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Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Barley]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Barley Loan and Purchase Agreement Program

A price support program has been announced for the 1961 crop of barley. The 1961 C.C.C. Grain Price Support Bulletin 1 (26 F.R. 2106), issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1961 is supplemented as follows:

Sec.

421.176 Purpose.
421.177 Availability of price support.
421.178 Eligible barley.
421.179 Warehouse receipts.
421.180 Determination of quantity.
421.181 Determination of quality.
421.182 Maturity of loans.
421.183 Determination of support rates.
421.184 Warehouse charges.
421.185 Inspection of barley under purchase agreement.
421.186 Settlement.

AUTHORITY: §§ 421.176 to 421.186 issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 1714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended, 15 U.S.C. 714, 7 U.S.C. 1421, 1441, 1442.

§ 421.176 Purpose.

Sections 421.176 to 421.186 state additional specific regulations which, together with the general regulations contained in the 1961 C.C.C. Grain Price Support Bulletin 1 (§§ 421.101 to 421.123), apply to loans and purchase agreements under the 1961-crop barley price support program.

§ 421.177 Availability of price support.

(a) *Method of support.* Price support will be available through farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever barley is grown in the United States, except that farm-storage loans will not be available in areas where the State committee determines that barley cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support should be made at the office of the county committee which keeps the farm program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through January 31, 1962, and the applicable documents must be signed by the producer and delivered to the office of the county committee not later than such date. Applicable documents referred to herein include the Producer's Note and Loan Agreement for warehouse-storage loans, the Producer's Note and Supplemental Loan Agreement and the Commodity Chattel Mortgage for farm-storage loans, and the Purchase Agreement for purchase agreements.

§ 421.178 Eligible barley.

Barley, to be eligible for price support, must meet all of the applicable requirements set forth in this section.

(a) The barley must have been produced in the United States in 1961 by an eligible producer.

(b) (1) At the time the barley is placed under loan or delivered under a purchase agreement the beneficial interest in the barley must be in the eligible producer tendering the barley for loan or for delivery under a purchase agreement, and must always have been in him, or must have been in him and a former producer whom he succeeded before the barley was harvested. Any producer who is in doubt as to whether his interest in the commodity complies with the requirements of this subpart should make available to the county committee all pertinent information prior to filing an application, which will permit a determination to be made by CCC as to his eligibility for price support.

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

(c) Barley, at the time it is placed under loan, and barley under purchase agreement which is in approved warehouse storage prior to notification by the producer of his intention to sell to CCC, must meet the following requirements:

(1) The barley must be of any class grading No. 4 or better (or No. 4 Garlicky or better), except that Western Barley shall have a test weight of not less than 40 pounds per bushel.

(2) Barley grading Tough, Weevily, Stained if Western Barley, Blighted, Bleached, Ergoty, or Smutty, or containing mercurial compounds or other substances poisonous to men or animals, shall not be eligible, except that barley represented by warehouse receipts grading Tough will be eligible if the warehouseman certifies on the supplemental certificate or on a statement attached to the warehouse receipt substantially as follows: "On barley grading 'Tough' delivery will be made of the same country-run quality, quantity and grade, not Tough, and no lien for processing will be claimed by the warehouseman from Commodity Credit Corporation or any subsequent holder of the warehouse receipt."

(3) If offered as security for a farm-storage loan, the barley must have been stored in the granary at least 30 days prior to its inspection for measurement, sampling, and sealing, unless otherwise approved by the State committee.

(d) Except as otherwise provided in § 421.185(a), barley under purchase agreement stored in other than approved warehouse storage shall not be eligible for sale to CCC if it does not meet the requirements of paragraph (c) (1) and (2) of this section on the basis of a predelivery inspection performed by a representative of the county committee, unless the producer complies with the conditions specified in § 421.185(a) and the barley on the basis of the inspection made at the time of delivery meets the requirements set forth in paragraph (c) (1) and (2) of this section.

§ 421.179 Warehouse receipts.

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

(a) Warehouse receipts presented for warehouse-storage loans must be issued in the name of the producer and for deliveries under farm-storage loans or purchase agreements, in the name of the producer or CCC, and must be properly endorsed in blank when issued in the name of the producer so as to vest title in the holder. The receipts must be issued by a warehouse for which a Uniform Grain Storage Agreement is in effect and which is approved by CCC for price support purposes, or the receipts must be issued on warehouses approved by CCC for price support purposes operated by eastern common carriers under tariffs approved by the Interstate Commerce Commission. The term "eastern common carriers" as used in this subpart includes the Port of New York Authority.

(b) (1) Each warehouse receipt or the warehouseman's supplemental certificate (in duplicate), properly identified with the warehouse receipt must show: (i) Gross weight and net bushels, (ii) class, (iii) grade (including special grades), (iv) test weight, (v) dockage, (vi) any other factor(s) when such factor(s) and not test weight determine the grade, and

(vii) whether the barley arrived by rail, truck or barge. The grading factors on the warehouse receipts must agree with the inbound inspection certificate for the car, truck, or barge if such certificate is issued.

(2) If the warehouseman has furnished a statement as provided in § 421.178(c)(2), the supplemental certificate must show the numerical grade and the grading factors of the barley to be delivered. Where the grade and grading factors shown on the supplemental certificate do not agree with the warehouse receipt, the factors shown on the supplemental certificate shall take precedence.

(c) A separate warehouse receipt must be submitted for each grade and class of barley.

(d) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 421.184.

(e) Warehouse receipts representing barley which has been shipped by rail or water from a country shipping point to a designated terminal point or shipped by rail or water from a country shipping point and stored in transit to a designated terminal point, must be accompanied by registered freight bills, or by a certificate containing similar information. These registered freight bills or certificates must be representative as to origin and date of movement of the grain shipped. The form of these certificates will be prescribed by the CSS commodity office and shall be signed by the warehouseman and may be made a part of the supplemental certificate.

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

(g) Each warehouse receipt or accompanying supplemental certificate representing grain stored in an approved warehouse operating under the Uniform Grain Storage Agreement shall indicate that the barley is insured in accordance with such agreement. Each warehouse receipt or accompanying supplemental certificate issued on warehouses operated by eastern common carriers and representing barley to be placed under loan shall indicate that the barley is insured at the full market value against loss or damage by fire, lightning, inherent explosion, windstorm, cyclone and tornado. The cost of such insurance shall not be for the account of CCC.

§ 421.180 Determination of quantity.

(a) The quantity of barley placed under farm-storage loan may be determined either by weight or by measurement. The quantity of barley delivered under a farm-storage loan or under a purchase agreement shall be determined by weight. The quantity of barley on which a warehouse-storage loan shall be made and the quantity delivered to or acquired by CCC in an approved warehouse under a farm-storage loan or purchase agreement shall be the net weight of the barley represented by the warehouse receipt or on the supplemental certificate if applicable.

(b) When the quantity is determined by weight, a bushel shall be 48 pounds of clean barley free of dockage. In determining the quantity of sacked barley by weight, a deduction of three-fourths of a pound for each sack shall be made.

(c) When the quantity of barley is determined by measurement, a bushel shall be 1.25 cubic feet of barley testing 48 pounds per bushel. The quantity determined for barley having a different test weight shall be adjusted by the applicable percentage in the following table:

For barley testing:	*Percent*
50 pounds or over	104
49 pounds or over, but less than 50 pounds	102
48 pounds or over, but less than 49 pounds	100
47 pounds or over, but less than 48 pounds	98
46 pounds or over, but less than 47 pounds	96
45 pounds or over, but less than 46 pounds	94
44 pounds or over, but less than 45 pounds	92
43 pounds or over, but less than 44 pounds	90
42 pounds or over, but less than 43 pounds	88
41 pounds or over, but less than 42 pounds	85
40 pounds or over, but less than 41 pounds	83

(d) The percentage of dockage shall be determined and the weight of such dockage shall be deducted from the gross weight of the barley in determining the net quantity available for loan or purchase.

§ 421.181 Determination of quality.

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

§ 421.182 Maturity of loans.

Loans mature on demand but not later than February 28, 1962, in the States of Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia; not later than March 10, 1962, in Arizona and California; and not later than April 30, 1962, in all other States. The maturity date for a loan shall be the maturity date for the State where the barley is stored.

§ 421.183 Determination of support rates.

Basic support rates for barley will be set forth in 1961 C.C.C. Grain Price Support Bulletin 1, Supplement 2, Barley. Support rates will be established for barley stored in approved warehouse storage at designated terminal markets, and for barley stored in approved country warehouses and in approved farm storage. The support rate for the quality of barley placed under a loan or delivered under a purchase agreement shall be the applicable basic support rate adjusted in accordance with the provisions of this section and 1961 C.C.C. Grain Price Support Bulletin 1, Supplement 2, Barley.

(a) *Support rates at designated terminal markets.* (1) (i) In order to be eligible for loan or purchase at the support rate established for designated terminal markets the barley must have been shipped on a domestic interstate freight rate basis. The support rate at the designated terminal market on any barley shipped at other than the domestic interstate freight rate shall be reduced by the difference between the freight rate paid and the domestic interstate freight rate.

(ii) The support rates established for designated terminal markets apply to barley which has been shipped by rail or water from a country shipping point to one of the designated terminal markets as evidenced by paid freight bills duly registered for transit privileges. In the event the amount of paid-in freight is insufficient to guarantee the minimum proportional domestic interstate freight rate, if any, from the terminal market to a recognized market determined by the appropriate CSS commodity office, there shall be deducted from the applicable terminal support rate the difference between the amount of freight actually paid in and the amount required to be paid in to guarantee outbound movement at the minimum proportional domestic interstate freight rate. If the barley is stored at any designated terminal market and neither registered freight bills nor registered freight certificates are presented, the support rate shall be equal to the terminal rate minus the actual amount of paid-in freight required to guarantee the proportional outbound rate from the terminal market to a recognized market as determined by the appropriate CSS commodity office.

(iii) The support rate for barley received by truck and stored at any designated terminal market shall be determined by deducting from the terminal rate the actual amount of paid-in freight required to guarantee the proportional outbound rate from the terminal market to a recognized market determined by the appropriate CSS commodity office, plus 2.5 cents per bushel.

(2) (i) Notwithstanding the foregoing provisions of this paragraph, the support rate for barley shipped by rail or water and stored at any of the following terminal markets shall be equal to the applicable terminal rate less the transportation cost, if any, as determined by the appropriate CSS commodity office, for moving the barley to a tidewater loading facility located within the same switching limits:

Long Beach, Los Angeles, Oakland, San Francisco, Stockton, and Wilmington, Calif.

Baton Rouge, New Orleans, La.
Baltimore, Md.
Duluth, Minn.
Astoria and Portland, Oreg.
Albany and New York, N.Y.
Philadelphia, Pa.
Galveston, Houston, and Port Arthur, Tex.
Norfolk, Va.
Kalama, Longview, Seattle, Tacoma, and Vancouver, Wash.
Superior, Wis.

(ii) Notwithstanding the foregoing provisions of this paragraph, the support rate for barley received by truck and stored at any of the terminal markets listed in subdivision (i) of this subparagraph shall be determined by making a deduction of 2.5 cents per bushel from the terminal rate, plus the transportation cost, if any, as determined by the appropriate CSS commodity office for moving the barley to a tidewater loading facility located within the same switching limits.

(b) *Support rates for barley in approved warehouse storage at other than designated terminal markets.* (1) The support rate for barley which is shipped by rail or water and stored in approved warehouses (other than those situated in the designated terminal markets) shall be determined by deducting from the rate for the appropriate designated terminal market, as determined by CCC, an amount equal to the transit balance, if any, of the through-freight rate from point of origin for such barley to such terminal market: *Provided,* That on any barley shipped at other than the domestic interstate freight rate, the support rate shall be further reduced by the difference between the freight rate paid and the domestic interstate freight rate from the point of origin of such barley to the point of destination or appropriate terminal market: *And provided further,* That in the case of barley stored at any railroad transit point, taking a penalty by reason of out-of-line movement to the appropriate designated market, or for any other reason, there shall be added to such transit balance an amount equal to any out-of-line costs or other costs incurred in storing barley in such position.

(2) The warehouse receipts must be accompanied by the original paid freight bills or certificates of the warehouseman and other required documents as set forth in § 421.179(e).

(c) *Discounts.* (1) The basic support rates shall be adjusted by all applicable discounts listed in 1961 C.C.C. Grain Price Support Bulletin 1, Supplement 2, Barley.

(2) The basic support rates in 1961 C.C.C. Grain Price Support Bulletin 1, Supplement 2, Barley, will also be subject to the following provisions applicable to barley affected by State, district, or county weed control laws: Where the State committee determines that State, district, or county weed control laws, as administered, affect the barley crop, the support rate in the case of farm storage shall be 10 cents below the applicable county support rate unless the producer obtains a certificate from the appropriate weed control official indicating that the barley complies with the weed control laws. In the case of warehouse storage, whenever the State committee of the State in which the barley is stored determines that State, district or county weed control laws, as administered, affect barley stored in approved warehouses, the rate shall be 10 cents below the applicable support rate unless the producer obtains a certificate from either the appropriate State, county or district weed control official or the storing warehouseman that the barley complies with the weed control laws, and in the case of a certificate from the warehouseman, that he will save CCC harmless from loss or penalty because of the weed control laws. The certificate of the warehouseman may be in substantially the following form:

CERTIFICATION

This is to certify that the grain evidenced by warehouse receipt No. _____ issued to _____ is not subject to seizure or other action under weed control laws or regulations in effect at point of storage. It is further certified and agreed that should such grain be taken over by CCC in settlement of a loan or be purchased under the purchase agreement program that the undersigned will save CCC from loss or penalty under weed control laws or regulations in effect at the point the grain was stored under the above warehouse receipt.

_____
(Signature)

_____
(Address)

_____
(Date)

(3) For the purpose of determining discounts, factors which cause barley of the subclass Malting Barley or Blue Malting Barley to have a lower numerical grade than if the barley were graded under a different subclass shall be disregarded.

§ 421.184 Warehouse charges.

(a)(1) Warehouse receipts and the barley represented thereby stored in an approved warehouse operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the barley is deposited in the warehouse for storage: *Provided,* That the warehouseman shall not be entitled to satisfy the lien by sale of the commodity when CCC is holder of the warehouse receipt. Where the date of deposit (the date of the warehouse receipt if the date of deposit is now shown) on warehouse receipts representing barley stored in warehouses operating under the Uniform Grain Storage Agreement is on or before the applicable loan maturity date, there shall be deducted in computing the amount of the loan or purchase price the storage charges per bushel as shown in the following table unless written evidence has been submitted with the warehouse receipt that all warehouse charges, except receiving and loading out charges, have been prepaid through the applicable loan maturity date to be determined in accordance with § 421.182.

Amount of deduction (cents per bushel)	For States having a maturity date not later than April 30, 1962—Date the storage charges start (all dates inclusive)	For States having a maturity date not later than March 10, 1962—Date the storage charges start (all dates inclusive)	For States having a maturity date not later than February 28, 1962—Date the storage charges start (all dates inclusive)
13	Prior to May 29, 1961		
12	May 29–June 24, 1961	Prior to May 5, 1961	
11	June 25–July 21, 1961	May 5–May 31, 1961	Prior to May 22, 1961.
10	July 22–Aug. 17, 1961	June 1–June 27, 1961	May 22–June 17, 1961.
9	Aug. 18–Sept. 13, 1961	June 28–July 24, 1961	June 18–July 14, 1961.
8	Sept. 14–Oct. 10, 1961	July 25–Aug. 20, 1961	July 15–Aug. 10, 1961.
7	Oct. 11–Nov. 6, 1961	Aug. 21–Sept. 16, 1961	Aug 11–Sept. 6, 1961.
6	Nov. 7–Dec. 3, 1961	Sept. 17–Oct. 13, 1961	Sept. 7–Oct. 3, 1961.
5	Dec. 4–Dec. 30, 1961	Oct. 14–Nov. 9, 1961	Oct. 4–Oct. 30, 1961.
4	Dec. 31, 1961–Jan. 26, 1962	Nov. 10–Dec. 6, 1961	Oct. 31–Nov. 26, 1961.
3	Jan. 27–Feb. 22, 1962	Dec. 7, 1961–Jan. 2, 1962	Nov. 27–Dec. 23, 1961.
2	Feb. 23–Mar. 21, 1962	Jan. 3–Jan. 29, 1962	Dec. 24, 1961–Jan. 19, 1962.
1	Mar. 22–Apr. 30, 1962	Jan. 30–Mar. 10, 1962	Jan. 20–Feb. 28, 1962.

(2) Notwithstanding the foregoing provisions of this paragraph, if the date the storage charges start against the holders of the warehouse receipt is shown on the warehouse receipt or supplemental certificate and such date is prior to the maturity date of loans for the commodity but subsequent to the date of deposit of the commodity in the warehouse, the deduction for storage in computing the amount of loan or purchase price shall be for the period from the date storage charges start against holders of the warehouse receipt through the applicable maturity date to be determined in accordance with § 421.182.

(b) Warehouse receipts and the barley represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission: *Provided,* That the warehouseman shall not be entitled to satisfy the lien by sale of the commodity when CCC is holder of the warehouse receipt. There shall be deducted in computing the loan or purchase price, the amount of the approved tariff rate for storage (not including elevation), which will accumulate from the date of deposit through the applicable maturity date to be determined in accordance with § 421.182, unless written evidence is submitted with the warehouse receipt that such charges have been prepaid. The county office shall request the CSS commodity office to determine the amount of such charges. Where the producer presents evidence showing that elevation charges have been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charges prepaid by the producer.

§ 421.185 Inspection of barley under purchase agreement.

(a) *Predelivery inspection.* Where the producer has given written notice within the 30-day period prior to the loan maturity date of his intent to sell his barley stored in other than an approved warehouse under purchase agreement to CCC, the county office shall make an inspection of the barley and obtain a sample of the barley and submit it for grade analysis prior to delivery of the barley. If the barley, on the basis of the predelivery inspection, is of a quality which meets the requirements for a farm-storage loan, the county office shall issue delivery instructions on or after the date of inspection. The producer must then complete delivery within a 15-day period immediately following the date the county office issues delivery instructions unless the county office determines that more time is needed for the delivery. The producer whose barley is stored in other than an approved warehouse and whose barley is not of a quality eligible for a loan at the time of the predelivery inspection shall be notified in writing by the county office that his barley is not eligible for purchase by CCC. If, nevertheless, the producer informs the county office that he will condition the barley or otherwise take action to make the barley eligible and insists upon delivery of the barley, the county office shall issue delivery instructions. In such case, the producer shall be further informed that if such barley, upon delivery and before purchase, does not meet the eligibility requirements of § 421.178(c) (1) and (2) as determined on the basis of a sample taken at the time of delivery, the barley will not be accepted for purchase by CCC. A predelivery inspection shall not be made on barley in warehouses not approved for storage which is stored commingled or which is stored so that the identity of the producer's barley is maintained but a predelivery inspection is not possible. When a predelivery inspection is not made, such barley at the time of delivery must meet the eligibility requirements of § 421.178(c) (1) and (2).

(b) *Inspection of barley stored by producer, after maturity date.* The producer may be required to retain the barley stored in other than approved warehouse storage under purchase agreement for a period of 60 days after the loan maturity date without any cost to CCC. CCC will not assume any loss in quantity or quality of the barley covered by a purchase agreement occurring prior to delivery to CCC, except for quality deterioration under the following circumstances: If a producer has properly requested delivery instructions for barely which was determined to be of an eligible grade and quality at the time of the predelivery inspection, and CCC cannot accept delivery within the 60-day period following the loan maturity date, the producer may notify the county office at any time after such 60-day period that the barely is going out of condition or is in danger of going out of condition. Such notice must be confirmed in writing. If the county office determines that the barley is going out of condition or is in danger of going out of condition and that the barley cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county office shall obtain an inspection and grade and quality determinaton. When delivery is completed, settlement shall be made on the basis of such grade and quality determination or on the basis of the grade and quality determination made at the time of delivery, whichever is higher, and on the basis of the quantity actually delivered.

§ 421.186 Settlement.

(a) *Settlement value*—(1) *Farm-storage loans.* Barley is eligible for delivery under farm-storage loan if it is covered by the loan documents and was eligible to be placed under loan at the time the loan was made. In the case of barley eligible for delivery under loan delivered to CCC from farm storage, settlement shall be made at the applicable support rate determined in accordance with paragraph (b) of this section. If, upon delivery, the barley under farm-storage loan is of a grade or quality for which no support rate has been established, the settlement value shall be computed by using the price support discounts shown in 1961 C.C.C. Grain Price Support Bulletin 1, Supplement 2, Barley, to the extent they apply and in addition the amount of the market discounts, if any, as determined by the appropriate CSS commodity office, for the quality by which the commodity is lower than the quality for which such price support discounts are established: *Provided, however,* That if such barley is sold by CCC in order to determine its market price, the settlement value shall not be less than such sales price: *And provided further,* That if, upon delivery, such barley contains mercurial compounds or other substances poisonous to man or animals, the barley shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell the barley for the use specified above, the settlement value shall be the market value, as determined by CCC, as of the date of delivery.

(2) *Warehouse-storage loans.* Settlement for eligible barley under warehouse-storage loans not redeemed on maturity and represented by warehouse receipts issued by an approved warehouse shall be made on the basis of the weight, grade, and other quality factors shown on the warehouse receipts or accompanying documents at the applicable support rate determined in accordance with paragraph (b) of this section.

(3) *Purchase agreements*—(i) *Delivery from farm storage.* Settlement for barley delivered to CCC from farm storage meeting the eligibility requirements of § 421.178(c) (1) and (2) as determined by a reinspection at the time of delivery, and otherwise eligible for delivery, shall be made at the applicable support rate. Such support rate shall be determined in accordance with paragraph (b) of this section. If barley which was determined to be eligible at the time of the predelivery inspection is, upon delivery, of a grade or quality for which no support rate has been established, the settlement value shall be computed by using the price support discounts shown in 1961 C.C.C. Grain Price Support Bulletin 1, Supplement 2, Barley, to the extent they apply and in addition the amount of the market discounts, if any, as determined by the appropriate CSS commodity office, for the quality by which the commodity is lower than the quality for which such price support discounts are established: *Provided, however,* That if such barley is sold by CCC in order to determine its market price, the settlement value shall not be less than such sales price: *And provided further,* That if, upon delivery, the barley contains mercurial compounds or other substances poisonous to man or animals, the barley shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such barley for the use specified above, the settlement value shall be the market value, as determined by CCC as of the date of delivery.

(ii) *Delivery from approved warehouse storage.* In the case of eligible barley stored in an approved warehouse, the producer must, not later than the day following the loan maturity date, or during such period of time thereafter as may be specified by the county committee, submit to the office of the county committee warehouse receipts under which the warehouseman guarantees quality and quantity for the quantity of barley he elects to sell to CCC. Settlement for eligible barley delivered under purchase agreement to CCC by submission of warehouse receipts issued by an approved warehouse shall be made on the basis of the weight, grade, and other quality factors shown on the warehouse receipt or accompanying documents at the applicable support rate determined in accordance with paragraph (b) of this section.

(iii) *Delivery from unapproved warehouse storage.* The county office will issue instructions on or after the loan maturity date for delivery of barley in a warehouse not approved for storage which is stored commingled, or which is stored so that the identity of the producer's barley is maintained but a predelivery inspection is not possible, where the producer has properly given the county office written notice of his intent to sell such barley to CCC. Settlement for such barley delivered to CCC which meets the eligibility requirements of § 421.178(c) (1) and (2), and which is otherwise eligible for delivery, shall be made at the applicable support rate. Such support rate shall be determined in accordance with paragraph (b) of this section. If a predelivery inspection of the producer's barley can be made, the provisions of § 421.185 shall apply and settlement will be the same as for barley delivered under a purchase agreement

from farm storage as provided in subdivision (i) of this subparagraph.

(4) *Barley ineligible for delivery inadvertently accepted by CCC.* (i) In the absence of fraud on the part of the producer, the settlement provisions of this subparagraph shall apply to the following categories of barley ineligible for delivery which is inadvertently accepted by CCC and which CCC determines it is not in a position to reject: (*a*) Barley under a purchase agreement which was of an ineligible grade or quality both at the time of the predelivery inspection and at the time of the delivery as redetermined by a reinspection; (*b*) barley of an ineligible grade or quality which is delivered to CCC in excess of the maximum quantity stated in the purchase agreement; (*c*) barley under a purchase agreement in a warehouse not approved for storage which is stored commingled or stored so that the identity of the producer's barley is maintained but a predelivery inspection is not possible, and which at the time of the delivery does not meet the eligibility requirements of § 421.178(c) (1) and (2); and (*d*) ineligible barley delivered under a loan. The settlement value shall be the market price for the grade, quality and quantity of such ineligible barley delivered, as determined by CCC: *Provided, however,* That if such barley is sold by CCC in order to determine its market price, the settlement value shall not be less than the sales price: *And provided further,* That if upon delivery, the barley contains mercurial compounds or other substances poisonous to man or animals, such barley shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such barley for the use specified above, the settlement value shall be the market value as determined by CCC as of the date of delivery. If barley delivered under a purchase agreement is of an eligible grade and quality but in excess of the maximum stated in the purchase agreement and such excess barley is inadvertently accepted by CCC, the settlement value shall be the sales price if the barley is immediately sold. If the barley is not immediately sold the settlement value shall be the applicable support rate or the market price, as determined by CCC, whichever is lower.

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

(5) Notwithstanding the foregoing, if a warehouseman has made a certification on the warehouse receipt or supplemental certificate as specified in § 421.178 (c)(2), settlement for barley delivered to or acquired by CCC in an approved warehouse under a farm-storage loan or purchase agreement shall be based on the quality specified in such certification.

(b) *Applicable support rate for settlement of loans and eligible quantities delivered under purchase agreements.* (1) In the case of barley stored in an approved warehouse, settlement shall be made at the applicable support rate specified in § 421.183 for the location in which the warehouse is located, except as otherwise provided in subparagraph (4) of this paragraph.

(2) In the case of barley delivered from other than approved warehouse storage, settlement shall be made at the applicable support rate for the county in which the producer's customary shipping point (as determined by the county committee) is located except as otherwise provided in subparagraphs (3) and (4) of this paragraph.

(3) If the producer is directed to deliver his barley to a terminal market for which a support rate is established, settlement shall be based on the support rate for such terminal market.

(4) If two or more approved warehouses are located at the same or adjoining towns, villages, or cities having the same domestic interstate freight rate, such towns, villages, or cities shall be deemed to constitute one shipping point, and the same settlement rate shall apply even though such warehouses are not all located in the same county. Such settlement rate shall be the highest support rate of the counties involved.

(c) *Storage deduction for early delivery.* No deductions for storage shall be made for farm-stored barley under loan or purchase agreement authorized to be delivered to CCC prior to the loan maturity date except where it is necessary to call the loan through fault or negligence on the part of the producer or where the producer requests early delivery and the county committee approves the early delivery and determines such early delivery is solely for the convenience of the producer. The deduction for storage shall be made in accordance with the schedule of deductions for warehouse charges in § 421.184.

(d) *Refund of prepaid handling charges.* In case a warehouseman charges the producer for the receiving or the receiving and loading-out charges on barley under loan or purchase agreement stored in an approved warehouse, the producer shall, upon delivery of the barley to CCC, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges specified in the storage agreement, provided the producer furnishes to the county committee written evidence signed by the warehouseman that such charges have been paid. In case an approved warehouse operated by an eastern common carrier charges the producer for the elevation charges on barley under loan or purchase agreement, the producer shall, upon delivery of the barley to CCC, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges specified in the applicable approved tariff; provided the producer furnishes to the county committee written evidence signed by the warehouseman that such charges have been paid and that CCC has not previously given the producer credit for such charges as provided in § 421.184(b).

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

(f) *Track-loading payment.* A track-loading payment of 3 cents per bushel shall be made to the producer on price support barley delivered to CCC on track at a country point.

(g) *Compensation for hauling.* If the producer is directed by the county office to deliver his price support barley to a point a greater distance than to his customary delivery point, the producer shall be allowed compensation (as determined by the ASC State committee, at not to exceed the common carrier truck rate or the rate available from local truckers) for hauling the barley the additional distance: *Provided,* That if the producer is directed to deliver his barley to a terminal market for which a support rate is established, no compensation shall be allowed for hauling. The ASC State committee may, in determining the rates of payments for any excess haul, establish reasonable mileage minimums below which producers will not receive compensation for hauling the barley.

(h) *Method of payment under purchase agreement settlements.* When delivery of barley under purchase agreement is completed, payment will be made by sight draft drawn on CCC by the county office. The producer shall direct on Commodity Purchase Form 4 to whom payment of the proceeds shall be made.

Issued this 6th day of June 1961.

E. A. JAENKE,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 61-5411; Filed, June 9, 1961; 8:54 a.m.]

[1961 CCC Cotton Bulletin 1]

PART 427—COTTON

Subpart—1961 Cotton Loan Program Regulations

Sec.

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AUTHORITY: §§ 427.1201 to 427.1229 issued under sec. 4, 62 Stat. 1070, as amended, sec. 5, 62 Stat. 1072, secs. 101, 103, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c, 7 U.S.C. 1441, 1444, 1421.

§ 427.1201 General statement.

This bulletin contains the regulations, instructions, and requirements with respect to the 1961 Cotton Loan Program of Commodity Credit Corporation (referred to in this subpart as "CCC") formulated by CCC and the Commodity Stabilization Service (referred to in this subpart as "CSS"). Under this program, loans will be made available on 1961-crop upland and extra long staple cotton in accordance with this bulletin.

§ 427.1202 Administration.

Under the general direction and supervision of the Executive Vice President, CCC, the Cotton Division and other appropriate divisions of CSS will carry out the provisions of this subpart. In the field, the program will be administered through the New Orleans CSS Commodity Office, 120 Marais Street, New Orleans 16, Louisiana (referred to in this subpart as the "New Orleans office"), and Agricultural Stabilization and Conservation (referred to in this subpart as "ASC") State and county committees (referred to in this subpart as "State committees" and "county committees," respectively). Program availability and maturity dates will be those specified hereinafter except that whenever the final date of availability or the maturity date falls on a nonwork day for ASC county offices or the New Orleans office, the applicable final date shall be extended to include the next work day. Forms will be distributed by the New Orleans office and will be available at county ASC offices (referred to in this subpart as "county offices") and at approved lending agencies, approved warehouses, and others designated to participate in the loan program. ASC State and county committees and the New Orleans office do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements hereto.

§ 427.1203 Availability of loans.

(a) *General statement.* Loans will be available to eligible producers on eligible cotton and will be made available through warehouse and bill of lading loans.

(b) *Area.* Loans on cotton produced in the areas specified below and covered by bills of lading will be available in areas designated by the New Orleans office where there is a shortage of storage space and the necessary arrangements for handling the cotton can be made. Warehouse loans will be available on:

(1) Upland cotton produced in all cotton-producing areas of the continental United States.

(2) Extra long staple cotton produced in areas designated in this subparagraph.

(i) American-Egyptian cotton produced in Cochise, Gila, Graham, Greenlee, Maricopa, Mohave, Pima, Pinal, Santa Cruz, and Yuma Counties, Arizona; Imperial and Riverside Counties, California; Dona Ana, Eddy, Luna, Otero, and Sierra Counties, New Mexico; and Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, and Ward Counties, Texas.

(ii) Sea Island and Sealand cotton produced in Berrien, Cook, and Lanier Counties, Georgia; and Alachua, Bradford, Columbia, Hamilton, Jefferson, Lake, Levy, Madison, Marion, Orange, Putnam, Seminole, Sumter, Suwannee, Union, and Volusia Counties, Florida; and Sea Island cotton produced from seed planted in 1961 in Puerto Rico.

(c) *Time.* Loans will be available from the date rates are announced through April 30, 1962. Note and loan agreements covering warehouse-stored cotton must be signed by the producer and delivered to the lending agency on or before April 30, 1962, or postmarked not later than such date, if tendered for direct loans to the New Orleans office by mail. Loans on cotton covered by bills of lading will be available only during the periods specified by the New Orleans office.

(d) *Source.* Loans will be available from approved lending agencies or from the New Orleans office. Disbursements on loans will be made to producers by approved lending agencies under agreements with CCC at the locations for which they are approved or by the New Orleans office. Disbursement of loans by approved lending agencies will be made not later than April 30, 1962, except where specifically approved by the New Orleans office in each instance. The producer shall not present the loan documents for disbursement unless the cotton is in existence and in good condition. If the cotton is not in existence and in good condition at the time of disbursement, the producer shall immediately return the check or draft issued in payment of the loan or, if the check or draft has been negotiated, shall promptly refund the proceeds.

§ 427.1204 Approved lending agency.

An approved lending agency shall be any bank, corporation, partnership, association, individual, or other legal entity which has entered into a Lending Agency Agreement—Cotton (CCC Cotton Form D) with CCC. Banks and other agencies desiring to enter into Lending Agency Agreements should make application to the New Orleans office, which will enter into such agreements on behalf of CCC with responsible applicants having organizations and facilities adequate to properly carry out their responsibilities and obligations under the program.

§ 427.1205 Producer.

A producer shall be any individual, partnership, corporation, association, trust, estate, or other legal entity, or a State or political subdivision thereof, or any agency of such State or political subdivision, producing eligible upland or extra long staple cotton in the capacity of landowner, landlord, tenant, or sharecropper.

§ 427.1206 Eligible producer.

(a) A producer will be entitled to a loan on eligible upland or extra long staple cotton produced by or for him in

1961 on a farm (as defined for purposes of cotton marketing quotas) for which a 1961 acreage allotment for such kind of cotton has been determined under Title III of the Agricultural Adjustment Act of 1938, as amended and supplemented, if all of the following requirements are met:

(1) The 1961 planted acreage (as determined for purposes of cotton marketing quotas) of such kind of cotton on the farm does not exceed the 1961 cotton acreage allotment for the farm for such kind of cotton.

(2) For the purpose of determining eligibility for a loan, the upland or extra long staple cotton acreage on the farm will not be deemed to be in excess of the acreage allotment for such cotton unless such acreage allotment for such kind of cotton is knowingly exceeded. If the producer operating the farm is notified that such acreage allotment has been exceeded and the planted acreage is not adjusted to such acreage allotment within the period allowed under the notice, such acreage allotment shall be deemed to have been knowingly exceeded by the producers having an interest in the cotton.

(b) In the case of eligible cotton produced by a landlord and his share tenant or sharecropper, a loan may be obtained only as follows:

(1) If the cotton is divided among the producers entitled to share in such cotton, each landlord, tenant, or share cropper may obtain a loan on his separate share.

(2) If the cotton is not divided, (i) all producers having a share in the cotton may obtain a joint loan on such cotton, or (ii) the landlord may obtain a loan on cotton in which both he and one or more share tenants or sharecroppers have an interest if he has the legal right to do so, and in such cases the share tenants or sharecroppers must be paid their pro rata share of the loan proceeds and their pro rata share of any additional proceeds received from the cotton. In no case shall a share tenant or sharecropper obtain a loan individually on cotton in which a landlord has an interest. Except as provided above, two or more producers may not obtain a joint loan on their cotton.

§ 427.1207 Eligible cotton.

Eligible cotton shall be upland cotton produced in the United States in 1961 or extra long staple cotton planted in 1961 and produced in areas designated under § 427.1203, which meets the following requirements:

(a) Such cotton must have been produced on a farm on which the acreage planted to such kind of cotton (as determined for purposes of cotton marketing quotas) does not exceed the 1961 cotton acreage allotment for the farm for such kind of cotton.

(b) Such cotton must be of a grade and staple length specified in § 427.1229.

(c) Such cotton must not be false-packed, water-packed, mixed-packed, reginned, or repacked; upland cotton must not have been designated as "Wasty" or reduced in grade for any reason, except that any such cotton which is reduced not more than two grades because of preparation will be eligible; extra long staple cotton must have been ginned on a roller gin, shall be of normal character, and must not have been designated as "Wasty" or reduced in grade for any reason.

(d) Such cotton must be in existence and in good condition.

(e) Such cotton must not be compressed to high density.

(f) Such cotton must have been produced by the person tendering it for a loan, and such person must have the legal right to pledge or mortgage it as security for a loan.

(g) If such cotton was produced on land owned by the Federal Government, it must not have been produced in violation of the provisions of the lease.

(h) If the person tendering such cotton is a landlord or landowner, the cotton must not have been acquired by such landlord or landowner directly or indirectly from a share tenant or sharecropper and must not have been received in payment of fixed or standing rent; and if it was produced by him in the capacity of landlord, share tenant, or sharecropper, it must be his separate share of the crop, unless he is a landlord and is tendering cotton in which both he and one or more share tenants or sharecroppers have an interest.

(i) The person or association tendering such cotton must not have previously sold and repurchased such cotton.

(j) Each bale of cotton must weigh not less than 350 nor more than 625 pounds, gross weight, and must be adequately packaged in new material manufactured for cotton bale covering, except used jute and sugar bagging will be acceptable if such bagging is clean and in sound condition. Bagging manufactured from sisal and other hard fibers will not be acceptable. The bagging must be sufficiently strong to adequately protect the cotton. Cotton compressed to standard density, whether compressed by a warehouseman or at a gin, must have not less than eight bands. Heads of bales must be completely covered. Bales packaged with new bagging and ties used in the Cotton Experimental Bale Packaging Program sponsored by the National Cotton Council, Memphis, Tennessee (referred to in this subpart as "Experimental Bale Packaging Program"), will be acceptable provided there is attached to each such bale a tag which identifies such bale with the program and which shows the actual tare weight and the number of pounds to be added to the gross weight of the bale for the purpose of adjusting the bale to the normal gross weight under such program.

(k) Each bale of cotton must bear the gin bale number.

§ 427.1208 Forms.

The following documents must be delivered by producers in connection with every loan except loans made pursuant to § 427.1227:

(a) *Warehouse-stored loans.* (1) Cotton Producer's Note and Loan Agreement (Form CCC Cotton A, referred to in this subpart as "Form A").

(2) Warehouse receipts complying with the provisions of § 427.1219.

(3) Producer's Letter of Transmittal (CCC Cotton Form B, referred to in this subpart as "Form B"), if the loan is obtained direct from the New Orleans office.

(4) Lien Waiver (Form CCC 889, referred to in this subpart as "Form 889"), if used in lieu of execution of Lienholder's Waiver on the Form A in accordance with the provisions of § 427.1214.

(b) *Cotton represented by order bills of lading.* (1) Form A executed within the area and during the period such loans are available.

(2) Order bill of lading in a form acceptable to CCC and representing the cotton tendered as security for the loan.

(3) If the receiving agency is not a warehouseman, Weight and Condition Certificates complying with the provisions of § 427.1221 and a Receiving Agency's Certificate.

(4) Form B if the loan is obtained direct from the New Orleans office.

(5) Lien Waiver (Form 889) if used in lieu of execution of Lienholder's Waiver on the Form A in accordance with the provisions of § 427.1214.

(c) *Loan documents executed by an administrator, executor, or trustee.* Loan documents executed by an administrator, executor, or trustee will be acceptable only where valid in law. State documentary revenue stamps shall be affixed to loan documents where required by law.

(d) *Powers of attorney.* A producer who desires to appoint as attorney-in-fact to act in his place and stead in obtaining loans shall use Power of Attorney (Form CCC 818) which must be filed with the New Orleans office.

§ 427.1209 Approved storage.

Cotton will be accepted as security for loans only if stored by warehouses approved by CCC. Warehousemen desiring approval of their facilities should communicate with the New Orleans office. The names of approved warehouses may be obtained from the New Orleans office or ASC State or county offices.

§ 427.1210 Weight and rate.

(a) Loans will be made on the gross weight of upland cotton and on the net weight of extra long staple cotton. The gross weight of the bale shall be the gross weight shown on the warehouse receipt if the loan is made on cotton represented by warehouse receipts, or the gross weight shown on the Weight and Condition Certificate (see § 427.1221(c)) if the loan is made on cotton represented by order bills of lading. Notes covering cotton pledged on reweights will not be accepted if it is evident that such reweights reflect an increase in weight due to the absorption of additional moisture. In making loans on upland cotton covered with cotton bagging made of cotton material manufactured specifically for covering cotton bales, an allowance of 7 pounds per bale will be added to the gross weight of the bale: *Provided,* That the allowance to be added to the gross weight of the bale shall not exceed an amount which will reflect a tare weight of more than 21 pounds for the bale. In order to encourage improved wrapping methods and compensate for resulting reduced

tare weight, in making loans on upland cotton wrapped with material under the Experimental Bale Packaging Program, there will be added to the gross weight of the bale an allowance equal to the number of pounds shown on the program bale tag to be necessary "to adjust to normal gross weight" under such program. No allowances other than those provided for in this subsection will be made.

(b) The base loan rate for Middling 1-inch upland cotton at each approved warehouse will be shown in the Schedule of Base Loan Rates for Upland Cotton (which will be issued about June 30, 1961). This schedule will be available at county offices. The premium or discount applicable to each other eligible grade and staple length of upland cotton is shown in § 427.1229. Loan rates for extra long staple cotton are also shown in § 427.1229. After a loan is made, CCC will not be obligated to make adjustments in the amount of the loan as a result of any subsequent redetermination of the weight or quality of the cotton.

§ 427.1211 Preparation of documents.

(a) A producer desiring to obtain a loan may obtain the necessary forms from county offices, approved lending agencies, approved warehouses, and approved clerks (persons approved by the ASC county committees to assist producers in preparing and executing the loan forms). All applicable blanks on the loan forms must be filled in with ink, indelible pencil, or typewriter in the manner indicated therein, and documents containing additions, alterations, or erasures may be rejected by CCC. (Forms A having a date prior to April 11, 1961, shall not be used.) All copies must be clearly legible and the copies shall reflect all information contained on the original, including all signatures. The spaces provided on Forms A for the producer to request and direct payment of the proceeds must be completed in every instance. All disbursements made from the proceeds of a note, including clerk's fee when deducted, must be shown, and the total must agree with the amount of the note. No deduction may be made from the loan proceeds by the lending agency as an exchange charge or as a charge for handling the loan documents, except the authorized clerk's fee in case an employee of the lending agency has executed the Clerk's Certificate on Form A. Care should be exercised by the lending agency to determine that the warehouse receipts and bills of lading are genuine. Before the loan clerk prepares loan documents for a producer, he must require the producer to present his marketing card so that he can determine whether the producer is eligible for a loan. The marketing cards issued by the county office will indicate the producer's eligibility. If the producer's 1961 upland cotton marketing card is Form MQ–76—Upland Cotton (a white card) or his 1961 extra long staple cotton marketing card is Form MQ–76—ELS Cotton (a buff card), the loan clerk will use this as evidence that the producer is eligible to obtain a loan on the kind of cotton for which such card was issued. If the producer's 1961 marketing card is MQ–76–R—Upland Cotton (a red card) and the box following the words "Not eligible unless loan documents approved by county committee" contains an "X" or if his 1961 extra long staple cotton marketing card is Form MQ–76–R—ELS Cotton (a red card) and the box following the words "Not eligible unless loan documents approved by county committee" contains an "X," the loan clerk shall inform the producer that in order for him to obtain a loan on his cotton he must have the Certificate of the Agricultural Stabilization and Conservation County Committee on Form A executed by the county office manager (or a county office employee designated by him). If the box on Form MQ–76–R—Upland Cotton or MQ–76–R—ELS Cotton following the words "Not eligible for price support" contains an "X," the producer cannot obtain a loan on such kind of cotton produced on that farm under any condition and should be so informed by the clerk. Lending agencies which are also eligible producers must obtain direct loans on cotton produced by them from the New Orleans office or obtain loans from another approved lending agency. An approved clerk cannot execute loan documents for cotton owned by him. An approved clerk who, under a power of attorney, executes the loan documents on behalf of the producer, shall not execute the Clerk's Certificate on such loan documents.

(b) The Clerk's Certificate on each Form A tendered for a loan must be executed by the approved clerk who assisted the producer in the preparation and execution of the Form A. The original of Form A must be signed by the producer, and the copy marked "Producer's Copy" is to be retained by the producer. The copy marked "Lending Agency" shall be retained by the lending agency, and the copy marked "Warehouseman" shall be retained by the warehouseman. Loan forms must not be signed in blank under any circumstances. All applicable entries must be completed prior to the time the form is signed by the producer or the loan clerk. The proper status of the producer (i.e., whether landowner, landlord, tenant, or sharecropper) must be shown in the space provided therefor on Form A. If a bale of upland cotton is covered with cotton bagging made of cotton material manufactured specifically for covering cotton bales, the letter "C" shall be entered in the Schedule of Pledged Cotton in the column headed "Bagging," and the applicable number of pounds shall be added to the gross weight of the bale to reflect the allowance provided for in § 427.1210. All persons claiming liens on the cotton must sign the Lienholder's Waiver on the Form A, except that in lieu of signing the Lienholder's Waiver on each Form A, the lienholder may waive his lien on all cotton produced on a farm by executing Form 889 as provided in § 427.1214. All of the cotton pledged as security for any loan must be of the same grade and staple length and must be stored in the same warehouse. A split grade (i.e., a bale for which the official classification shows a "+" or "Lt.") must be pledged on separate notes from the full grade. Not more than 500 bales shall be pledged as security for any one note. Before preparing his loan documents, the producer should give careful consideration to the manner in which he may wish to withdraw the cotton from the loan. Cotton of the same grade and staple length will ordinarily be placed on the same note. However, it may be placed on separate notes if the producer believes it will facilitate the redemption of the cotton from the loan or the sale of his equity in such cotton. The approved lending agency shown as payee on the Form A shall make disbursement to the producer, must sign the Payee's Endorsement thereon, and must execute the covering Lending Agency's Letter of Transmittal. Date of disbursement shown on the Form A must be the actual date of disbursement to the producer by such lending agency.

§ 427.1212 Service charges.

No service charges will be collected by CCC in connection with warehouse loans (except for fees collected by county office employees, as provided in § 427.1213).

§ 427.1213 Fees.

The clerk or county office employee assisting the producer in the preparation of the loan documents may collect a fee from the producer not to exceed the fees shown in the following schedule:

Number of bales on note:	*Maximum fee allowed*
1	25 cents.
2–6	25 cents plus 15 cents for each bale over 1.
7 and over	$1 plus 10 cents for each bale over 6.

§ 427.1214 Liens.

Eligible cotton tendered for loan must be free and clear of all liens except the warehouseman's lien for charges permitted under § 427.1220 on warehouse-stored cotton. The signatures of the holders of all existing liens on cotton tendered as security for a loan, such as landlords, laborers, or mortgagees (but not the warehouseman, if the cotton is stored in a warehouse) must be obtained on the Lienholder's Waiver on each Form A, except that in lieu of signing the Lienholder's Waiver on each Form A, the lienholder may waive his lien on all cotton produced on a farm for the crop year designated by executing a Lien Waiver (Form CCC 889). The original of the Form 889 must be attached securely to the first Form A on which the Lienholder's Waiver is not executed for the particular lien so as to be recorded and filed in the New Orleans office. Thereafter, the Lienholder's Waiver on Forms A covering additional cotton produced on the farm shall show the words "see Form 889 on file." An executed copy must be filed by the producer with each lending agency which disburses the proceeds of any Form A executed by by the producer. Additional copies may be prepared and retained by the producer and agency as desired. A fraudulent representation, as to prior liens or otherwise, will render the producer personally liable under the terms of the Loan Agreement and subject him and any other person who causes the fraud-

ulent representation to be made, to criminal prosecution under the provisions of the Commodity Credit Corporation Charter Act. The Lienholder's Waiver or Lien Waiver must be signed personally by all lienholders, by their agents (in which case duly executed Powers of Attorney (Form CCC 818) must be filed with the New Orleans office), or, if a corporation, by the designated officer thereof customarily authorized to execute such instruments (in which case no authority need be attached). A joint disbursement of loan proceeds to the producer and the lienholder does not satisfy the requirement that lienholders must execute the Lienholder's Waiver.

§ 427.1215 Setoffs.

(a) If any installment or installments on any loan made available by CCC on farm-storage facilities or mobile drying equipment are payable, under the provisions of the note evidencing such loan out of any amount due the producer under the program provided for in this subpart, the producer must designate CCC or the lending agency holding such note as payee of such amount to the extent of such installments, but not to exceed that portion of the amount remaining after deduction of service charges, clerk's fees, and amounts due prior lienholders.

(b) If the producer is indebted to CCC, or if the producer is indebted to any other agency of the United States, and such indebtedness is listed on the county debt record, amounts due the producer under the program provided for in this subpart, after deduction of amounts payable on farm-storage facilities or mobile drying equipment and other amounts provided in paragraph (a) of this section, shall be applied, as provided in the Secretary's Setoff Regulations, 7 CFR Part 13 (23 F.R. 3757), to such indebtedness.

(c) In any case referred to in paragraphs (a) and (b) of this section, the producer must go to the county office in the county in which he is listed on the debt record and have his loan documents completed by a clerk in the county office. Any amount which is to be set off must be entered in the space provided in the producer's note by the county office manager (or an employee designated by him).

(d) Compliance with the provisions of this section shall not deprive the producer of any right he might otherwise have to contest the justness of the indebtedness involved in the setoff action either by administrative appeal or by legal action.

§ 427.1216 Classification of cotton.

(a) All cotton tendered for loan must be classed by a Board of Cotton Examiners of the United States Department of Agriculture (referred to in this subpart as the "Board") and tendered on the basis of such classification. A Cotton Classification Memorandum Form 1 of the United States Department of Agriculture will be accepted only if the sample was a representative sample drawn in accordance with instructions to organized cotton improvement groups for sampling cotton under the 1961 Smith-Doxey Program. If the producer's cotton has not been sampled for a Form 1 classification, the warehouseman (for warehouse-stored cotton) or receiving agency (for cotton covered by bills of lading) shall sample such cotton and forward the samples to the Board serving the district in which the cotton is located. A Cotton Classification Memorandum Form A3 must be inserted in each such sample. A Tag List and Record Sheet (CCC Cotton Form L, referred to in this subpart as "Form L") must be prepared by the warehouseman or receiving agency, listing each sample included in a shipment to the Board. A copy of such Form L shall be included with the samples, and the original and two copies must be mailed separately to the Board. The Board will enter the classificaton of each bale on the Form L and return a copy of such form to the warehouse or receiving agency. The Cotton Classification Memorandum Form A3 will be returned to the producer by the Board. If a sample has been drawn and submitted for a Form 1 or Form A3 classification, another sample may not be drawn and forwarded to a Board except for a review classification. If through error or otherwise, in any case where review classification is not involved, two or more samples from the same bale are submitted for classification, the loan rate shall be based on the classification having the lower loan value. If a Form 1 or Form A3 review classification is obtained, the loan value of the cotton represented thereby will be based on such review classification.

(b) A charge of 25 cents per bale shall be collected from the producer by the warehouseman or receiving agency for all cotton for which samples are submitted to a Board for a Form A3 classification or a Form 1 or A3 review classification. The Boards will submit billings for classifying charges to the warehousemen or receiving agencies at the end of each month. Checks or money orders covering these charges shall be made payable to "Commodity Credit Corporation" and shall be sent to the New Orleans office.

§ 427.1217 Interest rate.

Loans and charges shall bear interest at the rate of 3½ percent per annum from the date of disbursement to the date of repayment, except that where there has been a willful misrepresentation in obtaining the loan, the principal amount of the loan and any costs incurred by the holder of the note shall bear interest from the date of disbursement at the rate of 6 percent per annum.

§ 427.1218 Maturity.

(a) Loans mature July 31, 1962, or upon such earlier date as CCC may make demand for repayment.

(b) If a producer does not satisfy his loan by maturity, the holder of the note is authorized to sell the cotton securing the note. The holder of the note may become the purchaser of the whole or any part of the cotton. If CCC is the holder of the note, then at CCC's election title to the cotton securing the note shall, without a sale thereof, immediately vest in CCC, and CCC shall have no obligation to pay for any market value which such cotton may have in excess of the amount of the loan plus interest and charges.

(c) To avoid administrative costs of making small payments and handling small accounts, amounts due the producer of $3.00 or less will be paid only upon his request. Deficiencies of $3.00 or less, including interest, may be disregarded unless demand for payment is made by CCC.

§ 427.1219 Warehouse receipts and insurance.

Only negotiable machine card type warehouse receipts, acceptable to CCC, issued by an approved warehouse and properly assigned by an endorsement in blank so as to vest title in the holder or issued to bearer will be acceptable. The warehouse receipts must contain the gin bale number, must show that the cotton is covered by fire insurance, and must be dated on or prior to the date of the producer's notes. Each receipt must set out in its written or printed terms a description by tag number and weight of the bale represented thereby and all other facts and statements required to be stated in the written or printed terms of a warehouse receipt under the provisions of section 2 of the Uniform Warehouse Receipts Act. Block warehouse receipts will not be accepted except on cotton to be reconcentrated pursuant to § 427.1222.

§ 427.1220 Warehouse charges.

The Agreement of Warehouseman on each Form A must be executed by the warehouseman storing the cotton covered by the Form A not more than 10 days preceeding the date of the Producer's Note on the Form A. In the case of loans made to a cotton cooperative marketing association as provided in § 427.1227, the Warehouseman's Certificate and Agreement on the Certificate of Association and Agreement of Warehouseman (CCC Cotton Form G–1, referred to in this subpart as "Form G–1") must be executed by the warehouseman storing the cotton covered by such form. By executing the Agreement of Warehouseman on the Form A or the Warehouseman's Certificate and Agreement on the Form G–1, the warehouseman agrees that such cotton will be stored and handled in accordance with the Warehouseman's Certificate and Agreement on the reverse side of the Form A or on the Form G–1 and makes the representations contained therein, and the warehouseman further agrees to store such cotton under conditions and at rates determined as follows: The cotton shall be insured against loss or damage by fire under a policy or policies providing coverage equivalent to that afforded under the standard fire policy of the State in which the cotton is stored for the full market value (if the cotton is compressed, its market value shall be the market value of flat cotton plus compression charges, or if the cotton is uncompressed and the warehouseman

desires to collect his delivery charge for flat cotton in lieu of compression if it is destroyed by fire, such charge must be covered by insurance) at the time and place of loss and shall be kept so insured so long as the warehouse receipts therefor are outstanding, unless the cotton comes under a storage agreement between the warehouseman and CCC allowing the warehouseman to cancel his insurance on the cotton. Such insurance shall cover damage to the cotton by water from the warehouseman's sprinkler system when such damage results from fire in the same warehouse in which the cotton is stored. From the dates of the warehouse receipts representing the cotton or from the date through which the producer has paid storage charges, whichever is later, through July 31, 1962, all charges on the cotton for storage and insurance shall be at the rate of 46 cents per bale per month or fraction thereof for flat or compressed cotton stored in a warehouse operating compress facilities or compressed cotton stored in a warehouse not operating compress facilities, and at the rate of 51 cents per bale per month or fraction thereof for flat cotton stored in a warehouse not operating compress facilities, or the warehouseman's established tariff on cotton other than CCC loan cotton, whichever is less: *Provided,* That on any cotton transferred prior to July 31, 1962, to another warehouseman without movement of the cotton, and for which new warehouse receipts must be issued, or on any cotton shipped by CCC prior to July 31, 1962, at the request of the warehouseman to permit the warehouseman to discontinue the storage of cotton, payment for the fractional part of the storage month prior to the date of such transfer or shipment shall be paid by CCC at the proportionate part of the monthly rate. If the warehouse operates compress facilities, the tariff rate to which reference is made herein shall be the rate applicable to compressed cotton regardless of the compression status of the cotton. Such charges, accrued through July 31 of any year in which these rates are in effect, shall be paid by CCC, as soon as possible after such date, on all of the cotton represented by warehouse receipts held by CCC at the time of payment: *Provided,* That on any cotton for which CCC makes payment of accrued charges through July 31 of any year, payment for the fractional part of a month prior to such date shall be at the proportionate part of the monthly rate. The warehouseman may make a charge for outhandling, including picking out by tag numbers and loading according to custom into cars or trucks, of not to exceed 25 cents per bale if such charges are included in the warehouseman's tariff: *Provided,* That no such outhandling charge may be made where collection for the service has been included in any other charge or otherwise collected. Charges for compression of cotton by the warehouseman, including compression charges on cotton compressed to standard density by the warehouseman at his gin, will be at the rates provided in the warehouseman's established tariff in effect at the time the service is ordered performed. Compression charges on cotton compressed to standard density for the warehouseman at a gin or another warehouse under written contract with the warehouseman will be at the rate which the warehouseman has paid the ginner or the other warehouseman. In no event shall compression charges on gin compressed cotton or cotton compressed by another warehouseman exceed the rate paid to the ginner or the other warehouseman by his customers on all other cotton, and such compression charges will be paid by CCC or a subsequent holder of the warehouse receipts only to the warehouseman and only if he has contracted for and paid the gin or other warehouse for such compression. The warehouseman's voucher for such compression charges billed to CCC must be supported by a paid bill from the gin or other warehouseman identifying the bales compressed by bale number and bearing a signed certification as follows:

I hereby certify that I have collected from _____ compression
(Name of Warehouseman)
charges on the individual bales designated above at the rate of $_____ per bale, and that such charges had not previously been collected from producers or others. I further certify that the compression charge, per bale as stated, does not exceed that which I charge all other customers for compression service on other cotton, and that the compression charges listed herein as collected have not been and will not be refunded, rebated nor allowed as a credit against any other service performed. I also certify to my understanding that these statements are made for the purpose of inducing Commodity Credit Corporation to disburse funds to the warehouseman named.

The Warehouseman agrees to furnish to CCC, on request, a signed copy of the contract with the gin or other warehouseman under which such compression service was performed. Charges for the compression of cotton will be paid by CCC only if the charges have not been paid by the producer, and if the cotton is shipped from the warehouse by CCC. All other charges on cotton, including flat delivery charges on cotton moved without payment of compression charges from a warehouse operating compress facilities, will be at the rates provided in the warehousman's established tariff in effect at the time the service is ordered performed: *Provided,* That no charge may be made with respect to the cotton that is not applicable to cotton other than CCC loan cotton stored by the warehouseman, except that the warehouseman may make a charge of not to exceed 25 cents per bale for transmitting samples to the designated classing office, postage, verifying and guaranteeing the correctness of the information for which the warehouse is responsible in the Schedule of Pledged Cotton on the Form A or Form G–1, and executing the Agreement of Warehouseman on the Form A or the Warehouseman's Certificate and Agreement on the Form G–1, if such charges are included in the warehouseman's established tariff: *And provided further,* That in no event shall such charge, a service charge or charges for receiving, tagging, weighing, sampling on arrival, or storage of samples, be collected from CCC or a purchaser of the cotton. No charge for standard density compression or for delivery or outhandling, except as provided in this section, will be paid with respect to cotton received by the warehouseman which has been compressed to standard density either by a gin (gin compress bale) or by another warehouseman. No charge of any kind whatsoever will be paid with respect to any of the cotton compressed to high density without the written authority of CCC. The warehouseman shall execute and submit to CCC with each voucher for amounts payable by CCC under this agreement the following certificate:

I further certify that, since the cotton covered by this voucher was received at the warehouse, there has been removed from such cotton only that amount of cotton necessary to secure representative samples, to properly trim the sample holes, or to otherwise maintain the cotton in the interest of good housekeeping and fire prevention incidental to the handling, storage, or compressing of said cotton except for reconditioning of damaged cotton, and that since issuance of warehouse receipts thereon such cotton has not been reconditioned, picked, or cleaned by blowing or brushing except as noted on report attached hereto or to a previous voucher covering such cotton; and that neither the warehouseman nor any officer or employee of the warehouseman has purchased or otherwise obtained any Producer's Equity Transfers on cotton stored in the warehouse which have not been presented to Commodity Credit Corporation within 15 days from the dates such transfers were executed by the producers. If this voucher covers quarterly storage charges on non-insured cotton, I also certify for purposes of receiving payment for such storage charges, that the bale balances as stated in our Reports of Daily Transactions from which this voucher was prepared are true and correct and represent cotton actually in storage on the dates specified in such reports.

The warehouseman shall store the cotton so that the tags will be visible and readily accessible so as to permit an accurate check of stocks at any time. The rates quoted herein will remain in effect through July 31, 1962, and will remain in effect thereafter until terminated by CCC or the warehouseman on July 31, 1962, or at the end of any subsequent month by giving the other at least 30 days' prior notice, or until the cotton comes under another storage agreement between the warehouseman and CCC, whichever is earlier. If the cotton is redeemed from the loan or the cotton is sold by CCC, the storage rates provided in this section shall be applicable for storage services rendered up to and including the date of such redemption or sale, and the warehouseman shall not charge the holders of the warehouse receipts representing such cotton for such storage services an amount in excess of that computed in accordance with this agreement. The terms and provisions of this section shall prevail over the written or printed terms of the warehouse receipts representing the cotton.

§ 427.1221 Loans on order bills of lading.

(a) Loans on cotton represented by order bills of lading will be available only in areas and during the periods specified by the New Orleans office where

there is a shortage of storage space and where the necessary arrangements for handling the cotton may be made.

(b) Cotton represented by order bills of lading will be eligible for a loan only when it is shipped by an approved receiving agency as agent for the producer. Warehousemen, ginners, and other responsible parties in areas where such loans are available may be approved to act as receiving agencies by the New Orleans office. Receiving agencies will enter into Receiving Agency Agreements with CCC. When receiving agencies are approved, notifications will be given by letter or published lists.

(c) A producer in any such area who is unable to find storage space in his local area and who wishes to obtain such a loan should deliver his cotton to a receiving agency with the request that it ship the cotton as agent for the producer, in accordance with shipping instructions furnished by CCC, to a warehouse where storage space is available. The receiving agency will complete the Schedule of Pledged Cotton on a Form A and, if it is a warehouseman, will execute the Agreement of Warehouseman thereon. If the receiving agency is not a warehouseman, it will have the cotton weighed by a public or licensed weigher and will secure a Weight and Condition Certificate in the form prescribed by CCC and execute the Receiving Agency's Certificate. The receiving agency will ship the cotton, secure order bills of lading in a form acceptable to CCC, and deliver to the producer the bills of lading, together with the Form A and Weight and Condition Certificates (if any). If the receiving agency is a warehouseman, it will be permitted to collect fees in accordance with § 427.1220 and a fee of not to exceed 10 cents per bale to cover the costs of preparation of shipping documents. If the receiving agency is not a warehouseman, it will, for the purpose of payment of gin compression only, be considered as a warehouseman and will be permitted to collect from CCC charges for gin compression as provided in § 427.1220 and will be permitted to collect from producers a fee not in excess of the fee set forth in the Receiving Agency Agreement executed by the receiving agency, and shall post, in a conspicuous place, a notice showing the fee to be charged producers. Loans will be made at the full loan rate at the point where the receiving agency receives the cotton. CCC will pay warehouse storage charges on cotton tendered by the producer for a loan under this section, if the receiving agency is a warehouseman.

§ 427.1222 Loans on cotton to be reconcentrated.

Loans on cotton to be reconcentrated will be available only on cotton stored at warehouses approved by the New Orleans office in areas where there is congestion and lack of storage space. The warehousemen will enter into Reconcentration Agreements (CCC Cotton Form 29, referred to in this subpart as "Reconcentration Agreements") with CCC. Warehouse receipts covering cotton to be reconcentrated under a Reconcentration Agreement must be in a form acceptable to CCC and must provide for delivery of the cotton to the order of CCC. Block warehouse receipts covering cotton to be reconcentrated under a Reconcentration Agreement will be accepted. A producer who desires to obtain a loan in this manner should request the warehouseman to issue a warehouse receipt to him in the form specified above and must furnish written authorization to the warehouseman for the reconcentration of the cotton after which the warehouseman will ship the cotton. The Forms A and warehouse receipts covering cotton to be reconcentrated under a Reconcentration Agreement must show the reconcentration order number under which the cotton will be shipped. The producer will obtain a loan on these documents in the usual manner, and after receipt of the loan documents, CCC will surrender the warehouse receipts to the warehouseman.

§ 427.1223 Tender of notes by lending agencies.

Notes (Form A) evidencing loans made by a lending agency which has entered into a Lending Agency Agreement—Cotton (CCC Cotton Form D) prior to the making of the loans will be eligible for purchase or pooling by CCC. Under this agreement, lending agencies which are parties thereto are required to tender to CCC, on Lending Agency's Letter of Transmittal (CCC Cotton Form C, referred to in this subpart as "Form C"), all notes on Form A, with warehouse receipts or bills of lading (and weight and condition certificates, if required) attached, representing loans made by the lending agency within 15 days after the date of disbursement of the loans. All Forms C not tendered by lending agencies direct to the New Orleans office must be tendered through other approved lending agencies. Separate Forms C shall be used for upland and extra long staple cotton. Separate Forms C shall be used for notes secured by warehouse receipts, notes secured by bills of lading, and notes executed by attorneys-in-fact. Each Form C shall state whether the lending agency desires CCC to purchase the notes or to place them in a pool. Upon receipt of the loan papers by the New Orleans office, they will be examined and, if found correct, will be approved and will be purchased or placed in a pool as directed by the lending agency. If the notes are to be pooled, the payee designated to receive a Certificate of Interest must be a commercial bank. Lending agencies which have previously been approved by CCC as eligible to draw drafts on CCC may, subject to such instructions and requirements as CCC may hereafter from time to time prescribe, obtain immediate payment for notes they desire to sell to CCC, by drawing sight drafts with enclosed letters of transmittal on CCC through a Federal Reserve Bank or Branch Bank approved by CCC. Notes covered by such drafts must be immediately submitted to the New Orleans office. In the event that the notes are pooled, a Certificate of Interest representing the interest in the pool acquired as the result of the deposit therein of the notes shown on the Form C will be issued to the commercial bank designated on the Form C.

§ 427.1224 Loss or damage to pledged cotton.

In any case where there is loss or damage to cotton which occurs while such cotton is pledged to CCC or a lending agency, CCC shall have the right to determine and file claims against any liable third parties for the resulting loss. Upon determination of the quantity of the lost or damaged cotton securing a loan, CCC will give credit for the loan value (including charges and interest) of such cotton. If the proceeds of the claim exceed the loan value of such cotton, the excess proceeds shall be remitted to the producer or, if the loan has been repaid, to the party repaying the loan.

§ 427.1225 Transfer of producer's interest.

If the producer desires to sell his equity in the upland or extra long staple cotton covered by a note, he must complate the Producer's Equity Transfer Agreement in the Producer's Equity Transfer on the reverse side of the Producer's Loan Statement—A, which will be mailed to the producer by the New Orleans office. The producer must sign the Producer's Equity Transfer Agreement in the presence of a witness approved for such purpose by a county committee, and the Certificate of Witness in the Producer's Equity Transfer must be dated and signed by the witness. An approved witness shall not witness an equity transfer if he, or the firm by which he is employed, is the purchaser. A producer who desires to appoint an attorney-in-fact to act in his place and stead in selling his equity in the cotton shall use Power of Attorney (Form CCC 819) and file it with the New Orleans office. The equity purchaser must complete the Certificate of Purchaser in the Producer's Equity Transfer and send it within 15 days to CCC, in care of the New Orleans office. Upon receipt of the Producer's Equity Transfer, the New Orleans office will forward the note and warehouse receipts to a bank designated by the person requesting their release with directions to the bank to release the note and warehouse receipts to the holder of the equity transfer upon payment of the amount due on the loan. Banks may accept valid Cotton Export Payment Certificates (CCC Cotton Form 40) issued under the 1961–62 Cotton Export Program in payment of all or part of the amount due on the loan. In all such cases, the bank will be instructed to return the note and warehouse receipts to the New Orleans office if payment is not effected within 5 business days or prior to the time at which the loan matures and CCC acquires or sells the cotton, whichever is the earlier. Repayments will not be accepted after CCC acquires or sells the cotton. All charges assessed by the bank to which the note and warehouse receipts are sent must be paid by the person requesting the release of the cotton. No partial release of the cotton securing one note will be permitted except that CCC may allow partial releases in cases where loss or damage to part of the cotton occurs. In the

event the Producer's Loan Statement—A is destroyed or lost, the producer may obtain a duplicate of such form from the New Orleans office.

§ 427.1226 Repayments by producer.

If a producer desires to obtain the return of his note and the release of the cotton securing the note, he must execute the Producer's Redemption Request on the Producer's Loan Statement—A which will be mailed to the producer by the New Orleans office. The producer must send or deliver the Producer's Loan Statement—A to CCC, in care of the New Orleans office, 120 Marais Street, New Orleans 16, Louisiana. Upon receipt of the Producer's Loan Statement—A, the New Orleans office will forward the note and warehouse receipts to a bank designated by the producer with directions to the bank to release such note and warehouse receipts only to the producer or his authorized agent upon payment of the amount due on the loan. Banks may accept valid Cotton Export Payment Certificates (CCC Cotton Form 40) issued under the 1961–62 Cotton Export Program in payment of all or part of the amount due on the loan. The bank will be instructed to return the note and warehouse receipts to the New Orleans office if payment is not effected within 5 business days or prior to the time at which the loan matures and CCC acquires or sells the cotton, whichever is earlier. Repayments will not be accepted after CCC acquires or sells the cotton. All charges assessed by the bank must be paid by the producer. A producer who desires to appoint an attorney-in-fact to act in his place and stead in repaying loans shall use Power of Attorney (Form CCC 819) and file it with the New Orleans office. No partial release of the cotton represented by warehouse receipts and securing a note will be permitted, except that CCC may allow partial releases in cases where loss or damage to part of the cotton occurs.

§ 427.1227 Cotton cooperative marketing association loans.

A special form of loan agreement will be made available to cotton cooperative marketing associations whereby members of such associations may act collectively in obtaining loans. The loan rates under this agreement will be the same as the loan rates to individual producers, and eligibility requirements with respect to the cotton and the producers tendering the cotton to the association and other loan provisions will be substantially the same as for loans to individual producers. Members desiring to obtain loans from their associations should contact their associations.

§ 427.1228 Custodial office.

All notes will remain in the custody of the New Orleans CSS Commodity office, 120 Marais Street, New Orleans 16, Louisiana, until they are repaid or until the maturity date of the note, whichever is the earlier.

§ 427.1229 Schedule of premiums and discounts for upland cotton (basis 1-inch Middling), and loan rates for extra long staple cotton.

(a) Premiums and discounts for eligible qualities of 1961-crop American upland cotton (basis 1-inch Middling).

Grade	Staple length (inches)													
	13/16	7/8	29/32	15/16	31/32	1	1 1/32	1 1/16	1 3/32	1 1/8	1 5/32	1 3/16	1 7/32	1 1/4 and Longer
White	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*
GM and better	−290	−235	−180	−105	−20	60	135	200	250	305	365	450	535	600
SM	−300	−245	−190	−110	−30	55	130	190	240	295	360	440	525	585
Mid plus	−325	−270	−215	−140	−60	20	95	160	210	260	330	410	480	540
Mid	−345	−290	−235	−155	−75	Base	75	135	185	235	305	370	430	490
SLM plus	−455	−410	−355	−285	−210	−130	−60	5	40	75	115	160	220	280
SLM	−525	−480	−430	−365	−295	−220	−150	−95	−70	−45	−10	30	65	105
LM plus	−605	−555	−510	−450	−390	−320	−265	−235	−220	−195	−165	−130	−90	−50
LM	−660	−615	−565	−505	−445	−380	−335	−305	−290	−280	−275	−275	−275	−275
SGO plus	−770	−720	−665	−610	−555	−485	−445	−430	−430	−430	−430	−430	−430	−430
SGO	−815	−770	−710	−655	−600	−535	−500	−485	−485	−485	−485	−485	−485	−485
GO plus	−915	−865	−815	−770	−725	−685	−645	−630	−625	−620	−620	−620	−620	−620
GO	−965	−920	−875	−830	−780	−720	−690	−680	−680	−680	−680	−680	−680	−680
Light spotted														
GM	−425	−375	−320	−245	−175	−95	−15	35	65	95	145	200	275	355
SM	−445	−395	−340	−265	−195	−115	−40	10	40	75	125	175	250	330
Mid	−520	−475	−425	−360	−300	−230	−170	−120	−90	−55	−15	20	55	95
SLM	−640	−595	−550	−500	−440	−380	−330	−305	−290	−275	−255	−235	−210	−185
LM	−795	−750	−705	−660	−605	−550	−510	−490	−490	−490	−490	−490	−490	−490
Spotted														
GM	−565	−510	−460	−385	−325	−260	−200	−155	−135	−105	−60	−20	20	60
SM	−580	−525	−475	−400	−340	−280	−220	−175	−155	−125	−85	−45	−10	30
Mid	−690	−640	−595	−535	−485	−420	−375	−345	−330	−315	−295	−275	−255	−240
SLM	−805	−760	−715	−660	−605	−560	−525	−505	−500	−495	−495	−495	−495	−495
LM	−960	−915	−870	−825	−785	−740	−705	−690	−690	−690	−690	−690	−690	−690
Tinged														
GM	−825	−775	−730	−685	−650	−615	−600	−590	−580	−570	−565	−560	−555	−545
SM	−845	−790	−750	−705	−670	−635	−620	−605	−605	−595	−590	−585	−575	−575
Mid	−915	−865	−825	−785	−755	−725	−710	−705	−705	−705	−705	−705	−705	−705
SLM	−1075	−1030	−990	−945	−915	−890	−875	−875	−870	−870	−870	−870	−870	−870
LM	−1245	−1190	−1155	−1115	−1080	−1055	−1045	−1045	−1040	−1040	−1040	−1040	−1040	−1040
Yellow stained														
GM	−1050	−1000	−965	−930	−895	−870	−855	−855	−850	−850	−850	−850	−850	−850
SM	−1075	−1020	−985	−950	−915	−890	−880	−875	−875	−875	−875	−875	−875	−875
Mid	−1195	−1145	−1105	−1070	−1040	−1015	−1010	−1005	−1005	−1005	−1005	−1005	−1005	−1005
Light gray														
GM	−455	−410	−355	−275	−210	−135	−60	−15	15	45	80	120	165	210
SM	−505	−455	−405	−325	−260	−190	−125	−75	−45	−15	20	55	95	135
Mid	−620	−575	−520	−450	−390	−315	−265	−225	−200	−175	−140	−105	−75	−40
SLM	−780	−730	−680	−610	−555	−485	−440	−415	−395	−370	−350	−325	−300	−275
Gray														
GM	−620	−575	−515	−440	−385	−310	−250	−215	−195	−170	−135	−100	−65	−20
SM	−665	−615	−560	−490	−430	−365	−310	−275	−255	−240	−215	−190	−150	−115
Mid	−805	−755	−700	−640	−580	−515	−470	−445	−430	−415	−400	−385	−370	−360
SLM	−975	−925	−875	−815	−755	−690	−650	−630	−620	−605	−595	−595	−595	−595

Grade symbols: GM—Good Middling; SM—Strict Middling; Mid—Middling; SLM—Strict Low Middling; LM—Low Middling; SGO—Strict Good Ordinary; GO—Good Ordinary.

(b) *Schedule of minimum loan rates (in cents per pound, net weight) for eligible qualities of 1961-crop extra long staple cotton.* (1) American Egyptian cotton.

Grade	Staple length (inches)					
	1⅜		1⅞6		1½ and longer	
	Arizona and California	New Mexico and Texas	Arizona and California	New Mexico and Texas	Arizona and California	New Mexico and Texas
1	54.45	54.85	55.75	56.15	56.00	56.40
2	53.95	54.35	55.30	55.70	55.60	56.00
3	53.15	53.55	54.20	54.60	54.50	54.90
4	51.70	52.10	52.65	53.05	52.85	53.25
5	49.15	49.55	50.20	50.60	50.40	50.80
6	45.95	46.35	46.75	47.15	46.95	47.35
7	42.75	43.15	43.45	43.85	43.60	44.00
8	38.95	39.35	39.60	40.00	39.85	40.25
9	35.30	35.70	36.05	36.45	36.25	36.65

(2) Sea Island cotton.

Grade	Staple length (inches)		
	1⅜	1⅞6	1½ and longer
1	51.55	52.75	53.00
1½	51.05	52.35	52.60
2	50.30	51.30	51.55
2½	48.95	49.80	50.00
3	46.50	47.50	47.70
3½	43.50	44.25	44.45
4	40.50	41.15	41.30
4½	36.90	37.55	37.75
5	33.50	34.15	34.35

(3) Sealand cotton.

Grade	Staple length (inches)		
	1⅜	1⅞6	1½ and longer
1	46.20	47.25	47.50
1½	45.75	46.90	47.15
2	45.10	46.00	46.20
2½	43.85	44.65	44.85
3	41.70	42.55	42.75
3½	39.00	39.65	39.85
4	36.30	36.85	37.00
4½	33.05	33.65	33.85
5	30.00	30.60	30.80

This subpart shall become effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on June 7, 1961.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 61-5410; Filed, June 9, 1961; 8:54 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Treasury Department

Effective upon publication in the FEDERAL REGISTER, subparagraph (1) of paragraph (a) of § 6.303 is amended and subparagraph (14) is added to paragraph (a) as set out below.

§ 6.303 Treasury Department.

(a) *Office of the Secretary.* (1) Four Assistants to the Secretary.

* * * * *

(14) The Director, Office of Security.

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

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

[F.R. Doc. 61-5399; Filed, June 9, 1961; 8:52 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

National Mediation Board

Effective upon publication in the FEDERAL REGISTER, paragraph (b) is added to § 6.327 as set out below.

§ 6.327 National Mediation Board.

* * * * *

(b) One Private Secretary to each Member of the Third Division Regional Supplemental Railroad Adjustment Board (10 positions).

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

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

[F.R. Doc. 61-5398; Filed June 9, 1961; 8:52 a.m.]

Title 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 725—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED AND VIRGINIA SUN-CURED TOBACCO

Marketing Quota Regulations, 1961-62 Marketing Year

Correction

In F.R. Doc. 61-5161, appearing at page 4915 of the issue for Saturday, June 3, 1961, the following corrections are made:

1. The word "priming" should read "prizing" in the following instances:

a. At page 4915, first column, under the table of contents, in the entry for § 725.1256.

b. At page 4926, middle column, in the headnote for § 725.1256; and in the second line of paragraph (b) of that section.

2. In the text of § 725.1238, paragraphs (e) and (f) should read as follows:

(e) *Stamping Within Quota Marketing Cards (MQ-76-D or MQ-76) to show producer indebtedness.* (1) If any producer on a farm is indebted to the United States and such indebtedness is listed on the county debt register, any within quota marketing card (MQ-76), or any within quota limited support flue-cured marketing card (MQ-76-D) issued for such farm in accordance with paragraphs (c) or (d) of this section shall bear the notation "Indebted to U.S." on the front cover thereof and on the county office copy of each memorandum of sale, and the name of the debtor and the amount of the indebtedness shall be shown on the inside back cover of the marketing card: *Provided,* That, if the producer named as debtor on the card objects to the issuance of, or after issuance to, the use of a within quota marketing card (MQ-76), or a within quota limited support flue-cured marketing card (MQ-76-D), bearing the notation and information of indebtedness to the United States thereon as provided in this subparagraph, an excess marketing card (ineligible for price support loans) showing "zero penalty" shall be issued for such farm. If an excess flue-cured marketing card is issued under this subparagraph as provided in paragraph (b) of this section, the excess marketing card and each memorandum of sale (both purchaser's copy and county copy) therein shall be stamped or marked "acceptable varieties" or "discount varieties", as the case may be. The acceptance and use of a within quota marketing card or a within quota limited support flue-cured marketing card bearing a notation and information of indebtedness to the United States by the producer named as debtor on such card, shall constitute an authorization by such producer to any tobacco warehouseman to pay to the United States the price support advance due the producer to the extent of his indebtedness set forth on such card but not to exceed that portion of the price support advance remaining after deduction of usual warehouse and authorized price support charges and amounts due prior lien holders. The acceptance and use of a within quota marketing card or a within quota limited support flue-cured marketing card bearing a notation and information of indebtedness to the United States shall not constitute a waiver of any right by the producer to contest the validity of such indebtedness by appropriate administrative appeal or legal action.

(2) Any marketing card may be stamped for the purpose of notifying warehousemen that the tobacco being marketed pursuant to such card is subject to a lien held by the United States.

(f) *Replacing or issuing additional marketing cards.* (1) Subject to the approval of the county office manager, two

or more marketing cards may be issued for any farm. Upon the return to the ASC issuing office of the marketing card after all of the memoranda of sale have been issued therefrom and before the marketing of tobacco from the farm has been completed, a new marketing card of the same kind, bearing the same name, information, and identification as the used card shall be issued for the farm. A new marketing card of the same kind shall be issued to replace a card which has been determined by the county office manager who issued the card to have been lost, destroyed or stolen.

(2) If any excess flue-cured marketing card (MQ–77) which has been stamped or marked "discount varieties" is issued under the provisions of paragraph (b)(2) of this section for any farm, it may, upon advance notice by the farm operator to the county committee and with prior approval of the county committee, be exchanged at the county office by the operator for an excess flue-cured marketing card (MQ–77) which has been stamped or marked "acceptable varieties" for flue-cured tobacco when the operator establishes to the satisfaction of the county committee that there has been no commingling or substitution of discount varieties of flue-cured tobacco with any other flue-cured tobacco produced on the farm or any other farm operated by him, and that all discount variety flue-cured tobacco has been marketed or satisfactorily disposed of or accounted for, including any carry-over discount variety flue-cured tobacco.

(3) If a within quota limited support flue-cured marketing card (MQ–76–D) is issued under the provisions of paragraph (c) of this section for any farm it may, upon advance notice by the farm operator to the county committee and with prior approval of the county committee be exchanged at the county office by the operator for a within quota marketing card (MQ–76) for flue-cured tobacco when the operator establishes to the satisfaction of the county committee that there has been no commingling or substitution of discount variety flue-cured tobacco with any other flue-cured tobacco produced on the farm or any other farm operated by him, and that all discount variety flue-cured tobacco has been marketed or satisfactorily disposed of or accounted for, including any carry-over discount variety of flue-cured tobacco.

3. In the text of § 725.1254, the second subdivision designation (ii) appearing in paragraph (e)(2) should be designated (iii).

PART 727—MARYLAND TOBACCO

Marketing Quota Regulations, 1961–62 Marketing Year

GENERAL

Sec.
727.1230 Basis and purpose.
727.1231 Definitions.
727.1232 Instructions and forms.
727.1233 Extent of calculations and rule of fractions.

IDENTIFICATION AND LOCATION OF FARMS AND DETERMINATION OF ACREAGE

727.1234 Identification and location of farms.
727.1235 Determination of tobacco acreage.

FARM MARKETING QUOTAS AND MARKETING CARDS

727.1236 Amount of farm marketing quota.
727.1237 Transfer of farm marketing quota.
727.1238 Marketing cards.
727.1239 Person authorized to issue marketing cards.
727.1240 Rights of producers in marketing cards.
727.1241 Successors in interest.
727.1242 Invalid cards.
727.1243 Report of misuse of marketing cards.

MARKETING OR OTHER DISPOSITION OF TOBACCO AND PENALTIES

727.1244 Extent to which marketings from a farm are subject to penalty.
727.1245 Disposition of excess tobacco.
727.1246 Identification of marketings.
727.1247 Rate of penalty.
727.1248 Persons to pay penalty.
727.1249 Penalties considered to be due from warehouseman, dealers, and other persons excluding the producer.
727.1249a Producers penalties; false identification, failure to account, incorrectly determined acreage.
727.1250 Payment of penalty.
727.1251 Request for return of penalty.

RECORDS AND REPORTS

727.1252 Producer's records and reports.
727.1253 Warehouseman's records and reports.
727.1254 Dealer's records and reports.
727.1255 Dealers exempt from regular records and reports.
727.1256 Records and reports of truckers and persons redrying, prizing or stemming tobacco.
727.1257 Separate records and reports from persons engaged in more than one business.
727.1258 Failure to keep records or make reports or making false report or record.
727.1259 Examination of records and reports.
727.1260 Length of time records and reports are to be kept.
727.1261 Information confidential.

AUTHORITY: §§ 727.1230 to 727.1261 issued under secs. 301, 313, 314, 372–375, 52 Stat. 38, as amended, 47, as amended, 48, as amended, 65, as amended, 66, as amended, sec. 401, 63 Stat. 1054, as amended, sec. 125, 70 Stat. 198, as amended; 7 U.S.C. 1301, 1313, 1314, 1372–1375, 1421, 1813.

GENERAL

§ 727.1230 Basis and purpose.

Sections 727.1230 through 727.1261 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and the Agricultural Acts of 1949 and 1956, as amended, and govern the issuance of marketing cards for marketing and price support purposes, the identification of tobacco for purposes of marketing restrictions and price support, the collection and refund of penalties, and the records and reports incident thereto on the marketing of Maryland tobacco during the 1961–62 marketing year. These regulations do not provide for the collection of penalties on excess tobacco produced prior to the 1960 calendar year and marketed after September 30, 1960, it having been administratively found and determined, and it is hereby so found and determined, that (a) there will not be more than a negligible amount of such tobacco, (b) there is no practicable course which could be pursued to determine accurately the farms on which such tobacco may have been produced, (c) the costs of endeavoring to collect penalties on any such tobacco would be prohibitive, and (d) any attempt to collect any small amount of penalties which might become due would hamper the efficient and economical administration of the tobacco marketing quota program. Prior to preparing §§ 727.1230 through 727.1261, public notice (26 F.R. 2483) of their formulation was given in accordance with the Administrative Procedure Act (5 U.S.C. 1003). The data, views, and recommendations pertaining to §§ 727.1230 through 727.1261 which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended, and the Agricultural Acts of 1949 and 1956, as amended. Since farmers are now engaged in 1961 farming operations, it is hereby determined that compliance with the provisions of the Administrative Procedure Act with respect to the effective date is contrary to the public interest. Sections 727.1230 through 727.1261 shall, therefore, become effective upon filing with the Director, Office of the Federal Register.

§ 727.1231 Definitions.

As used in §§ 727.1230 through 727.1261 and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires. The following words and phrases shall have the meanings assigned to them in the regulations contained in Part 719 of this chapter: "Community Committee", "County Committee", "County Office Manager", "Deputy Administrator", "Farm", "Operator", "Secretary".

(a) "Act" means the Agricultural Adjustment Act of 1938, as amended.

(b) "Buyers Corrections Account" means the account required to be kept by the warehouseman of any tobacco purchased at auction by the buyer but not delivered to the buyer, or any tobacco returned by the buyer because of rejection by the buyer, lost ticket, or any other valid reason, and which is turned back to the warehouseman and supported by an adjustment invoice from the buyer. Buyers Corrections Account shall include from each adjustment invoice the pounds and amounts deducted resulting from short baskets and short weights, and pounds and amounts added resulting from long baskets and long weights which buyers debit or credit to the warehouseman and support with adjustment invoices.

(c) "Carry-over" tobacco means, with respect to a farm, tobacco produced prior to the beginning of the calendar year 1961 which has not been marketed

or which has not otherwise been disposed of prior to the beginning, as established by the Act, of the 1961–62 marketing year.

(d) "Dealer" or "buyer" means a person who engaged to any extent in the business of acquiring tobacco from producers.

(e) "Director" means Director or Acting Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture.

(f) "Field Assistant" or "marketing recorder" means any duly authorized employee of the United States Department of Agriculture, or any duly authorized employee of an Agricultural Stabilization and Conservation (ASC) county office whose duties involve the preparation and handling or records and reports pertaining to tobacco marketing quotas. In a hogshead tobacco warehouse, a person officially authorized by an individual, association, or firm who engages in receiving tobacco from farmers and who assists in the sale of such tobacco through such warehouse to keep records and make reports for such individual, association, or firm with respect to sales of tobacco through the warehouse, shall perform the functions hereinafter prescribed for field assistants.

(g) "Floor sweepings" means scraps of tobacco or leaves, other than bundles, of tobacco which accumulate on the warehouse floor in the regular course of business which is sold in the untied form in which acquired and sales and resales of such tobacco.

(h) "Leaf account tobacco" means all tobacco purchased by or for the account of the warehouse regardless of whether it is whole or parts of leaves or bundles and in addition tobacco, other than floor sweepings, which accumulates on the warehouse floor and is gathered up by the warehouseman for sale, and sales and resales of such tobacco including tobacco from Buyers Corrections Account. Scrap tobacco obtained through grading tobacco for farmers or furnishing farmers curing or stripping space, and floor sweepings purchased from another warehouseman or dealer shall be considered leaf account tobacco.

(i) "Market" means the disposition in raw or processed form of tobacco by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos. "Marketing" and "marketed" shall have corresponding meanings to the term "market".

(j) "Nonwarehouse sale" means any first marketing of farm tobacco other than (1) by sale at public auction through a warehouse, or (2) by sale through a hogshead tobacco warehouse to a buyer other than the warehouseman.

(k) "Person" means an individual, partnership, association, corporation, estate or trust, or other business enterprise or other legal entity, and wherever applicable, a State, a political subdivision of a State or any agency thereof.

(l) "Pound" means that amount of tobacco which, if weighed in its unstemmed form and in the condition in which it is usually marketed by producers would equal one pound standard weight.

(m) "Producer" means a person who, as owner, landlord, tenant, or sharecropper is entitled to share in the tobacco available for marketing from the farm or in the proceeds thereof.

(n) "Resale" means the disposition by sale, barter, exchange, or gift inter vivos, of tobacco which has been marketed previously.

(o) "Sale day" means the period at the end of which the warehouseman bills to buyers the tobacco purchased by them during such period.

(p) "Scrap tobacco" means the residue which accumulates in the course of preparing tobacco for market, consisting chiefly of portions of tobacco leaves and leaves of poor quality.

(q) "State administrative officer" means the person employed by the State committee to execute the policies of the State committee and be responsible for the day-to-day operations of the ASC State office, or the person acting in such capacity.

(r) "State committee" means the persons in a State designated by the Secretary as the Agricultural Stabilization and Conservation State committee under section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended.

(s) "Suspended sale" means any first marketing of farm tobacco at a warehouse sale for which a memorandum of sale is not issued by the end of the sale day on which such marketing occurred.

(t) "Tobacco" means Maryland tobacco, type 32, as classified in the Service and Regulatory Announcement No. 118 (Part 30 of this title) of the Bureau of Agricultural Economics of the United States Department of Agriculture.

(1) Any tobacco (i) that has similar appearance and growth characteristics while growing in a field on a farm, or (ii) any cured tobacco that has the same characteristics and corresponding qualities, colors, and lengths as Maryland tobacco, shall be considered Maryland tobacco without regard to any factors of historical or geographical nature which cannot be determined by examination of the tobacco.

(2) For the purpose of discovering and identifying all tobacco subject to marketing quotas the term "tobacco" with respect to any farm located in an area in which Maryland tobacco is normally produced shall include all acreage of tobacco (without regard to the definition of "tobacco" herein), unless the county committee with the approval of the State committee (i) determines that, under subparagraph (1) of this paragraph, all or a part of such acreage should not be considered as Maryland tobacco, or (ii) determines, from satisfactory proof furnished by the operator of the farm, that a part or all of the production of such acreage has been certified by the Agricultural Marketing Service under the Tobacco Inspection Act (7 U.S.C. 511), and regulations issued pursuant thereto, as a kind of tobacco not subject to marketing quotas. Any amount of tobacco so determined as a kind of tobacco not subject to marketing quotas shall be converted to acres on the basis of the average yield per harvested acre of tobacco grown on the farm in 1961 for the purpose of determining the harvested acreage of such kind of tobacco produced on the farm.

(3) Notwithstanding the foregoing definition of "tobacco", or any other provision of §§ 727.1230 through 727.1261, tobacco in hogsheads which at the close of business on September 30, 1960, was on such date physically in the State Tobacco Warehouse, Baltimore, Maryland, and which was produced prior to 1960, shall not be considered to be "tobacco" within the meaning of this subpart if such warehouse has furnished a report to the State ASC committee showing the quantity of such tobacco and identifying symbols which identify each lot of such tobacco.

(u) "Tobacco available for marketing" means all tobacco produced on the farm in the calendar year 1961 plus any carry-over tobacco, less any tobacco disposed of in accordance with § 727.1245.

(v) "Tobacco subject to marketing quotas" means any Maryland tobacco marketed during the period October 1, 1961 to September 30, 1962, inclusive, and any Maryland tobacco produced in the calendar year 1961 and marketed prior to October 1, 1961.

(w) "Trucker" means a person operating as a common carrier or private carrier who engages to any extent in the business of trucking or hauling tobacco for producers to a point where it may be marketed or otherwise disposed of in the form and in the condition in which it is usually marketed by producers.

(x) "Warehouseman" means a person who engages to any extent in the business of holding sales of tobacco at public auction at a warehouse. The term shall also include an individual, association, or firm who engages in receiving tobacco from farmers at the State Tobacco Warehouse, Baltimore, Maryland, and who assists in the sale of such tobacco through such warehouse.

(y) "Warehouse gross sales" means the sum of the weights of all marketings of tobacco at auction on a warehouse floor for producers, dealers, warehouseman, and Association ("loan tobacco").

(z) "Warehouse sale" means a marketing of tobacco by a sale at public auction through a warehouse in the regular course of business, and shall include all lots or baskets marketed by sale at public auction in sequence at a given time. The term shall also include each marketing of farm tobacco through a hogshead tobacco warehouse to a buyer other than the warehouseman and each marketing of resale tobacco through such warehouse.

§ 727.1232 Instructions and forms.

The Director shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions with respect to internal management as are necessary for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by the Deputy Administrator.

§ 727.1233 Extent of calculations and rule of fractions.

(a) *Harvested acreage.* The acreage of tobacco harvested on a farm in 1961 shall be expressed in hundredths and fractions of less than one-hundredth of

an acre shall be dropped. For example, 1.550, 1.555 or 1.559 would be 1.55 acres.

(b) *Percent excess.* The percentage of excess tobacco available for marketing from a farm, hereinafter referred to as the "percent excess" shall be expressed in tenths percent and calculations thereof rounded to the nearest tenth percent. Computations shall be carried two decimal places beyond the required number of decimal places. In rounding, digits of 50 or less beyond the required number of decimal places shall be dropped; if 51 or more, the last required decimal place shall be increased by "1". For example, 6.732 would be 6.7; 6.750 would be 6.7; 6.751 would be 6.8; and 6.782 would be 6.8.

(c) *Converted rate of penalty.* The amount of penalty per pound upon marketings of tobacco subject to penalty, hereinafter referred to as the "converted rate of penalty" shall be expressed in tenths of a cent and calculations thereof rounded to the nearest tenth of a cent, except that if the resulting converted rate of penalty is less than a tenth of a cent, it shall be expressed in hundredths of a cent and calculations thereof rounded to the nearest hundredth of a cent. Computations shall be carried two decimal places beyond the required number of decimal places. In rounding, digits of 50 or less beyond the required number of decimal places shall be dropped; if 51 or more, the last required decimal place shall be increased by "1". For example, expressions in tenths calculated as 6.732 would be 6.7; 6.750 would be 6.7; 6.751 would be 6.8; and 6.782 would be 6.8; and expressions in hundredths calculated as 0.0536 would be 0.05; 0.0550 would be 0.05; 0.0551 would be 0.06; and 0.0582 would be 0.06.

(d) *Amount of penalty.* The amount of penalty on any lot of tobacco marketed shall be expressed in dollars and cents and calculations thereof rounded to the nearest cent. In rounding, digits of 50 or less beyond the required number of decimal places shall be dropped; if 51 or more, the last required decimal place shall be increased by "1". For example, 10.5536 would be 10.55; 10.5550 would be 10.55; 10.5551 would be 10.56; and 10.5582 would be 10.56.

IDENTIFICATION AND LOCATION OF FARMS AND DETERMINATION OF ACREAGE

§ 727.1234 Identification and location of farms.

(a) Each farm as operated for the 1961 crop of tobacco shall be identified by a farm serial number assigned by the county office manager and all records pertaining to marketing quotas for the 1961–62 marketing year shall be identified by such number.

(b) A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county in which the major portion of the farm is located.

§ 727.1235 Determination of tobacco acreage.

(a) *County committees.* For the purpose of ascertaining with respect to each farm whether there is excess tobacco of the 1961 crop available for marketing, the county committee shall determine the acreage of tobacco on each farm in the county for which a 1961 tobacco acreage allotment has been established and on any other farms in the county on which the county committee has reason to believe tobacco was planted. The county committee's determination shall be based upon acreage and performance determined as provided in the applicable provisions of Part 718 of this chapter.

(b) *Variance in measured acreage.* For the purpose of §§ 727.1230 through 727.1261 inclusive, and subject to the rule of fractions heretofore provided in § 727.1233(a), if the tobacco acreage determined for the farm does not exceed the farm tobacco allotment by more than the larger of one-hundredth (0.01) acre or two percent of such allotment not to exceed nine-hundredths (0.09) acre, the farm tobacco acreage shall be considered within the allotment. If the tobacco acreage determined for the farm exceeds the allotment by more than this amount, the tobacco acreage shall be considered in excess of the farm allotment and disposition shall not be limited to the acreage necessary to bring the acreage within the prescribed administrative variance. In such cases, the farm will not be considered in compliance unless disposition is made of all acreage in excess of the allotment.

(c) *Notice to farm operators.* (1) The county office manager or an employee of the county office on behalf of the county office manager, as to each farm, shall notify the farm operator the results of the measurement of tobacco acreage, except that the State committee may elect to not have mailed notices to farm operators where the acreage determined for the farm is within the allotment.

(2) If, it is determined under § 727.1231(t)(2) that tobacco (harvested or unharvested) acreage is of a kind of tobacco not subject to marketing quotas, the county office manager, or an employee of the county office on behalf of the county office manager, shall so notify the farm operator.

(d) *Harvested acreage of tobacco for purpose of issuing marketing card.* The acreage of tobacco determined or as redetermined for a farm by the county committee pursuant to this section shall be the harvested acreage of tobacco for the farm for the purpose of issuing the correct marketing card for the farm as provided in § 727.1238 unless the farm operator furnishes to the county committee satisfactory proof that a portion of the acreage planted will not be harvested or that tobacco representative of the production of the acreage physically harvested will be disposed of other than by marketing, in which case, the harvested acreage shall be the acreage as adjusted by taking into account the portion of the acreage planted which will not be harvested and the portion of the production of the acreage physically harvested which will be disposed of other than by marketing.

(e) *Amount of excess acreage for purpose of issuing marketing card if acreage determination refused.* If the farm operator or any producer on the farm prevents the county committee or its representative, or the State committee, or its representative, from obtaining information necessary to determine the correct acreage of tobacco on a farm, in addition to any other liability which might be imposed upon the operator, and until the farm operator or any producer on the farm permits a determination of the correct acreage, all acreage of tobacco on the farm shall be deemed to be in excess of the farm acreage allotment for the purpose of issuing a marketing card for the farm.

FARM MARKETING QUOTAS AND MARKETING CARDS

§ 727.1236 Amount of farm marketing quota.

(a) *Actual production.* The marketing quota for a farm shall be the actual production of tobacco on the farm acreage allotment, as established for the farm in accordance with Maryland Tobacco Marketing Quota Regulations, 1961–62 (25 F.R. 6681; 26 F.R. 3519, 3520). The actual production of the farm acreage allotment shall be the average yield per acre of the entire acreage of tobacco harvested on the farm in 1961 times the farm acreage allotment.

(b) *Excess production.* The excess tobacco on any farm shall be that quantity of tobacco which is equal to the average yield per acre of the entire acreage of tobacco harvested on the farm in 1961 times the number of acres harvested in excess of the 1961 farm acreage allotment.

§ 727.1237 Transfer of farm marketing quota.

There shall be no transfer of farm marketing quotas except as provided in § 719.12 of this chapter.

§ 727.1238 Marketing cards.

(a) *Issuance.* A marketing card shall be issued for each farm having tobacco available for marketing. The kind of card to be issued for each farm shall be determined pursuant to paragraphs (b) through (f) of this section. Marketing cards shall be issued in the name of the farm operator, except that cards issued for tobacco grown for experimental purposes only shall be issued in the name of the Experiment Station, cards issued under § 727.1241 shall be issued in the name of the successor in interest and, where a part of the farm which includes all the tobacco acreage on the farm is cash rented to one producer, cards shall be issued in the name of the one producer.

(b) *Excess marketing card (MQ–77—Tobacco).* The provisions of this paragraph govern the issuance of excess marketing cards for use in identifying marketings of tobacco, except with respect to the issuance of excess marketing cards for the identification of "carryover" tobacco, as provided in paragraph (c) of this section and cards issued because of an indebted producer, as provided in paragraph (e) of this section.

(1) *Excess marketing card showing full rate of penalty.* An excess marketing card (ineligible for price support loans) showing the full rate of penalty

to be shown in § 727.1247(b) shall be issued for a farm in any case:

(i) Where tobacco is harvested in 1961 from a farm for which no 1961 acreage allotment was established; or

(ii) Where tobacco is harvested in 1961 from a farm and the farm operator or any producer on the farm prevents the county committee or its representative, or the State committee or its representative, from obtaining information necessary to determine the correct acreage of tobacco on the farm; or

(iii) Where tobacco is harvested in 1961 from a farm for which, under § 727.1252(f), the 1961 allotment is cancelled.

(2) *Excess marketing card showing converted rate of penalty or zero penalty.* An excess marketing card (ineligible for price support loans) showing the extent to which marketing of 1961 crop tobacco from a farm are subject to penalty, determined as provided in § 727.1244 (including zero penalty), shall be issued in any case:

(i) Where tobacco is harvested in 1961 from a farm in excess of the farm acreage allotment therefor; or

(ii) Where tobacco is produced on land owned by the Federal Government in violation of the provisions of a lease restricting the production of tobacco.

(3) *Excess marketing cards showing zero penalty only.* An excess marketing card (ineligible for price support loans) showing zero penalty only shall be issued under the following conditions:

(i) If more than one kind of tobacco is produced on a farm in 1961, a zero penalty excess marketing card shall be issued for each kind of tobacco produced thereon for which the harvested acreage is not in excess of the farm acreage allotment therefor if at the time of issuing marketing cards for the farm the harvested acreage of any kind of tobacco is in excess of the farm acreage allotment for such kind of tobacco; or

(ii) For any kind of tobacco produced on a farm in 1961 the acreage of which is in excess of the farm acreage allotment therefor and the operator or any other producer on the farm fails to notify the county ASC office (with deposit to cover the cost as determined by the county committee and approved by the State committee) of his intention to dispose of any excess tobacco acreage or to request remeasurement of the tobacco acreage within ten (10) days from the date of notice to the farm operator on Form CSS–590, Notice of Excess Acreage, and the tobacco produced on the excess acreage is disposed of other than by marketing, in accordance with § 727.1245, unless the county committee, or the county office manager on behalf of the county committee, determines that failure to file such request was due to circumstances beyond the control of the farm operator or producer; or

(iii) For any kind of tobacco physically harvested from a farm in 1961 from an acreage in excess of the acreage allotment for the farm and disposed of in accordance with § 727.1245(a) unless the county committee or the county office manager on behalf of the county committee determines that the farm operator acted in good faith, that the acreage of tobacco was not measured, or remeasured as the case may be, and the farm operator notified in sufficient time to afford him an opportunity to dispose of the excess acreage prior to harvest.

(iv) If, as to farms on which tobacco is being grown experimentally, the Director of a publicly-owned Agricultural Experiment Station fails to comply with all the requirements contained in paragraph (d)(2) of this section prior to the beginning of the harvesting of tobacco from the farm.

(c) *Excess marketing card (MQ–77—Tobacco) marked "carry-over".* An excess marketing card (ineligible for price support loans) marked "carry-over" showing the extent to which marketings of carry-over tobacco from a farm are subject to penalty, determined pursuant to § 727.1244(b), shall be issued for a farm with respect to which there is carry-over tobacco.

(d) *Within Quota Marketing Card (MQ–76—Tobacco).* In any case where an excess marketing card is not required to be issued for use in identifying marketings of 1961 crop tobacco from a farm under paragraph (b) or (e) of this section, a within quota marketing card (eligible for price support loan and marketing without penalty) shall be issued for such farm under the following conditions:

(1) If the harvested acreage of tobacco for the farm in 1961 is not in excess of the farm acreage allotment therefor.

(2) If, as to farms on which tobacco is being grown experimentally, the Director of a publicly owned Agricultural Experiment Station furnishes to the ASC State office, prior to the beginning of the harvest of tobacco from the farm, a report showing the following information with respect to each kind of tobacco and farm on which tobacco is grown for experimental purposes only:

(i) Name and address of the publicly owned experiment station;

(ii) Name of the owner, and name of the operator if different from the owner of each farm on which tobacco is grown for experimental purposes only;

(iii) The amount of acreage of tobacco grown on each farm for experimental purposes only; and

(iv) A certification signed by the Director of the publicly owned agricultural experiment station to the effect that such acreage of tobacco was grown on each farm for experimental purposes only; the tobacco was grown under his direction; and the acreage on each plot was considered necessary for carrying out the experiment: *Provided, however,* That, if the Director of a publicly owned agricultural experiment station does not furnish the information and certification as required above in this subparagraph, prior to the beginning of the harvest of tobacco from a farm, an excess marketing card showing zero penalty shall be issued under paragraph (b)(3)(iv) of this section for the purpose of identifying tobacco produced for experimental purposes only under the direction of such Director. The report required in this subparagraph shall be posted and kept available for public inspection in each ASC county office in which a farm included on the report is located.

(e) *Stamping within quota marketing cards (MQ–76) to show producer indebtedness.* (1) If any producer on a farm is indebted to the United States and such indebtedness is listed on the county debt register, any within quota marketing card (MQ–76) issued for such farm in accordance with paragraph (d) of this section, shall bear the notation "Indebted to U.S." on the front cover thereof and on the county office copy of each memorandum of sale, and the name of the debtor and the amount of the indebtedness shall be shown on the inside back cover of the marketing card: *Provided,* That, if the producer named as debtor on the card objects to the issuance of, or after issuance to, the use of a within quota marketing card (MQ–76) bearing the notation and information of indebtedness to the United States thereon as provided in this subparagraph, an excess marketing card (ineligible for price support loans) showing "zero penalty" shall be issued for such farm. The acceptance and use of a within quota marketing card bearing a notation and information of indebtedness to the United States by the producer named as debtor on such card, shall constitute an authorization by such producer to any tobacco warehouseman to pay to the United States the price support advance due the producer to the extent of his indebtedness set forth on such card, but not to exceed that portion of the price support advance remaining after deduction of usual warehouse and authorized price support charges and amounts due prior lien holders. The acceptance and use of a within quota marketing card bearing a notation and information of indebtedness to the United States shall not constitute a waiver of any right by the producer to contest the validity of such indebtedness by appropriate administrative appeal or legal action.

(2) Any marketing card may be stamped for the purpose of notifying warehousemen that the tobacco being marketed pursuant to such card is subject to a lien held by the United States.

(f) *Replacing or issuing additional marketing cards.* Subject to the approval of the county office manager, two or more marketing cards may be issued for any farm for use in identifying marketings of (1) 1961 crop tobacco, or (2) carryover tobacco. Upon the return to the ASC issuing office of the marketing card after all of the memoranda of sale have been issued therefrom and before the marketing of tobacco from the farm has been completed, a new marketing card of the same kind, bearing the same name, information and identification as the used card, shall be issued for the farm. A new marketing card of the same kind shall be issued to replace a card which has been determined by the county office manager, who issued the card, to have been lost, destroyed or stolen.

§ 727.1239 Person authorized to issue marketing cards.

(a) The county office manager shall be responsible for the issuance of tobacco

marketing cards for farms in the county, including farms on which tobacco is grown for experimental purposes by a publicly owned agricultural experiment station.

(b) Each marketing card shall bear the actual or facsimile signature of the county office manager who issues the card. The facsimile signature may be affixed by an employee of the ASC county office.

§ 727.1240 Rights of producers in marketing cards.

Each producer having a share in the tobacco available for marketing from a farm shall be entitled to the use of the marketing card issued for the farm for marketing his proportionate share.

§ 727.1241 Successors in interest.

Any person who succeeds, other than as a dealer, in whole or in part to the share of a producer in the tobacco available for marketing from a farm shall, to the extent to such succession, have the same rights as the producer to the use of the marketing card for the farm.

§ 727.1242 Invalid cards.

(a) A marketing card shall be invalid if:

(1) It is not issued or delivered in the form and manner prescribed;

(2) An entry is omitted or is incorrect;

(3) It is lost, destroyed, stolen, or becomes illegible; or

(4) Any erasure or alteration has been made, and not properly initialed.

(b) In the event any marketing card becomes invalid (other than by loss, destruction or theft, or by omission, alteration or incorrect entry which cannot be corrected by a field assistant), the farm operator, or the person having the card in his possession, shall return it to the ASC office at which it was issued.

(c) If any entry is not made on a marketing card as required, either through omission or incorrect entry, and the proper entry is made and initialed by a field assistant, then such card shall become valid.

§ 727.1243 Report of misuse of marketing card.

Any information which causes a field assistant, a member of a State, county, or community committee, or an employee of an ASC State or county office, to believe that any tobacco which actually was produced on one farm has been or is being marketed under the marketing card issued for another farm shall be reported immediately by such person to the ASC county or State office.

MARKETING OR OTHER DISPOSITION OF TOBACCO AND PENALTIES

§ 727.1244 Extent to which marketings from a farm are subject to penalty.

(a) Marketings of 1961 crop tobacco from a farm shall be subject to penalty by the percent excess determined as follows: Divide the acreage of tobacco harvested in 1961 in excess of the 1961 farm acreage allotment and not disposed of under § 727.1245 by the total acreage of tobacco harvested from the farm in 1961.

(b) All carry-over tobacco from crops produced prior to 1960 shall be treated as within quota tobacco and, as such, not subject to penalty (see section 727.1230).

(c) Marketings of carry-over tobacco from a farm shall be subject to penalty by the percent excess determined as follows:

(1) The percent excess for farms having within quota carry-over tobacco only will be zero.

(2) The percent excess for farms having 1960 crop excess carry-over tobacco only, none of which has been offset by under-harvesting the 1961 allotments, will be the same percentage of excess as was determined for the farm for the 1960 crop for the purpose of collecting penalties.

(3) The percent excess for farms having within quota carry-over tobacco produced prior to 1960 and 1960 crop excess carry-over tobacco, none of which excess has been offset by under-harvesting the 1961 allotment, will be determined as follows: (i) Determine the poundage of 100 percent excess tobacco involved by multiplying that part of the excess carry-over that was produced in 1960 by the 1960 excess percentage; (ii) the 100 percent excess poundage so determined divided by the total pounds of within quota carry-over tobacco and excess carry-over tobacco shall be the percent excess.

(4) The percent excess for farms having within quota carry-over tobacco produced prior to 1960 and 1960 crop excess carry-over tobacco, part or all of which excess has been offset by under-harvesting the 1961 allotment will be determined as follows:

(i) Multiply the 1961 under-harvested acreage (allotment minus harvested acreage) by the normal yield for 1961 to determine the pounds of 100 percent excess tobacco that could be absorbed by 1961 under-harvesting.

(ii) Determine the pounds of 100 percent 1960 crop excess tobacco by multiplying that part of the carry-over that was produced in 1960 by the 1960 excess percentage.

(iii) If the pounds computed under subdivision (ii) of this subparagraph do not exceed the pounds computed under subdivision (i) of this subparagraph, all carry-over tobacco is penalty-free, and the percent excess is zero.

(iv) If the pounds computed under subdivision (ii) of this subparagraph exceed the pounds computed under subdivision (i) of this subparagraph, the difference between such two poundage figures is the net amount of 100 percent excess tobacco that was not absorbed. Such net amount of 100 percent excess poundage divided by the total pounds of within quota carry-over tobacco and excess carry-over tobacco shall be the percent excess.

(d) For the purpose of determining the penalty due on each marketing by a producer of tobacco subject to penalty, the converted rate of penalty per pound shall be determined by multiplying the rate of penalty determined pursuant to § 727.1247 by the percent excess obtained under paragraph (a) or (c) of this section. The memorandum of sale issued to identify each such marketing shall show the amount of penalty due.

§ 727.1245 Disposition of excess tobacco.

(a) *Where tobacco acreage exceeds the allotment.* (1) The farm operator may elect to give satisfactory proof of disposition of excess tobacco prior to the marketing from the farm of any of the same kind of tobacco by furnishing to the county committee proof satisfactory to the committee or its representative that such excess tobacco will not be marketed. Such disposition of excess tobacco, subject to the provisions of subparagraph (2) of this paragraph, may take place before harvesting, during harvesting, or after completion of harvesting of the kind of tobacco involved from the farm.

(2) No credit toward liquidating excess acreage shall be given for any excess tobacco disposed of after harvest, but prior to marketing, unless the county committee or its representative determines such tobacco is representative of the entire crop from the farm of the kind of tobacco involved.

(b) *Where harvested acreage does not exceed allotment and there is excess carry-over tobacco.* If the 1961 harvested acreage is less than the 1961 allotment, an amount of any tobacco from the farm which was placed under storage for a prior marketing year equal to the normal production of the acreage by which the 1961 harvested acreage plus any acreage added with respect to any excess carry-over tobacco for the farm pursuant to § 727.1244(c) is less than the 1961 allotment may be marketed penalty free.

§ 727.1246 Identification of marketings; old crops.

Subject to paragraph (a) of this section, each marketing of tobacco from a farm shall be identified by an executed memorandum of sale from the 1961 marketing card (MQ–76—Tobacco or MQ–77—Tobacco) issued for the farm on which the tobacco was produced. In addition, as provided in paragraph (b) of this section, in the case of nonwarehouse sales, each marketing shall also be identified by an executed bill of nonwarehouse sale (reverse side of memorandum of sale). A separate memorandum from an excess marketing card marked "carryover" issued for the farm shall be executed with respect to each marketing of tobacco produced prior to 1961, and the words "old crop" will be written or stamped on each memorandum of sale executed covering a warehouse sale, or by the buyer on each bill of nonwarehouse sale executed to cover a nonwarehouse sale, with respect to a marketing of tobacco produced prior to 1961.

(a) *Memorandum of sale and sale without marketing card.* (1) The word "scrap" shall be plainly written on any memorandum of sale or MQ–82—Tobacco, Sale Without Marketing Card, executed to cover scrap tobacco. If a memorandum of sale is not executed to identify a warehouse sale of producer's tobacco by the end of the sale day on which the tobacco was marketed, the marketing shall be a suspended sale, and, unless a memorandum identifying the

tobacco so marketed is executed on or before the last warehouse sale day of the marketing season, or within four weeks after the date of marketing, whichever comes first, the marketing shall be identified by MQ–82—Tobacco, Sale Without Marketing Card, as a marketing of excess tobacco. The memorandum of sale or MQ–82—Tobacco shall be executed only by a field assistant or other representative of the State administrative officer with the following exceptions:

(i) A warehouseman, or his representative, who has been authorized during the 1961–62 marketing year on MQ–78—Tobacco, may issue a memorandum of sale to identify a warehouse sale if a field assistant is not available at the warehouse when the marketing card is presented. Each memorandum of sale issued by a warehouseman to cover a warehouse sale shall be presented promptly by him to the field assistant for verification with the warehouse records.

(ii) A tobacco dealer who buys tobacco direct from farmers, who resells such tobacco through a hogshead tobacco warehouse, and who keeps records showing the information specified in § 727.1254, and who has been authorized on MQ–78—Tobacco to issue memoranda of sale, may issue a memorandum of sale covering a purchase of such tobacco only if the bill of nonwarehouse sale has been executed. Such dealer may also execute MQ–82—Tobacco, where applicable, under the circumstances specified in this section.

(2) The authorization on MQ–78—Tobacco to issue memoranda of sale may be withdrawn by the State administrative officer from any or all persons so authorized if such action is determined to be necessary in order to properly enforce the provisions of §§ 727.1230 through 727.1261.

(3) The field assistant shall write on the "county copy" of the memorandum of sale, any name shown as seller on a floor sheet which does not include the surname of the person to whom the marketing card was issued.

(4) Each excess memorandum of sale issued by a field assistant shall be verified by a warehouseman or dealer (or his representative) to determine whether the amount of penalty shown to be due has been correctly computed and such warehouseman or dealer shall not be relieved of any liability with respect to the amount of penalty due because of any error which may occur in executing the memorandum of sale.

(b) *Bill of nonwarehouse sale.* (1) Each nonwarehouse sale shall be identified by a bill of nonwarehouse sale completely executed by the buyer and the farm operator.

(2) The word "scrap" shall be plainly written on any bill of nonwarehouse sale and memorandum of sale executed to cover scrap tobacco, and all such bills of nonwarehouse sale shall be delivered to a person who is authorized to issue memorandum of sale.

(3) Each bill of nonwarehouse sale covering any marketing including scrap tobacco, except as described under paragraph (a)(1)(ii) of this section, shall be presented to a person who is authorized to issue a memorandum of sale and for recording in MQ–79—Tobacco.

§ 727.1247 Rate of penalty.

Marketings of excess tobacco from a farm shall be subject to a penalty per pound equal to seventy-five (75) percent of the average market price for Maryland tobacco for the 1960–61 marketing year as determined by the Crop Reporting Board, Agricultural Marketing Service, United States Department of Agriculture. The rate of penalty per pound shall be calculated to the nearest whole cent. In rounding, digits of 50 or less beyond the required number of decimal places shall be dropped; if 51 or more, the last required decimal place shall be increased by "1".

(a) *Average market price.* The average market price for Maryland tobacco as determined by the Crop Reporting Board, Agricultural Marketing Service, United States Department of Agriculture, for the 1960–61 marketing year will be issued by an amendment to these regulations.

(b) *Rate of penalty per pound.* The penalty per pound upon marketings of excess Maryland tobacco during the 1961–62 marketing year will be issued by an amendment to these regulations.

(c) *Proportional rate of penalty.* With respect to tobacco marketed from farms having tobacco available for marketing in excess of the farm marketing quota the penalty shall be paid upon that percentage of each lot of tobacco marketed which the tobacco available for marketing in excess of the farm marketing quota is of the total amount of tobacco available for marketing from the farm, as determined under § 727.1244.

§ 727.1248 Persons to pay penalty.

The person to pay the penalty due on any marketing of tobacco subject to penalty shall be determined as follows:

(a) *Warehouse sale.* The penalty due on marketings by a producer through a warehouse shall be paid by the warehouseman who may deduct an amount equivalent to the penalty from the price paid to the producer.

(b) *Nonwarehouse sale.* The penalty due on tobacco purchased directly from a producer other than (1) by sale at public auction through a warehouse, or (2) by sale through a hogshead tobacco warehouse to a buyer other than the warehouseman, in the regular course of business, shall be paid by the purchaser of the tobacco who may deduct an amount equivalent to the penalty from the price paid to the producer.

(c) *Marketings through an agent.* The penalty due on marketings by a producer through an agent who is not a warehouseman shall be paid by the agent who may deduct an amount equivalent to the penalty from the price paid to the producer.

(d) *Marketings outside the United States.* The penalty due on marketings by a producer directly to any person outside the United States shall be paid by the producer.

§ 727.1249 Penalties considered to be due from warehousemen, dealers and other persons excluding the producer.

Any marketing of tobacco under any one of the following conditions shall be considered to be a marketing of excess tobacco:

(a) *Warehouse sale without memorandum of sale.* Any warehouse sale of tobacco by a producer which is not identified by a valid memorandum of sale on or before the last warehouse sale day of the marketing season or within four weeks following the date of marketing, whichever comes first, shall be identified by an MQ–82—Tobacco, and shall be presumed, subject to rebuttal, to be a marketing of excess tobacco. The penalty thereon shall be paid by the warehouseman.

(b) *Nonwarehouse sale.* Any nonwarehouse sale which:

(1) Is not identified by a valid bill of nonwarehouse sale (reverse side of memorandum of sale); and,

(2) Is not also identified by a valid memorandum of sale and recorded in MQ–79—Tobacco not later than the end of the calendar week in which the tobacco was purchased; or,

(3) Where the tobacco is not to be resold through a hogshead tobacco warehouse, and is purchased prior to the opening of the local auction market, is not identified by a valid bill of nonwarehouse sale and by a valid memorandum of sale and recorded in MQ–79—Tobacco not later than the end of the calendar week which included the first sale day of the local auction markets, shall be presumed, subject to rebuttal, to be a marketing of excess tobacco. The penalty thereon shall be paid by the purchaser of such tobacco.

(c) *Leaf account tobacco.* The part or all of any marketing by a warehouseman, which such warehouseman represents to be a leaf account resale, but which when added to prior leaf account resales is in excess of prior leaf account purchases, recognizing and including appropriate adjustments for short baskets and short weights and long baskets and long weights from the Buyers Corrections Account, shall be considered to be a marketing of excess tobacco unless and until such warehouseman furnishes proof acceptable to the State committee showing that such marketing is not a marketing of excess tobacco. The penalty thereon shall be paid by the warehouseman.

(d) *Dealer's tobacco.* The part or all of any marketing of tobacco by a dealer which such dealer represents to be a resale but which when added to prior resales by such dealer is in excess of the total of his prior purchases shall be considered to be a marketing of excess tobacco unless and until such dealer furnishes proof acceptable to the State committee showing that such marketing is not a marketing of excess tobacco. The penalty thereon shall be paid by the dealer.

(e) *Resales not reported.* Any resale of tobacco which under §§ 727.1230 through 727.1261 is required to be re-

ported by a warehouseman or dealer but which is not so reported within the time and in the manner required by §§ 727.1230 through 727.1261 shall be considered to be a marketing of excess tobacco unless and until such warehouseman or dealer furnishes a report of such resale which is acceptable to the State administrative officer. The penalty thereon shall be paid by the warehouseman or dealer who fails to make the report as required.

(f) *Marketings falsely identified by a person other than the producer.* If any marketing of tobacco by a person other than the producer thereof is identified by a marketing card other than the marketing card issued for the farm on which such tobacco was produced, such marketing shall be presumed, subject to rebuttal, to be a marketing of excess tobacco and the penalty thereon shall be paid by such person.

§ 727.1249a Producers penalties; false identification, failure to account, incorrectly determined acreages.

(a) *Penalties for false identification or failure to account.* If any producer falsely identifies or fails to account for the disposition of any tobacco produced on a farm, an amount of tobacco equal to the normal yield of the number of acres harvested in 1961 in excess of the farm acreage allotment shall be deemed to have been marketed as excess tobacco from such farm. The penalty thereon for false identification or failure to account shall be paid by the producer and shall be due on the date of the false identification or failure to account. The filing of a report by a producer under § 727.1252(d) which the State committee finds to be incomplete or incorrect, or the failure to file such a report as required by said regulations, shall constitute a failure to account for the disposition of tobacco produced on the farm.

(b) *Redetermined excess harvested acreage.* If, after part or all of the tobacco produced on a farm has been marketed, the State or county committee redetermines that the harvested acreage for the farm was more than that shown by the prior determination, and if the harvested acreage may not be deemed to be within the farm acreage allotment pursuant to paragraph (d) of this section, any penalty due on the basis of the harvested acreage as redetermined pursuant to § 727.1235 shall be paid by the producer.

(c) *Cancelled allotment.* If, after part or all of the tobacco produced on a farm has been marketed and the allotment therefor has been cancelled under § 727.1252(f), any penalty due thereon shall be paid by such producer.

(d) *Erroneous notice of measured acreage.* If it is determined that the tobacco acreage on a farm is larger than the tobacco farm acreage allotment approved under § 727.1226 of this part, such farm shall be deemed to have not exceeded its allotment if the county committee, with the approval of the State administrative officer, determines from the facts and circumstances that:

(1) The excess acreage was caused by reliance in good faith by the farm operator on an erroneous notice of measured acreage;

(2) Neither the farm operator nor any producer on the farm had actual knowledge of the error in time to adjust the excess acreage prior to harvest of tobacco from all areas (patches, fields, or parts of fields) of tobacco from the farm;

(3) The incorrect notice was the result of an error made by the performance reporter or by another employee of the county or State office in reporting, computing, or recording the tobacco acreage for the farm;

(4) Neither the farm operator nor any producer on the farm was in any way responsible for the error; and

(5) The extent of the error in the notice was such that the farm operator would not reasonably be expected to question the acreage of which he was erroneously notified.

§ 727.1250 Payment of penalty.

(a) *Date due.* Penalties shall become due at the time the tobacco is marketed, except in the case of false identification or failure to account for disposition in which case penalty shall be due on the date of such false identification or failure to account for disposition. Penalty shall be paid by remitting the amount thereof to the ASC State office not later than the end of the calendar week in which the tobacco became subject to penalty. A draft, money order, or check drawn payable to the Commodity Stabilization Service may be used to pay any penalty, but any such draft or check shall be received subject to payment at par.

(b) *Warehouse sale; net proceeds.* If the penalty due on any warehouse sale of tobacco by a producer as determined under §§ 727.1230 through 727.1261 is in excess of the net proceeds of sale (gross amount for all lots included in the sale, less usual warehouse charges), the amount of the net proceeds, accompanied by a copy of the warehouse bill covering such sale, may be remitted as the full penalty due. Usual warehouse charges shall not include (1) advances to producers, (2) charges for hauling, or (3) any other charges not usually incurred by producers in marketing tobacco through a warehouse.

(c) *Nonwarehouse sale; converted penalty rate.* Nonwarehouse sales, including sales of scrap tobacco, shall be subject to the converted rate of penalty for the farm on which the tobacco was produced without regard to the net proceeds of the sale.

§ 727.1251 Request for return of penalty.

Any producer of tobacco after the marketing of all tobacco available for marketing from the farm and any other person who bore the burden of the payment of any penalty may request the return of the amount of such penalty which is in excess of the amount required under §§ 727.1230 through 727.1261 to be paid. Such request shall be filed on MQ–85—Tobacco with the ASC county office within two (2) years after the payment of the penalty. Approval of return of penalty to producers shall be by the county committee.

RECORDS AND REPORTS

§ 727.1252 Producer's records and reports.

(a) *Report of tobacco acreage.* The farm operator or any producer on the farm shall execute and file a report with the ASC county office or a representative of the county committee on Form CSS–578, Report of Acreage, showing all fields of tobacco on the farm in 1961. If any producer on a farm files or aids or acquiesces in the filing of any false report with respect to the acreage of tobacco grown on the farm, even though the farm operator or his representative refused to sign such report, the allotment next established for such farm and kind of tobacco shall be reduced pursuant to applicable tobacco marketing quota regulations for determining acreage allotments and normal yields, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) the filing of, aiding, or acquiescing in the filing of, such false report was not intentional on the part of any producer on the farm and that no producer on the farm could reasonbly have been expected to know that the report was false, provided the filing of the report will be construed as intentional unless the report is corrected and the payment of all additional penalty is made, or (2) no person connected with such farm for the year for which the allotment is being established caused, aided, or acquiesced in the filing of the false acreage report.

(b) *Report on marketing card.* The operator of each farm shall return to the ASC county office each marketing card issued for the farm whenever marketings from the farm are completed and in no event later than October 1, 1962. At the time the marketing card is returned to the ASC county office, there shall be shown on each such card the quantity of tobacco on hand, if any, including the crop year produced and its location. Failure to return the marketing card within fifteen (15) days after written request by certified mail from the county office manager shall constitute failure to account for disposition of tobacco marketed from the farm unless disposition of all tobacco marketed from the farm is accounted for as provided in paragraph (d) of this section.

(c) *False identification.* If tobacco was marketed or was permitted to be marketed in any marketing year as having been produced on the acreage allotment for any farm which in fact was produced on a different farm, the acreage allotments next established for both such farms and kind of tobacco shall be reduced pursuant to applicable tobacco marketing quota regulations for determining acreage allotments and normal yields, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) no person on such farm intentionally participated in such marketing or could have reasonably been expected to have prevented such marketing, provided the

marketing shall be construed as intentional unless all tobacco from the farm is accounted for and payment of all additional penalty is made, or (2) no person connected with such farm for the year for which the allotment is being established caused, aided, or acquiesced in such marketing.

(d) *Report of production and disposition.* In addition to any other reports which may be required under §§ 727.1230 through 727.1261, the operator on each farm or any producer on the farm (even though the harvested acreage does not exceed the acreage allotment or even though no allotment was established for the farm) shall upon written request by certified mail from the State administrative officer within fifteen (15) days after deposit of such request in the United States mails addressed to such person at his last known address, furnish the Secretary on Form NQ–108—Tobacco, a written report of the acreage, production, and disposition of all tobacco produced on the farm by sending the same to the ASC State office showing, as to the farm at the time of filing such report, (1) the number of fields (patches or areas) from which tobacco was harvested, the acres of tobacco harvested from each such field, and the total acreage of tobacco harvested from the farm, (2) the total pounds of tobacco produced, (3) the amount of tobacco on hand and its location, (4) as to each lot of tobacco marketed, the name and address of the warehouseman, dealer, or other person to or through whom such tobacco was marketed and the number of pounds marketed, the gross price and the date of the marketing and (5) complete details as to any tobacco disposed of other than by sale. Failure to file the MQ–108, as requested, the filing of a false MQ–108, or the filing of a MQ–108 which is found by the State committee to be incomplete or incorrect shall constitute failure of the producer to account for disposition of tobacco produced on the farm and the allotment next established for such farm and kind of tobacco shall be reduced pursuant to applicable tobacco marketing quota regulations for determining acreage allotments and normal yields, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (i) the failure to furnish such proof of disposition was unintentional and no producer on such farm could reasonably have been expected to furnish such proof of disposition, provided such failure will be construed as intentional unless such proof of disposition is furnished and payment of all additional penalty is made, or (ii) no person connected with such farm for the year for which the allotment is being established caused, aided or acquiesced in the failure to furnish such proof.

(e) *Harvesting second tobacco crop from same acreage.* If in the calendar year 1961 more than one crop of tobacco was grown from (1) the same tobacco plants, or (2) different tobacco plants, and is harvested for marketing from the same acreage of a farm, the acreage allotment next established for such farm shall be reduced by an amount equivalent to the acreage from which more than one crop of tobacco was so grown and harvested.

(f) *Cancellation of new farm allotment.* Any new farm allotment approved under §§ 727.1211 through 727.1227 (25 F.R. 6681, 26 F.R. 3519, 3520) which was determined by the county committee on the basis of incorrect information knowingly furnished the county committee by the applicant for the new farm allotment shall be cancelled by the county committee as of the date the allotment was established.

§ 727.1253 Warehousemen's records and reports.

(a) *Record of marketing.* (1) Each warehouseman shall keep such records as will enable him to furnish the ASC State office with respect to each warehouse sale of tobacco made at his warehouse the following information:

(i) The name of the operator of the farm on which the tobacco was produced and the name of the seller in the case of a sale by a producer, and in the case of a resale, the name of the seller.

(ii) Date of sale.

(iii) Number of pounds sold.

(iv) Gross sale price.

(v) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer(s); and in addition, with respect to each individual basket or lot of tobacco constituting the warehouse sale, the following information:

(vi) Name of purchaser.

(vii) Number of pounds sold.

(viii) Gross sale price.

(2) Records of all purchases and resales of tobacco by the warehouseman shall be maintained to show a separate account for:

(i) Nonwarehouse sales by farmers of tobacco purchased by or on behalf of the warehouseman.

(ii) Purchases and resales of leaf account tobacco.

(iii) Resales of floor sweepings.

(3) Each warehouseman shall keep such records as will enable him to furnish the ASC State office the total pounds and amounts of the debits (for short baskets and short weights of tobacco) and the credits (for long baskets and long weights of tobacco) to the Buyers Corrections Account as defined in § 727.1231(b). Where the warehouseman returns to the seller tobacco debited to the Buyers Corrections Account, the warehouseman shall prepare an adjustment invoice to the seller. This invoice shall be the basis for a credit entry for the warehouse in the Buyers Corrections Account and a corresponding purchase (debit entry), in a case of a dealer, on the Dealer's MQ–79 (Dealer's Record). If a warehouse maintains a daily summary of billouts, the balancing figure reflected thereon, if any, shall not be included in the Buyers Corrections Account.

(4) Any warehouseman or any other person who grades tobacco for farmers shall maintain records which will enable him to furnish the ASC State office the name of the farm operator and the approximate amount of scrap tobacco obtained from the grading of tobacco from each farm.

(5) Any warehouseman or any other person who provides tobacco curing space or stripping space for farmers shall maintain records which will enable him to furnish the ASC State office the name of the farm operator and the approximate amount of scrap tobacco obtained from each farm resulting from providing such space.

(6) In the case of resales for dealers, the name of the dealer making each resale shall be shown on the warehouse records so that the individual lots of tobacco sold by the dealer can be identified.

(b) *Identification of sale on check register (or ledger account in case of a sale through a hogshead tobacco warehouse).* The serial number of the memorandum of sale issued to identify each warehouse sale by a producer or the serial number of the warehouse bill(s) covering each such sale shall be recorded on the check register or check stub for the check written with respect to such sale of tobacco (or on the ledger account in the case of a sale through a hogshead tobacco warehouse).

(c) *Memorandum of sale and bill of nonwarehouse sale.* A record in the form of a valid memorandum of sale or a MQ–82—Tobacco, Sale Without Marketing Card, shall be obtained by a warehouseman to cover each marketing of tobacco from a farm through the warehouse and each nonwarehouse sale of tobacco purchased by or for the warehouseman. For a nonwarehouse sale of tobacco purchased by or for a warehouseman, no memorandum of sale shall be issued unless the bill of nonwarehouse sale on the reverse side of the memorandum is executed. Any warehouseman or any other person who obtains possession of any scrap tobacco in the course of grading tobacco from any farm and any warehouseman who obtains possession of any scrap tobacco as a result of providing curing space or stripping space for farmers shall obtain a bill of nonwarehouse sale and a memorandum of sale to cover the amount of such scrap tobacco.

(d) *Suspended sale record.* Any warehouse bills covering farm tobacco for which memoranda of sale have not been issued at the end of the sale day shall be presented to a field assistant who shall stamp such bills "suspended", write thereon the serial number of the suspended sale, and, if the warehouse is not a hogshead warehouse, record the bills on MQ–83—Tobacco, Field Assistant's Report: *Provided,* That, if a field assistant is not available, the warehouseman may stamp such bills "suspended" and deliver them to a field assistant when one is available.

(e) *Warehouse entries on dealer's record; old crops.* Each warehouseman, other than a hogshead tobacco warehouseman, shall record, or have the dealer record, on MQ–79—Tobacco, the total purchases and resales made by each dealer or other warehouseman during each sale day at the warehouse and regardless of who makes the entries, the warehouseman shall enter his initials in the space provided. If any tobacco resold by the dealer is tobacco bought by

him from a crop produced prior to 1961, the entry on MQ–79—Tobacco shall clearly show such fact.

(f) *Record and report of purchases and resales.* Each warehouseman shall keep a record and make reports on MQ–79—Tobacco, Dealer's Record, showing:

(1) All purchases of tobacco directly from producers other than at public auction through a warehouse (nonwarehouse sales) (also including, in the case of a hogshead tobacco warehouseman, purchases at the hogshead tobacco warehouse by or for such warehouseman from producers).

(2) All purchases and resales, by or for the warehouse, of tobacco at public auction through warehouses other than his own.

(3) All purchases of tobacco from dealers other than warehousemen and resales of tobacco to dealers other than warehousemen.

(4) Resales of floor sweepings separately from leaf account tobacco, as these terms are defined under § 727.1231.

MQ–79—Tobacco shall be prepared and a copy forwarded to the ASC State office not later than the end of the calendar week in which such tobacco was purchased or resold: *Provided,* That if tobacco is purchased prior to the opening of the local auction market an MQ–79—Tobacco shall be prepared and a copy forwarded to the ASC State office not later than the end of the calendar week which includes the first sale day of the local auction markets. A remittance for all penalties shown by the entries on MQ–79—Tobacco and on the memoranda of sale to be due shall be forwarded to the ASC State office with the original copy of MQ–79—Tobacco.

(g) *Season report of warehouse business.* (1) Each warehouseman, other than a hogshead tobacco warehouseman, shall furnish the ASC State office not later than thirty (30) days following the last sale day of the marketing season a report on MQ–80—Tobacco, Auction Warehouse Report, showing:

(i) For each dealer or buyer, as originally billed, the total pounds and gross amount of tobacco purchased at auction and resold at auction on the warehouse floor.

(ii) The total pounds and gross amount of "loan tobacco" billed to any association.

(iii) The total pounds and gross amount of all leaf account purchases at auction on the warehouseman's own floor and the total pounds and gross amount of all leaf account resales at auction on the warehouseman's own floor including resales of tobacco from Buyers Corrections Account.

(iv) The total pounds and gross amount of all resales at auction on the warehouseman's own floor of floor sweepings which accumulated on the warehouseman's own floor; and such report of resales of floor sweepings shall not include leaf account tobacco as the terms floor sweepings and leaf account are defined under § 727.1231.

(v) The total pounds and gross amount of all tobacco purchased directly from farmers other than at public auction through a warehouse.

(vi) The total pounds and gross amount of all purchases and resales of all leaf account tobacco at other warehouses and purchases from and resales to dealers.

(vii) The total pounds and gross amount of resales of floor sweepings which accumulated on the warehouseman's own floor and sold at other warehouses or to dealers, and such report of resales of floor sweepings shall not include leaf account tobacco, as the terms floor sweepings and leaf account are defined under § 727.1231.

(viii) The pounds and estimated value of all tobacco on hand at the time of filing the report and whether such tobacco represents leaf account tobacco, or floor sweepings which accumulated on the warehouseman's own floor.

(ix) The sum of the debits and the sum of the credits, pounds and amounts, from the Buyers Corrections Account (§ 727.1253(a)(3)).

(x) A hogshead tobacco warehouseman, also, shall report all leaf account tobacco purchased or sold and all floor sweepings sold, if any, through the warehouse.

(2) A hogshead tobacco warehouseman shall furnish the ASC State committee, not later than October 10, 1961, a report showing the producer's name (or the name of the dealer in the case of tobacco received from a dealer), the hogshead number and pounds of tobacco in each hogshead received, but which is on hand and unsold as of the close of business on September 30, 1961: *Provided,* That such report shall not include any tobacco which was previously reported as being on hand in such hogshead warehouse as of the close of business, September 30, 1960, under § 727.1231(t)(3).

(3) A hogshead tobacco warehouseman shall submit weekly reports, except as to tobacco excluded from the definition of "tobacco" by § 727.1231(t)(3), (each such report to be submitted not later than the end of the calendar week during which the transactions occurred) to the ASC State office including for each buyer who purchased tobacco (and any association to which any "loan" tobacco was consigned) through the warehouse during the week for which the report is submitted, a copy of the billout to the buyer (or association) together with the following:

(i) Name of farm operator (and name of seller if different from operator) for each sale of farm tobacco.

(ii) Farm serial number of the farm for each sale of farm tobacco.

(iii) Serial number of memorandum of sale or memorandum of sale without marketing card executed with respect to each sale of farm tobacco.

(iv) Date of sale (or date of consignment to loan association).

(v) Hogshead serial number.

(vi) Number of pounds of tobacco in the hogshead.

(vii) Designation as to the year the tobacco in the hogshead was produced.

(viii) A memorandum of sale or a memorandum of sale without marketing card for each sale of farm tobacco produced in 1961 and a memorandum of sale or a memorandum of sale without marketing card for each sale of farm tobacco produced prior to 1961.

(ix) A remittance of the penalty due as shown on all memoranda of sale and memoranda of sale without marketing card.

(x) Designation by the word "resale" and the name of the person reselling the tobacco entered on the billout for tobacco resold through the hogshead warehouse.

§ 727.1254 Dealer's records and reports.

Each dealer, except as provided in § 727.1255, shall keep the records and make the reports as provided by this section.

(a) *Report of dealer's name, address and registration number.* Each dealer shall properly execute and the field assistant (or the dealer, if the tobacco is to be marketed through a hogshead tobacco warehouse) shall detach and forward to the ASC State office "Receipt for Dealer's Record" contained in MQ–79—Tobacco, which is issued to the dealer.

(b) *Record of marketings.* Each dealer shall keep such records as will enable him to furnish the ASC State office with respect to each lot of tobacco purchased by him the following information:

(1) The name of the warehouse through which the tobacco was purchased in the case of a warehouse sale; the name of the operator of the farm on which the tobacco was produced and the name of the seller in the case of a nonwarehouse sale, including the records and reports for farm scrap tobacco set forth in § 727.1253(a)(4)(5) and (c); and the name of the seller in the case of purchases directly from warehousemen or other dealers.

(2) Date of purchase.

(3) Number of pounds purchased.

(4) Gross purchase price.

(5) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer(s); and, with respect to each lot of tobacco sold by him, the following information:

(6) Name of the warehouse through which the tobacco was sold in the case of a warehouse sale, and the name of the purchaser if other than a warehouse sale.

(7) Date of sale.

(8) Number of pounds sold.

(9) Gross sale price.

(10) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer(s).

(11) In the event of a resale of tobacco bought by him and carried over from a crop produced prior to 1961, the fact that such tobacco was bought by him from a crop produced prior to 1961.

(c) *Memorandum of sale and bill of nonwarehouse sale.* A bill of nonwarehouse sale and a memorandum of sale from the 1961 marketing card issued for the farm on which the tobacco was produced shall be obtained by a dealer to cover each purchase of tobacco directly from a producer other than at auction through a warehouse, including farm

scrap tobacco obtained as set forth in § 727.1253 (a)(4)(5) and (c). No memorandum of sale shall be issued identifying such purchase unless the bill of nonwarehouse sale on the reverse side of the memorandum of sale has been executed. Nonwarehouse purchases shall be recorded by the dealer or the field assistant on MQ–79—Tobacco, Dealer's Record, and the field assistant shall enter his initials in the space provided.

(d) *Record and report of purchases and resales.* Each dealer shall keep a record and make reports on MQ–79—Tobacco, Dealer's Record, showing all purchases and resales of tobacco made by or for the dealer and, in the event of a purchase or resale of tobacco brought from a crop produced prior to 1961, the fact that such tobacco was bought by him and carried over from a crop produced prior to 1961. MQ–79—Tobacco shall be prepared and a copy forwarded to the ASC State office not later than the end of the calendar week in which tobacco was purchased or resold, including the original copy of any spoiled reports: *Provided,* That if tobacco is purchased prior to the opening of the local auction market an MQ–79—Tobacco shall be prepared and a copy forwarded to the ASC State office not later than the end of the calendar week which would include the first sale day of the local auction markets. A remittance for all penalties shown by the entries on MQ–79—Tobacco and on the memoranda of sale to be due shall be forwarded to the ASC State office with the original copy of MQ–79—Tobacco.

(e) *Report to warehousemen for Buyers Corrections Account of Tobacco Received.* Notwithstanding the provisions of § 727.1255, any dealer, buyer or any other person receiving tobacco from or through a warehouseman at an auction sale or otherwise, which is not invoiced to him or which is incorrectly invoiced to him by the warehouseman, shall furnish the warehouseman an invoice or an adjustment invoice correctly setting forth the pounds and dollars for which he has not been invoiced or for which he has been invoiced incorrectly.

§ 727.1255 Dealers exempt from regular records and reports.

Any dealer or buyer who does not purchase or otherwise acquire tobacco except at warehouse sales, or directly from dealers other than warehousemen, and who does not resell in the form in which tobacco ordinarily is sold by farmers more than 10 percent of such tobacco so purchased by him shall not be subject to the provisions of § 727.1254: *Provided, however,* That, any such dealer or buyer who purchases tobacco at nonwarehouse sale, or from a warehouseman other than at warehouse sale shall be subject to the provisions of § 727.-1254 with respect to such purchases.

§ 727.1256 Records and reports of truckers and persons redrying, prizing or stemming tobacco.

(a) Each person operating as a common carrier or private carrier, who is engaged to any extent in the business of trucking or hauling tobacco for producers to a point where it may be marketed or otherwise disposed of in the form and in the condition in which it is usually marketed by producers, shall keep such records as will enable him to furnish the ASC State office a report with respect to each lot of tobacco received by him showing:

(1) The name and address of the producer;

(2) The date of receipt of the tobacco;

(3) The number of pounds received; and,

(4) The name and address of the person to whom it was delivered.

(b) Each person engaged to any extent in the business of redrying, prizing or stemming tobacco for producers shall keep such records as will enable him to furnish the Director a report showing:

(1) The information required above for truckers, and in addition,

(2) The purpose for which the tobacco was received.

(3) The amount of advance made by him on the tobacco, and

(4) The disposition of the tobacco.

§ 727.1257 Separate records and reports from persons engaged in more than one business.

Any person who is required to keep any record or make any report as a warehouseman, processor, dealer, trucker, or as a person engaged in the business of redrying, prizing or stemming tobacco for producers and who is engaged in more than one such business, shall keep such records as will enable him to make separate reports for each such business in which he is engaged to the same extent for each such business as if he were engaged in no other business.

§ 727.1258 Failure to keep records and make reports or making false reports or records.

(a) *Misdemeanor provisions.* Any warehouseman, processor, dealer, trucker, or persons engaged in the business of redrying, prizing or stemming tobacco for producers, who fails to make any report or keep any record as required under §§ 727.1230 through 727.1261, or who makes any false report or record, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500; and any tobacco warehouseman or dealer who fails to remedy such violation by making a complete and accurate report or keeping a complete and accurate record as required under §§ 727.1230 through 727.1261 within fifteen days after notice to him of such violation shall be subject to an additional fine of $100 for each ten thousand pounds of tobacco, or fraction thereof bought or sold by him after the date of such violation: *Provided,* That such fine shall not exceed $5,000; and notice of such violation shall be served upon the tobacco warehouseman or dealer by mailing the same to him by registered mail or by posting the same at an established place of business operated by him or both.

(b) *Criminal law.* The penalties which may be imposed under paragraph (a) of this section are in addition to, and not exclusive of, any other remedies or penalties under existing law, including the provisions of U.S. Code, Title 18, sec. 371 relating to acts of conspiracy and U.S. Code, Title 18, sec. 1001 relating to acts of fraud.

§ 727.1259 Examination of records and reports.

For the purpose of ascertaining the correctness of any report made or record kept, or of obtaining information required to be furnished in any report, but not so furnished, any warehouseman, processor, dealer, trucker or person engaged in the business of redrying, prizing or stemming tobacco for producers shall make available, at one convenient place, for examination by employees of the ASC State office, and by employees of the Compliance and Investigation Division, Audit Division, and of the Tobacco Division of the Commodity Stabilization Service, United States Department of Agriculture, upon written request by the State administrative officer or Director, all such books, papers, records, basket tickets; floor sheets; buyer adjustment invoices, accounts, cancelled checks, check register, check stubs, correspondence, contracts, documents, and memoranda as the State administrative officer or Director has reason to believe are relevant and are within the control of such person.

§ 727.1260 Length of time records and reports are to be kept.

Records required to be kept and copies of the reports required to be made by any person under §§ 727.1230 through 727.1261 for the 1961–62 marketing year shall be kept by him until September 30, 1964. Records shall be kept for such longer period of time as may be requested in writing by the State administrative officer or the Director.

§ 727.1261 Information confidential.

All data reported to or acquired by the Secretary pursuant to the provisions of §§ 727.1230 through 727.1261 shall be kept confidential by all officers and employees of the United States Department of Agriculture and by all members of county and community committees and all ASC county office employees and only such data so reported or acquired as the Deputy Administrator deems relevant shall be disclosed by them and then only in a suit or administrative hearing under Title III of the Act.

NOTE: The record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date: Date of filing with the Office of the Federal Register.

Signed at Washington, D.C. on June 6, 1961.

E. A. JAENKE,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 61–5412; Filed, June 9, 1961; 8:54 a.m.]

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

[Valencia Orange Reg. 231]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 922.531 Valencia Orange Regulation 231.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 8, 1961.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t, June 11, 1961, and ending at 12:01 a.m., P.s.t., June 18, 1961, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 450,000 cartons;

(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

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

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

Dated: June 8, 1961.

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

[F.R. Doc. 61–5478; Filed, June 9, 1961; 11:20 a.m.]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Expenses and Fixing of Rates of Assessment for 1961–62 Season

On May 20, 1961, notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 4404) regarding the expenses and the fixing of the rates of assessment for the 1961–62 season pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Control Committee (established pursuant to said amended marketing agreement and order) and set forth in the aforesaid notice, it is hereby found and determined that:

§ 936.216 Expenses and rates of assessment for the 1961–62 season.

(a) *Expenses.* The expenses likely to be incurred by the Control Committee during the 1961–62 season beginning March 1, 1961, and ending February 28, 1962, both dates inclusive, for the maintenance and functioning of such committee and the respective commodity committees, established pursuant to the provisions of the aforesaid amended marketing agreement and order, are as follows:

(1) Bartlett pears, $18,202.06;

(2) Early varieties of plums, $20,253.12;

(3) Late varieties of plums, $22,210.60; and

(4) Elberta peaches, $13,499.22.

(b) *Rates of assessment.* The following rates of assessment, which each handler shall pay in accordance with the applicable provisions of said amended marketing agreement and order, are hereby fixed as the respective handler's pro rata share of the aforesaid expenses:

(1) 8 and ½ mills ($0.0085) per standard western pear box of Bartlett pears, or its equivalent in other containers or in bulk;

(2) 8 and ½ mills ($0.0085) per standard four-basket crate of early varieties of plums, or its equivalent in other containers or in bulk, and

(3) 8 and ½ mills ($0.0085) per standard four-basket crate of late varieties of plums, or its equivalent in other containers or in bulk, and

(4) 5 mills ($0.005) per California peach box of Elberta peaches, or its equivalent in other containers or in bulk.

(c) *Meaning of terms.* Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the relevant provisions of said amended marketing agreement and order and this part require that the rates of assessment fixed for a particular season be applicable to all fresh Bartlett pears, early varieties of plums, late varieties of plums, and Elberta peaches from the beginning of such season; and (2) the current season began on March 1, 1961, and the rates of assessment herein fixed will automatically apply to all Bartlett pears, early varieties of plums, late varieties of plums, and Elberta peaches beginning with such date.

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

Dated: June 7, 1961.

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

[F.R. Doc. 61–5402; Filed, June 9, 1961; 8:53 a.m.]

[Lemon Reg. 903]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.1010 Lemon Regulation 903.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 6, 1961.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., June 11, 1961, and ending at 12:01 a.m., P.s.t., June 18, 1961, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 418,500 cartons;

(iii) District 3: Unlimited movement.

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

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

Dated: June 7, 1961.

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

[F.R. Doc. 61–5401; Filed, June 9, 1961; 8:52 a.m.]

PART 958—IRISH POTATOES GROWN IN COLORADO

Handling

Notice of rule making with respect to proposed rules and regulations to be made effective under Marketing Agreement No. 97 and Order No. 58 as amended (7 CFR Part 958), regulating the handling of Irish potatoes grown in the State of Colorado, was published in the FEDERAL REGISTER of June 1, 1961 (26 F.R. 4855). This program is effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested parties an opportunity to file data, views, or arguments pertaining thereto not later than 5 days after publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters, including the proposals set forth in the aforesaid notice, the following rules and regulations are hereby approved.

GENERAL

Sec.
958.100 Order.
958.101 Terms.
958.102 Communications.
958.103 Term of office.
958.104 Fiscal period.

AUTHORITY: §§ 958.100 to 958.104 issued under Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

GENERAL

§ 958.100 Order.

"Order" means §§ 958.1 to 958.92 (Order No. 58 as amended) regulating the handling of Irish potatoes grown in the State of Colorado.

§ 958.101 Terms.

The terms used in this subpart shall have the same meaning as when used in §§ 958.1 to 958.92.

§ 958.102 Communications.

Unless otherwise provided in §§ 958.1 to 958.92, or by specific direction of an area committee, all reports, applications, submittals, requests and communications in connection with the order shall be addressed to the office of the committee for the area in which the potatoes involved are grown.

§ 958.103 Fiscal period.

Each fiscal period shall begin on June 1 of each year and end on May 31 of the following year, both dates inclusive.

§ 958.104 Term of office.

The two-year term of office for area committee members and alternates shall begin June 1 and end May 31 of the second year following; and the one-year term of office for Colorado Potato Committee members shall begin as of June 1 each year.

It is hereby found that good cause exists for not postponing the effective date of these rules and regulations beyond the date of publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) it is necessary to place these rules and regulations in effect at the earliest possible date in order to facilitate operations under the marketing agreement and order, and (2) notice hereof has been given by publication in the FEDERAL REGISTER of June 1, 1961 (26 F.R. 4855).

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

Effective date. Dated June 7, 1961, to become effective upon publication in the FEDERAL REGISTER.

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

[F.R. Doc. 61–5378; Filed, June 9, 1961; 8:47 a.m.]

[Milk Order 73]

PART 973—MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Minneapolis-St. Paul marketing area (7 CFR Part 973), it is hereby found and determined that:

(a) The following provision of the order, no longer tends to effectuate the declared policy of the Act:

In § 973.8 the provision "which is subject to the class price provisions of another milk marketing agreement or order issued pursuant to the Act".

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension is necessary to make possible the qualification of certain separate facilities in a cooperative supply plant as a pool plant thereby allowing dairy farmers shipping to this portion of the plant to retain producer status under the order while avoiding regulation of the entire plant operation.

(4) This suspension order has been requested by a cooperative association serving the market and is supported by cooperative associations representing 98 percent of the producers under the order.

Therefore, good cause exists for making this order effective July 1, 1961.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended effective July 1, 1961.

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

Issued at Washington, D.C., June 7, 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61–5408; Filed, June 9, 1961; 8:54 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2397]

[Nevada 055783]

NEVADA

Partially Revoking the Executive Order of March 8, 1920 (Public Water Reserve No. 70)

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

1. The Executive order of March 8, 1920, which established Public Water Reserve No. 70, is hereby revoked so far as it affects the following-described land in Nevada:

MOUNT DIABLO MERIDIAN

T. 44 N., R. 52 E.,
Sec. 5, SE¼SE¼.

The area described contains 40 acres.

2. The land is located within the Elko Grazing District, on the west slopes of Bull Run Mountain, and immediately adjacent to the Humboldt National Forest on the east. Topography is undulating, and elevation is slightly in excess of 6,000 feet.

3. The lands are hereby restored to operation of the public land laws subject to valid existing rights, to equitable claims, the requirements of applicable law, rules, and regulations, and the provisions of any existing withdrawals.

4. The lands have been open to applications and offers under the mineral leasing laws, and to locations for metalliferous minerals. They will be open to location for nonmetalliferous minerals under the United States mining laws at 10:00 a.m. on July 12, 1961.

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

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

JUNE 6, 1961.

[F.R. Doc. 61-5374; Filed, June 9, 1961; 8:46 a.m.]

[Public Land Order 2398]

[1237873]

[Nevada 048835]

NEVADA

Partly Revoking Executive Orders No. 4531 of October 27, 1926, and No. 6958 of February 4, 1935, Which Withdrew Lands for Use of the Department of the Navy (Hawthorne Ammunition Depot)

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

1. Executive Orders No. 4531 of October 27, 1926, and No. 6958 of February 4, 1935, which withdrew lands in Nevada for use of the Department of the Navy as an ammunition depot, are hereby revoked so far as they affect the following-described lands:

MOUNT DIABLO MERIDIAN

T. 7 N., R. 28 E.,
Secs. 2 to 4, incl.;
Secs. 9 to 16, incl.;
Secs. 21 to 24, incl.
T. 8 N., R. 28 E.,
Secs. 4 and 9;
Sec. 10, W½;
Sec. 15, W½, SE¼, S½NE¼, and NW¼NE¼;
Secs. 16, 21, 22, 26 to 28, incl., and 33 to 35, incl.
T. 9 N., R. 28 E.,
Secs. 1 to 4, incl., and 9;
Sec. 10, N½;
Secs. 16, 21, 28, and 33.
T. 7 N., R. 29 E.,
Secs. 1 to 4, incl., and 7 to 24, incl.
T. 8 N., R. 29 E.,
Secs. 34 to 36, incl.
T. 9 N., R. 29 E.,
Secs. 5 and 6.
T. 7 N., R. 30 E.,
Sec. 4, NW¼NW¼;
Sec. 5, N½, SW¼, N½SE¼, and SW¼SE¼;
Secs. 6 and 7;
Sec. 8, W½;
Sec. 17, W½ and W½E½;
Secs. 18 to 20, incl., and 29 to 33, incl.
T. 8 N., R. 30 E.,
Sec. 22, Parcels 1, 2, and 3, described as follows:

PARCEL 1

Beginning at a Brass Cap Monument at the southeast corner of the aforesaid Sec. 22; thence

(1) South 89°41'16" West, 2632.28 feet along the south boundary line of the aforesaid sec. 22, and the north boundary line of the Town of Hawthorne (Sec. 27) to its intersection with a northeasterly right-of-way line of U.S. Highway No. 95; thence

(2) North 25°55'26" West, 553.54 feet along a northeasterly right-of-way line of U.S. Highway No. 95 to a point thereon; thence

(3) South 89°38'43" West, 119.11 feet along a northerly right-of-way line of U.S. Highway No. 95 (at 46.81 feet crossing the center line of the 40 foot wide Navy road to Thorne) to its intersection with the easterly boundary line extended southerly of an existing cemetery; thence leaving said northerly right-of-way line of U.S. Highway 95

(4) North 0°16'04" West, 526.25 feet along the easterly boundary line of an existing cemetery to a point; thence

(5) North 89°41'16" East, 2990.24 feet (at 86.0 feet crossing the center line of the 40 foot wide Navy road to Thorne) to a point in the east boundary line of the aforesaid Section 22; thence

(6) South 0°18'44" East, 1025.32 feet along the east boundary line of the aforesaid Section 22 to the point of beginning. Containing 67.66 acres, more or less, as shown on Record of Survey Map, Recorder's Serial No. 65395.

PARCEL 2

Beginning at a point in a northeasterly right-of-way line of U.S. Highway No. 95 distant thereon North 81°46'03" West, 3358.42 feet from the southeast corner of the aforesaid sec. 22, from said point of beginning; thence

(1) North 54°44'54" West, 534.79 feet along a northeasterly right-of-way line of U.S. Highway No. 95 to a point thereon; thence leaving said right-of-way line

(2) North 77°06'25" East, 478.50 feet to a point in the westerly boundary line of an existing cemetery; thence

(3) South 0°22'11" East, 415.24 feet along the westerly boundary line of an existing cemetery to a point in a northerly right-of-way line of U.S. Highway No. 95; thence

(4) South 89°38'43" West, 32.40 feet along a northerly right-of-way line of U.S. Highway No. 95 to the point of beginning. Containing in said Parcel 2, 2.34 acres, more or less, as shown on Record of Survey Map, Recorder's Serial No. 65396.

Parcel 3

Beginning at a point in the south boundary line of the aforesaid Section 22 distant thereon 3262.59 feet, South 89°41'16" West from the southeast corner of said Section 22, from said point of beginning; thence

(1) South 89°41'16" West, 2079.25 feet along the south boundary line of the aforesaid Section 22, and the north boundary line of the Town of Hawthorne, Nevada (Section 27) to the southwest corner of said Section 22; thence leaving said south boundary line of said Section 22

(2) North 0°05'24" East, 339.34 feet along the west boundary line of the aforesaid Section 22 to a point thereon; thence leaving said west boundary line

(3) North 35°18'57" East, 1203.78 feet to a point on a southwesterly right-of-way line of U.S. Highway No. 95; thence

(4) South 54°44'54" East, 1547.64 feet along a southwesterly right-of-way line of U.S. Highway No. 95 to a point thereon; thence

(5) South 15°55'25" East, 433.66 feet along a southwesterly right-of-way line of U.S. Highway No. 95 to the point of beginning. Containing in said Parcel 3, 38.99 acres, more or less, as shown on Record of Survey Map, Recorder's Serial No. 65393.

Secs. 28, 31, and 32;
Sec. 33, N½, SW¼, and NW¼SE¼;
Sec. 34, N½NW¼ and NW¼NE¼.
T. 7 N., R. 31 E.,
Secs. 1, 12, 13, 24, 25, and 36.
T. 8 N., R. 31 E.,
Secs. 24, 25, and 36.

The areas described aggregate approximately 57,189 acres, of which approximately 43,025 acres are public lands. A copy of the Record of Survey Map is filed with the Bureau of Land Management under Nevada 048835 and Misc. 1237873.

2. The lands are situated within Mineral County, Nevada. Topography varies widely and includes mountain tops, steep hillsides, undulating bench lands and valley floor. Elevation ranges from slightly less than 4,500 to over 10,500 feet above sea level.

3. The following-described lands were segregated from all forms of entry under the public land laws including the mining and mineral leasing laws by section 4 of the act of September 13, 1960 (74 Stat. 880; Public Law 86-742), pending their conveyance to the County of Mineral, Nevada, as provided by the said act. These lands, therefore, are not subject to the opening provisions of this order:

T. 7 N., R. 29 E.,
Sec. 10, N½NW¼ and NW¼NE¼.
T. 7 N., R. 30 E.,
Sec. 4, NW¼NW¼;
Sec. 5, NE¼, W½SE¼, and NE¼SE¼.

T. 8 N., R. 30 E.,
Sec. 22, S½S½;
Sec. 28;
Sec. 32, SE¼;
Sec. 33, N½, SW¼, and NW¼SE¼;
Sec. 34, N½NW¼ and NW¼NE¼.

4. The following-described lands are wholly or partly withdrawn by the Executive order of April 17, 1926, for public water reserves:

T. 7 N., R. 28 E.,
Sec. 10, E½SE¼;
Sec. 11, NW¼SW¼;
Sec. 15, N½NE¼, SW¼NE¼, SE¼NW¼, E½SW¼, and SW¼SW¼;
Sec. 21, NE¼;
Sec. 22, NW¼NW¼.

5. The public lands described in Paragraph 1 of this order, less those described in Paragraphs 3 and 4, are hereby restored to operation of the public land laws, including locations for nonmetalliferous minerals under the United States mining laws, beginning at 10:00 a.m. on July 12, 1961, subject to valid existing rights, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals.

6. The lands have been open to applications and offers under the mineral leasing laws and to locations for metalliferous minerals.

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

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

JUNE 6, 1961.

[F.R. Doc. 61-5375; Filed, June 9, 1961; 8:46 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

The Commissioner of Food and Drugs, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85-929, as amended sec. 2, Public Law 87-19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342) and delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625) hereby authorizes the use in foods of certain additives as indirect additives for which tolerances have not yet been established or petitions therefor denied.

Section 121.91 (21 CFR 121.91) is amended by adding thereto the following items:

§121.91 Further extensions of effective date of statute for certain specified food additives as indirect additives to food.

On the basis of data supplied in accordance with § 121.84 and findings that no undue risk to the public health is involved; that conditions exist that make necessary the prescribing of an additional period of time for obtaining tolerances or denials of tolerances or for granting exemptions from tolerances; that bona fide action to determine the applicability of section 409 or to develop the scientific data necessary for action under such section was commenced before March 6, 1960, and has been thereafter pursued with reasonable diligence; that such extension is consistent with the objective of carrying to completion in good faith the scientific investigations necessary as a basis for action under such section, the following additives may be used in connection with the production, packaging, and storage of food products, under certain specified conditions and for the specified period of time, or until regulations shall have been issued in accordance with section 409 of the act, whichever occurs first. The extensions are granted under the condition that a minimum quantity of the additive will be incorporated in the food consistent with good manufacturing practice.

Product	Specified uses or restrictions	Effective date of statute extended to—
Polyethylene	Meeting the specifications of § 121.2510(c) and extractability of § 121.2510(d)(1) may be used as a component of articles intended for packing and holding food during cooking.	[1] July 1, 1962
Ethylene-butene-1 copolymer.	Meeting the specifications of § 121.2508(c) and extractability of § 121.2508(d)(1) may be used as a component of articles intended for packing and holding food during cooking.	[1] July 1, 1962
Polyethylene blending resins.	Meeting the specifications of § 121.2510(c) with extractability in xylene of no more than 75 percent at 25° C., in ethyl acetate of no more than 8 percent at 50° C., and in *n*-hexane of no more than 53 percent at 50° C., may be used as components of food packaging materials and containers except for packing and holding during cooking.	[1] July 1, 1962
Ethylene-butene-1 copolymer blending resins.	Meeting the specifications of § 121.2508(c) with extractability in xylene of no more than 75 percent at 25° C., in ethyl acetate of no more than 8 percent at 50° C., and in *n*-hexane of no more than 53 percent at 50° C., may be used as components of food packaging materials and containers except for packing and holding during cooking.	[1] July 1, 1962

[1] Progress report required by Jan. 1, 1962.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the Food Additives Amendment to the Federal Food, Drug, and Cosmetic Act were contemplated by Public Law 87-19 as a relief of restrictions on the food-processing industry.

Effective date. This order shall become effective as of the date of signature.

(Sec. 6(c), Pub. Law 85-929, as amended sec. 2, Pub. Law 87-19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342)

Dated: June 2, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-5384; Filed, June 9, 1961; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart B—Exemption of Certain Food Additives From the Requirement of Tolerances

SUBSTANCES GENERALLY RECOGNIZED AS SAFE; SPICES, SEASONINGS, ESSENTIAL OILS, OLEORESINS, NATURAL EXTRACTIVES

Pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 409, 701, 72 Stat. 1785, 52 Stat. 1055 as amendd; 21 U.S.C. 348, 371), and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), and after having considered all comments filed and all data accumulated with reference to the proposed order published in the FEDERAL REGISTER of May 19, 1960 (25 F.R. 4431), containing lists of spices, seasonings, essential oils, oleoresins, and natural extractives regarded as substances generally recognized as safe within the meaning of section 409 of the act, the Commissioner has concluded that the substances in that list are safe for their intended use. Therefore, *It is ordered,* That § 121.101 of the food additive regulations (21 CFR 121.101) be amended by adding to paragraph (e) in alphabetical order the aforementioned substances. As amended, paragraph (e) reads as follows:

§ 121.101 Substances that are generally recognized as safe.

* * * * *

(e) Spices, seasonings, essential oils, oleoresins, and natural extractives that are generally recognized as safe for their intended use, within the meaning of section 409 of the act, are as follows:

(1) SPICES AND OTHER NATURAL SEASONINGS AND FLAVORINGS (LEAVES, ROOTS, BARKS, BERRIES, ETC.)

Common name	*Botanical name of plant source*
Alfalfa herb and seed	Medicago sativa L.
Allspice	Pimenta officinalis Lindl.
Ambrette seed	Hibiscus abelmoschus L.
Angelica	Angelica archangelica L. or other spp. of Angelica.
Angelica root	Do.
Angelica seed	Do.
Angostura (cusparia bark)	Galipea officinalis Hancock.
Anise	Pimpinella anisum L.
Anise, star	Illicium verum Hook. f.
Balm (lemon balm)	Melissa officinalis L.
Basil, bush	Ocimum minimum L.
Basil, sweet	Ocimum basilicum L.
Bay	Laurus nobilis L.
Calendula	Calendula officinalis L.
Camomile (chamomile), English or Roman.	Anthemis nobilis L.
Camomile (chamomile), German or Hungarian.	Matricaria chamomilla L.
Capers	Capparis spinosa L.
Capsicum	Capsicum frutescens L. or Capsicum annuum L.
Caraway	Carum carvi L.
Caraway, black (black cumin)	Nigella sativa L.
Cardamom (cardamon)	Elettaria cardamomum Maton.
Cassia, Chinese	Cinnamomum cassia Blume.
Cassia, Padang or Batavia	Cinnamomum burmanni Blume.
Cassia, Saigon	Cinnamomum loureirii Nees.
Cayenne pepper	Capsicum frutescens L. or Capsicum annuum L.
Celery seed	Apium graveolens L.
Chervil	Anthriscus cerefolium (L.) Hoffm.
Chives	Allium schoenoprasum L.
Cinnamon, Ceylon	Cinnamomum zeylanicum Nees.
Cinnamon, Chinese	Cinnamomum cassia Blume.
Cinnamon, Saigon	Cinnamomum loureirii Nees.
Clary (clary sage)	Salvia sclarea L.
Clover	Trifolium spp.
Cloves	Eugenia caryophyllata Thunb.
Coriander	Coriandrum sativum L.
Cumin (cummin)	Cuminum cyminum L.
Cumin, black (black caraway)	Nigella sativa L.
Dill	Anethum graveolens L.
Elder flowers	Sambucus canadensis L.
Fennel, common	Foeniculum vulgare Mill.
Fennel, sweet (finocchio, Florence fennel).	Foeniculum vulgare Mill. var. dulce (DC.) Alef.
Fenugreek	Trigonella foenum-graecum L.
Galanga (galangal)	Alpinia officinarum Hance.
Garlic	Allium sativum L.
Geranium	Pelargonium spp.
Ginger	Zingiber officinale Rosc.
Glycyrrhiza	Glycyrrhiza glabra L. and other spp. of Glycyrrhiza.
Grains of paradise	Amomum melegueta Rosc.
Horehound (hoarhound)	Marrubium vulgare L.
Horseradish	Armoracia lapathifolia Gilib.
Hyssop	Hyssopus officinalis L.
Lavender	Lavandula officinalis Chaix.
Licorice	Glycyrrhiza glabra L. and other spp. of Glycyrrhiza.
Linden flowers	Tilia spp.
Mace	Myristica fragrans Houtt.
Marigold, pot	Calendula officinalis L.

SPICES AND OTHER NATURAL SEASONINGS AND FLAVORINGS (LEAVES, ROOTS, BARKS, BERRIES, ETC.)—Continued

Common name	*Botanical name of plant source*
Marjoram, pot	Majorana onites (L.) Benth.
Marjoram, sweet	Majorana hortensis Moench.
Mustard, black or brown	Brassica nigra (L.) Koch.
Mustard, brown	Brassica juncea (L.) Coss.
Mustard, white or yellow	Brassica hirta Moench.
Nutmeg	Myristica fragrans Houtt.
Oregano (oreganum, Mexican oregano, Mexican sage, origan).	Lippia spp.
Paprika	Capsicum annuum L.
Parsley	Petroselinum crispum (Mill.) Mansf.
Pepper, black	Piper nigrum L.
Pepper, cayenne	Capsicum frutescens L. or Capsicum annuum L.
Pepper, red	Do.
Pepper, white	Piper nigrum L.
Peppermint	Mentha piperita L.
Poppy seed	Papaver somniferum L.
Pot marigold	Calendula officinalis L.
Pot marjoram	Majorana onites (L.) Benth.
Rosemary	Rosmarinus officinalis L.
Rue	Ruta graveolens L.
Saffron	Crocus sativus L.
Sage	Salvia officinalis L.
Sage, Greek	Salvia triloba L.
Savory, summer	Satureia hortensis L. (Satureja).
Savory, winter	Satureia montana L. (Satureja).
Sesame	Sesamum indicum L.
Spearmint	Mentha spicata L.
Star anise	Illicium verum Hook. f.
Tarragon	Artemisia dracunculus L.
Thyme	Thymus vulgaris L.
Thyme, wild or creeping	Thymus serpyllum L.
Turmeric	Curcuma longa L.
Vanilla	Vanilla planifolia Andr. or Vanilla tahitensis J. W. Moore
Zedoary	Curcuma zedoaria Rosc.

(2) ESSENTIAL OILS, OLEORESINS (SOLVENT-FREE), AND NATURAL EXTRACTIVES (INCLUDING DISTILLATES)

Common name	*Botanical name of plant source*
Alfalfa	Medicago sativa L.
Allspice	Pimenta officinalis Lindl.
Almond, bitter (free from prussic acid)	Prunus amygdalus Batsch, Prunus armeniaca L., or Prunus persica (L.) Batsch.
Ambrette (seed)	Hibiscus moschatus Moench.
Angelica root	Angelica archangelica L.
Angelica seed	Do.
Angelica stem	Do.
Angostura (cusparia bark)	Galipea officinalis Hancock.
Anise	Pimpinella anisum L.
Asafetida	Ferula assa-foetida L. and related spp. of Ferula.
Balm (lemon balm)	Melissa officinalis L.
Balsam of Peru	Myroxylon pereirae Klotzsch.
Basil	Ocimum basilicum L.
Bay leaves	Laurus nobilis L.
Bay (myrcia oil)	Pimenta racemosa (Mill.) J. W. Moore.
Bergamot (bergamot orange)	Citrus aurantium L. subsp. bergamia Wright et Arn.
Bitter almond (free from prussic acid)	Prunus amygdalus Batsch, Prunus armeniaca L., or Prunus persica (L.) Batsch.
Bois de rose	Aniba rosaeodora Ducke.
Cacao	Theobroma cacao L.

ESSENTIAL OILS, OLEORESINS (SOLVENT-FREE), AND NATURAL EXTRACTIVES (INCLUDING DISTILLATES)—Continued

Common name	*Botanical name of plant source*
Camomile (chamomile) flowers, Hungarian.	Matricaria chamomilla L.
Camomile (chamomile) flowers, Roman or English.	Anthemis nobilis L.
Cananga	Cananga odorata Hook. f. and Thoms.
Capsicum	Capsicum frutescens L. and Capsicum annuum L.
Caraway	Carum carvi L.
Cardamom seed (cardamon)	Elettaria cardamomum Maton.
Carob bean	Ceratonia siliqua L.
Carrot	Daucus carota L.
Cascarilla bark	Croton eluteria Benn.
Cassia bark, Chinese	Cinnamomum cassia Blume.
Cassia bark, Padang or Batavia	Cinnamomum burmanni Blume.
Cassia bark, Saigon	Cinnamomum loureirii Nees.
Celery seed	Apium graveolens L.
Cherry, wild, bark	Prunus serotina Ehrh.
Chervil	Anthriscus cerefolium (L.) Hoffm.
Chicory	Cichorium intybus L.
Cinnamon bark, Ceylon	Cinnamomum zeylanicum Nees.
Cinnamon bark, Chinese	Cinnamomum cassia Blume.
Cinnamon bark, Saigon	Cinnamomum loureirii Nees.
Cinnamon leaf, Ceylon	Cinnamomum zeylanicum Nees.
Cinnamon leaf, Chinese	Cinnamomum cassia Blume.
Cinnamon leaf, Saigon	Cinnamomum loureirii Nees.
Citronella	Cymbopogon nardus Rendle.
Citrus peels	Citrus spp.
Clary (clary sage)	Salvia sclarea L.
Clove bud	Eugenia caryophyllata Thunb.
Clove leaf	Do.
Clove stem	Do.
Clover	Trifolium spp.
Coca (decocainized)	Erythroxylum coca Lam. and other spp. of Erythroxylum.
Coffee	Coffea spp.
Cola nut	Cola acuminata Schott and Endl., and other spp. of Cola.
Coriander	Coriandrum sativum L.
Corn silk	Zea mays L.
Cumin (cummin)	Cuminum cyminum L.
Curacao orange peel (orange, bitter peel).	Citrus aurantium L.
Cusparia bark	Galipea officinalis Hancock.
Dandelion	Taraxacum officinale Weber and T. laevigatum DC.
Dandelion root	Do.
Dill	Anethum graveolens L.
Dog grass (quackgrass, triticum)	Agropyron repens (L.) Beauv.
Elder flowers	Sambucus canadensis L. and S. nigra L.
Estragole (esdragol, esdragon, tarragon).	Artemisia dracunculus L.
Estragon (tarragon)	Do.
Fennel, sweet	Foeniculum vulgare Mill.
Fenugreek	Trigonella foenum-graecum L.
Galanga (galangal)	Alpinia officinarum Hance.
Garlic	Allium sativum L.
Geranium	Pelargonium spp.
Geranium, East Indian	Cymbopogon martini Stapf.
Geranium, rose	Pelargonium graveolens L'Her.
Ginger	Zingiber officinale Rosc.
Glycyrrhiza	Glycyrrhiza glabra L. and other spp. of Glycyrrhiza.
Glycyrrhizin, ammoniated	Do.
Grapefruit	Citrus paradisi Macf.

ESSENTIAL OILS, OLEORESINS (SOLVENT-FREE), AND NATURAL EXTRACTIVES (INCLUDING DISTILLATES)—Continued

Common name	*Botanical name of plant source*
Guava	Psidium spp.
Hickory bark	Carya spp.
Horehound (hoarhound)	Marrubium vulgare L.
Hops	Humulus lupulus L.
Horsemint	Monarda punctata L.
Hyssop	Hyssopus officinalis L.
Immortelle	Helichrysum augustifolium DC.
Jasmine	Jasminum officinale L. and other spp. of Jasminum.
Juniper (berries)	Juniperus communis L.
Kola nut	Cola acuminata Schott and Endl., and other spp. of Cola.
Laurel berries	Laurus nobilis L.
Laurel leaves	Do.
Lavender	Lavandula officinalis Chaix.
Lavender, spike	Lavandula latifolia Vill.
Lavandin	Hybrids between Lavandula officinalis Chaix and Lavandula latifolin Vill.
Lemon	Citrus limon (L.) Burm. f.
Lemon balm (see balm).	
Lemon grass	Cymbopogon citratus DC. and Cymbopogon flexuosus Stapf.
Lemon peel	Citrus limon (L.) Burm. f.
Licorice	Glycyrrhiza glabra L. and other spp. of Glycyrrhiza.
Lime	Citrus aurantifolia Swingle.
Linden flowers	Tilia spp.
Locust bean	Ceratonia siliqua L.
Lupulin	Humulus lupulus L.
Mace	Myristica fragrans Houtt.
Malt (extract)	Hordeum vulgare L., or other grains.
Mandarin	Citrus reticulata Blanco.
Marjoram, sweet	Majorana hortensis Moench.
Maté	Ilex paraguariensis St. Hil.
Melissa (see balm).	
Menthol	Mentha spp.
Menthyl acetate	Do.
Molasses (extract)	Saccharum officinarum L.
Mustard	Brassica spp.
Naringin	Citrus paradisi Macf.
Neroli, bigarade	Citrus aurantium L.
Nutmeg	Myristica fragrans Houtt.
Onion	Allium cepa L.
Orange, bitter, flowers	Citrus aurantium L.
Orange, bitter, peel	Do.
Orange leaf	Citrus sinensis (L.) Osbeck.
Orange, sweet	Do.
Orange, sweet, flowers	Do.
Orange, sweet, peel	Do.
Origanum	Origanum spp.
Palmarosa	Cymbopogon martini Stapf.
Paprika	Capsicum annuum L.
Parsley	Petroselinum crispum (Mill.) Mansf.
Pepper, black	Piper nigrum L.
Pepper, white	Do.
Peppermint	Mentha piperita L.
Peruvian balsam	Myroxylon pereirae Klotzsch.
Petitgrain	Citrus aurantium L.
Petitgrain lemon	Citrus limon (L.) Burm. f.
Petitgrain mandarin or tangerine	Citrus reticulata Blanco.
Pimenta	Pimenta officinalis Lindl.

ESSENTIAL OILS, OLEORESINS (SOLVENT-FREE), AND NATURAL EXTRACTIVES (INCLUDING DISTILLATES)—Continued

Common name	*Botanical name of plant source*
Pimenta leaf	Primenta officinalis Lindl.
Pipsissewa leaves	Chimaphila umbellata Nutt.
Pomegranate	Punica granatum L.
Prickly ash bark	Xanthoxylum (or Zanthoxylum) Americanum Mill. or Xanthoxylum clava-herculis L.
Rose absolute	Rosa alba L., Rosa centifolia L., Rosa damascena Mill., Rosa gallica L., and vars. of these spp.
Rose (otto of roses, attar of roses)	Do.
Rose buds	Rosa spp.
Rose flowers	Do.
Rose fruit (hips)	Do.
Rose geranium	Pelargonium graveolens L'Her.
Rose leaves	Rosa spp.
Rosemary	Rosmarinus officinalis L.
Rue	Ruta graveolens L.
Saffron	Crocus sativus L.
Sage	Salvia officinalis L.
Sage, Greek	Salvia triloba L.
Sage, Spanish	Salvia lavandulaefolia Vahl.
St. John's bread	Ceratonia siliqua L.
Savory, summer	Satureia hortensis L.
Savory, winter	Satureia montana L.
Schinus molle	Schinus molle L.
Sloe berries (blackthorn berries)	Prunus spinosa L.
Spearmint	Mentha spicata L.
Spike lavender	Lavandula latifolia Vill.
Tamarind	Tamarindus indica L.
Tangerine	Citrus reticulata Blanco.
Tannic acid	Nutgalls of Quercus infectoria Oliver and related spp. of Quercus. Also in many other plants.
Tarragon	Artemisia dracunculus L.
Tea	Thea sinensis L.
Thyme	Thymus vulgaris L. and Thymus zygis var. gracilis Boiss.
Thyme, white	Do.
Thyme, wild or creeping	Thymus serpyllum L.
Triticum (see dog grass).	
Tuberose	Polianthes tuberosa L.
Turmeric	Curcuma longa L.
Vanilla	Vanilla planifolia Andr. or Vanilla tahitensis J. W. Moore.
Violet flowers	Viola odorata L.
Violet leaves	Do.
Violet leaves absolute	Do.
Wild cherry bark	Prunus serotina Ehrh.
Ylang-ylang	Cananga odorata Hook. f. and Thoms.
Zedoary bark	Curcuma zedoaria Rosc.

(3) NATURAL SUBSTANCES USED IN CONJUNCTION WITH SPICES AND OTHER NATURAL SEASONINGS AND FLAVORINGS

Common name	*Botanical name of plant source*
Algae, brown (kelp)	Laminaria spp. and Nereocystis spp.
Algae, red	Porphyra spp. and Rhodymenia palmata (L.) Grev.
Dulse	Rhodymenia palmata (L.)

(4) NATURAL EXTRACTIVES (SOLVENT-FREE) USED IN CONJUNCTION WITH SPICES, SEASONINGS, AND FLAVORINGS

Common name	*Botanical name of plant source*
Algae, brown	Laminaria spp. and Nereocystis spp.
Algae, red	Porphyra spp. and Rhodymenia palmata (L.) Grev.
Apricot kernel (persic oil)	Prunus armeniaca L.
Dulse	Rhodymenia palmata (L.) Grev.
Kelp (see algae, brown).	
Peach kernel (persic oil)	Prunus persica Sieb. et Zucc.
Peanut stearine	Arachis hypogaea L.
Persic oil (see apricot kernel and peach kernel).	
Quince seed	Cydonia oblonga Miller.

(5) MISCELLANEOUS

Common name	*Derivation*
Ambergris	Physeter macrocephalus L.
Castoreum	Castor fiber L. and C. canadensis Kuhl.
Civet (zibeth, zibet, zibetum)	Civet cats, Viverra civetta Schreber and Viverra zibetha Schreber.
Cognac oil, white and green	Ethyl oenanthate, so-called.
Musk (Tonquin musk)	Musk deer, Moschus moschiferus L.

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

(Secs. 409, 701, 72 Stat. 1785, 52 Stat. 1055 as amended; 21 U.S.C. 348, 371)

Dated: June 5, 1961.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61-5388; Filed, June 9, 1961; 8:50 a.m.]

PART 121—FOOD ADDITIVES

Subpart B—Exemption of Certain Food Additives From the Requirement of Tolerances

SUBSTANCES GENERALLY RECOGNIZED AS SAFE; SUBSTANCES MIGRATING TO FOOD FROM COTTON AND COTTON FABRICS USED IN DRY FOOD PACKAGING

Pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 409, 701, 72 Stat. 1785, 52 Stat. 1055 as amended; 21 U.S.C. 348, 371), and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), and after having considered all comments filed and all data accumulated with reference to the proposed order published in the FEDERAL REGISTER of April 22, 1960 (25 F.R. 3531), containing a list of substances migrating to food from cotton and cotton fabrics used in dry food packaging that are generally recognized as safe within the meaning of section 409 of the act, the Commissioner has concluded that the substances in that list are safe for their intended use. Therefore, *It is ordered,* That the food additive regulations (21 CFR 121.101) be amended by adding to § 121.101 the following new paragraph (i):

§ 121.101 Substances that are generally recognized as safe.

* * * * *

(i) Substances migrating to food from cotton and cotton fabrics used in dry food packaging that are generally recognized as safe for their intended use, within the meaning of section 409 of the act, are as follows:

Acacia (gum arabic).
Acetic acid.
Beef tallow.
Calcium chloride.
Carboxymethylcellulose.
Coconut oil, refined.
Corn dextrin.
Cornstarch.
Fish oil (hydrogenated).
Gelatin.
Guar gum.
Hydrogen peroxide.
Japan wax.
Lard.
Lard oil.
Lecithin (vegetable).
Locust bean gum (carob bean gum).
Oleic acid.
Peanut oil.
Potato starch.
Sodium acetate.

Sodium bicarbonate.
Sodium carbonate.
Sodium chloride.
Sodium hydroxide.
Sodium sulfate.
Sodium silicate.
Sodium tripolyphosphate.
Sorbose.
Soybean oil (hydrogenated).
Stearic acid.
Talc.
Tall oil.
Tallow (hydrogenated).
Tallow flakes.
Tapioca starch.
Tartaric acid.
Tetrasodium pyrophosphate.
Urea.
Wheat starch.
Zinc chloride.

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

(Secs. 409, 701, 72 Stat. 1785, 52 Stat. 1055 as amended; 21 U.S.C. 348, 371)

Dated: June 2, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-5389; Filed, June 9, 1961; 8:51 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed or Animal Feed Supplements

Correction

In F.R. 61-5199, appearing at page 5005 of the issue for Tuesday, June 6, 1961, the word "carotent" in § 121.201 (f) (1) should read "carotene".

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

METALDEHYDE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Commercial Solvents Corporation, Terre Haute, Indiana, and other relevant material, has concluded that the following regulation should issue in conformity with section 409 of the Federal Food, Drug, and Cosmetic Act with respect to the food additive metaldehyde as a preharvest spray or dust on strawberries to control slugs and snails. Therefore, pursuant to the provisions of the act (sec. 409(c) (1), 72 Stat. 1786; 21 U.S.C. 348(c) (1)), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations are amended by adding to Subpart D (21 CFR Part 121) the following new section:

§ 121.1052 Metaldehyde.

The food additive metaldehyde may be safely used as a preharvest spray or dust on strawberries to control slugs and snails, in accordance with the following prescribed conditions:

(a) The food additive is applied as a preharvest spray or dust on growing strawberries at a rate of not more than 1 pound per acre, calculated as metaldehyde, and applied not later than 14 days before first picking.

(b) A tolerance of zero is established for residues of metaldehyde on strawberries.

(c) To insure safe usage of the additive:

(1) The label of any market package of the additive shall bear, in addition to other information required by the act, the name of the additive.

(2) The label of any prepared mix or concentrate shall indicate the percentage by weight of the additive.

(3) The label shall bear adequate directions for use, in conformance with paragraph (a) of this section and may indicate that in the event the metaldehyde is removed by rain an additional application may be made provided such application is made not less than 14 days before first picking.

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

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

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

Dated: June 2, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-5385; Filed, June 9, 1961; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ETHYLENE-BUTENE-1 COPOLYMER

The Commissioner of Food and Drugs, having evaluated the data submitted in petitions filed by Food and Drug Research Laboratories, Inc., Maurice Avenue at Fifty-eighth Street, Maspeth 78, New York, New York, and Phillips Petroleum Company, Bartlesville, Oklahoma, and other relevant material, has concluded that the following food additive regulation should issue in conformance with section 409 of the Federal Food Drug, and Cosmetic Act, with respect to ethylene-butene-1 copolymer used to produce packaging materials, containers, and equipment intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food. Therefore, pursuant to the provisions of the act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), Subpart F of the food additive regulations (21 CFR Part 121) is amended by adding thereto the following new section:

§ 121.2508 Ethylene-butene-1 copolymer.

Ethylene-butene-1 copolymer may be safely used to produce packaging materials, containers, and equipment intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food in accordance with the following prescribed conditions:

(a) Ethylene-butene-1 copolymer consists of a basic resin produced by the catalytic polymerization of ethylene and butene-1 to which may have been added certain optional substances of a grade of purity suitable for use in contact with food to impart desired technological properties. Subject to any limitation prescribed in this section, the optional substances may include:

(1) Substances generally recognized as safe in food and food packaging.

(2) Substances, the use of which is permitted under applicable regulations in this part, prior sanctions, or approvals.

(b) Ethlyene - butene - 1 copolymer shall conform to the specifications prescribed in paragraph (c) of this section, and shall meet the extractability limits prescribed in paragraph (d) of this section, when tested by methods provided in paragraph (e) of this section.

(c) Specifications: (1) *Infrared identification.* Ethylene-butene-1 copolymer can be identified by its characteristic infrared spectrum.

(2) *Specific gravity.* Ethylene-butene-1 copolymer has a specific gravity of not less than 0.85 nor more than 1.00 as determined by ASTM Method D-1505.

(d) Limitations: (1) Ethylene-butene-1 copolymer may be used in contact with food, except for articles used for packing or holding food during cooking, provided that it meets the following extractability limits:

(i) Maximum soluble fraction of 11.3 percent in xylene after refluxing and subsequent cooling to 25° C.

(ii) Maximum extractable fraction of 3.1 percent when extracted with ethyl acetate at 50° C.

(iii) Maximum extractable fraction of 5.5 percent when extracted with *n*-hexane at 50° C.

(2) Ethylene-butene-1 copolymer having chemical and physical properties to attain the desired technical effect may be used as a component of an adhesive.

(e) Extractability methods: Use the extractability methods described in § 121.2510 for polyethylene.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk,

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

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

(Sec. 409(c)(1), 72 Stat. 1796; 21 U.S.C. 348(c)(1))

Dated: June 2, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-5386; Filed, June 9, 1961; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

POLYETHYLENE

The Commissioner of Food and Drugs, having evaluated the data submitted in petitions filed by Food and Drug Research Laboratories, Inc., Maurice Avenue at Fifty-eighth Street, Maspeth 78, New York, New York, and Phillips Petroleum Company, Bartlesville, Oklahoma, and other relevant material, has concluded that the following food additive regulation should issue in conformance with section 409 of the Federal Food, Drug, and Cosmetic Act, with respect to polyethylene used to produce packaging materials, containers, and equipment intended for use in producing, manufacturing, packaging, processing, preparing, treating, packing, transporting, or holding food. Therefore, pursuant to the provisions of the act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), Subpart F of the food additive regulations (21 CFR 121) is amended by adding thereto the following new section:

§ 121.2510 Polyethylene.

Polyethylene may be safely used to produce packaging materials, containers, and equipment intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, in accordance with the following prescribed conditions:

(a) Polyethylene consists of a basic resin produced by the catalytic polymerization of ethylene to which may have been added certain optional substances of a grade of purity suitable for use in contact with food to impart desired technological properties. Subject to any limitation prescribed in this section, the optional substances may include:

(1) Substances generally recognized as safe in food and food packaging.

(2) Substances the use of which is permitted under regulations in this part, prior sanctions, or approvals.

(b) Polyethylene shall conform to the specifications prescribed in paragraph (c) of this section, and shall meet the extractability limits prescribed in paragraph (d) of this section when tested by the methods provided in paragraph (e) of this section.

(c) Specifications: (1) *Infrared identification.* Polyethylene can be identified by its characteristic infrared spectrum.

(2) *Specific gravity.* Polyethylene has a specific gravity of not less than 0.85 nor more than 1.00, as determined by ASTM Method D-1505.

(d) Extractability limitations: (1) Polyethylene may be used in contact with food, except for articles used for packing or holding food during cooking, provided it meets the following extractability limits:

(i) Maximum soluble fraction of 11.3 percent in xylene after refluxing and subsequent cooling to 25° C.

(ii) Maximum extractable fraction of 3.1 percent when extracted with ethyl acetate at 50° C.

(iii) Maximum extractable fraction of 5.5 percent when extracted with *n*-hexane at 50° C.

(2) Polyethylene having chemical and physical properties to attain the desired technical effect may be used as a component of adhesives.

(e) Extractability methods: (1) *Hexane extractables in polyethylene (applicable to polyethylene in film form not exceeding 5 mils thickness)*—(i) *Special apparatus*—(*a*) *Extraction apparatus.* Two-liter, straight-walled, Pyrex glass resin kettles, fitted with three-hole ground covers, are most convenient for this purpose. The cover is fitted with a thermometer, a gas-tight stirrer driven by an air motor or explosion-proof electric motor, and a reflux condenser. The kettle is fitted with an electric heating mantle of appropriate size and shape which is controlled by a variable-voltage transformer.

(*b*) *Evaporating apparatus.* Rapid evaporation of large volumes of solvent requires special precautions to prevent contamination by dust. This is facilitated by a special "gas" cover which consists of an inverted, flat Pyrex crystallizing dish of an appropriate size (190 millimeters by 100 millimeters) to fit a 1-liter beaker. Through the center of the dish are sealed an inlet tube for preheated, oxygen-free nitrogen, and an outlet tube located 1 inch off center. Nitrogen is fed from the supply source through a coil of ¼-inch stainless steel tubing immersed in the same steam bath used to supply heat for solvent evaporation. All connections are made with flexible tetrafluoroethylene tubing.

(ii) *Reagents*—(*a*) *n-Hexane.* Spectro-grade *n*-hexane.

(*b*) *Nitrogen.* High purity, dry nitrogen containing less than 10 parts per million of oxygen.

(iii) *Procedure.* (*a*) The film sample is cut into approximately 1-inch squares by any convenient method that avoids contamination by dust, dirt, or grease (do not touch with bare fingers). Transfer 2.5 grams (accurately weighed to nearest 0.001 gram) of the cut film to the resin kettle with the aid of forceps. Add 1 liter of solvent and clamp top in position. Start water flowing through jacket of the reflux condenser and apply air pressure to the stirring motor to produce vigorous agitation. Turn on heating jacket with transformer set at a predetermined voltage to bring the temperature of the contents to 50.0° C. within 20–25 minutes for hexane. As the thermometer reading approaches 45° C.–47° C. for hexane, reduce the voltage to the predetermined setting which will just maintain the temperature at 50° C. Do not overshoot the prescribed temperature. Should this occur, discard the test and start afresh.

(*b*) Exactly 2 hours after the hexane temperature has reached 50° C. disconnect the heater and remove the resin kettle from the heating jacket. When extracting with hexane, decant the solvent, while still at 50° C., through a coarse filter paper placed on top of a fritted glass funnel, collecting the filtrate in a tared, glass-stoppered Erlenmeyer flask of 1-liter capacity.

(*c*) Determine to the nearest gram the weight of the filtrate recovered. Recovery should be at least 90 percent of the original solvent. Losses due to evaporation during heating and filtering have been found not to exceed 10 percent.

(*d*) Transfer about half of the solvent filtrate to a 1-liter beaker placed on an opening in the steam bath and immediately cover with the special "gas" cover the inlet tube of which has been attached with flexible tetrafluoroethylene tubing to a source of high purity nitrogen in series with a stainless steel heating coil immersed directly in the body of the steam bath. Maintain a positive flow of warm nitrogen gas throughout the evaporation of the solvent, adding the remainder of the filtrate from the Erlenmeyer flask as the evaporation proceeds. When the volume of the solvent has been reduced to about 50 milliliters, transfer the concentrated liquid to a previously tared weighing dish of suitable size. Wash the beaker twice with 20–30-milliliter portions of warm solvent, adding the washings to the weighing dish while continuing to evaporate the remainder of the solvent under the gas cover with its flow of warm nitrogen directed toward the center of the dish.

(*e*) In the event that an insoluble residue that cannot be removed with warm solvent remains in the beaker, it may be necessary to heat with a small amount of a higher boiling solvent such as benzene or toluene, transferring these washings to the weighing dish before final evaporation to dryness.

(*f*) Transfer the weighing dish with its residue to a vacuum desiccator, and allow it to remain overnight (at least 12 hours), after which the net weight of

the dry residue is determined to the nearest 0.0001 gram. Correct the result for any solvent blank equivalent to the nonvolatile matter determined to be contained in the amount of solvents used in the test.

(iv) *Note.* The procedure described in this subparagraph is suitable for the extraction of polymer powders (80-mesh or finer) that have been prepared by grinding molding pellets or molded or extruded articles through a laboratory mill under conditions that prevent excessive heating of the samples (below 35° C.)

(2) *Limit test for ethyl acetate extractables (applicable to polymer in film form not exceeding 5 mils thickness)*—(i) *Special apparatus*—(*a*) *Extraction apparatus.* Two-liter, straight-walled, Pyrex glass resin kettles, fitted with three-hole ground covers, are most convenient for this purpose. The cover is fitted with a thermometer, a gas-tight stirrer driven by an air motor or explosion-proof electric motor, and a reflux condenser. The kettle is fitted with an electric heating mantle of appropriate size and shape which is controlled by a variable-voltage transformer.

(*b*) *Evaporating apparatus.* Rapid evaporation of large volumes of solvent requires special precautions to prevent contamination by dust. This is facilitated by a special "gas" cover which consists of an inverted flat Pyrex crystallizing dish of an appropriate size (190 millimeters x 100 millimeters) to fit a 1-liter beaker. Through the center of the dish are sealed an inlet tube for preheated, oxygen-free nitrogen and an outlet tube located about 1 inch off center. Nitrogen is fed from the supply source through a coil of ¼-inch stainless steel tubing immersed in the same steam bath used to supply heat for solvent evaporation. All connections are made with flexible tetrafluoroethylene tubing.

(ii) *Reagents*—(*a*) *Ethyl acetate.* American Chemical Society reagent grade.

(*b*) *Nitrogen.* High purity, dry nitrogen containing less than 10 parts per million of oxygen.

(iii) *Procedure.* (a) The film sample is cut into approximately 1-inch squares by any convenient method that avoids contamination by dust, dirt, or grease (do not touch with bare fingers). Transfer 3.5 grams (accurately weighed to nearest 0.001 gram) of the cut film to the resin kettle with the aid of forceps. Add 1 liter of ethyl acetate and clamp top in position. Start water flowing through jacket of the reflux condenser and apply air pressure to the stirring motor to produce vigorous agitation. Turn on heating jacket with transformer set at a predetermined voltage to bring the temperature of the contents to 50.0° C. within 20–25 minutes. As the thermometer reading approaches 45° C.–47° C., reduce the voltage to the predetermined setting which will just maintain the temperature at 50° C. Do not overshoot the prescribed temperature. Should this occur, discard the test and start afresh.

(*b*) Exactly 2 hours after the solvent temperature has reached 50° C., disconnect the heater, remove the resin kettle from the heating jacket, and decant the ethyl acetate while still warm through a coarse filter paper placed on top of a fritted glass funnel, collecting the filtrate in a tared, glass-stoppered Erlenmeyer flask of 1-liter capacity. Determine the weight of the filtrate recovered to the nearest gram. Recovery should be at least 90 percent of the original ethyl acetate. Losses due to evaporation during heating and filtering have been found not to exceed 10 percent.

(*c*) Transfer about half of the filtrate to a 1-liter beaker placed on an opening in the steam bath and immediately cover with the special "gas" cover, the inlet tube of which has been attached with flexible tetrafluoroethylene tubing to a source of high-purity nitrogen in series with a stainless steel heating coil immersed directly in the body of the steam bath. Maintain a positive flow of warm nitrogen gas throughout the evaporation of the solvent, adding the remainder of the filtrate from the Erlenmeyer flask as the evaporation proceeds. When the volume of ethyl acetate has been reduced to about 50 milliliters, transfer the concentrated liquid to a previously tared weighing dish of suitable size. Wash the beaker twice with 20–30-milliliter portions of warm ethyl acetate, adding the washings to the weighing dish, while continuing to evaporate the remainder of the solvent under the gas cover with its flow of warm nitrogen directed toward the center of the dish.

(*d*) In the event that an insoluble residue remains in the beaker that cannot be removed with warm ethyl acetate, it may be necessary to heat with a small amount of a higher boiling solvent such as heptane, benzene, or toluene, transferring these washings to the weighing dish before final evaporation to dryness.

(*e*) Transfer the weighing dish with its residue to a vacuum desiccator and allow it to remain overnight (at least 12 hours), after which the net weight of the dry residue is determined to the nearest 0.0001 gram. Correct the result for any solvent blank equivalent to the nonvolatile matter determined to be contained in the amount of solvents used in the test.

(iv) *Note.* The procedure described in this subparagraph is also suitable for the extraction of polymer powders (80-mesh or finer) that have been prepared by grinding molding pellets or molded or extruded articles through a laboratory mill under conditions that prevent excessive heating of the sample (below 35° C.).

(3) *Xylene solubility (applicable to all types of polymers, including films and molded articles)*—(i) *Special apparatus*—(*a*) *Extraction apparatus.* Two-liter, straight-walled Pyrex glass resin kettles, fitted with ground covers, are most convenient for this purpose. The cover is equipped with a thermometer and an efficient reflux condenser. The kettle is fitted with an electric heating mantle of appropriate size and shape which is controlled by a variable-voltage transformer.

(*b*) *Constant temperature water bath.* Must be large enough to permit immersion of the extraction kettle and set to maintain 25±0.1° C.

(*c*) *Evaporating apparatus.* Gas cover consisting of a flat Pyrex crystallizing dish (190 millimeters × 100 millimeters) inverted to fit over a 1-liter beaker with 8-millimeter gas inlet tube sealed through center and an outlet tube 1 inch off center. The beaker with gas cover is inserted in an electric heating mantle equipped with a variable-voltage transformer. The outlet tube is attached to an efficient condenser mounted on a receiving flask for solvent recovery and having an outlet for connection to an aspirator pump. The heating mantle (with the beaker) is mounted on a magnetic stirring device. An infrared heat lamp is mounted, vertically 3–4 inches above the gas cover to prevent condensation of the solvent inside the cover. Make all connections with flexible tetrafluoroethylene tubing.

(ii) *Reagents*—(*a*) *Xylene.* American Chemical Society reagent grade which has been redistilled through a fractionating column to reduce the nonvolatile residue.

(*b*) *Nitrogen.* High purity, dry nitrogen containing less than 10 parts per million oxygen.

(iii) *Procedure.* (a) Cut the polyethylene sample into convenient small pieces, avoiding contact with bare fingers or other sources of contamination by grease, dirt, or dust. With the aid of forceps, transfer 5,000 grams ±0.001 gram of sample to the resin kettle, add 1,000 milliliters (840 grams) of xylene and clamp top in position after inserting a piece of glass rod to prevent bumping during reflux. Start water flowing through the jacket of the reflux condenser and apply full voltage (115 volts) to the heating mantle. When the xylene starts to boil, reduce the voltage to a level just sufficient to maintain reflux. After refluxing for at least 2 hours, disconnect the power source to the mantle, remove the kettle, and allow to cool in air until the temperature of the contents drops to 50° C., after which the kettle may be rapidly cooled to 25° C.–30° C. by immersion in a cold water bath. Transfer the kettle to a constant temperature bath set to maintain 25° C. ±0.1° C., and allow to equilibrate for at least 1 hour (may be left overnight if convenient).

(*b*) Break up any precipitated polyethylene that may have formed, and decant the xylene solution successively through a fast filter paper and then through a fritted glass filter into a tared, 1-liter Erlenmeyer flask, collecting only the first 450 milliliters–500 milliliters of filtrate (any attempt to collect more of the xylene solution usually results in clogging the filter and risking losses). Reweigh the Erlenmeyer flask and calculate the weight of the filtrate obtained to 0.1 gram.

(*c*) Transfer the filtrate, quantitatively, from the Erlenmeyer flask to the

1-liter beaker, insert the beaker in its heating mantle, add a glass-coated magnetic stirring bar and mount the gas cover in place, connecting the inlet tube to the nitrogen source and the outlet to the condenser of the receiving flask. Start a flow of nitrogen (2 to 3 liters per minute) into the gas cover and connect an aspirator to the receiver, using a free-flow rate equivalent to 6–7n liters of air per minute. With the infrared lamp on, adjust the voltage to the heating mantle to give a distillation rate of 12–13 milliliters per minute when the magnetic stirrer is revolving just fast enough to promote good boiling.

(*d*) When the volume of solvent in the beaker has been reduced to 30–50 milliliters, transfer the concentrated extractive to a suitable weighing dish that has been previously tared (dry). Rinse the beaker twice with 10–20-milliliter portions of fresh xylene, adding the rinsings to the weighing dish. Evaporate the remainder of the xylene on an electric hot plate set at low heat under the gas cover with a stream of nitrogen directed toward the center of the dish. Avoid any charring of the residue. Transfer the weighing dish to a vacuum desiccator at room temperature and allow to remain under reduced pressure for at least 12 hours (overnight), after which determine the net weight of the residue to the nearest 0.0001 gram. Correct the result for nonvolatile solvent blank obtained by evaporating the equivalent amount of xylene under identical conditions. Calculate the weight of residue originally present in the total weight of solvent (840 grams), using the appropriate factor based on the weight of filtrate evaporated.

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

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

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

Dated: June 2, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-5387; Filed, June 9, 1961; 8:50 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER C—CLAIMS AND ACCOUNTS

PART 836—CLAIMS AGAINST THE UNITED STATES

Civil Air Patrol Claims

Sections 836.116 to 836.120 are rescinded and the following substituted therefor:

Sec.
836.110 Scope.
836.111 Definitions.
836.112 Accident or incident report.
836.113 Third party claims not cognizable.
836.114 Compensation claims coverage.
836.115 Presentation of compensation claim and reports.
836.116 Responsibility for limited investigation of compensation claims.

AUTHORITY: §§ 836.110 to 836.116 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply 5 U.S.C. 803 and 803a; 10 U.S.C. 2733, 2734, 9801–9804, and 9441; 28 U.S.C. 2671–2680, 31 U.S.C. 71; and 36 U.S.C. 201–208.

SOURCE: AFR 112–8, Dec. 12, 1960.

§ 836.110 Scope.

Sections 836.110 to 836.116 outline procedures for processing certain administrative claims for and against the United States which arise out of CAP activities when their services are being used by the Air Force on specifically assigned missions in fulfilling the noncombat mission of the Air Force, or when Air Force property has been loaned to the CAP.

§ 836.111 Definitions.

(a) *Civil Air Patrol (CAP).* A nonprofit civilian corporation established by law as a volunteer civilian auxiliary of the Air Force, which authorizes the Air Force to render certain limited assistance to it and accept and utilize its services in fulfilling the Air Force noncombat mission (see 10 U.S.C. 9441). CAP senior members and cadets are members of a corporation, and are not Air Force military or civilian personnel within the meaning of §§ 836.90 to 836.101 and 10 U.S.C. 2732. Nothing in §§ 836.110 to 836.116 shall be construed to confer military or veteran status on any person.

(b) *Third party.* Any person who is not a CAP member, a Government employee, or an Armed Force member, if injured incident to his service.

§ 836.112 Accident or incident report.

After completion of each CAP operational mission specifically assigned and directed by the Air Force, the Air Force-CAP Wing Liaison Officer will ascertain whether in the performance or direct support of such operational mission a CAP accident or incident caused damage to or loss of property, or personal injury or death.

(a) If so, the Air Force-CAP Wing Liaison Officer immediately will give notice of the occurrence by message or letter to the claims officer at the Air Force base nearest to the place where the accident or incident occurred, and furnish a copy to the commander of the Air Force unit who assigned the mission. When injury or death to CAP senior members also has resulted, information copies will be furnished Hq USAF (AFCJA–13), Washington 25, D.C., and Hq CAP-USAF, Ellington Air Force Base, Texas.

(b) The report will include:

(1) Date.

(2) Place.

(3) Nature of accident or incident, and summary of known facts.

(4) Names of CAP personnel involved.

(5) Brief description of damage to real or personal property, or injuries or deaths.

(6) Names, addresses, and status of potential claimant(s).

(7) Commanders, headquarters, and locations of Air Force commands that specifically assigned and exercised operational control over the CAP mission. Cite any Air Force order numbers.

§ 836.113 Third party claims not cognizable.

The following claims are not cognizable under §§ 836.0–836.315, and are excluded:

(a) Reimbursement claims for the use of or depreciation to privately owned property used by the CAP, its senior members, or cadets on any mission specifically assigned by the Air Force.

(b) Indemnity claims for damage to or loss of privately owned property used on any mission specifically assigned by the Air Force, or for personal injury or death of CAP senior members or cadets as a result of such mission (see § 836.114).

(c) Claims for personal services or expenses incurred by the CAP, its senior members, or cadets while engaged in any mission specifically assigned by the Air Force (see 10 U.S.C. 9441 for CAP-reimbursable expenses).

(d) Claims arising out of CAP accidents or incidents when the CAP is not under Air Force direction, or which occur outside the time limit prescribed for the mission specifically assigned by the Air Force.

(e) Claims based solely on Government ownership of property on loan to the CAP.

§ 836.114 Compensation claims coverage.

Compensation benefit claims by volunteer civilian CAP members (except CAP cadets) or their survivors for personal injury—including death and medical and burial expenses relating to such injury or death—are limited, and Federal law applies only in special situations. These claims are cognizable under the Federal Employees' Compensation Act and regulations of the Bureau of Employees' Compensation, U.S. Department of Labor.

(a) Included are claims that arise incident to active service, or travel to and from such service, rendered in performance or support of operational CAP

missions under Air Force direction and under written authorization by competent authority covering a specific assignment and prescribing a time limit for such assignment.

(b) CAP cadets are specifically excluded from coverage under this law, but may be provided limited services while at encampments, including emergency hospital and medical care.

§ 836.115 Presentation of compensation claim and reports.

The claimant (member or survivor) and the local commander of the CAP unit (immediate superior) are responsible for initiating and submitting claims, and obtaining supporting documents required by the Department of Labor. To avoid reporting delays, Air Force civilian personnel officers, on request, will provide employee, supervisor, and medical Civil Air Patrol forms, and assist the claimant and the CAP unit commanders in carrying out their responsibilties. However, reports, claims, and forms should be submitted to the appropriate office of the Bureau of Employees' Compensation through the local commander of the CAP unit concerned.

§ 836.116 Responsibility for limited investigation of compensation claims.

CAP compensation claims are processed, investigated, and settled by the Bureau of Employees' Compensation. However, under law the Bureau of Employees' Compensation may request Air Force advice (Headquarters USAF, AFCJA–13) concerning the claimant's status and facts of the injury.

(a) Any data relating to claimant's duty status or injuries will be collected and forwarded, as required by the factual situation presented.

(b) Pertinent evidence may include:

(1) Copies of USAF and CAP specific mission orders. If the Air Force orders were retroactive, obtain an affidavit as to the authority and reason therefor.

(2) Copies of correspondence or messages relating to the specific mission assignment.

(3) Name and address of Air Force commanders who used the CAP services or exercised control over the CAP units and personnel.

(4) Statement of Air Force commanders explaining any discrepancy or variation between the Air Force orders and mission or the injury.

(5) Copies of documents or statements establishing the fact that the injured person was a current senior CAP member at the time of the accident or incident.

(6) Copies of any accident or incident report furnished Hq CAP-USAF, Ellington Air Force Base, Texas, by the CAP unit concerned.

(c) A complete investigation under §§ 836.200 to 836.220 will not be conducted by responsible Air Force authorities.

By order of the Secretary of the Air Force.

CARROLL W. KELLEY,
Lt. Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 61–5362; Filed, June 9, 1961; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NATIONAL FORESTS

[43 CFR Part 148]

Exchanges for Consolidation or Extension

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 2478 of the Revised Statutes (43 U.S.C. 1201), it is proposed to amend 43 CFR, Part 148, as set forth below. The proposed amendments are intended (1) to eliminate from Part 148 the regulations made obsolete by Public Law 86–509 (74 Stat. 205), approved June 11, 1960, and (2) to make the provisions of 43 CFR, Parts 146 and 147, modified to the extent necessary, applicable to such national forest exchanges as are under the jurisdiction of the Department of the Interior pursuant to existing law.

It is the policy of the Department of the Interior whenever practicable to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Land Management, Washington 25, D.C., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Part 148 is revised in its entirety to read as follows:

Sec.
148.1 Statutory authority.
148.2 Applications for exchange.
148.3 Applicable regulations.

AUTHORITY: §§ 148.1 to 148.3 issued under R.S. 2478; 43 U.S.C. 1201.

CROSS REFERENCES: For exchanges of privately owned land under the Taylor Grazing Act, see Part 146 of this chapter. For exchanges by States under the Taylor Grazing Act, lands within or without grazing districts, see Part 147 of this chapter.

§ 148.1 Statutory authority.

The act of March 20, 1922 (42 Stat. 465; 16 U.S.C. 485), as amended, and others authorize the United States to convey Federal lands or timber and in exchange therefor to accept title to nonfederal lands which would thereby become a part of the national forest system administered by the Secretary of Agriculture.

§ 148.2 Applications for exchange.

All applications for exchange for the consolidation or extension of national forests must be filed with the appropriate officer of the Forest Service, U.S. Department of Agriculture. When the application involves the selection of public lands outside of national forests and under the administrative jurisdiction of the Bureau of Land Management, the applicant must also file a copy of his application in the proper land office in the State or, for lands in which there is no land office, with the Bureau of Land Management, Washington 25, D.C., except that applications for lands in North Dakota or South Dakota must be filed in the land office at Billings, Montana, applications for lands in Kansas or Nebraska in the land office at Cheyenne, Wyoming, and for lands in Oklahoma in the land office at Santa Fe, New Mexico.

§ 148.3 Applicable regulations.

All applicants for exchange for the consolidation and extension of national forests must comply with the requirements of the Secretary of Agriculture. When the application involves the selection of public lands outside of national forests and under the administrative jurisdiction of the Bureau of Land Management, the applicant, if a State, must also comply with the regulations in Part 147 of this chapter and, if not a State, with the regulations in Part 146 of this chapter, modified to meet the limitations, conditions, and provisions of the law under which the exchange is proposed and of the regulations in this part. Applications filed with the Bureau of Land Management pursuant to the regulations in this part must be accompanied by a service fee, which will not be returned, amounting to $1 for each 160 acres, or fraction thereof, of the land selected if the applicant is a State, or amounting to $2 for each 160 acres or fraction thereof, or $10, whichever is greater, if the applicant is not a State.

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

JUNE 5, 1961.

[F.R. Doc. 61–5376; Filed, June 9, 1961; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

PEANUT BUTTER

United States Standards for Grades[1]

Notice is hereby given that the United States Department of Agriculture is considering the revision of the United States Standards for Grades of Peanut Butter pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627). This revision, if made effective, will be the second issue by the Department of grade standards for this product.

Interested persons are invited to view the proposed USDA Color Standards (1A, 2A, 3A, 4A), mentioned in Section 52.3067, by phone appointment, at the following Processed Products Inspection offices during the periods listed:

Office	Dates	Time
New York, N.Y., 641 Washington St., Room 866 (Watkins 4–1000, Ext. 220).	June 20, 21, 22, 1961	10 a.m. to 4 p.m.
Chicago, Ill., 610 South Canal St., 1020 U.S. Custom House (Harrison 7–6910, Ext. 320).	June 27, 28, 29, 1961	10 a.m. to 4 p.m.
Seattle, Wash., 1917 First Ave., Alaska Trade Bldg., Room 207 (Mutual 2–3300, Ext. 1142).	July 11, 12, 13, 1961	10 a.m. to 4 p.m.
San Francisco, Calif., 133 Hermann St., 506 New Mint Bldg. (Klondyke 2–2350, Ext. 6404).	July 18, 19, 20, 1961	10 a.m. to 4 p.m.
Los Angeles, Calif., 1206 Maple Ave., Bendix Bldg., Room 451 (Richmond 9–9323).	July 25, 26, 27, 1961	10 a.m. to 4 p.m.
Fayetteville, Ark., 320½ West Dickson St. (Hillcrest 2–4021)	Aug. 1, 2, 3, 1961	10 a.m. to 4 p.m.
Forest Park, Ga., State Farmers Market, Room 208 Administration Bldg. (Poplar 7–6564).	Aug. 8, 9, 10, 1961	10 a.m. to 4 p.m.
Washington, D.C., 14th St. and Independence Ave., South Agriculture Bldg., Room 0711 or 0722 (Dudley 8–5927 or Dudley 8–6194).	June 20 through Sept. 29, 1961.	10 a.m. to 4 p.m.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than October 1, 1961. The proposed revision is as follows:

PRODUCT DESCRIPTION, TEXTURES, TYPES, GRADES

Sec.
52.3061 Product description.
52.3062 Textures of peanut butter.
52.3063 Types of peanut butter.
52.3064 Grades of peanut butter.

FACTORS OF QUALITY

52.3065 Ascertaining the grade.
52.3066 Ascertaining the rating for the factors which are scored.
52.3067 Color.
52.3068 Consistency.
52.3069 Absence of defects.
52.3070 Flavor and aroma.

EXPLANATIONS AND METHODS OF ANALYSES

52.3071 Methods of analysis for water-insoluble inorganic residue and salt.

LOT INSPECTION AND CERTIFICATION

52.3072 Ascertaining the grade of a lot.

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

SCORE SHEET

Sec.
52.3073 Score sheet for peanut butter.

AUTHORITY: §§ 52.3061 to 52.3073 issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

PRODUCT DESCRIPTION, TEXTURES, TYPES, GRADES

§ 52.3061 Product description.

Peanut butter is a cohesive, comminuted food product prepared from clean, sound, shelled peanuts by grinding or milling properly roasted, mature peanut kernels from which the seed coats have been removed and to which salt is added as a seasoning agent. Suitable seasoning agents other than salt, suitable stabilizing ingredient(s), and ingredient(s) of nutritive value as permitted under the provisions of the Federal Food, Drug, and Cosmetic Act may be added in manufacturing the product. The product is manufactured and packed in accordance with good commercial practice to assure freshness and good keeping quality.

§ 52.3062 Textures of peanut butter.

(a) *Smooth.* "Smooth" peanut butter means the peanut butter has a very fine, very even texture with no perceptible grainy peanut particles.

(b) *Regular.* "Regular" peanut butter means the peanut butter has a definite grainy texture with perceptible peanut particles approximating not more than $\frac{1}{16}$ inch in any dimension.

(c) *Chunky.* "Chunky" peanut butter means peanut butter which has a partially "fine" or partially "grainy" texture with substantial amounts of peanut particles larger than $\frac{1}{16}$ inch in any dimension.

§ 52.3063 Types of peanut butter.

(a) *Stabilized type.* Stabilized peanut butter is any peanut butter prepared (1) by any special process, and/or (2) with any suitable added ingredient(s) designed or intended to stabilize the product.

(b) *Non-stabilized type.* Non-stabilized peanut butter is any peanut butter prepared without special process or added ingredient(s) to stabilize the product.

§ 52.3064 Grades of peanut butter.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of peanut butter that has a good color, that has a good consistency, that is practically free from defects, that has a good flavor and good aroma, that has uniform dispersion of added ingredients(s), and that scores not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade C" (or "U.S. Standard") is the quality of peanut butter that has a fairly good color, that has a fairly good consistency, that is fairly free from defects, that has a fairly good flavor and a fairly good aroma, that has reasonably uniform dispersion of added ingredient(s), and that scores not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of peanut butter that fails to meet the requirements of U.S. Grade C.

FACTORS OF QUALITY

§ 52.3065 Ascertaining the grade.

The grade of peanut butter may be ascertained by considering, in addition to the requirements of the respective grade, the following factors: Color, consistency, absence of defects, and flavor and aroma. The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	Points
(1) Color	20
(2) Consistency	20
(3) Absence of defects	30
(4) Flavor and aroma	30
Total score	100

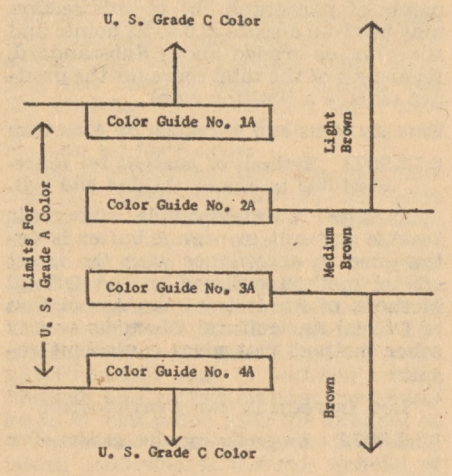
§ 52.3066 Ascertaining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.3067 Color.

(a) *General.* The color of peanut butter refers to the color hue and color intensity of the overall mass, regardless of the texture and regardless of the variety of peanuts from which prepared.

(b) *Color Guides.* Peanut butter color may be classified in accordance with the following outline for the applicable proposed U.S. Department of Agriculture Color Guides:



(c) *Standard lighting conditions.* The proposed USDA Color Guides, when completed in a standard form of plastic, shall be viewed under standard lighting conditions as follows: Compare the color of the color guide with a representative sample of peanut butter having an area and depth approximately equal to the color guide. A suitable light source of approximately 250 foot candle intensity and having a spectral quality approximating that of daylight under a moderately overcast sky and a color temperature of 7,500 degrees Kelvin ±200 degrees is preferable. With the light source directly over the color guide and product, observation is made at an angle of 45 degrees and at a distance of about 24 inches from the product.

(d) (*A*) *classification.* Peanut butter that has a good color may be given a score of 18 to 20 points. "Good Color" means a rich color typical of peanut butter prepared from properly roasted peanuts and otherwise properly processed peanut butter; such typical color is no less brown than USDA Color Guide 1A or no more brown than USDA Color Guide 4A, and is without any tinge of a dull, grey, or other abnormal cast.

(e) (*C*) *classification.* Peanut butter that has a fairly good color may be given a score of 16 or 17 points. Peanut butter that scores in this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means color typical of peanut butter prepared from properly roasted peanuts and otherwise properly processed peanut butter; such typical color may be slightly dull and/or may have a slight grey cast; may be lighter brown in color than USDA Color Guide 1A but is not excessively pale as indicative of insufficient roasting; or, such typical color may be more brown than USDA Color Guide 4A but it is not excessively brown indicative of excessive roasting.

(f) (*SStd*) *classification.* Peanut butter that is off color for any reason or that fails to meet the requirements of paragraph (e) of this section may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3068 Consistency.

(a) *General.* The factor of consistency refers to the firmness of the product, to the ease with which it may be spread, and to the degree of oil separation, if any.

(b) *Determination of consistency.* Consistency of peanut butter is determined at a product temperature of not less than 70° F. nor more than 80° F. without mixing the product in the stabilized type, and after reasonable mixing of the product in the non-stabilized type.

(c) (*A*) *classification.* Peanut butter that has good consistency may be given a score of 18 to 20 points. "Good consistency" means that the peanut butter shall spread easily, shall not be thin nor more than slightly stiff; and, in addition to the foregoing: (1) In stabilized type of peanut butter, there is no noticeable oil separation or (2) in non-stabilized type of peanut butter, there is no more than slight mixing required to disperse any separated oil.

(d) *(C) classification.* Peanut butter that has fairly good consistency may be given a score of 16 or 17 points. Peanut butter that scores in this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly good consistency" means that the peanut butter is spreadable; may be moderately, but not excessively, thin; may be moderately, but not excessively, stiff; or may be noticeably pasty; and, in addition to the foregoing: (1) In stabilized type of peanut butter, there may be no more than slightly noticeable oil separation or (2) in non-stabilized peanut butter, there may be no excessive oil separation that causes noticeable dryness or that requires more than moderate mixing to disperse the oil.

(e) *(SStd) classification.* Peanut butter that fails to meet the requirements of paragraph (d) of this section may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3069 Absence of defects.

(a) *General.* The factor of absence of defects refers to the degree of freedom from dark particles and from any other defects (including water-insoluble inorganic residue) which affect the wholesomeness or detract from the appearance or edibility of the product.

(b) *Definition and explanation of defects*—(1) *Water-insoluble inorganic residue.* "Water-insoluble inorganic residue" means water-insoluble inorganic residue as determined in accordance with an applicable method referenced in § 52.3071 of this subpart.

(2) *Dark particles.* "Dark particles" means particles of dark brown to black seed coat and scorched or discolored peanut tissue, regardless of size, which affect the appearance of the product.

(c) *(A) classification.* Peanut butter that is practically free from defects may be given a score of 27 to 30 points. "Practically free from defects" means that the product is practically free from dark particles and from other defects that may slightly, but not materially, affect the appearance or eating quality of the product; and means that there may be present not more than 8 milligrams of water-insoluble inorganic residue per 100 grams of peanut butter: *Provided,* That such residue which may be present does not affect the wholesomeness of the product.

(d) *(C) classification.* If the peanut butter is fairly free from defects, a score of 24 to 26 points may be given. Peanut butter that falls into this classification shall not be graded above U.S. Grade C regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the product is reasonably free from dark particles and other defects that may materially, but not seriously, affect the appearance or eating quality of the product; and means that there may be present not more than 20 milligrams of water-insoluble inorganic residue per 100 grams of peanut butter: *Provided,* That such residue which may be present does not affect the wholesomeness of the product.

(e) *(SStd) classification.* Peanut butter that fails to meet the requirements of paragraph (d) of this section may be given a score of 0 to 23 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3070 Flavor and aroma.

(a) *(A) classification.* Peanut butter that has a good flavor and good aroma may be given a score of 27 to 30 points. "Good flavor and good aroma" means a flavor and aroma typical of freshly roasted and ground peanuts and of properly proportioned and blended materials, free from staleness, free from rancidity, and free from objectionable flavors and objectionable odors of any kind. To score in this classification, there may be not less than 1.0 percent, nor more than 1.8 percent, by weight, of salt in the finished peanut butter.

(b) *(C) classification.* Peanut butter that has fairly good flavor and fairly good aroma may be given a score of 24 to 26 points. Peanut butter that scores in this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly good flavor and fairly good aroma" means a flavor and aroma that is typical of properly prepared peanut butter, which may be lacking good flavor and aroma, but is free of objectionable flavors and objectionable aromas of any kind. To score in this classification there may be not less than 0.5 percent, nor more than 2.5 percent, by weight, of salt in the finished peanut butter.

(c) *(SStd) classification.* Peanut butter that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 23 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

EXPLANATIONS AND METHODS OF ANALYSES

§ 52.3071 Methods of analysis for water-insoluble inorganic residue and salt.

(a) The water-insoluble inorganic residue and salt in peanut butter is determined in accordance with the latest official method outlined in the Official Methods of Analysis of the Association of Official Agricultural Chemists or any other method that gives equivalent results.

LOT INSPECTION AND CERTIFICATION

§ 52.3072 Ascertaining the grade of a lot.

The grade of a lot of peanut butter covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 through 52.87).

SCORE SHEET

§ 52.3073 Score sheet for peanut butter.

Size and kind of container	
Container marks or identification	
Label	
Net weight (ounces)	
Texture (smooth, regular, chunky)	
Type (Stabilized, Non-Stabilized)	
Water insoluble inorganic residue (mg./100 grams)	
Salt (percent by weight)	

Factors	Score points	
Color	20	(A) 18–20 (C) [1] 16–17 (SStd) [1] 0–15
Consistency	20	(A) 18–20 (C) [1] 16–17 (SStd) [1] 0–15
Absence of defects	30	(A) 27–30 (C) [1] 24–26 (SStd) [1] 0–23
Flavor and aroma	30	(A) 27–30 (C) [1] 24–26 (SStd) [1] 0–23
Total score	100	
Grade		

[1] Indicates limiting rule.

Dated: June 7, 1961.

ROY W. LENNARTSON,
Deputy Administrator,
Marketing Service.

[F.R. Doc. 61-5406; Filed, June 9, 1961; 8:53 a.m.]

Commodity Stabilization Service

[7 CFR Part 1018]

[Docket No. AO-286-A5]

MILK IN SOUTHEASTERN FLORIDA MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and Order

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), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Price Support, Commodity Stabilization Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Southeastern Florida marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the close of business the 3d day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth,

to the tentative marketing agreement and to the order, were formulated, was conducted at Fort Lauderdale, Florida, on May 19, 1961, pursuant to notice thereof which was issued May 12, 1961 (26 F.R. 4121).

The material issue in the record of hearing relates to the deletion of the base-excess plan.

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

1. *Base-excess plan.* The base-excess plan for distributing payments to producers should be deleted from the order. Provisions for computing a uniform blend price each month should be substituted for the base-excess plan.

Under the existing order provisions individual producer bases are established each year on the basis of deliveries during the months of August through December and the bases thus established are effective for the twelve month period beginning with February. Excess milk is assigned to the lowest available use class(es) in which an equivalent quantity of producer milk is allocated. The uniform price for excess milk is determined by dividing the aggregate value of such milk (determined by multiplying the volume assigned to each class by the appropriate class price and adding the resulting totals) by the hundredweight of excess milk. The base price is determined by deducting the aggregate value of excess milk from the total pool value and dividing by the hundredweight of base milk.

The base-excess plan has tended to overstimulate milk production in the base-forming months of August through December with the consequence that total production has increased at a significantly faster rate than the market's fluid sales. Substantial quantities of skim milk have been dumped each month over an extended period of time. This situation has significantly reduced producer returns which under normal circumstances would be expected to deter additional production. However, the individual producer is confronted with a paradox in that unless he maintains or increases his percentage of the total deliveries during the base forming months his annual returns may be reduced as compared with those of other producers.

A cooperative association, representing currently in excess of 83 percent of the producers on the market, requested the deletion of the base-excess plan, and testified that it is no longer needed by producers. This cooperative and the two other cooperatives supplying the market have the privilege of reblending payments to their members in accordance with their own seasonal plans. There are few producers supplying the market who are not members of one of these associations. Further, no opposition was offered to the proposal to delete the base-excess system of distributing returns to producers. The total obligations of handlers to producers are not altered by its deletion.

Proponents recommended that the base making provision be deleted from the order effective August 1, 1961, and that the base paying provision be maintained in effect until February 1, 1962. They suggested that producers had no prior knowledge that the base-excess plan would be terminated and that continuation of the base paying provision until February 1, 1962, would appear more equitable. However, their position was not substantiated since they indicated no knowledge of the possible advantages or disadvantages that the termination of the plan might have on individual producers, members or nonmembers.

The base-excess plan has tended to encourage unneeded production and while it cannot be specifically determined what the effect of continuing the base operating period through January 1962 might have, the elimination of the entire plan at this time will tend to encourage the earliest possible production adjustments in response to established prices. This procedure will tend to implement proponent's intent in requesting termination of the base-excess plan.

The language of the order hereinafter set forth provides for the computation of a single uniform price each month. In connection with this change, it is proposed that the advance payments required on the 20th day of the current month for milk received during the first 15 days, and on the 5th day of the following month for milk received during the remainder of the month, be not less than the uniform price of the preceding month, less 10 percent, but not in excess of $6.00 per hundredweight. This procedure will assure prompt payments of monies due producers while at the same time minimizing the possibility of overpayments. Final settlement would continue to be made on the 15th day of the following month.

Rulings on proposed findings and conclusions. A brief with proposed findings and conclusions was filed on behalf of certain interested parties. This brief, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above.

To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid 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) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

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

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

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Southeastern Florida marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

§§ 1018.18, 1018.19 [Deletion]

1. Delete §§ 1018.18 and 1018.19 in their entirety.

§ 1018.22 [Amendment]

2. In subparagraph (2) of § 1018.22(j) delete the word "prices" and substitute therefor the word "price".

§ 1018.30 [Amendment]

3. Delete paragraph (d) of § 1018.30 in its entirety and redesignate paragraph (e) as paragraph (d).

§ 1018.31 [Amendment]

4. Delete subdivision (ii) of § 1018.31 (b)(1) and substitute therefor the following:

(ii) The total pounds of milk received from such producer,

§ 1018.71 [Amendment]

5. Delete the preamble of § 1018.71 and substitute therefor the following:

For each month, the market administrator shall compute an aggregate value from which to determine the uniform price for milk of 4.0 percent butterfat content, at the market, as follows:

6. Delete § 1018.72 in its entirety and substitute therefor the following:

§ 1018.72 Computation of the uniform price.

For each month, the market administrator shall compute the uniform price per hundredweight for milk of 4.0 percent butterfat content, at the market, as follows:

(a) Divide the aggregate value computed pursuant to § 1018.71 by the total hundredweight of milk received from producers;

(b) Subtract not less than 4 cents nor more than 5 cents from the price com-

puted pursuant to paragraph (a) of this section. This resulting figure shall be the uniform price for producer milk containing 4.0 percent butterfat, at the market.

§ 1018.73 [Amendment]

7. In § 1018.73 delete the word "prices" and substitute therefor the word "price".

8. Delete § 1018.74 in its entirety and substitute therefor the following:

§ 1018.74 Location differentials to producers.

The uniform price pursuant to § 1018.72 to be paid for milk received from producers at a pool plant located 60 miles or more from the location of the main U.S. Post Office in Boca Raton by the shortest hard-surfaced highway distance, as determined by the market administrator, shall be reduced according to the location of the pool plant where such milk was received at the rates set forth in § 1018.51.

§ 1018.75 [Amendment]

9. Delete paragraphs (b) and (c) of § 1018.75 and substitute therefor the following:

(b) The uniform price for producer milk computed pursuant to § 1018.72, and the butterfat differential;

(c) The amount and value of his producer milk at the uniform price; and

§ 1018.80 [Amendment]

10a. Delete subparagraphs (1), (2) and (3) of § 1018.80(a) and substitute therefor the following:

(1) On or before the 20th day of each month to each producer who did not discontinue shipping milk to such handler before the 15th day of the month, an amount equal to not less than the uniform price for the preceding month less 10 percent, but not to exceed $6.00, multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph;

(2) On or before the fifth day of the following month to each producer who did not discontinue shipping milk to such handler before the last day of the month, an amount equal to not less than the uniform price for the preceding month less 10 percent, but not to exceed $6.00, multiplied by the hundredweight of milk received from such producer after the 15th and through the last day of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph; and

(3) On or before the 15th day of the following month, to each producer an amount equal to not less than the uniform price computed pursuant to § 1018.72 adjusted by the butterfat and location differentials to producers, multiplied by the total pounds of milk received from such producer, subject to the following adjustments:

(i) less payments made to such producer pursuant to subparagraphs (1) and (2) of this paragraph,

(ii) less marketing service deductions made pursuant to § 1018.85,

(iii) plus or minus adjustments for errors made in previous payments made to such producer, and

(iv) less proper deductions authorized by such producer:

Provided, That if by the date specified, such handler has not received full payment from the market administrator pursuant to § 1018.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment and payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after receipt of the balance due from the market administrator;

b. Delete subdivision (iii) of § 1018.80 (c)(2) in its entirety and redesignate subdivisions (iv) and (v) of said paragraph as (iii) and (iv), respectively.

§ 1018.82 [Amendment]

11. In § 1018.82 delete the word "prices" and substitute therefor the word "price".

§ 1018.83 [Amendment]

12. In § 1018.83 delete the word "prices" and substitute therefor the word "price".

§§ 1018.90, 1018.91, 1018.92 [Deletion]

13. Delete §§ 1018.90, 1018.91 and 1018.92 in their entirety.

Issued at Washington, D.C., June 7, 1961.

ROBERT G. LEWIS,
Deputy Administrator, Price Support, Commodity Stabilization Service.

[F.R. Doc. 61-5409; Filed, June 9, 1961; 8:54 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 17]

BREAD, ENRICHED BREAD, MILK BREAD, RAISIN BREAD, WHOLE WHEAT BREAD

Standards of Identity

Notice is given that a petition has been filed by Central Soya Company, Inc., 1825 North Laramie Avenue, Chicago 29, Illinois, proposing amendment of the standards of identity for bread, enriched bread, milk bread, raisin bread, and whole wheat bread (21 CFR 17.1, 17.2, 17.3, 17.4, 17.5) so as to add hydroxylated lecithin to the list of emulsifying substances that may be added to or in conjunction with shortening used in those breads. The amendments would be achieved by changing the first and the last sentences of § 17.1(a)(1). Notice is also given that the Commissioner of Food and Drugs proposes that the wording of the first sentence in § 17.1(a)(1) be further modified by omitting the parenthetical exception reading "(except lauric acid)." The reason for proposing this omission is that pharmacological investigations, completed since the standards for these breads were promulgated, have demonstrated that there is no scientifically sound basis for the lauric acid exception. The first and last sentences in § 17.1(a)(1), modified as advocated by the two proposals, would read as follows:

§ 17.1 Bread, white bread, and rolls, white rolls, or buns, white buns; identity; label statement of optional ingredients.

(a) * * *

(1) Shortening, in which or in conjunction with which may be used lecithin, hydroxylated lecithin (complying with the provisions of § 121.1027 of this chapter), mono- and diglycerides of fat-forming fatty acids, or diacetyl tartaric acid esters of mono- and diglycerides of fat-forming fatty acids, or a combination of two or more of these. * * * For the purposes of this section, the optional ingredients lecithin and hydroxylated lecithin may include related phosphatides derived from the corn oil or soybean oil from which such ingredients were obtained.

Pursuant to the provisions of the Federal Food, Drug and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), all interested persons are invited to submit their views in writing regarding the proposal published herein. Such views and comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER.

Dated: June 5, 1961.

[SEAL] J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61-5383; Filed, June 9, 1961; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 402) has been filed by The Dried Fruit Association of California, 278 West Carlos Street, San Jose, California, proposing the issuance of a regulation to provide for the safe use of propylene oxide as a package fumigant on dried prunes and glaceed fruit.

Dated: June 5, 1961.

[SEAL] J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61-5381; Filed, June 9, 1961; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that petitions (FAP 455, 456) have been filed by Pennsylvania Industrial Chemical Corporation, 120 North State Street, Clairton, Pennsylvania, proposing the issuance of regulations to provide for the safe use in food packaging coatings, adhesives, and inks of the following resins:

(a) Resins obtained from the polymerization of coumarone and indene (FAP 455).

(b) Resins obtained from the polymerization of dienes and olefins from low-boiling petroleum stocks (FAP 456).

Dated: June 5, 1961.

[SEAL] J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61-5382; Filed, June 9, 1961; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 600]

[Airspace Docket No. 61-KC-23]

FEDERAL AIRWAY

Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 600 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the designation of Intermediate altitude VOR Federal airway No. 1747 from the Indianapolis, Ind., VORTAC to the Peotone, Ill., VORTAC via the intersection of the Indianapolis VORTAC 312° and the Peotone, Ill., VORTAC 168° True radials. The portion of this airway from the intersection of the Peotone VORTAC 168° and the Bradford, Ill., VOR 098° True radials to the Peotone VORTAC would be designated 10 miles in width. This proposed airway in conjunction with VOR Federal airway No. 1515 would provide a dual enroute capability for intermediate altitude air traffic from northwest of Indianapolis, Ind., to Chicago, Ill.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

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

Issued in Washington, D.C., on June 6, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-5366; Filed, June 9, 1961; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61-HO-7]

CONTROLLED AIRSPACE

Designation of Control Zone

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the designation of a control zone at Lanai, Hawaii, within a 5-mile radius of Lanai Airport (latitude 20°47'30" N., longitude 156°57'00" W.), during the period from 1,430 hours to 1,815 hours daily Hawaiian standard time.

The proposed control zone would provide protection for aircraft executing prescribed VOR instrument approach procedures at the Lanai Airport. The time of designation would coincide with the hours of operation of the aviation weather reporting service. The official weather reports for Lanai Airport would be disseminated through the Federal Aviation Agency, Maui, Hawaii, Flight Service Station. In addition, communications with aircraft operating within the proposed control zone, would be provided by the Maui Flight Service Station.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 4009, Honolulu 12, Hawaii. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

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

Issued in Washington, D.C., on June 6, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-5365; Filed, June 9, 1961; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61-FW-47]

CONTROLLED AIRSPACE

Designation of Transition Area

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering and amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the designation of a transition area at Tupelo, Miss., within a 15-mile radius of Tupelo Airport (latitude 34°15'32" N., longitude 88°45'56" W.) bounded on the northeast by low altitude VOR Federal airway No. 176 and on the southeast by the Columbus, Miss., control area extension (601.1107). There is no control zone designated for the Tupelo Airport, therefore, it is proposed to designate the transition area with a floor of 700 feet above the surface. This would provide controlled airspace for the protection of aircraft arriving, departing and executing the prescribed instrument approach procedures at the Tupelo Airport during Instrument Flight Rule weather conditions.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made

by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

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

Issued in Washington, D.C., on June 6, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-5367; Filed, June 9, 1961; 8:45 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 61-WA-68]

CODED JET ROUTE

Establishment

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

The Federal Aviation Agency has under consideration a proposal by the Canadian Department of Transport for designation of VOR/VORTAC jet route No. 548 from the Cleveland, Ohio, VORTAC to the intersection of the Cleveland VORTAC 024° True radial and the United States/Canadian border, at which point it would join with Canadian High Level airway No. 548 to be established in the near future. This would provide the United States portion of a route for turbo jet aircraft operating between Toronto, Canada, and southern terminals via Cleveland, Ohio. Radar jet advisory service will be provided aircraft operating via this jet route. This proposed jet route would not coincide with any high altitude refueling areas.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C.

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

Issued in Washington, D.C., on June 6, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-5364; Filed, June 9, 1961; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[Revision 2]

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Definition of Custodial and Janitorial Service Industry for Purpose of Government Procurements and SBA Business Loans

On January 19, 1961 there was published in the FEDERAL REGISTER (26 F.R. 488) a notice of a hearing to be held for the custodial and janitorial service industry to determine the appropriate small business size standards to be applied to that industry. On February 23, 1961 such hearing was held and testimony received.

Notice is hereby given that the Administrator of the Small Business Administration proposes to amend the definition of small business for the custodial and janitorial service industry for the purpose of Government procurements and SBA business loans based on the aforementioned hearing and written comments received prior to and subsequent to said hearing.

The present definition of small business for the custodial and janitorial service industry for the purpose of Government procurements is 500 employees or less. The general definition of a small business in a service trade for the purpose of SBA business loans is annual receipts of $1,000,000 or less. The proposed amendment would change the definitions so that a small business in this industry would be defined as a concern which has average annual receipts of $500,000 or less for its preceding three fiscal years.

Interested persons may file with the Small Business Administration within thirty days after publication in the FEDERAL REGISTER, written statements of facts, opinions or arguments concerning the new definition.

All correspondence shall be addressed to:

Samuel S. Solomon, Director,
Office of Small Business Size Standards,
Small Business Administration,
Washington 25, D.C.

It is proposed to change the definition of small business for the custodial and janitorial service industry for the purpose of Government procurements and SBA business loans as follows:

The Small Business Size Standards Regulation (Revision 2) (26 F.R. 812), as amended (26 F.R. 1441, 1983, 2778, 3064), is hereby further amended by:

1. Adding new paragraph (a)(8) as follows:

§ 121.3-8 Definition of small business for Government procurement.

(a) *Small business definitions.* * * *

(8) *Custodial and janitorial service industry.* For the purpose of bidding on custodial and janitorial service contracts, any concern is small if its average annual receipts for the preceding three fiscal years do not exceed $500,000.

2. Adding new paragraph (k) to § 121.3-10 as follows:

§ 121.3-10 Definition of small business for SBA business loans.

* * * * *

(k) *Custodial and janitorial service industry.* Any concern primarily engaged in the custodial and janitorial service industry is small if its average annual receipts for the preceding three fiscal years do not exceed $500,000.

JOHN E. HORNE,
Administrator.

MAY 11, 1961.

[F.R. Doc. 61-5377; Filed, June 9, 1961; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 13906; FCC 61-724]

TABLE OF ASSIGNMENTS

Television Broadcast Stations; Kentucky and Indiana

1. On December 27, 1960, the Commission released a notice of proposed rule making (FCC 60-1554) in the above-docketed proceeding inviting comments on a proposal of Bluegrass Broadcasting Co., Inc., a prospective applicant for a UHF channel at Lexington, Kentucky, to provide Lexington with a third relatively low UHF television channel assignment by amending the television Table of Assignments so as to assign Channel 37 to Lexington by interchanging Channel 70 at Lexington with Channel 37 at Winchester, Kentucky. Comments supporting the proposal were filed by Bluegrass. Comments opposing the proposal and the assignment of a UHF channel which is lower in the UHF band than the two available high-band UHF assignments at Lexington (Chanels 64 and 70) were filed by the licensees of the two Lexington UHF stations, WLEX-TV, Inc., which operates Station WLEX-TV on Channel 18, and Taft Broadcasting Com-

pany, which operates Station WKYT on Channel 27.

2. Channel 37 consists of the band of frequencies (608–614 Mc) which radio astronomy interests have urged should be reserved for radio astronomical purposes and removed from television broadcasting use. We recently decided that it would be premature to consider the reallocation of this band of frequencies for the use of radio astronomy in rule making apart from the reallocation proposals and problems under consideration in the inquiry in Docket No. 11997 concerning reallocation of frequencies between 25 and 890 megacycles and prior to the conclusion of that proceeding.[1] In view of this decision and the petitions for reconsideration of it which have been filed, it appears preferable to consider an alternative possibility for providing a lower UHF channel for Lexington.

3. Since it appears that Channel 40 may be assigned to Lexington, Kentucky, by deleting UHF channels from communities in which they have not been used and for which no applications are pending, and that Channel 40 would be just as satisfactory for use at Lexington as Channel 37, we have decided to invite comments on the following substitute proposal for adding a third relatively low UHF channel to Lexington:

City	Channel No.	
	Present	Proposed
Lexington, Ky	18+, 27−, 64, 70+	[1] 18+, 27−, 40+, 64
Campbellsville, Ky.	40+	----------
Winchester, Ky	37+	70+
Madison, Ind	25−	[2]

[1] In Docket No. 14109, instituted on May 3, 1961, the Commission is also considering a proposal to assign Channel 46 to Lexington for noncommercial educational use by making changes in unused UHF assignments at Richmond, Kentucky, and Bristol, Tenn.—Bristol, Va. There is no conflict between the subject Channel 40 proposal for Lexington and that under consideration in Docket No. 14109.

[2] In Docket No. 14050, instituted April 12, 1961, the Commission is considering a proposal to assign Channel 32 to Louisville, Ky., which involves changes in UHF assignments in a number of communities, including Madison, Ind. Under the Channel 32 proposal for Louisville, Channel 25− would also be deleted from Madison and Channel 66− substituted therefor.

4. The comments previously submitted on the Channel 37 proposal for Lexington are relevant also to the subject Channel 40 proposal. Where so applicable, they will be taken into account in reaching our decision on the present proposal to assign Channel 40 to Lexington. Under these circumstances, a somewhat shorter period than is usually provided for filing comments and reply comments will suffice.

5. Pursuant to the applicable procedures set out in § 1.213 of the Commission's rules, interested persons may file comments on or before June 21, 1961, and reply comments on or before June 30, 1961, on the proposal to assign Channel 40 to Lexington.

6. Authority for the adoption of the amendments proposed herein is contained in sections 4(i) and (j), 303 and 307(b) of the Communications Act of 1934, as amended.

7. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

Adopted: June 1, 1961.

Released: June 7, 1961.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,

Acting Secretary.

[F.R. Doc. 61–5397; Filed, June 9, 1961; 8:52 a.m.]

[1] See Memorandum Opinion and Order, adopted March 8th and released March 13, 1961, denying the petition of the University of Illinois to delete Channel 37 from the Table of Assignments and to assign 608–614 Mc for use of radio astronomy (RM–180, FCC 61–327).

Notices

FEDERAL POWER COMMISSION

[Docket Nos. G–11789 etc.]

W. E. BAKKE ET AL.

Notice of Severance

JUNE 2, 1961.

W. E. Bakke, agent for Bruce Walkup, Docket No. G–11789 etc.; Delhi-Taylor Oil Corporation and Mayfair Minerals, Inc., Docket No. G–18223; Shell Oil Company, Docket No. G–20323; H. H. Howell, Operator, et al., Docket No. G–20595; American Petrofina Company of Texas, formerly John L. Loeb, et al., Docket No. CI60–134; Cities Service Company, formerly Arkansas Fuel Oil Corporation, Docket No. CI60–198; Robert Mosbacher, Operator, et al., Docket No. CI60–343; Callery Properties, Inc., Docket No. CI60–400; H. H. Howell, Operator, et al., Docket No. CI60–402; Carrl Oil, et al., Docket No. CI60–403; Robert B. Prentice, Operator, et al., Docket No. CI60–431; North Central Oil Corporation, Operator, Docket No. CI60–434; Gulf Oil Corporation, Docket No. CI60–440; George H. Coates, Docket No. CI60–591; Carrl Oil, et al., Docket No. CI60–592; Paul R. Turnbull, Operator, et al., Docket No. CI60–620; H. H. Howell, Operator, et al., Docket No. CI60–640; Estate of J. P. Pethas, Operator, et al., Docket No. CI60–642; Socony Mobil Oil Company, Inc., Docket No. CI60–653; Paul R. Turnbull, Operator, et al., Docket No. CI61–1; Pan American Petroleum Corporation, Operator, Docket No. CI61–194; Richard M. Finder d.b.a. Texkan Oil Company, Operator, Docket No. CI61–352; Amigos Oil & Gas Ventures, Operator, et al., Docket No. CI61–588.

Notice is hereby given that the above-entitled matters heretofore scheduled for a hearing to be held in Washington, D.C., on June 13, 1961, at 9:30 a.m., e.d.s.t., in the consolidated proceedings entitled W. E. Bakke, Agent for Bruce Walkup, et al., Docket Nos. G–11789, et al. are severed therefrom, for such disposition as may be appropriate.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–5368; Filed, June 9, 1961; 8:45 a.m.]

[Docket No. G–11444 etc.]

GULF OIL CORP. ET AL.

Order Accepting Offer of Settlement and Terminating Proceedings

JUNE 5, 1961.

Gulf Oil Corporation, Docket Nos. G–11444, G–13495, G–16658, G–19742, and RI61–169; Gulf Oil Corporation (Operator) et al., Docket Nos. G–13494, G–16659, G–19743, and RI61–170.

Gulf Oil Corporation and Gulf Oil Corporation (Operator) et al. (Gulf) on May 8, 1961, tendered for filing an Offer of Settlement of increased rates suspended by the Commission, for jurisdictional sales of natural gas to Texas Eastern Transmission Corporation (Texas Eastern) from fields located in Texas Railroad Commission Districts Nos. 2, 3, and 6. Additionally, under the offer, three increased rates of 13.8733 cents per Mcf submitted concurrently with the offer, are to be effective upon expiration of statutory notice. The pertinent details of the suspended rate schedules and supplements involved in the offer of settlement are as follows:

Rate schedule supplement No.	Docket No.	Increased rate—cents/Mcf at 14.65 p.s.i.a.	Date effective subject to refund	Annual amount of increase	
27–10	G–11444	13.5095	4–12–57	$1,254	
11	G–13495	14.4	4–4–58	14,658	
12	G–16658	14.6	4–1–59	3,274	
13	G–19742	14.8	4–1–60	----------	(2).
14	RI61–169	15.0	(1)	----------	
67–2	G–13494	14.4	4–4–58	3,250	
3	G–16659	14.6	4–1–59	467	
4	G–19743	14.8	4–1–60	----------	(2).
5	RI61–170	15.0	(1)	----------	
132–4	G–16659	14.6	4–1–59	1,150	
5	G–19743	14.8	4–1–60	----------	(2).
6	RI61–170	15.0	(1)	----------	
Total				24,053	

[1] Not placed in effect.
[2] To be superseded.

The offer provides that the suspension proceedings in Docket Nos. G–16658 and G–16659, involving three increased rates of 14.6 cents per Mcf, are to be terminated with such increased rates permitted to continue in effect without being subject to refund. The suspension proceedings in Docket Nos. G–11444, G–13494 and G–13495 for lower increased rates under the same rate schedules are also requested to be terminated. Higher increased rates to 14.8 cents and 15.0 cents per Mcf, involved in Docket Nos. G–19742, G–19743, RI61–169 and RI61–170, are to be considered superseded by the 14.6 cents per Mcf settlement rates and these proceedings are to be terminated insofar as they pertain to the subject rate schedules.[1] If the offer is approved, Gulf will refund the amounts collected in excess of the 14.6 cents per Mcf settlement rates.

Under the terms of the offer, Gulf agrees to eliminate the favored-nation and price redetermination provisions in the subject contracts and to insert schedules of three 1.0 cent and 0.5 cent per Mcf escalations above the respective 14.6 cents and 13.8733 cents per Mcf settlement rates occuring at five-year intervals, beginning November 1, 1963 and February 5, 1963. The 13.8733 cents per Mcf settlement rates include 0.1537 cent per Mcf tax reimbursement applicable to the increase in Texas State production tax, from 5.72 percent to 7 percent, as provided for in the subject contracts. However, the 14.6 cents per Mcf contracts, as amended, provide for reimbursement of increases in taxes subsequent to June 1, 1957, which applies to any increase in Texas State production taxes above the present 7 percent level. These tax provisions are to remain unchanged. If the offer is approved, Gulf will execute and file amendments (submitted as exhibits to the offer) to give effect to the terms of the Offer of Settlement.

In support of the Offer, Gulf states that the favored-nation and price redetermination provisions of the contracts are of value to the producer and that the rates of 14.6 cents and 13.8733 cents per Mcf are fair and reasonable.

Texas Eastern has concurred in the offer and has agreed to make the contract changes provided for therein. Copies of the offer have been served on all parties who have petitioned to intervene in these proceedings and to date these petitioners have not indicated to the Commission any opposition to the offer of settlement.

Since the proposed rates in the offer of settlement are acceptable under the provisions of the Second Amendment to the Commission's Statement of General Policy No. 61–1 (18 CFR Ch. I, Part 2, § 2.56) issued December 20, 1960, for jurisdictional sales of natural gas for Texas Railroad Commission District Nos. 2, 3 and 6, it is believed that the public interest will best be served by accepting Gulf's proposed settlement filed herein on May 8, 1961.

However, we desire to make it clear that acceptance of this Offer of Settlement shall not be construed as approval of any future increased rates proposed by Gulf under the periodic escalation provisions or otherwise and that the acceptance of this offer is without prejudice to the final disposition of the consolidated section 4(e) and 5(a) proceedings in Docket Nos. G–9520, et al.

The Commission finds: The proposed settlement of these rate proceedings on

[1] Docket Nos. G–19742, RI61–169 and RI61–170 also pertain to other rate schedules not involved in the offer of settlement.

the basis described herein, as more fully set forth in the Offer of Settlement filed by Gulf with the Commission on May 8, 1961, is in the public interest and appropriate to carry out the provisions of the Natural Gas Act and should be approved by the Commission and made effective as hereinafter ordered.

The Commission orders: (A) The Offer of Settlement filed by Gulf with the Commission on May 8, 1961, is hereby approved in accordance with the provisions of this order.

(B) Gulf shall execute with Texas Eastern, and shall file within 30 days from date of issuance of this order, an amendment to its Gas Purchase Contracts with Texas Eastern dated June 9, 1952, January 27, 1957, April 20, 1953 and May 22, 1953, as amended, on file with the Commission as Gulf's FPC Gas Rate Schedule Nos. 27, 67, 108 and 132 respectively, which filing shall conform to Gulf's Offer of Settlement in all respects.

(C) Gulf shall, within 30 days from the date of issuance of this order, refund the amounts collected in Docket Nos. G-19742, RI61-169, G-19743 and RI61-170 in excess of its settlement rates together with interest computed at the rate of 7 percent per annum and shall, within 45 days, submit a report to the Secretary of the Commission containing details of such refund and an appropriate release from Texas Eastern.

(D) In the event Gulf makes satisfactory filings in accordance with paragraphs (B) and (C) above, the proceedings in Docket Nos. G-11444, G-13495, G-16658, G-13494 and G-16659 are hereby terminated; the proceedings in Docket Nos. G-19742, RI61-169, G-19743, RI61-170 are terminated insofar as they pertain to Supplement Nos. 13 and 14, 4 and 5, and 5 and 6, to Gulf's FPC Gas Rate Schedule Nos. 27, 67 and 132, respectively, which supplements are hereby considered to be superseded; the proposed increased rate of 13.8733 cents per Mcf contained in Supplement Nos. 8, 8 and 15 to Gulf's FPC Gas Rate Schedule Nos. 40, 42, and 108, respectively, shall become effective upon expiration of statutory notice; and Gulf is hereby relieved of refunding obligations, except as noted above, with respect to such proceedings.

(E) The acceptance of the Offer of Settlement is without prejudice to any findings or determinations that may be made in the proceedings in Docket Nos. G-9520, et al. or any other now pending or hereinafter instituted by or against Gulf.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-5369; Filed, June 9, 1961; 8:46 a.m.]

[Docket No. CP61-258]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Application and Date of Hearing

JUNE 6, 1961.

Take notice that on March 30, 1961, Panhandle Eastern Pipe Line Company (Applicant), 3444 Broadway, Kansas City, Missouri, filed an application, as supplemented on May 2, 1961, in Docket No. CP61-258, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity seeking authorization to construct and operate a tap and metering facilities on its 16-inch lateral pipeline in Randolph County, Indiana, as an additional delivery point for an existing customer, Central Indiana Gas Company (Central), all as more fully set forth in the application, as supplemented, on file with the Commission and open to public inspection.

The proposed new delivery point will be utilized by Applicant to sell and deliver to Central up to 2,000 Mcf of natural gas per day on a short term interruptible basis. Applicant states that the gas will be used by Central for testing, and, if successful, as cushion gas in a prospective underground gas storage reservoir, the Unionport-Modoc Storage Field near Unionport, Indiana.[1]

The proposed service will be rendered at 40 cents per Mcf for a three year term, pursuant to a contract between Applicant and Central, dated December 20, 1960.

The application shows that the volumes of natural gas to be sold by Applicant are limited to use by Central as base storage gas only, and may not be resold.

The application recites that if, after purchase of a minimum of 200,000 Mcf, the storage project is found to be unsuccessful, Central will return the gas to Applicant and receive 36.5 cents per Mcf for gas returned.

The cost of Applicant's proposed facilities is estimated to be $6,000, which cost will be financed from current operating funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 10, 1961 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 application: *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 Applicant 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 June 30, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-5370; Filed, June 9, 1961; 8:46 a.m.]

[1] Central has received the approval of the Indiana Public Service Commission for its proposed storage project.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13866; FCC 61M-970]

COLLEGE RADIO

Order Continuing Hearing

In re application of Augustine L. Cavallaro, Jr., tr/as College Radio, Amherst, Massachusetts, Docket No. 13866, File No. BP-14179; for construction permit.

On the oral request of counsel for applicant because of the further necessity to resolve certain evidentiary problems, and without objection by counsel for the Broadcast Bureau: *It is ordered,* This 2d day of June 1961:

(1) That the previous schedule and actions taken thereunder are rescinded.

(2) That the following new schedule shall govern:

(a) Date for submission of affirmative written case of applicant, June 28, 1961.

(b) Date for receipt of notification of witnesses desired for cross-examination, July 3, 1961.

(c) Hearing rescheduled from June 6, 1961, to Tuesday, July 11, 1961, at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: June 5, 1961.

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

[F.R. Doc. 61-5392; Filed, June 9, 1961; 8:51 a.m.]

[Docket Nos. 12865, 12866; FCC 61M-969]

CHRONICLE PUBLISHING CO. (KRON-TV) AND AMERICAN BROADCASTING-PARAMOUNT THEATRES, INC. (KGO-TV)

Order Continuing Hearing Conference

In re applications of Chronicle Publishing Company (KRON-TV) San Francisco, California, Docket No. 12865, File No. BPCT-2168; American Broadcasting-Paramount Theatres, Inc., (KGO-TV), San Francisco, California, Docket No. 12866, File No. BPCT-2401; for construction permits to increase antenna heights.

The Hearing Examiner having under consideration informal advice from counsel for Broadcast Bureau that the Federal Aviation Agency is having an informal air space meeting relative to the tower proposals involved in this proceeding subsequent to a prehearing con-

ference now scheduled for June 9, 1961, herein;

It appearing, that good and sufficient cause exists why said prehearing conference now scheduled for June 9, 1961, should be rescheduled for a later date;

Accordingly, it is ordered, This 2d day of June 1961, that the prehearing conference herein now scheduled for June 9, 1961, be, and the same is hereby rescheduled for July 21, 1961, 10:00 a.m., in the offices of the Commission, Washington, D.C.

Released: June 5, 1961.

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

[F.R. Doc. 61-5393; Filed, June 9, 1961; 8:51 a.m.]

[Docket No. 14130; FCC 61M-976]

PEACH BOWL BROADCASTERS, INC. (KUBA)

Order Rescheduling Prehearing Conference

In re application of Peach Bowl Broadcasters, Inc. (KUBA), Yuba City, California, Docket No. 14130, File No. BP-12999; for construction permit.

It is ordered, This 5th day of June 1961, that the prehearing conference now scheduled for June 19, is rescheduled to Friday, June 16, 1961, at 9 a.m., in the offices of the Commission, Washington, D.C.

Released: June 6, 1961.

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

[F.R. Doc. 61-5394; Filed, June 9, 1961; 8:52 a.m.]

[Docket Nos. 14142-14144; FCC 61-717]

PLAINS TELEVISION CORP. ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Plains Television Corporation (transferor), and Springfield Television Broadcasting Corporation (transferee), Docket No. 14142, File No. BTC-3449, for consent to the transfer of a one-third stock interest in Connecticut Television, Inc., licensee of Station WHNB-TV, New Britain, Connecticut; Connecticut Television, Inc., Docket No. 14143, File No. BPCT-2804, for construction permit to mechanically tilt the antenna of Station WHNB-TV, New Britain, Connecticut; Springfield Television Broadcasting Corporation, Docket No. 14144, File No. BPCT-2805, for construction permit to directionalize the antenna of Station WWLP (TV), Springfield, Massachusetts.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 1st day of June 1961;

The Commission having under consideration (1) the above-entitled application for consent to the transfer of a one-third stock interest in Connecticut Television, Inc., licensee of Station WHNB-TV, New Britain, Connecticut, from Plains Television Corporation to Springfield Television Broadcasting Corporation, filed May 12, 1960; (2) the above-entitled contingent applications for construction permits to mechanically tilt the antenna of Station WHNB-TV, New Britain, Connecticut, and to directionalize the antenna of Station WWLP (TV), Springfield, Massachusetts, filed on August 17, 1960, by Connecticut Television, Inc., and Springfield Television Broadcasting Corporation, respectively; (3) a request that the above-entitled transfer application be designated for hearig filed by Hampden-Hampshire Corporation, licensee of Station WHYN-TV, Springfield, Massachusetts, on June 6, 1960; (4) a petition to stay action on the above-entitled transfer application filed by Triangle Publications, Inc., licensee of Station WNHC-TV, New Haven, Connecticut, on June 10, 1960, and a supplement thereto filed on September 30, 1960, to designate the application for hearing; (5) a further request filed on September 6, 1960 by Hampden-Hampshire Corporation that the above-entitled transfer application and the two above-entitled construction permit applications for antennae modification be designated for hearing; (6) an opposition to the Hampden-Hampshire requests filed by Connecticut Television, Inc., and Springfield Television Broadcasting Corporation on September 23, 1960; (7) an opposition, filed on October 13, 1960, to the petition of Triangle Publications, Inc., to stay action on the above-entitled transfer application; and (8) a reply by Triangle Publications, Inc., filed on October 20, 1960; and

It appearing that the Grade A contours of Stations WWLP (TV), Springfield, Massachusetts, and WHNB-TV, New Britain, Connecticut, substantially overlap; and

It further appearing that Springfield Television Broadcasting Corporation, proposed transferee of the above-entitled transfer application, is the licensee of Stations WWLP (TV), Springfield, WRLP (TV), Greenfield, and WWOR-TV, Worcester, all in Massachusetts; that it operates translator stations in Claremont and Lebanon, New Hampshire, and Athol and Pittsfield, Massachusetts; and that it is the applicant (BPCT-2778) for a new UHF television station on Channel 64 in Pittsfield, Massachusetts; and

It further appearing that the Grade A contours of Stations WWLP (TV), Springfield, and WHNB-TV, New Britain, would continue to overlap substantially, although a reduction in service areas would occur, even if the above-entitled applications for construction permits to modify the antennae of the respective stations were granted; and

It further appearing that by letter of February 15, 1961, the Commission notified the above-entitled applicants of the reasons why it was unable to find that a grant of the above-entitled applications would serve the public interest; and said applicants were afforded an opportunity to reply; and

It further appearing that after due consideration of the March 17, 1961 reply submitted by Springfield Television Broadcasting Corporation and Connecticut Television, Inc., the Commission is unable to find that a grant of the above-entitled applicants would serve the public interest and that, therefore, the applications must be designated for hearing;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as it read prior to the 1960 amendments, the above-entitled applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether a grant of the above-captioned applications would be consistent with the provisions of § 3.636 of the Commission's rules and its policies promulgated thereunder;

2. To determine the extent and nature of the areas and populations which will gain or lose television service as a result of grants of the above-entitled applications for construction permits to modify the antennae of Stations WHNB-TV and WWLP(TV);

3. To determine the availability of other television services, if any, to the areas and populations determined under Issue No. 2;

4. To determine whether, on the basis of the evidence adduced with respect to the foregoing issues, grants of the above-entitled applications would serve the public interest, convenience and necessity.

It is further ordered, That, Hampden-Hampshire Corporation, licensee of Station WHYN-TV, Springfield, Massachusetts, and Triangle Publications, Inc., licensee of Station WNHC-TV, New Haven, Connecticut, are made parties to the hearing; and

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, and the above-specified parties to the hearing, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate written appearances stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: June 7, 1961.

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

[F.R. Doc. 61-5395; Filed, June 9, 1961; 8:51 a.m.]

[Docket No. 14148, 14149]

TELEPHONE ANSWERING SERVICE OF TRENTON AND RADIO MOBILE ANSWERING SERVICE

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of David I. and Isabel P. Flood d/b as Telephone Answering

Service of Trenton, Docket No. 14148, File No. 2745–C2–P–60, for a construction permit to establish a new one-way signaling service in the Domestic Public Land Mobile Radio Service at Trenton, New Jersey; Eugene R. Lemieux, d/b as Radio Mobile Answering Service, Docket No. 14149, File No. 2907–C2–P–60, for a construction permit to establish a new one-way signaling service in the Domestic Public Land Mobile Radio Service at Trenton, New Jersey.

The Commission, by its Chief of the Common Carrier Bureau acting under delegation of authority pursuant to section 0.262 of the Commission's rules, having under consideration the respective above entitled applications for construction permits to establish new one-way signaling services in the Domestic Public Land Mobile Radio Service at Trenton, New Jersey; and

It appearing that both applicants propose operation on the frequency 35.58 Mc with base station facilities to be situated at the same geographical location; and

It further appearing that of the four frequencies designated in § 21.501(d) of our rules for this service, all except the 35.58 Mc frequency are presently assigned in such manner as to prohibit their use in the Trenton area; and

It further appearing that operation of the proposed facilities on a co-channel basis would result in harmful interference between the radio facilities proposed by the applicants and that such interference would be undesirable and intolerable; and

It further appearing that operation of either of the above captioned facilities co-channel on 35.58 Mc with existing stations in the Domestic Public Land Mobile Radio Service on that frequency at Wilmington, Delaware (The Diamond State Telephone Company's station KGA473) and Newark, New Jersey (station KEC935 of Ruth and Seymour H. Chervinski, d/b as Page Call) may result in harmful interference; and

It further appearing that satisfactory one-way signaling service requires a minimum radio signal field strength ratio of 5 to 1 (14 decibels) between desired and undesired co-channel stations; and

It further appearing that § 21.504 of our rules prescribes a median field strength contour of 43 decibels above one micro-volt per meter as the limit of reliable service area for stations engaged in one-way signaling service; and

It further appearing that the procedure set forth in a Commission Report No. T.R.R. 4.3.8, entitled "A Summary of the Technical Factors Affecting the Allocation of Land Mobile Facilities in the 152 to 158 Megacycle Band", and use of the F(50, 50) and F(50, 10) radio wave propagation charts for TV channel 2 (contained in Part 3 of the Commission's rules and the Commission's sixth Report and Order in Docket Nos. 8736, et al.) adjusted downward in field strength by 6 decibels to compensate for the change in receiving antenna height to 6 feet above ground in lieu of the 30 foot height for which the charts were drawn, are proper for evaluation of the service contours and interference potential of the stations proposed in this proceeding as well as those of station KGA473 at Wilmington, Delaware and station KGC935 at Newark, New Jersey; and

It further appearing that in accordance with § 21.100 of the Commission's rules, each frequency available for assignment in the Domestic Public Land Mobile Radio Service is normally assigned exclusively to a single applicant in any service area in order to permit the rendition of service on an interference-free basis; and

It further appearing that each of the applicants herein is legally, financially and technically qualified to be a licensee in this service;

It is ordered, This 31st day of May 1961, That, pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding, to be held at the Commission's offices in Washington, D.C., on a date to be hereafter specified, upon the following issues:

(a) To determine, on a comparative basis, the nature and extent of the services proposed by each of the applicants, including rates, charges, practices, classifications, regulations, personnel and facilities pertaining thereto.

(b) To determine, on the basis of the engineering standards set out above, whether any harmful interference would result from the co-channel operation of each of the proposed Trenton, New Jersey, stations to the service provided by station KGA473 (Wilmington, Delaware) within its 43 dbu service contour and, if so, in view of the service being provided, whether such interference would be undesirable or intolerable.

(c) To determine, on the basis of the engineering standards set out above, whether any harmful interference would result from the co-channel operation of station KGA473 (Wilmington, Delaware) to the service proposed by each of the applicants within the 43 dbu contour of each of the proposed stations at Trenton, New Jersey, and, if so, in view of the nature of the service proposed, whether such interference would be undesirable or intolerable.

(d) To determine, on the basis of the engineering standards set out above, whether any harmful interference would result from the co-channel operation of station KEC935 (Newark, New Jersey) to the service proposed by each of the applicants within the 43 dbu service contour of each of the proposed stations at Trenton, New Jersey, and, if so, in view of the nature of the service proposed, whether such interference would be undesirable or intolerable.[1]

(e) To determine the area and population which may be expected to receive service from each of the proposed stations within its 43 dbu service contour and the need for such service in the area proposed to be served.

(f) To determine, in the light of the evidence adduced on all the foregoing issues, which, if any, of the applications should be granted.

It is further ordered, That the Chief, Common Carrier Bureau is made a party to the proceedings herein;

It is further ordered, That the Diamond State Telephone Company (station KGA473 at Wilmington, Delaware) and Ruth and Seymour H. Chervinski, d/b as Page Call (station KEC935 at Newark, New Jersey) are made party intervenors to the proceedings herein, with the Wilmington licensee's participation limited to issues (b) and (c) and the Newark licensee's participation limited to issue (d);

It is further ordered, That the parties desiring to participate herein shall file their appearances in accordance with § 1.140 of the Commission's rules.

Released: June 7, 1961.

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

[F.R. Doc. 61–5396; Filed, June 9, 1961; 8:52 a.m.]

[1] It appears to be unnecessary to consider whether an installation at Trenton would interfere with Newark, since our engineering evaluation of this possibility shows that such potential is not substantial. However, the height and power of the Newark installation, and the intervening terrain, indicate a practical possibility that interference might be caused in Trenton from Newark.

FEDERAL AVIATION AGENCY

[OE Docket No. 61–KC–38]

CONSTRUCTION OF RADIO ANTENNA STRUCTURE

Notice of No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the utilization of airspace: Lakeshore Broadcasting Corporation, Inc., Racine, Wisconsin, proposes to construct a radio antenna structure in Racine, Wisconsin, at latitude 42°44'05'' north, longitude 87°-47'03'' west. The overall height of the structure would be 870 feet above mean sea level (270 feet above ground).

No aeronautical objections were made in response to the circularization. The proposed structure would be located 1.8 miles southeast of the center of the Horlick-Racine Airport; would exceed this Agency's TSO–N18 criteria; and would penetrate the horizontal surface of the "Joint Industry/Government Tall Structures Committee" criteria by 51 feet. However, the aeronautical study revealed that the proposed structure would not adversely affect air traffic operations at the Horlick-Racine Airport.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, I find that the proposed structure at the location and mean sea level elevation specified herein would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no ob-

jection thereto from an airspace utilization standpoint be interposed by this Agency, provided that the structure be marked and lighted in accordance with applicable rules and standards.

This finding will be effective upon publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on June 6, 1961.

LEE E. WARREN,
Acting Director,
Bureau of Air Traffic Management.

[F.R. Doc. 61-5363; Filed, June 9, 1961; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 12127 etc.]

NORTH CENTRAL AIRLINES, INC.; "USE IT OR LOSE IT" INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on July 11, 1961, at 10:00 a.m., c.d.s.t., in the Casino Room of the St. Paul Hotel, St. Paul, Minnesota, before the undersigned Examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the Prehearing Conference Report served May 5, 1961; Board Orders E-16373, E-16540, and E-16841, adopted, respectively, February 16, March 22, and May 22, 1961; and all other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board located in the Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., June 7, 1961.

[SEAL] FRANKLIN M. STONE,
Hearing Examiner.

[F.R. Doc. 61-5391; Filed, June 9, 1961; 8:51 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

CENTRAL ARIZONA LIVESTOCK AUCTION ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
ARIZONA	
Central Arizona Livestock Auction, Casa Grande, May 26, 1960.	Casa Grande Livestock Auction Co., Feb. 18, 1961.
ARKANSAS	
Lafayette County Livestock Auction, Inc., Lewisville, Oct. 2, 1959.	Lafayette County Livestock Auction Co., Apr. 18, 1961.
ILLINOIS	
Mattoon Auction Co., Mattoon, Nov. 19, 1959_____	Mattoon Livestock Auction Co., Mar. 14, 1961.
IOWA	
LaPorte City Sale Barn, LaPorte City, May 22, 1959.	LaPorte City Livestock Auction, Apr. 1, 1961.
Middletown Sale Co., Middletown, June 10, 1959__	Middletown Auction Sales, Inc., May 1, 1961.
Stanton Auction Co., Stanton, May 25, 1959_____	Stanton Auction Co., Inc., Oct. 1, 1960.
KENTUCKY	
Hutcherson Livestock Market, Glasgow, Dec. 11, 1959.	Barren County Stockyards, Inc., Apr. 28, 1961.
LOUISIANA	
Jennings Stock Yards, Baton Rouge, July 25, 1957__	Brown-Alsbrooke Stockyards, Inc., May 1, 1961.
Jennings Commission Barn, Opelousas, July 25, 1957.	Brown-Alsbrooke Stockyards, Inc., May 1, 1961.
W. H. Hodges and Co., Alexandria, July 26, 1946___	W. H. Hodges & Co. of Alexandria, Inc., Jan. 1, 1958.
W. H. Hodges and Co., Crowley, June 12, 1957_____	W. H. Hodges & Co. of Crowley, Inc., Jan. 1, 1958.
W. H. Hodges and Co., New Roads, June 20, 1957__	W. H. Hodges & Co. of New Roads, Inc., Jan. 1, 1958.
W. H. Hodges and Co., Tallulah, June 21, 1959_____	W. H. Hodges & Co. of Tallulah, Inc., Jan. 1, 1958.
MISSOURI	
Platte County Sales Co., Platte City, Jan. 13, 1960_	Platte County Sale Co., Jan. 13, 1961.
NEBRASKA	
Bassett Livestock Sale Co., Basset, June 19, 1939__	Bassett Livestock Auction, Inc., Apr. 25, 1961.
NEW YORK	
Cobleskill Commission Sale, Cobleskill, Aug. 8, 1960.	Cobleskill Commission Auction, Inc., Apr. 25, 1961.
OKLAHOMA	
Cheyenne Livestock Auction, Cheyenne, Sept. 16, 1960.	Stockton Commission Co., Feb. 21, 1961.
Shattuck Livestock Commission, Shattuck, Dec. 31, 1959.	Shattuck Auction Co., Apr. 24, 1961.
TEXAS	
Victoria Livestock Commission Co., Victoria, May 1, 1957.	Victoria Livestock Commission, Inc., Apr. 19, 1961.

Done at Washington, D.C., this 7th day of June, 1961.

K. A. POTTER,
Acting Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 61-5403; Filed, June 9, 1961; 8:53 a.m.]

QUEEN CITY LIVESTOCK & AUCTION CO., INC., ET AL.

Proposed Posting of Stockyards

The Chief of the Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act.

Queen City Livestock & Auction Co., Inc., Winder, Ga.
Macon County Sale Barn, Decatur, Ill.
Brown County Sales Assn., Mt. Sterling, Ill.
Harry Sutton Livestock Market, Kinston, N.C.
Frederick Stockyards, Frederick, Okla.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 7th day of June 1961.

K. A. POTTER,
Acting Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 61-5404; Filed, June 9, 1961; 8:53 a.m.]

REED'S LIVESTOCK CO., INC., ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the act, as amended (7 U.S.C. 202). and were, therefore, subject to the act, and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

Name and Location of Stockyard and Date of Posting

CALIFORNIA

Reed's Livestock Co., Inc., Hayward; April 19, 1961.

GEORGIA

Capital Stockyard, Vidalia; April 21, 1961.

MISSOURI

El Dorado Sales Company, El Dorado Springs; April 12, 1961.

NEW YORK

Peters Livestock Exchange, Jeffersonville; April 26, 1961.

Warwick Auction Market, Warwick; April 24, 1961.

OKLAHOMA

Cornwell & Ochsner Community Sale, Yukon; February 28, 1961.

OREGON

Tillamook County Farm Bureau Marketing Association, Inc., Tillamook; April 18, 1961.

Done at Washington, D.C., this 7th day of June 1961.

K. A. POTTER,
Acting Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 61-5405; Filed, June 9, 1961; 8:53 a.m.]

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

June 1961 Monthly Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669) and subject to the conditions stated therein, as well as herein, the commodities listed below are available for sale on the price basis set forth.

Major changes in the list for June are the addition for domestic and export sale of butter and cheddar cheese for which price-support purchases are increasing and of small red beans which were taken over under price-support from the 1960 crop. Broken rice and milled rice are being dropped from the list because CCC supplies are exhausted. In another change, the domestic sales price for unrestricted use for CCC-owned wheat, corn, barley, oats, rye, and grain sorghum will be 105 percent of the applicable 1960 support rate plus a mark-up which includes carrying charges and other items.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Price Division, Commodity Stabilization Service, U.S. Department of Agriculture, Washington 25, D.C.

All commodities currently offered for sale by CCC, plus tobacco from CCC loan stocks, are eligible for export sale under the CCC Export Credit Sales Program.

The following commodities are currently eligible for barter: Nonfat dry milk, cotton, tobacco, rice (Pearl rough), wheat, corn, barley, rye, oats, and grain sorghums. This list is subject to change from time to time.

Interested rates per annum under the CCC Export Credit Sales Program for June 1961 are 3⅜ percent for periods up to six months, 3⅞ percent for periods from over six and up to 18 months, and 4⅜ percent for periods from over 18 months up to a maximum of 36 months.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payments by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require removal of the commodity from CCC storage within a reasonable period of time. Where conditions of sale for export differ from those for domestic sale, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Interested persons are invited to communicate with the Commodity Stabilization Service, USDA, Washington 25, D.C., with respect to all commodities or—for specified commodities—with the designated CSS Commodity Office.

Commodity Credit Corporation reserves the right to amend, from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

If CCC does not have adequate information as to the financial responsibility of a prospective buyer to meet all contract obligations that might arise by acceptance of an offer or if CCC deems such buyer's financial responsibility to be inadequate CCC reserves the right (i) to refuse to consider the offer, (ii) to accept the offer only after submission by the buyer of a certified or cashier's check, bond, letter of credit or other security acceptable to CCC assuring that the buyer will discharge the responsibility under the contract, or (iii) to accept the offer upon condition that the buyer promptly submit to CCC such of the aforementioned security as CCC may direct. If a prospective buyer is in doubt as to whether CCC is acquainted with his financial responsibility he should communicate with the CSS Office at which the offer is to be placed to determine whether a financial statement or advance financial arrangement will be necessary in his case.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate CSS Office promptly upon appearance and therefore generally they do not appear in the Monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions, and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to United States Government agencies, with only minor exceptions, will constitute a domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

Notice to exporters. The Department of Commerce, Bureau of Foreign Commerce (BFC), pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities (except absorbent cotton and sterilized gauze and bandages with respect to Cuba only) under this program to Cuba, the Soviet Bloc, or Communist-controlled areas of the Far East including Communist China, North Korea, and the Communist-controlled areas of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of Foreign Commerce.

These regulations generally require that exporters, in or in connection with their contracts with foreign purchasers, where the contract involves $10,000 or more and exportation is to be made to a Group R country, obtain from the foreign purchaser a written acknowledgment of his understanding of (1) U.S. Commerce Department prohibitions (Comprehensive Export Schedule, 15 CFR 371.4 and 371.8) against sales or resale for re-export of said commodities, or any part thereof, without express Commerce Department authorization, to the Soviet Bloc, Communist China, North Korea or the Communist-controlled area of Vietnam or to Cuba, and (2) the sanction of denial of future U.S. export privileges that may be imposed for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by the Secretary of Agriculture or CCC. Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC the original purchaser should inform the exporter in writing of the requirement for obtaining the signed acknowledgment from the foreign purchaser.

For all exportations, one of the destination control statements specified in BFC Regulation (Comprehensive Export Schedule, 15 CFR 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of Foreign Commerce or one of the field offices of the Department of Commerce.

Exporters should consult the applicable BFC regulations for more detailed information if desired and for any changes that may be made therein.

Commodity	Sales price or method of sale
Dairy products	Sales are in carlots only in store at storage location of products. Submission of offers: For products in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, submit offers to the Portland CSS Commodity Office. For products in other States and the District of Columbia, submit offers to the Cincinnati CSS Commodity Office.
Butter	Domestic, unrestricted use; announced prices, under LD–29 as amended: 65.75 cents per pound—New York, Pa., New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 65.0 cents per pound—Washington, Oregon, and California. All other States 64.75 cents per pound. Export: Competitive bid under LD–33, as amended, pursuant to invitations to bid to be issued by Cincinnati and Portland CSS Commodity Offices.
Nonfat dry milk	Domestic, unrestricted use, announced prices, under LD–29 as amended: Spray process, U.S. extra grade, 17.00 cents per pound. Roller process, U.S. extra grade, 15.00 cents per pound. Export: Competitive bid under LD–33, as amended, pursuant to invitations to bid to be issued by Cincinnati and Portland CSS Commodity Offices. Announced prices under LD–35: When sales are made under LD–33, as amended, above, any nonfat dry milk offered but not sold under the invitation to bid will be offered for sale through the following Monday at prices announced in Washington each Tuesday.
Cheddar Cheese (standard moisture basis).	Domestic, unrestricted use, announced prices, under LD–29 as amended: 39.75 cents per pound—New York, Pa., New England, New Jersey, and other States bordering the Atlantic Ocean and Pacific Ocean and the Gulf of Mexico. All other States 38.75 cents per pound. Export: Competitive bid under LD–33, as amended, pursuant to invitations to bid to be issued by Cincinnati CSS Commodity Office.
Cotton, upland	Domestic or export, unrestricted use: Competitive bid and under the terms and conditions of Announcement NO–C–14, as amended (sale of 1959 and prior crops cotton for unrestricted use) and Announcement NO–C–15, as amended (sale of 1960-Crop Choice (A) Cotton for unrestricted use). Under NO–C–14, as amended, cotton to be sold at highest price offered but in no event at less than the higher of (1) the market price as determined by CCC, or (2) 115 percent of the applicable 1960-Choice (B) support price plus carrying charges. Under NO–C–15, as amended, cotton to be sold at highest price offered but in no event at less than the higher of (1) the market price as determined by CCC, or (2) 110 percent of the applicable 1960 Choice (B) support price plus carrying charges.
Cotton, extra long staple	Domestic or export, unrestricted use: Competitive bid and under the terms and conditions of Announcements NO–C–6 (revised July 22, 1960) as amended, and NO–C–10, as amended, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC.
Catalogs	Catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and locations may be obtained for a nominal fee from the New Orleans CSS Commodity Office.
Wheat, barley, rye, grain sorghums, bulk.	Domestic, unrestricted use: Basis in store, at the applicable 1960 loan rate plus the amount shown below. If delivery is outside the area of production, applicable freight will be added to the above.

Unit	Received by—		Examples of minimum prices (exrail or barge)		
	Truck	Rail or barge	Terminal	Class and grade	Price
	Cents	*Cents*			
Wheat (commercial area) [4] Bushel	23	20	Chicago	No. 1 RW	$2.28
			Minneapolis	No. 1 DNS	2.35
			Kansas City	No. 1 HW	2.28
			Portland	No. 1 SW	2.19
Barley Do	17	15	Minneapolis	No. 2 or better	1.15
Rye Do	19	16	do	No. 2 or better (or No. 3 on TW only).	1.28
Grain sorghums Hundredweight	35	29	Kansas City	No. 2 or better	2.16

Available CSS Commodity Offices located in producing areas. (See page 10 for addresses of commodity offices handling grain.)

Export:

Wheat:

(1) Under Announcement GR–345 (revised June 30, 1960), as amended, for redemption of certificates under payment-in-kind program, (2) under Announcement GR–212 (revision 2, Jan. 9, 1961), for specified offerings as announced and (3) as wheat under Announcement GR–261 (revision 2, Jan. 9, 1961), for application under arrangements for barter which permits exportation of wheat as flour and approved credit sales only at prices determined daily.

Barley, Rye, Grain sorghums:

Under Announcement GR–368 (revised Aug. 31, 1959), as amended, for feed grain payment-in-kind program, and under Announcement GR–212 (revision 2, Jan. 9, 1961), for application to arrangements for barter and approved credit and emergency sales.

Available Evanston, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices.

Corn and oats, bulk — Domestic, unrestricted use; basis in store,[1] at the 1960 applicable loan rate plus the amount shown below. For grain in store at other than the point of production the rail freight from point of production to the present point of storage must also be added.

Unit	In store at—		Examples of minimum prices		
	Point of production	Other point	Terminal	Class and grade	Price
	Cents	*Cents*			
Corn Bushel	17	20	Chicago	No. 2 yellow, 13.3% moisture, 1.4% f.m.	[3] $1.42½
			Minneapolis		[3] 1.26¼
Oats Do	15	17	Chicago	No. 3	[3] .75¼
			Minneapolis	No. 3	[3] .66¼

See footnotes at end of table.

Commodity	Sales price or method of sale
Corn and oats, bulk (continued)	Nonstorable corn, unrestricted use (as available): At not less than market price as determined by CCC. At bin sites through ASC County Offices. At other locations through the Commodity Offices indicated below. Export: Under Announcement GR-212 (revision 2, Jan. 9, 1961), for application to arrangements for barter and approved credit and emergency sales and under Announcement GR-368 (revised Aug. 31, 1959), as amended, for grain payment-in-kind program. Available Evanston, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices.
Rice, rough, as available	Domestic, unrestricted use; market price but not less than the applicable 1960 loan rate plus 5 percent, plus 43 cents per hundredweight, basis in store. Export: As milled or brown under Announcement GR-369, revision 1, Feb. 1, 1961, Rice Export Program—Payment-in-Kind, and under GR-379 (revision 1, May 1, 1961) for approved credit sales. California Pearl only for application to approved barter contracts under GR-379, revision 1, May 1961. Prices, quantities, and varieties of rough rice available from Dallas and Portland CSS Commodity Offices.
Peanuts, shelled (as available), all types.	Domestic, unrestricted use: 1960 support price plus 5 percent, adjusted for milling, plus reasonable carrying charges under Peanut Announcement 3 as shown below or market prices, whichever is higher: Virginia, No. 1's — Cents per lb. 20.96 S.E. Runner, No. 1's — 20.93 S.E. Spanish, No. 1's — 21.31 S.W. Spanish, No. 1's — 21.59
Peanuts, shelled and unshelled (farmers stock), as available.	Domestic for crushing or export: Competitive bid under CCC Peanut Accouncement 1 (revised Feb. 16, 1959), as amended.
Tung oil	Domestic or export, unrestricted use: Competitive bid and under the terms and conditions of tung oil Announcement DL-OP-11. Available Dallas CSS Commodity Office.
Dry edible beans (bagged), as available.	Domestic and export: Domestic market price but not less than the following minimum price per hundredweight for U.S. No. 1 f.o.b. indicated points of production, amount of paid-in freight to be added as applicable. For other grades and in other areas, adjust by 1960-crop price support differentials.

Class	Price per hundredweight	Area of production
Dark red kidney	$8.04	Michigan.
Small red	6.52	Washington.
Pea	6.94	Michigan.

Small red available Portland CSS Commodity Office. Other classes available at Evanston CSS Commodity Office.

[1] In those counties in which grain is stored in CCC bin sites, delivery will be made f.o.b. buyer's conveyance at bin sites without additional cost; sales will also be made in store approved warehouses in such county and adjacent counties at the same price, provided the buyer makes arrangements.
[2] Includes average paid in freight from Woodford County, Ill.
[3] Includes average paid in freight from Redwood County, Minn.
[4] Noncommercial producing area wheat shall be on the same basis as commercial producing area wheat except increase applicable support rate by 33 percent before adding amount shown on preceding page.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U.S.C. 1427, sec. 208, 63 Stat. 901)

Issued: June 7, 1961.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 61-5407; Filed, June 9, 1961; 8:54 a.m.]

FEDERAL RESERVE SYSTEM

MARINE CORP.

Notice of Application for Approval of Acquisition of Shares of a Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842), by The Marine Corporation, which is a bank holding company located in Milwaukee, Wisconsin, for the prior approval of the Board of the acquisition by applicant of 80 percent or more of the voting shares of The National Manufacturers Bank of Neenah, Wisconsin.

In determniing whether to approve this application submitted pursuant to section 3(a) of the Bank Holding Company Act, the Board is required by that Act to take into consideration the following factors: (1) The financial history and condition of the company and the bank concerned; (2) their prospects; (3) the character of their management: (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington 25, D.C.

Dated at Washington, D.C., this 6th day of June 1961.

By order of the Board of Governors.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary.

[F.R. Doc. 61-5371; Filed, June 9, 1961; 8:46 a.m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

ASSISTANT COMPTROLLER, LOANS AND ANNUAL CONTRIBUTIONS

Amendment to Delegation of Final Authority

Section II *Delegations of final authority* is amended as follows:

Delete from paragraph C2 the title "Assistant Comptroller, Loans and Annual Contributions".

Approved: May 27, 1961.

[SEAL] MARIE C. MCGUIRE,
Commissioner.

[F.R. Doc. 61-5372; Filed, June 9, 1961; 8:46 a.m.]

DEPUTY ASSISTANT COMMISSIONER FOR MANAGEMENT

Amendment to Delegations of Final Authority

Section II *Delegations of final authority,* is amended as follows:

Paragraph E7 is amended by deleting the name "Harold B. Fliege" and inserting: "Deputy Assistant Commissioner for Management" and "Kenneth M. Stone".

Approved: June 1, 1961.

[SEAL] MARIE C. MCGUIRE,
Commissioner.

[F.R. Doc. 61-5373; Filed, June 9, 1961; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 506]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 7, 1961.

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 64083. By order of June 2, 1961, the Transfer Board approved the transfer to Hillside Van Lines, Inc., Jamaica, N.Y., of Certificate No. MC 104093, issued January 27, 1953, to John C. Juliano, doing business as Hillside Moving & Storage Co., Jamaica, N.Y., authorizing the transportation of: Stove

fixtures, used, uncrated, between New York, N.Y., on the one hand, and, on the other, points in New Jersey and portions of New York and Pennsylvania as specified; and household goods, between New York, N.Y., on the one hand, and, on the other, points in Connecticut, New Jersey, New York, and Pennsylvania. Lester D. Reich, 167–17 Hillside Avenue, Jamaica 32, N.Y., attorney for applicants.

No. MC–FC 64102. By order of June 2, 1961, the Transfer Board approved the transfer to Crosby Express, Inc., 12 Jay Place, North Branford, Conn., of Permit No. MC 117408, issued September 14, 1959, to Norman H. Crosby, doing business as The Fahr Express Company, 12 Jay Place, North Branford, Conn., authorizing the transportation of: building, roofing, and insulating materials (except liquid commodities, in bulk, in tank vehicles), between New Haven, Conn., on the one hand, and, on the other, points in Connecticut, Massachusetts, New Jersey, New Hampshire, Rhode Island, Vermont, and specified points in Delaware, Maine, New York, and Pennsylvania; and materials and supplies used in the manufacture of the above-described commodities (except commodities, in bulk, in tank vehicles), and skids and pallets, from points in Connecticut, Massachusetts, New Jersey, New Hampshire, Rhode Island, Vermont, and specified points in Delaware, Maine, New York, and Pennsylvania, to New Haven, Conn.

No. MC–FC 64170.* By order of May 17, 1961, the Transfer Board approved the transfer to David P. Naughton, doing business as Towne's Express, 21 North Avenue, Norwood, Mass., of Certificate No. MC 8496, issued June 26, 1941, to Richard J. Towne, doing business as Towne's Express, 16 Oak Road, Norwood, Mass., authorizing the transportation, over a regular route, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Boston, Mass., and Walpole, Mass.

No. MC–FC 64204. By order of June 5, 1961, the Transfer Board approved the transfer to Robert D. Asberry and Charles L. Crees, a Partnership, doing business as Asberry & Crees, Exira, Iowa, of Certificate No. MC 18534, issued July 9, 1958, to Raymond W. Wede, doing business as Ray Wede, Gray, Iowa, authorizing the transportation, over regular routes, of building materials, agricultural machinery, seeds, harness, binder twine, feed, fencing materials, hardware, and oil and grease in barrels, from Omaha, Nebr., to Ross, Iowa, and livestock, between Ross, Iowa, and Omaha, Nebr., between Carroll, Iowa, and Omaha, Nebr., between Atlantic, Iowa, and Omaha, Nebr., and between Panora, Iowa, and Omaha, Nebr.

No. MC–FC 64225. By order of June 2, 1961, the Transfer Board approved the transfer to Milton Gleicher and Rubin Gleicher, a partnership, doing business as H. Gleicher and Sons, 503 East 6th St., New York, N.Y., of a Certificate in No. MC 100030, issued February 21, 1940, to H. Gleicher, M. Gleicher, and R. Gleicher, a partnership, doing business as H. Gleicher & Sons, 503 East 6th St., New York, N.Y., which authorizes the transportation of new furniture, over irregular routes, between New York, N.Y., on the one hand, and, on the other, points in New York within 150 miles of New York, N.Y., and those in New Jersey within 60 miles of New York, N.Y., on the other.

No. MC–FC 64243. By order of June 2, 1961, the Transfer Board approved the transfer to Merlin Herrmann, Luverne, Minn., of Certificate No. MC 45924 Sub 1, issued June 30, 1942, to Leo J. Fuerstenberg, Wilmont, Minn., which authorizes the transportation of farm machinery and parts, over irregular routes, between Charles City, Burlington, and Waterloo, Iowa, and Rockford, Moline, East Moline, and Rock Island, Ill., on the one hand, and, on the other, Wilmont, Minn., and points in Minnesota within 35 miles of Wilmont. Mort B. Skewes, Luverne, Minnesota, attorney for applicants.

No. MC–FC 64252. By order of June 5, 1961, the Transfer Board approved the transfer to Henry A. Crooks, doing business as Mio Bus Line, Onaway, Mich., of Certificate No. MC 109173, issued October 25, 1949, to Henry A. Crooks and Ellsworth Crooks, a partnership, doing business as Mio Bus Line, Onaway, Mich., authorizing the transportation of passengers and their baggage, and newspapers, express, and mail in the same vehicle with passengers, over regular routes, between West Branch, Mich., and Onaway, Mich., with service authorized to and from all intermediate points. L. F. Richardson, 608 Michigan National Tower, Lansing 8, Mich., attorney for applicants.

No. MC–FC 64261. By order of June 2, 1961, the Transfer Board approved the transfer to Gus Hampl, doing business as Hampl & Canon, Burke, S. Dak., of Certificate No. MC 106470, issued October 7, 1949, to Gus Hampl and Roy Canon, a partnership, doing business as Hampl & Canon, Burke, S. Dak., which authorizes the transportation of livestock, feed, seed, and agricultural machinery parts, from and to specified points in South Dakota, and Iowa, and general commodities, except those of unusual value, Class A & B explosives, commodities in bulk, and those requiring special equipment, over irregular routes, from Sioux City, Iowa, to Burke, S. Dak. Harold Gunvordahl, Burke, S. Dak., attorney for applicants.

No. MC–FC 64264. By order of June 2, 1961, the Transfer Board approved the transfer to Wm. Eustice & Sons, Inc., Belmont, Wis., of Certificate No. MC 101642, issued July 21, 1954, to William A. Eustice, Donald A. Eustice, William Ronald Eustice, and Raymond Robert Eustice, a partnership, doing business as Wm. A. Eustice & Sons, Belmont, Wis., authorizing the transportation over irregular routes of livestock between Rewey and Mineral Point, Wis., point in Belmont, Elk Grove, Kendall, Willow Springs, and Darlington Townships, Lafayette County, Wis., and points in Platteville Township, Grant County, Wis., on the one hand, and, on the other, Dubuque, Iowa and East Dubuque and Galena, Ill.; fertilizer, from Dubuque, Iowa to points in Wisconsin on and South of U.S. Highway 10; and dry fertilizer, from Dubuque, Iowa to points in Minnesota.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 61–5380; Filed, June 9, 1961; 8:47 a.m.]

* The previous notice published in the FEDERAL REGISTER of May 24, 1961, did not include the authority acquired by transferee.

CURTIS DONALD BUFORD

Statement of Financial Interests

Pursuant to subsection 302 (b), Part III, Executive Order No. 10647, dated November 28, 1955 (20 F.R. 8769), "Providing for the appointment of certain persons under the Defense Production Act of 1950, as amended", I hereby furnish the following information for filing with the Office of the Federal Register for publication in the FEDERAL REGISTER:

(1) The names of each corporation of which I am, or within sixty days preceding my said appointment have been, an officer or director, are as follows:

None.

(2) The names of each corporation in which I own, or within sixty days preceding my said appointment have owned, stocks, bonds, or other financial interests, are as follows:

AT&T, New York Central System, Chrysler, American Independent Reinsurance Co.

(3) The names of each partnership of which I am, or within sixty days preceding my said appointment have been, a partner, are as follows:

None.

(4) The names of other businesses in which I own, or within sixty days preceding my said appointment have owned, any similar interest are as follows:

None.

Dated: May 26, 1961.

CURTIS DONALD BUFORD.

[F.R. Doc. 61–5379; Filed, June 9, 1961; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 6, 1961.

Protests to the granting of 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. 37186: *Substituted service—ACL, et al., for McDowall Transport, Inc.* Filed by McDowall Transport, Inc. (No. 4), for interested carriers. Rates on canned fruits and canned fruit juices, not requiring refrigeration, loaded in trailers and transported on railroad flat cars, from Auburndale, Fort Pierce, Jacksonville, Lakeland, Miami, Orlando, Sanford, and Tampa, Fla., on traffic

originating at such points or points beyond, as described in the application, to points in Illinois, Indiana, Kentucky, Michigan, Ohio, and West Virginia, named in the application, on traffic destined to such points or points beyond, as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 9 to McDowall Transport, Inc., tariff MF-I.C.C. 28.

FSA No. 37187: *Soda ash—Baton Rouge, La., to Coronet, Fla.* Filed by O. W. South, Jr., Agent (No. A4106), for interested rail carriers. Rates on soda ash, in carloads, from Baton Rouge and North Baton Rouge, La., to Coronet, Fla.

Grounds for relief: Barge-truck competition.

Tariff: Supplement 51 to Southern Freight Association tariff I.C.C. S-89.

FSA No. 37188: *Soda ash from Baton Rouge, La., to South Addison, Ill.* Filed by O. W. South, Jr., Agent (No. A4105), for the Illinois Central Railroad Company. Rates on soda ash, in carloads, from Baton Rouge and North Baton Rouge, La., to South Addison, Ill.

Grounds for relief: Market competition.

Tariff: Supplement 200 to Southern Freight Association tariff I.C.C. 452. (Marque series.)

FSA No. 37189: *Animal or poultry feed to and from Wyoming points.* Filed by Western Trunk Line Committee, Agent (No. A2192), for interested rail carriers. Rates on animal or poultry feed, as described in the application, in carloads, between points in Wyoming, on the one hand, and points in Colorado, Illinois, Indiana, Iowa, Kansas, Michigan (Upper Peninsula), Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming, on the other.

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

Tariffs: Supplements 27 and 54 to Western Trunk Line Committee tariffs I.C.C. A-4335 and A-4257, respectively.

FSA No. 37190: *Petroleum products from Dupont, Colo., and Wyco, Wyo.* Filed by Western Trunk Line Committee, Agent (No. A-2188), for interested rail carriers. Rates on petroleum and petroleum products, in tank-car loads, from Dupont, Colo., and Wyco, Wyo., to specified points in Wyoming, also Willard, Colo.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 33 to Western Trunk Line Committee tariff I.C.C. A-4199.

FSA No. 37191: *Iron and steel pipe—Pueblo, Colo., to Texas points.* Filed by Southwestern Freight Bureau, Agent (No. B-8031), for interested rail carriers. Rates on pipe, steel or wrought iron, in carloads, from Pueblo, Colo., to points in Texas.

Grounds for relief: Market competition.

Tariff: Supplement 240 to Southwestern Freight Bureau tariff I.C.C. 4116.

FSA No. 37192: *Cottonseed cake and meal from southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-8033), for interested rail carriers. Rates on cottonseed cake or meal, in carloads, from points in southwestern territory, to specified points in Colorado.

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

Tariff: Supplement 175 to Southwestern Freight Bureau tariff I.C.C. 3972.

FSA No. 37193: *Iron and steel articles from Princeton, Ill.* Filed by Southwestern Freight Bureau, Agent (No. B-8035), for interested rail carriers. Rates on iron and steel articles, as described in the application, in carloads, from Princeton, Ill., to specified points in Louisiana and Texas.

Grounds for relief: Market competition.

Tariff: Supplement 190 to Southwestern Freight Bureau tariff I.C.C. 4308.

By the Commission.

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

[F. R. Doc. 61-5343; Filed, June 8, 1961; 8:45 a.m.]

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PRINCIPAL OFFICIALS IN THE EXECUTIVE BRANCH

Appointed January 20–April 20, 1961

A listing of more than 350 appointments of key officials made after January 20, 1961. Serves as a supplement to the 1960–61 edition of the U.S. Government Organization Manual

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