relating to the work entitled Siebzehn Jahre Strahlentherapie der Krebse. Zuricher Erfahrungen by Hans Rudolf Schinz and Adolf Zuppinger to the extent owned by Hans Rudolf Schinz immediately prior to the vesting thereof by Vesting Order No. 500A–76 (9 F.R. 7788, July 12, 1944).

Executed at Washington, D.C., on March 8, 1962.

For the Attorney General.

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

[F.R. Doc. 62–2526; Filed, Mar. 14, 1962; 8:55 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 12, 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. 37588: *Gravel from Montezuma, Ind., to Illinois points.* Filed by Illinois Freight Association, Agent (No. 157), for The Baltimore and Ohio Railroad Company. Rates on gravel, road surfacing, in carloads, from Montezuma, Ind., to Garrett, Atwood and Pierson, Ill.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 123 to The Baltimore and Ohio Railroad Company's tariff I.C.C. 24048.

FSA No. 37589: *Caustic soda to points in Louisiana.* Filed by Southwestern Freight Bureau, Agent (No. B–8165), for interested rail carriers. Rates on caustic soda, other than liquids, in carloads, from specified points in Michigan, New York and Ohio to Anse La Butte, Bryant, Houma, Lake Charles, Lockport, Mathews, New Iberia, Opelousas, Schriever and Thibodaux, La.

Grounds for relief: Market competition.

Tariff: Supplement 210 to Southwestern Freight Bureau tariff I.C.C. 4234.

FSA No. 37590: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 431), for interested rail carriers. Rates on barite ore or barite ore concentrate, also cleaning compounds, in carloads, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief: Intrastate rates and maintenance of rates from and to points in other states not subject to the same competition.

Tariff: Supplement 27 to Texas-Louisiana Freight Bureau tariff I.C.C. 935.

FSA No. 37593: *Asphalt to points in New Mexico on the AT&SF.* Filed by The Atchison, Topeka and Santa Fe Railway Company (No. 90–A), for itself and interested rail carriers. Rates on asphalt (asphaltum), natural, by-product or petroleum (other than paint, stain or varnish), in packages, in carloads, from producing points in Arkansas, Louisiana, Oklahoma and Texas to points in New Mexico on the lines of the AT&SF Ry. Co.

Grounds for relief: Market competition.

Tariff: Supplement 63 to The Atchison, Topeka and Santa Fe Railway Company's tariff I.C.C. 14812.

AGGREGATE-OF-INTERMEDIATES

FSA No. 37591: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 432), for interested rail carriers. Rates on freight, all kinds, in less-than-carloads, also barite ore or barite ore concentrate and cleaning compounds, in carloads, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief: Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff: Supplement 27 to Texas-Louisiana Freight Bureau tariff I.C.C. 935.

FSA No. 37592: *Passenger fares—The New York, New Haven and Hartford Railroad Company.* Filed by The New York, New Haven and Hartford Railroad Company (Richard Joyce Smith, William J. Kirk, Harry W. Dorigan, Trustees), (No. 6), for interested rail carriers. Relating to transportation of passengers between points in Massachusetts on the line of The New York, New Haven and Hartford Railroad Company and points on the lines of connecting carriers.

Grounds for relief: Establishment of new local fares and maintenance of present fares of connecting carriers.

Tariff: Supplement 3 to The New York, New Haven and Hartford Railroad Company's tariff I.C.C. A–9686.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62–2520; Filed, Mar. 14, 1962; 8:53 a.m.]

SPECIFICATION OF TYPES OF CASES IN RESPECT OF WHICH DETERMINATIONS MAY BE MADE BY THE OPERATING RIGHTS REVIEW BOARD

It appearing that item 7.11(c) of the Organization Minutes of the Commission (26 F.R. 4773, 5167, 8434, and 10991) delegates to the Operating Rights Review Board authority to determine matters in proceedings under the provisions of law set forth in item 4.2 thereof in cases or types of cases specified from time to time by the Chairman of Division 1 of the Commission, which have involved (other than by the Board) the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

It is ordered, That the following types and categories of cases, limited to those which have involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits, be, and they are hereby, specified in respect of which determinations may be made by the said Operating Rights Review Board:

Proceedings arising under the provisions of law set forth in item 4.2 of the said Organization Minutes, other than those embraced in paragraphs (c), (d), (f), (g), (h), (i), (m), (o), (p), (q), (r), (t) only to the extent it includes section 311(a) relating to temporary authorities, (u), (v), (w), and (x) thereof, and except:

(1) Those proceedings in which a Commissioner or a member of the Board has presided at the hearing or has issued a report and recommended order,

(2) Those proceedings which, after due consideration, are found to be susceptible to per curiam treatment without issuance of an explanatory report.

(3) Those proceedings orally argued before Division 1.

(4) Those proceedings which, after due consideration, are found to involve broad questions or issues of administrative policy.

(5) Those proceedings involving matters of rule making.

(6) Those proceedings involving investigations instituted by Division 1 or the Commission under the provisions of the Interstate Commerce Act and related Acts.

(7) Those application proceedings involving the fitness of an applicant seeking a certificate, permit, or broker's license in which evidence is presented by the Bureau of Inquiry and Compliance of the Interstate Commerce Commission.

(8) Formal complaint and answer proceedings.

Provided, however, That the aforesaid general specification shall be effective only in respect to cases of the classes named which are submitted for decision on and after the effective date of this order; *And provided further,* That such specifications, to the extent administered by the Director of the Bureau of Operating Rights, shall be applied and construed under the direction and supervision of the Chairman of Division 1.

It is further ordered, That this order shall be effective on January 12, 1962.

Dated at Washington, D.C., this 10th day of January A.D. 1962.

By the Commission, Commissioner McPherson.

HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62–2574; Filed, Mar. 14, 1962; 8:59 a.m.]

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