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Contents

Agricultural Research Service

RULES AND REGULATIONS:
Japanese beetle quarantine; regulated areas..... 3971

Agricultural Stabilization and Conservation Service

RULES AND REGULATIONS:
Milk in certain marketing areas: Madison, Wis.; handling order..... 3981
Milwaukee, Wis.; order amending order..... 3974

Agriculture Department

See Agricultural Research Service; Commodity Credit Corporation; Federal Crop Insurance Corporation.

Atomic Energy Commission

NOTICES:
Crossroads Marine Disposal Corp.; issuance of amendment to by-product, source, and special nuclear material license..... 4001

RULES AND REGULATIONS:
Dominic Nuclear Test Series, 1962..... 3989

Commerce Department

See National Bureau of Standards; Weather Bureau.

Commodity Credit Corporation

NOTICES:
Flue-cured tobacco in untied form; price support..... 4001

Customs Bureau

PROPOSED RULE MAKING:
Greenville, Miss.; proposed designation as customs port of entry..... 3999

Federal Aviation Agency

PROPOSED RULE MAKING:
Airworthiness directive; Navion and Twin Navion aircraft..... 3999

RULES AND REGULATIONS:
Airworthiness directives:
Piper Model PA-24 aircraft..... 3971
Pratt & Whitney JT4A Series turbojet engines..... 3971
Federal airway; alteration..... 3971

Federal Crop Insurance Corporation

RULES AND REGULATIONS:
Crop insurance, 1963; designated counties:
Barley..... 3972
Wheat..... 3972

Federal Power Commission

NOTICES:
Gackle, Albert, et al.; applications and date of hearing..... 4001

Fish and Wildlife Service

RULES AND REGULATIONS:
Sport fishing in individual wildlife refuge areas:
Illinois; Crab Orchard..... 3995
Minnesota; Rice Lake..... 3997
Montana:
Medicine Lake..... 3996
Pablo..... 3996
Red Rock Lakes..... 3996
North Dakota; Arrowwood et al..... 3994
South Dakota; Sand Lake..... 3997
Wisconsin; Horicon..... 3996

General Services Administration

NOTICES:
Molybdenum held in national stockpile; proposed disposition..... 4005

Interior Department

See Fish and Wildlife Service; Land Management Bureau; Mines Bureau.

International Development Agency

NOTICES:
Jewish Agency for Israel, Inc.; registration as voluntary foreign aid agency..... 4000

Interstate Commerce Commission

NOTICES:
Fourth section applications for relief..... 4004
Motor carrier transfer proceedings..... 4004

Labor Department

See Wage and Hour Division.

Land Management Bureau

NOTICES:
New Mexico; proposed withdrawal and reservation of lands..... 4000

Mines Bureau

NOTICES:
Helium activity; authority delegation..... 4000

National Bureau of Standards

RULES AND REGULATIONS:
Standard samples and reference standards, weights and fees; reference paper for tear test..... 3989

Securities and Exchange Commission

NOTICES:
Hearings, etc.:
Precision Microwave Corp..... 4004
Utah Power & Light Co..... 4004

RULES AND REGULATIONS:
Interpretations:
Acceleration of registration statements..... 3990
Short sale of securities..... 3991

State Department

See International Development Agency.

Treasury Department

See also Customs Bureau.

NOTICES:
Certain designated officials; delegation of authority to affix seal of Treasury Department..... 4000

(Continued on next page)

Wage and Hour Division

NOTICES:

Certain designated officials; delegation of authority to grant or deny certificates..... 4001

RULES AND REGULATIONS:

Employment of full-time students in retail or service establishments at special minimum rates (2 documents)..... 3991, 3994

Weather Bureau

RULES AND REGULATIONS:

Schedule of charges for services... 3989

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.

7 CFR

301..... 3971
401 (2 documents)..... 3972
1039..... 3974
1051..... 3981

10 CFR

112..... 3989

14 CFR

507 (2 documents)..... 3971
600..... 3971

PROPOSED RULES:

507..... 3999

15 CFR

230..... 3989
503..... 3989

17 CFR

231 (2 documents)..... 3990, 3991
241..... 3991

19 CFR

PROPOSED RULES:

1..... 3999

29 CFR

519..... 3991
528..... 3994

50 CFR

33 (8 documents)..... 3994-3997

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Speeches and Statements,
Verbatim News Conferences

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Rules and Regulations

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1169; Amdt. 431]

PART 507—AIRWORTHINESS DIRECTIVES

Piper Model PA-24 Aircraft

There have been reported cases of restricted aileron travel in Piper PA-24 aircraft due to Rubatex blocks becoming detached from the inside of the wing skin. These blocks were installed in some aircraft to prevent oil canning of the wing skin. Since their presence in the aileron counterweight bay can create an unsafe condition, an airworthiness directive requiring their removal is considered necessary.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

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

PPER. Applies to Models PA-24 and PA-24 "250" aircraft, Serial Numbers 24-1 through 24-2264.

Compliance required within the next 50 hours' time in service after the effective date of this AD.

Inspect the aileron counterweight bays on both wings for the presence of Rubatex blocks. If any of these blocks, whether loose or attached, are found they must be removed from the aircraft in order to prevent possible restriction of aileron travel.

(Piper Service Letter No. 364A, dated March 14, 1962, pertains to this subject.)

This amendment shall become effective April 26, 1962.

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

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

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

[F.R. Doc. 62-4054; Filed, Apr. 25, 1962; 8:45 a.m.]

[Reg. Docket No. 1171; Amdt. 432]

PART 507—AIRWORTHINESS DIRECTIVES

Pratt & Whitney JT4A Series Turbojet Engines

There have been several cases of third stage turbine rotor blade failure on Pratt

& Whitney JT4A Series turbojet engines. In one case the failed blade damaged a wing flap. An airworthiness directive is considered necessary requiring inspection of the third stage turbine rotor blades for looseness or rattling.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

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

PRATT & WHITNEY. Applies to all JT4A Series turbojet engines.

Compliance required within the next 85 hours' time in service after the effective date of this directive and thereafter at periods not to exceed 85 hours' time in service from the last inspection.

Inspect third stage turbine rotor blades, P/N 405903, 411803 or 411903, for looseness or rattling in accordance with Pratt & Whitney Aircraft telegraphic message of November 15, 1961. If any blade looseness or rattling is found, remove the engine for blade replacement prior to further flight.

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

(Pratt & Whitney Aircraft telegraphic messages of November 15, 1961, and January 29, 1962, cover the same subject.)

This amendment shall become effective April 26, 1962.

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

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

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

[F.R. Doc. 62-4055; Filed, Apr. 25, 1962; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-LA-79]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration of Federal Airway

On February 9, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 1220) stating that the Federal Aviation Agency (FAA) proposed to extend Intermediate altitude VOR Federal airway No. 1748 from the Las Vegas, Nev., VOR to the intersection of the Las Vegas VOR 266° and the Beaty, Nev., VOR 142° True radials.

The Air Transport Association of America concurred with the proposal. The Department of the Air Force also concurred in the proposal with the provision that the current Los Angeles, Calif., Air Route Traffic Control Center; Las Vegas, Nev., Control Tower and the Nellis, Nev., AFB agreement for the segregation of air traffic under VFR conditions remains in effect.

This agreement was signed on October 12, 1961, and established procedures for segregating VFR traffic in the Nellis AFB area to the maximum extent feasible by specifying certain areas and altitudes within which local VFR flying in the vicinity of Nellis AFB will be conducted. The Agency has no present intention to terminate this agreement.

No other comments were received regarding the proposed amendment.

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

The substance of the proposed amendment having been published, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, § 600.1748 (26 F.R. 8937) is amended to read:

§ 600.1748 VOR Federal airway No. 1748 (Hidden Hills, Nev., to Prescott, Ariz.).

From the intersection of the Las Vegas, Nev., VOR 266° and the Beaty, Nev., VOR 142° radials via the Las Vegas VOR to the Prescott, Ariz., VOR.

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

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

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

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

[F.R. Doc. 62-4056; Filed, Apr. 25, 1962; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P.P.C. 637, Revised, Amdt. 1]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Japanese Beetle

REGULATED AREAS

Pursuant to § 301.48-2 of the regulations supplemental to notice of quarantine No. 48 relating to the Japanese beetle (7 CFR 301.48-2), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162), the administrative instructions in 7 CFR 301.48-2a are hereby amended by delet-

ing from the list of States, counties, and other civil divisions therein, all present references to the designation of regulated areas in North Carolina, Virginia, and West Virginia, and substituting therefor, in their proper alphabetical order, the following:

North Carolina. The entire State.
Virginia. The entire State.
West Virginia. The entire State.

(Sec. 9, 37 Stat. 318, 7 U.S.C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161. 19 F.R. 74, as amended; 7 CFR 301.48-2)

This amendment shall be effective April 26, 1962.

This amendment has the effect of extending the regulated area in the quarantined States of North Carolina, Virginia, and West Virginia to the respective State lines. The action is taken with the concurrence of plant quarantine officials of each of the States concerned.

The present amendment is independent of any proposals that may be made as a result of testimony offered at a public hearing held at Memphis, Tenn., on December 5, 1961, to consider the advisability of quarantining the States of California, Georgia, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, South Carolina, and Tennessee.

This amendment imposes restrictions supplementing Japanese beetle quarantine regulations already effective. It must be made effective promptly in order to permit an orderly administration of the seasonal restrictions invoked each summer under authority of § 301.48-3 (b). Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

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

[SEAL] E. D. BURGESS,
Director,
Plant Pest Control Division.

[F.R. Doc. 62-4087; Filed, Apr. 25, 1962; 8:51 a.m.]

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

COUNTIES DESIGNATED FOR BARLEY CROP INSURANCE; APPENDIX

Pursuant to authority contained in § 401.1 of the above-identified regulations, the following counties have been designated for barley crop insurance for the 1963 crop year.

CALIFORNIA

Kern. San Luis Obispo.
Los Angeles. Tulare.

Boulder.
Larimer.
Logan.
Morgan.

Bingham.
Bonneville.
Cassia.
Fremont.
Godding.
Idaho.
Jerome.
Latah.

Kent.

Becker.
Chippewa.
Clay.
Grant.
Kandiyohi.
Kittson.
Mahnomon.
Marshall.
Norman.
Pennington.

Cascade.
Chouteau.
Daniels.
Fergus.
Hill.
Judith Basin.

Barnes.
Benson.
Bottineau.
Burlleigh.
Cass.
Cavalier.
Dickey.
Eddy.
Foster.
Grand Forks.
Griggs.
Hettinger.
Kidder.
La Moure.
McLean.
Nelson.

Gilliam.
Jefferson.
Linn.
Malheur.
Morrow.

Chester.
Lancaster.

Beadle.
Brown.
Clark.
Codrington.
Day.
Deuel.
Edmunds.
Faulk.
Grant.

Adams.
Asotin.
Benton.
Columbia.
Douglas.
Franklin.
Grant.

Dodge.

COLORADO

Phillips.
Sedgwick.
Weld.

IDAHO

Lewis.
Lincoln.
Madison.
Minidoka.
Nez Perce.
Power.
Teton.
Twin Falls.

MARYLAND

Queen Annes.

MINNESOTA

Pope.
Red Lake.
Roseau.
Stearns.
Stevens.
Swift.
Traverse.
West Polk.
West Otter Tail.
Wilkin.

MONTANA

Pondera.
Sheridan.
Teton.
Toole.
Valley.

NORTH DAKOTA

Pembina.
Ramsey.
Ransom.
Renville.
Richland.
Sargent.
Sheridan.
Stark.
Steele.
Stutsman.
Towner.
Traill.
Walsh.
Ward.
Wells.
Williams.

OREGON

Sherman.
Umatilla.
Union.
Wallowa.
Wasco.

PENNSYLVANIA

Lebanon.
York.

SOUTH DAKOTA

Hamlin.
Kingsbury.
Lake.
McCook.
McPherson.
Marshall.
Miner.
Roberts.
Spink.

WASHINGTON

Garfield.
Klickitat.
Lincoln.
Spokane.
Walla Walla.
Whitman.

WISCONSIN

Fond du Lac.

WYOMING

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

[SEAL]

JOHN N. LUFT,
Manager,

Federal Crop Insurance Corporation.

[F.R. Doc. 62-4078; Filed, Apr. 25, 1962; 8:49 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

COUNTIES DESIGNATED FOR WHEAT CROP INSURANCE; APPENDIX

Pursuant to authority contained in § 401.1 of the above-identified regulations, the following counties have been designated for wheat crop insurance for the 1963 crop year.

CALIFORNIA

Kern. San Luis Obispo.
Los Angeles. Tulare.

COLORADO

Adams. Logan.
Arapahoe. Morgan.
Cheyenne. Phillips.
Elbert. Sedgwick.
Kit Carson. Washington.
Larimer. Weld.
Lincoln. Yuma.

IDAHO

Benewah. Latah.
Bingham. Lewis.
Bonneville. Lincoln.
Camas. Madison.
Cassia. Minidoka.
Fremont. Nez Perce.
Gooding. Oneida.
Idaho. Power.
Jerome. Teton.
Kootenai. Twin Falls.

ILLINOIS

Adams. Madison.
Bond. Mason.
Cass. Menard.
Christian. Monroe.
Clinton. Montgomery.
Douglas. Morgan.
Effingham. Pike.
Fayette. St. Clair.
Fulton. Sangamon.
Greene. Schuyler.
Hancock. Scott.
Jasper. Shelby.
Jersey. Tazewell.
McDonough. Vermilion.
McLean. Washington.
Macoupin.

INDIANA

Allen. Madison.
Blackford. Marshall.
Boone. Miami.
Carroll. Montgomery.
Clay. Noble.
Clinton. Pulaski.
Decatur. Randolph.
DeKalb. Ripley.
Delaware. Rush.
Fountain. Shelby.
Howard. Sullivan.
Huntington. Vigo.
Jackson. Wayne.
Johnson. Wells.
Kosciusko. Whitley.

KANSAS

Allen.
Anderson.
Atchison.
Barber.
Barton.
Bourbon.
Brown.
Butler.
Chase.
Chautauqua.
Cherokee.
Cheyenne.
Clark.
Clay.
Cloud.
Coffey.
Cowley.
Crawford.
Decatur.
Dickinson.
Doniphan.
Douglas.
Edwards.
Elk.
Ellis.
Ellsworth.
Finney.
Ford.
Franklin.
Geary.
Gove.
Graham.
Grant.
Gray.
Greeley.
Greenwood.
Hamilton.
Harper.
Harvey.
Haskell.
Hodgeman.
Jackson.
Jefferson.
Jewell.
Johnson.
Kearny.
Kingman.
Kiowa.
Labette.
Lane.
Lincoln.

Linn.
Logan.
Lyon.
McPherson.
Marion.
Marshall.
Meade.
Miami.
Mitchell.
Montgomery.
Morris.
Nemaha.
Neosho.
Ness.
Norton.
Osage.
Osborne.
Ottawa.
Pawnee.
Phillips.
Pottawatomie.
Pratt.
Rawlins.
Reno.
Republic.
Rice.
Riley.
Rooks.
Rush.
Russell.
Saline.
Scott.
Sedgwick.
Seward.
Shawnee.
Sheridan.
Sherman.
Smith.
Stafford.
Stanton.
Stevens.
Sumner.
Thomas.
Trego.
Wabaunsee.
Wallace.
Washington.
Wichita.
Wilson.
Woodson.

KENTUCKY

Christian.

MARYLAND

Kent.
Queen Annes.

MICHIGAN

Bay.
Branch.
Calhoun.
Clinton.
Eaton.
Gratiot.
Hillsdale.
Huron.
Ingham.
Ionia.

Jackson.
Kalamazoo.
Lenawee.
Monroe.
Saginaw.
St. Clair.
St. Joseph.
Sanilac.
Shiawassee.
Washtenaw.

MINNESOTA

Becker.
Big Stone.
Chippewa.
Clay.
Grant.
Kandiyohi.
Kittson.
Mahnomen.
Marshall.

Norman.
West Otter Tail.
Pennington.
Polk, East.
Polk, West.
Red Lake.
Roseau.
Traverse.
Wilkin.

MISSOURI

Andrew.
Aundrain.
Bates.
Buchanan.
Callaway.
Carroll.
Cass.
Chariton.

Copper.
Davies.
DeKalb.
Franklin.
Gentry.
Henry.
Holt.
Howard.

MISSOURI—Continued

Jasper.
Johnson.
Lafayette.
Lawrence.
Lincoln.
Macon.
Marion.
Monroe.

MONTANA

Blaine.
Cascade.
Chouteau.
Daniels.
Dawson.
Fergus.
Hill.
Judith Basin.
Liberty.
McCone.
Petroleum.

Phillips.
Pondera.
Richland.
Roosevelt.
Sheridan.
Stillwater.
Teton.
Toole.
Valley.
Yellowstone.

NEBRASKA

Banner.
Box Butte.
Butler.
Cass.
Chase.
Cheyenne.
Dawes.
Deuel.
Dodge.
Frontier.
Furnas.
Gage.
Garden.
Gosper.
Hamilton.
Harlan.
Hayes.
Hitchcock.

Jefferson.
Keith.
Kimball.
Lancaster.
Morrill.
Nemaha.
Pawnee.
Perkins.
Phelps.
Red Willow.
Richardson.
Saline.
Saunders.
Scotts Bluff.
Seward.
Thayer.
Washington.
York.

NORTH CAROLINA

Cleveland.
Iredell.
Lincoln.

Mecklenburg.
Rutherford.

NORTH DAKOTA

Adams.
Barnes.
Benson.
Bottineau.
Bowman.
Burke.
Burleigh.
Cass.
Cavalier.
Dickey.
Divide.
Dunn.
Eddy.
Emmons.
Foster.
Golden Valley.
Grand Forks.
Grant.
Griggs.
Hettinger.
Kidder.
La Moure.
Logan.
McHenry.
McIntosh.
McKenzie.

McLean.
Mercer.
Morton.
Mountrall.
Nelson.
Oliver.
Pembina.
Pierce.
Ramsey.
Ransom.
Renville.
Richland.
Rolette.
Sargent.
Sheridan.
Sioux.
Slope.
Stark.
Steele.
Stutsman.
Towner.
Traill.
Walsh.
Ward.
Wells.
Williams.

OHIO

Allen.
Ashland.
Auglaize.
Clinton.
Delaware.
Erie.
Fayette.
Greene.
Hancock.
Hardin.
Henry.
Highland.
Huron.

Knox.
Licking.
Marion.
Medina.
Mercer.
Montgomery.
Morrow.
Paulding.
Pickaway.
Preble.
Putnam.
Sandusky.
Seneca.

OHIO—Continued

Stark.
Tuscarawas.
Union.

Van Wert.
Wayne.
Williams.

OKLAHOMA

Alfalfa.
Beckham.
Blaine.
Caddo.
Canadian.
Comanche.
Cotton.
Craig.
Custer.
Delaware.
Dewey.
Ellis.
Garfield.
Grant.
Greer.
Harmon.
Harper.
Jackson.

Kay.
Kingfisher.
Kiowa.
Logan.
Major.
Mayes.
Noble.
Nowata.
Osage.
Ottawa.
Pawnee.
Texas.
Tillman.
Washington.
Washita.
Woods.
Woodward.

OREGON

Baker.
Gilliam.
Jefferson.
Linn.
Malheur.
Morrow.

Sherman.
Umatilla.
Union.
Wallowa.
Wasco.

PENNSYLVANIA

Chester.
Lancaster.

Lebanon.
York.

SOUTH DAKOTA

Beadle.
Bennett.
Bon Homme.
Brown.
Campbell.
Clark.
Codington.
Corson.
Day.
Deuel.
Dewey.
Edmunds.
Faulk.
Grant.
Hamlin.
Hand.
Hutchinson.

Jones.
Kingsbury.
Lake.
Lyman.
McCook.
McPherson.
Marshall.
Melleite.
Miner.
Perkins.
Potter.
Roberts.
Spink.
Sully.
Tripp.
Walworth.

TENNESSEE

Obion.
Robertson.

TEXAS

Baylor.
Castro.
Collin.
Cooke.
Denton.
Floyd.
Foard.

Gray.
Grayson.
Hale.
Jones.
Lipscomb.
Wilbarger.

UTAH

Box Elder.
Cache.

WASHINGTON

Adams.
Asotin.
Benton.
Columbia.
Douglas.
Franklin.
Garfield.

Grant.
Klickitat.
Lincoln.
Spokane.
Walla Walla.
Whitman.

WYOMING

Goshen.
Laramie.

Platt.

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

[SEAL]

JOHN N. LUFT,
Manager,

Federal Crop Insurance Corporation.

[F.R. Doc. 62-4079; Filed, Apr. 25, 1962; 8:50 a.m.]

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

[Milk Order No. 39]

PART 1039—MILK IN MILWAUKEE, WIS., MARKETING AREA

Order Amending Order

- Sec. 1039.0 Findings and determinations.
- DEFINITIONS**
- 1039.1 Act.
- 1039.2 Secretary.
- 1039.3 Department.
- 1039.4 Person.
- 1039.5 Milwaukee, Wisconsin, marketing area.
- 1039.6 Producer.
- 1039.7 Distributing plant.
- 1039.8 Supply plant.
- 1039.9 Pool plant.
- 1039.10 Nonpool plant.
- 1039.11 Handler.
- 1039.12 Producer-handler.
- 1039.13 Producer milk.
- 1039.14 Fluid milk product.
- 1039.15 Other source milk.
- 1039.16 Route.
- 1039.17 Base milk.
- 1039.18 Excess milk.
- 1039.19 Butter price.
- 1039.20 **MARKET ADMINISTRATOR**
- 1039.25 Designation.
- 1039.26 Powers.
- 1039.27 Duties.
- REPORTS, RECORDS AND FACILITIES**
- 1039.30 Monthly reports of receipts and utilization.
- 1039.31 Other reports.
- 1039.32 Records and facilities.
- 1039.33 Retention of records.
- CLASSIFICATION**
- 1039.40 Skim milk and butterfat to be classified.
- 1039.41 Classes of utilization.
- 1039.42 Shrinkage.
- 1039.43 Responsibility of handlers and reclassification of milk.
- 1039.44 Transfers.
- 1039.45 Computation of skim milk and butterfat in each class.
- 1039.46 Allocation of skim milk and butterfat classified.
- MINIMUM PRICES**
- 1039.50 Basic formula price.
- 1039.51 Class prices.
- 1039.52 Butterfat differentials to handlers.
- Sec. 1039.53 Location differentials to handlers.
- 1039.54 Use of equivalent prices.
- APPLICATION OF PRICES**
- 1039.60 Computation of value of milk at pool plants.
- 1039.61 Computation of uniform prices.
- 1039.62 Computation of uniform prices for base milk and excess milk.
- 1039.63 Plants subject to other Federal orders.
- PAYMENTS FOR MILK**
- 1039.70 Time and method of payment.
- 1039.71 Butterfat differentials to producers.
- 1039.72 Location differentials to producers.
- 1039.73 Adjustment of accounts.
- 1039.74 Marketing services.
- 1039.75 Expense of administration.
- 1039.76 Overdue accounts.
- 1039.77 Termination of obligations.
- DETERMINATION OF BASE**
- 1039.80 Base.
- 1039.81 Base prices.
- EFFECTIVE TIME, SUSPENSION OR TERMINATION**
- 1039.90 Effective time.
- 1039.91 Suspension or termination.
- 1039.92 Continuing power and duty of the market administrator.
- 1039.93 Liquidation after suspension or termination.
- MISCELLANEOUS PROVISIONS**
- 1039.100 Separability of provisions.
- 1039.101 Agents.
- AUTHORITY:** §§ 1039.0 to 1039.101 issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.
- § 1039.0 Findings and determinations.**
- The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.
- (a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon
- certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Milwaukee, Wisconsin, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:
- (1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;
- (2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;
- (3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.
- (4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and
- (5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 3 cents per hundredweight or such amount not to exceed 3 cents per hundredweight as the Secretary may prescribe, with respect to skim milk and butterfat contained in (i) producer milk (including a handler's own farm production) and (ii) other source milk at a pool plant which is allocated to Class I milk pursuant to § 1039.46(a) (3) and (4) and the corresponding steps in § 1039.46 (b).
- (b) *Determinations.* It is hereby determined that:
- (1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement,
- tends to prevent the effectuation of the declared policy of the Act;
- (2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and
- (3) The issuance of this order amending the order is approved or favored by at least three-fourths of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.
- Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Milwaukee, Wisconsin, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:
- DEFINITIONS**
- § 1039.1 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.).
- § 1039.2 Secretary.**
- "Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and perform the duties of the Secretary of Agriculture.
- § 1039.3 Department.**
- "Department" means the United States Department of Agriculture.
- § 1039.4 Person.**
- "Person" means any individual, partnership, corporation, association, or other business unit.
- § 1039.5 Cooperative association.**
- "Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association.
- (a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 1039.25 Designation.

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

§ 1039.26 Powers.

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

- (a) To administer its terms and provisions;
- (b) To receive, investigate and report to the Secretary complaints of violations;
- (c) To make rules and regulations to effectuate its terms and provisions; and
- (d) To recommend amendments to the Secretary.

§ 1039.27 Duties.

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

- (a) Within 30 days following the date on which he enters upon his duties, or such lesser period, as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;
- (b) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;
- (c) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;
- (d) Pay out of the funds provided by § 1039.75 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses except those incurred under § 1039.74, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

sterilized products in hermetically sealed metal containers).

§ 1039.16 Other source milk.

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

- (a) Fluid milk products from any source except (1) fluid milk products received from pool plants, (2) producer milk, or (3) inventory of fluid milk products at the beginning of the month; and
- (b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed, converted into or combined with another product in the plant during the month.

§ 1039.17 Route.

"Route" means a delivery (including disposition from a plant store or from a distribution point and distribution by a vendor or vending machine) of any fluid milk product classified as Class I pursuant to § 1039.41(a) (1) to a retail or wholesale outlet other than a milk plant or a distribution point.

§ 1039.18 Base milk.

"Base milk" means producer milk during each month of March through June which is not in excess of such producer's base multiplied by the number of days of production that such milk was received at pool plants in such month: *Provided*, That base milk shall not include milk received from a farm from which milk is delivered in the same month to a plant at which it is subject to the classification and pricing provisions of another order issued pursuant to the Act: *And provided further*, That from the effective date of this order through June 1962 all producer milk received at a pool plant which first became subject to regulation by this order in such period shall be base milk.

§ 1039.19 Excess milk.

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

§ 1039.20 Butter price.

"Butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price

ceived from dairy farmers at such plant is shipped as fluid milk products during the month to pool plants qualified pursuant to paragraph (a) of this section or from which in August through November such shipments during the month are made on not less than 8 days or are in the aggregate more than 45,000 pounds.

§ 1039.11 Nonpool plant.

"Nonpool plant" means a plant which is neither a pool plant nor the plant of a producer-handler and (b) receives milk from dairy farmers or is a milk manufacturing, processing or bottling plant.

§ 1039.12 Handler.

"Handler" means any person in his capacity as the operator of a pool plant.

§ 1039.13 Producer-handler.

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

§ 1039.14 Producer milk.

"Producer milk" means skim milk and butterfat contained in Grade A milk received at a pool plant directly from a dairy farmer: *Provided*, That milk derived from a pool plant to nonpool plants which are not subject to the classification and pricing provisions of another order issued pursuant to the Act shall be deemed to have been received by the distributing handler at the plant from which diverted.

§ 1039.15 Fluid milk product.

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

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

§ 1039.6 Milwaukee, Wisconsin, marketing area.

"Milwaukee, Wisconsin, marketing area", hereinafter called the "marketing area", means all the territory in the State of Wisconsin which is within the boundaries of the counties of Dodge, Jefferson, Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington and Waukesha; and the towns of Alto, Ashford, Auburn, Byron, Eden, Oakfield, Osceola and Waupun, the villages of Campbellsport, Eden and Oakfield, and the city of Waupun in Fond du Lac County; including piers, docks and wharves and territory wholly or partly within such boundaries occupied by government (Municipal, State, or Federal) reservations, installations, institutions or other similar establishments.

§ 1039.7 Producer.

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

§ 1039.8 Distributing plant.

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

§ 1039.9 Supply plant.

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

§ 1039.10 Pool plant.

"Pool plant" means a plant specified in paragraphs (a) or (b) of this section, except that of a producer-handler or a nonpool plant pursuant to § 1039.63.

(a) A distributing plant from which Grade A milk received at such plant from dairy farmers and other plants is disposed of during the month on routes in the marketing area on not less than 8 days or is in the aggregate more than 45,000 pounds.

(b) A supply plant from which in December through July Grade A milk re-

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

(f) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1039.30 and 1039.31, or payments pursuant to §§ 1039.70 through 1039.76;

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

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

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

(j) Publicly announce on or before:

- (1) The 5th day of each month the minimum price for Class I milk pursuant to § 1039.51(a) and the Class I butterfat differential pursuant to § 1039.52(a), both for the current month; the minimum price for Class II milk pursuant to § 1039.51(b) and the Class II butterfat differential pursuant to § 1039.52(b), both for the preceding month;
- (2) The 12th day after the end of each month of July through February, the uniform prices pursuant to § 1039.61 and the butterfat differentials pursuant to § 1039.71; and
- (3) The 12th day after the end of each month of March through June, the uniform prices for base milk and excess milk pursuant to § 1039.62 and the butterfat differentials pursuant to § 1039.71.

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

REPORTS, RECORDS AND FACILITIES

§ 1039.30 Monthly reports of receipts and utilization.

On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator for such month, reporting separately for each pool plant in detail and on forms prescribed by the market administrator:

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

- (1) Producer milk (including for the months of March through June the aggregate amount of base and excess milk),
- (2) Fluid milk products received from pool plants,
- (3) Other source milk,
- (4) Milk diverted to nonpool plants pursuant to § 1039.14, and
- (5) Inventories of fluid milk products on hand at the beginning and end of the month;

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

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

§ 1039.31 Other reports.

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

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator, on or before the 19th day after the end of the month for each of his pool plants, his producer payroll for such month which shall show for each producer:

- (1) His name and address;
- (2) The total pounds of milk received from each producer (including for the months of March through June the total pounds of base and excess milk) and the number of days, if less than the entire month, on which milk was received from such producer;
- (3) The average butterfat content of such milk; and
- (4) The net amount of such handler's payment, together with the price paid

and the amount and nature of any deductions.

§ 1039.32 Records and facilities.

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

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

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

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

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

§ 1039.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain. Provided, That if within such 3-year period, the market administrator notifies a handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 86(15) (A) of the Act or a court action specified in such notice, the handler shall retain such books and records until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1039.40 Skim milk and butterfat to be classified.

The skim milk and butterfat required to be reported pursuant to § 1039.30 shall be classified each month by the market administrator pursuant to the provisions of §§ 1039.41 through 1039.46.

§ 1039.41 Classes of utilization.

Subject to the conditions set forth in § 1039.44, the classes of utilization shall be as follows:

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

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

(2) Not accounted for as Class II milk.

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

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

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

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

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

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

(6) Skim milk and butterfat in shrinkage of producer milk (except milk diverted to other plants pursuant to § 1039.14) and other source milk in bulk but not in excess of:

(i) 2.0 percent of the skim milk and butterfat, respectively, in such receipts;

(ii) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received from pool plants; and

(iii) Less 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products transferred to other plants.

§ 1039.42 Shrinkage.

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

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

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

(1) Producer milk (except milk diverted to other plants pursuant to § 1039.14), plus bulk fluid milk products received from other pool plants and less transfers of bulk fluid milk products to other plants;

(2) Other source milk.

§ 1039.43 Responsibility of handlers and reclassification of milk.

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

§ 1039.44 Transfers.

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

(a) As Class I milk if transferred in the form of a fluid milk product to another pool plant unless utilization as Class II milk is claimed for both plants in the reports submitted for the month to the market administrator pursuant to § 1039.30: *Provided*, That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the transfer plant after the subtraction of other source milk pursuant to § 1039.46 and any additional amounts of such skim milk or butterfat shall be classified as Class I milk: *Provided further*, That if other source milk was received at either or both plants, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk at both plants;

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

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

(d) As Class I milk, if transferred or diverted in bulk in the form of a fluid milk product to a nonpool plant located within the State of Wisconsin or not more than 150 miles by the shortest highway distance as determined by the

is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be a quantity equivalent to the nonfat milk solids contained in such product plus all the water originally associated with such solids.

§ 1039.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1039.45, the market administrator shall determine the classification of producer milk received at each pool plant each month as follows:

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

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk (except that in other source milk) classified as Class II milk pursuant to § 1039.41(b) (6);

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

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

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

(5) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products subject to the pricing and pooling provisions of another order issued pursuant to the Act;

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

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

(8) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from pool plants according to the classification of such products pursuant to § 1039.44(a); and

(9) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess (hereinafter referred to as "overage") from the remaining pounds of skim milk in each class in series beginning with Class II milk.

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

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

MINIMUM PRICES

§ 1039.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month: *Provided*, That such reported price shall be adjusted to a 3.5 percent butterfat basis at the rate of the butter price times 0.120 and rounded to the nearest cent.

§ 1039.51 Class prices.

Subject to the provisions of §§ 1039.52 and 1039.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus \$1.08 August through November; \$0.68 March through June and \$0.88 in other months: *Provided*, That such Class I price shall be increased or decreased, respectively, 2 cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio.

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

market administrator, from the City Hall of Milwaukee, Wisconsin, unless:

(1) The transferring or diverting handler claims classification in Class II milk in his report submitted pursuant to § 1039.30;

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

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

§ 1039.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization submitted pursuant to § 1039.30 for each pool plant and shall compute the pounds of skim milk and butterfat in each class at each such plant: *Provided*, That if any water contained in the milk from which a product

§ 1039.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices for the month pursuant to § 1039.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at a rate, rounded to the nearest one-tenth cent, determined as follows:

- (a) *Class I price.* Multiply the butter price for the preceding month by 0.120.
- (b) *Class II price.* Multiply the butter price for the month by 0.115.

§ 1039.53 Location differentials to handlers.

The Class I price for producer milk received at a pool plant less than 70 miles from the City Hall in Chicago, Illinois, as determined by the market administrator, shall be increased 4 cents and the Class I price for producer milk received at a pool plant 145 miles or more from the Chicago City Hall shall be decreased 2 cents for each 15 miles or fraction thereof that such plant is more than 130 miles from the Chicago City Hall, as determined by the market administrator:

Provided, That for the purpose of calculating such location differential, fluid milk products transferred between pool plants shall be assigned to any remainder of Class II milk in the transferee plant after making the calculations prescribed in § 1039.46(a) (6) and the corresponding step of § 1039.46(b) for such plant, such assignment to the transferor plant to be made in sequence according to the location differential applicable at each plant, beginning with the plant farthest from the City Hall in Chicago, Illinois.

§ 1039.54 Use of equivalent prices.

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

APPLICATION OF PRICES

§ 1039.60 Computation of value of milk at pool plants.

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

ceived by such handler. The quotient, adjusted to the nearest cent, shall be the handler's uniform price.

§ 1039.62 Computation of uniform prices for base milk and excess milk.

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

(a) From the reports submitted by handlers pursuant to § 1039.30 determine the aggregate classification of producer milk included in the computation of value pursuant to § 1039.60 and the total hundredweight of such milk that is base milk and that is excess milk:

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

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

(d) Subtract the value of excess milk pursuant to paragraph (c) of this section from the aggregate value of all milk obtained in § 1039.60;

(e) Add an amount equal to the sum of the location differential deductions to be made pursuant to § 1039.72(a);

(f) Subtract an amount equal to the sum of the location differential additions to be made pursuant to § 1039.72(b); and

(g) Add if a deduction was made, or subtract if an addition was made, in computing the uniform price for such handler to the nearest cent for the preceding month the amount of such adjustment; and

(h) Divide the amount obtained in paragraph (a) of this section by the total hundredweight of base milk obtained in paragraph (a) of this section. The quotient, rounded to the nearest cent, shall be the uniform price for base milk.

§ 1039.63 Plants subject to other Federal orders.

A distributing plant or a supply plant shall be a nonpool plant during any

month in which such plant would be subject to the classification and pricing provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant pursuant to § 1039.10 and a greater volume of fluid milk products is disposed of from such plant on routes in this marketing area and to pool plants qualified on the basis of route distribution in this marketing area than in the marketing area regulated pursuant to such other order: *Provided*, That the operator of a distributing plant or a supply plant which is a nonpool plant pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 1039.30) and allow verification of such reports by the market administrator.

PAYMENTS FOR MILK

§ 1039.70 Time and method of payment.

(a) Each handler, on or before the 15th day after the end of each month, shall pay each producer for each hundredweight of producer milk received during such month for which payment is not made to a cooperative association pursuant to paragraph (b) of this section, an amount computed at not less than the uniform prices pursuant to § 1039.61 or § 1039.62, adjusted pursuant to §§ 1039.71 through 1039.74.

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

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

(1) The month and identity of the producer;
 (2) The daily and total pounds and the average butterfat content of producer milk;
 (3) The minimum rate or rates at which payment to the producer is required pursuant to the order;
 (4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;
 (5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and
 (6) The net amount of payment to such producer or cooperative association.

§ 1039.71 Butterfat differentials to producers.

The uniform prices of each handler for producer milk pursuant to §§ 1039.61 and 1039.62 shall be increased or decreased for each one-tenth of one percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate (adjusted to the nearest one-tenth cent) determined by multiplying the pounds of butterfat in the producer milk of such handler allocated to Class I and Class II milk pursuant to § 1039.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth of a cent.

§ 1039.72 Location differentials to producers.

(a) The uniform prices for producer milk pursuant to § 1039.61 and the uniform prices for base milk pursuant to § 1039.62 which is received at a pool plant 145 miles or more from the Chicago City Hall shall be decreased 2 cents for each 15 miles or fraction thereof that such plant is more than 130 miles from the Chicago City Hall, as determined by the market administrator.

(b) The uniform prices for producer milk pursuant to § 1039.61 and the uniform prices for base milk pursuant to § 1039.62 which is received at a pool plant less than 70 miles from the Chicago City Hall, as determined by the market administrator, shall be increased 4 cents.

§ 1039.73 Adjustment of accounts.
 Whenever verification by the market administrator of reports or payments of

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

§ 1039.74 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 1039.70 shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to producer milk received by such handler (except such handler's own farm production) during the month, and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples, and tests of producer milk and to provide producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.
 (b) In the case of producers for whom a cooperative association is performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of each month, pay over such deductions to the association rendering such services.

§ 1039.75 Expense of administration.

As his pro rata share of the expense of the administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of each month 3 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to skim milk and butterfat contained in (a) producer milk (including a handler's own farm production) and (b) other source milk at a pool plant which is allocated to Class I milk pursuant to § 1039.46(a) (3) and (4) and the corresponding steps in § 1039.46(b).

§ 1039.76 Overdue accounts.

Any unpaid obligation of a handler pursuant to §§ 1039.70 through 1039.75 shall be increased one-half of one percent on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

§ 1039.77 Termination of obligations.

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

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:
 (1) The amount of the obligation;
 (2) The months during which the milk, with respect to which the obligation exists, was received or handled; and
 (3) If the obligation is payable to one or more producers or to an association of producers, the name of such producers or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

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

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

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

DETERMINATION OF BASE

§ 1039.80 Base.

"Base" for each producer shall be determined by the market administrator and shall be the amount obtained by dividing the total pounds of producer milk received from such producer at all pool plants during the months of August through November immediately preceding by the number of days on which such milk is received from such producer: *Provided*, That for the purpose of computing the base of a producer pursuant to this section, the number of days included in his producer milk deliveries shall be the number of days of production of any dairy farmer during the preceding August through November to a nonpool plant that is a pool plant in any of the months of March through June shall be considered producer milk received at a pool plant: *Provided further*, That if no milk is received from a producer at a pool plant during the months of August through November or if milk is received on less than 75 days during such months, the base of such producer shall be his average daily deliveries of producer milk for each of the months of March through June multiplied by 60 percent in March, 55 percent in April and 50 percent in May and June: *And provided further*,

the market administrator or his representatives.

That any producer for whom a base has been established pursuant to this section based on deliveries of 75 or more days during the preceding months of August through November may, in lieu thereof, by notifying the market administrator prior to March 1, be accorded a base computed pursuant to the immediately preceding proviso of this section.

§ 1039.81 Base rules.

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

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

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

- (d) When two or more producers holding a joint base cease delivering milk from the same farm, the base may be divided among the producers having an interest in such base by notification in writing to the market administrator postmarked not later than the last day of the month during which the division is to be effective, such notification to specify the terms of division of base and

mate shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary, execute such assignment or other instruments necessary or appropriate to vest in such person full title to all funds, property and claims vested in the market administrator or such person pursuant thereto.

§ 1039.93 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet out-

standing obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1039.100 Separability of provisions.

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

§ 1039.101 Agents.

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

Effective date: June 1, 1962.

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

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62-4080; Filed, Apr. 25, 1962; 8:50 a.m.]

bearing the signature of all interested producers: *Provided*, That in the event producers do not notify the market administrator of their agreed terms of division of base by letter postmarked not later than the last day of the month during which the division is effective, the market administrator shall divide the base among the producers in the same ratio as they shared in the milk deliveries during the base-making period, or if the base is held in the name of a partnership, it shall be divided equally among the interested producers.

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

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1039.90 Effective time.

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

§ 1039.91 Suspension or termination.

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

§ 1039.92 Continuing power and duty of the market administrator.

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

- (b) The market administrator or such other person as the Secretary may design-

[Milk Order No. 51]

PART 1051—MILK IN MADISON, WIS., MARKETING AREA

Order Regulating Handling of Milk

Sec. 1051.0 Findings and determinations.

DEFINITIONS

- 1051.1 Act.
- 1051.2 Secretary.
- 1051.3 Department.
- 1051.4 Person.
- 1051.5 Cooperative association.
- 1051.6 Madison, Wisconsin, marketing area.
- 1051.7 Producer.
- 1051.8 Distributing plant.
- 1051.9 Supply plant.
- 1051.10 Fluid milk plant.
- 1051.11 Pool plant.
- 1051.12 Nonpool plant.
- 1051.13 Handler.
- 1051.14 Producer-handler.
- 1051.15 Producer milk.
- 1051.16 Fluid milk product.
- 1051.17 Other source milk.
- 1051.18 Route.
- 1051.19 Base milk.
- 1051.20 Excess milk.
- 1051.21 Butter price.

MARKET ADMINISTRATOR

- 1051.80 Designation.
- 1051.81 Powers.
- 1051.82 Duties.

REPORTS, RECORDS AND FACILITIES

- 1051.85 Reports of receipts and utilization.
- 1051.86 Other reports.
- 1051.87 Records and facilities.
- 1051.88 Retention of records.

CLASSIFICATION

- 1051.40 Skim milk and butterfat to be classified.
- 1051.41 Classes of utilization.
- 1051.42 Shrinkage.
- 1051.43 Responsibility of handlers and reclassification of milk.
- 1051.44 Transfers.
- 1051.45 Computation of skim milk and butterfat in each class.
- 1051.46 Allocation of skim milk and butterfat classified.
- 1051.47 Inventory reclassification.

MINIMUM PRICES

- 1051.50 Basic formula price.
- 1051.51 Class prices.
- 1051.52 Butterfat differentials to handlers.
- 1051.53 Location differentials to handlers.
- 1051.54 Use of equivalent prices.
- 1051.55 Rate of payment on unpriced milk.

APPLICATION OF PRICES

- 1051.60 Computation of value of milk at each pool plant.

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

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

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

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to skim milk and butterfat in (i) producer milk (including a handler's own farm production), (ii) other source milk at a pool plant which is allocated to Class I milk pursuant to § 1051.46(a) (3) and (4) and the corresponding steps in § 1051.46(b), and (iii) subject to the proviso of § 1051.78, receipts at a nonpool fluid milk plant (except the plant of a state educational institution) of Grade A milk from dairy farmers on which no administration expense has been paid pursuant to another order issued pursuant to the Act.

(b) *Additional findings.* It is necessary in the public interest to make this order partially effective not later than May 1, 1962, and fully effective not later than June 1, 1962. Any delay beyond these dates would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary was issued December 22, 1961, and the de-

cision of the Under Secretary containing all the provisions of this order was issued March 23, 1962. This order will initiate a new regulatory program in the market. The provisions other than those relating to prices and payments must become effective prior to the effective date of the order to provide handlers the opportunity to adjust their operational and accounting procedures to conform to all provisions of the order. In view of the foregoing, it is hereby found and determined that good cause exists for making this order partially effective May 1, 1962, and fully effective June 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER (sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001-1011).

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

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

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

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

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Madison, Wisconsin marketing area shall be in conformity to, and in compliance with, the following terms and conditions:

DEFINITIONS

§ 1051.1 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.).

of all the dairy animals and other resources necessary to produce the entire volume of fluid milk products handled (excluding receipts from pool plants) and the operation of the processing and distributing business are the personal enterprise and risk of such person.

§ 1051.15 Producer milk.

"Producer milk" means skim milk and butterfat contained in Grade A milk received at a pool plant directly from a dairy farmer (except one whose milk is received at the plant of a state educational institution during the month) or a handler pursuant to § 1051.13(c): *Provided*, That milk diverted from pool plants to nonpool plants which are not subject to the classification and pricing provisions of another order issued pursuant to the Act shall be deemed to have been received by the diverting handler at the pool plant from which diverted: *And provided further*, That in any of the months of July through December, the quantity of milk of any producer diverted from pool plants to nonpool plants which are not subject to the classification and pricing provisions of another order issued pursuant to the Act that is greater than the quantity delivered to pool plants shall not be deemed to have been received by the diverting handler at the plant from which diverted and shall not be producer milk.

§ 1051.16 Fluid milk product.

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

§ 1051.17 Other source milk.

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

- (a) Fluid milk products from any source except (1) fluid milk products received from pool plants, (2) producer milk, or (3) inventory of fluid milk products at the beginning of the month; and
- (b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed, converted into, or combined

month in which less than 50 percent of the Grade A milk of producers of such cooperative association is received at pool plants pursuant to paragraphs (a) and (b) of this section: *And provided further*, That if written application is filed with the market administrator on or before the first day of January of any year, such plant shall be designated a nonpool plant for each month in such year during which it would not otherwise qualify as a pool plant pursuant to paragraph (a) or (b) of this section.

§ 1051.12 Nonpool plant.

"Nonpool plant" means a plant which (a) is neither a pool plant nor the plant of a producer-handler and (b) receives milk from dairy farmers or is a milk manufacturing, processing or bottling plant.

§ 1051.13 Handler.

"Handler" means:

- (a) Any person in his capacity as the operator of one or more fluid milk plants (except a state educational institution),
- (b) Any cooperative association with respect to milk from producers which it causes to be diverted from a pool plant to a nonpool plant for the account of such cooperative association, or
- (c) Any cooperative association with respect to the milk of its producers which is delivered from the farm to the fluid milk plant of another handler in under contract to such cooperative association: *Provided*, That such cooperative association shall not be a handler pursuant to this paragraph unless the market administrator is notified in writing prior to the first day of the month in which such milk is delivered that it elects to be the handler for such milk: *And provided further*, That such milk for which a cooperative association is the handler pursuant to this paragraph shall be deemed to have been received at the location of the fluid milk plant to which such milk is delivered.

§ 1051.14 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant and who receives no fluid milk products from other dairy farmers or from sources other than pool plants: *Provided*, That such person provides proof satisfactory to the market administrator that the care and management

during the month on routes in the marketing area.

§ 1051.9 Supply plant.

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

§ 1051.10 Fluid milk plant.

"Fluid milk plant" means:

- (a) A pool plant, or
- (b) A distributing plant which is a nonpool plant.

§ 1051.11 Pool plant.

"Pool plant" means a plant specified in paragraph (a), (b) or (c) of this section (except that of a producer-handler, the plant of a state educational institution or a nonpool plant pursuant to § 1051.65): *Provided*, That if a portion of a plant is physically separated from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

- (a) A distributing plant from which not less than 50 percent of the total Grade A milk receipts is disposed of during the month on routes and not less than 10 percent of such receipts is disposed of on routes in the marketing area.
- (b) A supply plant from which not less than 50 percent of the Grade A milk received from dairy farmers at such plant during the month is shipped as fluid milk products to pool plants qualified pursuant to paragraph (a) of this section: *Provided*, That a supply plant which qualified pursuant to this paragraph during each of the immediately preceding months of September through November, shall be a pool plant for the months of March through June unless written application is filed with the market administrator on or before the first day of any such month to be designated a nonpool plant for such month and for each subsequent month through June during which it would not otherwise qualify as a pool plant.
- (c) A plant which is operated by cooperative association and which is not a pool plant pursuant to paragraph (a) or (b) of this section: *Provided*, That such plant shall not be a pool plant pursuant to this paragraph during any

§ 1051.2 Secretary.

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

§ 1051.3 Department.

"Department" means the United States Department of Agriculture.

§ 1051.4 Person.

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

§ 1051.5 Cooperative association.

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

- (a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and
- (b) To have full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or milk products for its members.

§ 1051.6 Madison. Wisconsin, marketing area.

"Madison, Wisconsin, marketing area", hereinafter called the "marketing area", means all the territory within the boundaries of the counties of Columbia, Crawford, Dane, Grant, Green, Iowa, Juneau, La Crosse, Lafayette, Monroe, Richland, Sauk and Vernon, all in the State of Wisconsin, including territory within such boundaries occupied by government (Municipal, State or Federal) reservations, installations, institutions or other similar establishments.

§ 1051.7 Producer.

"Producer" means any person, except a producer-handler or a dairy farmer whose milk is received at the plant of a state educational institution during the month, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received at a pool plant.

§ 1051.8 Distributing plant.

"Distributing plant" means a plant in which any Grade A fluid milk product is processed or packaged and disposed of

REPORTS, RECORDS AND FACILITIES
 § 1051.35 Report of receipts and utilization.
 On or before the 7th day after the end of each month, each handler, except a producer-handler and a handler pursuant to § 1051.13(c), shall report to the market administrator for such month, reporting separately for each fluid milk plant, in detail and on forms prescribed by the market administrator:

- (a) The quantities of skim milk and butterfat contained in or represented by:
 - (1) Grade A milk received from dairy farmers (including for each month of March through June the quantity of producer milk that is base milk and excess milk) and from handlers pursuant to § 1051.13(c),
 - (2) Fluid milk products received from pool plants,
 - (3) Other source milk,
 - (4) Milk diverted to nonpool plants pursuant to § 1051.15, and
 - (5) Inventories of fluid milk products on hand at the beginning and end of the month;
- (b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area; and
- (c) Such other information with respect to the utilization of skim milk and butterfat as the market administrator may prescribe.

§ 1051.36 Other reports.
 (a) Each producer handler shall report to the market administrator at such time and in such manner as the market administrator may prescribe.
 (b) Each handler pursuant to § 1051.13(c) shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 7th day after the end of each month the quantities of skim milk and butterfat in producer milk (including for each month of March through June the quantity of producer milk that is base milk and excess milk) delivered to each pool plant in such month.
 (c) Each handler except a producer-handler shall report to the market administrator in detail and on forms pre-

which he is required to perform such acts, has not made reports pursuant to §§ 1051.35 and 1051.36, nor payments pursuant to §§ 1051.64, 1051.70, 1051.74, 1051.76, 1051.77 and 1051.78:
 (g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;
 (h) Verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends, or by such investigation as the market administrator deems necessary;

- (i) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information;
- (j) Publicly announce on or before:
 - (1) The 6th day of each month the minimum price for Class I milk pursuant to § 1051.51(a) and the Class I butterfat differential pursuant to § 1051.52(a), both for the current month, and the minimum price for Class II milk pursuant to § 1051.51(b) and the Class II butterfat differential pursuant to § 1051.52(b), both for the preceding month;
 - (2) The 10th day after the end of each month of July through February the uniform price pursuant to § 1051.62 and the butterfat differential pursuant to § 1051.71; and
 - (3) The 10th day after the end of each month of March through June, the uniform prices for base milk and excess milk pursuant to § 1051.63 and the butterfat differential pursuant to § 1051.71;
- (k) On or before the 10th day after the end of each month report to each cooperative association, upon request by such association, the percentage of the milk caused to be delivered by the cooperative association for its members which was utilized in each class at each pool plant receiving such milk. For the purpose of this report, the milk so received shall be allocated to each class at each pool plant in the same ratio as all producer milk received at such plant during the month; and
- (l) On or before February 15 of each year notify each producer and the handler receiving milk from such producer of the base established by such producer.

§ 1051.31 Powers.
 The market administrator shall have the following powers with respect to this part:
 (a) To administer its terms and provisions;
 (b) To receive, investigate, and report to the Secretary complaints of violations;
 (c) To make rules and regulations to effectuate its terms and provisions; and
 (d) To recommend amendments to the Secretary.

- § 1051.32 Duties.
 The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:
 (a) Within 30 days following the date on which he enters upon his duties, or such lesser period, as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;
 (b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;
 (c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;
 (d) Pay out of the funds provided by § 1051.78, the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses except those incurred under § 1051.77, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;
 (e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;
 (f) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon

with another product in the plant during the month.
 § 1051.18 Route.
 "Route" means a delivery (including disposition from a plant store or from a distribution point and distribution by a vendor or vending machine) of any fluid milk product classified as Class I pursuant to § 1051.41(a) (1) to a retail or wholesale outlet other than a milk plant or a distribution point.
 § 1051.19 Base milk.
 "Base milk" means producer milk during each month of March through June which is not in excess of such producer's base multiplied by the number of days of production that such milk was received at pool plants in such month. Provided, That base milk shall not include milk received from a farm from which milk is delivered in the same month to a plant at which it is subject to the classification and pricing provisions of another order issued pursuant to the Act: And provided further, That from the effective date of this order through June 1962 all producer milk received at pool plants shall be base milk.

§ 1051.20 Excess milk.
 "Excess milk" means milk received at pool plants from a producer during each month of March through June which is in excess of the base milk received from such producer during such month.
 § 1051.21 Butter price.
 "Butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported during the month by the Department.
 MARKET ADMINISTRATOR
 § 1051.30 Designation.
 The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

milk or butterfat shall be classified as Class I milk: *Provided further*, That if the transferor plant is a nonpool plant the skim milk or butterfat transferred shall be classified as Class I milk and as Class II milk in the same ratio as other source milk at the transferee plant is allocated to each class pursuant to § 1051.46(a)(4) and the corresponding step of § 1051.46(b): *And provided further*, That if other source milk was received at either or both plants, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk at both plants:

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

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

(d) As Class I milk, if transferred or diverted in bulk in the form of a fluid milk product to a nonpool plant not more than 150 miles, by the shortest highway distance as determined by the market administrator, from the nearer of the City Halls of La Crosse and Madison, Wisconsin, unless:

(1) The transferring or diverting handler claims classification in Class II milk in his report submitted pursuant to § 1051.35;

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

(3) The skim milk and butterfat in fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from such nonpool plant do not exceed the receipts of skim milk and butterfat in Grade A milk received during the month from dairy farmers who the market administrator determines constitute the regular source of supply for such plant: *Provided*, That any skim milk or butterfat in fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from the nonpool plant which is in excess of receipts from such dairy farmers shall be assigned to such transfers or diversions from the fluid milk

(ii) Plus 1.5 percent of producer milk received from a handler pursuant to § 1051.13(c): *Provided*, That if the handler receiving such producer milk files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage pursuant to this subdivision shall be 2.0 percent;

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

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

(7) Skim milk and butterfat in shrinkage of other source milk allocated pursuant to § 1051.42(b)(2).

§ 1051.42 Shrinkage.

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

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

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

(1) Producer milk (except milk diverted to a nonpool plant pursuant to § 1051.15), plus fluid milk products in bulk from other pool plants and less transfers of fluid milk products in bulk to other plants; and

(2) Other source milk.

§ 1051.43 Responsibility of handlers and reclassification of milk.

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

§ 1051.44 Transfers.

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

(a) As Class I milk if transferred in the form of a fluid milk product to a pool plant unless utilization as Class II milk is claimed for both plants in the reports submitted for the month to the market administrator pursuant to § 1051.35: *Provided*, That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the transferee plant after the subtraction of other source milk pursuant to § 1051.46 and any additional amounts of such skim

administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1051.40 Skim milk and butterfat to be classified.

The skim milk and butterfat which are required to be reported pursuant to § 1051.35 shall be classified each month by the market administrator pursuant to the provisions of §§ 1051.41 through 1051.46.

§ 1051.41 Classes of utilization.

Subject to the conditions set forth in § 1051.44, the classes of utilization shall be as follows:

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

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

(2) Not accounted for as Class II milk.

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

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

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

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

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

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

(6) Skim milk and butterfat, respectively, (except in milk diverted to a non-pool plant pursuant to § 1051.15) in shrinkage allocated pursuant to § 1051.42(b)(1) but not in excess of:

(i) 2.0 percent of producer milk except that received from a handler pursuant to § 1051.13(c);

scribed by the market administrator on or before the 20th day after the end of the month his producer payroll for such month which shall show for each producer:

(1) His identity;

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

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

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

§ 1051.37 Records and facilities.

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

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

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

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

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

§ 1051.38 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which books and records pertain: *Provided*, That if within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records until further written notification from the market administrator. In either case, the market

the month pursuant to § 1051.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at a rate, rounded to the nearest one-tenth cent, determined as follows:

- (a) *Class I price.* Multiply the butter price for the preceding month by 0.120.
- (b) *Class II price.* Multiply the butter price for the month by 0.115.

§ 1051.53 Location differentials to handlers.

The Class I price for Grade A milk received from dairy farmers or handlers pursuant to § 1051.13(c) at a fluid milk plant less than 70 miles from the Chicago City Hall shall be increased 4 cents and at a fluid milk plant 145 miles or more from the Chicago City Hall shall be decreased 2 cents for each 15 miles or fraction thereof that such plant is more than 130 miles from the Chicago City Hall, as determined by the market administrator: *Provided*, That the differential pursuant to this section shall be not more than 8 cents at a plant in the marketing area: *And provided further*, That for the purpose of calculating such location differential, fluid milk products transferred between fluid milk plants shall be assigned to any remainder of Class II milk in the transferee plant after making the calculation prescribed in § 1051.46(a) (6) and the corresponding step in § 1051.46(b) for such plant, such assignment to the transferor plant to be made in sequence according to the location differential applicable at each plant, beginning with the plant farthest from the City Hall in Chicago, Illinois.

§ 1051.54 Use of equivalent prices.

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

§ 1051.55 Rate of payment on unpriced milk.

The rate of payment per hundred-weight other source milk allocated to Class I milk shall be any plus amount obtained by subtracting the Class II price adjusted by the Class II butterfat differential from the Class I price adjusted by the Class I butterfat and 10-

§ 1051.47 Inventory reclassification.

From any skim milk or butterfat assigned to Class I milk pursuant to § 1051.46(a) (6) and the corresponding step of § 1051.46(b), subtract in the following order the skim milk and butterfat, respectively, assigned during the preceding month to Class II milk pursuant to § 1051.46 in:

- (a) The remainder after the subtraction pursuant to § 1051.46(a) (6) and the corresponding step in § 1051.46(b);
- (b) Other source milk classified and priced as Class I milk pursuant to another Federal order; and
- (c) Other source milk not classified and priced as Class I milk pursuant to another Federal order.

MINIMUM PRICES

§ 1051.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month: *Provided*, That such reported price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent at the rate of the butter price times 0.120 and rounded to the nearest cent.

§ 1051.51 Class prices.

Subject to the provisions of §§ 1051.52 and 1051.53, the class prices per hundredweight for the month shall be as follows:

- (a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus \$1.08 through June and \$0.88 in other months: *Provided*, That such Class I price shall be increased or decreased, respectively, 2 cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio;
- (b) *Class II milk price.* The Class II milk price shall be the basic formula price for the month.

§ 1051.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices for

pooling provisions of another order issued pursuant to the Act and disposed of as Class I in the same package as received;

- (3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk other than that received in the form of fluid milk products;
- (4) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products not subject to the pricing and pooling provisions of another order issued pursuant to the Act;
- (5) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the milk received in the form of fluid milk products subject to the pricing and pooling provisions of another order issued pursuant to the Act and not subtracted pursuant to subparagraph (2) of this paragraph;
- (6) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;
- (7) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;
- (8) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from pool plants according to the classification of such products pursuant to § 1051.44(a); and
- (9) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in Grade A milk received from dairy farmers and handlers pursuant to § 1051.13(c), subtract such excess (hereinafter referred to as "overage") from the remaining pounds of skim milk in each class in series beginning with Class II milk.

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

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

plant and shall be classified as Class I milk: *And provided further*, That, if the total skim milk and butterfat which were transferred or diverted during the month to such nonpool plant from all plants subject to the classification and pricing provisions of this part and any other orders issued pursuant to the Act are more than the skim milk and butterfat available for assignment to Class I milk pursuant to the preceding proviso hereof, the skim milk and butterfat assigned to Class I milk at a fluid milk plant shall be not less than that obtained by prorating the assignable Class I milk at the transferee plant over the receipts at such plant from all plants subject to the classification and pricing provisions of this and other orders issued pursuant to the Act.

§ 1051.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization submitted pursuant to § 1051.35 for each fluid milk plant and shall compute the pounds of skim milk and butterfat in each class at each such plant: *Provided*, That if any water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be a quantity equivalent to the nonfat milk solids contained in such product plus all the water originally associated with such solids.

§ 1051.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1051.45, the market administrator shall determine the classification of Grade A milk received from dairy farmers and from handlers pursuant to § 1051.13(c) at each fluid milk plant each month as follows:

- (a) Skim milk shall be allocated in the following manner:
 - (1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk classified as Class II milk pursuant to § 1051.41(b) (6);
 - (2) Subtract from the total pounds of skim milk in Class I milk the pounds of skim milk received in the form of fluid milk products in containers not larger than a gallon subject to the pricing and

sued pursuant to the Act applicable to milk at such plant during the month.

§ 1051.65 Plants subject to other Federal orders.

A distributing plant or a supply plant shall be a nonpool plant during any month in which such plant would be subject to the classification and pricing provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant pursuant to § 1051.11 and a greater volume of fluid milk products is disposed of from such plant on routes in this marketing area and to pool plants qualified on the basis of route distribution in this marketing area than in the marketing area regulated pursuant to such other order: *Provided*, That the operator of a distributing plant or a supply plant which is a nonpool plant pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 1051.35) and allow verification of such reports by the market administrator.

PAYMENTS FOR MILK

§ 1051.70 Time and method of payment.

(a) Each handler who operates a pool plant shall pay each producer on or before the 15th day after the end of each month, at not less than the applicable uniform prices pursuant to § 1051.62 or § 1051.63 adjusted pursuant to §§ 1051.71, 1051.72 and 1051.77, for each hundredweight of producer milk received during such month for which payment is not made to a cooperative association pursuant to paragraph (b) of this section:

(b) Each handler shall make payment to a cooperative association for producer milk, on or before the 13th day after the end of each month, which it caused to be delivered to such handler if such cooperative is authorized to collect such payment for its members and exercises such authority: *Provided*, That such payment shall be an amount equal to the sum of the individual payments pursuant to paragraph (a) of this section:

(c) In making the payments for producer milk pursuant to this section, each handler who operates a pool plant shall

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

(d) Subtract the value of excess milk pursuant to paragraph (c) of this section from the aggregate value of all milk obtained in § 1051.61; and

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

§ 1051.64 Handlers operating nonpool plants.

Each handler in his capacity as the operator of a nonpool plant (except the plant of a state educational institution or a nonpool plant pursuant to § 1051.65) shall pay to the market administrator for deposit into the producer-settlement fund the amount computed pursuant to paragraph (b) of this section unless the handler elects at the time his report pursuant to § 1051.35 is due, to pay the amount computed pursuant to paragraph (a) of this section. The amounts payable pursuant to this section shall be made on or before the 15th day after the end of each month.

(a) An amount obtained by multiplying the rate determined pursuant to § 1051.55 by the hundredweight of skim milk and butterfat disposed of as Class I milk from such plant on routes in the marketing area during the month which is in excess of the hundredweight of skim milk and butterfat, respectively, received from pool plants during the month and classified as Class I milk at such pool plants.

(b) Any plus amount remaining after deducting from the obligation pursuant to § 1051.60 computed as if such plant were a pool plant:

(1) The total payment made on or before the 15th day after the end of the month to dairy farmers or handlers pursuant to § 1051.13(c) for Grade A milk received at such plant during the month; and

(2) Any payments to the producer-settlement fund under other orders is-

handlers who received producer milk at pool plants during the month and who reported pursuant to § 1051.35 for such month, except those in default of payments required pursuant to § 1051.74 for the preceding month;

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

(c) Subtract an amount equal to the sum of the location differential additions to be made pursuant to § 1051.72(a);

(d) Add an amount equal to the sum of the location differential deductions to be made pursuant to § 1051.72(b); and

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

§ 1051.62 Computation of uniform price.

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

(a) Divide the aggregate value computed pursuant to § 1051.61 by the total hundredweight of producer milk included in such computation; and

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

§ 1051.63 Computation of uniform prices for base milk and excess milk.

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

(a) Determine the aggregate classification of producer milk included in the computation pursuant to § 1051.61 and the total hundredweight of such milk that is base milk and that is excess milk;

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

cation differentials applicable at a pool plant of the same location as the nonpool plant supplying such other source milk.

APPLICATION OF PRICES

§ 1051.60 Computation of value of milk at each pool plant.

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

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

(b) Add the amounts obtained by multiplying the average deducted from each class pursuant to § 1051.46(a) (9) and the corresponding step of § 1051.46 (b) by the applicable class prices;

(c) Add the amount obtained by multiplying the quantities of skim milk and butterfat subtracted from Class I milk pursuant to § 1051.46(a) (3) and (4) and the corresponding steps of § 1051.46(b) by the rate of payment on unpriced milk pursuant to § 1051.55 at the nearest nonpool plants from which an equivalent amount of such other source skim milk or butterfat was received: *Provided*, That if the source of any such fluid milk product received at a pool plant is not clearly established, or if such skim milk and butterfat is received or used in a form other than a fluid milk product, such product shall be considered to have been received from a source at the location of the pool plant where it is classified, and

(d) Add the amounts obtained by multiplying (1) the quantities of skim milk and butterfat subtracted pursuant to § 1051.47(a) by the difference between the Class II price for the preceding month and the Class I price for the current month, and (2) the quantities of skim milk and butterfat subtracted pursuant to § 1051.47(c) by the rate of payment on unpriced milk pursuant to § 1051.55.

§ 1051.61 Computation of aggregate value used to determine uniform prices.

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

(a) Combine into one total, the values computed pursuant to § 1051.60 for all

furnish each producer or cooperative association from whom he has received such milk a supporting statement in such form that it may be retained by the recipient, which shall show:

- (1) The month and identity of the producer;
- (2) The daily and total pounds (including for the months of March through June, the pounds of base milk and excess milk) and the average butterfat content of producer milk;
- (3) The minimum rate or rates at which payment to the producer is required pursuant to the order;
- (4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;
- (5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler;
- (6) The net amount of payment to such producer or cooperative association.

§ 1051.71 Butterfat differential to producers.

The uniform prices pursuant to §§ 1051.62 and 1051.63 shall be increased or decreased for each one-tenth of one percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I and Class II milk pursuant to § 1051.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth cent.

§ 1051.72 Location differentials to producers.

The uniform price pursuant to § 1051.62 and the uniform price for base milk pursuant to § 1051.63 for producer milk received at a pool plant shall be:

- (a) Increased 4 cents at a plant less than 70 miles from the Chicago City Hall, as determined by the market administrator; and
 - (b) Decreased 2 cents at a plant 145 miles or more from the Chicago City Hall for each 15 miles or fraction thereof that such plant is more than 130 miles from the Chicago City Hall, as determined by the market administrator.
- Provided*, That the differential pursuant to this paragraph shall be not more than 8 cents at a plant in the marketing area.

§ 1051.73 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made to such fund and out of which he shall make all payments from such fund pursuant to §§ 1051.64, 1051.74, 1051.75 and 1051.76: *Provided*, That the market administrator shall offset the payment due to a handler against payments due from such handler.

§ 1051.74 Payments to the producer-settlement fund.

On or before the 12th day after the end of each month each handler shall pay to the market administrator the amount by which the obligation pursuant to § 1051.70 of such handler for producer milk received during the month is less than the value of such producer milk pursuant to § 1051.60.

§ 1051.75 Payments from the producer-settlement fund.

On or before the 13th day after the end of each month the market administrator shall pay to each handler the amount by which the obligation, pursuant to § 1051.70, of such handler for producer milk received during the month exceeds the value of such producer milk pursuant to § 1051.60.

§ 1051.76 Adjustment of accounts.

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

§ 1051.77 Marketing services.

- (a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 1051.70 shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to producer milk received by such handler (except such handler's own farm production) during the month, and shall pay such deductions to

the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples, and tests of producer milk and to provide producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

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

§ 1051.78 Expense of administration.

As his pro rata share of the expense of the administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of each month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to skim milk and butterfat contained in (a) producer milk (including a handler's own farm production), (b) other source milk at a pool plant which is located to Class I milk pursuant to § 1051.46(a) (3) and (4) and the corresponding steps in § 1051.46 (b), and (c) receipts at a fluid milk plant which is a nonpool plant (except the plant of a state educational institution) of Grade A milk from dairy farmers on which no administration expense assessment is being paid pursuant to another order issued pursuant to the Act: *Provided*, That if the operator of such nonpool plant elects to make payment to the producer-settlement fund pursuant to § 1051.64(a), the expense of administration pursuant to this section shall be applicable only to the hundredweight of skim milk and butterfat on which payment to the producer-settlement fund is due pursuant to that paragraph.

§ 1051.79 Termination of obligations.

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

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

- (1) The amount of the obligation;
 - (2) The months during which the milk, with respect to which the obligation exists, was received or handled; and
 - (3) If the obligation is payable to one or more producers or to an association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.
- (b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period, with respect to such obligation, shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

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

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was re-

ceived if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

DETERMINATION OF BASE

§ 1051.80 Base.

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

§ 1051.81 Base rules.

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

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

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1051.90 Effective time.

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

§ 1051.91 Suspension or termination.

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

§ 1051.92 Continuing power and duty of the market administrator.

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

(b) The market administrator or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary execute such assignment or other instruments neces-

sary or appropriate to vest in such person full title to all funds, property and claims vested in the market administrator or such person pursuant thereto.

§ 1051.93 Liquidation after suspension or termination.

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

MISCELLANEOUS PROVISIONS

§ 1051.100 Separability of provisions.

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

§ 1051.101 Agents.

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

Effective date: §§ 1051.0 through 1051.46 and 1051.90 through 1051.101 shall be effective on and after May 1, 1962, and the remaining provisions shall be effective on and after June 1, 1962.

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

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-4081; Filed, Apr. 25, 1962; 8:50 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER B—STANDARD SAMPLES

PART 230—STANDARD SAMPLES AND REFERENCE STANDARDS ISSUED BY THE NATIONAL BUREAU OF STANDARDS

Subpart B—Standard Samples and Reference Standards With Schedule of Weights and Fees

REFERENCE PAPER FOR TEAR TEST

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the reason that such procedures, because of the nature of these rules, serve no useful purpose. This amendment is effective from April 9, 1962.

1. A new paragraph (hh) *Reference paper for tear test*, is added to § 230.11 *Descriptive list* to read as follows:

(hh) *Reference paper for tear test.*

Sample No.	Description	Quantity	Price per sample
704	Reference paper for tear test.	Approx. 120 6" x 9" sheets per package.	\$4.00

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

R. D. HUNTOON,
Deputy Director.

[F.R. Doc. 62-4052; Filed, Apr. 25, 1962; 8:45 a.m.]

Chapter V—Weather Bureau, Department of Commerce

PART 503—SCHEDULE OF CHARGES FOR SERVICES

Part 503 of Chapter V of Subtitle B of Title 15 of the Code of Federal Regulations is revised to read as follows:

§ 503.1 Charges for service, publications, and punched cards.

(a) Services:

(1) Synoptic Maps and Charts (Ozalid, Bruning, etc.):

Sizes:

Up to 360 sq. inches \$0.28 per copy.
361 to 510 sq. inches \$0.29 per copy.
511 to 800 sq. inches \$0.30 per copy.
801 to 1,000 sq. inches \$0.31 per copy.
1,001 to 1,220 sq. inches \$0.33 per copy.
Above 1,220 sq. inches \$0.34 for first 1,220 sq. inches and \$0.01 for each additional 144 sq. inches.

(2) Other than Synoptic Maps and Charts (Ozalid, Bruning, etc.):

8 x 10½ (per print) \$0.10
Over 8 x 10½ (per sq. ft.) .07

(3) Photocopy Prints (Photostat, etc.):
8½ x 11 or smaller \$0.35
9 x 12 to 12 x 17 .50
12 x 17 to 18 x 24 .85
(4) Thermofax copies or direct contact prints:
8½ x 11 .11
Larger than 8½ x 11 (per sq. ft.) .16
(5) Transcopy Prints:
8½ x 10 .40
10 x 12 .40
(6) Photography:
Negatives:
8 x 10 (or smaller) 1.50
10 x 12 1.60
11 x 14 1.75
14 x 17 2.25
16 x 20 3.00
20 x 24 3.75
28 x 34 4.00
30 x 40 5.00

When film positives are required from above negatives, charge will be twice that shown.

Prints (black and white):

Contact:
8 x 10 .35
11 x 14 .50
14 x 17 .70
16 x 20 1.00
20 x 24 1.25
30 x 40 2.25

Enlargements:

5 x 7 .45
8 x 10 .60
11 x 14 1.00
Enlargements from available microfilm:
8 x 10 or smaller .22
11 x 14 or larger .35

(7) Lantern Slides:

Slide, including negative 1.75
Slide only (when negative is available) .75

(8) Microfilm:

Negative film (one or two pages to exposure on panchromatic contrast film) per frame or exposure:
35 mm .05
16 mm .04

Positive film (when negative is of uniform density), per ft.:

35 mm .10
16 mm .08
Aniline dye (when negative is of uniform density), per ft.:

35 mm .06
16 mm .05
Metal spool and box (for 35 mm or 16 mm microfilm) .40

(9) Time spent by field station and National Weather Records Center employees in performing the following services will be charged at the rate of \$3.60 per hour if services are performed during normal working hours, or at the rate of \$4.65 per hour if performed on overtime.

(i) Hand transcription of official meteorological records.

(ii) Searching map or record files to assemble material.

(iii) Unbinding and reassembling bound volumes of maps or records preparatory to making ozalid, photocopy, or other reproductions.

(b) Publications of the Bureau will be charged as listed in the current edition of "Weather Bureau Publications", except that no charge will be made for those furnished to an individual or agency that participates with the Weather Bureau on a continuing basis in making weather information available.

(c) Reproduction of punched cards will be charged on the basis of actual costs, including those of selection, inventory, duplication, refiles, and packing.

Requests for estimates should be directed to Director, National Weather Records Center, Asheville, North Carolina. Shipments of punched cards will be made shipping charges collect, FOB duplication point.

A minimum charge of \$2.00 will be made for a single order on any of the above items.

(59 Stat. 1067, Sec. 501, 65 Stat. 290, 5 U.S.C. 606, 140)

F. W. REICHELDERFER,
Chief of Bureau.

[F.R. Doc. 62-4053; Filed, Apr. 25, 1962; 8:45 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 112—DOMINIC NUCLEAR TEST SERIES, 1962

President Kennedy on March 2, 1962, authorized the Atomic Energy Commission and the Department of Defense to begin nuclear tests in late April unless the Soviet Union signs an effective test ban treaty before that time.

On April 4, 1962, the Joint Task Force-8 issued public notice of the danger area to be established April 15, 1962 in connection with the DOMINIC nuclear test series planned to be conducted in the area surrounding Christmas Island. On April 9, 1962, the Joint Task Force-8 issued public notice of additional danger areas to be established April 30, 1962, in connection with the same test series. The efficient and early completion of this test series is of major importance to the defense of the United States and of the free World.

To avoid any unnecessary delay or interruption of that test activity, and to protect the health and safety of the public, the Atomic Energy Commission is issuing the following regulations which will be effective upon filing with the FEDERAL REGISTER.

In view of the importance of these tests to the national defense, the potential hazard to the health and safety of individuals who enter any of the danger areas, and the early starting date planned for the tests, the Atomic Energy Commission has found that general notice of proposed rule-making and the public procedure thereon would be contrary to the public interest; and that good cause exists why these rules should be made effective without the customary period of notice.

Pursuant to the Administrative Procedure Act, Public Law 404, 79th Congress, 2d session, the following rules are published as a document subject to codification, to be effective upon filing with the FEDERAL REGISTER.

Sec.
112.1 Purpose.
112.2 Scope.
112.3 Definitions.
112.4 Prohibition.

AUTHORITY: §§ 112.1 to 112.4 issued under sec. 161 p., 72 Stat. 337; 42 U.S.C. 2201(p). Interpret or apply secs. 2, 3, 91, 68 Stat. 921,

as amended, 922, 936; 42 U.S.C. 2012, 2013, 2121.

§ 112.1 Purpose.

The regulations in this part are issued in order to permit the Atomic Energy Commission in the interest of the United States to exercise its authority pursuant to section 91a. of the Atomic Energy Act of 1954, as efficiently and expeditiously as possible with a minimum hazard to the health and safety of the public.

§ 112.2 Scope.

This part applies to all United States citizens and to all other persons subject to the jurisdiction of the United States, its territories and possessions.

§ 112.3 Definitions.

As used in this part:

(a) "Danger area" means any of the following:

(1) That area established, effective April 15, 1962, until a date to be announced, encompassing Christmas Island and which is bound by a line joining the following coordinates:

06°50' N., 149°20' W.
03°10' S., 149°20' W.
03°10' S., 162°40' W.
06°50' N., 162°40' W.

(2) That area established, effective April 30, 1962, until a date to be announced, bound by a line joining the following coordinates:

06°50' N., 147°20' W.
02°50' N., 147°20' W.
02°50' N., 149°20' W.
06°50' N., 149°20' W.

(3) That area established, effective April 30, 1962, until a date to be announced, encompassing Johnston Island and which is a circle of 470 nautical miles radius at the surface gradually extending to a circle of 700 nautical miles radius at an altitude of 30,000 feet and above, centered at the following geographic coordinates:

16°45' N., and 169°31' W.

(b) "DOMINIC test series" means that series of nuclear tests to be conducted by the Atomic Energy Commission and the Department of Defense in the areas surrounding Christmas Island and Johnston Island, within the danger areas as defined in paragraph (a) of this section, which tests are planned to begin in April 1962 and to end at an announced time during the calendar year 1962.

§ 112.4 Prohibition.

No United States citizen or other person who is within the scope of this part shall enter, attempt to enter, conspire to enter or remain in any of the defined danger areas (§ 112.3(a)) during the effective period of the regulations in this part, except with the express approval of appropriate officials of the Atomic Energy Commission or the Department of Defense.

Dated at Germantown, Md., this 24th day of April 1962.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 62-4119; Filed, Apr. 25, 1962; 12:00 m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 33-4475]

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

Acceleration of Registration Statements

The work load of the Securities and Exchange Commission has greatly increased in recent years due in part to the substantial increase each year in the number of filings under the Securities Act of 1933. The constant increase in the number of registration statements filed is due in large measure to the fact that a majority of such registration statements have been filed by issuers which never before have been subjected to the registration process. This has resulted in a significant increase in the period between the filing and effective dates of a substantial volume of registration statements. Proposals for meeting this problem have been under constant study by the Commission and its staff and certain steps taken from time to time to that end. It is essential, however, that the statutory standards of disclosure be maintained.

On March 23, 1962, the Commission released an announcement of additional steps taken to deal with the problem. In that announcement the necessity for the full cooperation of the financial community and the bar was emphasized. In this connection we suggested that certain procedures be followed.

The Commission expects to publish from time to time expressions of its views which may be of assistance to issuers, their counsel and others preparing registration statements. The following paragraphs reflect action which the Commission has taken from time to time in its consideration of requests that registration statements be ordered effective under section 8(a) of the Securities Act.

I. Identification of board members selected by underwriters. Schedule A of the Securities Act of 1933 requires disclosure in registration statements of the names and addresses of directors and certain officers, chosen or to be chosen. Section 11(a) of the Act imposes civil liabilities upon certain persons named in a registration statement and upon every person who, with his consent, is named as being or about to become a director or person performing similar functions. It is generally the position of the Commission that where any person has the right to designate a director of a registrant, the registration statement should identify him and include his consent.

The Commission has refused to accelerate the effective date of a registration statement where the person to be so named by an underwriter may be a director, officer, partner, employee or affiliate of the underwriter, unless such

person is identified in the prospectus and his consent is filed in accordance with Rule 438 (§ 230.438). If, however, the person to be named is not to be so related to the underwriter and the underwriter is not in a position to identify such person, the omission of the name of the prospective director will not act as a bar to acceleration.

II. Requests for later financial statements and related data. The following is furnished as a guide for determining the need for "updating" financial statements and related data in Securities Act of 1933 registration statements:

A. Financial statements. 1. Form S-1 (Listed and described at § 239.11).

a. Companies presently subject to the reporting requirements of the Securities Exchange Act of 1934 and unlisted companies with a substantial record of earnings which publish financial information on a regular basis, should be prepared to add later information as to sales and net income in a paragraph following the summary of earnings when such later information has been published or is to be published in an interim report prior to the effective date of the filing. Whether or not such a report is published, later sales and net income information on current and comparable prior year bases should be included in paragraph form when an adverse trend is shown. Such disclosure is necessary regardless of the certified or non-certified status of the financial statements in the prospectus. It should be understood that when a fiscal year ends within 90 days prior to the date of filing and certified financial statements for the year are normally available for publication before the proposed effective date, that such statements should be substituted for the interim statements in the registration statement as originally filed.

b. New registrants with no previous record of publicity for financial information should be prepared to furnish such later data or to extend the summary of earnings so as to include current data compared with a similar period of the preceding year, when the company has an established record of earnings and is in sound financial condition but the amendment when effective would otherwise include data over four months old.

c. New registrants with no established record of earnings and old registrants currently showing losses or a weak financial condition should be prepared to bring the financial statements up to the latest practicable date not more than 90 days prior to filing the amendment upon which it is expected the filing will become effective. If delay carries the date beyond the close of the fiscal year and by applying due diligence the registrant can have an audit completed prior to the planned effective date, certified statements for the fiscal year should be substituted for interim statements whether or not the interim financial statements have been certified.

When later interim financial statements are to be furnished to supplement either fiscal year or interim statements which have been certified, the later statements would in the usual case be unaudited. However, when numerous or involved financial transactions have

been effected since the date of the financial statements furnished or it is recognized that unusual conditions affect the determination of earnings, the later financial statements may be requested on a certified basis as a condition to acceleration under section 8(a).

2. Forms S-2 and S-3 (Listed and described, §§ 239.12, 239.13). All financial statements on these forms are required to be certified. In all cases of extended delay later statements should be prepared so that at the expected effective date the statements are not over four months old.

3. Forms S-4, S-5, and S-6 (Listed and described §§ 239.14, 239.15, and 239.16). Wherever practicable, filings on these forms should be scheduled so that interim statements other than mid-year will not be necessary.

4. Forms S-8 and S-9 (Listed and described, §§ 239.16b, 239.22). In cases of unusual delay of effectiveness of the registration statement, consideration should be given to presenting such later financial statements as may be appropriate.

5. Form S-11 (Listed and described, § 239.18). Principles set forth above for Form S-1 should be applied to filings on this form as appropriate.

B. Financial data. Volume statistics, loss experience in insurance companies, bad debt and collection experience in finance, real estate and small loan companies, and similar data should be brought up to date when later financial statements are furnished.

[SEAL] ORVAL L. DuBOIS,
Secretary.

APRIL 13, 1962.

[F.R. Doc. 62-4060; Filed, Apr. 25, 1962;
8:46 a.m.]

[Release 34-6778, 33-4476]

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

Short Sales of Securities

The Securities and Exchange Commission has announced that during recent months it has received numerous complaints from customers that they have encountered considerable delay in receiving securities they purchased from broker-dealers. Inquiry indicates that in a number of these cases the dealers sold the customers securities which they did not own (short-sales), and did not, for a substantial period of time, effect the off-setting purchase transactions for purposes of delivery. This release is being published to caution broker-dealers that this practice generally involves violations of the antifraud provisions of the Federal securities laws.

In substance, the antifraud provisions of the Federal securities laws prohibit

any act, practice or course of business which operates as a fraud or deceit, and any untrue statement or misleading omission of a material fact, in connection with the purchase or sale of a security.¹ The courts and the Commission have consistently held that a dealer impliedly represents that he will deal fairly with the public,² and that this implied representation of fair dealing includes an implied representation that the transaction will be consummated promptly unless there is a clear understanding to the contrary.³ In Lewis H. Ankeny, 29 S.E.C. 514, at p. 516, the Commission stated:

Inherent in the relationship between a dealer and his customer is the vital representation that the customer will be dealt with fairly, and in accordance with the standards of the profession. Duker & Duker, 6 S.E.C. 386, 388 (1939). At a minimum, he represents that he will act in accordance with reasonable trade custom. Trade custom requires a dealer to consummate transactions with customers promptly, and in every transaction an implied representation to this effect is made, unless there is a clear understanding to the contrary. If a dealer intends not to consummate a transaction promptly, and fails to disclose this intention to his customer, he omits to state to that customer a material fact necessary to make the above representation not misleading, in violation of the antifraud provisions of the Securities Act and the Exchange Act.

The misrepresentation inherent in the above situation is aggravated when the dealer recommends the security and sells it to the customer in a short-sale, but delays effecting the covering transaction to acquire the security. Under these circumstances it is not unreasonable to assume that the dealer delayed the execution of his covering transaction because he believed that by postponing such transaction he would be able to acquire it at a cheaper price; and the failure to disclose this material fact compounds the violation.

Dealers who sell securities to customers should exercise diligence to deliver the securities promptly, and if they have any reason to believe they will be unable to deliver promptly, they should disclose to the customer all material facts with respect thereto before the transaction is entered into.

[SEAL] ORVAL L. DuBOIS,
Secretary.

APRIL 16, 1962.

[F.R. Doc. 62-4061; Filed, Apr. 25, 1962;
8:46 a.m.]

¹ Section 17(a) of the Securities Act of 1933, section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5 (§ 240.10b-5 of Title 17, CFR) thereunder, and section 15(c)(1) of the Securities Exchange Act of 1934 and Rule 15c1-2 (§ 240.15c1-2 of Title 17, CFR) thereunder.

² Charles Hughes & Co., Inc., v. S.E.C., 139 F. 2d 434 (CA-3, 1943); Norris & Hirschberg, Inc., 21 S.E.C. 685 (1946), aff'd 177 F. 2d 228; Duker & Duker, 6 S.E.C. 386 (1939).

³ Lewis H. Ankeny, 29 S.E.C. 514 (1949); Jesse S. Lockaby, 29 S.E.C. 271 (1949); W. F. Coley & Company, Inc., 31 S.E.C. 722 (1950); Carl J. Bliedung, 38 S.E.C. 578 (1958); Ned J. Bowman, SEA Rel. 6257 (1960); and Miller, Smith & Co., Inc., SEA Rel. 6663 (1961); cf. Stephens v. United States, 41 F. 2d 440 (CA-9, 1930), cert. denied 282 U.S. 880 (1930).

Title 29—LABOR

**Chapter V—Wage and Hour Division,
Department of Labor**

PART 519—EMPLOYMENT OF FULL-TIME STUDENTS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

A notice was published in the FEDERAL REGISTER on September 7, 1961 (26 F.R. 8421), setting forth the substance of regulations proposed under section 14 of the Fair Labor Standards Act of 1938, as amended by the Fair Labor Standards Amendments of 1961 (sec. 11, Pub. Law 87-30; 75 Stat. 66), permitting the employment of full-time students outside of their school hours in retail or service establishments at special minimum wages under certain specified conditions. Interested persons were given an opportunity to submit written data, views, and arguments relating to the proposal.

Full consideration has been given to all the relevant matter submitted. Pursuant to section 14 of the Fair Labor Standards Act of 1938 (29 U.S.C. 214) as amended by the Fair Labor Standards Amendments of 1961 (sec. 11, Pub. Law 87-30; 75 Stat. 66), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and General Order No. 45-A (15 F.R. 3290) of the Secretary of Labor, Chapter V of Title 29 of the Code of Federal Regulations is hereby amended by adding thereto a new Part 519, which is hereinafter set forth.

The regulations contained in the new 29 CFR Part 519 shall become effective 45 days after their publication in the FEDERAL REGISTER. In the period prior to the effective date, applications may be made for certificates which may be issued under the regulations. Forms will be available for this purpose at the regional offices of the Wage and Hour and Public Contracts Divisions of the United States Department of Labor. No enforcement action will be taken with respect to the employment of full-time students without certificates from September 3, 1961 (the effective date of the Fair Labor Standards Amendments of 1961), and the time that action is taken on an application properly completed and filed prior to the effective date of these regulations so long as the employment of such full-time students is otherwise in compliance with the requirements of §§ 519.2, 519.5, and 519.6 of this Part 519, the requirements for the enforcement policy announced when the proposed regulation on full-time students was published (26 F.R. 8421) or, in any particular, the lesser of either.

The provisions of the new part will be reappraised in 1963, and any changes as are appropriate in the light of experience in its application will be issued before September 3, 1963.

The new 29 CFR Part 519 reads as follows:

- Sec.
- 519.1 Applicability of the regulations in this part.
- 519.2 Definitions.
- 519.3 Application for a full-time student certificate.

- Sec.
519.4 Procedure for action upon an application.
519.5 Conditions governing issuance of full-time student certificates.
519.6 Terms and conditions of employment under full-time student certificates.
519.7 Records to be kept.
519.8 Amendment or replacement of a full-time student certificate.
519.9 Reconsideration and review.
519.10 Amendment or revocation of the regulations in this part.

AUTHORITY: §§ 519.1 to 519.10 issued under sec. 14, 52 Stat. 1068; sec. 11, 75 Stat. 74; 29 U.S.C. 214. Additional authority is cited in parentheses following the sections affected.

§ 519.1 Applicability of the regulations in this part.

Under section 14 of the Fair Labor Standards Act of 1938, the Administrator or his representatives are authorized, to the extent necessary in order to prevent curtailment of opportunities for employment, to issue certificates at wages lower than the minimum wage applicable under section 6 of the Act for the employment of full-time students outside of their school hours in any retail or service establishment, provided that such employment is not of the type ordinarily given to a full-time employee. Such certificates shall be subject to the requirements prescribed in this part.

§ 519.2 Definitions.

(a) "Full-time students." A "full-time student," for the purpose of this part is defined as a student who receives primarily daytime instruction at the physical location of a bona fide educational institution below the college or university level, in accordance with the institution's accepted definition of a full-time student, and who is between 14 and 19 years of age (i.e., the student has reached the 14th but not the 19th anniversary of his birth). A full-time student retains that status during Christmas, summer, and other vacations until graduation from high school or the completion of the grade in any other such institution corresponding to the senior year in high school or until he discontinues that status. An individual who was such a student immediately prior to vacation will be presumed not to have discontinued during vacation if local law requires his attendance at the end of the vacation. In the absence of such requirement, his status during vacation will be governed by his intention as last communicated to his employer. The term "full-time student" does not include issued under Part 520 of this chapter.

(b) "Bona fide educational institution." A "bona fide educational institution" is ordinarily an accredited institution. However, a school which is not accredited may be considered a "bona fide educational institution" in exceptional circumstances, such as when the school is too recently established to have received accreditation.

(c) "Outside of their school hours." "Outside of their school hours" refers to periods outside the scheduled hours of instruction of the individual student.

(d) "Retail or service establishment." "Retail or service establishment" means a retail or service establishment as defined in section 13(a)(2) of the Fair Labor Standards Act. The statutory definition is interpreted in Part 779 of this chapter.

§ 519.3 Application for a full-time student certificate.

(a) Whenever the employment of full-time students working outside of school hours in any retail or service establishment at wages lower than the minimum wage applicable under section 6 of the Fair Labor Standards Act of 1938 is believed to be necessary to prevent curtailment of opportunities for employment, an application for a certificate authorizing such employment may be filed by their employer with the authorized representative of the Administrator. Such application shall be signed by an authorized representative of the employer. It shall be filed at the appropriate Regional Office of the Wage and Hour and Public Contracts Divisions, except that for North Carolina, the application shall be filed with the Commissioner, North Carolina Department of Labor, Raleigh, North Carolina; for the Hawaiian Islands, Guam and American Samoa, with the Field Office Supervisor, Honolulu, Hawaii; and for Puerto Rico, the Virgin Islands, and the Canal Zone, with the Director of the Wage and Hour and Public Contracts Divisions at San-turce, Puerto Rico.

(b) The application must be filed in duplicate on official forms or exact copies thereof. The application must contain the information as to the type of products sold or services rendered by the establishment, the number of persons employed in the establishment, and such other information as may be necessary to meet the terms and conditions governing the issuance of full-time student certificates and employment thereunder.

(c) Separate application must be made for each establishment in which authority to employ full-time students at special minimum wage rates is sought.

(d) Application for renewal of a certificate shall be made on the same form as described in this section. No certificate in effect shall expire until action on such an application shall have been finally determined, provided that such application has been properly executed in accordance with the requirements, and received by the appropriate office specified in paragraph (a) of this section not less than fifteen nor more than thirty days prior to the expiration date. A final determination means either the initial grant, denial, or withdrawal of such application. A properly executed application is one which fully and accurately contains the information required on the form, and the required certification by an authorized representative of the employer.

§ 519.4 Procedure for action upon an application.

(a) Upon receipt of an application for a certificate, the officer authorized to act upon such application shall issue a certificate if the terms and conditions speci-

fied in this part are satisfied. To the extent he deems appropriate, the authorized officer may provide an opportunity to other interested persons to present data and views on the application prior to granting or denying a certificate.

(b) If a certificate is issued, there shall be published in the FEDERAL REGISTER a statement of the terms of such certificate together with a notice that, pursuant to § 519.9, for fifteen (15) days following such publication any interested person may file a written request for reconsideration or review.

(c) If a certificate is denied, notice of such denial shall be sent to the employer, stating the reason or reasons for the denial. Such denial shall be without prejudice to the filing of any subsequent application.

§ 519.5 Conditions governing issuance of full-time student certificates.

Certificates authorizing the employment of full-time students at special minimum wage rates shall not be issued unless the following conditions are met:

(a) Full-time students are available for employment at special minimum rates; the granting of a certificate is necessary in order to prevent curtailment of opportunities for employment.

(b) The employment of full-time students will not tend to displace full-time employees.

(c) Abnormal labor conditions such as a strike or a lockout do not exist at the establishment for which a full-time student certificate is requested.

(d) There are no serious outstanding violations of the provisions of a full-time student certificate previously issued to the employer, nor have there been any serious violations of the Fair Labor Standards Act (including Child-Labor Regulation No. 3 and the Hazardous Occupation Orders published in Part 4 of this title) which provide reasonable grounds to conclude that the terms of a certificate may not be complied with, if issued.

§ 519.6 Terms and conditions of employment under full-time student certificates.

(a) A full-time student certificate will not be issued for a period longer than one year, nor will it be issued retroactively. It shall specify its effective and expiration dates. A copy of the certificate shall be posted during its effective period in a conspicuous place or places in the establishment readily visible to all employees, for example, adjacent to the time clock or on the bulletin board used for notices to the employees.

(b) Full-time students may not be employed under a certificate at less than 85 percent of the minimum wage applicable under section 6 of the Act.

(c)(1) The maximum number of hours of employment of full-time students that may be compensable at special minimum wages in any calendar or fiscal month is generally limited by the past practice of the establishment during the corresponding calendar or fiscal month in the year from May 1960 through April 1961, which will be the base year until after reappraisal of this part in 1963.

The corresponding calendar or fiscal month in the base year is the so-called "base period," except that, due to the variable date of Easter, the March-April base may be combined.

(2) During any calendar or fiscal month in which full-time students are to be employed at special minimum wages, the percentage derived by (the total number of hours worked by full-time students at special minimum wages ÷ the total number of hours worked by all employees) shall not exceed the lesser of the following percentages: (i) The percentage derived by the total number of hours worked by full-time students (as defined in § 519.2(a)) at wages below \$1.00 an hour ÷ the total number of hours worked by all employees during the base period; or (ii) ten percent except as provided in paragraph (k) of this section. For example, in Establishment A, full-time students employed at less than \$1.00 worked 900 hours in July 1960 and the total hours of employment of all employees in the establishment in that month were 10,000. The percentage of full-time student hours at less than \$1.00 an hour to all hours of employment is therefore 9 percent. In July 1962, if the hours of employment of Establishment A are 12,000, then not more than 9 percent or 1,080 of these hours may be paid for at special minimum wages to full-time students.

(3) (i) An overestimate of total hours of employment of all employees in the establishment for the current calendar or fiscal month resulting in the employment of the full-time students in the excess of the hours authorized in this section may be corrected in the manner prescribed in either subdivision (ii) or (iii) of this subparagraph.

(ii) The full-time students may be compensated for the difference between the special minimum wages actually paid and the applicable minimum under section 6 of the Act for the excess hours. This additional compensation shall be paid on the regular payday covering the period in which the last of the month falls.

(iii) If the number of such full-time student hours does not exceed by 15 percent of the number of the hours that may be compensable at special minimum wages and this condition is infrequent and inadvertent, the number of full-time student hours of employment at special minimum wages allocated to the succeeding calendar or fiscal month's quota may be reduced by the number of full-time student excess hours.

(d) An establishment coming into existence after May 1, 1960, may be authorized in specific instances to employ full-time students at special minimum wages on the basis of the prior practice in the base period of: (1) Similar establishments of the same employer in the same general metropolitan area in which the new establishment is located; (2) similar establishments of the same employer in the same or nearby counties if the new establishment is not in a metropolitan area; or (3) other establishments of the same general character operating in its community or the nearest comparable community.

(e) The employment of full-time students between 14 and 16 years of age shall be subject to regulations prescribed in §§ 4.31 to 4.37 of this title (Child Labor Regulation No. 3).

(f) Full-time students who are 16 years of age or older (as defined in § 519.2(a)) shall not be permitted to work at special minimum wages for more than 8 hours a day, nor more than 40 hours a week when school is not in session, nor more than 24 hours a week when school is in session, except that when a full-day school holiday occurs on a day when the establishment is open for business, the weekly limitation on the maximum number of hours which may be worked shall be increased by 8 hours for each such holiday but in no event shall the 40-hour limitation be exceeded. Whenever a full-time student is employed for more than 24 hours in any workweek in conformance with this paragraph, the employer shall note in his payroll records that school was not in session during all or part of that workweek.

(g) Full-time students shall be employed at special minimum wages only in occupations of the same general classes as those in which the establishment employed full-time students (as defined in § 519.2(a)) at wages below \$1.00 in the period beginning May 1960 and ending April 1961, except as provided in paragraph (k) of this section.

(h) In the case of an establishment coming into existence subsequent to May 1, 1960, the employment of full-time students may be authorized at special minimum wages in occupations of the same general classes as those used for the employment of full-time students below \$1.00 an hour in the base period (see paragraph (c)(1) of this section) in: (1) Similar establishments of the same employer in the same general metropolitan area in which the new establishment is located; (2) similar establishments of the same employer in the same or nearby counties if the new establishment is not in a metropolitan area; or (3) other establishments of the same general character operating in its community or the nearest comparable community.

(i) No full-time student shall be hired under a full-time student certificate while abnormal labor conditions, such as a strike or lock-out, exist in the establishment.

(j) No provision of any full-time student certificate shall excuse noncompliance with higher standards applicable to full-time students which may be established under any other Federal law, State law or local ordinance, or union or other agreement.

(k) Where unusual conditions are demonstrated, an establishment may be authorized by certificate to exceed the limitations contained in paragraphs (c), (d), (g), and (h) of this section.

§ 519.7 Records to be kept.

In addition to the records required under Part 516 of this chapter and § 519.6(f), the employer shall keep the following records specifically relating to full-time students employed at special minimum wage rates.

(a) The payroll records kept by the employer shall designate each worker employed as a full-time student under a full-time student certificate at special minimum wages.

(b) The employer shall also obtain at the time of hiring and keep in his records information from the school attended that the employee receives primarily daytime instruction at the physical location of the school in accordance with the school's accepted definition of a full-time student.

(c) The employer shall maintain records of the monthly hours of employment of full-time students at special minimum wages and of the total hours of employment during the month of all employees in the establishment. The records shall show the total hours worked in the establishment by all full-time students of the type defined in § 519.2(a) at less than \$1.00 per hour and the total hours of employment of all employees in the establishment during any base periods used under § 519.6(c). They shall be based on payroll or other available records such as those used for social security and withholding of income taxes.

(d) The records required in this section, including a copy of any full-time student certificate issued, shall be kept for a period of three years at the place and made available for inspection both as provided in § 516.5 and paragraph (a) of this section.

(Sec. 11, 52 Stat. 1066, as amended; 29 U.S.C. 211)

§ 519.8 Amendment or replacement of a full-time student certificate.

In the absence of an objection by the employer (which may be resolved in the manner provided in 29 CFR Part 528) the authorized officer upon his own motion may amend the provisions of a certificate when it is necessary by reason of the amendment of these regulations, or may withdraw a certificate and issue a replacement certificate when necessary to correct omissions or apparent defects on the original certificate.

§ 519.9 Reconsideration and review.

(a) Within 15 days after being informed of a denial of an application for a full-time student certificate or within 15 days after FEDERAL REGISTER publication of a statement of the terms of the certificate granted, any person aggrieved by the action of an authorized officer in denying or granting a certificate may: (1) File a written request for reconsideration thereof by the authorized officer who made the decision in the first instance or (2) file with the Administrator a written request for review.

(b) A request for reconsideration shall be accompanied by a statement of the additional evidence which the applicant believes may materially affect the decision and a showing that there were reasonable grounds for failure to present such evidence in the original proceedings.

(c) Any person aggrieved by the reconsideration determination of an authorized officer may, within 15 days after such determination, file with the Administrator a written request for review.

(d) A request for review shall be granted where reasonable grounds for the review are set forth in the request.

(e) If a request for reconsideration or review is granted, the authorized officer or the Administrator may, to the extent he deems it appropriate, afford other interested persons an opportunity to present data and views.

§ 519.10 Amendment or revocation of the regulations in this part.

The Administrator may at any time upon his own motion or upon written request of any interested person or persons setting forth reasonable grounds therefor, and after opportunity has been given to interested persons to present data, views, or argument, amend or revoke any of the regulations in this part.

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

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 62-4065; Filed, Apr. 25, 1962; 8:47 a.m.]

PART 528—ANNULMENT OR WITHDRAWAL OF CERTIFICATES FOR THE EMPLOYMENT OF STUDENT LEARNERS, APPRENTICES, LEARNERS, MESSENGERS, HANDICAPPED PERSONS, STUDENT WORKERS, AND FULL-TIME STUDENTS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGE RATES

Employment of Full-Time Students in Retail or Service Establishments at Special Minimum Wages

Pursuant to authority in section 14 of the Fair Labor Standards Act of 1938 (29 U.S.C. 214; sec. 11, Pub. Law 87-30), I hereby amend 29 CFR Part 528 as set forth herein.

The amendments will make the procedures now applicable to the annulment or withdrawal of certificates for the employment of learners, apprentices, handicapped persons, student workers, student learners, and messengers at special minimum wage rates applicable to the annulment or withdrawal of certificates issued in accordance with 29 CFR Part 519 for the employment of full-time students in retail or service establishments at special minimum wages. The amendments will also change the definition of "Regional Director" in accordance with changes in agency terminology.

Because these amendments involve rules of agency procedure, they shall become effective without public participation in their formulation on April 26, 1962.

1. The title of 29 CFR Part 528 is amended to read as set forth above.
2. Section 528.1 of 29 CFR Part 528 is amended to read as follows:

§ 528.1 Applicability of the regulations in this part.

The regulations in this part shall govern the annulment or withdrawal of any certificate except a temporary certificate

issued pending final action on an application, issued pursuant to Parts 519, 520, 521, 522, 523, 524, and 527 of this chapter, and having effect under section 14 of the Fair Labor Standards Act of 1938.

3. Paragraphs (c) and (d) of 29 CFR 528.2 are amended to read as follows:

§ 528.2 Definition of terms.

As used in the regulations contained in this part, the term:

(c) "Regional Director" shall include any Regional Director of the Wage and Hour and Public Contracts Divisions, the Director for Puerto Rico and the Virgin Islands, the Field Office Supervisor, Honolulu, Hawaii, and the Federal Representative for the Wage and Hour and Public Contracts Divisions in the State of North Carolina;

(d) "Supervising Investigator" shall include any employee of the Wage and Hour and Public Contracts Divisions who is authorized to use that title, and officers designated for this purpose by the Commissioner of the North Carolina Department of Labor.

(Sec. 14, 52 Stat. 1068, 29 U.S.C. 214; sec. 11, Pub. Law 87-30)

Signed at Washington, D.C., this 19th day of April 1962.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 62-4066; Filed, Apr. 25, 1962; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 33—SPORT FISHING

Certain Wildlife Refuges; North Dakota

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH DAKOTA

ARROWWOOD NATIONAL WILDLIFE REFUGE

Sport fishing on the Arrowwood National Wildlife Refuge, North Dakota, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 1,270 acres or 39 percent of the total water area of the refuge are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, walleyes, yellow perch, bullheads, and other minor species permitted by State regulations.

(b) Open season: May 5, 1962, through September 14, 1962; daylight hours only. Black bass season opens June 9, 1962.

(c) Daily creel limits: Northern pike—3, walleyes—5, or a combination of five (5), 18-inch-size limit on northerns; yellow perch and bullheads—no limit; other minor species limits as prescribed by State regulations.

(d) Methods of fishing. (1) No more than two poles with a single hook or lure attached to each may be used by each fisherman. Artificial lures are considered as single hooks.

(2) The use of boats, without motors, is permitted.

(3) See State regulations for additional details.

(e) Other provisions. (1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to September 15, 1962.

LAKE ILO NATIONAL WILDLIFE REFUGE

Sport fishing on the Lake Ilo National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to fishing. This open area, comprising 400 acres or 45 percent of the total water area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, walleyes, yellow perch, bullheads, and other minor species permitted by State regulations.

(b) Open season: May 5, 1962, through September 14, 1962; daylight hours only. Black bass season opens June 9, 1962.

(c) Daily creel limits: Northern pike—3, walleyes—5, or a combination of five (5), 18-inch-size limit on northerns; yellow perch and bullheads—no limit; other minor species limits as prescribed by State regulations.

(d) Methods of fishing. (1) No more than two poles with a single hook or lure attached to each may be used by each fisherman. Artificial lures are considered as single hooks.

(2) The use of boats, with motors not to exceed 7½ h.p., is permitted.

(3) See State regulations for additional details.

(e) Other provisions. (1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to September 15, 1962.

LONG LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Long Lake National Wildlife Refuge, North Dakota,

is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 1,800 acres or 13 percent of the total water area of the refuge, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, walleyes, yellow perch, bullheads, and other minor species permitted by State regulations.

(b) Open season: May 5, 1962, through September 14, 1962; daylight hours only. Black bass season opens June 9, 1962.

(c) Daily creel limits: Northern pike—3, walleyes—5, or a combination of five (5), 18-inch-size limit on northerns; yellow perch and bullheads—no limit; other minor species limits as prescribed by State regulations.

(d) Methods of fishing. (1) No more than two poles with a single hook or lure attached to each may be used by each fisherman. Artificial lures are considered as single hooks.

(2) The use of boats, with motors not to exceed 7½ h.p., is permitted.

(3) See State regulations for additional details.

(e) Other provisions. (1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to September 15, 1962.

LOWER SOURIS NATIONAL WILDLIFE REFUGE

Sport fishing on the Lower Souris National Wildlife Refuge, North Dakota, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 880 acres or 8 percent of the total water area of the refuge, are delineated on a map and described in a leaflet available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, walleyes, yellow perch, bullheads, and other minor species permitted by State regulations.

(b) Open season: Daylight hours only from May 5, 1962, through December 31, 1962, in all fishing areas (Numbers I through IX) south of the Westhope-Landa Road; May 5, 1962, through September 14, 1962, in all fishing areas (Numbers X and XI) north of the Westhope-Landa Road. Black bass season opens June 9, 1962.

(c) Daily creel limits: Northern pike—3, walleyes—5, or a combination of five (5), 18-inch-size limit on northerns; yellow perch and bullheads—no limit; other minor species limits as prescribed by State regulations.

(d) Methods of fishing. (1) No more than two poles with a single hook or lure attached to each may be used by each fisherman. Artificial lures are considered as single hooks.

(2) Boats. The use of boats is not permitted in Fishing Areas I, II, IV, V, VII, VIII, and IX. The use of boats, without motors, is permitted in Areas III and VI. The use of boats, with motors not to exceed 7½ h.p., is permitted in Areas X and XI.

(3) See State regulations for additional details.

(e) Other provisions. (1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to January 1, 1963.

TEAUWUKON NATIONAL WILDLIFE REFUGE

Sport fishing on the Tewaukon National Wildlife Refuge, North Dakota, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 1,220 acres or 80 percent of the total water area of the refuge, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, walleyes, yellow perch, bullheads, and other minor species permitted by State regulations.

(b) Open season: May 5, 1962, through December 31, 1962. Black bass season opens June 9, 1962.

(c) Daily creel limits: Northern pike—3, walleyes—5, or a combination of five (5), 18-inch-size limit on northerns; yellow perch and bullheads—no limit; other minor species limits as prescribed by State regulations.

(d) Methods of fishing. (1) No more than two poles with a single hook or lure attached to each may be used by each fisherman. Artificial lures are considered as single hooks.

(2) See State regulations for additional details.

(e) Other provisions. (1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to January 1, 1963.

UPPER SOURIS NATIONAL WILDLIFE REFUGE

Sport fishing on the Upper Souris National Wildlife Refuge, North Dakota, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 3,970 acres or 26 percent of the total water area of the refuge, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport

Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, walleyes, yellow perch, bullheads, and other minor species permitted by State regulations.

(b) Open season: May 5, 1962, through September 14, 1962, in Lake Darling proper; from May 5, 1962, through December 31, 1962, in those fishing areas along public road crossings, as designated on available map; daylight hours only. Black bass season opens June 9, 1962.

(c) Daily creel limits: Northern pike—3, walleyes—5, or a combination of five (5), 18-inch-size limit on northerns; yellow perch and bullheads—no limit; other minor species limits as prescribed by State regulations.

(d) Methods of fishing. (1) No more than two poles with a single hook or lure attached to each may be used by each fisherman. Artificial lures are considered as single hooks.

(2) The use of minnows or any other fish, or part thereof, for bait is prohibited in Fishing Areas I, II, III, and VI, which lie north of the Lake Darling Dam. Minnows may be used in Areas IV, V and VII, which are south of the Dam.

(3) The use of boats, with motors not to exceed 7½ h.p., is permitted in Fishing Areas I, II, and III.

(e) Other provisions. (1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to January 1, 1963.

W. P. SCHAEFER,
*Acting Regional Director, Bureau
of Sport Fisheries and Wildlife.*

APRIL 19, 1962.

[F.R. Doc. 62-4070; Filed, Apr. 25, 1962;
8:48 a.m.]

PART 33—SPORT FISHING

**Crab Orchard National Wildlife
Refuge, Illinois; Addition**

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ILLINOIS

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

In the special regulations submitted December 5, 1961, and published in the FEDERAL REGISTER, Volume 26, Issue Number 239, issued on December 13, 1961, page 11910, paragraph (d) should have the following statement included as method number (7):

(d) Methods of fishing. * * *

(7) The use of minnows or fish, or parts thereof, either dead or alive, for

RULES AND REGULATIONS

bait is not permitted in the waters of Devils Kitchen Lake.

W. P. SCHAEFER,
*Acting Regional Director, Bureau
of Sport Fisheries and Wildlife.*

APRIL 19, 1962.

[F.R. Doc. 62-4071; Filed, Apr. 25, 1962;
8:48 a.m.]

PART 33—SPORT FISHING

Horicon National Wildlife Refuge,
Wisconsin

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

WISCONSIN

HORICON NATIONAL WILDLIFE REFUGE

Sport fishing on the Horicon National Wildlife Refuge, Wisconsin, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 32 acres or 0.3 percent of the total water area of the refuge, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, bullheads, and other minor species permitted by State regulations.

(b) Open season: May 1, 1962, through September 30, 1962, daylight hours only.

(c) Daily creel limits: Northern pike—5; bullheads—no limit; other minor species limits as prescribed by State regulations.

(d) Methods of fishing. (1) No more than two lines or two poles with one line attached to each pole, and with one hook or bait on each line, may be used for fishing, except that fishermen using only one line or one pole with one line attached thereto may use not more than two lures or two hooks.

(2) No snag hook, snag line or snag pole may be used to take fish.

(3) One dip net per person may be used for the taking, catching or killing of rough fish, except suckers.

(4) No person while operating a dip net for rough fish shall fish for fish in any other manner at that time.

(5) The use of boats is not permitted.

(6) See State regulations for additional details.

(e) Other provisions. (1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to October 1, 1962.

W. P. SCHAEFER,
*Acting Regional Director, Bureau
of Sport Fisheries and Wildlife.*

APRIL 19, 1962.

[F.R. Doc. 62-4072; Filed, Apr. 25, 1962;
8:48 a.m.]

PART 33—SPORT FISHING

Medicine Lake National Wildlife
Refuge, Montana

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MONTANA

MEDICINE LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Medicine Lake National Wildlife Refuge, Montana, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 750 acres or 2.3 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 NE. Holladay, Portland 8, Oregon. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Bass, bluegill, crappie, and bullhead.

(b) Open season: July 1, 1962, through September 15, 1962, and November 15, 1962, through March 31, 1963. Fishing hours: 5 a.m. to 10 p.m.

(c) Daily creel limits: Bass—15 fish not to exceed 15 pounds and 1 fish. Other species—no limit.

(d) Methods of fishing. (1) Tackle: One line and hook or hooks with or without pole in hand or immediate control.

(2) Bait: Sculpin (*Cottus*) may be used for bait. Other live or dead fish prohibited.

(3) Boats: Boats with or without motors may be used for fishing.

(e) Other provisions. (1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area during the prescribed fishing season.

(3) The provisions of this special regulation are effective to April 1, 1963.

J. T. BARNABY,
*Acting Regional Director, Bureau
of Sport Fisheries and Wildlife.*

APRIL 19, 1962.

[F.R. Doc. 62-4073; Filed, Apr. 25, 1962;
8:48 a.m.]

PART 33—SPORT FISHING

Pablo National Wildlife Refuge,
Montana

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MONTANA

PABLO NATIONAL WILDLIFE REFUGE

Sport fishing on the Pablo National Wildlife Refuge, Montana, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 1,900 acres or 77 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters of the National Bison Range, Moiese, Montana, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oregon. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Trout, perch, bullhead, and bass.

(b) Open season: July 16, 1962, through February 28, 1963, except closed during waterfowl hunting season. Fishing hours: 5:00 a.m. to 10:00 p.m.

(c) Daily creel limits: Trout—ten fish not to exceed 10 pounds and one fish. Minor species as prescribed by State regulations.

(d) Methods of fishing. (1) Tackle: One line and hook or hooks with or without pole in immediate control.

(2) Bait: Sculpin (*Cottus*) may be used for bait. Other fish, live or dead, prohibited.

(e) Other provisions. (1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area during the prescribed fishing season.

(3) The provisions of this special regulation are effective to March 1, 1963.

J. T. BARNABY,
*Acting Regional Director, Bureau
of Sport Fisheries and Wildlife.*

APRIL 19, 1962.

[F.R. Doc. 62-4074; Filed, Apr. 25, 1962;
8:48 a.m.]

PART 33—SPORT FISHING

Red Rock Lakes National Wildlife
Refuge, Montana

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing, for individual wildlife refuge areas.

MONTANA

RED ROCK LAKES NATIONAL WILDLIFE REFUGE

Sport fishing on the Red Rock Lakes National Wildlife Refuge, Montana, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 25 acres or less than 1 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oregon. Sport fishing is subject to the following conditions:

- (a) Species permitted to be taken: Trout and grayling.
- (b) Open season. (1) May 20, 1962, through November 30, 1962, for all species; Culver Pond (Widow's Pool), MacDonald Pond, and Shambow Pond.
- (2) Closed Entire Year: Upper Red Rock Lake, Lower Red Rock Lake, Swan Lake, Red Rock River between Upper and Lower Red Rock Lakes, and all waters within 100 yards of the above listed areas. Red Rock Creek above Upper Red Rock Lake within the refuge.
- (3) June 24, 1962, through November 30, 1962, for all species; those waters on the refuge not designated in 1 or 2 above. Fishing hours: 5 a.m. to 12:00 p.m.
- (c) Daily Creel limits: 10 fish not to exceed 10 pounds and 1 fish.
- (d) Methods of fishing. (1) Tackle: One line with hook or hooks with or without pole in hand or immediate control.
- (2) Bait: Sculpin (*Cottus*) may be used for bait. Other live or dead fish prohibited.
- (3) Boats: Boats without motors may be used for fishing.
- (e) Other provisions. (1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.
- (2) A Federal permit is not required to enter the public fishing area during the prescribed fishing season.
- (3) The provisions of this special regulation are effective to December 1, 1962.

J. T. BARNABY,
Acting Regional Director, Bureau
of Sport Fisheries and Wildlife.

APRIL 19, 1962.

[F.R. Doc. 62-4075; Filed, Apr. 25, 1962;
8:49 a.m.]

PART 33—SPORT FISHING

Rice Lake National Wildlife Refuge
and Tamarac National Wildlife
Refuge, Minnesota

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MINNESOTA

RICE LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Rice Lake National Wildlife Refuge, Minnesota, is permitted only on the area designated by signs as open to fishing. This open area, comprising 40 acres or 7 percent of the total water area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Sport fishing is subject to the following conditions:

- (a) Species permitted to be taken: Northern pike, walleyed pike, crappies, and other minor species permitted under State regulations.
- (b) Open season: May 12, 1962 through September 30, 1962, for all species except bass; for bass the season is June 9, 1962, through September 30, 1962; daylight hours only.
- (c) Daily creel limits: Northern pike—3; Walleyed pike—6; Crappies—15. Creel limits for other minor species are as prescribed by State regulations.
- (d) Methods of fishing. (1) No more than one line and one hook may be used, except that three artificial flies may be used in angling for crappies and other minor species, and except that a single artificial bait or trolling spoon may contain more than one hook.
- (2) The use of boats, without motors, is permitted.
- (3) See State regulations for additional details.
- (e) Other provisions. (1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.
- (2) A Federal permit is not required to enter the public fishing area.
- (3) The provisions of this special regulation are effective to October 1, 1962.

TAMARAC NATIONAL WILDLIFE REFUGE

Sport fishing on the Tamarac National Wildlife Refuge, Minnesota, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 9,260 acres or 59 percent of the total water area of the refuge, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Sport fishing is subject to the following conditions:

- (a) Species permitted to be taken: Northern pike, walleyed pike, bass, crappies, and other minor species permitted under State regulations.
- (b) Open season: May 12, 1962, through September 30, 1962, for all species except bass; for bass the season is June 9, 1962, through September 30, 1962; daylight hours only.
- (c) Daily creel limits: Northern pike—3; Walleyed pike—6; Bass—6; Crap-

pies—15. Creel limits for other minor species are as prescribed by State regulations.

- (d) Methods of fishing. (1) No more than one line and one hook may be used, except that three artificial flies may be used in angling for crappies and other minor species, and except that a single artificial bait or trolling spoon may contain more than one hook.
- (2) The use of boats is not permitted on Chippewa Lake; the use of boats, without motors, is permitted on Lost and Wauboose Lakes.
- (3) The use of minnows or fish, or parts thereof, either dead or alive, for bait is not permitted.
- (4) See State regulations for additional details.
- (e) Other provisions. (1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.
- (2) A Federal permit is not required to enter the public fishing area.
- (3) The provisions of this special regulation are effective to October 1, 1962.

W. P. SCHAEFER,
Acting Regional Director, Bureau
of Sport Fisheries and Wildlife.

APRIL 19, 1962.

[F.R. Doc. 62-4076; Filed, Apr. 25, 1962;
8:49 a.m.]

PART 33—SPORT FISHING

Sand Lake National Wildlife Refuge,
South Dakota

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

SOUTH DAKOTA

SAND LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Sand Lake National Wildlife Refuge, South Dakota, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 150 acres or 5 percent of the total water area of the refuge, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Sport fishing is subject to the following conditions:

- (a) Species permitted to be taken: Bullheads, northern pike, and other minor species permitted by State regulations.
- (b) Open season: May 15, 1962, through September 15, 1962; daylight hours only.
- (c) Daily creel limits: Bullheads—50; Northern pike—6. Creel limits for other minor species are as prescribed by State regulations.
- (d) Methods of fishing. (1) Anglers may use a maximum of 2 lines, and a maximum of 3 hooks on each line.

RULES AND REGULATIONS

(2) The use of boats is not permitted.
(3) See State regulations for additional details.

(e) Other provisions. (1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to September 16, 1962.

W. P. SCHAEFER,
*Acting Regional Director, Bureau
of Sport Fisheries and Wildlife.*

APRIL 19, 1962.

[F.R. Doc. 62-4077; Filed, Apr. 25, 1962;
8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 1]

GREENVILLE, MISSISSIPPI

Notice of Proposed Designation as a Customs Port of Entry

Notice is given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003), that under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR, Ch. II) and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 1 (26 F.R. 11877), it is proposed to designate the city of Greenville, Mississippi, as a customs port of entry in Customs Collection District No. 20, and to amend § 1.1(c) of the Customs regulations to reflect this designation.

Data, views, or arguments with respect to the proposed designation of Greenville, Mississippi, as a customs port of entry may be addressed in writing to the Commissioner of Customs, Bureau of Customs, Washington 25, D.C. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearings will be held.

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

Approved: April 18, 1962.

JAMES A. REED,
Assistant Secretary of the
Treasury.

[F.R. Doc. 62-4086; Filed, Apr. 25, 1962;
8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 1170]

NAVION AND TWIN NAVION AIRCRAFT

Proposed Airworthiness Directive

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 amend Part 507

of the regulations of the Administrator to include an airworthiness directive requiring inspection of the nose gear retract link assembly on Navion and Twin Navion aircraft and replacement of cracked parts with a redesigned assembly.

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 C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before May 28, 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 comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

NAVION AND TWIN NAVION. Applies to all Navion Serial Numbers NAV-4-2 and up and all Twin Navion aircraft, Camair Model 480, Dauby, Riley, and Temco Models D-16 and D-16A.

Compliance required within the next 50 hours' time in service after the effective date of this AD unless already accomplished within the last 50 hours' time in service and thereafter every 100 hours' time in service from the last inspection.

Inspect by magnetic particle method or FAA approved equivalent, the nose gear retract link assembly P/N 145-34106 or 145-34106-10, for cracks in or near end fitting welds. Replace all cracked parts prior to further flight with Navion P/N 145-34106-20, Camair P/N 1-6031, or FAA approved equivalent, incorporating a longer lap weld center section that completely covers the turned down part of the end fitting. The inspection required by this AD may be discontinued after Navion P/N 145-34106-20, Camair P/N 1-6031, or FAA approved equivalent is installed.

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

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

[F.R. Doc. 62-4058; Filed, Apr. 25, 1962;
8:45 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development JEWISH AGENCY FOR ISRAEL, INC. Register of Voluntary Foreign Aid Agencies

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (AID Regulation 3) 22 CFR, Part 203, promulgated pursuant to section 621(a) of the Foreign Assistance Act of 1954, notice is hereby given that a certificate of registration as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development to the following agency:

The Jewish Agency for Israel, Inc.,
515 Park Avenue,
New York 22, N.Y.

WALTER L. LINGLE, JR.,
Acting Administrator.

APRIL 18, 1962.

[F.R. Doc. 62-4064; Filed, Apr. 25, 1962;
8:46 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Department Order No. 107; Rev. 8]

CERTAIN OFFICIALS

Authority to Affix Seal of the Treasury Department

By virtue of the authority vested in me as Secretary of the Treasury, including the authority conferred by section 161 of the Revised Statutes, it is hereby ordered that:

1. Except as provided for in paragraph 2, the following officers are authorized to affix the Seal of the Treasury Department in the authentication of originals and copies of books, records, papers, writings, and documents of the Department, for all purposes, including the purposes authorized by 28 U.S.C. 1733(b):

(a) In the Office of Administrative Services:

- (1) Director of Administrative Services;
- (2) Chief, General Services Division;
- (3) Chief, Printing and Procurement Division;
- (4) Chief, Directives Control and Distribution Branch.

(b) In the Internal Revenue Service:

- (1) Commissioner of Internal Revenue;
- (2) Director, and Assistant Director, Collection Division;
- (3) Chief, and Assistant Chief, Operations Branch, Collection Division;
- (4) Chief, and Assistant Chief, Miscellaneous Services Section, Operations Branch, Collection Division.

(c) In the Bureau of Customs:

- (1) Commissioner of Customs;

- (2) Assistant Commissioner of Customs;
 - (3) Deputy Commissioner, Division of Management and Controls;
 - (4) Deputy Commissioner, Division of Investigations and Enforcement;
 - (5) Deputy Commissioner, Division of Appraisal Administration.
- (d) In the Bureau of the Public Debt:
- (1) Commissioner of the Public Debt;
 - (2) Deputy Commissioner in Charge of the Chicago Office;
 - (3) Assistant Deputy Commissioner in Charge of the Chicago Office.
- (e) In the U.S. Coast Guard:
- (1) Commandant;
 - (2) Assistant Commandant;
 - (3) Administrative Aide to the Commandant.

2. Copies of documents which are to be published in the FEDERAL REGISTER may be certified only by the officers named in paragraph 1(a) of this Order.

3. The Director of Administrative Services, the Commissioner of Internal Revenue Service, the Commissioner of the Public Debt, and the Commandant of the U.S. Coast Guard are authorized to procure and maintain custody of the dies of the Treasury Seal.

The officers authorized in paragraph 1(c) may make use of such dies.

Dated: April 16, 1962.

[SEAL]

HENRY H. FOWLER,
Acting Secretary.

[F.R. Doc. 62-4051; Filed, Apr. 25, 1962;
8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM 0263399]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands From Opera- tion of the Mining, Mineral Leasing and Materials Disposal Laws

APRIL 19, 1962.

The National Park Service, United States Department of the Interior, has filed an application, Serial Number NM 0263399 for the withdrawal of the lands described below, from all forms of appropriation under the general mining, mineral leasing, and materials disposal laws, the surface rights thereto having been previously patented with a reservation of minerals in the United States. The applicant desires the land for protection of archeological and paleontological values, and scientific study under the provisions of the Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 431), Preservation of American Antiquities.

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 undersigned

officer of the Bureau of Land Management, Department of the Interior, P.O. Box 1251, Santa Fe, New Mexico.

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:

NEW MEXICO PRINCIPAL MERIDIAN

T. 1 S., R. 35 E.,
Sec. 12, E $\frac{1}{2}$ SE $\frac{1}{4}$.
T. 1 S., R. 36 E.,
Sec. 7, Lots 3, 4, E $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 8, N $\frac{1}{2}$, SE $\frac{1}{4}$.

The areas described above contain, in the aggregate, 711.21 acres.

CHESLEY P. SEELY,
State Director.

[F.R. Doc. 62-4068; Filed, Apr. 25, 1962;
8:47 a.m.]

Bureau of Mines

ASSISTANT DIRECTOR—HELIUM

Delegation of Authority

The following material is a portion of the Bureau of Mines Manual, and the numbering system is that of the Manual:

PART 215—BUREAU OF MINES

CHAPTER 4—HELIUM ACTIVITY

215.4.1 *Delegation of Authority—Helium Act.* The authority delegated to the Director, Bureau of Mines in paragraph D215.4.1 (26 F.R. 2095) is redelegated to the Assistant Director—Helium subject to the limitations in paragraph D215.4.2, subparagraph 205.2.4A (1) and subparagraph 215.4.1A, below.

A. *Limitation.* No contracts under subsection (a) (2) of section 3 of the Helium Act (Public Law 86-777) shall be entered into without the approval of the Secretary, the Under Secretary, or the Assistant Secretary—Mineral Resources.

B. *Redelegation.* The above authority may be redelegated by written order published in the FEDERAL REGISTER.

215.4.2 *Delegation of Authority To Execute Contracts for the Production and Distribution of Helium Gas.* Pursuant to the authority delegated to the Director, Bureau of Mines, by Secretary's Order No. 2785 of January 18, 1955 (20 F.R. 552), the Assistant Director—Helium, is hereby redelegated the authority to make negotiated purchases or contracts for supplies and services necessary for the production and distribution of helium gas, provided that the facts are such as to bring the purchase or contract in question within the provisions of paragraphs (1), (2), (3), (4), (10), (11), (13), (14), or (15), of section 302(c) of the Federal Property and Administrative Services Act of 1949 as amended (41 U.S.C., sec. 251 et seq.) and to make written determinations that the facts are such as to bring the purchase or contract in question within the provisions of paragraphs (1), (2), (3), (4), (10), (14), or (15), of section 302(c) of the Act.

A. *Limitation.* The above authority is subject to the fiscal limitation stated in subparagraph 205.2.4A(1) (21 F.R. 1205) (see subparagraphs 215.1.1D and 215.1.1E).

B. *Redelegation.* The above authority may be redelegated by written order published in the FEDERAL REGISTER.

Actions taken prior to this publication are hereby ratified.

Dated: April 18, 1962.

MARLING J. ANKENY,
Director, Bureau of Mines.

[F.R. Doc. 62-4069; Filed, Apr. 25, 1962; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

FLUE-CURED TOBACCO IN UNTIED FORM

Notice of Price Support

The notice published March 31, 1962, at 27 F.R. 3143, announcing that the Secretary of Agriculture proposes to amend the terms and conditions of price support operations to make price support available on a limited and experimental basis on untied tobacco marketed in the South Carolina-Border Belt, is hereby amended to extend the time for the receipt of the views and comments of interested persons to May 15, 1962.

Effective date: Date of publication.

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

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 62-4082; Filed, Apr. 25, 1962; 8:50 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[Administrative Order 561]

CERTAIN DESIGNATED OFFICIALS

Authorization to Grant or Deny Certificates

Pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U.S.C. 201 et seq.), Reorganization Plan No. 6 of 1950 (3 CFR, 1949-1953 Comp., p. 1004), General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), the Walsh-Healey Public Contracts Act (49 Stat. 2036, as amended; 41 U.S.C. 35 et seq.), and the minimum wage determinations and regulations of the Secretary of Labor thereunder (41 CFR Parts 50-201 and 202), I hereby:

A. Designate and appoint as my authorized representatives the following persons with full power and authority to grant or deny applications for special certificates authorizing employment of full-time students, student learners, apprentices, handicapped persons, and handicapped clients in sheltered workshops, as provided in 29 CFR Parts 519, 520, 521, 524, and 525 and as provided in 41 CFR Parts 50-201 and 202

No. 81—5

and to take such other action as may be necessary or appropriate therewith: (1) The Regional Directors and Deputy Regional Directors within their respective regions, (2) the Field Office Supervisor, Honolulu, Hawaii, (3) the Director and the Deputy Director for Puerto Rico and the Virgin Islands, and (4) the Commissioner, North Carolina Department of Labor, North Carolina:

B. Designate and appoint as my authorized representatives the following persons with full power and authority to grant or deny applications for special certificates authorizing the employment of full-time students, learners, and student workers at special minimum wage rates as provided in 29 CFR Parts 519, 522, and 527 and pursuant to 41 CFR Part 50-202 and to take such other action as may be necessary or appropriate in connection therewith: (1) The Assistant Administrator for Wage Determinations and Research, (2) the Director of the Division of Wage Determinations, (3) and the Chief of the Branch of Special Minimum Wages.

C. Designate and appoint as my authorized representative the following persons with full power and authority to grant or deny applications for special certificates authorizing the employment of learners at special minimum wage rates as provided in 29 CFR Part 522 and to take such other action as may be necessary or appropriate in connection therewith: The Director and Deputy Director for Puerto Rico and the Virgin Islands.

D. Revoke and withdraw Administrative Order No. 524 (24 F.R. 9274).

All other authority to grant or deny applications for, or to sign or issue certificates pursuant to section 14 of the Fair Labor Standards Act of 1938 is hereby revoked and withdrawn.

29 CFR Part 523 which authorizes certain officers to effect premature termination of certificates issued under 29 CFR Parts 519, 520, 521, 522, 523, 524, and 527 is unaffected by this administrative order.

Signed at Washington, D.C., this 19th day of April 1962.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 62-4067; Filed, Apr. 25, 1962; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27-2]

CROSSROADS MARINE DISPOSAL CORP.

Notice of Issuance of an Amendment to Byproduct, Source and Special Nuclear Material License

Please take notice that no requests for a formal hearing have been filed following filing of notice of the proposed amendment of License No. 20-685-2 held by Crossroads Marine Disposal Corporation, 201 Victory Road, Dorchester, Massachusetts. The Atomic Energy Commission has this date issued Amendment No. 5 to License No. 20-685-2. This

amendment is in the form set forth in the notice of proposed amendment filed with the Federal Register Division March 29, 1962, and published in the FEDERAL REGISTER on March 30, 1962, 27 F.R. 3014.

Dated at Germantown, Md., April 19, 1962.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division
of Licensing and Regulation.

[F.R. Doc. 62-4059; Filed, Apr. 25, 1962; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-10914 etc.]

ALBERT GACKLE ET AL.

Notice of Applications and Date of Hearing

APRIL 19, 1962.

Albert Gackle (Operator), et al., Docket No. G-10914; Albert Gackle (Operator), et al., Docket No. G-10915; Albert Gackle (Operator), et al., Docket No. G-10916; Albert Gackle (Operator), et al., Docket No. G-10917; T. L. James & Company, Inc., Docket No. G-14854; W. K. Byrom (Operator), et al., Docket No. G-18049; W. K. Byrom (Operator), et al., Docket No. G-18050; W. K. Byrom (Operator), et al., Docket No. G-18051; Sinclair Oil & Gas Company, Docket No. G-19036; Socony Mobil Oil Company, Inc., Docket No. G-19289; Coastal States Gas Producing Company (Operator), et al., Docket No. CI60-421; Fred Scandola, Docket No. CI61-405; Sohio Petroleum Company, Docket No. CI61-780; Socony Mobil Oil Company, Inc., Docket No. CI61-801; Cricket Oil Company (Operator), et al., Docket No. CI61-896; Northern Natural Gas Producing Company, Docket No. CI61-986; E. M. J. Oil Company (Operator), et al., Docket No. CI61-1202; David Fasken, et al., Docket No. CI61-1228; Wiley W. Singleton Drilling Co., Inc. (Operator), et al., Docket No. CI61-1390; Allerton Miller, Docket No. CI61-1392; Allerton Miller, Docket No. CI61-1402; W. K. Byrom (Operator), et al., Docket No. CI61-1549; Appell Petroleum Corporation (Operator), et al., Docket No. CI61-1578; W. H. Mossor d.b.a. Dawson Oil and Gas Company, Docket No. CI61-1637; Johnson & French Oil Company, Docket No. CI61-1680; Petroleum, Inc., Docket No. CI62-41; Horace F. McKay, Jr., Docket No. CI62-49; Claude Drake, Jr., d.b.a. Hall Gas Company, Docket No. CI62-56; Edwin L. Cox (Operator), et al., Docket No. CI62-67; W. E. Burchett, et al., Docket No. CI62-168; Bodcaw Company (Operator), et al., Docket No. CI62-174; Texas Gas Exploration Corporation, Docket No. CI62-204; Ralph C. Halbert (Operator), et al., Docket No. CI62-207; William K. Davis, Docket No. CI62-236; A. G. Hill, Docket No. CI62-252; Bill Ferguson d.b.a. Ferguson Oil Company, et al., Docket No. CI62-401; Ashland Oil & Refining Company, Docket No. CI62-419; Ridgeway & Morrison (Operator), et al.,

Docket No. CI62-445; Caulkins Oil Company, Docket No. CI62-455; John J. Eisner, et al., Docket No. CI62-467; Victor Hale, et al., Docket No. CI62-482; L. W. Prunty, Docket No. CI62-506; Ira S. Hardman, Jr., Docket No. CI62-507; C. C. Spikes d.b.a. Spikes Gas & Oil Production Co., Docket No. CI62-512; LuRay Land, Inc., Docket No. CI62-515; Charles A. Haynes (Operator), et al., Docket No. CI62-518; Texaco Inc., Docket No. CI62-519; Milton F. Shaffer (Operator), et al., Docket No. CI62-523; Ronald L. Hooser d.b.a. Hooser Gas Company, Docket No. CI62-558; Phillips Petroleum Company, Docket No. CI62-575; Compass Exploration, Inc., Docket No. CI62-579; Blewster & Rushton, et al., Docket No. CI62-587; Compass Exploration, Inc., Docket No. CI62-598; Alfred E. McLane Estate, Docket No. CI62-609; Ferrell L. Prior, Docket No. CI62-611; Clark Oil Company, Docket No. CI62-674; Toto Gas Company, Docket No. CI62-689; S. F. Bradley, Docket No. CI62-763; Roy G. Hildreth d.b.a. Four H Drilling Company, Docket No. CI62-797; McNeill Oil & Gas Company, Docket No. CI62-798; Robert B. Stallworth, Jr. d.b.a. Dominion Oil & Gas Company, Docket No. CI62-804; Apache Corporation, Docket No. CI62-809; Robert F. Roberts, Docket No. CI62-816; W. H. Mossor d.b.a. Colvin Oil & Gas Company, Docket No. CI62-817; W. H. Mossor d.b.a. Knapp Oil & Gas Company, Docket No. CI62-819; Mayflo Oil Company, Docket No. CI62-820; United Producing Company, Inc., Docket No. CI62-821; Katz Oil Company (Operator), et al., Docket No. CI62-826; National Producers, Inc., et al., Docket No. CI62-828; Don W. Hardman d.b.a. John Wright Oil & Gas Company, Docket No. CI62-829; Southwest Production Company, Docket No. CI62-830; Southwest Production Company, Docket No. CI62-831; A. M. Snider d.b.a. Hundred Gas Company, Docket No. CI62-835; O. W. Gerwig, et al., Docket No. CI62-836; Elkhurst Producing Company, Docket No. CI62-837; Blaine Hart, et al., Docket No. CI62-838; Louie A. Condry, Trustee, Docket No. CI62-839; Texaco Inc., Docket No. CI62-842; Glenn F. Thomas and George W. Brewer, Jr. d.b.a. Thomas & Brewer (Operator), et al., Docket No. CI62-845; Durl Fluharty and Ralph Gerber d.b.a. Laurel Fork Oil & Gas Company, Docket No. CI62-849; Arthur L. Nicholson d.b.a. E. Blaine Gas Company, Docket No. CI62-853; G. F. Hedges, Jr., et al. d.b.a., Osborne Gas Company, Docket No. CI62-854; Shaff Minerals Associates Inc., et al., Docket No. CI62-855; Fireball Oil Company, Docket No. CI62-856; Mid-America Trust Inc., et al., Docket No. CI62-857; Winnie Fae Morris, et al., d.b.a. Lowther Oil and Gas Company, Docket No. CI62-858; Samedan Oil Corporation, Docket No. CI62-862; D. A. Dorward, et al., Docket No. CI62-863; Robert J. Sipoha, et al., d.b.a. Eastern Interior Oil Company, Docket No. CI62-864; Neven H. Veail, et al., Docket No. CI62-865; Hays and Company, Agent d.b.a. M. & M. Oil & Gas Associates, Docket No. CI62-866; Roy B. Rollins d.b.a. Kincheloe Associates, Docket No. CI62-867; Olin B. Wetzel, Agent d.b.a.

Minnie Burton Well Number 1, Docket No. CI62-868; D. D. Roberts d.b.a. S. & S. Lease, Docket No. CI62-869; Holly Nester, Agent for Optimist Oil & Gas Company, et al., Docket No. CI62-873; Petroleum Drilling Corporation, et al., Docket No. CI62-874; Mosey Johnson & George W. Hall, Docket No. CI62-875; A. C. Radford, Docket No. CI62-876; George W. Miller, et al., d.b.a. Collins Oil & Gas Company, Docket No. CI62-877; Stanley R. Jaynes, et al., d.b.a. Four Star Oil & Gas Company, Docket No. CI62-878; Trio Oil & Gas Company, Inc., Docket No. CI62-879; John R. Robinson, et al., d.b.a. Chlories Bennett, et al. No. 1, Docket No. CI62-880; T. H. McElvain, Docket No. CI62-882; Mary Barillare d.b.a. Perkins & McCutchan, Docket No. CI62-886; Southern Triangle Oil Company, Inc., Docket No. CI62-887; Van-Grisso Oil Company, Docket No. CI62-890; George E. Willett, Docket No. CI62-909; Roy L. Cook, Docket No. CI62-919; Phillips Petroleum Company, Docket No. CI62-929; Western Oil Refining Company, Docket No. CI62-936; Tidewater Oil Company, Docket No. CI62-987; Wilshire Oil Company of Texas (Operator), et al., Docket No. CI62-988; National Cooperative Refinery Association, Docket No. CI62-1001; National Cooperation Refinery Association, Docket No. CI62-1002.

Take notice that each of the above Applicants has filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce as hereinafter described, all as more fully described in the respective applications (and any supplements or amendments thereto) which are on file with the Commission and open to public inspection.

The Applicants herein produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket No.; Field and Location; Purchaser; and Price per Mcf

G-10914 (as Supp.); George Etz Lease, Jalmat Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 5.5 cents at 14.65 psia.
 G-10915 (as Supp.); R. W. Cowden "B" Lease, Langlie-Mattix Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 5.5 cents at 14.65 psia.
 G-10916 (as Supp.); R. W. Cowden "C" Lease, Langlie-Mattix Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 5.5 cents at 14.65 psia.
 G-10917 (as Supp.); Sinclair-State Lease, Jalmat Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 7.5 cents at 14.65 psia.
 G-14854; North Ruston Field, Lincoln Parish, La.; Arkansas Louisiana Gas Co.; 11.37 cents at 15.025 psia.
 G-18049; Acreage in Langlie-Mattix Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 5.5 cents at 14.65 psia.
 G-18050; Acreage in Langlie-Mattix Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 5.5 cents at 14.65 psia.
 G-18051; Acreage in Langlie-Mattix Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 5.5 cents at 14.65 psia.
 G-19036 (as Supp.); East Camrick Field, Beaver County, Oklahoma, and Perryton Field, Ochiltree County, Tex.; Northern Natural Gas Co.; 16.5 cents at 14.65 psia.

G-19289 (as Supp.); Carterville Field, Bossier and Webster Parishes, La.; Texas Gas Transmission Corp.; 18.25 cents at 15.025 psia.

CI60-421; North LaWard Field, Jackson County, Tex.; United Gas Pipe Line Co.; 14.1792 cents at 14.65 psia.
 CI61-405; Union District, Ritchie County, W. Va.; Equitable Gas Co.; 23.0 cents at 15.325 psia.
 CI61-780 (as Supp.); Northeast Waynoka Pool, Woods County, Okla.; Cities Service Gas Co.; 13.0 cents at 14.65 psia.
 CI61-801; East Panhandle Field, Collingsworth County, Tex.; Warren Petroleum Corp. (for resale to Transwestern Pipeline Co.); 9.0 cents at 14.65 psia.
 CI61-896 (as Supp.); Hansford Field, Hansford County, Tex.; Northern Natural Gas Co.; 16.5 cents at 14.65 psia.
 CI61-986; Fellsburg Field, Edwards County, Kans.; Northern Natural Gas Co.; 16.0 cents at 14.65 psia.
 CI61-1202 (as Supp.); Normanna Field Area, Bee County, Tex.; Natural Gas Pipeline Co. of America; 18.0 cents at 14.65 psia.
 CI61-1228; Azalea Devonian and Azalea Strawn Fields, Midland County, Tex.; Phillips Petroleum Co. (for resale to Permian Basin Pipeline Co.); 12.5 cents at 14.65 psia.
 CI61-1390; LaGarto Field, Live Oak County, Tex.; Valley Gas Transmission, Inc.; 14.0 cents at 14.65 psia.
 CI61-1392 (as Supp.); Acreage in Warren District, Upshur County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
 CI61-1402; Acreage in Buckhannon District, Upshur County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
 CI61-1549; Acreage in Langlie-Mattix Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 5.5 cents at 14.65 psia.
 CI61-1578; Tom Graham Field, Jim Wells County, Tex.; The Altex Corp. (for resale to Tennessee Gas Transmission Co.); 13.8452 cents at 14.65 psia.
 CI61-1637; Acreage in Freemans Creek District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
 CI61-1680 (as Supp.); Acreage in Langlie-Mattix Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 6.5 cents at 14.65 psia.
 CI62-41; Brillhart Upper Morrow Field, Hansford County, Tex.; Natural Gas Pipeline Co. of America; 17.0 cents at 14.65 psia.
 CI62-49; Basin Dakota Field, San Juan County, N. Mex.; El Paso Natural Gas Co.; 12.0 cents at 15.025 psia.
 CI62-56; Acreage in Smithfield District, Roane County, W. Va.; United Fuel Gas Co.; 25.0 cents at 15.325 psia.
 CI62-67 (as Supp.); Acreage in Seward County, Kans.; Panhandle Eastern Pipe Line Co.; 16.0 cents at 14.65 psia.
 CI62-168; Acreage in Mingo and McDowell Counties, W. Va.; United Fuel Gas Co.; 26.0 cents at 15.325 psia.
 CI62-174 (as Supp.); Cotton Valley Field, Webster Parish, La.; United Gas Pipe Line Co.; 11.26876 cents at 15.025 psia.
 CI62-204 (as Supp.); Sligo Field, Bossier Parish, La.; Texas Gas Transmission Corp.; 18.4583 cents at 15.025 psia.
 CI62-207; Acreage in Elk, Big Sandy and Union Districts, Kanawha County, W. Va.; United Fuel Gas Co.; 16.0 cents at 15.325 psia.
 CI62-236; Southeast Alice Field, Jim Wells County, Tex.; Trunkline Gas Co.; 12.3652 cents at 14.65 psia.
 CI62-252; Acreage in Court House District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
 CI62-401; Acreage in Meade County, Kans.; Panhandle Eastern Pipe Line Co.; 16.0 cents at 14.65 psia.
 CI62-419; Harper Ranch Field, Clark County, Kans.; Northern Natural Gas Co.; 15.0 cents at 14.65 psia.

- CI62-445 (as Supp.); Acreage in Ochiltree County, Tex.; Northern Natural Gas Co.; 16.5 cents at 14.65 psia.
- CI62-455; Harper Ranch Field, Clark County, Kans.; Northern Natural Gas Co.; 15.0 cents at 14.65 psia.
- CI62-467; Hansford Morrow Field, Ochiltree County, Tex.; Northern Natural Gas Co.; 16.5 cents at 14.65 psia.
- CI62-482; Middle Creek Field, Floyd County, Ky.; Columbian Fuel Corp.; 18.0 cents at 15.325 psia.
- CI62-506; Acreage in Union District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
- CI62-507; Hackers Creek District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
- CI62-512; Hugoton Gas Field, Finney County, Kans.; Cities Service Gas Co.; 12.0 cents at 14.65 psia.
- CI62-515; Clark District, Harrison County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
- CI62-518; South Santa Rosa Devonian Gas Field, Pecos County, Tex.; El Paso Natural Gas Co.; 15.70925 cents at 14.65 psia.
- CI62-519; Hugoton Field, Kearney County, Kans.; Cities Service Gas Co.; 12.0 cents at 14.65 psia.
- CI62-523; Farnsworth Lower Missouri Gas Field, Ochiltree County, Tex.; Northern Natural Gas Co.; 16.5 cents at 14.65 psia.
- CI62-558; Grant District, Wayne County, W. Va.; United Fuel Gas Co.; 15.0 cents at 15.325 psia.
- CI62-575; Northeast Sitka Field, Clark County, Kans.; Northern Natural Gas Co.; 16.0 cents at 14.65 psia.
- CI62-579; Acreage in Rio Arriba County, N. Mex.; El Paso Natural Gas Co.; 13.0 cents at 15.025 psia.
- CI62-587; Court House District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
- CI62-598 (as Supp.); Acreage in San Juan County, N. Mex.; El Paso Natural Gas Co.; 13.0 cents at 15.025 psia.
- CI62-609; Bloomfield Area, San Juan County, N. Mex.; El Paso Natural Gas Co.; 12.0 cents at 15.025 psia.
- CI62-611; Holly District, Braxton County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
- CI62-674; Putnam (Wolfcamp) Field, Pecos County, Tex.; Transwestern Pipeline Co.; 16.0 cents at 14.65 psia.
- CI62-689; Lucien Field, Logan County, Okla.; Cities Service Gas Co.; 11.0 cents at 14.65 psia.
- CI62-763; Big Sandy River Field, Floyd County, Ky.; Kentucky West Virginia Gas Co.; 18.0 cents at 15.225 psia.
- CI62-797; Spencer District, Roane County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
- CI62-798; Murphy and Union Districts, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
- CI62-804; Salt Lick, Glenville and Collins Settlement Districts, Braxton, Gilmer and Lewis Counties, W. Va.; Hope Natural Gas Co.; 27.0 cents at 15.325 psia.
- CI62-809; Northeast Greenough Field, Beaver County, Okla.; Panhandle Eastern Pipe Line Co.; 17.0 cents at 14.65 psia.
- CI62-816; Sligo Field, Bossier Parish, La.; United Gas Pipe Line Co.; 12.5252 cents at 15.025 psia.
- CI62-817; Freemans Creek District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
- CI62-819; New Milton District, Doddridge County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
- CI62-820; Northeast Greenough Field, Beaver County, Okla.; Panhandle Eastern Pipe Line Co.; 17.0 cents at 14.65 psia.
- CI62-821; Elk District, Kanawha County, W. Va.; United Fuel Gas Co.; 25.0 cents at 15.325 psia.
- CI62-826; Lopeno Field Area, Zapata County, Tex.; Tennessee Gas Transmission Co.; 17.2 cents at 14.65 psia.
- CI62-828; Greenbrier District, Doddridge County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
- CI62-829; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
- CI62-830; Acreage in San Juan County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 psia.
- CI62-831; Acreage in San Juan County, N. Mex.; El Paso Natural Gas Co.; 13.0 cents at 15.025 psia.
- CI62-835; Clay District, Monogalia County, W. Va.; South Penn Oil Co.; 15.0 cents at 15.325 psia.
- CI62-836; Center District, Gilmer County, W. Va.; Hope Natural Gas Co.; 20.0 cents at 15.325 psia.
- CI62-837; Union District, Clay County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
- CI62-838; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
- CI62-839; West Union District, Doddridge County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
- CI62-842; Hugoton Field, Stevens County, Kans.; Panhandle Eastern Pipe Line Co.; 11.0 cents at 14.65 psia.
- CI62-845; Acreage in Morton County, Kans.; Panhandle Eastern Pipe Line Co.; 12.0816 cents at 14.65 psia.
- CI62-849; Union District, Ritchie County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
- CI62-853; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
- CI62-854; Troy District, Gilmer County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
- CI62-855; Freemans Creek District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
- CI62-856; Smithfield District, Roane County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
- CI62-857; Union District, Clay County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
- CI62-858; Union District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
- CI62-862; Stage Stand Field, Stephens County, Okla.; Lone Star Gas Co.; 15.0 cents at 14.65 psia.
- CI62-863; Sheridan District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
- CI62-864; Troy District, Gilmer County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
- CI62-865; Union District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
- CI62-866; Court House District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
- CI62-867; Union District, Harrison County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
- CI62-868; Cove District, Doddridge County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
- CI62-869; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
- CI62-873; Washington District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
- CI62-874; Union District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
- CI62-875; Acreage in Pike County, Ky.; United Fuel Gas Co.; 23.0 cents at 15.225 psia.
- CI62-876; Glenville District, Gilmer County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
- CI62-877; DeKalb District, Gilmer County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
- CI62-878; Court House District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
- CI62-879; Grant District, Doddridge County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
- CI62-880; DeKalb District, Gilmer County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
- CI62-882; Ignacio Blanco Field, LaPlata County, Colo.; El Paso Natural Gas Co.; 13.0 cents at 15.025 psia.
- CI62-886; Central District, Doddridge County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
- CI62-887; New Milton District, Doddridge County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
- CI62-890; Laverne Field, Harper County, Okla.; Northern Natural Gas Co.; 17.0 cents at 14.65 psia.
- CI62-909; Acreage in San Juan County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 psia.
- CI62-919; Aztec-Fruitland Field, San Juan County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 psia.
- CI62-929; Azalea Field, Spraberry Area, Midland County, Tex.; Northern Natural Gas Co.; 16.0 cents at 14.65 psia.
- CI62-936; North LaBarge Field, Sublette County, Wyo.; El Paso Natural Gas Co.; 15.0 cents at 15.025 psia.
- CI62-987; Yates Casinghead Gas Plant, Pecos County, Tex.; Northern Natural Gas Co.; 14.0 cents at 14.65 psia.
- CI62-988; Basin Dakota Field, San Juan County, N. Mex.; El Paso Natural Gas Co.; 12.0 cents at 15.025 psia.
- CI62-1001; Byron Area, Big Horn County, Wyo.; Montana-Dakota Utilities Co.; 11.65 cents at 15.025 psia.
- CI62-1002; Wallace Creek Area, Natrona County, Wyo.; North Central Gas Co.; 10.0 cents at 15.025 psia.

The public convenience and necessity require that these matters be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 22, 1962, at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

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

intermediate decision procedure in cases where a request therefor is made: *Provided, further*, If a protest, petition to intervene or notice of intervention be timely filed in any of the above dockets, the above hearing date as to that docket will be vacated and a new date for hearing will be fixed as provided in § 1.20(m) (2) of the rules of practice and procedure.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-4025; Filed, Apr. 25, 1962;
8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 23, 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. 37691: *Common lime to points in Louisiana*. Filed by Southwestern Freight Bureau, Agent (No. B-8188), for interested rail carriers. Rates on lime, common, hydrated, in bags, in carloads, from specified points in Arkansas, Missouri, Oklahoma, and Texas to specified points in Louisiana.

Grounds for relief: Market competition.

Tariffs: Supplement 18 to Southwestern Freight Bureau tariff I.C.C. 4377 and other schedules named in the application.

FSA No. 37692: *Invert or liquid sugar (returned) to Texas and Louisiana*. Filed by Southwestern Freight Bureau, Agent (No. B-8194), for interested rail carriers. Rates on invert or liquid sugar (returned shipments), in tankcar loads, from points in Arkansas, Illinois, Indiana, Iowa, Kansas, Missouri, Oklahoma, Texas and Wisconsin, also Memphis, Tenn., to points in Texas and Louisiana.

Grounds for relief: Carrier competition.

Tariff: Supplement 118 to Southwestern Freight Bureau tariff I.C.C. 4088.

FSA No. 37693: *Screened gravel from Montezuma, Ind., to Decatur, Ill.* Filed by Illinois Freight Association, Agent (No. 169), for The Baltimore and Ohio Railroad Company. Rates on screened gravel, in carloads, from Montezuma, Ind., to Decatur, Ill.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 125 to The Baltimore and Ohio Railroad Company's tariff I.C.C. 24048.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-4084; Filed, Apr. 25, 1962;
8:50 a.m.]

[Notice 630]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 23, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64761. By order of April 20, 1962, the Transfer Board approved the transfer to Myrl N. McComb, doing business as Mac Transfer & Storage Company, P.O. Box 1678, Corpus Christi, Texas, of Certificate No. MC 102486 issued December 9, 1941, to David McComb, doing business as Mac Transfer, Corpus Christi, Tex., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over irregular routes, between Corpus Christi, Tex., on the one hand, and, on the other, points within 3 miles of Corpus Christi, and between Corpus Christi, Tex.; 3 miles of Corpus Christi on the one hand, and, on the other, Flour Bluff, Tex., and between points in Corpus Christi, Tex., in a collection and delivery service. Mrs. Myrl N. McComb, P.O. Box 1678, 622 Power Street, Corpus Christi, Tex.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-4085; Filed, Apr. 25, 1962;
8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4583]

PRECISION MICROWAVE CORP.

Order Summarily Suspending Trading

APRIL 20, 1962.

In the matter of trading on the American Stock Exchange in the common stock, par value \$1.00 of Precision Microwave Corp., File No. 1-4583.

The common stock, Par Value \$1.00, of Precision Microwave Corp., being listed and registered on the American Stock Exchange, a national securities exchange; and

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

The Commission being of the opinion further that such suspension is necessary in order to prevent 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 American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, April 24, 1962, to May 3, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-4062; Filed, Apr. 25, 1962;
8:46 a.m.]

[File No. 70-4036]

UTAH POWER & LIGHT CO.

Notice of Proposed Issuance and Sale at Competitive Bidding of \$2,- 000,000 Principal Amount of Bonds and \$12,000,000 Aggregate Par Value of Preferred Stock

APRIL 18, 1962.

Notice is hereby given that Utah Power & Light Company ("Utah"), 1407 West North Temple Street, Salt Lake City 10, Utah, a registered holding company and a public-utility company, has filed a declaration, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 50 thereunder as applicable to the proposed transactions.

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

Utah proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 under the Act, \$22,000,000 principal amount of First Mortgage Bonds, -- percent Series due 1962. The interest rate (which shall be a multiple of 1/8 of 1 percent and the price to be received for the bonds (which price, exclusive of accrued interest, shall be not less than 100 percent nor more than 102 3/4 percent of the principal amount) are to be determined by competitive bidding. The bonds will be issued under and secured by the company's Mortgage and Deed of Trust, dated December 1, 1943, as heretofore supplemented, and as to be further supplemented by a Thirteenth Supplemental Indenture, dated June 1, 1962.

Utah also proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50, 480,000 shares of its authorized but unissued \$25 par value preferred stock, designated \$----- Cumulative Preferred Stock, Series B. The annual dividend rate (which shall be

a multiple of 2 cents) and the price, exclusive of accrued dividends, to be received for the preferred stock (which shall be not less than \$25 nor more than \$25.70 per share) are to be determined by competitive bidding.

A part of the proceeds from the sale of the bonds and preferred stock will be used to pay \$22,000,000 face amount of notes payable to banks and the balance, together with cash generated in the business, will be applied to the payment of the cost of Utah's construction program.

The declaration states that the Public Service Commission of Wyoming and the Idaho Public Utilities Commission have jurisdiction over the proposed issuance and sale of securities, and appropriate orders of those commissions are to be obtained and made a part of the record by amendment. It is further stated that no other State commission, and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

The fees and expenses to be incurred by Utah in connection with the proposed transactions are estimated to aggregate \$105,000 including auditor's fees of \$5,000 and company counsel fees of \$8,500 and \$4,500 for services rendered in respect of the issuance and sale of bonds and preferred stock, respectively. The fees of counsel for the underwriters, estimated at \$6,750 for the bonds and \$3,250 for the preferred stock, are to be paid by the successful bidder.

Notice is further given that any interested person may, not later than May 11, 1962, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the 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 the 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 that date, the declaration, as it will be 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. 62-4063; Filed, Apr. 25, 1962;
8:46 a.m.]

GENERAL SERVICES ADMINISTRATION

MOLYBDENUM HELD IN 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 of approximately 5,000,000 pounds of molybdenum.

The Office of Emergency Planning has made a revised determination, pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98a(a), of the quantity of molybdenum to be stockpiled. As a result of that revised determination, said quantity of molybdenum is no longer needed for stockpiling purposes.

Since the revised determination is not by reason of obsolescence of the molybdenum for use in time of war, this proposed disposition is being referred to the Congress for its express approval, as required by section 3(e) of the Strategic and Critical Materials Stock Piling Act.

General Services Administration proposes to transfer said molybdenum to other Government agencies, to offer the material for sale on a competitive basis, or otherwise to dispose of it in the best interest of the Government upon the express approval by the Congress of this proposed disposition but not earlier than six months after the date of publication of this notice in the FEDERAL REGISTER. The initial quantity to be offered for sale will not exceed 1,000,000 pounds. Subsequent offerings will be scheduled for sale at intervals of not less than 45 days.

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.

Dated: April 24, 1962.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 62-4156; Filed, Apr. 25, 1962;
11:49 a.m.]

CUMULATIVE CODIFICATION GUIDE—APRIL

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during April.

3 CFR	Page	7 CFR—Continued	Page	14 CFR—Continued	Page
PROCLAMATIONS:		1048	3425	602	3237,
781	3791	1051	3981	3378, 3539, 3594, 3736, 3882, 3917	3917
3019	3183	1107	3192	608	3195, 3236, 3592, 3594, 3800, 3881
3460	3183	PROPOSED RULES:		609	3238, 3243, 3540
3461	3185	53	3557	610	3280
3462	3367	301	3294	PROPOSED RULES:	
3463	3369	319	3519	4b	3890
3464	3371	908	3519	13	3405
3465	3505	909	3858	20	3354
3466	3535	912	3923	40	3890
3467	3791	918	3818	41	3890
EXECUTIVE ORDERS:		922	3664	42	3890
Oct. 28, 1911	3552	928	3391	44	3890
Aug. 21, 1916	3552	959	3326	50	3756
4223	3515	965	3259	51	3756
11013	3373	987	3519	52	3756
11014	3731	1004	3455	53	3756
11015	3905	1010	3455	54	3756
5 CFR		1044	3665	60	3818
6	3159,	1045	3665	141 [New]	3756
3187, 3309, 3425, 3537, 3591, 3651, 3911.	3651,	1047	3683	143 [New]	3756
6 CFR		1049	3685	145 [New]	3756
421	3160	1073	3740	147 [New]	3756
430	3907	1094	3689	149 [New]	3756
434	3907	1096	3741	399	3295
482	3309	1120	3168, 3632	507	3355, 3406, 3820, 3999
7 CFR		1131	3923	600	3561-3563, 3859, 3892, 3930, 3931
7	3911	1133	3755, 3890	601	3469,
51	3312	1195	3459, 3561	602	3561-3563, 3633, 3892, 3931
52	3314, 3583, 3793	9 CFR			3295, 3296, 3694, 3821
53	3548	74	3279	15 CFR	
201	3252	77	3279	230	3551, 3989
301	3971	PROPOSED RULES:		503	3989
401	3187-3189, 3315, 3316, 3879, 3972	74	3259, 3521	803	3846
402	3253	201	3611	16 CFR	
403	3189	301	3326	13	3165,
601	3793	10 CFR			3166, 3195, 3196, 3283, 3284, 3320,
718	3793	100	3509		3321, 3438, 3439, 3512, 3595, 3623,
728	3273, 3651, 3879	112	3989		3653, 3654, 3736, 3849, 3850.
729	3157	12 CFR		14	3917
730	3912	217	3511	57	3284
750	3317, 3548	220	3511	PROPOSED RULES:	
811	3733	522	3914	35	3770
815	3275	PROPOSED RULES:		192	3923
820	3278, 3375, 3913	3	3557	17 CFR	
905	3586, 3587	13 CFR		200	3513
908	3317, 3549, 3587, 3835	107	3844	230	3288
909	3588	108	3235	231	3990, 3991
910	3158, 3318, 3588, 3835, 3879	PROPOSED RULES:		241	3991
911	3589	107	3168	PROPOSED RULES:	
912	3318, 3590	121	3470	249	3695
918	3914	14 CFR		18 CFR	
944	3797	3	3160	PROPOSED RULES:	
946	3425	20	3798	2	3860
959	3734	48	3235	141	3206, 3470
965	3507, 3734	301	3537	260	3207
970	3318, 3651	376	3376	19 CFR	
980	3507	507	3319,	1	3625
981	3652		3319,	6	3736
989	3319		3320, 3376, 3377, 3436, 3437, 3591,	PROPOSED RULES:	
990	3158, 3590		3623, 3652, 3653, 3735, 3799, 3844,	1	3204, 3999
1001	3189		3845, 3916, 3971.	20 CFR	
1004	3508	600	3193,	208	3321
1006	3190		3194, 3377, 3437, 3512, 3538, 3592,	210	3321
1007	3191		3880, 3971.	214	3321
1010	3508	601	3194,	225	3321
1014	3191		3236, 3377, 3437, 3438, 3512, 3538,	232	3321
1038	3836		3539, 3592, 3593, 3800, 3845, 3880,		
1039	3974		3881.		

20 CFR—Continued	Page
237	3321
330	3737
422	3197
604	3850
610	3918
611	3918
614	3918
615	3918
21 CFR	
1	3882
16	3197
18	3253
19	3254
120	3439
121	3197,
	3198, 3255, 3440, 3441, 3513, 3623,
	3624, 3882, 3883, 3919.
141c	3442, 3851
141d	3920
146	3198, 3624, 3851
146a	3199
146c	3442, 3625, 3851
146d	3920
147	3883
164	3513
191	3255
281	3199
PROPOSED RULES:	
19	3612
120	3468, 3469, 3632
121	3259,
	3469, 3561, 3632, 3858, 3859, 3890,
	3930.
130	3693
22 CFR	
42	3626
205	3652
23 CFR	
PROPOSED RULES:	
1	3692
24 CFR	
203	3255
26 CFR	
1	3595
17	3626
PROPOSED RULES:	
48	3259
201	3816
240	3816
245	3816
270	3817
285	3817
27 CFR	
5	3800
29 CFR	
402	3655
403	3655
408	3655
519	3991
528	3994
603	3514
31 CFR	
203	3656
PROPOSED RULES:	
10	3611

32 CFR	Page
1	3443
2	3447
3	3447
4	3449
5	3449
6	3450
7	3450
8	3452
9	3452
10	3452
12	3453
15	3454
16	3454
137	3165
736	3656
1005	3801
1006	3378
1007	3378, 3383
1008	3598
1009	3608
1010	3608
1011	3805
1012	3807
1013	3810
1015	3810
33 CFR	
92	3200
143	3390
202	3515
203	3515, 3851, 3921
207	3166, 3537, 3657, 3851
36 CFR	
1	3657
2	3657
3	3657
5	3657
7	3659
PROPOSED RULES:	
1	3468
37 CFR	
300	3289
38 CFR	
13	3629
39 CFR	
112	3737
168	3737
201	3883
41 CFR	
2-17	3324
3-75	3537
50-202	3201
PROPOSED RULES:	
50-202	3522, 3611
42 CFR	
3	3739
21	3886
403	3549
43 CFR	
7	3812
PROPOSED RULES:	
149	3168
PUBLIC LAND ORDERS:	
426	3852
944	3608

43 CFR—Continued	Page
PUBLIC LAND ORDERS—Continued	
1775	3517
2615	3516
2639	3167
2640	3201
2641	3517
2642	3516
2643	3518
2644	3516
2645	3516
2646	3516
2647	3518
2648	3517
2649	3516
2650	3515
2651	3517
2652	3552
2653	3608
2654	3609
2655	3609
2656	3659
2657	3852
46 CFR	
26	3887
144	3551
170	3887
171	3887
173	3889
272	3203, 3739
PROPOSED RULES:	
Ch. IV	3821
510	3632, 3859
47 CFR	
1	3291
2	3659
3	3256, 3257
4	3291
9	3660
10	3202
11	3889
12	3852
13	3203
16	3202
PROPOSED RULES:	
1	3521
3	3204, 3205
4	3205
9	3695
11	3821
15	3294
49 CFR	
72	3426
73	3426
74	3430
77	3430
78	3430
95	3235
193	3813
195	3553
PROPOSED RULES:	
188	3770
50 CFR	
33	3258,
	3292, 3293, 3390, 3515, 3555, 3556,
	3609, 3630, 3739, 3919, 3994-3997
60	3854
301	3854

