



FEDERAL REGISTER

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Contents

Agricultural Marketing Service

NOTICES:
Organization, functions, and delegations of authority; correction... 125

PROPOSED RULE MAKING:
Irish potatoes grown in Maine; decision regarding proposed amendments to marketing agreement and order and referendum order... 111
Onions grown in South Texas; recommended decision and opportunity to file written exceptions regarding proposed amendments to marketing agreement and order... 108

RULES AND REGULATIONS:
Carrots, frozen; U.S. standards for grades... 74
Grapefruit grown in Indian River district in Florida (2 documents)... 87, 92
Pears grown in Oregon, Washington, and California; handling limitations... 92
Shipment limitations:
Oranges and grapefruit grown in Lower Rio Grande Valley in Texas... 86
Oranges, grapefruit, tangerines, and tangelos grown in Florida... 85

Agricultural Stabilization and Conservation Service

PROPOSED RULE MAKING:
Milk in certain marketing areas in Indiana; hearings on proposed amendments to tentative agreements and orders:
Fort Wayne... 121
Indianapolis... 122
Shade-grown cigar-leaf tobacco grown in designated production area of Florida and Georgia; hearing regarding proposed amendment to marketing agreement and order; correction... 121
RULES AND REGULATIONS:
Milk in Connecticut marketing area; order amending order... 93
Wheat, 1962-63 marketing year; determination of county normal yields... 76

Agriculture Department

See Commodity Credit Corporation; Agricultural Marketing Service; Agricultural Stabilization and Conservation Service.

Alien Property Office

NOTICES:
Hardenberg, Lambertus, and Estate of Paul Nothmann; intention to return vested property... 125

Attorney General's Office

RULES AND REGULATIONS:
Board of Immigration Appeals; powers, and reopening or reconsideration of cases... 96

Civil Aeronautics Board

NOTICES:
Seattle-Fairbanks fare investigation; hearing... 125

Civil Service Commission

RULES AND REGULATIONS:
Exceptions from competitive service: Commerce Department... 96
Maritime Administration... 96

Commerce Department

See National Bureau of Standards.

Commodity Credit Corporation

RULES AND REGULATIONS:
Loan and purchase agreement programs, 1961 crops; support rates:
Flaxseed... 96
Wheat... 96

Customs Bureau

RULES AND REGULATIONS:
Invoices and entry; manufactures of cotton and stainless steel table flatware... 101

Federal Aviation Agency

NOTICES:
Standard Instrument Departures; revision of plan... 126

RULES AND REGULATIONS:

Airborne weather radar equipment requirements for airplanes carrying passengers; special civil air regulation... 97
Airworthiness directive; Piper J3 Series and PA-11 aircraft... 98
Federal airway intersections; alteration... 98
Federal airways and associated control areas; alteration and revocation... 98
Jet routes; alteration... 99

Federal Communications Commission

NOTICES:
Hearings, etc.:
Crosby County Broadcasting Co... 126
Flower City Television Corp. et al... 127
Grand Broadcasting Co. et al... 128
Jefferson Radio Co. (WJXI) and Voice of the Mid South... 126
La Fiesta Broadcasting Co. and Mid-Cities Broadcasting Corp... 126
RULES AND REGULATIONS:
Public safety radio services; definition of terms... 103

Federal Housing Administration

RULES AND REGULATIONS:
Miscellaneous amendments... 101

Federal Maritime Commission

NOTICES:
Hearings, etc.:
Atlantic/Gulf Puerto Rico trade: Increased rates on sugar, refined or turbinated, in bags. Rates and practices; investigation... 130
Hawaiian rates; second general increase, 1961... 131
Pacific Coast terminals; free time and collection of wharf demurrage and storage charges... 131

(Continued on next page)

Federal Power Commission

NOTICES:

Hearings, etc.:

Atlantic Seaboard Corp.....	132
Hassie Hunt Trust et al.....	132
Shell Oil Co. et al.....	133
Southern California Edison Co.	134
Texas Eastern Transmission Corp. et al.....	134

Federal Trade Commission

RULES AND REGULATIONS:

Prohibited trade practices:	
General Foods Corp. et al.....	100
Sunshine Biscuits, Inc.....	100
Yakima Fruit & Cold Storage Co.....	99

Fish and Wildlife Service

PROPOSED RULE MAKING:

Flounder, frozen and sole fillets; U.S. standards for grades.....	107
--	-----

RULES AND REGULATIONS:

Areas closed to hunting; certain lands and waters within and adjacent to Back Bay National Wildlife Refuge, Virginia.....	104
--	-----

Food and Drug Administration

RULES AND REGULATIONS:

Pesticide chemicals in or on raw agricultural commodities; toler- ances for residues.....	101
---	-----

Foreign-Trade Zones Board

NOTICES:

Foreign-Trade Zone No. 5, Seattle, Wash.; extension of time for permanent relocation.....	125
---	-----

**Health, Education, and Welfare
Department**

See Food and Drug Administra-
tion.

**Housing and Home Finance
Agency**

See Federal Housing Administra-
tion.

Indian Affairs Bureau

PROPOSED RULE MAKING:

Operation and maintenance charges; Colorado River Indian Irrigation Project, Arizona.....	107
---	-----

Interior Department

See also Fish and Wildlife Service;
Indian Affairs Bureau; Land
Management Bureau.

NOTICES:

Committee management; Ameri- can Fisheries Advisory Com- mittee.....	138
Statements of changes in financial interests:	
Fackler, R. W.....	138
Griffith, Frank W.....	139
Jones, A. P.....	139
Mayott, Clarence W.....	139
Meyrick, G. S.....	139
Mollman, L. A.....	139
Shepperd, Riggs.....	139
Sickel, S. J.....	139
Townsend, S. C.....	139
Wilder, W. D.....	139

Internal Revenue Service

PROPOSED RULE MAKING:

Income tax; taxable years begin- ning after Dec. 31, 1953; filing of certain information.....	106
---	-----

Interstate Commerce Commission

NOTICES:

Fourth section applications for relief.....	140
--	-----

Justice Department

See Alien Property Office; Attor-
ney General's Office.

Labor Department

RULES AND REGULATIONS:

Child labor; occupations particu- larly hazardous or detrimental; roofing operations.....	102
---	-----

Land Management Bureau

NOTICES:

Wyoming; proposed withdrawals and reservations of lands (2 documents).....	137, 138
--	----------

RULES AND REGULATIONS:

Public land orders:

Idaho and Utah; withdrawal of lands for use of Forest Serv- ice as recreation areas, and administrative sites, and for roadside zone addition.....	103
Utah; withdrawal of lands for use of Air Force Department.....	103
Wyoming; withdrawal of lands for:	
Forest Service recreation area.....	103
Land Management Bureau; administrative site.....	103

National Bureau of Standards

RULES AND REGULATIONS:

Metrology; radiology; fees.....	99
---------------------------------	----

**Securities and Exchange
Commission**

NOTICES:

Black Bear Industries, Inc.; order summarily suspending trading.....	137
---	-----

State Department

NOTICES:

Certain foreign passports; va- lidity.....	125
---	-----

Tariff Commission

NOTICES:

Safety pins; report to the Presi- dent.....	137
--	-----

Treasury Department

See Customs Bureau; Internal
Revenue Service.

Codification Guide

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

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

5 CFR		19 CFR	
6-----	96	8-----	101
6 CFR		21 CFR	
421 (2 documents)-----	96	120-----	101
7 CFR		24 CFR	
52-----	74	203-----	101
728-----	76	234-----	102
905-----	85	25 CFR	
906-----	86	PROPOSED RULES:	
912 (2 documents)-----	87, 92	221-----	107
927-----	92	26 CFR	
1015-----	93	PROPOSED RULES:	
PROPOSED RULES:		1-----	106
950-----	111	29 CFR	
959-----	108	4-----	102
983-----	121	43 CFR	
1047-----	121	PUBLIC LAND ORDERS:	
1049-----	122	2354 (see PLO 2575)-----	103
8 CFR		2575-----	103
3-----	96	2576-----	103
14 CFR		2577-----	103
40-----	97	2578-----	103
41-----	97	47 CFR	
42-----	97	10-----	103
507-----	98	50 CFR	
600-----	98	12-----	104
601 (2 documents)-----	98	PROPOSED RULES:	
602-----	99	274-----	107
15 CFR			
202-----	99		
16 CFR			
13 (3 documents)-----	99, 100		

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Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Frozen Carrots¹

On September 23, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 9148) regarding a proposed issuance of the United States Standards for Grades of Frozen Carrots. Such standards will supplant the United States Standards for Grades of Frozen Diced Carrots (7 CFR 52.701-52.711).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Frozen Carrots are hereby promulgated 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).

PRODUCT DESCRIPTION, STYLES, GRADES

Sec.	
52.701	Product description.
52.702	Styles of frozen carrots.
52.703	Grades of frozen carrots.

FACTORS OF QUALITY

52.704	Ascertaining the grade of a sample unit.
52.705	Ascertaining the rating for the factors which are scored.
52.706	Color.
52.707	Uniformity of size and shape.
52.708	Absence of defects.
52.709	Texture.

LOT INSPECTION AND CERTIFICATION

52.710	Ascertaining the grade of a lot.
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SCORE SHEET

52.711	Score sheet for frozen carrots.
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AUTHORITY: §§ 52.701 to 52.711 issued under secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627.

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.701 Product description.

Frozen carrots are the clean and sound product prepared from the fresh root of the carrot plant (*Daucus carota*) by washing, sorting, peeling, trimming, and blanching, and are frozen in accordance with good commercial practice and

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.

maintained at temperatures necessary for the preservation of the product.

§ 52.702 Styles of frozen carrots.

(a) "Whole" or "whole carrots" means carrots that retain the approximate conformation of a whole carrot.

(b) "Halves" or "halved" means carrots cut longitudinally into two units.

(c) "Quarters" or "quartered" means carrots cut longitudinally into four approximately equal units. Carrots cut longitudinally or cut longitudinally and crosswise into six or eight units approximating the size and appearance of quartered carrots are also permitted in this style.

(d) "Slices" or "sliced" means carrots sliced transversely to the longitudinal axis.

(e) "Diced" means carrots consisting of approximate cube-shaped units.

(f) "Double-diced" means carrots that consist of approximate rectangular shapes which resemble the equivalent of two cube-shaped units.

(g) "Strips" means carrots that consist of longitudinally-cut strips and includes such forms as French style (or shoestring).

(h) "Chips" means carrots that consist of predominantly small-sized units (such as less than one-half cube) and variously shaped pieces or slivers in which the longest-edge dimension approximates not more than one-half inch.

(i) "Cut" means carrots consisting of cut units which do not conform to any of the foregoing styles.

§ 52.703 Grades of frozen carrots.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of frozen carrots of any style other than chips that possess similar varietal characteristics; that possess a normal flavor and odor; that possess a good color; that are practically uniform in size and shape for the applicable style; that are practically free from defects; that are tender; and that score not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade B" (or "U.S. Extra Standard") is the quality of frozen carrots of any style that possess similar varietal characteristics; that possess a normal flavor and odor; that possess a reasonably good color; that are reasonably uniform in size and shape for the applicable style; that are reasonably free from defects; that are reasonably tender; and that score not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of frozen carrots that fail to meet the requirements of U.S. Grade B.

FACTORS OF QUALITY

§ 52.704 Ascertaining the grade of a sample unit.

(a) *General.* In addition to considering other requirements outlined in the

standards, the following quality factors are evaluated in ascertaining the grade of the product.

(1) *Factors not rated by score points.*

(i) Varietal characteristics.

(ii) Flavor and odor.

(2) *Factors rated by score points.*

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 each such factor is:

Factors:	Points
Color.....	20
Uniformity of size and shape.....	20
Absence of defects.....	30
Texture.....	30
Total score.....	100

(b) *Evaluation of quality.* The score for the factors of color, uniformity of size and shape, and absence of defects in frozen carrots is determined immediately after thawing to the extent that the product is substantially free from ice crystals and can be handled as individual units. A representative sample of the product is cooked to determine texture and flavor and odor.

(c) *Definition of normal flavor and odor.* "Normal flavor and odor" means a good characteristic flavor and odor of properly prepared frozen carrots that are free from objectionable flavors and objectionable odors of any kind, as evaluated after thawing and after cooking.

§ 52.705 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 which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.706 Color.

(a) *General.* The evaluation of color shall be determined on the thawed product. The color is based upon the uniformity and the brightness of the typical exterior yellow to orange-yellow color of the units. The presence of green, white, or orange-brown units are scored under this factor when the overall color is affected.

(b) (A) *classification.* Frozen carrots that possess a good color may be given a score of 18 to 20 points. "Good color" means that the frozen carrots possess an orange-yellow color that is bright and typical of frozen carrots and that the presence of green, white, or orange-brown units does not more than slightly affect the appearance or eating quality of the product.

(c) (B) *classification.* If the frozen carrots possess a reasonably good color, a score of 16 or 17 points may be given. Frozen carrots that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score

for the product (this is a limiting rule). "Reasonably good color" means that the frozen carrots possess a typical color of frozen carrots and such color may be slightly dull but not off color and that the presence of green, white, or orange-brown units does not materially affect the appearance or eating quality of the product.

(d) (SStd) classification. Frozen carrots that fail to meet the requirements of paragraph (c) 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).

§ 52.707 Uniformity of size and shape.

(a) *Ascertaining dimensions.* Size dimensions of the various units are measured as follows:

(1) *Diameter of whole carrots.* The diameter of a whole carrot is the shortest diameter at the greatest circumference measured at right angles to the longitudinal axis of the carrot.

(2) *Width of halved carrots.* The width of a half is the widest cut surface measured at right angles to the length.

(3) *Width of quartered carrots.* The width of a quarter is the widest cut surface measured at right angles to the length.

(4) *Diameter and thickness of sliced carrots.* The diameter of a slice is the shortest diameter of the larger of the two cut surfaces of the slice. The thickness of a slice is measured at its thickest portion.

(5) *Size of diced carrots.* The size of a dice is the length of the edge (other than rounded outer edges) which is most representative of the cube's size.

(b) *Definitions of shapes and sizes.*

(1) "Other shapes and sizes" with respect to all styles include, but are not limited to, noticeably large units much in excess of normal size units for the style and large, irregularly-shaped units not normal for the style; and with respect to diced and double-diced styles include units of irregular shapes which are noticeably smaller than the equivalent of one-half the volume of an average size cube or double-diced cube, as the case may be.

(2) "Very small pieces" with respect to diced style means pieces smaller than the equivalent of one-fourth the volume of an average size cube, and with respect to double-diced style means pieces smaller than the equivalent of one-fourth the volume of an average size double-diced unit.

(c) (A) classification. Frozen carrots of styles other than "chips" that are practically uniform in size and shape may be given a score of 18 to 20 points. "Practically uniform in size and shape" means that:

(1) The carrots comply with the measurement, shape, and uniformity requirements for (A) classification in Table I of this subpart; and, in addition

(2) The over-all appearance of the product for the applicable style is not materially affected by sizes and shapes other than that of normal-shaped units which may vary moderately in shape.

(d) (B) classification. If the frozen carrots of any style are reasonably uni-

form in size and shape, a score of 16 or 17 points may be given. Frozen carrots that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably uniform in size and shape" means that:

(1) The carrots comply with the measurement, shape, and uniformity requirements for (B) classification in Table I of this subpart; and, in addition

(2) The overall appearance of the product for the applicable style is not seriously affected by sizes and shapes other than that of normal-shaped units which may vary considerably in shape.

(e) (SStd) classification. Frozen carrots that fail 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).

TABLE I—UNIFORMITY OF SIZE AND SHAPE REQUIREMENTS FOR FROZEN CARROTS

Styles	(A) Classification		(B) Classification	
	Measurement and/or shape of individual units	Uniformity in 90% by count, of units that are most uniform	Measurement and/or shape individual units	Uniformity in 90% by count, of units that are most uniform
Whole.....	1½-inch maximum diameter.	Unit with largest diameter, or width, does not exceed unit with smallest diameter, or width, by more than 50%.	2¼-inch maximum diameter.	Unit with largest diameter, or width, is not more than twice that of unit with smallest diameter, or width.
Halved.....	1½-inch maximum width.	Unit with largest diameter is not more than twice that of unit with smallest diameter	1¾-inch maximum width.	No limits as to uniformity between largest and smallest diameters
Quartered.....	1¼-inch maximum width. 2-inch maximum diameter.	and uniformity of thickness does not vary markedly.	1¾-inch maximum width. 2½-inch maximum diameter.	but variations in diameters and thickness do not seriously affect over-all appearance.
Sliced.....	Approximate ¾-inch maximum thickness.	10%, by weight, maximum may be other shapes and sizes. ¹	Approximate ¾-inch maximum thickness.	25%, by weight, maximum may be other shapes and sizes. ²
Diced.....	Approximate cube-shapes, ½ inch or less in size.	12%, by weight, maximum may be other shapes and sizes. ¹	Approximate cube-shapes, ½ inch or less in size.	25%, by weight, maximum may be other shapes and sizes. ²
Double-diced.....	Approximate double-cube shapes, 1 inch or less long; ½ inch or less in cross-section diameter.	12%, by weight, maximum may be less than ½ inch long.	Approximate double-cube shapes of varying sizes and shapes.	Units may vary considerably in size and shape provided over-all appearance is not seriously affected.
Strips.....	Approximate french-cut shapes, ½ inch or more long.	Units are small (such as less than ½ cube), individually reasonably uniform in weight, may be variously shaped, approximating not more than ½ inch in longest-edge dimension.	Units may vary considerably in size and shape provided over-all appearance is not seriously affected.	
Cuts.....	Units may vary considerably in size and shape provided over-all appearance is not materially affected.			
Chips.....	[Limited to Grade B or lower]			

¹ Provided, presence of very small pieces does not materially affect appearance of product.
² Provided, presence of very small pieces does not seriously affect appearance of product.

§ 52.708 Absence of defects.

(a) *General.* The factor of absence of defects refers to the degree of freedom from defective units or defects. "Defective units" or "defects" are units damaged by mechanical injury or other means; unpeeled units; units blemished or seriously blemished by brown or black internal or external discoloration, sunburn, or green or white colored units, pathological injury or insect injury; and units blemished or seriously blemished by other means.

(b) *Definitions of defective units and defects.* (1) "Damaged by mechanical injury or other means" include crushed, broken, or cracked units; units with excessively frayed edges and surfaces; excessively or poorly trimmed units; or damaged by other similar means to an extent that the appearance or eating quality of the unit is seriously affected.

(2) "Unpeeled areas" are considered defects when on whole, halved, or quartered units the unpeeled area is greater than the area of a circle three-eighths inch in diameter; and on smaller units the unpeeled area is greater than the area of a circle one-eighth inch in diameter.

(3) "Blemished" means any unit blemished to the extent that the appearance or eating quality is materially affected.

(4) "Seriously blemished" means any unit blemished to the extent that the appearance or eating quality is seriously affected.

(c) (A) classification. Frozen carrots that are practically free from defects may be given a score of 27 to 30 points. "Practically free from defects" means that:

(1) The limits for allowable defects or defective units in the applicable styles do not exceed the maximum limits for (A) classification in Table II of this subpart; and

(2) Notwithstanding the applicable allowances in Table II the defects or defective units (whether or not specifically defined), individually and collectively, do not materially affect the appearance or edibility of the product.

(d) (B) classification. If the frozen carrots are reasonably free from defects, a score of 24 to 26 points may be given. Frozen carrots that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule).

"Reasonably free from defects" means that:

(1) The limits for allowable defects or defective units in the applicable styles do not exceed the maximum limits for (B) classification in Table II of this subpart; and

(2) Notwithstanding the applicable allowances in Table II the defects or defective units (whether or not specifically

defined), individually and collectively, do not seriously affect the appearance or edibility of the product.

(e) (SStd) classification. Frozen carrots that fail 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).

TABLE II—MAXIMUM ALLOWANCES FOR DEFECTS OR DEFECTIVE UNITS IN FROZEN CARROTS

Defects (For styles, as indicated)	(A) Classification	(B) Classification
Whole, halved, quartered: Total all defects, including blemished and seriously blemished. Blemished and seriously blemished.	15%, by count, of all units..... Limitations 1—7½%, by count, but no more than 2%, by count, seriously blemished.	25%, by count, of all units. Limitations 2—12½%, by count, but no more than 4%, by count, seriously blemished.
Sliced, cut: Total all defects, including blemished and seriously blemished. Blemished and seriously blemished.	15%, by weight, of all units..... Limitations 1—7½%, by weight, but no more than ¾ of 1%, by weight, seriously blemished.	25%, by weight, of all units. Limitations 2—12½%, by weight, but no more than 1½%, by weight, seriously blemished.
Diced, Double-diced, strips: Total all defects, including blemished and seriously blemished. Blemished and seriously blemished.	10%, by weight, of all units..... Limitations 1—5%, by weight, but no more than ¾ of 1%, by weight, seriously blemished.	16%, by weight, of all units. Limitations 2—8%, by weight, but no more than 1½%, by weight, seriously blemished.
Chips: Total all defects, including blemished and seriously blemished. Blemished and seriously blemished.	Limited to Grade B or lower classification.	16%, by weight, of all units. Limitations 2—8%, by weight, but no more than 1½%, by weight, seriously blemished.

¹ Provided such blemished and/or seriously blemished units do not materially affect the appearance or edibility of the product.

² Provided such blemished and/or seriously blemished units do not seriously affect the appearance or edibility of the product.

§ 52.709 Texture.

(a) General. The factor of texture refers after cooking to the tenderness and freedom from mushiness of the carrots and the degree of freedom from coarse or fibrous units.

(b) (A) classification. Frozen carrots that possess a tender texture may be given a score of 27 to 30 points. "Tender texture" means that the carrots are tender, not fibrous nor mushy, and possess a practically uniform texture.

(c) (B) classification. If the frozen carrots possess a reasonably tender texture, a score of 24 to 26 points may be given. Frozen carrots that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably tender texture" means that the carrots are reasonably tender, may be variable in texture but not generally tough, hard, nor mushy, and there may be present a few units which possess a coarse, fibrous, or mushy texture.

(d) (SStd) classification. Frozen carrots that fail to meet the requirements of paragraph (c) 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).

LOT INSPECTION AND CERTIFICATION

§ 52.710 Ascertaining the grade of a lot.

The grade of a lot of frozen carrots covered by these standards is determined by procedures set forth in the Regula-

tions 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

§ 52.711 Score sheet for frozen carrots.

Size and kind of container.....	-----																				
Container marks or identification.....	-----																				
Label.....	-----																				
Net weight (ounces).....	-----																				
Style.....	-----																				
<table border="1"> <thead> <tr> <th>Factors</th> <th>Score points</th> </tr> </thead> <tbody> <tr> <td rowspan="3">Color.....</td> <td>(A) 18-20</td> </tr> <tr> <td>(B) 16-17</td> </tr> <tr> <td>(SStd) 10-15</td> </tr> <tr> <td rowspan="3">Uniformity of size and shape.....</td> <td>(A) 18-20</td> </tr> <tr> <td>(B) 16-17</td> </tr> <tr> <td>(SStd) 10-15</td> </tr> <tr> <td rowspan="3">Absence of defects.....</td> <td>(A) 27-30</td> </tr> <tr> <td>(B) 24-26</td> </tr> <tr> <td>(SStd) 10-23</td> </tr> <tr> <td rowspan="3">Texture.....</td> <td>(A) 27-30</td> </tr> <tr> <td>(B) 24-26</td> </tr> <tr> <td>(SStd) 10-23</td> </tr> <tr> <td>Total score.....</td> <td>100</td> </tr> </tbody> </table>		Factors	Score points	Color.....	(A) 18-20	(B) 16-17	(SStd) 10-15	Uniformity of size and shape.....	(A) 18-20	(B) 16-17	(SStd) 10-15	Absence of defects.....	(A) 27-30	(B) 24-26	(SStd) 10-23	Texture.....	(A) 27-30	(B) 24-26	(SStd) 10-23	Total score.....	100
Factors	Score points																				
Color.....	(A) 18-20																				
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	(B) 24-26																				
	(SStd) 10-23																				
Total score.....	100																				
Grade.....	-----																				
Flavor and odor.....	-----																				

¹ Indicates limiting rule.
² Limits style of 'chips' to Grade B or lower grade.

The United States Standards for Grades of Frozen Carrots contained in this subpart shall become effective 30 days after the date of publication hereof in the FEDERAL REGISTER, and thereupon will supplant the United States Standards for Grades of Frozen Diced Carrots, Second Issue (7 CFR 52.701-52.711)

which have been in effect since March 30, 1953 (18 F.R. 7951; 22 F.R. 3535).

Dated: December 28, 1961.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 62-62; Filed, Jan. 4, 1962; 8:45 a.m.]

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 728—WHEAT

Subpart—1962-63 Marketing Year

DETERMINATION OF COUNTY NORMAL YIELDS

The regulations contained in § 728.1208 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the determination of county normal yields of wheat for 1962, including the appraisal of yields for years in the 10-year period used in determining county normal yields for which the data are not available, or in which there were no actual yields.

Prior to preparing the regulations in § 728.1208, public notice (26 F.R. 3723) was given in accordance with the Administrative Procedure Act. No data, views, or recommendations pertaining to the regulations in § 728.1208 were submitted pursuant to such notice.

§ 728.1208 Determination of the county normal yields for the 1962 crop of wheat.

(a) A county normal yield shall be determined for each wheat producing county except counties in States designated by the Secretary as being outside the commercial wheat-producing area. The county normal yield for 1962 shall be determined on the basis of the average of the yields per harvested acre of wheat for the county during the 10 calendar years, 1951 through 1960, adjusted for abnormal weather conditions and trends in yields. In adjusting for abnormal weather conditions: (1) If the yield for the crop for any year of the 10-year period 1951 through 1960 is less than 75 per centum of the average of the remaining 9 years, such year shall be eliminated in calculating the normal yield per acre; (2) if the yield for the crop for any year of the 10-year period is determined to be abnormally low due to abnormal weather conditions, and is 75 per centum or more of the average of the remaining 9 years, such yield shall be adjusted by substituting therefor the average yield for the years remaining after the elimination of any of the annual yields required to be eliminated under the provisions of subparagraph (1) of this paragraph; (3) (i) if the yield for the crop for any year is determined to be abnormally high due to abnormal weather conditions, such yield shall be

adjusted by substituting therefor 125 per centum of the average yield for the years remaining after the elimination of any of the annual yields required to be eliminated under the provisions of subparagraph (1) of this paragraph; (ii) if five or more years of the 10-year period are eliminated as required under the provisions of subparagraph (1) of this paragraph, and it is determined that the yield for any other year is abnormally high due to abnormally favorable weather conditions, and that the adjusted yield as determined under the provisions of subdivision (i) of this subparagraph is inappropriate because of the elimination of five or more years of the 10-year period, the yield for such year shall be adjusted by substituting therefor 128 per centum of the unadjusted 10-year average yield.

(b) The adjustment for trend in yields shall be made by averaging the 10-year average of the annual yields as adjusted for abnormal weather conditions as described above with the average of the annual yields for the 5-year period, 1956-60 inclusive, adjusted for abnormal weather conditions as described above, giving equal weight to each. No adjustment for trend shall be made in those counties in which it is determined that due to abnormally unfavorable weather conditions it is impossible to determine if there has been any trend in yields for the county.

(c) (1) If for any year of the 10-year period 1951 through 1960 the yield data are not available, or there was no actual yield, the yield for such year shall be appraised, taking into consideration the yields for years for which data are available and the yield for such year in nearby or adjacent counties or crop reporting districts recognized by the Statistical Reporting Service in which the production of wheat is similar.

(2) In those counties in which the production of wheat is partially on irrigated land, partially on summer fallow land, and partially on continuous cropping land, a normal yield computed in accordance with the method described above shall be determined for the land devoted to irrigation, summer fallow, and continuous cropping cultural practices, respectively. The normal yield for land devoted to each of these practices shall be averaged, using for weights the latest data available as to the acreage devoted to each practice.

(d) County normal yields are as follows:

1962 WHEAT MARKETING QUOTA PROGRAM
COUNTY NORMAL YIELDS IN BUSHELS PER ACRE

ALABAMA			
County	Normal yield	County	Normal yield
Autauga	21.1	Coffee	19.3
Baldwin	21.0	Colbert	23.6
Barbour	19.2	Conecuh	20.4
Bibb	19.8	Coosa	18.2
Blount	21.6	Covington	20.8
Bullock	19.4	Crenshaw	19.6
Calhoun	21.0	Cullman	21.6
Chambers	20.2	Dale	19.5
Cherokee	21.8	Dallas	20.2
Chilton	21.4	De Kalb	22.9
Clarke	19.5	Elmore	21.2
Clay	19.8	Escambia	22.3
Cleburne	20.3	Etowah	22.4

1962 WHEAT MARKETING QUOTA PROGRAM
COUNTY NORMAL YIELDS IN BUSHELS PER ACRE—Continued

ALABAMA—Continued			
County	Normal yield	County	Normal yield
Fayette	20.8	Mobile	20.3
Franklin	21.8	Monroe	21.0
Geneva	20.0	Montgomery	20.0
Greene	20.2	Morgan	22.5
Hale	19.9	Perry	19.8
Henry	20.2	Pickens	19.4
Houston	20.4	Pike	19.3
Jackson	22.9	Randolph	19.2
Jefferson	20.4	Russell	19.2
Lamar	21.2	St. Clair	21.2
Lauderdale	23.0	Shelby	21.6
Lawrence	23.2	Sumter	20.0
Lee	20.1	Talladega	20.0
Limestone	22.5	Tallapoosa	19.0
Lowndes	19.8	Tuscaloosa	20.0
Macon	19.4	Walker	20.9
Madison	23.6	Washington	20.0
Marengo	19.4	Wilcox	20.5
Marion	21.6	Winston	20.0
Marshall	22.4		

ARIZONA			
Apache*	16.0	Mohave*	30.0
Cochise*	24.8	Navajo*	18.0
Coconino*	16.0	Pima*	27.8
Gila*	22.5	Pinal*	34.0
Graham*	23.9	Santa Cruz*	24.0
Greenlee*	28.1	Yavapai*	25.6
Maricopa*	40.0	Yuma*	34.9

ARKANSAS			
Arkansas	24.6	Little River	19.2
Ashley	22.5	Logan	20.0
Baxter	20.8	Lonoke	20.6
Benton	21.5	Madison	20.3
Boone	21.6	Marion	15.4
Carroll	19.1	Miller	19.0
Chicot	22.0	Mississippi	30.0
Clark	16.3	Monroe	24.2
Clay	21.7	Montgomery	16.2
Cleburne	18.5	Newton	18.2
Conway	22.8	Ouachita	15.0
Craighead	23.9	Perry	19.4
Crawford	26.2	Phillips	25.6
Crittenden	29.9	Pike	15.0
Cross	26.8	Poinsett	26.2
Desha	28.1	Polk	16.1
Drew	19.3	Pope	21.9
Faulkner	22.8	Prairie	20.7
Franklin	24.6	Pulaski	26.2
Fulton	18.6	Randolph	20.6
Garland	14.8	St. Francis	27.6
Grant	15.7	Saline	17.2
Greene	19.5	Scott	22.5
Hempstead	19.4	Searcy	15.6
Hot Spring	16.2	Sebastian	22.8
Independence	22.8	Sevier	15.0
Izard	15.9	Sharp	18.4
Jackson	21.6	Stone	17.2
Jefferson	22.1	Van Buren	16.3
Johnson	24.0	Washington	21.0
Lafayette	19.4	White	18.4
Lawrence	19.1	Woodruff	25.9
Lee	26.6	Yell	21.6
Lincoln	20.8		

CALIFORNIA			
Alameda*	23.8	Kings*	33.2
Alpine*	30.0	Lake*	25.6
Amador*	23.6	Lassen*	19.0
Butte*	27.7	Los Angeles*	14.8
Calaveras*	17.8	Madera*	16.6
Colusa*	27.6	Marin*	25.5
Contra Costa*	29.6	Mariposa*	30.0
Fresno*	37.9	Mendocino*	22.9
Glenn*	24.5	Merced*	30.1
Humboldt*	28.6	Modoc*	27.1
Imperial*	53.8	Mono*	20.0
Inyo*	25.8	Monterey*	18.1
Kern*	17.9	Napa*	26.9

*Indicates counties having special wheat cultural practices. See table below.

1962 WHEAT MARKETING QUOTA PROGRAM
COUNTY NORMAL YIELDS IN BUSHELS PER ACRE—Continued

CALIFORNIA—Continued			
County	Normal yield	County	Normal yield
Orange*	17.4	Santa Clara*	23.4
Placer*	20.0	Shasta*	16.4
Plumas*	19.1	Sierra*	18.1
Riverside*	20.0	Siskiyou*	24.6
Sacramento*	36.3	Solano*	32.7
San Benito*	20.4	Sonoma*	21.6
San Bernardino	26.9	Stanislaus*	27.5
San Diego*	23.8	Sutter*	37.8
San Joaquin*	30.4	Tehama*	19.1
San Luis	20.0	Trinity*	20.0
Obispo*	16.4	Tulare*	23.4
San Mateo*	21.6	Tuolumne*	19.8
Santa Barbara*	18.6	Ventura*	20.9
		Yolo*	35.0
		Yuba*	26.4

COLORADO			
Adams*	23.9	La Plata*	18.6
Alamosa*	25.4	Larimer*	25.9
Arapahoe*	22.0	Las Animas*	13.2
Archuleta*	18.5	Lincoln*	18.8
Baca*	18.0	Logan*	22.4
Bent*	24.2	Mesa*	27.2
Boulder*	28.3	Moffat*	17.6
Chaffee*	26.6	Montezuma*	14.9
Cheyenne*	20.3	Montrose*	35.4
Conejos*	25.2	Morgan*	21.9
Costilla*	25.4	Otero*	36.4
Crowley*	19.5	Ouray*	22.6
Custer*	18.1	Park*	14.5
Delta*	34.8	Phillips*	25.5
Dolores*	12.9	Pitkin*	38.8
Douglas*	23.7	Prowers*	17.9
Eagle*	39.3	Pueblo*	25.8
Elbert*	20.6	Rio Blanco*	20.7
El Paso*	17.3	Rio Grande*	30.6
Fremont*	23.6	Routt*	20.4
Garfield*	22.3	Saguache*	26.8
Grand*	19.5	San Miguel*	15.6
Gunnison*	18.0	Sedgwick*	27.9
Huerfano*	17.3	Teller*	16.0
Jackson*	17.1	Washington*	22.9
Jefferson*	27.6	Weld*	22.8
Kiowa*	16.9	Yuma*	23.8
Kit Carson*	19.7		

DELAWARE			
Kent	25.2	Sussex	23.2
New Castle	29.4		

GEORGIA			
Appling	19.2	Colquitt	20.4
Atkinson	20.0	Columbia	15.1
Bacon	19.5	Cook	20.0
Baker	20.0	Coweta	18.0
Baldwin	17.9	Crawford	22.8
Banks	18.8	Crisp	22.2
Barrow	18.6	Dade	17.7
Bartow	21.0	Dawson	18.4
Ben Hill	19.2	Decatur	20.0
Berrien	22.0	De Kalb	20.2
Bibb	22.5	Dodge	17.1
Bleckley	17.1	Dooly	23.2
Brantley	20.0	Dougherty	25.2
Brooks	20.8	Douglas	18.2
Bryan	19.8	Early	24.7
Bulloch	21.8	Echols	20.0
Burke	17.4	Effingham	18.9
Butts	20.6	Elbert	20.0
Calhoun	20.3	Emanuel	18.3
Camden	20.0	Evans	20.1
Candler	19.9	Fannin	18.0
Carroll	20.6	Fayette	19.2
Catoosa	19.8	Floyd	19.3
Charlton	20.0	Forsyth	18.6
Chatham	20.0	Franklin	20.0
Chattooga	18.8	Fulton	22.1
Cherokee	20.1	Gilmer	17.6
Clarke	21.6	Glascock	18.2
Clay	18.0	Glynn	20.0
Clayton	18.0	Gordon	18.4
Clinch	20.0	Grady	23.2
Cobb	18.4	Greene	16.6
Coffee	19.6	Gwinnett	19.2

1962 WHEAT MARKETING QUOTA PROGRAM
COUNTY NORMAL YIELDS IN BUSHELS PER
ACRE—Continued

GEORGIA—Continued

County	Normal yield	County	Normal yield
Habersham	19.5	Pike	21.8
Hall	17.3	Polk	18.6
Hancock	17.0	Fulaski	20.7
Haralson	19.0	Putnam	20.3
Harris	18.8	Quitman	21.4
Hart	21.4	Rabun	18.8
Head	21.5	Randolph	20.5
Henry	20.6	Richmond	16.9
Houston	25.6	Rockdale	18.7
Irwin	20.0	Schley	20.2
Jackson	20.4	Screven	19.8
Jasper	19.7	Seminole	21.2
Jeff Davis	18.5	Spalding	21.2
Jefferson	20.1	Stephens	18.2
Jenkins	18.0	Stewart	20.1
Johnson	18.1	Sumter	22.0
Jones	17.1	Talbot	19.9
Lamar	20.5	Taliaferro	15.3
Lanier	20.0	Tattnall	18.9
Laurens	19.0	Taylor	19.8
Lee	25.8	Telfair	18.6
Liberty	20.0	Terrell	22.6
Lincoln	17.2	Thomas	20.0
Long	20.0	Tift	21.3
Lowndes	21.6	Toombs	20.4
Lumpkin	19.0	Towns	19.6
McDuffie	17.0	Treutlen	16.4
McIntosh	20.0	Troup	19.6
Macon	22.9	Turner	21.6
Madison	18.9	Twiggs	18.3
Marion	18.8	Union	21.0
Meriwether	20.9	Upson	20.3
Miller	20.0	Walker	20.5
Mitchell	21.9	Walton	19.7
Montgomery	19.3	Warren	20.2
Morgan	18.2	Washington	19.6
Murray	19.6	Webster	19.9
Newton	18.1	Wheeler	17.0
Oconee	20.0	White	18.5
Oglethorpe	18.8	Whitfield	19.0
Paulding	17.6	Wilcox	19.6
Peach	25.0	Wilkes	17.8
Pickens	17.8	Wilkinson	19.6
Pierce	20.0	Worth	21.6

IDAHO

Ada*	46.1	Gem*	44.2
Adams*	24.5	Gooding*	49.2
Bannock*	23.5	Idaho*	35.4
Bear Lake*	20.1	Jefferson*	46.1
Benewah*	37.3	Jerome*	56.9
Bingham*	45.8	Kootenai*	31.3
Blaine*	34.4	Latah*	39.1
Boise*	29.1	Lemhi*	41.9
Bonner*	21.7	Lewis*	39.9
Bonneville*	28.8	Lincoln*	49.0
Boundary*	41.8	Madison*	28.1
Butte*	31.5	Minidoka*	52.9
Camas*	20.9	Nez Perce*	41.5
Canyon*	53.7	Oneida*	22.3
Caribou*	24.7	Owyhee*	56.1
Cassia*	31.6	Payette*	42.2
Clark*	19.6	Power*	22.9
Clearwater*	38.3	Teton*	24.0
Custer*	44.7	Twin Falls*	57.1
Elmore*	29.3	Valley*	25.1
Franklin*	27.5	Washington*	29.5
Fremont*	28.5		

ILLINOIS

Adams	29.3	Christian	33.3
Alexander	24.1	Clark	26.8
Bond	28.0	Clay	23.4
Boone	31.2	Clinton	27.3
Brown	28.0	Coles	30.5
Bureau	31.5	Cook	33.7
Calhoun	26.1	Crawford	25.0
Carroll	30.1	Cumberland	29.1
Cass	30.6	DeKalb	34.4
Champaign	33.5	DeWitt	31.4

*Indicates counties having special wheat cultural practices. See table below.

1962 WHEAT MARKETING QUOTA PROGRAM
COUNTY NORMAL YIELDS IN BUSHELS PER
ACRE—Continued

ILLINOIS—Continued

County	Normal yield	County	Normal yield
Douglas	38.4	Marshall	32.6
DuPage	35.8	Mason	29.2
Edgar	32.1	Massac	26.4
Edwardsville	24.8	Menard	31.9
Effingham	28.1	Mercer	26.1
Fayette	28.5	Monroe	29.4
Ford	31.1	Montgomery	30.9
Franklin	24.6	Morgan	34.2
Fulton	28.6	Moultrie	32.4
Gallatin	27.6	Ogle	31.4
Greene	31.3	Peoria	31.2
Grundy	32.2	Perry	25.4
Hamilton	22.7	Platt	33.9
Hancock	27.6	Pike	29.0
Hardin	25.4	Pope	24.1
Henderson	27.8	Pulaski	25.2
Henry	31.4	Putnam	32.6
Iroquois	34.6	Randolph	26.2
Jackson	26.7	Richland	23.6
Jasper	27.3	Rock Island	26.0
Jefferson	26.2	St. Clair	31.7
Jersey	29.6	Saline	27.2
Jo Daviess	27.2	Sangamon	33.4
Johnson	21.5	Schuyler	30.0
Kane	35.6	Scott	29.6
Kankakee	33.5	Shelby	30.2
Kendall	35.0	Stark	31.4
McHenry	29.4	Stark	28.8
Lake	33.8	Tazewell	30.4
LaSalle	34.7	Union	28.3
Lawrence	25.7	Vermilion	34.2
Lee	32.4	Wabash	26.6
Livingston	31.8	Warren	29.5
Logan	31.0	Washington	30.3
McDonough	29.6	Wayne	25.1
McHenry	32.4	White	26.4
McLean	33.1	Whiteside	31.4
Macon	36.4	Will	33.8
Macoupin	32.4	Williamson	24.8
Madison	29.2	Winnebago	29.4
Marion	26.8	Woodford	30.5

INDIANA

Adams	28.4	Knox	30.0
Allen	29.8	Kosciusko	30.4
Bartholomew	25.5	Lagrange	31.3
Benton	36.7	Lake	32.3
Blackford	27.7	LaPorte	31.5
Boone	31.4	Lawrence	25.1
Brown	22.8	Madison	33.2
Carroll	32.8	Marion	30.0
Cass	32.4	Marshall	30.4
Clark	23.1	Martin	24.2
Clay	25.6	Miami	31.8
Clinton	33.0	Monroe	25.7
Crawford	23.2	Montgomery	30.8
Daviess	29.0	Morgan	28.8
Dearborn	22.6	Newton	34.2
Decatur	25.0	Noble	29.8
DeKalb	27.3	Ohio	22.6
Delaware	31.4	Orange	24.6
Dubois	23.3	Owen	22.7
Elkhart	30.6	Parke	29.9
Fayette	23.9	Perry	21.3
Fenton	24.4	Pike	23.6
Floyd	30.4	Porter	32.9
Fountain	22.9	Posey	27.4
Franklin	22.9	Pulaski	30.2
Fulton	29.5	Putnam	29.0
Gibson	29.2	Randolph	28.0
Grant	32.2	Ripley	22.8
Greene	24.3	Rush	25.0
Hamilton	31.1	St. Joseph	31.4
Hancock	30.4	Scott	23.0
Harrison	23.0	Shelby	25.2
Hendricks	31.1	Spencer	22.7
Henry	28.9	Starke	28.3
Howard	34.8	Steuben	30.4
Huntington	30.5	Sullivan	27.2
Jackson	23.0	Switzerland	23.8
Jasper	32.4	Tippecanoe	33.8
Jay	27.1	Tipton	35.3
Jefferson	24.2	Union	25.1
Jennings	21.3	Vanderburgh	26.2
Johnson	29.0		

1962 WHEAT MARKETING QUOTA PROGRAM
COUNTY NORMAL YIELDS IN BUSHELS PER
ACRE—Continued

INDIANA—Continued

County	Normal yield	County	Normal yield
Vermillion	31.8	Washington	25.1
Vigo	27.3	Wayne	25.6
Wabash	30.6	Wells	29.7
Warren	34.2	White	33.6
Warrick	26.8	Whitley	30.2

IOWA

Adair	22.4	Jefferson	20.9
Adams	23.8	Johnson	23.6
Allamakee	27.0	Jones	27.9
Appanoose	23.8	Keokuk	22.2
Audubon	24.9	Kossuth	28.7
Benton	26.3	Lee	26.3
Black Hawk	22.8	Linn	23.7
Boone	26.2	Louisa	27.3
Bremer	25.4	Lucas	19.9
Buchanan	25.1	Lyon	24.9
Buena Vista	19.9	Madison	24.7
Butler	30.2	Mahaska	24.7
Calhoun	26.6	Marion	25.0
Carroll	26.9	Marshall	28.2
Cass	26.8	Mills	28.6
Cedar	27.6	Mitchell	27.6
Cerro Gordo	27.8	Monona	23.2
Cherokee	27.6	Monroe	19.1
Chickasaw	22.4	Montgomery	28.0
Clarke	20.8	Muscatine	25.6
Clay	29.3	O'Brien	22.1
Clayton	26.6	Osceola	26.2
Clinton	28.9	Page	27.4
Crawford	26.5	Palo Alto	24.0
Dallas	25.3	Plymouth	26.8
Davis	22.9	Pocahontas	22.6
Decatur	22.6	Folk	28.0
Delaware	30.3	Pottawatomie	27.8
Des Moines	28.3	Poweshiek	26.4
Dickinson	22.1	Ringgold	21.0
Dubuque	27.0	Sac	31.0
Emmet	23.8	Scott	27.9
Fayette	24.4	Shelby	24.6
Floyd	26.0	Sioux	26.5
Franklin	27.6	Story	28.2
Fremont	29.3	Tama	23.8
Greene	23.8	Taylor	21.3
Grundy	26.4	Union	21.5
Guthrie	23.4	Van Buren	23.2
Hamilton	33.1	Wapello	23.0
Hancock	29.4	Warren	27.1
Hardin	30.6	Washington	24.9
Harrison	27.7	Wayne	22.2
Henry	22.9	Webster	30.6
Howard	25.6	Winnebago	27.6
Humboldt	31.0	Winnesiek	23.4
Ida	25.2	Woodbury	24.0
Iowa	25.8	Worth	26.6
Jackson	26.7	Wright	26.8
Jasper	26.6		

KANSAS

Allen	27.6	Ellis*	18.8
Anderson	29.2	Ellsworth*	19.9
Atchison	28.1	Finney*	24.5
Barber*	21.2	Ford*	18.5
Barton*	19.7	Franklin	28.2
Bourbon	24.0	Geary	27.2
Brown	27.8	Gove*	25.4
Butler	24.1	Graham*	20.2
Chase	27.2	Grant*	26.0
Chautauqua	26.4	Gray*	21.6
Cherokee	24.4	Greeley*	24.7
Cheyenne*	27.7	Greenwood	25.0
Clark*	18.8	Hamilton*	26.0
Clay*	21.5	Harper*	21.7
Cloud*	20.7	Harvey*	24.9
Coffey	28.5	Haskell*	22.4
Comanche*	18.0	Hodgeman*	19.8
Cowley	25.8	Jackson	28.1
Crawford	25.3	Jefferson	27.2
Decatur*	26.2	Jewell*	19.9
Dickinson*	23.8	Johnson	29.4
Doniphan	28.8	Kearny*	27.4
Douglas	28.7	Kingman*	17.7
Edwards*	20.0	Kiowa*	18.9
Elk	25.2	Labette	25.0

1962 WHEAT MARKETING QUOTA PROGRAM
COUNTY NORMAL YIELDS IN BUSHELS PER
ACRE—Continued

KANSAS—Continued

County	Normal yield	County	Normal yield
Lane*	24.2	Republic*	19.8
Leavenworth	27.0	Rice*	20.0
Lincoln*	19.2	Riley	25.0
Linn	25.1	Rooks*	19.5
Logan*	23.8	Rush*	20.1
Lyon	28.2	Russell*	17.9
McPherson*	22.4	Saline*	22.7
Marion*	23.3	Scott*	31.1
Marshall	26.5	Sedgwick*	24.1
Meade*	17.3	Seward*	18.4
Miami	27.3	Shawnee	28.4
Mitchell*	20.6	Sheridan*	23.4
Montgomery	26.9	Sherman*	25.3
Morris	24.4	Smith*	20.9
Morton*	19.8	Stafford*	18.9
Nemaha	27.4	Stanton*	24.5
Neosho	27.1	Stevens*	23.8
Ness*	20.7	Sumner*	23.5
Norton*	23.8	Thomas*	25.8
Osage	28.7	Trego*	24.4
Osborne*	18.9	Wabaunsee	26.7
Ottawa*	21.9	Wallace*	23.0
Pawnee*	22.3	Washington*	22.6
Phillips*	20.6	Wichita*	27.2
Pottawatomie	26.0	Wilson	26.9
Pratt*	18.5	Woodson	26.4
Rawlins*	27.7	Wyandotte	30.1
Reno*	21.2		

KENTUCKY

Adair	20.8	Kenton	21.2
Allen	22.2	Knox	18.2
Anderson	20.6	Larue	21.0
Ballard	22.4	Laurel	19.8
Barren	21.6	Lee	16.2
Bath	21.6	Lewis	20.5
Boone	21.0	Lincoln	20.5
Bourbon	23.4	Livingston	21.7
Boyd	20.6	Logan	27.7
Boyle	21.6	Lyon	23.6
Bracken	23.2	McCracken	23.6
Breckenridge	21.9	McLean	23.4
Bullitt	22.4	Madison	21.8
Butler	19.5	Marion	21.2
Caldwell	24.5	Marshall	20.0
Calloway	22.7	Mason	21.6
Campbell	21.6	Meade	22.4
Carlisle	22.2	Mercer	21.0
Carroll	21.6	Metcalfe	19.4
Carter	20.2	Monroe	18.9
Casey	20.4	Montgomery	21.8
Christian	26.6	Morgan	18.8
Clark	23.3	Muhlenberg	22.0
Clay	17.3	Nelson	22.0
Clinton	20.4	Nicholas	21.0
Crittenden	22.6	Ohio	21.5
Cumberland	18.6	Oldham	24.1
Davess	25.8	Owen	21.9
Edmonson	19.2	Pendleton	20.6
Fayette	24.4	Powell	19.3
Fleming	21.8	Pulaski	20.6
Franklin	21.4	Robertson	20.2
Fulton	25.2	Rockcastle	20.8
Gallatin	23.1	Rowan	19.2
Garrard	20.4	Russell	19.7
Grant	22.1	Scott	23.2
Graves	24.0	Shelby	22.6
Grayson	20.2	Simpson	27.5
Green	20.6	Spencer	21.8
Greenup	19.6	Taylor	20.9
Hancock	23.2	Todd	27.6
Hardin	21.0	Trigg	26.0
Harrison	23.0	Trimble	22.1
Hart	19.6	Union	26.2
Henderson	26.8	Warren	25.4
Henry	22.5	Washington	20.4
Hickman	24.3	Wayne	21.7
Hopkins	22.4	Webster	23.7
Jackson	19.1	Wolfe	17.5
Jefferson	25.0	Woodford	23.2
Jessamine	21.4		

*Indicates counties having special wheat cultural practices. See table below.

1962 WHEAT MARKETING QUOTA PROGRAM
COUNTY NORMAL YIELDS IN BUSHELS PER
ACRE—Continued

MARYLAND

County	Normal yield	County	Normal yield
Allegany	20.2	Howard	25.7
Anne Arundel	17.2	Kent	27.7
Baltimore	26.2	Montgomery	26.4
Calvert	18.0	Prince Georges	17.8
Caroline	24.2	Queen Annes	25.0
Carroll	24.2	St. Marys	20.2
Cecil	27.0	Somerset	25.2
Charles	18.4	Talbot	25.6
Dorchester	25.4	Washington	24.9
Frederick	24.6	Wicomico	20.6
Garrett	24.3	Worcester	23.4
Harford	28.3		

MICHIGAN

Alcona	27.6	Keweenaw	16.5
Alger	20.0	Lake	23.0
Allegan	28.8	Lapeer	32.6
Alpena	28.6	Leelanau	24.0
Antrim	24.5	Lenawee	31.5
Arenac	29.0	Livingston	30.1
Baraga	20.0	Luce	16.0
Barry	28.8	Mackinac	17.8
Bay	32.8	Macomb	28.6
Benzie	19.6	Manistee	20.8
Berrien	31.0	Marquette	19.0
Branch	29.7	Mason	28.4
Calhoun	31.1	Mecosta	29.4
Cass	28.4	Menominee	29.4
Charlevoix	25.6	Midland	34.3
Cheboygan	24.0	Missaukee	28.2
Chippewa	19.6	Monroe	30.4
Clare	28.3	Montcalm	30.0
Clinton	30.6	Montmorency	25.0
Crawford	15.0	Muskegon	26.2
Delta	22.0	Newaygo	27.5
Dickinson	20.0	Oakland	31.4
Eaton	32.6	Oceana	27.6
Emmet	25.0	Ogemaw	27.5
Genesee	31.0	Ontonagon	21.0
Gladwin	29.2	Oscoda	24.6
Gogebic	15.0	Oscoda	20.7
Grand Traverse	24.4	Otsego	22.4
Gratiot	34.0	Ottawa	28.2
Hillsdale	28.0	Presque Isle	26.5
Houghton	19.0	Roscommon	21.4
Huron	32.8	Saginaw	34.0
Ingham	31.6	St. Clair	29.3
Ionia	30.9	St. Joseph	30.2
Iosco	24.4	Sanilac	30.9
Iron	19.0	Schoolcraft	21.0
Isabella	31.2	Shiawassee	31.4
Jackson	30.2	Tuscola	36.0
Kalamazoo	31.4	Van Buren	28.0
Kalkaska	18.9	Washtenaw	30.1
Kent	27.4	Wayne	27.8
		Wexford	23.1

MINNESOTA

Aitkin	20.5	Houston	23.2
Anoka	20.2	Hubbard	20.5
Becker	25.2	Isanti	20.4
Beltrami	20.4	Itasca	20.2
Benton	20.0	Jackson	21.7
Big Stone	21.1	Kanabec	22.0
Blue Earth	26.1	Kandiyohi	22.1
Brown	23.0	Kittson	23.1
Carleton	19.5	Koochiching	22.0
Carver	26.8	Lac qui Parle	19.4
Cass	17.8	Lake of the Woods	22.4
Chippewa	21.6	Le Sueur	26.0
Chisago	20.4	Lincoln	20.4
Clay	26.3	Lyon	20.3
Clearwater	23.8	McLeod	26.8
Cottonwood	22.6	Mahnomen	26.2
Crow Wing	19.3	Marshall	25.6
Dakota	25.9	Martin	24.3
Dodge	27.1	Meeker	24.7
Douglas	22.8	Millie Laas	21.9
Faribault	29.3	Morrison	19.2
Fillmore	23.6	Mower	26.6
Freeborn	27.9	Murray	21.8
Goodhue	24.2	Nicollet	25.0
Grant	23.5	Nobles	20.8
Hennepin	23.8		

1962 WHEAT MARKETING QUOTA PROGRAM
COUNTY NORMAL YIELDS IN BUSHELS PER
ACRE—Continued

MINNESOTA—Continued

County	Normal yield	County	Normal yield
Norman	26.1	Sibley	26.6
Olmsted	25.2	Stearns	21.5
Otter Tail	22.8	Steele	28.0
Pennington	24.3	Stevens	20.8
Pine	19.5	Swift	20.6
Pipestone	20.6	Todd	20.7
Polk	26.8	Traverse	21.4
Pope	21.1	Wabasha	23.5
Ramsey	20.4	Wadena	19.0
Red Lake	24.2	Waseca	29.2
Redwood	22.2	Washington	23.0
Renville	23.7	Watonswan	21.6
Rice	24.4	Wilkin	24.4
Rock	20.4	Winona	24.0
Roseau	22.8	Wright	25.8
St. Louis	25.6	Yellow	
Scott	26.5	Medicine	19.9
Sherburne	21.2		

MISSISSIPPI

Adams	17.4	Lincoln	20.0
Alcorn	20.3	Lowndes	21.4
Amite	17.0	Madison	22.1
Attala	18.0	Marion	19.0
Benton	21.9	Marshall	22.2
Bolivar	26.2	Monroe	21.0
Calhoun	21.0	Montgomery	20.0
Carroll	23.8	Neshoba	17.5
Chickasaw	22.4	Newton	18.0
Choctaw	16.0	Noxubee	21.3
Claiborne	21.3	Oktibbeha	20.6
Clarke	22.0	Panola	26.0
Clay	23.9	Pearl River	17.5
Coahoma	26.9	Perry	17.5
Copiah	21.0	Pike	20.0
Covington	19.2	Pontotoc	20.7
De Soto	25.3	Prentiss	24.5
Forrest	19.0	Quitman	25.4
Franklin	18.0	Rankin	22.0
George	19.0	Scott	20.0
Greene	19.0	Sharkey	26.7
Grenada	21.5	Simpson	20.0
Harrison	20.0	Smith	20.0
Hinds	21.6	Sunflower	26.1
Holmes	23.4	Tallahatchie	26.1
Humphreys	26.1	Tate	22.9
Issaquena	26.8	Tippah	19.0
Itawamba	21.0	Tishomingo	20.0
Jackson	18.0	Tunica	24.7
Jasper	17.5	Union	20.8
Jefferson	21.0	Walthall	20.0
Jefferson Davis	19.0	Washington	27.7
Jones	19.0	Wayne	19.0
Kemper	23.4	Webster	19.7
Lafayette	21.7	Wilkinson	17.0
Lauderdale	17.0	Winston	19.3
Leake	18.0	Yalobusha	20.4
Lee	23.5	Yazoo	22.8
Leflore	27.6		

MISSOURI

Adair	30.5	Christian	25.3
Andrew	26.9	Clark	24.8
Atchison	26.1	Clay	31.4
Audrain	33.0	Clinton	31.2
Barry	25.1	Cole	27.0
Barton	25.2	Cooper	31.0
Bates	25.5	Crawford	22.1
Benton	25.2	Dade	26.9
Bollinger	22.4	Dallas	22.1
Boone	28.7	Davless	27.8
Buchanan	30.0	DeKalb	28.9
Butler	30.3	Dent	20.9
Caldwell	28.8	Douglas	17.9
Callaway	31.2	Dunklin	30.7
Camden	22.1	Franklin	28.8
Cape Girardeau	30.9	Gasconade	28.7
Carroll	30.1	Gentry	28.8
Carter	23.8	Greene	25.1
Cass	27.8	Grundy	24.4
Cedar	23.3	Harrison	27.9
Chariton	27.9	Henry	25.6
		Hickory	23.1

1962 WHEAT MARKETING QUOTA PROGRAM
COUNTY NORMAL YIELDS IN BUSHELS PER
ACRE—Continued

MISSOURI—Continued			
County	Normal yield	County	Normal yield
Holt	27.0	Pettis	30.1
Howard	28.0	Phelps	25.0
Howell	18.5	Pike	27.5
Iron	20.3	Platte	31.1
Jackson	29.8	Polk	25.7
Jasper	27.3	Pulaski	20.9
Jefferson	25.2	Putnam	26.4
Johnson	27.2	Ralls	29.6
Knox	27.3	Randolph	27.1
Laclede	26.3	Ray	32.0
Lafayette	29.8	Reynolds	23.1
Lawrence	25.5	Ripley	17.2
Lewis	25.3	St. Charles	32.5
Lincoln	29.0	St. Clair	23.5
Linn	28.8	St. Francois	27.3
Livingston	30.1	St. Louis	28.3
McDonald	23.3	Ste. Genevieve	27.8
Macon	27.4	Saline	27.8
Madison	20.6	Schuyler	27.3
Maries	25.2	Scotland	24.0
Marion	28.4	Scott	29.4
Mercer	28.8	Shannon	21.1
Miller	26.2	Shelby	27.2
Mississippi	30.9	Stoddard	31.2
Moniteau	27.3	Stone	24.6
Monroe	27.4	Sullivan	28.0
Montgomery	32.2	Taney	19.0
Morgan	28.7	Texas	22.2
New Madrid	32.3	Vernon	24.0
Newton	25.6	Warren	30.3
Nodaway	28.9	Washington	28.5
Oregon	22.1	Wayne	22.7
Osage	27.6	Webster	21.6
Ozark	19.7	Worth	26.0
Pemiscot	35.3	Wright	23.1
Perry	28.5		

MONTANA			
County	Normal yield	County	Normal yield
Beaverhead*	24.1	McCone*	15.0
Big Horn*	24.8	Madison*	21.2
Blaine*	18.8	Meagher*	18.0
Broadwater*	24.3	Mineral*	21.0
Carbon*	22.1	Missoula*	29.6
Carter*	14.2	Musselshell*	19.1
Cascade*	25.7	Park*	21.7
Chouteau*	25.2	Petroleum*	15.0
Custer*	18.9	Phillips*	17.4
Daniels*	14.5	Pondera*	26.2
Dawson*	15.6	Powder	
Deer Lodge*	32.4	River*	20.6
Fallon*	13.3	Powell*	24.9
Fergus*	24.4	Prairie*	16.4
Flathead*	31.8	Ravalli*	30.5
Gallatin*	27.2	Richland*	17.8
Garfield*	13.2	Roosevelt*	16.3
Glacier*	24.3	Rosebud*	20.0
Golden		Sanders*	22.3
Valley*	19.2	Sheridan*	16.7
Granite*	26.2	Silver Bow*	20.5
Hill*	22.4	Stillwater*	20.4
Jefferson*	19.9	Sweet Grass*	18.6
Judith		Teton*	25.9
Basin*	22.1	Toole*	23.2
Lake*	23.9	Treasure*	20.5
Lewis and Clark*	21.2	Valley*	15.6
Liberty*	23.3	Wheatland*	18.0
Lincoln*	19.6	Wibaux*	15.8
		Yellowstone*	22.8

NEBRASKA			
County	Normal yield	County	Normal yield
Adams*	23.4	Cass*	29.5
Antelope*	24.5	Cedar*	21.1
Arthur*	16.4	Chase*	24.9
Banner*	29.1	Cherry*	20.9
Boone*	25.9	Cheyenne*	28.0
Box Butte*	28.5	Clay*	22.6
Boyd*	16.7	Colfax*	27.4
Brown*	21.4	Cuming*	30.4
Buffalo*	24.7	Custer*	25.5
Burt*	32.9	Dakota*	26.8
Butler*	26.9	Dawes*	27.6

*Indicates counties having special wheat cultural practices. See table below.

1962 WHEAT MARKETING QUOTA PROGRAM
COUNTY NORMAL YIELDS IN BUSHELS PER
ACRE—Continued

NEBRASKA—Continued			
County	Normal yield	County	Normal yield
Dawson*	24.7	Madison*	25.7
Deuel*	30.0	Merrick*	23.2
Dixon*	26.8	Morrill*	26.2
Dodge*	28.4	Nance*	27.2
Douglas*	30.5	Nemaha*	25.9
Dundy*	25.7	Nuckolls*	23.1
Fillmore*	22.3	Otoe*	26.6
Franklin*	23.8	Pawnee*	23.9
Frontier*	26.4	Perkins*	26.9
Furnas*	25.1	Phelps*	28.0
Gage*	24.1	Pierce*	25.1
Garden*	29.2	Platte*	28.0
Garfield*	20.9	Polk*	27.7
Gosper*	27.5	Redwillow*	26.8
Greeley*	24.6	Richardson*	25.2
Hall*	23.0	Rock*	16.2
Hamilton*	24.5	Saline*	23.2
Harlan*	27.4	Sarpy*	31.6
Hayes*	25.1	Saunders*	27.3
Hitchcock*	25.4	Scotts Bluff*	29.0
Holt*	18.5	Seward*	25.7
Howard*	24.5	Sheridan*	26.7
Jefferson*	23.1	Sherman*	23.7
Johnson*	22.8	Sioux*	24.0
Kearney*	23.7	Stanton*	28.0
Keith*	28.3	Thayer*	22.7
Keya Paha*	19.1	Thomas*	14.0
Kimball*	24.6	Thurston*	25.7
Knox*	23.2	Valley*	25.7
Lancaster*	24.8	Washington*	33.0
Lincoln*	23.7	Wayne*	26.6
Logan*	23.4	Webster*	21.4
Loup*	19.8	Wheeler*	19.5
McPherson*	19.4	York*	24.5

NEW JERSEY			
County	Normal yield	County	Normal yield
Atlantic	22.3	Middlesex	30.7
Bergen	29.5	Monmouth	31.6
Burlington	30.2	Morris	28.2
Camden	25.6	Ocean	28.9
Cape May	21.9	Passaic	28.8
Cumberland	29.2	Salem	31.2
Essex	28.8	Somerset	27.2
Gloucester	26.2	Sussex	29.3
Hunterdon	29.0	Union	28.4
Mercer	32.6	Warren	30.0

NEW MEXICO			
County	Normal yield	County	Normal yield
Bernalillo*	17.9	Mora*	9.4
Catron*	8.9	Otero*	15.0
Chaves*	40.5	Quay*	9.8
Colfax*	12.4	Rio Arriba*	10.8
Curry*	16.7	Roosevelt*	10.9
De Baca*	26.4	Sandoval*	15.3
Dona Ana*	30.0	San Juan*	19.2
Eddy*	35.9	San Miguel*	10.5
Grant*	30.0	Santa Fe*	16.6
Guadalupe*	9.0	Sierra*	21.5
Harding*	9.3	Socorro*	6.0
Hidalgo*	25.0	Taos*	17.8
Lea*	8.3	Torrance*	8.4
Lincoln*	7.3	Union*	9.9
Luna*	24.0	Valencia*	16.8
McKinley*	8.8		

NEW YORK			
County	Normal yield	County	Normal yield
Albany	28.9	Jefferson	21.7
Allegany	29.0	Lewis	27.4
Broome	30.9	Livingston	32.4
Cattaraugus	30.2	Madison	32.6
Cayuga	33.1	Monroe	31.6
Chautauqua	29.4	Montgomery	28.6
Chemung	30.6	Nassau	27.8
Chenango	31.6	Niagara	29.4
Columbia	30.2	Oneida	34.6
Corland	31.9	Onondaga	31.4
Delaware	28.2	Ontario	32.9
Dutchess	29.8	Orange	28.2
Erie	28.6	Orleans	32.2
Essex	26.5	Oswego	27.2
Fulton	27.8	Otsego	31.9
Genesee	32.4	Rensselaer	28.8
Greene	27.7	St. Lawrence	25.0
Herkimer	30.1	Saratoga	31.6

1962 WHEAT MARKETING QUOTA PROGRAM
COUNTY NORMAL YIELDS IN BUSHELS PER
ACRE—Continued

NEW YORK—Continued			
County	Normal yield	County	Normal yield
Schenectady	28.0	Tompkins	31.2
Schoharie	30.4	Ulster	29.8
Schuyler	27.4	Washington	30.2
Seneca	31.8	Wayne	29.2
Steuben	29.1	Westchester	30.5
Suffolk	33.4	Wyoming	31.4
Sullivan	28.9	Yates	32.2
Tioga	29.5		

NORTH CAROLINA			
County	Normal yield	County	Normal yield
Alamance	22.7	Jones	23.9
Alexander	20.0	Lee	24.6
Alleghany	24.7	Lenoir	28.0
Anson	20.6	Lincoln	22.2
Ashe	23.4	McDowell	17.5
Avery	20.9	Macon	21.8
Beaufort	25.4	Madison	19.4
Bertie	23.8	Martin	25.1
Bladen	22.6	Mecklenburg	20.6
Brunswick	24.4	Mitchell	19.5
Buncombe	22.8	Montgomery	18.4
Burke	21.6	Moore	19.3
Cabarrus	19.8	Nash	27.8
Caldwell	20.8	New Hanover	23.4
Camden	28.4	Northampton	22.4
Carteret	23.2	Onslow	23.1
Caswell	22.6	Orange	22.2
Catawba	22.0	Pamlico	26.6
Chatham	21.6	Pasquotank	29.5
Cherokee	20.2	Perquimans	26.8
Chowan	25.2	Person	21.7
Clay	19.0	Pitt	26.0
Cleveland	22.0	Polk	20.6
Columbus	24.4	Randolph	22.2
Craven	23.9	Richmond	17.5
Cumberland	22.4	Robeson	23.6
Currituck	27.0	Rockingham	23.4
Davidson	23.0	Rowan	23.0
Davie	22.2	Rutherford	21.2
Duplin	26.7	Sampson	24.6
Durham	22.3	Scotland	22.0
Edgecombe	26.8	Stanly	19.8
Forsyth	22.8	Stokes	21.8
Franklin	22.6	Surry	23.3
Gaston	20.5	Swain	19.0
Gates	25.0	Transylvania	20.7
Graham	17.8	Tyrrell	25.4
Granville	22.5	Union	21.4
Greene	26.4	Vance	22.6
Gullford	22.8	Wake	24.4
Halifax	23.2	Warren	21.4
Harnett	25.4	Washington	26.0
Haywood	21.7	Watauga	23.5
Henderson	22.2	Wayne	26.4
Hertford	22.0	Wilkes	23.1
Hoke	21.5	Wilson	29.2
Hyde	27.0	Yadkin	23.0
Iredell	21.6	Yancey	20.4
Jackson	19.9		
Johnston	25.6		

NORTH DAKOTA			
County	Normal yield	County	Normal yield
Adams*	13.7	LaMoure*	18.5
Barnes*	22.1	Logan*	14.3
Benson*	19.2	McHenry*	16.0
Billings*	13.9	McIntosh*	13.7
Bottineau*	18.3	McKenzie*	16.0
Bowman*	14.3	McLean*	17.9
Burke*	17.2	Mercer*	15.5
Burleigh*	15.6	Morton*	13.9
Cass*	23.7	Mountrail*	15.8
Cavalier*	22.6	Nelson*	21.9
Dickey*	18.8	Oliver*	14.8
Divide*	14.2	Pembina*	25.9
Dunn*	15.2	Pierce*	15.9
Eddy*	18.2	Ramsey*	20.0
Emmons*	14.1	Ransom*	17.7
Foster*	20.3	Renville*	19.8
Golden		Richland*	21.0
Valley*	16.7	Rolette*	17.5
Grand Forks*	27.3	Sargent*	19.1
Grant*	14.4	Sheridan*	16.6
Griggs*	22.9	Sioux*	11.4
Hettinger*	17.3	Slope*	16.9
Kidder*	14.4	Stark*	16.8

1962 WHEAT MARKETING QUOTA PROGRAM
COUNTY NORMAL YIELDS IN BUSHELS PER
ACRE—Continued

SOUTH DAKOTA—Continued

County	Normal yield	County	Normal yield
Steele*	27.1	Walsh*	24.9
Stutsman*	19.6	Ward*	20.1
Towner*	21.0	Wells*	19.5
Trails*	27.8	Williams*	14.4

OHIO

Adams	20.8	Licking	25.5
Allen	30.6	Logan	28.2
Ashland	27.7	Lorain	27.0
Ashtabula	24.2	Lucas	32.6
Athens	24.0	Madison	29.0
Auglaize	29.9	Mahoning	27.5
Belmont	26.8	Marion	30.4
Brown	19.8	Medina	27.6
Butler	24.5	Meigs	21.6
Carroll	27.5	Mercer	30.3
Champaign	29.6	Miami	29.8
Clark	29.6	Monroe	25.4
Clermont	22.7	Montgomery	27.2
Clinton	25.2	Morgan	23.8
Columbiana	28.0	Morrow	26.1
Coshocton	25.0	Muskingum	24.2
Crawford	29.3	Noble	24.2
Cuyahoga	25.9	Ottawa	29.2
Darke	28.2	Paulding	28.6
Defiance	27.5	Perry	23.8
Delaware	27.5	Pickaway	25.1
Erle	31.6	Plke	20.2
Fairfield	25.4	Portage	26.6
Fayette	26.6	Preble	26.3
Franklin	27.7	Putnam	29.9
Fulton	31.7	Richland	27.0
Gallia	22.7	Ross	23.1
Geauga	25.7	Sandusky	31.0
Greene	27.0	Scioto	22.4
Guernsey	23.3	Seneca	29.0
Hamilton	25.5	Shelby	29.0
Hancock	30.4	Stark	28.6
Hardin	30.7	Summit	27.8
Harrison	27.0	Trumbull	25.8
Henry	32.2	Tuscarawas	26.8
Highland	22.3	Union	27.6
Hocking	21.4	Van Wert	31.2
Holmes	27.2	Vinton	22.0
Huron	29.9	Warren	24.7
Jackson	21.4	Washington	23.4
Jefferson	28.0	Wayne	28.2
Knox	24.6	Williams	27.5
Lake	24.3	Wood	32.4
Lawrence	23.6	Wyandot	30.1

OKLAHOMA

Adair	18.4	Harper*	16.3
Alfalfa*	22.8	Haskell	22.1
Atoka	17.9	Hughes	20.2
Beaver*	16.3	Jackson*	21.6
Beckham*	17.5	Jefferson	16.4
Blaine*	20.5	Johnston	19.4
Bryan	18.0	Kay	25.7
Caddo*	20.4	Kingfisher*	20.1
Canadian*	20.1	Kiowa*	21.0
Carter	18.1	Latimer	17.0
Cherokee	19.6	LeFlore	21.0
Choctaw	19.2	Lincoln	18.5
Cimarron*	17.0	Logan	21.3
Cleveland	19.9	Love	16.4
Coal	18.6	McClain	21.8
Comanche*	17.4	McCurtain	20.2
Cotton*	18.2	McIntosh	20.4
Craig	22.7	Major*	21.6
Creek	16.2	Marshall	17.5
Custer*	19.1	Mayes	20.3
Delaware	22.9	Murray	22.2
Dewey*	18.2	Muskogee	21.1
Ellis*	16.1	Noble	22.1
Garfield*	23.5	Nowata	23.2
Garvin	21.7	Okruskee	17.3
Grady*	21.1	Oklahoma	22.3
Grant*	22.2	Oklmulgee	19.8
Greer*	20.5	Osage	23.2
Harmon*	20.7	Ottawa	23.5

*Indicates counties having special wheat cultural practices. See table below.

1962 WHEAT MARKETING QUOTA PROGRAM
COUNTY NORMAL YIELDS IN BUSHELS PER
ACRE—Continued

OKLAHOMA—Continued

County	Normal yield	County	Normal yield
Pawnee	20.9	Sequoyah	21.2
Payne	18.6	Stephens	19.6
Pittsburg	17.3	Texas*	17.0
Pontotoc	20.0	Tillman*	21.0
Potta-		Tulsa	22.7
watomie	21.8	Wagoner	21.0
Pushmataha	18.9	Washington	23.3
Roger Mills*	17.3	Washita*	20.2
Rogers	21.1	Woods*	22.3
Seminole	17.8	Woodward*	17.8

OREGON

Baker*	33.8	Lake*	22.7
Benton*	29.8	Lane*	26.2
Clackamas*	29.2	Linn*	26.6
Clatsop*	28.3	Malheur*	47.6
Columbia*	28.8	Marion*	29.6
Crook*	46.8	Morrow*	28.8
Deschutes*	36.6	Multnomah*	30.3
Douglas*	22.0	Polk*	32.2
Gilliam*	29.6	Sherman*	34.8
Grant*	26.1	Umatilla*	35.1
Harney*	22.3	Union*	39.4
Hood River*	33.5	Wallowa*	30.5
Jackson*	34.2	Wasco*	31.5
Jefferson*	34.8	Washington*	33.3
Josephine*	24.7	Wheeler*	24.2
Klamath*	30.1	Yamhill*	31.8

PENNSYLVANIA

Adams	25.2	Lancaster	32.8
Allegheny	27.0	Lawrence	27.0
Armstrong	24.2	Lebanon	29.8
Beaver	27.1	Lehigh	28.5
Bedford	26.8	Luzerne	24.2
Berks	27.0	Lycoming	25.0
Blair	29.4	McKean	24.6
Bradford	25.6	Mercer	25.6
Bucks	28.5	Mifflin	28.2
Butler	27.0	Monroe	25.2
Cambria	24.8	Montgomery	28.8
Cameron	21.6	Montour	23.4
Carbon	24.2	Northamp-	
Centre	27.1	ton	30.7
Chester	32.1	Northumber-	
Clarion	24.0	land	25.4
Clearfield	23.4	Perry	25.9
Clinton	27.3	Philadelphia	29.3
Columbia	25.8	Pike	23.3
Crawford	24.4	Potter	27.8
Cumberland	27.3	Schuylkill	24.0
Dauphin	25.4	Snyder	24.6
Delaware	32.4	Somerset	25.8
Elk	24.2	Sullivan	23.9
Erle	25.4	Susquehanna	25.9
Fayette	27.4	Tioga	24.4
Forest	20.6	Union	26.5
Franklin	25.6	Venango	25.4
Fulton	23.3	Warren	25.0
Greene	24.1	Washington	27.4
Huntingdon	26.5	Wayne	25.2
Indiana	23.8	Westmore-	
Jefferson	24.7	land	26.4
Juniata	25.7	Wyoming	24.4
Lackawanna	27.0	York	28.8

SOUTH CAROLINA

Abbeville	19.4	Dorchester	22.4
Aiken	18.4	Edgefield	21.6
Allendale	21.4	Fairfield	20.7
Anderson	20.5	Florence	22.2
Bamberg	19.8	Georgetown	22.2
Barnwell	20.8	Greenville	20.5
Beaufort	23.5	Greenwood	20.8
Berkeley	21.4	Hampton	22.4
Calhoun	22.6	Horry	25.4
Charleston	22.8	Jasper	20.2
Cherokee	20.2	Kershaw	20.9
Chester	21.7	Lancaster	20.8
Chesterfield	19.6	Laurens	22.0
Clarendon	22.3	Lee	22.9
Colleton	21.4	Lexington	17.8
Darlington	21.8	McCormick	18.7
Dillon	23.4	Marion	24.4

1962 WHEAT MARKETING QUOTA PROGRAM
COUNTY NORMAL YIELDS IN BUSHELS PER
ACRE—Continued

SOUTH CAROLINA—Continued

County	Normal yield	County	Normal yield
Marlboro	23.0	Saluda	20.6
Newberry	21.5	Spartanburg	19.6
Oconee	19.6	Sumter	22.3
Orangeburg	19.8	Union	19.0
Pickens	19.0	Williamsburg	22.3
Richland	21.4	York	20.8

SOUTH DAKOTA

Aurora*	18.8	Jackson*	25.7
Beadle*	14.6	Jerauld*	14.4
Bennett*	30.0	Jones*	25.3
Bon		Kingsbury*	15.5
Homme*	17.1	Lake*	18.1
Brookings*	18.5	Lawrence*	21.8
Brown*	17.1	Lincoln*	16.9
Brule*	20.7	Lyman*	25.5
Buffalo*	20.4	McCook*	19.4
Butte*	20.1	McPherson*	15.2
Campbell*	15.8	Marshall*	17.3
Charles Mix*	21.2	Meade*	19.2
Clark*	15.6	Mellette*	22.4
Clay*	21.4	Miner*	14.6
Codington*	15.9	Minnehaha*	17.8
Corson*	13.7	Moody*	21.6
Custer*	16.8	Pennington*	19.7
Davison*	18.2	Perkins*	13.1
Day*	17.4	Potter*	18.9
Deuel*	16.7	Roberts*	18.0
Dewey*	17.3	Sanborn*	14.0
Douglas*	18.9	Shannon*	28.1
Edmunds*	17.3	Spink*	16.2
Fall River*	24.4	Stanley*	24.6
Faulk*	17.1	Sully*	20.9
Grant*	18.6	Todd*	25.5
Gregory*	22.4	Tripp*	26.0
Haakon*	23.0	Turner*	18.3
Hamlin*	16.4	Union*	21.7
Hand*	18.2	Walworth*	16.9
Hanson*	19.2	Washa-	
Harding*	14.3	baugh*	26.3
Hughes*	21.4	Yankton*	18.4
Hutchinson*	16.4	Ziebach*	16.2
Hyde*	17.6		

TENNESSEE

Anderson	20.5	Henry	20.4
Bedford	17.2	Hickman	18.8
Benton	17.6	Houston	20.2
Bledsoe	17.8	Humphreys	17.7
Blount	21.6	Jackson	13.4
Bradley	17.8	Jefferson	21.9
Campbell	19.6	Johnson	21.3
Cannon	16.4	Knox	21.0
Carroll	18.6	Lake	28.2
Carter	22.2	Lauderdale	21.5
Cheatham	22.0	Lawrence	19.2
Chester	19.0	Lewis	15.4
Claiborne	19.4	Lincoln	16.9
Clay	16.6	Loudon	18.8
Cocke	19.4	McMinn	18.2
Coffee	20.5	McNairy	19.7
Crockett	18.6	Macon	17.6
Cumberland	17.4	Madison	18.9
Davidson	19.4	Marion	18.8
Decatur	15.6	Marshall	16.8
De Kalb	16.2	Mauy	20.4
Dickson	17.2	Meigs	18.1
Dyer	22.6	Monroe	19.9
Fayette	19.0	Montgomery	24.2
Fentress	18.4	Moore	18.8
Franklin	23.6	Morgan	19.0
Gibson	17.0	Obion	21.8
Giles	17.0	Overt	19.3
Grainger	20.9	Perry	14.4
Greene	19.4	Pickett	18.2
Grundy	24.6	Polk	18.0
Hamblen	23.3	Putnam	18.6
Hamilton	18.8	Rhea	17.0
Hancock	18.2	Roane	17.0
Hardeman	19.4	Robertson	23.7
Hardin	16.6	Rutherford	18.2
Hawkins	20.6	Sequatchie	18.8
Haywood	18.9	Sevier	19.6
Henderson	18.7	Shelby	20.9

RULES AND REGULATIONS

1962 WHEAT MARKETING QUOTA PROGRAM
COUNTY NORMAL YIELDS IN BUSHELS PER
ACRE—Continued

TENNESSEE—Continued

County	Normal yield	County	Normal yield
Smith	14.6	Van Buren	20.0
Stewart	18.4	Warren	20.2
Sullivan	21.2	Washington	21.8
Sumner	18.5	Wayne	15.8
Tipton	22.4	Weakley	18.9
Trousdale	16.6	White	20.6
Unicoi	22.6	Williamson	18.5
Union	18.0	Wilson	16.1

TEXAS

Archer	13.4	Hamilton	13.7
Armstrong*	14.9	Hansford*	17.0
Atascosa	12.2	Hardeman*	15.8
Austin	11.0	Harris	10.0
Bailey*	20.3	Hartley*	15.1
Bandera	14.0	Haskell*	14.5
Bastrop	11.5	Hays	11.3
Baylor	15.6	Hemphill*	15.9
Bee	11.0	Henderson	12.2
Bell	13.4	Hill	16.5
Bexar	13.4	Hockley*	20.9
Blanco	15.4	Hood	13.6
Borden	13.0	Hopkins	13.0
Bosque	14.9	Houston	13.0
Bowle	15.6	Howard	12.8
Brazos	12.0	Hudspeth	20.0
Briscoe*	18.2	Hunt	17.3
Brown	12.6	Hutchinson*	20.7
Burnet	15.5	Irion	9.0
Caldwell	11.6	Jack	12.8
Callahan	13.5	Jackson	12.1
Carson*	18.3	Jeff Davis	19.0
Castro*	25.8	Johnson	17.4
Cherokee	12.5	Jones	13.5
Childress*	17.8	Karnes	13.4
Clay	14.9	Kaufman	16.2
Cochran*	18.6	Kendall	16.7
Coke	13.3	Kent	12.4
Coleman	12.0	Kerr	15.2
Collin	18.7	Kimble	12.5
Collingsworth*	14.4	King	13.0
Comal	12.1	Knox*	15.7
Comanche	12.3	Lamar	18.1
Concho	12.8	Lamb*	25.1
Cooke	19.1	Lampasas	14.6
Coryell	13.4	Leon	12.5
Cottle*	13.3	Limestone	13.4
Crosby*	17.3	Lipscomb*	17.0
Culberson	20.0	Live Oak	11.0
Dallam*	14.8	Llano	11.4
Dallas	18.2	Lubbock*	20.8
Dawson*	12.7	Lynn*	16.8
Deaf Smith*	22.8	McCulloch	15.3
Delta	16.7	McLennan	14.8
Denton	19.2	Madison	12.0
DeWitt	10.0	Martin	13.1
Dickens*	13.6	Mason	15.3
Donley*	15.5	Maverick	13.0
Eastland	12.1	Medina	13.0
Edwards	10.0	Menard	13.0
Ellis	16.8	Midland	15.0
Erath	11.6	Millam	13.4
Falls	13.3	Mills	15.3
Fannin	18.0	Mitchell	12.9
Fayette	10.0	Montague	15.9
Fisher	14.1	Moore*	18.8
Floyd*	20.0	Morris	13.0
Foard*	15.4	Motley*	15.3
Freestone	12.0	Nacogdoches	12.0
Frio	13.0	Navarro	15.7
Gaines*	13.9	Nolan	13.1
Garza*	12.3	Ochiltree*	16.2
Gillespie	17.0	Oldham*	14.1
Glasscock	13.4	Palo Pinto	13.7
Goliad	10.0	Panola	11.0
Gonzales	12.0	Parker	13.6
Gray*	17.6	Parmer*	28.5
Grayson	18.0	Pecos	15.0
Guadalupe	10.9	Potter*	16.3
Hale*	26.9	Presidio	25.0
Hall*	16.5	Rains	13.0
		Randall*	18.3

*Indicates counties having special wheat cultural practices. See table below.

1962 WHEAT MARKETING QUOTA PROGRAM
COUNTY NORMAL YIELDS IN BUSHELS PER
ACRE—Continued

TEXAS—Continued

County	Normal yield	County	Normal yield
Real	10.0	Terry*	18.6
Red River	13.9	Throck-	
Reeves	15.0	morton	15.2
Roberts*	19.4	Titus	12.0
Robertson	12.0	Tom Green	13.0
Rockwall	16.1	Travis	12.3
Runnels	11.7	Uvalde	13.4
San Saba	15.9	Van Zandt	13.2
Schleicher	14.0	Victoria	12.0
Scurry	13.6	Walker	12.0
Shackelford	13.0	Waller	12.5
Shelby	12.0	Ward	15.0
Sherman*	16.1	Wharton	12.0
Smith	12.0	Wheeler*	15.7
Somervell	12.7	Wichita*	17.4
Stephens	13.4	Willbarger*	18.0
Sterling	13.4	Williamson	13.0
Stonewall	12.8	Wilson	13.7
Sutton	9.0	Wise	17.2
Swisher*	23.8	Yoakum*	13.9
Tarrant	15.1	Young	14.0
Taylor	15.0	Zavala	13.9

UTAH

Beaver*	34.2	Plute*	25.4
Box Elder*	19.0	Rich*	21.1
Cache*	25.1	Salt Lake*	26.2
Carbon*	32.2	San Juan*	14.4
Daggett*	33.0	Sanpete*	23.5
Davis*	49.9	Sevier*	44.8
Duchesne*	31.1	Summit*	29.9
Emery*	31.5	Tooele*	14.9
Garfield*	19.6	Uintah*	27.8
Grand*	17.4	Utah*	25.0
Iron*	16.2	Wasatch*	35.7
Juab*	15.8	Washington*	15.7
Kane*	17.1	Wayne*	31.2
Millard*	17.5	Weber*	46.8
Morgan*	25.4		

VIRGINIA

Accomack	26.4	Henry	21.2
Albemarle	24.8	Highland	22.4
Alleghany	20.6	Isle of Wight	25.2
Amelia	24.5	James City	27.4
Amherst	21.2	King and	
Appomattox	23.2	Queen	22.5
Augusta	25.1	King George	25.7
Bath	20.9	King William	25.2
Bedford	22.6	Lancaster	24.7
Bland	21.6	Lee	21.4
Botetourt	23.4	Loudoun	25.5
Brunswick	23.4	Louisa	23.4
Buchanan	20.3	Lunenburg	24.2
Buckingham	23.4	Madison	24.2
Campbell	22.5	Mathews	23.1
Caroline	24.3	Mecklenburg	23.4
Carroll	22.6	Middlesex	24.5
Charles City	27.2	Montgomery	23.9
Charlotte	25.4	Nansemond	26.2
Chesterfield	23.2	Nelson	20.4
Clarke	25.1	New Kent	23.9
Craig	24.0	Newport News	22.0
Culpeper	24.9	Norfolk	27.6
Cumberland	23.9	Northampton	26.2
Dickenson	20.0	Northumber-	
Dinwiddie	24.7	land	26.9
Essex	24.0	Nottoway	26.0
Fairfax	25.2	Orange	25.1
Fauquier	24.7	Page	24.7
Floyd	24.9	Patrick	22.9
Fluvanna	23.6	Pittsylvania	23.2
Franklin	23.8	Powhatan	23.7
Frederick	23.3	Prince Edward	24.6
Giles	21.6	Prince George	23.0
Goodhue	24.2	Prince William	24.4
Goochland	23.9	Princess Anne	27.6
Grayson	21.1	Pulaski	23.4
Greene	20.8	Rappahan-	
Greensville	21.4	nock	23.4
Halfax	23.7	Richmond	26.4
Hampton	22.5	Roanoke	25.6
Hanover	23.8	Rockbridge	21.9
Henrico	24.8	Rockingham	25.2

1962 WHEAT MARKETING QUOTA PROGRAM
COUNTY NORMAL YIELDS IN BUSHELS PER
ACRE—Continued

VIRGINIA—Continued

County	Normal yield	County	Normal yield
Russell	21.8	Sussex	23.4
Scott	20.6	Tazewell	21.6
Shenandoah	25.2	Warren	23.4
Smyth	22.8	Washington	22.0
Southampton	24.0	Westmoreland	27.0
Spotsylvania	22.9	Wise	20.4
Stafford	24.2	Wythe	23.0
Surry	23.6	York	23.6

WASHINGTON

Adams*	28.4	Klickitat*	26.7
Asotin*	30.1	Lewis*	33.0
Benton*	26.2	Lincoln*	35.1
Chelan*	21.9	Okanogan*	21.9
Ciallam*	45.0	Pend	
Clark*	24.9	Orelle*	19.7
Columbia*	42.6	Pierce*	30.2
Cowlitz*	29.6	San Juan*	37.3
Douglas*	24.2	Skagit*	46.4
Ferry*	27.4	Snohomish*	39.2
Franklin*	30.2	Spokane*	35.9
Garfield*	43.3	Stevens*	32.5
Grant*	30.1	Thurston*	29.0
Grays		Walla	
Harbor*	28.5	Walla*	40.5
Island*	47.1	Whatcom*	40.7
Jefferson*	40.5	Whitman*	42.0
Kititas*	40.1	Yakima*	38.1

WEST VIRGINIA

Barbour	23.0	Mineral	23.2
Berkeley	24.0	Monongalia	24.9
Boone	19.8	Monroe	23.7
Braxton	21.7	Morgan	20.2
Brooke	26.8	Nicholas	25.3
Cabell	20.8	Ohio	26.0
Calhoun	22.2	Pendleton	23.1
Clay	21.4	Pleasants	23.6
Doddridge	23.7	Pocahontas	26.0
Fayette	22.6	Preston	25.2
Gilmer	22.4	Putnam	22.0
Grant	25.0	Raleigh	22.4
Greenbrier	24.8	Randolph	26.0
Hampshire	25.4	Ritchie	22.4
Hancock	26.8	Roane	21.4
Hardy	24.1	Summers	22.2
Harrison	24.1	Taylor	23.5
Jackson	21.4	Tucker	23.8
Jefferson	23.6	Tyler	21.8
Kanawha	21.6	Upshur	24.6
Lewis	24.6	Wayne	19.9
Lincoln	19.3	Webster	22.0
Marion	23.7	Wetzel	22.4
Marshall	23.6	Wirt	25.1
Mason	24.0	Wood	23.5
Mercer	24.6	Wyoming	19.8

WISCONSIN

Adams	19.2	Jackson	23.0
Ashland	19.0	Jefferson	30.0
Barron	23.6	Juneau	21.0
Bayfield	19.4	Kenosha	31.6
Brown	28.1	Kewaunee	28.6
Buffalo	23.7	La Crosse	23.4
Burnett	18.5	Lafayette	27.0
Calumet	30.6	Langlade	24.2
Chippewa	21.3	Lincoln	23.2
Clark	23.7	Manitowoc	29.6
Columbia	27.6	Marathon	24.6
Crawford	26.2	Marquette	23.2
Dane	29.6	Marquette	20.1
Dodge	30.2	Milwaukee	30.0
Door	26.8	Monroe	24.8
Douglas	18.0	Oconto	25.2
Dunn	22.0	Oneida	20.6
Eau Claire	21.6	Outagamie	29.8
Florence	19.1	Ozaukee	31.0
Fond du Lac	31.1	Pepin	22.5
Forest	20.2	Pierce	22.2
Grant	28.0	Polk	20.8
Green	27.2	Portage	20.8
Green Lake	24.5	Price	20.6
Iowa	26.9	Racine	33.0
Iron	19.2	Richland	24.4

1962 WHEAT MARKETING QUOTA PROGRAM
COUNTY NORMAL YIELDS IN BUSHELS PER
ACRE—Continued

WISCONSIN—Continued

Rock	29.0	Vilas	20.4
Rusk	18.4	Walworth	31.4
St. Croix	22.1	Washburn	19.4
Sauk	25.6	Washington	31.3
Sawyer	17.9	Waukesha	29.6
Shawano	26.5	Waupaca	22.0
Sheboygan	30.4	Waushara	20.4
Taylor	21.6	Winnebago	30.0
Trempealeau	23.4	Wood	23.0
Vernon	26.1		

WYOMING

Albany*	13.2	Natrona*	22.6
Big Horn*	35.0	Niobrara*	20.3
Campbell*	16.6	Park*	38.4
Carbon*	13.1	Platte*	21.3
Converse*	19.3	Sheridan*	22.7
Crook*	19.4	Sublette*	18.9
Fremont*	36.5	Sweetwater*	20.4
Goshen*	21.4	Teton*	30.3
Hot Springs*	33.0	Uinta*	21.5
Johnson*	16.9	Washakie*	35.5
Laramie*	23.7	Weston*	19.7
Lincoln*	16.8		

(Secs. 301, 375, 52 Stat. 38, as amended, 66; 7 U.S.C. 1301, 1375)

Effective thirty days after publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on December 27, 1961.

CARL A. LARSON,
Acting Administrator, Agricultural Stabilization and Conservation Service.

NORMAL YIELDS OF WHEAT FOR SPECIAL CULTURAL PRACTICES

ARIZONA

County	Irrigated	Summer fallow	Continuous cropping
Apache	30.0		16.0
Cochise	24.8		
Cocopine	30.0		16.0
Gila	22.5		
Graham	23.9		
Greenlee	28.1		
Maricopa	40.0		
Mohave	30.0		15.0
Navajo	30.0		18.0
Pima	27.8		
Pinal	34.0		
Santa Cruz	24.0		
Yavapai	25.6		
Yuma	34.9		

CALIFORNIA

Alameda		23.2	23.8
Alpine			30.0
Amador			23.6
Butte		27.3	28.1
Calaveras			17.8
Colusa		26.4	29.0
Contra Costa		23.5	29.6
Fresno	46.2	15.1	13.8
Glenn		26.2	22.8
Humboldt			28.6
Imperial	53.8		
Inyo			25.8
Kern	30.4	12.4	9.7
Kings	33.2		
Lako			25.6
Lassen	20.2	17.4	21.2
Los Angeles	25.8	11.9	6.7
Madera	30.2	14.0	9.8
Marin			25.5
Mariposa			30.0
Mendocino			22.9
Merced	35.1	25.1	22.7
Modoc	41.5	21.5	18.2
Mono			20.0
Monterey	33.6	18.4	15.1
Napa			26.9
Orange			17.4
Placer		20.4	16.9
Plumas			19.1

*Indicates counties having special wheat cultural practices. See table below.

NORMAL YIELDS OF WHEAT FOR SPECIAL CULTURAL PRICES—Continued

CALIFORNIA—continued

County	Irrigated	Summer fallow	Continuous cropping
Riverside	29.2	18.4	16.3
Sacramento	45.0	23.5	37.5
San Benito			20.4
San Bernardino			26.9
San Diego			23.8
San Joaquin	40.2	26.4	30.4
San Luis Obispo		16.7	13.4
San Mateo			21.6
Santa Barbara		17.3	22.0
Santa Clara			23.4
Shasta		13.7	16.4
Sierra			18.1
Siskiyou	40.4	17.9	16.4
Solano	48.4	24.0	44.8
Sonoma			21.6
Stanislaus			27.5
Sutter	41.0	29.6	39.4
Tehama		19.1	18.8
Trinity			20.0
Tulare	28.9	21.7	16.3
Tuolumne			19.8
Ventura			20.9
Yolo	37.4	32.8	37.0
Yuba			26.4

COLORADO

Adams	31.8	24.0	14.0
Alamosa	25.4		
Arapahoe	33.6	22.3	13.9
Archuleta	27.8	15.8	10.9
Baca	28.2	17.7	16.3
Bent	31.0	16.9	10.8
Boulder	34.0	25.7	16.9
Chaffee	26.6		
Cheyenne	25.0	20.5	13.0
Conejos	25.2		
Costilla	25.4		
Crowley	34.0	13.9	11.8
Custer	28.0	14.2	9.5
Delta	35.2	17.9	12.5
Dolores	26.5	15.0	11.5
Douglas	28.5	24.0	17.4
Eagle	39.3		19.5
Elbert	28.4	20.7	16.4
El Paso	28.2	17.6	11.4
Fremont	28.2	16.6	8.5
Garfield	32.4	17.9	12.5
Grand	27.7	17.2	12.4
Gunnison	29.0	18.0	14.5
Huerfano	25.9	17.2	12.5
Jackson	29.5	17.1	14.0
Jefferson	30.1	28.1	15.9
Kiowa	30.1	17.2	13.0
Kit Carson	30.4	20.0	11.9
La Plata	27.8	16.2	12.5
Larimer	33.9	25.2	15.4
Las Animas	27.2	13.0	10.9
Lincoln	28.3	19.0	12.0
Logan	27.0	22.5	14.3
Mesa	32.2	14.2	12.0
Moffat	31.3	17.4	13.2
Montezuma	28.0	17.3	12.0
Montrose	37.6	14.5	11.8
Morgan	35.2	20.1	12.4
Otero	37.6	18.0	9.7
Ouray	33.8	16.6	11.4
Park			14.5
Phillips	28.0	25.7	14.0
Pitkin	38.8	18.0	16.5
Prowers	33.5	16.7	16.9
Pueblo	36.4	23.3	13.0
Rio Blanco	33.2	20.9	14.6
Rio Grande	30.6		
Routt	33.5	21.1	15.6
Saguache	26.8		
San Miguel	32.5	14.7	11.6
Sedgwick	29.2	28.0	16.5
Teller			16.0
Washington	33.1	23.1	12.2
Weld	32.5	22.4	14.2
Yuma	32.2	24.0	15.1

IDAHO

Ada	49.2	23.2	18.7
Adams	43.1	21.4	
Bannock	45.4	21.7	16.8
Bear Lake	33.9	19.2	17.2
Benewah		38.4	24.3
Bingham	60.3	16.8	13.1
Blaine	41.6	16.7	18.6
Boise	38.4	22.1	
Bonner		22.8	19.7
Bonneville	52.1	21.8	15.9
Boundary		46.3	39.3
Butte	47.9	9.2	8.8
Camas	35.5	20.4	19.7
Canyon	54.1	21.3	
Caribou	41.4	22.7	19.9
Cassia	54.5	19.1	17.0

NORMAL YIELDS OF WHEAT FOR SPECIAL CULTURAL PRICES—Continued

IDAHO—continued

County	Irrigated	Summer fallow	Continuous cropping
Clark	40.4	15.5	12.2
Clearwater		39.6	28.7
Custer	44.7		15.8
Elmore	41.4	21.2	16.4
Franklin	44.6	23.1	19.2
Fremont	44.8	24.2	18.2
Gem	46.4		19.5
Gooding	50.8		16.0
Idaho		35.7	24.4
Jefferson	47.8	15.7	12.3
Jerome	57.6		13.4
Kootenai	32.4	31.6	23.4
Latah		39.8	27.6
Lemhi	41.9		
Lewis		41.3	31.0
Lincoln	50.2	14.3	
Madison	50.0	24.6	19.2
Minidoka	54.5	14.6	10.5
Nez Perce	38.6	42.4	28.9
Oneida	40.3	21.4	17.8
Owyhee	56.1		20.0
Payette	43.4		18.9
Power	48.0	20.4	14.7
Teton	33.8	22.9	17.5
Twin Falls	60.8	13.0	10.8
Valley	34.0	19.1	
Washington	46.6	23.1	21.0

KANSAS

Barber		23.9	20.9
Barton		22.4	18.8
Cheyenne		28.6	20.6
Clark		20.0	17.6
Clay		24.6	21.2
Cloud	32.0	24.7	20.2
Comanche		20.6	17.0
Decatur		26.8	23.6
Dickinson		23.8	21.7
Edwards	33.5	21.2	18.2
Ellis		22.9	18.1
Ellsworth		22.4	18.1
Finney	36.0	23.0	18.3
Ford	28.8	19.2	16.9
Gove		26.4	19.3
Graham		21.4	13.9
Grant	30.7	26.6	17.0
Gray	30.2	22.4	18.4
Greeley		25.2	20.8
Hamilton	31.5	27.4	17.1
Harper		26.6	21.4
Harvey		29.4	24.6
Haskell	29.2	22.5	17.8
Hodgeman	27.5	21.2	17.4
Jewell		24.5	18.6
Kearny	33.6	27.7	22.6
Kingman		22.8	17.4
Kiowa	23.7	20.7	16.4
Lane	32.6	24.7	19.6
Lincoln		22.2	18.3
Logan		24.2	21.1
McPherson		27.2	21.6
Marion		29.2	23.2
Meade	25.0	17.6	15.3
Mitchell		25.6	18.2
Morton	32.8	21.2	14.8
Ness	30.0	23.0	15.5
Norton	27.0	24.4	19.8
Osborne		21.5	17.3
Ottawa		26.3	21.2
Pawnee	28.8	24.8	20.2
Phillips		21.9	16.7
Pratt	24.0	20.5	17.3
Rawlins	27.0	28.5	21.8
Reno	31.0	25.7	20.8
Republic		25.0	19.1
Rice	27.0	24.4	19.2
Rooks		20.4	17.0
Rush	26.0	21.4	18.7
Russell		20.8	15.4
Saline		25.2	22.4
Scott	32.6	32.0	21.1
Sedgwick		28.4	24.0
Seward	29.2	18.2	16.4
Sheridan	27.0	23.9	19.0
Sherman	32.0	26.3	16.3
Smith		22.8	17.2
Stafford	30.0	21.0	17.3
Stanton	34.4	23.9	18.9
Stevens	31.6	26.3	15.3
Sumner		28.4	23.3
Thomas	32.0	26.5	18.6
Trego		25.7	16.7
Wallace	35.0	23.2	20.7
Washington		28.2	22.3
Wichita	34.7	26.8	21.8

MONTANA

Beaverhead	38.1	18.0	14.0
Big Horn	29.1	24.4	16.6
Blaine	29.4	18.4	14.8

NORMAL YIELDS OF WHEAT FOR SPECIAL CULTURAL PRICES—Continued

MONTANA—continued			
County	Irrigated	Summer fallow	Continuous cropping
Broadwater	34.0	20.6	14.0
Carbon	31.2	20.4	15.9
Carter	21.0	15.4	8.1
Cascade	31.9	25.7	19.0
Chouteau	29.1	25.2	19.0
Custer	30.6	18.2	10.6
Daniels		14.6	11.4
Dawson	30.2	15.8	11.0
Deer Lodge	32.4	22.8	20.3
Fallon		14.0	10.5
Fergus	29.9	24.5	13.9
Flathead	35.0	32.2	21.8
Gallatin	40.4	24.2	19.8
Garfield	21.9	13.5	8.6
Glaier	33.6	24.4	18.1
Golden Valley	24.8	19.2	11.4
Granite	30.7	21.6	13.8
Hill	29.2	22.5	15.4
Jefferson	28.6	19.9	13.7
Judith Basin	30.8	22.1	15.2
Lake	26.1	25.0	18.4
Lewis and Clark	27.5	20.8	15.8
Liberty		23.3	16.1
Lincoln	25.1	21.0	18.6
McCone	27.5	15.4	11.0
Madison	32.4	18.4	16.7
Meagher	21.3	20.8	14.0
Mineral	34.2	25.6	21.0
Missoula	38.5	25.6	21.5
Musselshell	25.1	19.1	11.7
Park	28.6	21.4	15.5
Petroleum	24.8	14.6	10.9
Phillips	28.1	17.3	11.1
Pondera	32.6	25.9	22.3
Powder River	29.7	21.7	11.3
Powell	34.4	19.0	15.6
Prairie	24.7	16.4	10.4
Ravalli	40.9	25.7	17.2
Richland	34.4	17.2	12.2
Roosevelt	25.4	16.7	12.5
Rosebud	30.4	19.4	10.1
Sanders	30.8	23.6	17.2
Sheridan	25.3	16.8	13.3
Silver Bow	25.0	17.6	14.2
Stillwater	30.0	20.4	18.4
Sweet Grass	28.8	19.1	13.0
Teton	34.3	23.3	20.2
Toole		23.2	19.2
Treasure	33.6	19.6	14.1
Valley	22.9	15.6	11.0
Wheatland	26.3	18.2	10.3
Wibaux		16.8	12.8
Yellowstone	35.6	21.6	14.6

NORMAL YIELDS OF WHEAT FOR SPECIAL CULTURAL PRICES—Continued

NEBRASKA—continued			
County	Irrigated	Summer fallow	Continuous cropping
Keith	36.2	28.4	17.6
Keya Paha			19.1
Kimball	32.4	24.7	12.6
Knox			23.2
Lancaster	32.5	25.0	24.8
Lincoln	31.2	24.2	16.5
Logan	34.2	24.0	19.6
Loup			19.8
McPherson			19.4
Madison			25.7
Marrick	31.2	24.9	23.0
Morrill	35.3	26.3	12.8
Nance	35.0	28.0	26.9
Nemaha		26.7	25.9
Nuckolls	30.5	25.3	21.6
Otoe		27.5	26.6
Pawnee	31.0	24.8	23.0
Perkins	15.4	32.6	27.1
Phelps	35.4	29.0	21.5
Pierce			25.1
Platte	37.2	29.9	27.6
Polk	33.2	28.4	27.6
Redwillow	35.4	26.9	20.9
Richardson		26.2	25.2
Rock			16.2
Saline	33.2	26.7	23.0
Sarpy		29.1	31.7
Saunders	35.3	26.9	27.3
Scotts Bluff	35.8	28.8	13.6
Seward	34.2	26.9	25.6
Sheridan	33.2	27.4	15.1
Sherman	35.2	26.0	19.7
Sioux	31.6	25.8	14.6
Stanton			28.0
Thayer	34.0	25.4	22.2
Thomas			14.0
Thurston			25.7
Valley	36.4	27.4	22.7
Washington		28.2	33.1
Wayne			26.6
Webster	30.0	22.1	19.1
Wheeler			19.5
York	35.0	27.4	24.3

NEW MEXICO

Bernalillo	24.8	7.0	6.0
Canon	20.0	7.0	6.5
Chaves	40.5		
Colfax	23.4	11.5	10.5
Curry	32.7	12.0	10.0
De Baca	30.4	8.0	6.5
Dona Ana	30.0		
Eddy	35.9		
Grant	30.0		
Guadalupe	20.0	7.5	6.0
Harding	20.0	10.0	9.0
Hidalgo	25.0		
Lea	25.0	8.0	7.0
Lincoln	23.0	6.5	5.5
Luna	24.0		
McKinley	17.8	7.0	6.5
Mora	22.2	7.5	6.2
Otero	23.0	8.0	7.0
Quay	23.2	10.0	7.6
Rio Arriba	19.8	10.5	9.0
Roosevelt	23.5	12.0	10.0
Sandoval	17.5	8.5	7.5
San Juan	22.6	8.0	7.0
San Miguel	18.8	7.5	6.2
Santa Fe	21.0	7.5	6.0
Sierra	21.5		
Socorro	20.0	6.0	5.0
Taos	17.8	10.0	8.5
Torrance	27.3	7.0	5.5
Union	24.8	9.5	7.5
Valencia	18.5	7.0	6.5

NORTH DAKOTA

Adams		15.5	12.3
Barnes		24.0	18.0
Benson		21.1	14.8
Billings		17.4	11.7
Bottineau		19.2	12.6
Bowman		17.0	10.9
Burke		17.6	11.2
Burleigh		21.7	14.1
Cass		27.6	21.2
Cavaller		23.6	18.2
Dickey		25.3	17.2
Divide		14.2	12.1
Dunn		17.5	13.2
Eddy		21.1	14.2
Emmons		20.4	13.3
Foster		22.4	16.8
Golden Valley		17.4	14.0
Grand Forks		29.0	24.4
Grant		17.3	12.8
Griggs		24.7	18.0
Hettinger		18.2	14.2

NORMAL YIELDS OF WHEAT FOR SPECIAL CULTURAL PRICES—Continued

NORTH DAKOTA—continued			
County	Irrigated	Summer fallow	Continuous cropping
Kidder		18.2	13.6
LaMoure		22.3	14.5
Logan		20.3	13.4
McHenry		18.7	11.0
McIntosh		17.6	13.1
McKenzie	30.8	15.9	11.3
McLean		19.6	13.7
Mercer		17.6	14.5
Morton		17.7	12.3
Mountrail		16.4	11.9
Nelson		23.9	17.3
Oliver		16.6	14.3
Pembina		17.6	23.0
Pierce		18.7	11.9
Ramsay		21.4	15.2
Ransom		21.5	16.7
Renville		20.2	12.6
Richland		24.7	20.4
Rolette		18.6	12.5
Sargent		23.0	18.4
Sheridan		19.2	13.0
Sioux		16.1	10.2
Slope		18.4	14.1
Stark		18.2	14.0
Steele		28.4	22.4
Stutsman		22.3	14.8
Towner		22.4	15.8
Traill		29.0	26.3
Walsh		25.8	23.4
Ward		21.9	15.0
Wells		21.6	16.0
Williams	29.6	14.4	11.8

OKLAHOMA

Alfalfa		30.0	22.6
Beaver	26.4	20.6	13.5
Beckham		20.5	17.0
Blaine		28.2	20.0
Caddo	31.5	25.0	20.0
Canadian		27.5	20.0
Clamarron	35.0	18.3	13.1
Comanche		24.5	17.0
Cotton		25.0	17.8
Custer	27.8	22.6	19.0
Dewey	27.8	25.0	18.0
Ellis		21.6	15.5
Garfield		29.0	23.4
Grady		27.8	21.0
Grant		27.8	22.1
Greer	30.0	27.0	18.8
Harmon	29.0	27.0	18.6
Harper	25.0	19.8	15.7
Jackson	28.5	27.0	20.6
Kingfisher		26.7	20.0
Kiowa		28.0	20.5
Major		27.7	21.4
Roger Mills		20.7	17.0
Texas	29.2	17.9	15.0
Tillman	30.0	27.0	20.4
Washita	30.0	25.0	20.0
Woods		26.8	21.9
Woodward	27.1	24.6	17.3

OREGON

Baker	38.7	25.9	14.6
Benton			29.8
Clackamas			29.2
Clatsop			28.3
Columbia			28.8
Crook	52.6	23.6	19.1
Deschutes	38.0	23.0	21.5
Douglas			22.0
Gilliam	36.6	29.6	22.9
Grant	27.6	21.6	20.5
Harney	24.5	18.9	17.9
Hood River			33.5
Jackson			34.2
Jefferson	47.6	22.3	16.6
Josephine			24.7
Klamath	38.4	27.2	15.3
Lake	28.4	24.5	16.8
Linn			26.2
Malheur	50.4	22.3	15.0
Marion			29.6
Morrow	36.3	28.8	24.3
Multnomah			30.3
Polk			32.2
Sherman			27.4
Umatilla	41.8	35.0	30.0
Union	41.2	40.5	25.9
Wallowa	37.7	29.0	21.2
Wasco	32.1	31.6	21.8
Washington			33.3
Wheeler	29.1	24.2	23.3
Yamhill			31.8

NEBRASKA

Adams	32.8	27.4	21.2
Antelope			24.5
Arthur		29.3	16.4
Banner			14.0
Boone			25.9
Box Butte	32.0	28.6	15.0
Boyd			16.7
Brown			21.4
Buffalo	32.8	28.2	20.0
Burt			32.9
Butler	36.2	27.9	26.7
Cass	32.5	28.8	29.5
Cedar			21.1
Chase	34.4	25.1	16.8
Cherry			20.9
Cheyenne	34.5	28.1	14.3
Clay	32.3	26.2	21.9
Colfax	34.5	27.3	27.3
Cuming			30.4
Custer	32.2	27.1	20.7
Dakota			26.8
Dawes	31.8	27.7	15.8
Dawson	32.3	26.4	19.6
Deuel	40.0	30.0	16.7
Dixon			26.8
Dodge	35.8	27.8	28.4
Douglas			30.3
Dundy	34.5	26.2	15.1
Fillmore	33.7	25.4	22.0
Franklin	29.0	24.9	19.8
Franklin	31.2	26.6	18.3
Furnas	35.0	25.3	20.6
Gage	32.0	25.4	24.0
Garden	34.0	29.3	16.2
Garfield			20.8
Gosper	35.7	27.6	23.9
Grealey	30.0	26.1	23.6
Hall	37.6	26.4	21.9
Hamilton	32.0	26.8	24.1
Harlan	34.2	27.6	22.0
Hayes	32.7	25.2	13.5
Hitchcock	30.5	25.5	18.1
Holt			18.5
Howard	34.0	26.2	22.6
Jefferson	31.8	24.6	23.1
Johnson	32.5	24.0	22.8
Kearney	35.4	25.8	20.6

NORMAL YIELDS OF WHEAT FOR SPECIAL CULTURAL PRICES—Continued

SOUTH DAKOTA			
County	Irrigated	Summer fallow	Continuous cropping
Aurora		25.0	16.9
Beadle		23.0	13.8
Bennett		30.5	17.7
Bon Homme		17.7	18.1
Brookings		18.5	15.5
Brown	24.0	16.1	16.5
Brule	26.0	15.3	14.3
Buffalo	25.0	14.3	15.1
Butte	21.7	15.1	13.2
Campbell	22.2	13.2	19.6
Charles Mix	25.8	15.1	15.1
Clark	21.8	15.1	21.4
Clay		21.3	15.3
Codington		16.5	11.4
Corson		20.0	12.9
Custer		18.2	18.2
Davison		24.6	16.5
Day		20.3	16.7
Deuel		22.0	12.6
Dewey		22.0	17.5
Douglas		25.0	16.2
Edmunds		21.7	15.2
Fall River		25.7	15.2
Faulk		22.0	15.2
Grant		22.9	18.2
Gregory		28.1	17.4
Haakon		24.2	13.5
Hamlin		20.5	16.4
Hand		24.0	15.3
Hanson		19.0	19.2
Harding		16.4	12.2
Hughes		28.7	16.1
Hutchinson		16.4	15.0
Hyde		23.0	17.4
Jackson		27.5	13.3
Jerauld		21.0	15.6
Jones		28.0	15.2
Kingsbury		21.9	18.1
Lake		18.1	16.9
Lawrence		23.2	18.0
Lincoln		27.7	19.4
Lyman		18.0	13.4
McCook		19.4	16.9
McPherson		21.3	12.0
Marshall		22.7	13.2
Meado		21.0	14.6
Mellette		24.2	17.8
Miner		16.6	21.6
Minnehaha		17.8	13.4
Moody		17.8	10.5
Pennington		21.5	16.2
Perkins		15.9	17.7
Potter		24.0	14.0
Roberts		24.3	16.3
Sanborn		18.0	15.0
Shannon		28.4	14.6
Spink		22.2	16.8
Stanley		26.4	17.7
Sully		26.6	16.7
Todd		26.9	18.3
Tripp		27.8	21.7
Turner		18.3	14.0
Union		21.7	17.2
Walworth		22.3	18.4
Washabaugh		26.9	10.5
Yankton		18.4	
Ziebach		20.0	

TEXAS

Armstrong	27.5	16.8	13.0
Bailey	27.2	14.6	13.2
Briscoe	26.5	18.4	13.6
Carson	30.9	18.3	14.4
Castro	29.9	16.7	15.2
Childress	23.0		17.8
Cochran	23.0		18.6
Collingsworth	22.0		14.4
Cottle	22.0		13.3
Crosby	25.9	15.2	10.9
Dallam	23.0	15.6	12.2
Dawson	20.0		12.7
Deaf Smith	30.2	14.9	13.9
Dickens	22.0		13.6
Donley	24.0	16.6	14.4
Floyd	27.4	16.4	12.3
Foard	23.0		15.4
Gaines	20.0		13.9
Garza	21.5		12.3
Gray	27.4	16.5	18.1
Hale	29.8	16.6	13.8
Hall	22.0		16.5
Hansford	27.0	16.7	14.0
Hardeman	23.0		15.8
Hartley	24.1	15.9	12.7
Haskell	24.0		14.5
Hemphill	27.1	16.1	14.8

NORMAL YIELDS OF WHEAT FOR SPECIAL CULTURAL PRICES—Continued

TEXAS—continued			
County	Irrigated	Summer fallow	Continuous cropping
Hockley	22.0		20.9
Hutchinson	26.9	18.2	13.7
Knott	24.0		15.7
Lamb	28.2	19.2	13.2
Lipscomb	30.9	19.1	15.7
Lubbock	25.6	17.3	14.8
Lynn	21.0		16.8
Moore	27.2	17.2	12.7
Motley	22.0		15.3
Ochiltree	28.2	17.3	14.8
Oldham	25.4	14.6	11.1
Parmer	32.0	17.1	12.9
Potter	27.5	16.8	13.6
Randall	27.8	16.3	14.3
Roberts	28.3	20.6	18.3
Sherman	27.2	16.6	12.4
Swisher	28.6	16.9	14.0
Terry	24.0		15.0
Wheeler	22.0	18.2	13.7
Wichita	23.0		17.4
Wilbarger	23.0		18.0
Yoakum	22.0		13.9

UTAH

Beaver		34.2	15.0
Box Elder		41.3	15.5
Cache		40.4	18.9
Carbon		32.2	15.0
Daggett		33.0	15.0
Davis		51.7	26.1
Duchesne		31.1	15.0
Emery		31.5	15.0
Garfield		27.5	15.0
Grand		30.0	15.0
Iron		26.4	15.4
Juab		30.8	15.3
Kane		25.0	15.0
Millard		32.0	14.4
Morgan		38.5	20.0
Plute		33.0	16.0
Rich		33.1	19.2
Salt Lake		44.6	15.4
San Juan		22.3	13.9
Sanpete		33.8	16.1
Sevier		44.8	15.0
Summit		35.0	17.5
Tooele		31.6	14.7
Uintah		27.8	20.0
Utah		41.0	14.6
Wasatch		38.0	20.0
Washington		26.6	14.6
Wayne		36.0	16.0
Weber		50.2	29.5

WASHINGTON

County	Irrigated	Summer fallow	Continuous cropping	Seeded after peas
Adams	48.3	28.0	23.8	33.0
Asotin		30.1	29.0	25.3
Benton	48.7	25.5	22.4	
Chelan	39.7	21.0	20.7	
Clallam			45.0	
Clark			24.9	
Columbia	46.2	41.9	35.7	46.1
Cowlitz			29.6	
Douglas	51.0	24.2	23.8	
Ferry	37.6	27.4	25.7	
Franklin	41.6	27.5	24.2	40.0
Garfield	48.0	43.3	38.0	44.1
Grant	41.8	27.8	23.0	
Grays Harbor			28.5	
Island			47.1	
Jefferson			40.5	
Kittitas	46.4	28.9	24.1	
Klickitat	39.3	27.3	21.4	25.4
Lewis			33.0	
Lincoln	49.2	35.0	31.4	34.5
Okanogan	31.8	21.3	17.9	21.1
Pend Oreille		18.4	28.9	
Pierce			30.2	
San Juan			37.3	
Skagit			46.4	
Snohomish			39.2	
Spokane	38.7	35.5	34.8	37.2
Stevens	39.7	36.4	25.6	28.3
Thurston			29.0	
Walla Walla	46.1	39.2	35.2	48.4
Whatcom			40.7	
Whitman	45.1	42.4	37.1	41.0
Yakima	47.3	30.9	21.1	23.4

NORMAL YIELDS OF WHEAT FOR SPECIAL CULTURAL PRICES—Continued

WYOMING			
County	Irrigated	Summer fallow	Continuous cropping
Albany	19.6	13.2	8.7
Big Horn	35.0		
Campbell	23.7	17.0	10.9
Carbon	21.5	12.6	11.1
Converse	23.4	19.6	12.2
Crook	30.0	20.4	14.3
Fremont	36.5		
Goshen	26.7	21.4	12.4
Hot Springs	33.0		
Johnson	26.6	16.7	10.8
Laramie	28.4	23.8	15.2
Lincoln	26.2	17.6	14.1
Natrona	22.6	16.3	8.0
Niobrara	20.0	20.8	12.4
Park	38.4		
Platte	24.1	21.4	11.6
Sheridan	30.6	21.8	14.8
Sublette	18.9		
Sweetwater	20.4		
Teton	35.2	23.7	20.7
Uinta	21.5	17.0	13.5
Washakie	35.5		
Weston	24.1	20.6	13.5

[F.R. Doc. 61-12418; Filed, Dec. 28, 1961; 12:30 p.m.]

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

[Tangerine Reg. 1]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.301 Tangerine Regulation 1.

(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905 as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, 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 thereof 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 the section must become effective in order to effectuate the declared policy of the act is insufficient; 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. Shipments of tangerines, grown in the pro-

[Grapefruit Reg. 1]

PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Limitation of Shipments

§ 906.302 Grapefruit Regulation I.

duction area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 2, 1962, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) 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; and terms relating to grade, diameter, and standard pack, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Tangerines (§§ 51.1810-51.1834; 25 F.R. 8216 of this title).

(2) Tangerine Regulation 228 (§ 933.-1080; 26 F.R. 11281) is hereby terminated effective at 12:01 a.m., e.s.t., January 5, 1962.

(3) During the periods beginning at 12:01 a.m., e.s.t., January 5, 1962, and ending at 12:01 a.m., e.s.t., January 22, 1962, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangerines, grown in the production area, that do not grade at least U.S. No. 1; or

(ii) Any tangerines, grown in the production area, that are of a size smaller than the size that will pack 246 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions $9\frac{1}{2}$ x $9\frac{1}{2}$ x $19\frac{1}{8}$ inches; capacity 1,726 cubic inches).

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

Dated: January 3, 1962.

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

[F.R. Doc. 62-183; Filed, Jan. 4, 1962; 9:27 a.m.]

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 906 (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, 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 of the Texas Valley Citrus Committee established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof 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; 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. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Texas Valley Citrus Committee on December 19, 1961, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the marketing agreement and order shall,

when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade and diameter when used herein, shall have the same meaning as is given to the respective term in the United States Standards for Grapefruit (Texas and States other than Florida, California, and Arizona) (§§ 51.620-51.658 of this title).

(2) During the period beginning at 12:01 a.m., c.s.t., January 8, 1962, and ending at 12:01 a.m., c.s.t., February 5, 1962, no handler shall, except as otherwise provided, handle:

(i) Any container of grapefruit of any variety, grown in the production area, unless such grapefruit meet the requirements of one of the following grades:

(a) U.S. Fancy;

(b) U.S. No. 1 Bright;

(c) U.S. No. 1 with not more than one-third of the surface, in the aggregate, affected by discoloration;

(d) U.S. Combination with not less than 80 percent, by count, of the grapefruit meeting the requirements of (c) of this subdivision and the remainder of such grapefruit meeting the requirements of (e) of this subdivision;

(e) U.S. No. 2 with not more than one-half of the surface, in the aggregate, affected by discoloration; or

(f) U.S. No. 2 Russet.

(ii) Any seedless grapefruit, grown as aforesaid, which are of a size smaller than $3\frac{3}{16}$ inches in diameter, except that not more than 10 percent, by count, of such grapefruit in any lot of containers, and not more than 15 percent, by count, of such grapefruit in any individual container in such lot, may be of a size smaller than $3\frac{3}{16}$ inches in diameter: *Provided*, That none of such grapefruit may be smaller than $3\frac{3}{16}$ inches in diameter;

(iii) Any seeded grapefruit, grown as aforesaid, which are of a size smaller than $3\frac{3}{16}$ inches in diameter, except that not more than ten (10) percent, by count, of such seeded grapefruit in any lot of containers may be of a size smaller than $3\frac{3}{16}$ inches in diameter, but not more than fifteen (15) percent, by count, of such seeded grapefruit in any individual container in any lot may be of a size smaller than $3\frac{3}{16}$ inches in diameter.

(iv) Any grapefruit of any variety, grown as aforesaid, in any box or carton having inside dimensions other than those specified in subdivision (v) unless (a) the grapefruit are packed in accordance with the requirements of standard pack; or (b) are of a diameter within the diameter limits specified for one of the following pack sizes except that not more than 10 percent, by count, of the grapefruit in such container may be outside of such diameter limits:

Pack size	Diameter limits in inches	
	Minimum	Maximum
46.....	$4\frac{5}{16}$	5

(v) Any grapefruit of any variety, grown as aforesaid, in a container having inside dimensions of 19¼ x 13½ x 13½ inches unless such container is packed in accordance with one of the following pack sizes and contain the applicable number of grapefruit that are within the diameter limits specified for the particular pack size, except that not more than 10 percent, by count, of such grapefruit in such container may be outside such diameter limits:

Pack size:	Number of grapefruit
46.....	48
54 or 56.....	56
64.....	64
70 or 72.....	72
80.....	80
96.....	96

(vi) Any grapefruit of any variety, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment.

(vii) The provisions of subdivisions (iv) and (v) shall not apply to the grapefruit in any gift package of fruit.

All grapefruit of any variety, grown as aforesaid, handled during the period specified in this section are subject to all applicable container regulations which are in effect pursuant to the aforesaid marketing agreement and order during such period.

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

Dated: December 29, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Agricultural Market-
ing Service.

[F.R. Doc. 62-81; Filed, Jan. 4, 1962;
8:45 a.m.]

**PART 912¹—GRAPEFRUIT GROWN
IN THE INDIAN RIVER DISTRICT IN
FLORIDA**

Order Regulating Handling

Sec.	Findings and determinations.
DEFINITIONS	
912.1	Secretary.
912.2	Act.
912.3	Person.
912.4	Fruit or grapefruit.
912.5	Producer or grower.
912.6	Handler or shipper.
912.7	Handle or ship.
912.8	Standard packed box.
912.9	Fiscal period.
912.10	Committee.
912.11	Central marketing organization.
912.12	Regulation area.
912.13	Indian River District or district.
ADMINISTRATIVE BODY	
912.20	Establishment and membership.
912.21	Term of office.
912.22	Nomination of grower members of Indian River Grapefruit Committee.
912.23	Selection of grower members of Indian River Grapefruit Committee.

¹Previously published as Part 1028 (F.R. Doc. 61-11858; 26 F.R. 11982).

Sec.	
912.24	Nomination of handler members of Indian River Grapefruit Committee.
912.25	Selection of handler members of Indian River Grapefruit Committee.
912.26	Failure to nominate.
912.27	Acceptance of membership.
912.28	Inability of members to serve.
912.29	Powers of the Indian River Grapefruit Committee.
912.30	Duties of the Indian River Grapefruit Committee.
912.31	Compensation and expenses of committee members.
912.32	Procedure of committee.
912.33	Funds.

EXPENSES AND ASSESSMENTS

912.40	Expenses.
912.41	Assessments.
912.42	Handler accounts.

REGULATION

912.45	Marketing policy.
912.46	Recommendations for volume regulation.
912.47	Issuance of volume regulations.
912.48	Prorate bases.
912.49	Allotments.
912.50	Overshipments.
912.51	Undershipments.
912.52	Allotment loans.
912.53	Inspection and certification.

REPORTS

912.60	Reports.
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MISCELLANEOUS PROVISIONS

912.65	Fruit not subject to regulation.
912.66	Compliance.
912.67	Right of the Secretary.
912.68	Effective time.
912.69	Termination.
912.70	Proceedings after termination.
912.71	Duration of immunities.
912.72	Agents.
912.73	Derogation.
912.74	Personal liability.
912.75	Separability.

AUTHORITY: §§ 912.0 to 912.75, inclusive, issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

§ 912.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and the applicable rules of practice and procedure, as amended, effective thereunder (7 CFR Part 900), a public hearing was held at Vero Beach, Florida, August 30-31, 1961, upon a proposed marketing agreement and a proposed marketing order regulating the handling of grapefruit grown in the Indian River District in Florida. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) This order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) This order regulates the handling of grapefruit grown in the Indian River District in Florida in same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed marketing agreement upon which a hearing has been held;

(3) This order is limited in its application to the smallest regional production area which is practicable, con-

sistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carryout the declared policy of the act;

(4) There are no differences in the production and marketing of grapefruit grown in the Indian River District in Florida which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of grapefruit grown in the Indian River District, as defined in the order, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is hereby found on the basis hereinafter indicated that good cause exists for making the provisions of this order effective January 8, 1962; and that it would be contrary to the public interest to postpone such effective date until 30 days after publication (5 U.S.C. 1001-1011). As soon as practical after such effective time it will be necessary to establish the Indian River Grapefruit Committee, the agency charged with administration of the program. Subsequently, and prior to imposition of regulations, it will be necessary for the committee and the Secretary to initiate, and complete, various actions of both organizational and regulatory natures, including the formulation and promulgation of rules and regulations to govern operations under the program. Shipments of grapefruit normally extend from October into May. The period during which volume regulations are most likely to be imposed begins with the second full calendar week in January and ends with and includes the third full calendar week in April. Hence, for the program to be of maximum benefit during the 1961-62 shipping season the order should be made effective on January 8, 1962, the last Monday prior to the start of the aforesaid period. The provisions of the order are well known to handlers of Indian River grapefruit since the public hearing in connection with the order was completed August 31, 1961, and the recommended decision and the final decision were published in the FEDERAL REGISTER on November 25, 1961 (26 F.R. 11062), and December 14, 1961 (26 F.R. 11982), respectively. Copies of the regulatory provisions of this order were made available to all known interested parties; such provisions do not place any restrictions on handlers until regulations are issued thereunder and shipment of grapefruit takes place; and, therefore, compliance with such provisions will not require advance preparation on the part of persons subject thereto which cannot be completed prior to the effective date of regulation pursuant hereto.

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

(1) A marketing agreement regulating the handling of grapefruit grown in the Indian River District in Florida, upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who were not engaged in proc-

essing, distributing, or shipping the grapefruit covered by this order) who, during the period beginning August 1, 1960, through July 31, 1961, handled not less than 50 percent of the volume of grapefruit covered by this order; and

(2) The issuance of this order is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (August 1, 1960, through July 31, 1961) were engaged, within the production area specified in this order, in the production of grapefruit for market; such producers having also produced for market at least two-thirds of the volume of grapefruit represented in such referendum.

It is, therefore, ordered, That, on and after the effective date hereof, the handling of grapefruit grown in the said Indian River District shall be in conformity to, and in compliance with, the terms and conditions of this order; and such terms and conditions are as follows:

DEFINITIONS

§ 912.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 912.2 Act.

"Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

§ 912.3 Person.

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

§ 912.4 Fruit or grapefruit.

"Fruit" or "grapefruit" means any or all varieties of *Cifrus grandis*, Osbeck, grown in the Indian River District.

§ 912.5 Producer or grower.

"Producer" is synonymous with "grower" and means any person who is engaged in the production for market of grapefruit in the Indian River District and who has a proprietary interest in the grapefruit so produced.

§ 912.6 Handler or shipper.

"Handler" is synonymous with "shipper" and means any person (except a common or contract carrier transporting grapefruit for another person) who, as owner, agent, or otherwise, handles grapefruit in fresh form, or causes grapefruit to be handled

§ 912.7 Handle or ship.

"Handle" or "ship" means to sell or transport grapefruit, or in any other way to place grapefruit, in the current of commerce between the regulation area and any point outside thereof in the United States, Canada, or Mexico.

§ 912.8 Standard packed box.

"Standard packed box" means a unit of measure equivalent to one and three-fifths (1 $\frac{3}{5}$) United States bushels of grapefruit, whether in bulk or in any container.

§ 912.9 Fiscal period.

"Fiscal period" means the period of time from August 1 of any year until July 31 of the following year, both dates inclusive: *Provided*, That the initial fiscal period shall begin on the effective date of this part.

§ 912.10 Committee.

"Committee" means Indian River Grapefruit Committee.

§ 912.11 Central marketing organization.

"Central marketing organization" means any organization which markets grapefruit for more than one handler pursuant to a written contract between such organization and each such handler.

§ 912.12 Regulation area.

"Regulation area" means that portion of the State of Florida which is bounded by the Suwannee River, the Georgia border, the Atlantic Ocean, and the Gulf of Mexico.

§ 912.13 Indian River District or district.

"Indian River District" or "district" means that part of the State of Florida particularly described as follows: Beginning at a point on the shore of the Atlantic Ocean where the line between Flagler and Volusia Counties intersects said shore, thence follow the line between said two counties to the southwest corner of Section 23, Township 14 South, Range 31 East; thence continue south to the southwest corner of Section 35, Township 14 South, Range 31, East; thence east to the northwest corner of Township 18 South, Range 32 East; thence south to the southwest corner of Township 17 South, Range 32 East; thence east to the northwest corner of Township 18 South, Range 33 East, thence south to the St. Johns River; thence along the main channel of the St. Johns River and through Lake Harney, Lake Poinsett, Lake Winder, Lake Washington, Sawgrass Lake, and Lake Helen Blazes to the range line between Ranges 35 East and 36 East; thence south to the south line of Brevard County; thence east to the line between Ranges 36 East and 37 East; thence south to the southwest corner of St. Lucie County; thence east to the line between Ranges 39 East and 40 East; thence south to the south line of Martin County; thence east to the line between Ranges 40 East and 41 East; thence south to the West Palm Beach Canal (also known as the Okeechobee Canal); thence follow said canal eastward to the mouth thereof; thence east to the shore of the Atlantic Ocean; thence northerly along the shore of the Atlantic Ocean to the point of beginning.

ADMINISTRATIVE BODY

§ 912.20 Establishment and membership.

There is hereby established an Indian River Grapefruit Committee consisting of twelve members, each of whom shall have an alternate who shall be nominated and selected in the same manner, and who shall have the same qualifications, as the member for whom each is an alternate. Six of the members and their respective alternates shall be growers who shall not be handlers, or employees of handlers, or employees of central marketing organizations. Six of the members and their respective alternates shall be handlers, or employees of handlers, or employees of central marketing organizations.

§ 912.21 Term of office.

The term of office of members and alternate members shall begin on the first day of August and continue for one year. Members and alternate members shall serve in such capacities for the portion of the term of office for which they are selected and have qualified and until their successors are selected and have qualified. The consecutive terms of office of a member shall be limited to three terms. The terms of office of alternate members shall not be so limited.

§ 912.22 Nomination of grower members for the Indian River Grapefruit Committee.

(a) The Secretary shall give public notice of a meeting or meetings of producers to be held not later than July 10th of each year, for the purpose of making nominations for grower members and alternate members of the committee: *Provided*, That the initial nomination meeting or meetings shall be held as soon as practicable following the effective date of this part.

(b) The Secretary shall prescribe uniform rules to govern such meeting or meetings and the balloting thereat. The chairman of each meeting shall publicly announce at such meeting the names of the persons nominated and the total number of votes cast for each, and the chairman and secretary of each such meeting shall transmit to the Secretary their certificate as to the number of votes so cast, the names of the persons nominated, and such other information as the Secretary may request. All nominations shall be submitted to the Secretary on or before the 20th day of July, except that the nomination made for membership on the initial committee shall be so submitted within 10 days after the close of the nomination meetings.

§ 912.23 Selection of grower members of the Indian River Grapefruit Committee.

From the nominations made pursuant to § 912.22, or from other qualified persons, the Secretary shall select six members and six alternate members of the committee. Three such members and their alternates shall be affiliated with bona fide cooperative fresh fruit marketing organizations, and three such mem-

bers and their alternates shall not be so affiliated.

§ 912.24 Nomination of handler members for the Indian River Grapefruit Committee.

(a) The Secretary shall give public notice of meetings of handlers to be held not later than July 10th of each year, for the purpose of making nominations for handler members and alternate members of the committee: *Provided*, That the initial nomination meetings shall be held as soon as practicable following the effective date of this part. Separate meetings shall be held for bona fide cooperative marketing organizations and for other handlers.

(b) The Secretary shall prescribe uniform rules to govern such meetings and the balloting thereat. In voting for nominees each handler shall be entitled to cast but one vote, which shall be weighted by the volume of fruit shipped by such handler during the then current fiscal period: *Provided*, That each such vote cast at the meetings to nominate the initial members and alternate members shall be weighted by the volume of fruit handled by such handler during the preceding fiscal period. The chairman of each meeting shall publicly announce at such meeting the names of the persons nominated and the total number of votes cast for each, and the chairman and secretary of each such meeting shall transmit to the Secretary their certificate as to the number of votes so cast, the names of the persons nominated, and such other information as the Secretary may request. All nominations shall be submitted to the Secretary on or before the 20th day of July, except that the nominations made for membership on the initial committee shall be so submitted within 10 days after the close of the nomination meetings.

§ 912.25 Selection of handler members of the Indian River Grapefruit Committee.

From the nominations made pursuant to § 912.24, or from other qualified persons, the Secretary shall select six members and six alternate members of the committee. Three such members and their alternates shall be affiliated with bona fide cooperative fresh fruit marketing organizations, and three such members and their alternates shall not be so affiliated.

§ 912.26 Failure to nominate.

In the event nominations for a member or an alternate member of the committee are not made pursuant to the provisions of § 912.22 or § 912.24 the Secretary may select such member or alternate member without regard to nominations.

§ 912.27 Acceptance of membership.

Any person selected by the Secretary as a member or alternate member of the committee shall qualify by filing a written acceptance with the Secretary within 10 days after being notified of such selection.

§ 912.28 Inability of members to serve.

(a) An alternate for a member of the committee shall act in the place and

stead of such member (1) in his absence, or (2) in the event of his removal, resignation, disqualification, or death, and until a successor for his unexpired term has been selected.

(b) In the event of the death, removal, resignation, or disqualification of any person selected by the Secretary as a member or an alternate member of the committee, a successor for the unexpired term of such person shall be selected by the Secretary. Such selection may be made without regard to the provisions of this subpart as to nominations.

§ 912.29 Powers of the Indian River Grapefruit Committee.

The committee, in addition to the power to administer the terms and provisions of this subpart, as herein specifically provided, shall have power (a) to make, only to the extent specifically permitted by the provisions contained in this subpart, administrative rules and regulations; (b) to receive, investigate and report to the Secretary complaints of violations of this subpart; and (c) to recommend to the Secretary amendments to this subpart.

§ 912.30 Duties of the Indian River Grapefruit Committee.

It shall be the duty of the committee: (a) To select a chairman from its membership, and to select such other officers and adopt such rules and regulations for the conduct of its business as it may deem advisable;

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

(c) To act as intermediary between the Secretary and producers and handlers;

(d) To furnish the Secretary with such available information as he may request;

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

(f) To cause its books to be audited by one or more certified or registered public accountants at least once for each fiscal period, and at such other times as it deems necessary or as the Secretary may request, and to file with the Secretary copies of all audit reports;

(g) To prepare and publicly issue a monthly statement of financial operations of the committee; and

(h) To provide an adequate system for determining the total crop of grapefruit, and to make such determinations, as it may deem necessary, or as may be prescribed by the Secretary, in connection with the administration of this subpart.

§ 912.31 Compensation and expenses of committee members.

The members and alternate members of the committee shall serve without compensation but may be reimbursed for expenses necessarily incurred by them in attending committee meetings and in the performance of their duties under this subpart.

§ 912.32 Procedure of committee.

(a) Except as provided in paragraph (b) of this section, eight members of the committee shall constitute a quorum and any decision or action of the committee shall require at least eight concurring votes.

(b) For any decision or recommendation with respect to regulations to be effective during any calendar week except a week during the period beginning with and including the second full calendar week in January and ending with and including the third full calendar week in April, twelve members shall constitute a quorum and twelve concurring votes shall be required. The same quorum and voting requirements shall be necessary to make a recommendation for regulation for any week immediately following three or more continuous weeks of regulation. The requirements of this paragraph shall not apply to recommendations to amend an existing regulation.

(c) The votes of each member cast for or against any recommendations made pursuant to this subpart, shall be duly recorded. Each member must vote in person.

(d) In the event any member of the committee and his alternate are not present at any meeting of the committee, any alternate for any other member selected by a majority of the committee present, may serve in the place and stead of the absent member and his alternate: *Provided*, That, to the extent practical, the representation provided in §§ 912.23 and 912.25 shall be maintained.

(e) The committee shall give to the Secretary the same notice of meetings of the committee as is given to the members thereof.

§ 912.33 Funds.

(a) All funds received by the committee pursuant to the provisions of this subpart shall be used solely for the purposes herein specified and shall be accounted for in the manner provided in this subpart.

(b) The Secretary may, at any time, require the committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the terms of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds, together with all books and records in his possession, to his successor in office, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor full title to all of the property, funds, and claims vested in such member pursuant to this subpart.

EXPENSES AND ASSESSMENTS

§ 912.40 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and necessary to carry out the functions of the committee under this subpart during each fiscal period. The funds to cover such expenses shall be acquired by the levying of assessments upon handlers as provided in § 912.41.

§ 912.41 Assessments.

(a) Each handler who first handles fruit shall pay to the committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds will be incurred by such committee for its maintenance and functioning during each fiscal period. Each such handler's share of such expenses shall be that proportion thereof which the total quantity of fruit shipped by such handler as the first handler thereof during the applicable fiscal period is of the total quantity of fruit so shipped by all handlers during the same fiscal period. The Secretary shall fix the rate of assessment per standard packed box of fruit to be paid by each such handler. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) At any time during or after the fiscal period, the Secretary may increase the rate of assessment so that the sum of money collected pursuant to the provisions of this section shall be adequate to cover the said expenses. Such increase shall be applicable to all fruit shipped during the given fiscal period. In order to provide funds to carry out the functions of the committee, handlers may make advance payment of assessments.

§ 912.42 Handler's accounts.

If, at the end of a fiscal period, it shall be determined that assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund shall be credited with such refund against the operations of the following fiscal period unless he demands payment of the sum due him, in which case such sum shall be paid to him.

REGULATION

§ 912.45 Marketing policy.

(a) Prior to the first recommendation for regulation during any marketing season, the committee shall submit to the Secretary its marketing policy for such season. Such marketing policy shall contain the following information: (1) The estimated available crop of grapefruit in the district, including estimated quality; (2) the estimated utilization of the crop that will be marketed in domestic, export, and byproduct channels, together with quantities otherwise to be disposed of; (3) a schedule of estimated weekly shipments of grapefruit during the ensuing season; (4) the available supplies of competitive deciduous fruits in all producing areas of the United States; (5) level and trend in consumer income; (6) estimated supplies of competitive citrus commodities; and (7) any other pertinent factors bearing on the marketing of grapefruit. In the event that it becomes advisable substantially to modify such marketing policy, the committee shall submit to the Secretary a revised marketing policy.

(b) All meetings of the committee held for the purpose of formulating such marketing policies shall be open to growers and handlers.

(c) The committee shall transmit a copy of each marketing policy report or revision thereof to the Secretary and to each grower and handler who files a request therefor. Copies of all such reports shall be maintained in the office of the committee where they shall be available for examination by growers and handlers.

§ 912.46 Recommendations for volume regulation.

(a) The committee may, during any week, recommend to the Secretary the total quantity of grapefruit which it deems advisable to be handled during the next succeeding week: *Provided*, That such regulations shall not be recommended during the period beginning with and including the second full calendar week in January and ending with and including the third full calendar week in April after regulations during such period have limited the volume of grapefruit handled during 10 weeks.

(b) In making its recommendations, the committee shall give due consideration to the following factors: (1) Market prices for grapefruit; (2) supply of grapefruit on track at, and en route to, the principal markets; (3) supply, maturity, and condition of grapefruit in the production area; (4) market prices and supplies of citrus fruits from competitive producing areas, and supplies of other competitive fruits; (5) trend and level in consumer income; and (6) other relevant factors.

(c) At any time during a week for which the Secretary, pursuant to § 912.47, has fixed the quantity of grapefruit which may be handled, the committee may recommend to the Secretary that such quantity be increased for such week. Each such recommendation, together with the committee's reason for such recommendation, shall be submitted promptly to the Secretary.

§ 912.47 Issuance of volume regulation.

Whenever the Secretary finds, from the recommendations and information submitted by the committee, or from other available information, that to limit the quantity of grapefruit which may be handled during a specified week will tend to effectuate the declared policy of the act, he shall fix such quantity: *Provided*, That such regulations shall not, in the aggregate, limit the volume of grapefruit shipments during more than 10 weeks of the period beginning with and including the second full calendar week in January and ending with and including the third full calendar week in April. The quantity so fixed for any week may be increased by the Secretary at any time during such week. The Secretary may upon the recommendation of the committee, or upon other available information, terminate or suspend any regulation at any time.

§ 912.48 Prorate bases.

(a) Each person who desires to handle grapefruit, shall submit to the committee, at such time and in such manner as may be designated by the committee, and upon forms made available by it, a written application for a prorate base and for allotments as provided in this section and § 912.49.

(b) Such application shall be substantiated in such manner and shall be supported by such information as the committee may require.

(c) The committee shall determine the accuracy of the information submitted pursuant to this section. Whenever the committee finds that there is an error, omission, or inaccuracy in any such information, it shall correct the same and shall give the person who submitted the information a reasonable opportunity to discuss with the committee the factors considered in making the correction.

(d) Each week during the marketing season when volume regulation is likely to be recommended, the committee shall compute a prorate base for each person who has made application in accordance with the provisions of this section. Such prorate base for each handler shall, except as provided in paragraph (e) of this section, be the average weekly quantity of grapefruit shipped by him in all of the weeks in the period beginning with and including the second full calendar week in January and ending with and including the third full calendar week in April during the immediately preceding three marketing seasons.

(e) If an applicant for a prorate base is a new handler, the committee shall compute a prorate base based upon his prior shipments of grapefruit, if any, packinghouse facilities, grapefruit under contract, trade outlets, and other factors which, in the judgment of the committee, are relevant and proper to be used in arriving at an equitable prorate base for such handler. Any person who has made no shipments of grapefruit in the season immediately preceding the season for which prorate bases are established shall be considered a new handler.

§ 912.49 Allotments.

Whenever the Secretary has fixed the quantity of grapefruit which may be handled during any week, the committee shall calculate the quantity of grapefruit which may be handled during such week by each person who has applied for a prorate base. Such quantity shall be the allotment of such person and shall be that portion of the total quantity fixed by the Secretary which, expressed in terms of percent, is equal to the percentage that such applicant's prorate base is of the aggregate of the prorate bases of all such applicants. The committee shall give reasonable notice to each person of the allotment computed for him pursuant to this section.

§ 912.50 Overshipments.

During any week for which the Secretary has fixed the total quantity of grapefruit which may be handled, any person who has received an allotment may handle, in addition to the total allotment available to him for use during such week, an amount of grapefruit equivalent to 10 percent of such total allotment, or 500 boxes, whichever is greater. The quantity of grapefruit so handled in excess of the total allotment which such person had available for use during such week (but not exceeding an amount equivalent to the excess shipments permitted under this section)

shall be deducted from such person's allotment for the next week. If such person's allotment for such week is in an amount less than the excess shipments permitted under this section, the remaining quantity shall be deducted from succeeding weekly allotments issued to such person until such excess has been entirely offset: *Provided*, That at any time there is no volume regulation in effect it shall be deemed to cancel all requirements to undership allotments because of previous overshipments pursuant to this part.

§ 912.51 Undershipments.

If any person handles during any week a quantity of grapefruit, covered by a regulation issued pursuant to § 912.47, in an amount less than the total allotment available to him for such week, he may handle, during the next succeeding week, a quantity of grapefruit, in addition to that permitted by the allotment available to him for such week, equivalent to such undershipment or 50 percent of the allotment issued to him for the week during which the undershipment was made, whichever is the lesser: *Provided*, That the committee, with the approval of the Secretary, may increase or decrease such percentage.

§ 912.52 Allotment loans.

(a) A person to whom allotments have been issued may lend such allotments to other persons to whom allotments have also been issued. Each party to any such loan agreement shall, prior to completion of the agreement, notify the committee of the proposed loan and obtain the committee's approval of the agreement. Each such agreement shall specify that such loan is to be repaid from the borrower's allotment the next succeeding week or, if such borrower's allotment for such week is insufficient to repay all of such loan, that he will repay the balance of such loan as soon thereafter as he has allotment available to him.

(b) The committee may act on behalf of persons desiring to arrange allotment loans. In each case, the committee shall confirm all such transactions immediately after the completion thereof by memorandum addressed to the parties concerned, which memorandum shall be deemed to satisfy the requirements of paragraph (a) of this section as to an approval of the loan agreement.

§ 912.53 Inspection and certification.

Whenever the handling of grapefruit is regulated pursuant to § 912.47, each handler who handles any grapefruit shall, prior to the handling of any lot of grapefruit, cause such lot to be inspected by the Federal or Federal-State Inspection Service and certified by it as meeting all applicable requirements of such regulation: *Provided*, That such inspection and certification shall not be required if the particular lot of fruit previously had been so inspected and certified.

REPORTS

§ 912.60 Reports.

Upon request of the committee, made with approval of the Secretary, each

handler shall maintain such records and furnish to the committee, in such manner and at such time as it may prescribe, reports of overshipments and undershipments and such other reports and information as may be necessary for the committee to perform its duties under this part.

MISCELLANEOUS PROVISIONS

§ 912.65 Fruit not subject to regulation.

Except as otherwise provided in this section, any person may, without regard to the provisions of §§ 912.47 through 912.53 and the regulations issued thereunder, ship grapefruit for the following purposes: (a) To a charitable institution for consumption by such institution; (b) to a relief agency for distribution by such agency; (c) to a commercial processor for conversion by such processor into canned or frozen products or into a beverage base; (d) by parcel post; and (e) in such minimum quantities, types of shipments, or for such purposes as the committee with the approval of the Secretary may specify. No assessment shall be levied on fruit so shipped. The committee shall, with the approval of the Secretary, prescribe such rules, regulations, or safeguards as it may deem necessary to prevent grapefruit handled under the provisions of this section from entering channels of trade for other than the purposes authorized by this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications with the committee for authorization to handle grapefruit pursuant to this section, and that such applications be accompanied by a certification by the intended purchaser or receiver that the grapefruit will not be used for any purpose not authorized by this section.

§ 912.66 Compliance.

Except as provided in this part, no person shall handle grapefruit during any week in which a regulation issued by the Secretary pursuant to § 912.47 is in effect, unless such grapefruit are, or have been, handled pursuant to an allotment therefor, or unless such person is otherwise permitted to handle such grapefruit under the provisions of this part; and no person shall handle grapefruit except in conformity with the provisions of this part and the regulations issued under this part.

§ 912.67 Right of the Secretary.

The members of the committee (including successors and alternates), and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 912.68 Effective time.

The provisions of this part shall become effective at such time as the Sec-

retary may declare above his signature to this part, and shall continue in force until terminated in one of the ways specified in § 912.69.

§ 912.69 Termination.

(a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary shall terminate the provisions of this part at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal period, have been engaged in the production for market of fruit: *Provided*, That such majority have, during such period, produced for market more than 50 percent of the volume of such fruit produced for market, but such termination shall be effective only if announced on or before July 31 of the then current fiscal period.

(c) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 912.70 Proceedings after termination.

(a) Upon the termination of the provisions of this part, the then functioning members of the committee shall continue as joint trustees, for the purpose of liquidating the affairs of the same committee, of all the funds and property then in the possession of or under control of such administrative committee, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees (1) shall continue in such capacity until discharge by the Secretary; (2) shall, from time to time, account for all receipts and disbursements, or deliver all property on hand, together with all books and records of the committee and of the joint trustees, to such person as the Secretary may direct; and (3) shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee, or the joint trustees pursuant to this part.

(c) Any funds collected pursuant to § 912.41, over and above the amounts necessary to meet outstanding obligations and expenses necessarily incurred during the operation of this part and during the liquidation period, shall be returned to handlers as soon as practicable after the termination of this part. *The refund to each handler shall be represented by the excess of the amount paid by him over and above his pro rata share of the expenses.*

(d) Any person to whom funds, or claims have been transferred or delivered by the committee, or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of said committee and upon the said joint trustees.

§ 912.71 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue

of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

§ 912.72 Agents.

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

§ 912.73 Derogation.

Nothing contained in this part is, or shall be construed to be in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 912.74 Personal liability.

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

§ 912.75 Separability.

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

Issued at Washington, D.C., this 29th day of December 1961 to become effective January 8, 1962.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 62-80; Filed, Jan. 4, 1962;
8:45 a.m.]

PART 912—GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Subpart—Rules and Regulations

The order¹ regulating the handling of grapefruit grown in the Indian River District in Florida (Order 912), filed simultaneously herewith, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), provides in §§ 912.22 and 912.24 thereof that the Secretary shall prescribe uniform rules to govern meetings for nominating members and alternate members of the Indian River Grapefruit Committee (the agency established for the local administration of such order) and the balloting, thereat. In order that eligible persons may partici-

pate in selecting nominees for member and alternate member positions on the Indian River Grapefruit Committee, the following rules and regulations, governing the procedure to be followed in effecting such nominations, are hereby promulgated:

§ 912.120 Nomination procedure.

Meetings shall be called by the designated representative of the Secretary in accordance with §§ 912.22 and 912.24, for the purpose of making nominations for members and alternate members of the Indian River Grapefruit Committee. The time of the meetings for nominating the initial members and alternate members shall be not later than 10 days after the effective date of this part. The manner of nominating members and alternate members shall be as follows:

(a) At each such meeting the said agent shall announce the requirements as to eligibility for voting for nominees and the procedure for balloting, and shall explain the functions of the committee under §§ 912.1 to 912.75, inclusive.

(b) A chairman and a secretary of each meeting shall be selected.

(c) At each meeting of growers there shall be presented for nomination and there shall be nominated not less than six grower members, all of whom shall have the qualifications specified in §§ 912.20 and 912.23. Each grower voting at such meeting shall submit his name and address to the chairman or secretary of the meeting.

(d) At each meeting of handlers there shall be presented for nomination and there shall be nominated not less than six handler members, all of whom shall have the qualifications specified in §§ 912.20 and 912.25. Any person authorized to represent a handler may cast a ballot for such handler. Each person voting at such meeting shall submit his name and address to the chairman or secretary of the meeting.

(e) All voting shall be by ballot and all ballots shall be delivered by the chairman or the secretary of the meeting to the said agent of the Secretary. The number of ballots to be cast in selecting the nominees shall be determined at the respective meeting. Each person eligible to cast a ballot for a nominee for a member or alternate member position may cast one ballot for each such position to be filled.

(f) The agent of the Secretary shall give reasonable notice of each meeting to be held pursuant to this section.

It is hereby 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 thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) for the reasons set forth in § 912.0

(b) *Additional findings* of said Order 912, and to enable eligible persons to participate within the limited time available in the selection of nominees for member and alternate member positions on the committee.

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

Dated December 29, 1961, to become effective January 8, 1962.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 62-157; Filed, Jan. 4, 1962;
8:53 a.m.]

PART 927—BEURRE D'ANJOU, BEURRE BOS C, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

Handling Limitations

§ 927.0 Findings and determinations.

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

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Portland, Oregon, on July 13, 1961, upon proposed amendments to the marketing agreement, as amended, and Order No. 39, as amended (7 CFR Part 939), regulating the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

(2) The said order, as amended, and as hereby further amended, regulates the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in the States of Oregon, Washington, and California in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, the marketing agreement upon which hearings have been held;

(3) The said order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area that is practicable, consistent with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of such regional production area would not effectively carry out the declared policy of the act; and

(4) The said order, as amended, and as hereby further amended, prescribes

¹ F.R. Doc. 62-80, *supra*.

such different terms, applicable to different production and marketing areas, as are necessary to give due recognition to differences in the production and marketing of such pears.

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

(1) The marketing agreement, as amended, regulating the handling of Beurre D'Anjou, Beurre Bosc, Winter Nells, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California, upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping the pears covered by this order) who, during the period July 1, 1960, through June 30, 1961, shipped not less than 50 percent of the pears covered by said order, as amended, and hereby further amended;

(2) The aforesaid marketing agreement, as amended, and as hereby further amended, has been executed by handlers who were signatory parties to said marketing agreement and who during the preceding fiscal period shipped not less than 67 percent of the volume of pears, covered by the said order, as amended, and as hereby further amended, shipped by all signatory handlers to said marketing agreement during such representative period;

(3) The issuance of this order, amending the aforesaid order, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (July 1, 1960, through June 30, 1961) were engaged within the area in the production for market of the pears covered by the said order; and

(4) The issuance of this order, amending the aforesaid order, is favored or approved by producers who, during the aforesaid representative period, produced for market at least two-thirds of the volume of the said varieties of pears produced for market within the States of Oregon, Washington, and California.

It is therefore ordered, That, on and after the effective date hereof, all handling of Beurre D'Anjou, Beurre Bosc, Winter Nells, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in the States of Oregon, Washington, and California shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

1. Section 927.42 *Handler accounts* is revised to read as follows:

§ 927.42 Accounting.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, the committee, with the approval of the Secretary, may

carryover such excess into subsequent fiscal periods as a reserve: *Provided,* That funds already in the reserve do not exceed approximately one fiscal period's expenses. Such reserve may be used (1) to cover any expense authorized under this part and (2) to cover necessary expenses of liquidation in the event of termination of this part. Any such excess not retained in a reserve or applied to any outstanding obligation of the person from whom it was collected shall be refunded proportionately to the persons from whom it was collected. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided,* That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purpose specified in this part and shall be accounted for in the manner provided in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

2. A new § 927.47 is added as follows:
§ 927.47 Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of pears.

§ 927.60 [Amendment]

3. Section 927.60 *Inspection and certification* is amended as follows:

a. The following is added at the beginning of the first sentence: "(a) Except as hereinafter provided,"

b. A new paragraph (b) is added as follows:

(b) Any handler may ship pears, on any one conveyance and in such quantity as the committee, with the approval of the Secretary, may prescribe, exempt from the inspection and certification requirements of paragraph (a) of this section.

§ 927.32 [Amendment]

4. The following phrase is deleted from § 927.32(c): "to engage in such research and service activities relative to the handling of pears as may be approved by the Secretary."

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

Dated December 29, 1961, to become effective 30 days after publication in the FEDERAL REGISTER.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 62-32; Filed, Jan. 4, 1962; 8:45 a.m.]

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

[Milk Order No. 15]

PART 1015—MILK IN CONNECTICUT MARKETING AREA

Order Amending Order

§ 1015.0 Findings and determinations.

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

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Connecticut marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

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

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

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than January 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary was issued October 5, 1961, and the decision

of the Acting Secretary containing all amendment provisions of this order was issued December 15, 1961. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective January 1, 1962, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001-1011).

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

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

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

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

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

§ 1015.2 [Amendment]

1. Delete § 1015.2(e) and substitute the following:

(e) "Producer" means any dairy farmer (except a producer-handler under any Federal order, a dairy farmer with respect to exempt milk delivered, or a dairy farmer who is a producer under another Federal order) who produces milk which is received during the month at a pool plant, or is diverted by a pool handler from a pool plant to a nonpool plant in accordance with subparagraph (1), (2) or (3) of this paragraph, if such pool handler, in filing the report required pursuant to § 1015.30, reports such milk as received from a producer at such pool plant: *Provided*, That any dairy farmer whose milk is diverted during any month of July through March, inclusive, on more than the number of days specified shall not be considered to qualify under this paragraph with respect to any of his deliveries of milk during such month.

(1) To a nonpool plant (except a plant of a producer-handler) during any month of July through September on not more than 10 days (5 days in the case of every-other-day delivery) during such month: *Provided*, That the dairy farmer producing such milk delivered

milk to a pool plant earlier in such month, or held producer status during the immediately preceding month.

(2) To a nonpool plant (except a plant of a producer-handler) during any month of October through March on not more than 12 days (6 in the case of every-other-day delivery) during such month: *Provided*, That the dairy farmer producing such milk delivered milk to a pool plant earlier in such month, or held producer status during the immediately preceding month.

(3) To a nonpool plant (except a plant of a producer-handler) during any month of April through June if the dairy farmer producing such milk held producer status throughout the two months immediately preceding such month and delivered all his pool milk to a pool plant(s) in the same zone location as the plant from which diversion is claimed: *Provided*, That this requirement or the requirements set forth in the provisos of subparagraphs (1) and (2) of this paragraph, shall not be applicable in the case of a dairy farmer whose milk is moved from the farm in a tank truck in which it is commingled with milk from other producers, the majority of which meet such requirement.

2. Delete the periods at the end of paragraphs 1015.2 (g) and (h), insert commas, and add the following to each such paragraph: "or with respect to the milk of any producer lost or destroyed by such association under the conditions set forth in 1015.4(f)".

3. In § 1015.2(i) insert the word "transferred" after the word "products" where it appears for the second time before the first proviso.

4. Add prior to the second proviso in § 1015.2(i), the following: "*Provided further*, That any fluid milk product which such person, his agent, partner or other associate acquired or purchased from a nonpool source, which was not physically received at his plant, and which such person distributed to or caused to be delivered at retail or wholesale outlets, including vending machines in any Federal milk order marketing area, shall be included in such person's nonpool source of supply of milk products."

§ 1015.3 [Amendment]

5. Add a new § 1015.3(c)(2)(v) as follows:

(v) Any two receiving plants each of which meets the pooling requirements of this subparagraph for at least one of the months of July through November, and which are operated by the same handler, or for which one handler is responsible for the movement of milk to pool plants described in subparagraph (1) of this paragraph, to a producer-handler or to a regulated plant other than a pool plant, may, during the remaining months of August through November, be considered as a unit for the single purpose of having shipments therefrom to plants described in such subparagraph (1), to a producer-handler or to a regulated plant other than a pool plant combined for determining pool plant status pursuant to this subparagraph: *Provided*, That the operator of

such plants submits written notice to the market administrator on or before the 15th day of the month for which such status is first intended to apply specifying the plants to be considered as a unit and the period during which such consideration should apply. A receiving plant that is a pool plant as part of a unit pursuant to this subparagraph may be a nonpool plant if the operator of such plant submits a written request to the market administrator to withdraw such plant from pool plant status, and shall be a nonpool plant if fully regulated under another Federal order pursuant to § 1015.47. Such request shall be submitted on or before the 15th day of the month to which such nonpool status is to apply. Such nonpool status shall be effective until the receiving plant requalifies as a pool plant on the basis of shipments as provided in this section. Such plant shall not be included in a unit prior to the next following August: *And provided also*, That if such combined shipments of the unit are less than would be required to qualify each of the plants separately under this subparagraph, the individual plants may regain pool plant status on the basis of shipments as provided in this section, but shall not be included in a unit prior to the next following August.

§ 1015.4 [Amendment]

6. Delete § 1015.4(e) and substitute:

(e) "Fluid milk product" means milk, skim milk, flavored milk or flavored skim milk (including that marketed as a liquid dietary weight control product), cultured skim milk, buttermilk, concentrated milk in fluid form, and any mixture in fluid form of milk, skim milk and cream containing less than 12 percent of butterfat (except eggnog, yogurt, ice cream mix, ice milk mix, milk shake base mix, evaporated or condensed milk or skim milk (plain or sweetened), and sterilized products in hermetically sealed containers).

7. Delete § 1015.4(f) and substitute therefor the following:

(f) "Producer milk" means only that skim milk and butterfat contained in milk which during the month was (1) received at a pool plant directly from producers, or (2) diverted from a pool plant in accordance with the conditions set forth in § 1015.2(e): *Provided*, That milk which is moved from the farm in a tank truck and which is subsequently received at a pool plant or diverted in accordance with the conditions set forth in § 1015.2(e) shall be considered as having been received as of the date the milk was taken into the truck: *And provided further*, That in instances where it can be established, to the satisfaction of the market administrator, that milk was transferred by a handler (including a cooperative association) or his agent from the producer's farm tank into a tank truck during the month, and such milk was not delivered to any plant because of loss or destruction by accident or faulty equipment enroute to the plant, such milk shall be accounted for (1) as a receipt of producer milk at the pool plant of the handler where milk from the same farm was received as producer

milk during the month whenever the milk was transferred from the producer's farm tank by that handler or his agent, or (ii) a receipt of producer milk by the cooperative association of producers (at the same plant zone location as the pool plant at which milk from the same farm was received as producer milk during the month) whenever the milk was transferred from the producer's farm tank by the cooperative association of producers.

8. Delete § 1015.4(h)(1) and substitute the following:

(1) Receipts (including any Class II milk product produced in the handler's plant during a prior month), in a form other than fluid milk products, which are reprocessed, converted or combined into another product during the month, including any disappearances of nonfat milk products not otherwise accounted for, and

§ 1015.22 [Amendment]

9. Delete § 1015.22(a)(2) and substitute the following:

(2) As Class I milk if transferred in bulk from a pool plant to another pool plant and a Class II use is not indicated in writing to the market administrator by the operators of both plants on or before the 10th day after the end of the month within which such transfer was made: *Provided*, That the skim milk or butterfat classified in either class shall not exceed the remainder of use in such class at the plant of the transferee-handler after the subtraction of other source milk pursuant to § 1015.24(b)(8), and the comparable steps in § 1015.24(c): *And provided also*, That in the case of transfers from a plant subject to a zone price differential, the quantity classified as Class II milk shall be the quantity on which the Class II zone price differential is applicable pursuant to § 1015.42(b).

§ 1015.24 [Amendment]

10. Delete the proviso in § 1015.24(a) and substitute the following: "*Provided*, That when nonfat milk solids derived from nonfat dry milk, condensed skim milk or any other product condensed from milk or skim milk are utilized or unaccounted for by the handler, the total pounds of skim milk computed shall reflect a volume equivalent to the skim milk used to produce such nonfat milk solids, except that for dietary weight control products and milk, skim milk and buttermilk fortified, the actual weight of any such products shall be included in computing the total product weight; and"

11. Delete § 1015.24(b)(1) through (15) and substitute the following:

(1) Subtract from the pounds of skim milk in Class I milk, the pounds of skim milk received during the month as exempt milk.

(2) Subtract from the remaining pounds of skim milk in Class I milk, the pounds of skim milk received during the month in packaged fluid milk products

from fully regulated plants under the provisions of another Federal order.

(3) Subtract from the total pounds of skim milk in Class II milk, the pounds of skim milk shrinkage allocated pursuant to § 1015.21(b)(5).

(4) Subtract from the remaining pounds of skim milk in each class, beginning with Class II milk, the pounds of skim milk received during the month in other source milk in a form other than fluid milk products.

(5) Subtract from the remaining pounds of skim milk in each class, beginning with Class II milk, the pounds of skim milk in other source milk in the form of fluid milk products received during the month from other than fully regulated plants under the provisions of another Federal order.

(6) Subtract from the remaining pounds of skim milk in Class II milk, the pounds of skim milk in inventory of fluid milk products on hand at the end of the month.

(7) During the months of July through November, subtract from the remaining pounds of skim milk in Class II milk, a quantity equal to such remainder or 15 percent of the pounds of skim milk in receipts of producer milk, whichever is less.

(8) Subtract from the remaining pounds of skim milk in Class II milk, a quantity equal to such remainder or the pounds of skim milk in bulk fluid milk products received during the month from fully regulated plants under the provisions of another Federal order, whichever is less.

(9) Subtract from the remaining pounds of skim milk in each class, respectively, the skim milk received from other pool plants and assigned to such class.

(10) Add to the pounds of skim milk remaining in Class II milk, the pounds of skim milk subtracted pursuant to subparagraph (7) of this paragraph.

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

(12) Add to the remaining pounds of skim milk in Class II milk, the pounds of skim milk subtracted pursuant to subparagraph (6) of this paragraph.

(13) Subtract from the remaining pounds of skim milk in each class beginning with Class I milk, the pounds of skim milk in bulk fluid milk products received during the month from fully regulated plants under the provisions of another Federal order and not assigned pursuant to subparagraph (8) of this paragraph.

(14) Add to the pounds of skim milk in Class II milk, the pounds of skim milk subtracted pursuant to subparagraph (3) of this paragraph.

(15) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk in the producer milk of such handler, subtract such excess (hereinafter referred to as "overage") from the remaining pounds of skim milk in

each class in sequence beginning with Class II milk.

§ 1015.33 [Amendment]

12. Amend § 1015.33(a) by adding a comma between the words "receipts" and "movements".

§ 1015.42 [Amendment]

13. Delete § 1015.42(b) and insert the following:

(b) The zone price differentials for each plant shall be those applicable to its zone location as shown in the table at the end of this paragraph. For the purpose of applying such zone price differentials, transfers of fluid milk products in bulk between pool plants shall be first assigned to any remainder of Class II milk in the transferee-plant after making the calculations prescribed in § 1015.24(b)(8), and the comparable step in (c): *Provided*, That where the transferee-plant is not subject to a zone price differential such remaining Class II milk shall be reduced, during each of the months of December through June, by an amount equal to five percent of Class I utilization at such plant or remaining Class II use, whichever is less, and any amount so subtracted shall be assigned to available direct receipts of producer milk at such transferee-plant and then to transferor-plants in sequence beginning with the plants nearest to Hartford. The assignment of remaining Class II milk to transferor-plants shall be made in sequence according to the zone price differential applicable at each plant beginning with the plant most distant from Hartford.

§ 1015.50 [Amendment]

14. Delete the references to §§ 1015.24(b)(9) and (b)(11) in § 1015.50(d), and substitute the following, respectively: "§ 1015.24(b)(11)" and "§ 1015.24(b)(13)".

§ 1015.51 [Amendment]

15. Amend § 1015.51(a) by deleting the word "were" and substitute "was".

§ 1015.63 [Amendment]

16. Delete § 1015.63(b) and substitute:

(b) In making payments to producers for milk received from a farm located outside the area described in paragraph (a) of this section, but within that portion of New York State east of the Hudson River and south of the northern boundaries of North Greenbush, Sand Lake and Stephentown townships in Rensselaer County, and that portion of Berkshire County, Massachusetts north of the Massachusetts Turnpike, there shall be added 23 cents per hundred-weight.

§ 1015.3 [Amendment]

17. In § 1015.3(c)(2) change the words "subdivision (i) through (iv)" to "subdivision (i) through (v)".

§ 1015.46 [Amendment]

18. In § 1015.46(c) change the numeral "(11)" to "(13)".

§ 1015.30 [Amendment]

19. In the preamble of § 1015.30(a) insert the following immediately after the reference to "§ 1015.2(e)": "or lost or destroyed pursuant to § 1015.4(f)."

20. To § 1015.30(a)(1) add the following:

(vi) The quantity of milk that was lost or destroyed under conditions set forth in § 1015.4(f).

§ 1015.40 [Amendment]

21. In § 1015.40(b)(3) delete the table and substitute the following:

Month:	Amount
January and February	\$0.701
March and April	.751
May and June	.7785
July	.526
August and September	.591
October, November and December	.626

22. In § 1015.40(c)(2) delete the table and substitute the following:

Month:	Amount
January	+\$0.094
February	+.094
March	-.006
April	-.056
May	-.081
June	-.006
July	+.344
August	+.344
September	+.244
October	+.219
November	+.219
December	+.194

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

Effective date: January 1, 1962, except for § 1015.40(b)(3) and (c)(2) which will become effective on and after March 1, 1962.

Signed at Washington, D.C., on December 29, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 62-86; Filed, Jan. 4, 1962; 8:46 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

**Chapter I—Civil Service Commission
PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE**

Department of Commerce; Maritime Administration

Effective upon publication in the FEDERAL REGISTER, subparagraphs (2) and (5) of paragraph (1) of § 6.312 are revoked.

(R.S. 1753, sec. 2, 23 Stat. 403, as amended; 5 U.S.C. 631, 633)

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

[F.R. Doc. 62-89; Filed, Jan. 4, 1962; 8:46 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 3, Flaxseed]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Flaxseed Loan and Purchase Agreement Program

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation published in 26 F.R. 4315, 8413, 12157 and containing the specific requirements of the 1961-crop flaxseed price support program are hereby amended as follows:

Section 421.583 (c) is amended by increasing the following basic county support rate:

SOUTH DAKOTA		
County	Rate per bushel	
	From—	To—
Spink	\$2.76	\$2.77

(Sec. 4, 62 Stat. 1070, as amended; sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1054; 15 U.S.C. 714 b and c; 7 U.S.C. 1447, 1421)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed in Washington, D.C., December 29, 1961.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 62-87; Filed, Jan. 4, 1962; 8:46 a.m.]

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 6, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Wheat Loan and Purchase Agreement Program

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation published in 26 F.R. 3873, 7247, 7824, 6697, 7247, 7824, 8963, 10093, 11281, 12157 and containing the specific requirements of the 1961-crop wheat price support program are hereby amended as follows:

Section 421.147(a) is amended by increasing the following basic county support rates:

NEVADA

County	Rate per bushel	
	From—	To—
Clark	\$1.23	\$1.23

SOUTH DAKOTA

Brown	1.87	1.88
Spink	1.87	1.88

(Sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed in Washington, D.C., December 29, 1961.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 62-88; Filed, Jan. 4, 1962; 8:46 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

SUBCHAPTER A—GENERAL PROVISIONS

[Order No. 255-81]

PART 3—BOARD OF IMMIGRATION APPEALS

Powers; and Reopening or Reconsideration of Cases

I hereby prescribe the following amendments of the regulations relating to the Board of Immigration Appeals.

1. Section 3.1(d)(1) of Part 3 is amended to read as follows:

§ 3.1 Board of Immigration Appeals.

* * * * *

(d) Powers of the Board—(1) Generally. Subject to any specific limitation prescribed by this chapter, in considering and determining cases before it as provided in this part the Board shall exercise such discretion and authority conferred upon the Attorney General by law as is appropriate and necessary for the disposition of the case.

2. Section 3.2 of Part 3 is amended to read as follows:

§ 3.2 Reopening or reconsideration.

The Board may on its own motion reopen or reconsider any case in which it has rendered a decision. Reopening or reconsideration of any case in which a decision has been made by the Board, whether requested by the Commissioner or any other duly authorized officer of the Service, or by the party affected by the decision, shall be only upon written

motion to the Board. Motions to reopen in deportation proceedings shall not be granted unless it appears to the Board that evidence sought to be offered is material and was not available and could not have been discovered or presented at the former hearing; nor shall any motion to reopen for the purpose of affording the alien an opportunity to apply for any form of discretionary relief be granted if it appears that the alien's right to apply for such relief was fully explained to him and an opportunity to apply therefor was afforded him at the former hearing unless the relief is sought on the basis of circumstances which have arisen subsequent to the hearing. A motion to reopen or a motion to reconsider shall not be made by or in behalf of a person who is the subject of deportation proceedings subsequent to his departure from the United States. Any departure from the United States of a person who is the subject of deportation proceedings occurring after the making of a motion to reopen or a motion to reconsider shall constitute a withdrawal of such motion. For the purpose of this section, any final decision made by the Commissioner prior to the effective date of the Act with respect to any case within the classes of cases enumerated in § 3.1(b) (1), (2), (3), (4), or (5) shall be regarded as a decision of the Board.

This order shall become effective on January 22, 1962.

Dated: December 28, 1961.

ROBERT F. KENNEDY,
Attorney General.

[F.R. Doc. 62-135; Filed, Jan. 4, 1962;
8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 65; Reg. SR-436B]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

Airborne Weather Radar Equipment Requirements for Airplanes Carrying Passengers; Special Civil Air Regulation

Special Civil Air Regulation No. SR-436A (25 F.R. 6130), which superseded SR-436 (25 F.R. 167), requires the installation of approved airborne weather radar equipment in certain transport category airplanes used for the carriage of passengers under Parts 40, 41 or 42 of the Civil Air Regulations. This requirement is based on the fact that

airborne weather radar equipment facilitates the early detection and location by the pilot of certain areas of turbulence and enables him to avoid such areas or to take such other action as may be necessary in the interest of safety.

Section 4 of SR-436A expressly excepts from the provisions of the regulation airplanes used solely within the States of Alaska and Hawaii. These operations were excluded because thunderstorms and other potentially hazardous meteorological conditions detectable by weather radar rarely occur in those areas.

Recently, the Federal Aviation Agency received a request from an air carrier operating in the State of Alaska to amend section 4 of SR-436A to expand the exceptions contained in that section to include certain areas of the Dominion of Canada. In support of its request the air carrier points out that because of the physical shape of the State of Alaska, the use of airways which overfly northwest Canada provide a more direct route between northeast Alaska and southeast Alaska. Moreover, when operating over the Canadian Airways Dawson and Whitehorse, Yukon Territory, Canada, are ideally located and suitably equipped to provide refueling service. However, when carrying passengers under the provisions of Parts 41 or 42, compliance with the present provisions of SR-436A prevents the use of both the more direct airways over Canada and the Canadian refueling stops unless approved airborne weather radar is installed on the airplane being utilized.

At an industry meeting held in the State of Alaska, subsequent to this request, the feasibility of amending SR-436A was discussed. It was suggested at this meeting that if an amendment is made to section 4 of SR-436A it should include all of the Dominion of Canada west of a north-south line which would encompass the city of Edmonton, Alberta, Canada. This would include all of Canada west of longitude 110° W., between the northern coastline of Canada and the northern boundary of the continental United States. This request was based upon a contention that there is light thunderstorm activity in that part of Canada.

As a result of these requests, the Federal Aviation Agency initiated a study into the feasibility of amending section 4 of SR-436A to except airplanes operated in certain parts of Canada from the requirement of installing airborne weather radar. Information was received from the U.S. Weather Bureau that the area of Canada west of longitude 130° W., between latitude 70° N. and latitude 53° N., has meteorological conditions similar to the State of Alaska. This information also shows that thunderstorms and other potentially hazardous meteorological conditions rarely occur in that area. However, in the area of Canada that is east and south of that area and adjacent to the United States northern boundary and which encompasses Edmonton, Alberta, the thunderstorm activity increases considerably

and is equal to or greater than that of a large portion of the United States where airborne weather radar is mandatory.

After considering the foregoing, it has been determined that the level of safety in air carrier passenger operations would not be reduced by excluding from the provisions of SR-436A airplanes used for the carriage of passengers within Alaska and that portion of Canada west of longitude 130° W., between latitude 70° N. and latitude 53° N., where thunderstorms and other potentially hazardous weather conditions rarely occur. In addition, such an exclusion would permit the use of more direct routes and refueling stops between northeast and southeast Alaska. Therefore, section 4 of SR-436A is amended to exclude airplanes used within the State of Alaska and that portion of Canada west of longitude 130° W., between latitude 70° N. and latitude 53° N., from the weather radar requirements.

This Special Civil Air Regulation incorporates into one document all of the provisions of SR-436A with amendments to exclude the foregoing portions of Canada. Since it imposes no additional burden on any person and relieves a restriction, I find that notice and public procedure hereon are unnecessary, and that good cause exists for making this regulation effective on less than 30 days' notice.

In consideration of the foregoing, the following Special Civil Air Regulation is hereby adopted:

1. *Airborne weather radar equipment requirement.* After the dates specified, the following transport category airplanes shall not be used for the carriage of passengers under the provisions of Parts 40, 41 or 42 of the Civil Air Regulations, unless approved airborne weather radar equipment is installed in such airplanes:

(a) July 1, 1960, for all turbine-powered airplanes certificated under the transport category rules;

(b) January 1, 1961, for the Douglas DC-7 Series, Douglas DC-6 Series, and Lockheed 1049 and 1649 Series type airplanes; and

(c) January 1, 1962, for all airplanes certificated under the transport category rules, except C-46 type airplanes.

Note: Airplanes subject to the provisions of paragraph (c) of this section include, but are not limited to, the following types: Boeing 377; Convair 240, 340, and 440; Lockheed 049 and 749; Martin 202 and 404; and Douglas DC-4.

2. *Schedule for installation of equipment.*

(a) Each operator conducting passenger operations under the provisions of Parts 40, 41 or 42 of the Civil Air Regulations with transport category airplanes on which airborne weather radar is not installed, shall establish a schedule for the progressive completion of such radar installations, in accordance with the provisions of section 1 of this regulation. The schedule shall provide for the completion of all required radar installations on or before the dates specified in section 1 of this regulation, and the completion of at least 40 percent of the required installations on or before the following dates:

(1) August 1, 1960, for airplanes of the types specified in section 1(b), and

(2) February 1, 1961, for airplanes of the types specified in section 1(c).

(b) On or before July 1, 1960, a copy of the schedule required by paragraph (a) of this section shall be submitted to an authorized representative of the Administrator, together

with a list of any airplanes the operator intends to discontinue using in the carriage of passengers prior to the date on which radar equipment must be installed.

3. *Requirement for dispatch and continuance of flight.* After the effective date specified in section 6 of this regulation, all transport category airplanes having approved airborne weather radar installed shall be operated in accordance with the following rules when used in passenger operations under Part 40, 41, or 42:

(a) *Dispatch.* No airplane shall be dispatched (or flight of an airplane started under the provisions of Part 42) under IFR or night VFR conditions when current weather reports indicate thunderstorms, or other potentially hazardous weather conditions which can be detected by airborne weather radar, may reasonably be expected to be encountered along the route to be flown, unless approved airborne weather radar equipment installed in the airplane is in a satisfactory operating condition.

(b) *En route.* In the event the airborne weather radar becomes inoperative en route, the airplane shall be operated in accordance with the instructions and procedures specified in the operations manual for such occurrence. After the data specified by section 1 of this regulation for the mandatory installation of approved airborne weather radar on the type of airplane involved, such instructions and procedures shall meet with the approval of an authorized representative of the Administrator.

4. *Exceptions.* The provisions of this regulation shall not apply to airplanes used (a) solely within the State of Hawaii or within the State of Alaska and that portion of the Dominion of Canada west of longitude 130° West, between latitude 70° North and latitude 53° North, or (b) during all-cargo, training, test, or ferry flights.

5. *Electrical power supply.* Contrary provisions of the Civil Air Regulations notwithstanding, an alternate electrical power supply need not be provided for airborne weather radar equipment.

6. *Effective date.* This Special Civil Air Regulation shall become effective on January 5, 1962, and supersedes Special Civil Air Regulation No. SR-436A.

(Secs. 313, 601, 604, 605; 72 Stat. 752, 775, 778; 49 U.S.C. 1354, 1421, 1424, 1425)

Issued in Washington, D.C., on December 28, 1961.

N. E. HALABY,
Administrator.

[F.R. Doc. 62-98; Filed, Jan. 4, 1962; 8:47 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1018; Amdt. 382]

PART 507—AIRWORTHINESS DIRECTIVES

Piper J3 Series and PA-11 Aircraft

Airworthiness Directive 51-15-1 (21 F.R. 9506), requires periodic inspection of the wing lift strut fork ends on Piper J3 Series and PA-11 aircraft. A later directive (AD 52-7-3, 21 F.R. 9512), requires rework of the lift strut including replacement of the fork end with a new part which does not need the special periodic inspection. Having AD 51-15-1 still in effect has caused some confusion. Since it no longer is necessary, it is hereby rescinded.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by rescinding AD 51-15-1.

This amendment shall become effective January 5, 1962.

(Sec. 313, 601, 603; 72 Stat. 752, 775, 778; 49 U.S.C. 1354, 1421, 1423)

Issued in Washington, D.C., on December 29, 1961.

GEORGE C. PRILL,
Director,
Flight Standards Service.

[F.R. Doc. 62-99; Filed, Jan. 4, 1962; 8:47 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-LA-17]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

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

Alteration and Revocation of Federal Airways and Associated Control Areas

On August 2, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 6940) stating that the Federal Aviation Agency proposed to revoke the segment of VOR Federal airway No. 23 west alternate between Portland, Ore., and Seattle, Wash., and to extend VOR Federal airway No. 287 from Portland to Neah Bay, Wash.

No adverse comments were received regarding the proposed amendments.

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

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

§ 600.6023 [Amendment]

1. In the text of 14 CFR 600.6023 (26 F.R. 572, 26 F.R. 1209, 26 F.R. 4052) the following change is made: "including a west alternate from the Portland VOR to the Seattle VOR via the INT of the Portland VOR 353° and the Olympia VOR 165° radials, the Olympia, Wash., VOR and the point of INT of the Olympia VOR 337° and the Seattle VOR 247° radials;" is deleted.

2. Section 600.6287 (14 CFR 600.6287, 26 F.R. 2082), is amended to read:

§ 600.6287 VOR Federal airway No. 237 (North Bend, Ore., to Neah Bay, Wash.).

From the North Bend, Ore., VOR via the Newberg, Ore., VOR; Portland, Ore., VORTAC including an E alternate via the Newberg VOR 069° and the Portland VORTAC 196° radials; INT of the Portland VORTAC 353° and the Olympia, Wash., VOR 165° radials; Olympia VOR; INT of the Olympia VOR 010° and the Seattle, Wash., VORTAC 322° radials; INT of the Seattle VORTAC 322° and the Port Angeles, Wash., VOR 090° radials; Port Angeles VOR; to the Neah Bay, Wash., radio range, excluding the portions outside the United States and the portion which coincides with Restricted Area R-6705. The portion which coincides with the McChord AFB Restricted Area/Military Climb Corridor, R-6711 shall be used only after obtaining prior approval from the appropriate authority.

§ 601.6023 [Amendment]

3. The text of § 601.6023 (14 CFR 601.6023, 26 F.R. 572, 26 F.R. 1209, 26 F.R. 4052) is amended to read: "All of VOR Federal airway No. 23 including an E alternate."

§ 601.6287 [Amendment]

4. In § 601.6287 (14 CFR 601.6287, 26 F.R. 2082) the following change is made: In the caption "Portland, Ore." is deleted and "Neah Bay, Wash." is substituted therefor.

These amendments shall become effective 0001 e.s.t. March 8, 1962.

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

Issued in Washington, D.C., on December 29, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-101; Filed, Jan. 4, 1962; 8:47 a.m.]

[Airspace Docket No. 60-WA-203]

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

Alteration of Rule

On December 7, 1961, Airspace Docket No. 60-WA-203 was published in the FEDERAL REGISTER (26 F.R. 11728) amending in part § 601.5001 of the regulations of the Administrator by altering the description of the Azalea and Gateway intersections to be effective January 11, 1962.

These intersections were described in part via a line bearing 189° from the Wilmington (Carolina Beach), N.C., RBN. Subsequent to publication of the amendment, it was determined that the 189° bearing was in error and that the correct bearing should be 188° from the

Wilmington (Carolina Beach) RBN. Therefore, action is taken herein to alter these descriptions accordingly.

Since these amendments are minor in nature, notice and public procedure hereon are unnecessary, and they may be made effective immediately.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 60-WA-203 (26 F.R. 11728) is amended by deleting in the text of § 601.5001 (14 CFR 601.5001) items 3(a) and 3(d) "a line bearing 189° from the Wilmington (Carolina Beach), N.C., RBN" and substituting therefor "a line bearing 188° from the Wilmington (Carolina Beach), N.C., RBN".

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

Issued in Washington, D.C., on December 28, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-100; Filed, Jan. 4, 1962;
8:47 a.m.]

[Airspace Docket No. 60-WA-249]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS, AND HIGH ALTITUDE NAVIGATIONAL AIDS

Alteration of Jet Routes

On October 29, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 10439) stating that the Federal Aviation Agency proposed to alter the segment of Jet Route No. 4 from Phoenix, Ariz., to El Paso, Texas.

On August 1, 1961, an Alteration of Proposal was published in the FEDERAL REGISTER (26 F.R. 6861) stating that the Federal Aviation Agency proposed to alter the segment of Jet Route No. 4 from Los Angeles, Calif., to El Paso and the segment of Jet Route No. 65 from Phoenix to Palmdale, Calif.

The Department of the Army objected to the proposed alignment of the segment of J-4 from the Thermal, Calif., VORTAC to the Gila Bend, Ariz., VORTAC. The Army stated that this segment would traverse the eastern portion of Caution Area C-308 in which a very high concentration of military manned and unmanned aircraft (drones) operate. The Army further stated that it feels the operation of drone and commercial aircraft in the same airspace would be an incompatible operation and would create an undue hazard.

On June 2, 1960, a meeting attended by the U.S. Air Force, Army, Navy, Marines and the FAA was held to consider the Army's request that C-308 be made a restricted area. As a result of this meeting it was concluded that there was insufficient justification for the designation of C-308 as a restricted area. The FAA has never considered restricted airspace a requirement for conducting drone operations. In fact, drone flights are currently being conducted outside of restricted areas using radar and control aircraft to insure safety.

The Air-Transport Association of America (ATA) concurred in the alignment proposed for Jet Routes Nos. 4 and 65 assuming that the route segments affected would be provided with jet advisory areas. The jet advisory areas presently designated along Jet Routes Nos. 4 and 65 will cover all of the segments which are realigned in this docket except for a segment of J-65 southwest of the Palmdale, Calif., VOR, which is not used by civil turbojet aircraft.

The Department of the Air Force offered no objection to the proposal as modified. No other comments were received regarding the proposed amendments.

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

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the Alteration of Proposal, § 602.100 (26 F.R. 7079) is amended as follows:

1. Jet Route No. 4 is amended to read:

Jet Route No. 4 (Los Angeles, Calif., to Florence, S.C.). From Los Angeles, Calif., via Thermal, Calif., INT of the Thermal 088° and the Gila Bend, Ariz., 315° radials; Gila Bend; INT of the Gila Bend 098° and the San Simon, Ariz., 286° radials; San Simon; El Paso, Tex.; Wink, Tex.; Abilene, Tex.; Dallas, Tex.; Shreveport, La.; Jackson, Miss.; Montgomery-Ala.; Augusta, Ga.; Columbia, S.C.; to Florence, S.C.

2. Jet Route No. 65 is amended to read:

Jet Route No. 65 (Phoenix, Ariz., to Red Bluff, Calif.). From Phoenix, Ariz., via the INT of the Phoenix 280° and the Thermal, Calif., 088° radials; Thermal; Palmdale, Calif.; INT of the Palmdale 291° and the Bakersfield, Calif., 149° radials; Bakersfield; Fresno, Calif.; Sacramento, Calif.; to Red Bluff, Calif.

These amendments shall become effective 0001 e.s.t., February 8, 1962.

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

Issued in Washington, D.C., on December 29, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-102; Filed, Jan. 4, 1962;
8:47 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER A—TEST FEE SCHEDULES

PART 202—METROLOGY

Radiometry

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the rea-

son that such procedures, because of the nature of these rules, serve no useful purpose. This amendment is effective from December 11, 1961.

1. Part 202 is amended by the addition of a new item (f) to § 202.174 *Radiometry* to read as follows:

Item	Description	Fee
202.174f.....	Standard of total radiance—carbon filament lamp seasoned and calibrated for total irradiance at distance of 2 meters.	\$79.00

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

A. V. ASTIN,
Director.

[F.R. Doc. 62-148; Filed, Jan. 4, 1962;
8:52 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7718 o.]

PART 13—PROHIBITED TRADE PRACTICES

Yakima Fruit & Cold Storage Co.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Yakima Fruit & Cold Storage Company, Yakima, Wash., Docket 7718, Sept. 28, 1961]

Order requiring a Yakima, Wash., packer-distributor of apples and other fresh fruit with annual sales approximating \$3,000,000, to cease violating section 2(d) of the Clayton Act, by such acts as paying the Houston, Tex., operator of a large chain of retail stores in Texas, Louisiana, and Tennessee, sums of \$192.50 and \$100 in connection with periodic sales promotion campaigns, while making no comparable payments available to its customers competing with said chain.

The order to cease and desist is as follows:

It is ordered, That respondent, Yakima Fruit & Cold Storage Company, a corporation, its officers, employees, agents or representatives, directly or through any corporate or other device, in or in connection with the sale in commerce, as "commerce" is defined in the Clayton Act, as amended, of fresh fruits or other merchandise, do forthwith cease and desist from:

Making or contracting to make, to or for the benefit of J. Weingarten, Inc., or any other customer, any payment of anything of value as compensation or in consideration for advertising or other services or facilities furnished by or through such customer, in connection with the handling, offering for resale, or resale of the respondent's products, unless such payment is made available

on proportionally equal terms to all other customers competing in the distribution or resale of such products.

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

It is further ordered. That respondent, Yakima Fruit & Cold Storage Company, shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: September 28, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-112; Filed, Jan. 4, 1962;
8:48 a.m.]

[Docket 7708 o.]

PART 13—PROHIBITED TRADE PRACTICES

Sunshine Biscuits, Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Price discrimination under 2(a): § 13.710 *Cash discounts*; § 13.770 *Quantity rebates or discounts*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Sunshine Biscuits, Inc., Long Island City, N.Y., Docket 7708, Sept. 25, 1961]

Order requiring a substantial manufacturer of potato chips, peanut butter, biscuits, cookies, and pretzels, among other food products, with net sales in 1958 of approximately \$180,000,000, to cease discriminating in price in violation of section 2(a) of the Clayton Act by granting, through its Velvet—Krun-Chee Division, 5 percent volume plus 2 percent cash discounts on "Krun-Chee" potato chips to certain large retail grocery and drug chains in Cleveland, Ohio—including Marshall-Miller Drugstores, Pick-N-Pay Supermarkets, Foodtown Supermarkets, and Fazio Markets—while not offering the discounts to competitors of the chains.

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

It is ordered. That respondent, Sunshine Biscuits, Inc., a corporation, its officers, directors, representatives, agents and employees, directly or through any corporate or other device, in or in connection with the sale of grocery products, including potato chips, in commerce, as "commerce" is defined in the amended Clayton Act, do forthwith cease and desist from:

Discriminating in price by selling such products of like grade and quality to any purchaser at prices higher than those charged any other purchaser, where such other purchaser competes with the disfavored purchaser in the resale and distribution of the aforesaid products.

It is further ordered. That respondent, Sunshine Biscuits, Inc., shall, within sixty (60) days after service upon it of

this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: September 25, 1961.

By the Commission, Commissioner Elman dissenting.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-111; Filed, Jan. 4, 1962;
8:48 a.m.]

[Docket 8198 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

General Foods Corp. et al.

Subpart—Combining or conspiring: § 13.397 *To cut off competitor's supplies*; § 13.410 *To eliminate competition in conspirators' goods*; § 13.430 *To enhance, maintain or unify prices*; § 13.432 *To fix and maintain uniform freight charges*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, General Foods Corp. (White Plains, N.Y.) et al., Docket 8198, Sept. 28, 1961]

In the Matter of General Foods Corporation, a Corporation; The Glidden Company, a Corporation; Calvert, Vavasseur & Company, Inc., a Corporation; Red V Coconut Products Company, Inc., a Corporation; and Wood & Selick Coconut Company, Inc., a Corporation

Consent order requiring five companies—which together imported 75 percent of all the Philippine desiccated coconut imported into the United States, processed sweetened coconut, and sold the product to bakeries, candy and confection manufacturers, ice cream makers, and others—to cease carrying out their agreements to fix and maintain identical F.O.B. port of entry base prices for all types of Philippine coconut imported and identical base prices for all types of sweetened coconut sold in the United States; to maintain a system of price differentials composed of freight and handling and storage charges at specified warehouse distribution points to be applied to the aforesaid base prices; to eliminate free delivery and allowances for such services from port of entry, warehouse distribution point, or other selling location; to maintain a price leadership plan whereby General Foods generally announced changes in prices and other selling factors; to hold meetings for the exchange of confidential price information; and to eliminate competition by restricting sources of supply of competing processors, effectuating price squeezes between Philippine desiccated and sweetened coconut, and other unfair practices.

The order to cease and desist is as follows:

It is ordered. That respondents General Foods Corporation, The Glidden Company, Calvert, Vavasseur & Company, Inc., Red V Coconut Products Company, Inc., and Wood & Selick Coconut Company, Inc., corporations (the

three last named corporations being considered and treated as a single respondent), their respective officers, agents, representatives and employees, directly or through any corporate or other device, in or in connection with the importation, offering for sale, sale or distribution of Philippine desiccated coconut or sweetened coconut, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from entering into, continuing, cooperating in, or carrying out any planned common course of action, understanding, agreement, combination, or conspiracy between or among any two or more of said respondents, or between any one or more of said respondents and others not parties hereto, to do or perform any of the following acts or practices:

1. Fix, maintain, stabilize or adhere to any prices, terms or conditions of sale or delivery for said products;

2. Adopt, use or maintain any system, employing established base prices or price differentials in calculating or determining prices, terms or conditions of sale for said products, to fix, maintain or stabilize, or where the intent or purpose is to fix, maintain or stabilize, anywhere in the United States, prices, terms or conditions of sale or delivery for said products;

3. Communicate or exchange information relating to present or future prices, terms or conditions of sale or delivery of said products anywhere in the United States to fix, maintain or stabilize, or where the intent or purpose of same is to fix, maintain or stabilize, the prices, terms, or conditions of sale or delivery for said products;

4. Inhibit, restrict or limit independent domestic processors of said products in selling said products;

5. Engage in any acts or practices to effectuate or perpetuate, or for the purpose or with the intent of effectuating or perpetuating, any of the acts or practices prohibited herein:

Provided, however, Nothing herein contained shall be construed or interpreted as prohibiting any single respondent, or subsidiary thereof, from buying, selling, processing or having processed, said products, or from communicating, negotiating, or contracting relative thereto, where the effect of same is not inconsistent with any of the prohibitions of this order.

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

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

Issued: September 25, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-110; Filed, Jan. 4, 1962;
8:48 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 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerance for Residues of 1-Methoxycarbonyl-1-Propen-2-yl-Dimethylphosphate and its Beta Isomer

A petition was filed with the Food and Drug Administration by Shell Chemical Company, 110 West Fifty-first Street, New York 20, New York, requesting the establishment of a tolerance for residues of 1-methoxycarbonyl-1-propen-2-yl-dimethylphosphate and its beta isomer in or on grapefruit, lemons, and oranges at 0.25 part per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U.S.C. 346a(d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities are amended by adding to § 120.157 (21 CFR 120.157; 26 F.R. 24) a tolerance for residues of the subject pesticide chemical in or on grapefruit, lemons, and oranges. As amended, the items under the 0.25 part per million tolerance limitation are changed to read as follows:

§ 120.157 Tolerances for residues of 1-methoxycarbonyl-1-propen-2-yl-dimethylphosphate and its beta isomer.

* * * * *

0.25 part per million in or on beans, carrots, corn grain (including field corn, popcorn, sweet corn), cucumbers, eggplant, grapefruit, lemons, okra, onions (green), oranges, peas, peppers, potatoes, summer squash, tomatoes, turnips, walnuts (determined on the nut meats with shell removed).

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. 408(d) (2), 68 Stat. 512; 21 U.S.C. 346 a(d) (2))

Dated: December 29, 1961.

JOHN L. HARVEY,
Deputy Commissioner
of Food and Drugs.

[F.R. Doc. 62-114; Filed, Jan. 4, 1962; 8:49 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55539]

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

Invoices and Entry; Manufactures of Cotton and Stainless Steel Table Flatware

The present procedure for reporting statistical data to the Bureau of Census, which necessitates the filing of extra copies of certain entries on customs Form 7501 or 7502, will be altered effective January 1, 1962, and the said extra copies will no longer be required.

The Customs Regulations are amended as follows effective January 1, 1962.

Section 8.27 is amended to read as follows:

§ 8.27 Form of entry.

Entry for consumption shall be made on customs Form 7501. Such entries shall be numbered in two series, one for dutiable consumption entries and the other for free consumption entries. The dutiable entries shall be made in triplicate; the free entries shall be made in duplicate. An additional legible copy of the entry, marked or stamped "For Internal Revenue Purposes," shall be presented for each entry covering tobacco materials, tobacco products, cigarette papers and tubes when the entry of those articles is subject to Part 275 of the regulations of the Internal Revenue Service (26 CFR Part 275) and tax is payable to customs upon release of such articles or if tobacco materials are to be released in accordance with § 11.2(a) of this chapter.

(Sec. 484, 46 Stat. 722, as amended; 19 U.S.C. 1484)

§ 8.30 [Amendment]

Section 8.30(a) is amended by deleting the first sentence and substituting the following: "Entry for warehousing shall be made in duplicate on customs Form 7502."

(R.S. 251, secs. 484, 624, 46 Stat. 722, as amended, 759; 19 U.S.C. 66, 1484, 1624)

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

Approved: December 28, 1961.

JAMES A. REED,
Assistant Secretary of the
Treasury.

[F.R. Doc. 62-144; Filed, Jan. 4, 1962; 8:51 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter:

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart A—Eligibility Requirements

Section 203.12 is amended to read as follows:

§ 203.12 Application fee.

The mortgagee shall pay an application fee to cover the cost of processing. This fee shall be paid in accordance with the following requirements:

(a) *Amount of fee.* A fee in the amount of:

(1) \$20 shall be paid for an application involving existing construction;

(2) \$45 shall be paid for an application involving proposed construction;

(3) \$10 shall be paid for an application for insurance of a mortgage of the character described in § 203.43(b) (4); and

(4) \$10 shall be paid after insurance of a mortgage processed under the Certified Agency Program.

(b) *Time of payment.* The application fees shall be due and payable by the mortgagee upon receipt from the FHA of a monthly statement covering the related transactions.

(c) *Credit for fee previously charged.* Credit for an application fee previously charged will be allowed the mortgagee under the following conditions:

(1) A credit of \$25 will be allowed the mortgagee where a mortgage is endorsed for insurance on the basis of an application and commitment relating to proposed construction.

(2) Credit will be allowed to the mortgagee under such other conditions as the Commissioner may determine.

(d) *No fee required.* A mortgagee will not be required to pay an application fee where:

(1) The application is not accepted for processing; or

(2) The application is made on behalf of a veteran for the insurance of a mortgage to refinance an existing insured mortgage which is in default by reason of his military service, if the Commissioner finds that the charging of such fee would be inequitable under the circumstances of the transaction. For the purposes of this subpart the word "veteran" shall mean a person who has served in the active military or naval service of the United States at any time on or after September 16, 1940; and prior to July 26, 1947, or on or after June 27, 1950, and prior to February 1, 1955.

Section 203.60 is amended to read as follows:

§ 203.60 Application fee.

(a) *Amount of fee.* The lender shall pay an application fee in the amount of \$20 to cover the cost of processing. This fee shall be paid in accordance with the requirements of § 203.12(b).

(b) *Credit for fee previously charged.* Credit for an application fee previously charged will be allowed the mortgagee under such circumstances as the Commissioner may determine.

(c) *No fee required.* A mortgagee will not be required to pay an application fee where the application is not accepted for processing.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

SUBCHAPTER I—MORTGAGE INSURANCE FOR INDIVIDUALLY OWNED UNITS IN MULTI-FAMILY STRUCTURES

PART 234—CONDOMINIUM OWNERSHIP

Subpart A—Eligibility Requirements

Section 234.13 is amended to read as follows:

§ 234.13 Application fee.

(a) *Amount of fee.* The mortgagee shall pay an application fee in the amount of \$20 to cover the cost of processing. This fee shall be paid in accordance with the requirements of § 203.12(b).

(b) *Credit for fee previously charged.* Credit for an application fee previously charged will be allowed a mortgagee under such conditions as the Commissioner may determine.

(c) *No fee required.* No fee shall be required where:

(1) The application is not accepted for processing; or

(2) The application is made on behalf of a veteran for the insurance of a mortgage to refinance an existing insured mortgage which is in default by reason of his military service, if the Commissioner finds that the charging of such fee would be inequitable under the circumstances of the transaction. For the purposes of this subpart the word "veteran" shall mean a person who has served in the active military or naval service of the United States at any time on or after September 16, 1940, and prior to July 26, 1947, or on or after June 27, 1950, and prior to February 1, 1955.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 234, 75 Stat. 160; 12 U.S.C. 1715y)

Issued at Washington, D.C., December 29, 1961.

NEAL J. HARDY,
Federal Housing Commissioner.

[F.R. Doc. 62-146; Filed, Jan. 4, 1962; 8:51 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

[Hazardous Occupations Order No. 16]

PART 4—CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION

Subpart E—Occupations Particularly Hazardous for the Employment of Minors Between 16 and 18 Years of Age or Detrimental to Their Health or Well-Being

ROOFING OPERATIONS

On October 31, 1961, notice was published in the FEDERAL REGISTER (26 F.R. 10180) that the Secretary of Labor proposed to find and by order to declare all occupations in roofing operations to be particularly hazardous for the employment of minors between 16 and 18 years of age and thus to constitute "oppressive child labor" within the meaning of the Fair Labor Standards Act of 1938 (sec. 3(1), 52 Stat. 1060, as amended; 29 U.S.C. 203(1)).

Interested persons were given an opportunity to submit orally and in writing data, views and arguments concerning the proposal. All relevant matter has been considered, and pursuant to section 3(1) of the Fair Labor Standards Act of 1938 (52 Stat. 1060 as amended; 29 U.S.C. 203(1)) Part 4 of Title 29, Code of Federal Regulations is hereby amended, effective February 5, 1962, by adding an additional section thereto reading as follows:

§ 4.67 Occupations in Roofing Operations (Order 16).

(a) *Finding and declaration of fact.* All occupations in roofing operations are particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health.

(b) *Definition of "roofing operations".* The term "roofing operations" shall mean all work performed in connection with the application of weatherproofing materials and substances (such as tar or pitch, asphalt prepared paper, tile, slate, metal, translucent materials, and shingles of asbestos, asphalt or wood) to roofs of buildings or other structures. The term shall also include all work performed in connection with: (1) The installation of roofs, including related metal work such as flashing and (2) alterations, additions, maintenance, and repair, including painting and coating, of existing roofs. The term shall not include gutter and downspout work; the construction of the sheathing or base of

roofs; or the installation of television antennas, air conditioners, exhaust and ventilating equipment, or similar appliances attached to roofs.

(c) *Exemptions — (1) Apprentices.* This section shall not apply to the employment of an apprentice in the occupations declared particularly hazardous in paragraph (a) of this section: *Provided, however,* That (i) the apprentice is employed in a craft recognized as an apprenticeable trade; (ii) the work of the apprentice in the occupations declared particularly hazardous in paragraph (a) of this section is incidental to the apprentice training; such work is intermittent and for short periods of time, and such work is under the direct and close supervision of a journeyman as a necessary part of such apprentice training; and (iii) the apprentice is registered by the Bureau of Apprenticeship and Training of the United States Department of Labor as employed in accordance with the standards established by that Bureau, or is registered by a State agency as employed in accordance with the standards of the State apprenticeship agency recognized by the Bureau of Apprenticeship and Training, or is employed under a written apprenticeship agreement under conditions which are found by the Secretary of Labor to conform substantially with such Federal or State standards.

(2) *Student-learners.* This section shall not apply to the employment of a student-learner in the occupations declared particularly hazardous in paragraph (a) of this section: *Provided, however,* That such a student-learner is enrolled in a course of study and training in a cooperative vocational training program under a recognized State or local educational authority or in a course of study in a substantially similar program conducted by a private school: *Provided further,* That such student-learner be employed under a written agreement which shall provide: (i) That the work of the student-learner in the occupations declared particularly hazardous in paragraph (a) of this section shall be incidental to his training, that such work shall be intermittent and for short periods of time, and that such work shall be under the direct and close supervision of a qualified and experienced person; (ii) that safety instruction shall be given by the school and correlated by the employer with on-the-job training; and (iii) that a schedule of organized and progressive work processes to be performed on the job shall have been prepared. Such a written agreement shall contain the name of the student-learner, and shall be signed by the employer and the school coordinator or principal. Copies of the agreement shall be kept on file by both the school and the employer. This exemption for the employment of student-learners may be revoked in any individual situation wherein it is found that reasonable precautions have not been observed for the safety of minors employed thereunder.

(d) *Higher standards.* This section shall not justify noncompliance with any Federal or State law or municipal

ordinance establishing higher standards than those established in this section. (Sec. 3(1), 52 Stat. 1060, as amended; 29 U.S.C. 203(1). Interpret or apply sec. 18, 52 Stat. 1069, 29 U.S.C. 218)

Signed at Washington, D.C., this 27th day of December 1961.

W. WILLARD WIRTZ,
Acting Secretary of Labor.

[F.R. Doc. 62-136; Filed, Jan. 4, 1962; 8:50 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2575]

IDAHO AND UTAH

Withdrawing Lands for Use of the Forest Service as Recreation Areas, and Administrative Sites and for Roadside Zone Addition

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

1. Subject to valid existing rights, the following-described public lands in the Payette National Forest, Idaho, and the Fishlake National Forest, Utah, are hereby withdrawn from prospecting, location, entry and purchase under the mining laws of the United States, and reserved as follows:

a. For use of the Forest Service, Department of Agriculture, as administrative sites and recreation areas, as indicated:

[Idaho 011736]

BOISE MERIDIAN

PAYETTE NATIONAL FOREST

Canyon Recreation Area

Beginning at the intersection of the south line of section 20 and the west bank of the South Fork Salmon River at low water, thence north 40 chains, more or less, to the north line of Lot 6, thence east approximately 6 chains to the west bank of South Fork Salmon River at low water line, thence southerly along west bank of said river at low water line to point of beginning and located wholly within the following described subdivisions:

T. 20 N., R. 7 E.,
Sec. 20, lots 6 and 7.

Hamilton Bar Recreation Area

T. 20 N., R. 6 E.,
Sec. 35, lots 3 and 4.

Indian Recreation Area

T. 19 N., R. 6 E.,
Sec. 3, W $\frac{1}{2}$ of lot 4, SE $\frac{1}{4}$ of lot 4, E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, and NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$.

Mann Creek Administrative Site

T. 13 N., R. 5 W.,
Sec. 4, N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 14 N., R. 5 W.,

Sec. 33, S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.

No. 3—5

Paddy Flat Administrative Site

T. 17 N., R. 4 E.,
Sec. 27, SE $\frac{1}{4}$.

Camp Creek Seed Production Area

T. 18 N., R. 6 E.,
Sec. 15, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 22, N $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$.

Circle C Seed Production Area

T. 20 N., R. 2 E.,
Sec. 19, S $\frac{1}{2}$ S $\frac{1}{2}$ of lot 2, lot 3.

Long Tom Creek Recreation Area

Beginning at the section corner common to Secs. 5 and 6 on the surveyed north line of T. 24 N., R. 5 E.; thence west along the north line of said Sec. 6, 660 feet; thence north to the south bank of the Salmon River; thence easterly along the south bank of the Salmon River approximately 850 feet; thence south to the north line of Sec. 5, T. 24 N., R. 5 E.; thence west along the north line of Sec. 5, T. 24 N., R. 5 E.; 165 feet to the point of beginning and located wholly within the following subdivisions of unsurveyed land which will be when surveyed:

T. 25 N., R. 5 E.,
Sec. 31, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 32, SW $\frac{1}{4}$ SW $\frac{1}{4}$.
The areas described aggregate 483.14 acres.

b. For use of the Forest Service, Department of Agriculture, as an addition to the Salina-Emery Highway Roadside zone reserved by Public Land Order No. 2354 of April 27, 1961:

[Utah 010063]

SALT LAKE MERIDIAN

FISHLAKE NATIONAL FOREST

T. 24 S., R. 4 E.
A strip of land 200 feet on each side of the center line of Utah Highway No. 10 through the following legal subdivisions:
Sec. 2, E.E.S. 180, lots 2 to 5, incl.
Containing 162.47 acres.

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

DECEMBER 28, 1961.

[F.R. Doc. 62-120; Filed, Jan. 4, 1962; 8:50 a.m.]

[Public Land Order 2576]

[Wyoming 059852]

WYOMING

Withdrawal for Forest Service Recreation Area

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

Subject to valid existing rights the following-described lands in the Targhee National Forest are hereby withdrawn from prospecting, location, entry, and purchase under the mining laws of the United States for use of the Forest Service as the West Table Creek Recreation Area:

SIXTH PRINCIPAL MERIDIAN
T. 38 N., R. 11 $\frac{1}{2}$ W. (unsurveyed), Sec. 36, SW $\frac{1}{4}$.
Containing 160 acres.

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

DECEMBER 28, 1961.

[F.R. Doc. 62-121; Filed, Jan. 4, 1962; 8:50 a.m.]

[Public Land Order 2577]
[Utah 058228]

UTAH

Withdrawing Lands for Use of Department of the Air Force

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

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws nor disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, and reserved for use of the Department of the Air Force for military purposes:

SALT LAKE MERIDIAN

T. 11 N., R. 5 W.,
Sec. 4, SE $\frac{1}{4}$ SE $\frac{1}{4}$.
Containing 40 acres.

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

DECEMBER 28, 1961.

[F.R. Doc. 62-122; Filed, Jan. 4, 1962; 8:50 a.m.]

[Public Land Order 2578]

[Wyoming 075755]

WYOMING

Withdrawing Lands for Use of Bureau of Land Management as Administrative Site

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

Subject to valid existing rights, the following-described public lands in Wyoming are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved for use of the Bureau of Land Management, Department of the Interior, as an administrative site:

SIXTH PRINCIPAL MERIDIAN

T. 21 N., R. 8 $\frac{1}{2}$ W.,
Sec. 8, lot 161.
Containing 5.81 acres.

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

DECEMBER 28, 1961.

[F.R. Doc. 62-123; Filed, Jan. 4, 1962; 8:50 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 10—PUBLIC SAFETY RADIO SERVICES

Definition of Terms

In the matter of amendment of Part 10 of the Commission's rules to effect certain editorial changes concerning the definition of terms therein.

The Commission having under consideration the need of amending the list of definitions of terms in use in Part 10 of its rules; and

It appearing that, by its second memorandum opinion and order in Docket 13928, released October 25, 1961 (FCC 61-1235), the Commission amended Part 2, inter alia, to make the definitions of terms therein conform to those adopted in Geneva Radio Regulation (1959), and that Part 10 should be amended to conform to Part 2 in that respect, and to make certain other adjustments of an editorial nature; and

It further appearing that, the amendments ordered herein are editorial in nature, hence the notice, procedural and effective date provisions of section 4 of the Administrative Procedures Act are not applicable; and

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

It is ordered, This 29th day of December 1961, that effective January 8, 1962, § 10.2, Part 10, is amended as set forth below.

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

Released: December 29, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

In § 10.2 (a), (b), and (c), the definitions for Public Safety Radio Services, Base Station, Land Station, and Harmful Interference are amended and new definitions for Land Mobile Service, Radiolocation, Radiolocation Mobile Station and Safety Service are added in alphabetical order as follows:

§ 10.2 Definitions.

* * * *

(a) * * *

Land mobile service. A mobile service between base stations and land mobile stations, or between land mobile stations.

* * * *

Public safety radio services. Any service of radiocommunication essential either to the discharge of non-Federal government functions or the alleviation of an emergency endangering life or property, the radio transmitting facilities of which are defined as fixed, land, mobile, or radiolocation stations.

Radiolocation. Radiodetermination used for purposes other than those of radionavigation. (For the purposes of this part, radiolocation will include speed measuring devices.)

Safety Service. A radiocommunication service used permanently or temporarily for the safeguarding of human life and property.

* * * *

(b) * * *

Base station. A land station in the land mobile service carrying on a service with land mobile stations.

* * * *

Land station. A station in the mobile service not intended to be used while in motion.

* * * *

Radiolocation mobile station. A station in the radiolocation service intended to be used while in motion or during halts at unspecified points.

* * * *

(c) * * *

Harmful interference. Any emission, radiation or induction which endangers the functioning of a radionavigation service or of other safety services or seriously degrades, obstructs or repeatedly interrupts a radiocommunication service operating in accordance with this chapter.

[F.R. Doc. 62-93; Filed, Jan. 4, 1962; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 12—AREAS CLOSED TO HUNTING

Certain Lands and Waters Within and Adjacent to Back Bay National Wildlife Refuge, Virginia

On page 4285 of the FEDERAL REGISTER of October 19, 1939, there was published Presidential Proclamation No. 2370, dated October 16, 1939, designating as a closed area certain lands and waters adjacent to the Back Bay Migratory Waterfowl Refuge. The name of the refuge was changed to the Back Bay National Wildlife Refuge by Presidential Proclamation No. 2416, dated July 25, 1940, and published in the FEDERAL REGISTER on July 30, 1940.

Since the closed area was established by Proclamation No. 2370, erosion has so changed the shorelines or island extremities in a number of cases that it has been necessary to resurvey and reestablish the proclamation boundary either with permanent monumentation or references thereto.

Pursuant to the Act of July 3, 1918 (40 Stat. 755, as amended; 16 U.S.C. 704) and the 1939 Reorganization Plan No. II (53 Stat. 1433), certain areas of land and water not now owned by the United States and adjacent to lands of the Back Bay National Wildlife Refuge in Princess Anne County, Virginia, and lying within the boundary as set forth below are hereby designating as closed to the hunting of migratory birds.

The effect of this designation is merely to make a few minor changes in the boundary of the previously established closed area and for this reason it has been deemed unnecessary to publish it as proposed rule making (5 U.S.C. 1003).

This designation shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

The text of the designation is as follows:

Having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of migratory birds included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936, I hereby designate as a closed area in or on which pursuing, hunting, taking, capturing, or killing of migratory birds, or attempting to take, capture, or kill migratory birds is not permitted, an area of land and water in Princess Anne County, Virginia, comprising certain lands and waters adjacent to the Back Bay National Wildlife Refuge, and embraced within the following boundary:

Commencing at U.S. Coast and Geodetic Survey triangulation station CLUB; Geographic Position 36°41'35.53" north latitude and 75°55'28.19" west longitude; thence S. 10°43' W., 1,958.3 feet to Corner 1, an iron pipe, the place of beginning, which is also Corner 6, of United States tract (39), in the eastern part of Deep Creek, at Shipp's Bay; thence EAST, across marsh and sand dunes, a distance of approximately 1,550 feet to Corner 2, in the line of mean low water of the Atlantic Ocean; thence southerly along said line of mean low water, approximately 22,416 feet to Corner 3, in said line of mean low water; thence S. 87°59' W., across sand dunes, flats and marsh, at approximately 6,180 feet pass a standard concrete post, and continuing 69.8 feet further a total distance of approximately 6,250.0 feet to Corner 4, an iron pipe, approximately in the line of mean low water on east side of Sand Bay; thence with 10 lines in Sand Bay, S. 89°57' W., 2,979.6 feet to Corner 5, an iron pipe; S. 14°27' W., 952.3 feet to Corner 6, an iron pipe; S. 7°13' E., 288.0 feet to Corner 7, an iron pipe; S. 23°49' E., 1,005.4 feet to Corner 8, an iron pipe; S. 39°31' E., 1,171.3 feet to Corner 9, an iron pipe; S. 8°04' E., 1,146.9 feet to Corner 10, an iron pipe; S. 25°44' W., 1,044.6 feet to Corner 11, an iron pipe; S. 20°03' W., 1,363.4 feet to Corner 12, an iron pipe; S. 31°44' W., 986.9 feet to Corner 13, an iron pipe; N. 89°08' W., approximately 1,500 feet to Corner 14, a wood post, approximately in the line of mean low water of Cedar Island Gap, opposite the most southern point of Ragged Island; thence E. 70°56' W., in Cedar Island Gap, 241.3 feet to Corner 15, a wood post, approximately in the line of mean low water and 16 feet southwesterly from a point of marsh on Ragged Island; thence N. 51°14' W., in Back Bay, 12,026.1 feet to Corner 16, an iron pipe, approximately 40 feet southwesterly from Rock Point, the southwestern point of Haul Over Island; thence W. 9°26' E., between Back Bay and Red Head Bay, 906.7 feet to Corner 17, an iron

pipe, approximately in the line of mean low water at North Point, the most northwesterly point of Haul Over Island; thence N. 56°55' E., in Red Head Bay, 5,189.9 feet to Corner 18, an iron pipe, approximately in the line of mean low water at Heaven Point; thence N. 21°04' W., continuing in Red Head Bay, 2,932.3 feet to Corner 19, an iron pipe, in water and approximately 25 feet from edge of marsh; thence N. 9°26' W., 2,657.1 feet to Corner 20, an iron pipe, in the eastern part of Great Narrows; thence S. 87°36' W., crossing Great Narrows, 1,260.0 feet to Corner 21, an iron pipe, approximately in the line of mean low water on west side of Great Narrows; thence S. 10°49' W., 1,605.9 feet to Corner 22, an iron pipe, approximately in the line of mean low water and 13 feet from edge of marsh at South Point and also at the confluence of the southwest part of Great Narrows with Red Head Bay; thence S. 83°06' W., within Red Head Bay, 2,340.7 feet to Corner 23, an iron pipe, in Red Head Bay, approximately 50.5 feet southerly from Long Point; thence N. 23°40' W., continuing in Red Head Bay, 2,761.0 feet to Corner 24, an iron pipe, approximately in the line of mean low water at the southeast corner of Head Bay Cove; thence N. 63°59' W., between Red Head Bay and Head Bay Cove, 695.5 feet to Corner 25, which is also Corner 4 of United States tract (38a), approximately in the line of mean low

water at West Head Bay Point, now monumented with a standard concrete post; thence N. 80°35' W., across marsh, 2,853.8 feet to corner 26, in the line between marsh and high land, now monumented with a standard concrete post; thence along the line between marsh and high land, N. 23°17' E., 736.6 feet to Corner 27, an iron pipe; N. 16°29' W., 785.4 feet to Corner 28, a standard concrete post; thence N. 1°57' W., 155.1 feet to Corner 29, an iron pipe; thence N. 12°58' E., 458.7 feet to Corner 30, an iron pipe, at edge of marsh and high land; thence along line between marsh and high land, N. 2°04' W., 135.3 feet to a point; N. 25°44' W., 163.0 feet to a point; N. 7°38' E., 701.6 feet to a point; N. 25°14' W., 37.0 feet to Corner 31, a standard concrete post; thence across marsh, S. 73°22' E., 2,277.0 feet to Corner 32, an iron pipe; thence S. 74°04' E., 1,057.3 feet to Corner 33, an iron pipe; thence N. 8°00' E., 940.5 feet to Corner 34, a standard concrete post; thence N. 18°35' W., 308.9 feet to Corner 35, an iron pipe, approximately in line of mean low water on the southeast side of Sylvester's Cove; thence N. 57°05' E., a distance of 278.7 feet to Corner 36, a wood post, approximately in line of mean low water opposite small point of marsh and south of Sylvester's Island; thence N. 65°29' E., in the waters of Sylvester's Cove and Shipp's Bay, 1,139.0 feet to Corner 37, an iron pipe, approximately in the

line of mean low water, 10 feet westerly from point of marsh on the north side of Kemps Creek; thence N. 49°15' E., a distance of 2,197.2 feet to Corner 38, an iron pipe, approximately in the line of mean low water, six feet northeast from small point of marsh; thence N. 64°37' E., in Shipp's Bay, 1,593.6 feet to Corner 39, an iron pipe, in water, 40 feet northwest from small point of marsh and about 350 feet southeast from Auger Island; thence N. 33°58' E., in Shipp's Bay, 1,632.8 feet to Corner 40, a wood post, approximately in line of mean low water and eight feet northerly from Walkers Island Point; thence N. 66°13' E., continuing in Shipp's Bay, 6,794.9 feet to Corner 41, an iron pipe, approximately in the line of mean low water and 18 feet north from the most northerly point of Long Island, from which a standard concrete post marked, "21 WC CORNER 1 TRACT 39F 1937", used for a reference mark, bears S. 43°48' E., 27.7 feet; thence from said Corner 41, N. 89°40' E., crossing Deep Creek, 1,480.6 feet to the place of beginning.

STEWART L. UDALL,
Secretary of the Interior.

DECEMBER 29, 1961.

[F.R. Doc. 62-115; Filed, Jan. 4, 1962;
8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

I 26 CFR Part 1 I

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Filing of Certain Information; Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954.

(68A Stat. 917; 26 U.S.C. 7805)

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

In order to require the use of Form 2950 to supply certain information required under § 1.404(a)-2 of the Income Tax Regulations (26 CFR Part 1), to require that such information be filed with the income tax return, and to make certain other administrative changes, paragraphs (a) (7), (8), and (9), (b), (c), (d), and (e) of such section are hereby amended to read as follows:

§ 1.404(a)-2 Information to be furnished by employer claiming deductions.

(a) * * *

(7) If a pension or annuity plan, a detailed description of all the methods, factors, and assumptions used in determining costs and in adjusting the costs for actual experience under the plan (including any loadings, contingency reserves, or special factors and the basis of any insured costs or liabilities involved therein) explaining their source and application in sufficient detail to permit ready analysis and verification thereof, and, in the case of a trust, a

detailed description of the basis used in valuing the investments held.

(8) In the case of a pension or annuity plan, a summary of the costs or liabilities and adjustments for the year under the plan based on the application of the methods, factors, and assumptions used under the plan, in sufficient detail to permit ready verification of the reasonableness thereof.

(9) A statement of the contributions paid under the plan for the taxable year showing the date and amount of each payment. Also, a statement of the applicable limitations under section 404 (a) (1), (2), (3), or (7) and an explanation of the method of determining such limitations, a summary of the data, and a statement of computations necessary to determine the allowable deductions for the taxable year.

(b) For taxable years subsequent to the year for which all of the applicable information under paragraph (a) of this section (or corresponding provisions of prior regulations) has been filed, information is to be filed only to the following extent:

(1) If there is any change in the plan, instruments, methods, factors, or assumptions upon which the data and information specified in paragraph (a) (1), (2), or (7) of this section are based, a detailed statement explaining the change and its effect is to be filed only for the taxable year in which the change is put into effect. However, if there is no such change, unless otherwise requested by the district director, merely a statement that there is no such change is to be filed.

(2) The information specified in paragraph (a) (3) of this section which has been filed for a taxable year, unless otherwise requested by the district director and so long as the plan and the method and basis of allocations are not changed, is to be filed for subsequent years only to the extent of showing in the tabulation such information with respect to employees who, at any time in the taxable year, own, directly or indirectly, more than 5 percent of the voting stock, considering stock so owned by an individual's spouse or minor lineal descendant as owned by the individual for this purpose.

(3) The information specified in paragraph (a) (4), (5), (6), (8), and (9) of this section.

In the case of corporate employers, the information required to be submitted by this paragraph shall, except as otherwise provided by the Commissioner, be filed on Form 2950 for taxable years ending on or after December 31, 1961. In the case of other employers, the information required to be submitted by this paragraph shall, except as otherwise provided by the Commissioner, be filed on Form 2950 for taxable years ending on or after December 31, 1962.

(c) If a deduction is claimed under section 404(a) (5) for the taxable year, the taxpayer shall furnish such information as is necessary to show that the deduction is not allowable under the other paragraphs of section 404(a), that the amount paid is an ordinary and necessary expense or an expense for the production of income, and that the employees' rights to, or derived from, such employer's contribution or such compensation were nonforfeitable at the time the contribution or compensation was paid. In the case of corporate employers, the information required to be submitted by this paragraph shall, except as otherwise provided by the Commissioner, be filed on Form 2950 for taxable years ending on or after December 31, 1961. In the case of other employers, the information required to be submitted by this paragraph shall, except as otherwise provided by the Commissioner, be filed on Form 2950 for taxable years ending on or after December 31, 1962.

(d) For the purpose of the information required by this section, contributions paid in a taxable year shall include those deemed to be so paid in accordance with the provisions of section 404(a) (6) and shall exclude those deemed to be paid in the prior taxable year in accordance with such provisions. As used in this section, "taxable year" refers to the taxable year of the employer and, unless otherwise requested by the district director, a "year" which is not specified as a "taxable year" may be taken as the taxable year of the employer or as the plan, trust, valuation, or group contract year with respect to which deductions are being claimed provided the same rule is followed consistently so that there is no gap or overlap in the information furnished for each item. In any case the date or period to which each item of information furnished relates should be clearly shown. In the case of a taxable year ending on or after December 31, 1962, all the information required by this section shall be filed with the tax return for the taxable year in which the deduction is claimed. In the case of a taxable year ending before December 31, 1962, all the information required by this section should be filed with the tax return for the taxable year in which the deduction is claimed, except that, unless sooner requested by the district director, such information, other than that specified in paragraph (a) (4) (i) and (9) of this section, may be filed within 12 months after the close of the taxable year provided there is filed with the tax return a statement that the information cannot reasonably be filed therewith, setting forth the reasons therefor.

(e) In any case all the information and data required by this section must be filed in the office of the district direc-

tor in which the employer files his tax returns and must be filed independently of any information and data otherwise submitted in connection with a determination of the qualification of the trust or plan under section 401(a). The district director may, in addition, require any further information that he considers necessary to determine allowable deductions under section 404 or qualification under section 401. For taxable years ending on or before December 31, 1961, the district director may waive the filing of such information required by this section which he finds unnecessary in a particular case. For taxable years ending after December 31, 1961, the Commissioner may waive the filing of such information.

[F.R. Doc. 62-145; Filed, Jan. 4, 1962; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

OPERATION AND MAINTENANCE CHARGES

Colorado River Indian Irrigation Project, Arizona

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the acts of August 1, 1914, and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 USC 385-387), it is proposed to amend § 221.8 of Title 25, Code of Federal Regulations, as set forth below. The purpose of the amendment is to permit the payment of 50 percent of the annual operation and maintenance assessment on February 1 and the remaining 50 percent on or before July 1 of each year.

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 Indian Affairs, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

The introductory paragraph of § 221.8 is amended to read as follows:

§ 221.8 Payment.

One-half the basic water charge fixed in § 221.6 shall become due and payable on February 1 of each year, which entitles the water user to not more than one-half of the total basic water allotment prior to July 1, on which date the second half of the basic water charge shall be paid. Water delivery will not be continued for any tract after July 1 of any year unless and until the remaining half of the basic water charge shall have been paid. To all charges assessed against Indian lands under lease which are not paid on or before July 1 of each year there shall be added a

penalty of one-half of one percent per month or fraction thereof from February 1 until paid. Water will not be delivered to any tract of land in succeeding years until full payment of the previous years' operation and maintenance assessments, inclusive of penalties, has been made, or unless arrangements have been made under paragraph (a), (b) or (c) of this section.

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

DECEMBER 28, 1961.

[F.R. Doc. 62-117; Filed, Jan. 4, 1962; 8:49 a.m.]

Fish and Wildlife Service

[50 CFR Part 274]

FROZEN FLOUNDER AND SOLE FILLETS

United States Standards for Grades

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 6(a) of the Fish and Wildlife Act of August 8, 1956 (16 U.S.C. 742e), it is proposed to amend Title 50 Code of Federal Regulations by the addition of a new Part 274. The purpose of this amendment is to issue standards for grades of frozen flounder and sole filets in accordance with the authority contained in Title II of the Agricultural Marketing Act of August 14, 1946, as amended (7 U.S.C. 1621-1627). These regulations, if made effective, will be the first issued by the Department of the Interior prescribing Government standards for this commodity.

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 amendment to the Director, Bureau of Commercial Fisheries, U.S. Fish and Wildlife Service, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

JAMES K. CARR,
Acting Secretary of the Interior.

DECEMBER 29, 1961.

PART 274—UNITED STATES STANDARD FOR GRADES OF FROZEN FLOUNDER AND SOLE FILLETS¹

- 274.1 Description of the product.
- 274.2 Styles of frozen flounder and sole filets.
- 274.3 Grades of frozen flounder and sole filets.
- 274.11 Determination of the grade.
- 274.21 Definitions.
- 274.25 Tolerances for certification of officially drawn samples.

¹ Compliance with the provisions of this standard shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

§ 274.1 Description of the product.

Frozen flounder and sole filets consist of clean, wholesome filets processed and frozen in accordance with good commercial practice and maintained at temperatures necessary for their preservation. The filets may be cut transversely or longitudinally into subunits.

NOTE: This standard does not provide for the grading of units of fish flesh cut from previously frozen fish blocks, slabs, or similar material.

The product covered by this standard is prepared from the following species only:

SOLE

Dover sole (*Microstomus pacificus*)
English sole (*Parophrys vetulus*)
Gray sole (*Glyptocephalus cynoglossus*)
Petrale sole (*Eopsetta jordanii*)
Lemon sole (*Pseudopleuronectes americanus*, over 3½ pounds)
Rock sole (*Lepidopsetta bilineata*)
Sand sole (*Psettichthys melanostictus*)

FLOUNDER

Blackback (*Pseudopleuronectes americanus*, less than 3½ pounds)
Yellowtail flounder (*Limanda ferruginea*)
Dab, plaice (*Hippoglossoides platessoides*)
Fluke (*Paralichthys dentatus*)
Starry flounder (*Platichthys stellatus*)

§ 274.2 Styles of frozen flounder and sole filets.

(a) *Style I—Solid pack.* Filets are frozen together. Individual filets can be separated only by thawing the entire package or part of the package, depending on absence or presence of separators.

(1) *Substyle A.* Filets are packed into a single solid block.

(2) *Substyle B.* Filets are subpacked with separators into smaller weight units.

(b) *Style II—Individually-quick-frozen pack (IQF).* Filets are individually quick frozen. Individual filets can be separated without thawing.

§ 274.3 Grades of frozen flounder and sole filets.

(a) "U.S. Grade A" is the quality of frozen flounder or sole filets for which the total score is not less than 85 points, when the filets are rated in accordance with the scoring system outlined in the following sections.

(b) "U.S. Grade B" is the quality of frozen flounder or sole filets for which the total score is less than 85 points but is not less than 70 points, when the filets are rated in accordance with the scoring system outlined in the following sections.

(c) "Substandard" is the quality of frozen flounder or sole filets that fail to meet the requirements of the U.S. Grade B.

§ 274.11 Determination of the grade.

The grade is determined by observing the product in the frozen, thawed, and cooked states and is evaluated by numerical scoring. Points are deducted for variations of quality for each factor in accordance with the schedule in table 1. The total of the points deducted is subtracted from 100 to obtain the score. The maximum score is 100; the minimum score is 0.

TABLE 1—SCHEDULE OF POINT DEDUCTIONS PER POUND OF FLOUNDER OR SOLE FILLETS AND GRADING SCORE SHEET

	Scored factors	Description of quality variation	Deduct	Deductions
Frozen	1. Appearance.....	Adversely affected by imbedded packaging material, voids, depressions, surface irregularity, and poor arrangements of fillets:	Slight..... Moderate..... Excessive.....	2 4 10
	2. Dehydration.....	For each inch square (determined by grid) of affected area:	Color masking, easily scraped off..... Deep, not easily scraped off.....	1/2 1
Thawed	3. Weights.....	(a) For each fillet or piece less than 1 oz., except first fillet or piece. (b) For sole only: For each fillet from 1-2 oz., except first fillet. For flounder only: For each fillet from 1-2 oz., except first three fillets.		5 2 2
	4. Workmanship defects.....	For each inch square (determined by grid) of affected area:	(a) Cutting and trimming (ragged edges, holes, tears, improper or unnecessary cuts and lace). (b) Blemishes (belly lining, blood spots, bruises, extraneous material, fins, discolored pugh marks, scales and skin). (c) Bones (bones normally removed).....	1/2 2 3
	5. Color.....	(a) Deteriorative discoloration (yellowing of fatty portion and/or darkening of light portion). (b) Non-uniformity of color (natural color differences within package due to packing fish of contrasting color).	Slight..... Moderate..... Excessive..... Moderate..... Excessive.....	2 5 15 3 5
	6. Abnormal condition.....	Usability and/or desirability of fillets impaired by abnormal conditions (jellied, milky, chalky).	Moderate..... Excessive.....	16 31
	7. Texture.....	Tough, dry, fibrous, or watery for species involved.	Slight..... Moderate..... Excessive.....	4 8 15
	8. Odor and flavor.....	Very good: Full typical odor and flavor of fresh fish..... Good: Noticeable decrease in typical odor and flavor of fresh fish..... Reasonably good: Lacking typical odor and flavor of fresh fish, but not objectionable..... Substandard: Objectionable odor and/or flavor.....		6 16 31
Total deductions.....				
Score (100 minus total deductions).....				
Grade (100 to 85=Grade A; 84 to 70=Grade B; 69 and below=Substandard).....				

Label..... Actual net weight..... lb.oz.
 Size of lot..... Size and kind of container.....
 Size of sample..... Container mark or identification.....
 Number of packages per master carton..... Type of overwrap.....
 Remarks.....

§ 274.21 Definitions.

(a) "Slight" refers to a condition that is scarcely noticeable but that does affect the appearance, desirability, and/or eating quality of the fillets.
 (b) "Moderate" refers to a condition that is conspicuously noticeable but that does not seriously affect the appearance, desirability, and/or eating quality of the fillets.
 (c) "Excessive" refers to a condition that is conspicuously noticeable and that does seriously affect the appearance, desirability, and/or eating quality of the fillets.
 (d) "Bones normally removed" refers to (1) nape membrane bones (adjacent to visceral cavity) and to (2) radial bones (adjacent to fins and lace area).
 (e) "Determined by grid" means that a transparent grid of 1-inch squares is placed over the defect area, and points are deducted (as specified in table 1) for each square of affected area under the grid, each square being counted as one whether it is full or fractional.
 (f) "Thawed state" means that the frozen product has been placed within a film-type pouch and warmed to an internal temperature of about 32° F by immersing the pouch in running tap water of about 50° to 70° F. Thawing

time usually takes 25 to 45 minutes for a 1-pound package.

(g) "Cooked state" means that the thawed, unseasoned product has been placed within a boilable film-type pouch and heated to an internal temperature of about 160° F by immersing the pouch in boiling water. Cooking time usually ranges from 3 to 5 minutes for single fillets and from 7 to 10 minutes for 1-pound packages of fillets.

(h) "Actual net weight" means the weight of the fish flesh within the package after all packaging material, ice glaze, or other protective coating have been removed. ("Actual net weight" of frozen glazed fillets is determined as follows: (1) Rapidly remove excessive ice layers or pockets with running tap water or nozzle-type water spray. (2) Rapidly thaw remaining surfaces of frozen fish sufficiently with tap water or spray to prevent refreezing free surface water. (3) Gently wipe off all free water with a moisture-saturated paper towel. (4) Weigh the fish to obtain "actual net weight").

(i) "Abnormal condition" means that the normal physical and/or chemical structure of the fish flesh has been sufficiently altered so that the usability and/or desirability of the fillet is ad-

versely affected. It includes, but is not limited to, the following examples:

(1) "Jellied" refers to the abnormal condition wherein a fillet is partly or wholly characterized by a gelatinous, glossy, translucent appearance, feels slimy to the touch, and retains its gelatinous, slimy properties in the cooked state.

(2) "Milky" refers to the abnormal condition wherein a fillet is partly or wholly characterized by a milky-white, excessively mushy, pasty, or fluidized appearance.

(3) "Chalky" refers to the abnormal condition wherein a fillet is partly or wholly characterized by a dry, chalky, granular appearance and fiberless structure.

(j) "Odor and flavor" is classified as follows:

(1) "Very good": Fish in this category have essentially the full, good typical odor, and flavor of the indicated species.

(2) "Good": Fish in this category show a noticeable decrease of the good, typical odor and flavor of the indicated species, and/or may have certain less acceptable natural environmental odors and flavors of slight intensity (iodoform-type, phenolic-type, feed-type, etc.), but may have no off odors and flavors.

(3) "Reasonably good": Fish in this category may be flat, or completely lacking in the good typical odor and flavor of the indicated species, and/or may have certain less acceptable natural environmental odors and flavors of moderate intensity (iodoform-type, phenolic-type, feed-type, etc.) but may have no objectionable odors and flavors.

(4) "Substandard": Fish in this category have odors and flavors that are objectionable.

LOT CERTIFICATION TOLERANCES

§ 274.25 Tolerances for certification of officially drawn samples.

The sample rate and grades of specific lots shall be certified in accordance with Part 260 of this chapter (Regulations Governing Processed Fishery Products, Vol. 25 F.R. 8427 Sept. 1, 1960).

[F.R. Doc. 62-116; Filed, Jan. 4, 1962; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 959]

[A0-322-A1]

ONIONS GROWN IN SOUTH TEXAS

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

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk, United States Department of Agriculture, of this recommended decision with respect to

proposed amendments to Marketing Agreement No. 143 and Order No. 133 (7 CFR Part 959 (formerly Part 1033)), regulating the handling of onions grown in designated counties in South Texas (the Counties of Val Verde, Kinney, Uvalde, Medina, Wilson, Karnes, Goliad, Victoria, Calhoun, Maverick, Zavala, Frio, Atascosa, Dimmit, La Salle, McMullen, Live Oak, Bee, Refugio, Webb, Duval, Jim Wells, San Patricio, Nueces, Zapata, Jim Hogg, Brooks, Kleberg, Kenedy, Starr, De Witt, Aransas, Hidalgo, Willacy, and Cameron). This regulatory program is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674) hereinafter called the "act."

Interested persons may file exceptions to this recommended decision with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., not later than the close of business on the 10th day after its publication in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. A public hearing was held on November 28, 1961, at Edinburg, Texas, to consider proposed amendments to Marketing Agreement No. 143 and Order No. 133 (hereinafter referred to as the present order). This hearing was held pursuant to notice thereof which was published in the November 17, 1961, FEDERAL REGISTER (26 F.R. 10772). Such notice set forth the proposed amendments.

Material issues. The material issues presented on the record of hearing are as follows:

- (1) The amendment of § 959.7, *Handle*, to extend its applicability to shipments of onions within the production area;
- (2) The amendment of § 959.12, *Pack*;
- (3) The amendment of § 959.31, *Alternate members*;
- (4) The amendment of § 959.52, *Issuance of regulations*, to authorize the establishment of "shipping holidays"; and
- (5) The amendment of such other sections as are necessary to conform the present order to the proposed amendments.

Findings and conclusions. The findings and conclusions on the material issues, all of which are based upon the evidence presented at the hearing and the record thereof, are as follows:

- (1) The term "handle," as defined in the present order, is synonymous with "ship" and means to package, sell, transport, or in any way to place onions in the current of the commerce between the production area and any point outside thereof. Such term shall not include the transportation, sale, or delivery of onions to a person in the production area who is a registered handler.

The proposed amendment to this section adds "within the production area" to the commerce in onions which may be regulated as handling within terms of the order. It excludes only "field-run" onions delivered or sold to a registered handler from the definition of "handle"

instead of "onions" as provided in the present order.

A million people or more, according to the record evidence, live in the production area. They comprise an important portion of the consuming public and a substantial market for all onions, including South Texas onions.

The market within the production area should be protected against the sale of off-grade and poor quality onions, the same as markets outside the production area. The practice of selling culls and off-grades within the production area has, according to the record, practically eliminated markets in Texas from receiving good quality Texas onions. Consumers, shippers, and growers alike have been adversely affected since cull onions give only little, if any, satisfaction to consumers, while they depress prices of better quality onions which they displace in the market. In addition, and most important, they return little or nothing to the producer.

During the 1960-61 marketing season, the first period of operation under the present order, shipments of onions out of the production area were regulated as to grade, size, quality and condition. However, shipments within the production area, which comprises 35 counties in South Texas, were not regulated. As a result, culls and other off-grade onions were permitted to move freely within the production area. A "cull" in trade terminology is an onion of inferior quality which falls below the requirements of any grade and is not considered suitable for fresh market use from the standpoint of quality.

With no limitations on movement within the production area, cull onions moved freely in volume from packing houses and fields, from one town to another, and from one district to another. In previous years, shippers as a matter of usual marketing, sold pick-outs (onions of inferior quality or size, sorted out of the marketable onions of good quality and size) to truckers. Packing house operators frequently engaged someone to haul the culls away for disposal and these culls would find their way to a trucker who would purchase them for a small amount. Occasionally a grower would have a field of onions which could not make grade because of excessive seed stems or other defects. Sometimes these onions would find their way into normal channels of commerce by being sold to a trucker or someone for a small sum as salvage. Some packing house operators have sold pick-outs and cull onions to truckers as a salvage operation. It generally costs about 20 cents a bag to harvest the onions and haul them to the packing house. If a shipper could salvage a part of that cost by selling the culls to a trucker at a nominal sum of \$20 to \$25 for a load of about 20,000 pounds, this would salvage part of the cost and save the cost of having the culls hauled away for disposal. However, the grower as a rule gets nothing out of the cull onions.

A trucker, for example, could come into the Valley, obtain a load of off-grade onions, transport them past the Valley check points with the declara-

tion that the onions were being transported to another point within the production area, such as Corpus Christi or Eagle Pass, then take the onions outside the production area and sell them at discount prices. Such sales would be in competition with onions properly graded and packed in accordance with regulations in effect under the order.

Cull onions compete with preferred grades and sizes. They find a place on the market and displace the sale of good quality onions. To sell, they must be discounted. Once they are discounted, lower prices are offered for quality onions. This reflects a lower price to the grower, and the grower generally has never received anything for the culls.

South Texas onions are marketed widely in interstate and foreign commerce and in the State of Texas, including the production area. The chief competition at the start of the season comes from old onions in storage which were grown in the northern states. Some onions are imported from Mexico and Chile and these imports compete with South Texas onions. Also, shipments from southern California and from Arizona begin during the Texas marketing period and they compete directly with South Texas onions.

Modern methods of rapid communication enable onion buyers and sellers to be in close touch with each other. When markets are generally overloaded with onions at the receiving end, prices decline and shipments back up resulting in a temporary surplus at shipping points and a weakening of prices. Also, reductions in supplies at shipping points, due to weather or other conditions, are quickly reflected in receiving markets by a strengthening of prices for onions. Prices at shipping points and at terminal markets tend to be closely related because factors affecting supplies at shipping points are soon known and reflected in prices at terminal markets and the reverse is also true.

Production area onions that are shipped to a market within the production area are sometimes diverted to markets outside the production area. It is not always known at the time of shipment whether the onions will be marketed within the production area or outside thereof. On very short notice a shipper can divert onions moving to a particular market to some other market. Such diversions are common in the onion trade.

Because of the interdependence of markets and the effect on all markets of any shipment or sale of onions, whether for distribution within the production area or outside thereof, it is found that all handling, as described herein, is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce. Hence, the right to exercise Federal jurisdiction with respect to handling operations within the production area is established.

The transportation, sale, or delivery of field-run onions to a registered handler in the production area for grading and packing should be excepted from the definition of "handle." Such onions

have not yet been prepared for market nor are they in their existing condition being transported to market. Most sellers and buyers do not consider them as yet suitable or appropriate for commercial transactions in the commodity, and as such, they have not yet entered the stream of commerce. Hence, they should be exempted from regulation at this time.

Field-run onions should also be allowed to move freely between registered handlers, since registered handlers occasionally need additional onions of a special variety or size to fill out an order which they customarily obtain from another handler. Packaged onions are also commonly bought, sold, or traded between registered handlers. Usually such packaged onions will have been inspected and move under a transfer certificate which will identify them as meeting the regulations which are in effect.

It is concluded, therefore, that the definition of "handle" should be amended as hereinafter set forth and that such amendment will tend to effectuate the declared policy of the Act.

(2) "Pack," as defined in the existing order means a quantity of onions in any type of container and which falls within specific weight limits, numerical limits, grade limits, size limits, or any combination of these, recommended by the committee and approved by the Secretary.

"Pack" as commonly used in the onion trade means one or more of these factors in combination with the type and condition of the container. "Container" as commonly used by the onion trade, means bright, clean, attractively printed, open mesh bags. This is taken as a matter of course and so understood, in regular trading in onions, as is the 50-pound net weight, unless otherwise specified. For example, a typical pack would be U.S. No. 1 medium Granos in new open mesh 50-pound sacks, with the name or brand of the shipper prominently displayed on the bag.

Some onions have been packed in used burlap bags and in dirty, misshapen, mesh bags. Also, cabbage sacks and "misprints" have been used at times for onion shipments. A "misprint" is a bag which has been misprinted and is sold at a discount to be inverted prior to filling. Onions packed in bags of this type or condition do not present a good appearance and sell for lower prices than onions packed in new mesh bags.

Bags are generally stretched out of shape by previous use so 56 or 57 pounds of onions may be required to fill them the next time. But if they are not filled to capacity they appear to be short weighted and usually are discounted. Yet, any extra weight is most likely to be a gift from the grower, as settlements with the grower usually are on a pack-out basis. This has the same effect as lowering the price of onions.

Some bags are constructed from material providing poor ventilation resulting in poor delivery condition. Onions so packed are discounted in price, often requiring reconditioning and sale to another buyer rather than the original buyer for an even lower price.

When onions are packed in used or unsuitable containers for sale in normal

fresh market channels, they are usually discounted in price. Also, if such onions should reach their destination and be rejected they may eventually be sold at drastically reduced prices which would be reflected back to the grower. Since such selling prices are often reported without a description of the special conditions of the sale they often have a depressing effect on the prices of all production area onions.

The grade, size and quality of production area onions are regulated under this program so that only the better quality and preferred sizes will be offered to the trade. To pack such onions in bags other than standard types or condition containers or otherwise unsuitable containers would be detrimental to the pack and would defeat the objectives of the grade and size regulations. Therefore, it is essential that the committee should have authority to recommend, and the Secretary to issue, regulations in terms of packs and to define and establish such packs in terms of the various factors which make up the definition of pack including types and condition of containers. Such authority is necessary to effectuate the other provisions of the order and § 959.12 *Pack*, should be amended to read as hereinafter set forth.

(3) The proposed amendment to § 959.31, *Alternate members*, would add the following provision to this section: "In the event both a member of the committee and his alternate are unable to attend a committee meeting, the member, his alternate, or the committee (in that order) may designate another alternate from the same district and from the same group (handler or grower) to serve in such member's place and stead."

When both a member and his alternate are unable to attend committee meetings the committee is handicapped in its operations. The best interests of the committee, a district, and the group would be served by allowing any other alternate from the same district and group, i.e., handler or grower, to attend in place of the absent member or his designated alternate. This authority would make it easier for the committee to have a quorum at its meetings and would obviate the waste of time and funds resulting from meetings held without enough members present to make up a quorum.

The privilege of designating an alternate to serve in place of a member or his alternate should first be afforded the member, then his alternate, whose place is being filled. In this way the alternate designated to attend the meeting would more likely express opinions similar to those he is replacing. If, however, there is no opportunity for the member or his alternate to name a replacement, the committee should have the authority to do so, provided the alternate named is from the same district and group as the absentee member.

It is concluded, therefore, that § 959.31, *Alternate members*, should be amended to read as hereinafter set forth.

(4) The proposed amendment to § 959.52 would add a new paragraph (b) (5) to provide authority to "establish holidays by prohibiting the packaging

and loading of onions on week-ends or other special periods. Special holidays may not be effective for more than 72 hours and not less than seven days may elapse between the termination of such a holiday and the beginning of the next such holiday."

There are times during the marketing season for South Texas onions when more onions are packed and loaded into cars and trucks than can be sold. Usually, these unsold cars are shipped as "rollers," i.e., cars in transit that have not been sold and which are usually consigned to the shipper. Only a few days of heavy shipments of rollers usually result in glutted markets and depressed prices for production area onions. As a consequence, the market becomes demoralized and onion prices often drop below the cost of production, harvesting, and packing. Without some curtailment of loadings there is little recovery from this condition. Past experience has proven that substantial curtailment of loadings, due to weather conditions or other causes, results in fairly rapid market stabilization. The most practical approach to this problem, according to record evidence, would be the establishment of a "holiday" which would completely stop packaging and loading of onions in the production area for a short period of time. In its practical effect, this would mean that the packing sheds would be shut down. The grading, packaging, and loading of onions would be temporarily discontinued. Such a holiday would, however, permit the movement of onions that were already inspected and billed, and would not stop the harvesting of onions in the field or bringing them to the packing house for storage or to the dryer. Also, selling would be permitted during a holiday since shippers would not want to miss any sales. Holiday periods should provide an opportunity to sell unsold cars already in transit and in the terminal markets.

Holidays could be put into effect when the market is glutted, or on week-ends, so as to eliminate the preparation for market and loading of onions when receivers and other buyers in the terminal markets are not open for business. Most terminal markets now operate on a five day week, while some onion shippers in the production area still operate six or seven days a week. Thus week-end holidays, consisting of one or two days a week, as may be recommended by the committee and approved by the Secretary, would tailor shipments of onions from the production area more closely to the ability of receiving markets to accept marketings at reasonable prices.

A period of 72 hours, exclusive of week-end holidays, is an appropriate limit on packaging and loading holidays. Longer periods are not warranted by record evidence. Although holidays could be for 72 hours maximum, they could be limited to one day, two days, or three days, as the committee may recommend.

A minimum of seven days lapse between holidays, exclusive of week-end holidays, is enough to meet accumulated sales obligations.

Growers and shippers would thereby be allowed time to harvest, pack and ship onions after a holiday period. However, intervals between holidays, other than week-end holidays would normally be longer than seven days, since such holidays would be recommended by the committee only on those occasions necessary to alleviate a temporary glut in the markets.

To protect the interests of each district, the committee should require a greater number of concurring votes to recommend a holiday for relieving glutted markets than the usual number required to approve other committee actions.

It is concluded, therefore, that § 959.52 should be amended by the addition of a new paragraph (b) (5) as hereinafter set forth.

The proposal to provide authority to regulate differently for different markets was not supported at the hearing. It, therefore, can not be made a part of the proposed amendments.

(5) Section 959.54, *Safeguards*, of the present order provides authority for the committee to recommend and the Secretary to issue adequate safeguard rules to prevent shipments for special purposes which may be exempted from regulations pursuant to § 959.53, from entering fresh market channels. Such purposes include (a) relief or charity; (b) experimental purposes; (c) export; and (d) other purposes which may be recommended by the committee and approved by the Secretary.

According to the record evidence, onions used for "(d) other purposes" should include the disposition of packing house pick-outs and other culls which should be kept out of fresh market channels. The committee should have the authority, with the approval of the Secretary, to establish safeguard rules to require that pick-outs and other culls be kept out of fresh market channels. Such rules, for example, could require that culls be disposed of in properly guarded places or that they be rendered unfit for fresh market use by mutilation or other appropriate means. The authority in § 959.54 *Safeguards*, as supported by these findings, is concluded as adequate for establishing the necessary safeguards essential to effective administration of the marketing order.

Ruling on proposed findings and conclusions. At the conclusion of the hearing the Presiding Officer fixed December 10, 1961, as the latest day on which briefs must be filed with the Hearing Clerk. No brief was filed, hence no ruling is necessary.

General findings. Upon the basis of evidence introduced at the hearing and the record thereof it is found that:

(1) The marketing agreement and the order, as both are hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act with respect to onions produced in the production area, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices and by protecting the interest of the consumer (1) by approaching the

level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such onions above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such onions as will be in the public interest;

(2) The marketing agreement and the order, as both are hereby proposed to be amended, regulate the handling of onions grown in the production area in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing order upon which hearings have been held;

(3) The said marketing agreement and the order, as both are hereby proposed to be amended, are limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The said marketing agreement and the order, as both are hereby proposed to be amended, prescribe, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of onions grown in the production area; and

(5) All handling of onions as defined in this part is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended amendments to the marketing agreement and order:

The following proposed amendments to the marketing agreement and the order are recommended as the detailed means by which the aforesaid findings and conclusions may be carried out.

1. Amend § 959.7 *Handle* to read as follows:

§ 959.7 *Handle.*

"Handle" or "ship" means to package, sell, transport, or in any way to place onions in the current of the commerce within the production area or between the production area and any point outside thereof. Such terms shall not include the transportation, sale, or delivery of field-run onions to a person in the production area who is a registered handler.

2. Amend § 959.12 *Pack* to read as follows:

§ 959.12 *Pack.*

"Pack" means a quantity of onions specified by grade, size, weight, or count, or by type or condition of container, or

any combination of these recommended by the committee and approved by the Secretary.

3. Amend § 959.31 *Alternate members* to read as follows:

§ 959.31 *Alternate members.*

An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence or when designated to do so by the member for whom he is an alternate. In the event both a member of the committee and his alternate are unable to attend a committee meeting, the member or his alternate or the committee (in that order) may designate another alternate from the same district and the same group (handler or grower) to serve in such member's place and stead. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified. The committee may request the attendance of alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members.

§ 959.52 [Amendment]

4. Amend § 959.52 *Issuance of regulations* by adding a new subparagraph (5) under paragraph (b) as set forth below:

(5) Establish holidays by prohibiting the packaging and loading of onions on week-ends or other special periods. Special holidays may not be effective for more than 72 hours and not less than seven days may elapse between the termination of such a holiday and the beginning of the next such holiday.

Copies of this notice of recommended decision may be obtained from the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D.C., or may be there inspected.

Dated: December 29, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 62-83; Filed, Jan. 4, 1962;
8:45 a.m.]

[7 CFR Part 950]

[Docket No. AO-255-A1]

IRISH POTATOES GROWN IN MAINE

Decision With Respect to Proposed Amendments to Marketing Agreement and Order; and Referendum Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Presque Isle, Maine, on August 4, 1961, pursuant to notice thereof, which was published July 28, 1961, in the FEDERAL REGISTER (26 F.R. 6769), upon proposed amendments to Marketing Agreement

No. 122 and Marketing Order No. 950, regulating the handling of Irish potatoes grown in Maine.

On the basis of the evidence introduced at the aforesaid hearing, and the record thereof, a recommended decision was filed November 21, 1961, with the Hearing Clerk, United States Department of Agriculture. The notice of the filing of such recommended decision, affording opportunity to file written exception thereto, was published November 25, 1961, in the FEDERAL REGISTER (26 F.R. 11053).

No exceptions were filed.

Material issues. The material issues presented on the record of hearing are as follows:

(1) The amendment of § 950.7 *Handle or ship* to extend its applicability to shipments of potatoes between points outside the production area;

(2) The addition of a new definition of *Committee* § 950.11 which replaces the current definition § 950.11 *Marketing Committee* and § 950.12 *Administrative Committee*;

(3) The amendment of § 950.17 to redefine *Pack*, and the addition of new definitions § 950.19 *Container*, § 950.20 *Label*, and § 950.21 *Maturity*;

(4) The addition of a new § 950.25 *Establishment and membership* to provide for the establishment of the committee as defined in § 950.11;

(5) The amendment of § 950.31 *Nominations* to require that only one nominee be designated for each committee vacancy and to provide that eligible voters may ballot in a manner they choose in selecting these nominees;

(6) The amendment of § 950.39 *Duties* to reflect the change in committee organization as provided in §§ 950.11 and 950.25;

(7) The amendment of § 950.47 *Reserve funds* to authorize the establishment of an operating reserve;

(8) The amendment of §§ 950.50 *Marketing policy* and 950.51 *Recommendation for regulations* to provide for proposed changes in § 950.52;

(9) The amendment of § 950.52 *Issuance of regulations* to provide for the issuance of regulations by markets and the authority for labeling and container regulation and to specifically provide authority for maturity regulations;

(10) The amendment of § 950.53 *Modification, suspension, or termination* to provide for modified regulations under this section for potatoes moving to chippers;

(11) The amendment of § 950.65 *Inspection and certification* to require inspection under this section without regulation under §§ 950.52 or 950.53; to provide flexibility in determining the validity period for inspection certificates under this part; to require that evidence of inspection accompany truck shipments, and that containers may be marked to indicate compliance with inspection requirements;

(12) The amendment of § 950.80 *Reports* to more clearly define the types of reports which may be required under this section, to require reports only from those needed, and to establish a definite period for the retention of records under this section.

Findings and conclusions. The findings and conclusions on the material issues, all of which are based upon the evidence adduced at the hearing in the record thereof, are as follows:

(1) The term "handle" as defined in the present order is synonymous with "ship" and means to sell or transport potatoes or cause the sale or transportation of potatoes within the production area or between the production area and any point outside thereof. When the present order was issued in 1954 this definition included the handler activities common at that time, and was found to be adequate for effective administration.

However, upon the basis of evidence introduced at the hearing on the proposed order it is found that (i) operating experiences indicate the definition should be broadened and clarified to include handling activities performed outside the production area, (ii) Maine potatoes which failed to meet regulations in effect at the time of shipment and which were shipped for special purposes have been diverted to tablestock markets, (iii) under the present definition out-of-production area handlers are not subject to the provisions of the present order, (iv) with the increased importance of processing this practice may be expected to become more common, and (v) unless such potatoes are subject to and meet the requirements of the order they can adversely affect prices received by Maine growers.

Therefore, it is concluded that it is necessary and desirable to expand the definition of "handle" to include handling performed outside the production area under the terms of appropriate rules and regulations which may be recommended by the committee and approved by the Secretary. It is further concluded that such potatoes are in the current of commerce between the production area and their final destination in receiving markets, so certain activities by out-of-production area handlers, which will be specified in the rules and regulations, should be subject to the requirements of the program.

This authority is further necessary in view of the proposed amendments with respect to potatoes for special purposes under the provisions of § 950.53 as hereinafter set forth. Section 950.53 of the proposed order would provide that potatoes for chipping do not necessarily have to be conditioned—i.e., stored under heat—to qualify for special consideration. Testimony at the hearing was to the effect that procedures should be established whereby unconditioned potatoes for chipping but which fail to meet current regulations may be shipped and then conditioned outside of the production area. Unless some authority is retained on such potatoes they could be diverted to tablestock outlets.

Since the present order was originally issued in 1954, potato marketing has changed considerably. New methods of processing and transportation and changes in buying and packing practices have been developed. The manufacture of potato chips, potato flakes, and canning or freezing are examples of either new products or outlets of increased importance. Buyers, brokers,

and processors located outside the production area may legitimately buy potatoes for such purposes and then for various reasons they may re-sort such potatoes and sell some in fresh markets or occasionally they will simply divert some shipments directly to the fresh market. Unless such potatoes meet the requirements applicable to potatoes handled within the production area or between the production area and any point outside thereof, they can damage the reputation of the properly graded, sized, and packed Maine potatoes with adverse effects on growers' prices.

Under the present order the shipping point handler can act in good faith and comply with all regulations, but can be in violation if the receiver diverts the potatoes. Under the proposed order persons handling Maine potatoes outside the production area would be subject to the conditions of the order if they handled such potatoes contrary to the appropriate rules and regulations recommended by the committee and issued by the Secretary governing such shipments. The receiver would have to agree to comply with regulations before potatoes could be shipped under special purpose conditions, and, in turn, will be fully informed and appraised of his responsibilities if he diverts and such potatoes so received.

Provisions of the present order are such that the burden of compliance with regulations rests with the handler within the production area. As mentioned above, the shipping point handler may be in violation for reasons beyond his control. Therefore persons performing handler functions outside the production area should, under rules and regulations issued pursuant to § 950.56, bear the responsibility of a handler under the proposed order. Extension of this authority will tend to promote more orderly marketing and effectuate the declared policy of the act.

(2) The definition of "committee" in the proposed order is to identify the administrative agency responsible for assisting in the administration of the program. "Committee" means the Maine Potato Marketing Committee as authorized by the act and which is necessary and incidental to the operation of the proposed order. The new definition replaces the definitions of § 950.10 *Marketing Committee* and § 950.11 *Administrative Committee* in the present order.

(3) "Pack" should be defined as set forth in the proposed order as a means for establishing a method of regulation and as the basis for distinguishing among the various units in which potatoes are prepared for market and shipped. The term "pack" is commonly used throughout the potato trade and refers to a combination of factors including the grade, size, maturity, and variety of the potatoes together with the size and type of container. For example, a common or usual pack for Maine is a "U.S. No. 1, 2½ minimum—3½ maximum, Katahdin variety, in 10-pound 'poly' bags."

The State of Maine Department of Agriculture has established standards for certain "packs" of potatoes specifying the grade, size, type of container, etc. In order to cooperate with this agency

the committee should have authority to use these pack specifications and pack designations in recommending pack regulations.

The development of new potato packs is continuous. Consumer size packages continue to gain in popularity. A recently developed 50-pound box contains potatoes which are sized and hand packed. The definition should cover other developments in packing as they occur in the future. The committee should be able to recommend such pack regulations as will permit taking advantage of any practice or innovation which will tend to improve growers' returns. The particular packs which may be handled should be specified by recommendation of the committee, with approval of the Secretary, and thereby permit the tailoring of particular regulations to particular packs.

"Container" should be defined in the proposed order as a basis for differentiating among the numerous shipping units in which potatoes may move to market outlets, since authority to regulate by type of container is included in the proposed order.

"Label" as defined in the proposed order means the same as it does in the common use of the trade, namely, to mark, brand, or otherwise designate on containers the grade or size or both of the potatoes contained therein.

Under the proposed order, authority is specifically included for regulating by "maturity." Maturity is considered in the United States Standards for Potatoes in terms of the development or condition of the outer skin of the potatoes. The term as defined in the proposed order conforms with the concept in the standards, and should be included to provide a basis for the authority to regulate by maturity.

(4) The present order provides for a marketing committee and for an administrative committee. The marketing committee consists of 20 members and 5 alternates. The administrative committee is selected from members and alternates of the marketing committee, and must have three or more members. Under the proposed order, only one committee, the Maine Potato Marketing Committee, will be established with the same membership as the marketing committee in the present order.

The proposed committee would assume all the functions of the administrative committee in the present order. No change is proposed in the selection, qualification and present distribution of membership by districts for the proposed committee over the current methods used for selecting the marketing committee. Members of the present marketing committee would continue as members of the initial committee under the proposed order. An administrative committee could become the initial subcommittee of the committee.

Testimony at the hearing shows that the dual committee arrangement has caused some misunderstanding within the industry. Also, there is a delay between the organization of the Maine Potato Marketing Committee and appointment of the Maine Potato Adminis-

trative Committee. The proposed arrangement of a single committee should result in more effective administration of the order.

(5) The proposed order would amend paragraph (c) of § 950.31 *Nominations*, so only one nominee must be submitted to the Secretary for each vacancy on the committee. Testimony shows that there is some confusion upon the part of nominees with respect to the current nomination procedure of submitting two names for each position. Nominees have been confused by the submission of their names for consideration for appointment and cannot understand why they are not appointed after being recommended to the Secretary. Also, some qualified persons do not wish to have their names submitted only for consideration with actual appointment going to another, and for that reason do not allow their names to be submitted for nomination. Since the nominee who receives the highest number of votes has always been selected the present procedure serves no useful purpose and should be amended. Several persons are usually nominated for each position, so the procedure of submitting only one name for appointment would not necessarily limit the Secretary in his selection. Therefore, it is found that the provisions of § 950.31 should be amended accordingly.

(6) In the proposed order § 950.39 *Duties* must reflect changes required by the elimination of the administrative committee and marketing committee in the present order and assignment of their duties to the single committee established in the proposed order. All duties currently assigned the administrative committee would be assigned to the new committee but could be reassigned to a subcommittee. The listed duties have proven satisfactory in the present order and should be continued in the proposed order.

(7) Section 950.44 *Refunds* of the present order provides methods for disposing of any excess funds remaining after each fiscal period's expenses have been met. These methods include the crediting of each handler's account with his share of the refund, or by payment to him if demanded. Authority is also included in the present order to set aside some of the excess funds as a reserve for possible liquidation.

Good business practice requires provision for contingencies. The committee should be authorized to set aside some of the funds remaining at the end of each fiscal year after expenses for the period have been met, to be carried over into following periods in a general reserve to be used for operations and for possible liquidation of the affairs of the committee.

The reserve could be built up over a period of years provided it does not exceed approximately one year's operating expenses. This reserve could be used for several purposes. It could be used to allow the committee to function at the beginning of each season prior to the time assessment income is available; to cover any deficits during a fiscal period in which assessment income falls short

of expenses; to pay expenses during any period when any or all of the provisions of the order are suspended or are inoperative; or for other expenses authorized under the proposed order.

A reserve fund would be needed in the event of termination, to pay the expenses of winding up committee affairs. Any balance remaining after liquidation should be prorated, to the extent practical, to the persons from whom such funds were collected.

It is concluded, that the revision of § 950.44, authorizing operating reserve, as hereinafter set forth, should be incorporated in the proposed order.

(8) The proposed order contains additional authority in § 950.52 and § 950.53 for recommending regulations. The sections relating to marketing policy, § 950.50, and recommendation for regulations, § 950.51, incorporate these changes. Testimony was given that a marketing policy statement has been prepared each season since 1954 under the provisions of § 950.50. In the event the proposed order is adopted, the Committee would need to consider any changes in the present regulating authority when making recommendations for regulations. Likewise, under § 950.51, the Committee should have authority to recommend any regulations authorized in §§ 950.52 and 950.53.

(9) The types and methods of limiting shipments are contained in §§ 950.52 and 950.53 of the proposed order. These should include all the types and methods in the present order together with certain additional types of regulations and the further defining of other types of regulations contained in the present order.

The record of hearing shows that in considering regulations for the 1960-61 season, the marketing committee gave consideration to the recommendation of a regulation which would allow the shipment of a pack of U.S. No. 1 potatoes, 2 to 2½ inches in diameter; however, it was found this pack, especially in a closed container, could not be distinguished from the regular Maine pack (U.S. No. 1, 2¼ to 4 inches in diameter) of the past few seasons. Authority contained in the proposed order requiring containers be labeled as to grade and size would not only serve to permit the pack of smaller sizes to stand on their own merit and avoid being substituted for the standard pack, but would have given additional recognition to the standard Maine pack. Although a large volume of Maine shipments are U.S. No. 1 grade, some shipments for special purposes or under exemption procedures are of a lesser grade and labels could be used to advantage in distinguishing between grades of certain packs.

The use of the State of Maine's Blue, White and Red trademark in place of grade and size should be recognized. State of Maine packs such as "Chefs Specials," which in themselves have grade and size requirements which are recognized by the trade should be authorized. When handlers are authorized to use such labels and trade names the committee should have authority to recognize such as meeting labeling requirements.

Authority to require labeling upon committee recommendations; of containers for Maine potatoes and to establish this as a standard trade practice would help to promote orderly marketing in that consumers would know what they are purchasing and the potatoes of each quality and size would sell for what they are worth. If lower grades and less acceptable sizes of potatoes are labeled for what they are, they would not be confused with the better quality and sizes which in turn would not adversely affect prices received by growers for the more acceptable grades and sizes.

Labeling authority in the proposed order is incidental to, not inconsistent with, and necessary to effectuate its grade, size, and quality regulations. Such authority is not inconsistent with the other provisions of the order. Authority in the proposed order should be flexible enough to permit the committee, with approval of the Secretary, after careful study, to issue such labeling regulations as would be beneficial to producers and handlers of production area potatoes. It is concluded that the labeling provision, as hereinafter set forth, should be authorized in the proposed order.

Provision is included in the proposed marketing order authorizing different regulations for different markets. It was testified that this provision is intended to distinguish only between markets within the production area and those outside. Markets within the production area, particularly for certain processing uses, are close to source of supply and could at times be allowed to take different grade and sizes of potatoes than those outside the production area, or could be relieved from grade and size regulations if it may be practical to do so in terms of administering the program and helping to promote orderly marketing. At the same time, it would be impractical to consider distinguishing between terminal markets outside the production area.

The present order authorized pack regulations. It is found that this authority should be continued under the proposed order based upon the testimony and evidence with respect to the new definition of *Pack* (§ 950.16 of the proposed order). It is further found that because various factors of a pack affect the price received therefor, it is necessary to authorize regulations covering each of the factors making up a pack. Each of the factors has an influence on price. Testimony introduced at the hearing showed that if one factor of a pack was contrary to the original contract or order, the shipment was usually subject to an adjustment which in turn was reflected in the price received by the grower. More emphasis is being placed upon proper grading and packing now than when the present order was originally considered in 1954. Unless each element of packs is regulated so as to promote orderly marketing, pack regulations under the proposed order would be ineffective in attaining the objectives of the act.

The proposed order provides for the committee to recommend, and the Secretary to fix, through rules and regula-

tions, the size, weight, capacity, dimensions, or pack of the containers which may be used in the packaging or handling of potatoes. This is not a particularly disturbing problem at the present time, but if malpractices should develop, such as the use of off-size or deceptive containers, or with respect to the net weights of containers, it is necessary that authority should be available for the committee, with the approval of the Secretary, to correct any abuses which may develop and to prohibit the use of undesirable or deceptive containers.

Maturity is a quality factor and, as such, is included within the authority of the present order. Testimony was offered at the hearing that the authority to regulate specifically by maturity, in terms of skinning classifications should be provided in the proposed order for clarity and so that all parties concerned will know that such regulations will be in accordance with the aforementioned standards.

The present order authorized the Committee to recommend and the Secretary to establish such minimum standards of quality and maturity and such grading and inspection requirements during any or all periods when potato prices reach the equivalent parity as will be in the public interest. Such authority should be contained under the proposed order.

(10) Authority is contained in § 950.53 of the present order for the marketing committee to recommend, and the Secretary to provide, for the modification, termination or suspension of regulations on shipments for manufacture or conversion into specified products. Testimony was offered at the hearing that potatoes for chipping be added to the outlets listed in § 950.53. Potatoes used for chipping require special cultural practices and early harvest which tend to increase the cost of growing a crop for chippers when compared to tablestock. Potatoes which will make satisfactory chips, although they may not meet tablestock grades and sizes, may be of greater value to chippers than potatoes which meet tablestock grades and sizes that fail to chip satisfactorily. Therefore, chippers' requirements for potatoes differ from those for the tablestock market, with chippers being less interested in the outside or external appearance of the potato, but look for internal factors or conditions which will make good chips. Shipments for chipping reduce the total supply of potatoes available for shipment from the production area to the domestic fresh market; and therefore, such shipments tend to increase the value of the crop. Therefore it is concluded that shipments of potatoes for chipping should be included in the outlets considered under § 950.53.

(11) Provisions are included in the present order for requiring inspection whenever the shipments are limited under the provisions of §§ 950.45, 950.52, and 950.53. In the proposed order the committee may recommend, and the Secretary may issue, regulations requiring inspection even when no regulations are in effect under the aforementioned sections. Testimony was given that some committee activities and functions

are necessary even when regulations are not in effect. Inspection is necessary so assessments as provided in § 950.45 may be levied equitably upon all handlers. Inspection certificates would also provide a method whereby statistical information would be available to the committee to assist in preparation of, or review of, the marketing policy statement. The Maine Branding Law requires that all potatoes be labeled as to grade. Inspection under this section would permit the committee to cooperate with the State agency in the administration of this law.

Under the provisions of the present order, § 950.65 authorizes the committee to recommend, and the Secretary to issue, rules limiting the period for which inspection certificates may be valid. At the hearing, testimony was offered that this section in the proposed order should provide for the establishment of this period differently by types of carriers (truck vs. rail), types of inspection certificates (standard vs. lot), and for special outlets established under § 950.53. Such requirement is reasonable and necessary. The validity time in the past has been based upon the maximum period necessary on truck shipments. Experience has shown that this period may be too short for rail shipments. In the case of warehouse or lot inspections, a time could be fixed which would allow adequate opportunity for the handling of all inspected potatoes, thereby accommodating handlers and truckers. Or under this provision a longer period of validity could be established for inspection certificates issued in the case of chipping potatoes placed in storage for conditioning and then shipped out of storage at some later date. Conditioned potatoes are subject to shriveling and sprouting, due to conditioning, which makes inspection difficult at the time of shipment. Shipments of such potatoes could be handled under the provision of § 950.56 *Safeguards* under which a system of registering handlers of such shipments may be used to facilitate its provisions.

In the proposed order, the provisions of § 950.65 are amended to require handlers shipping potatoes by truck to provide the trucker with a copy of the applicable inspection certificate for such shipment, and for the trucker to surrender such certificate to those enforcement authorities designated by the committee. This provision is necessary to determine that requirements are being met. It was testified that most handlers are following this practice now, so this requirement is practical and should not impose any extra burden upon handlers.

The committee should be authorized to recommend, and the Secretary to require, that all lots of potatoes inspected and certified shall be identified by appropriate seals, stamps, or tags to be affixed to each container thereof by the handler thereof, under the direction or supervision of the Federal or Federal-State Inspection Service or the committee. Such identification requirements would result in more efficient and effective administration of the program because compliance problems would be minimized. It would supplement and

assist in the administration of the order, particularly if labeling requirements authorized in § 950.52 were in effect. The proposed order should contain such authority.

Other provisions of § 950.65 in the present order would continue unchanged in the proposed order.

(12) Testimony at the hearing supported the proposal for amending § 950.80 *Reports* to provide that reports may be requested of individual handlers rather than all handlers in the production area. In the event reports are needed from only one handler or small group of handlers, no useful purpose would be served by requesting reports of all handlers in the production area. For example, if a particular section or district was affected by an unusual circumstance, no purpose would be served in requesting reports of the amount of this damage, to assist in preparation of a marketing policy, from all handlers; rather reports from only those handlers affected would be needed. Also, a time limit was established for which handlers must retain records for this part. A period of 2 years following each fiscal period is established as the length of time records should be retained. Paragraph (a) is included to notify handlers of the types of reports which might be requested under this section. Paragraph (b) is included so that handlers will know that information supplied under this section would receive appropriate protection. General provision for these two paragraphs was established in the 1954 hearing record on the present order. The changes contained in the proposed order specify in detail what may be required in the way of reports to make such requirements more readily available and known.

(13) Changes and modifications in drafting some provisions, including changes in reference numbers and cross-references between sections, are necessary to conform the present order with the proposed amendments. These changes are made and the proposed order conforms with them.

General findings. Upon the basis of evidence introduced at the hearing and the record thereof it is found that:

(1) The marketing agreement and the order, as both are hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act with respect to potatoes produced in the production area, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such potatoes above the parity level, and (iii) by authorizing the establishment and maintenance of such

minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such potatoes as will be in the public interest;

(2) The marketing agreement and the order, as both are hereby proposed to be amended, regulate the handling of potatoes grown in the production area in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing order upon which hearings have been held;

(3) The said marketing agreement and the order, as both are hereby proposed to be amended, are limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The said marketing agreement and the order, as both are hereby proposed to be amended, prescribed, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of potatoes grown in the production area; and

(5) All handling of potatoes as defined in this part is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Marketing agreement, as amended, and Order, as amended. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Irish Potatoes Grown in Maine" and "Order, as Amended, Regulating the Handling of Irish Potatoes Grown in Maine" which have been decided upon as the appropriate and detailed means of effectuating the foregoing conclusions. The aforesaid marketing agreement, as amended, and aforesaid order, as amended, shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered. That all of this decision, except the annexed marketing agreement, as amended, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement, as amended, are identical with those contained in the Order, as amended, which will be published with this decision.

Order, as Amended,¹ Regulating the Handling of Irish Potatoes Grown in Maine

Sec.
950.0 Findings and determinations.

¹ This order, as amended, shall not become effective unless and until the requirements of §§ 900.14 (7 CFR 900.14) of the rules and practice and procedure governing proceedings to formulate marketing agreements and marketing order have been met.

DEFINITIONS

Sec.	
950.1	Secretary.
950.2	Act.
950.3	Person.
950.4	Production area.
950.5	Potatoes.
950.6	Handler.
950.7	Ship or handle.
950.8	Grading.
950.9	Grade and size.
950.10	Producer.
950.11	Committee.
950.12	Fiscal period.
950.13	Varieties.
950.14	Seed potatoes.
950.15	Table stock potatoes.
950.16	Pack.
950.17	Export.
950.18	District.
950.19	Container.
950.20	Label.
950.21	Maturity.

COMMITTEE

950.25	Establishment and membership.
950.26	Selection.
950.27	Qualifications for committee membership.
950.28	Districts.
950.29	Redistricting.
950.30	Term of office.
950.31	Nomination.
950.32	Failure to nominate.
950.33	Acceptance.
950.34	Vacancies.
950.35	Alternate members.
950.36	Procedure.
950.37	Expenses and compensation.
950.38	Powers.
950.39	Duties.

EXPENSES AND ASSESSMENTS

950.43	Expenses.
950.44	Budget.
950.45	Assessments.
950.46	Accounting.
950.47	Refunds.

REGULATIONS

950.50	Marketing policy.
950.51	Recommendations for regulations.
950.52	Issuance of regulations.
950.53	Handling for special purposes.
950.54	Minimum quantity regulation.
950.55	Notification of regulation.
950.56	Safeguards.

INSPECTION

950.65	Inspection and certification.
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EXEMPTION

950.70	Policy.
950.71	Rules and procedures.
950.72	Applications and issuance.
950.73	Investigation.
950.74	Appeals.
950.75	Records.

MISCELLANEOUS PROVISIONS

950.80	Reports.
950.81	Compliance.
950.82	Right of the Secretary.
950.83	Effective time.
950.84	Termination or suspension.
950.85	Proceedings after termination.
950.86	Effect of termination or amendment.
950.87	Duration of immunities.
950.88	Agents.
950.89	Derogation.
950.90	Personal liability.
950.91	Separability.
950.92	Amendments.

AUTHORITY: §§ 950.0 to 950.92, inclusive, issued pursuant to secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

§ 950.0 Findings and determinations.

Findings and determinations hereinafter set forth are supplementary and

in addition to the findings and determinations made in connection with the issuance of the aforesaid order, and all of said previous findings and determinations, are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held in Presque Isle, Maine, on August 4, 1961, upon proposed amendments to Marketing Agreement No. 122 and Order No. 950 (7 CFR Part 950), regulating the handling of Irish potatoes grown in Maine. Upon the basis of evidence introduced at such hearing, and the record thereof, it is found that:

(1) The said order, as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act with respect to potatoes produced in the production area by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such potatoes above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such potatoes as will be in the public interest;

(2) The said order, as hereby amended, authorizes regulation of the handling of potatoes grown in the production area in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activities specified in a marketing order upon which a hearing has been held;

(3) The said order, as hereby amended, is limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The said order, as hereby amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to

the differences in the production and marketing of potatoes grown in the production area; and

(5) All handling of potatoes grown in the production area, as defined in the order, as amended, is in the current of interstate or foreign commerce, or directly burdens, obstructs or affects such commerce.

Order relative to handling. It is, therefore, ordered, that on and after the effective time hereof, the handling of Irish potatoes grown in the production area as defined herein shall be in conformity to, and in compliance with, the terms and conditions of this order, as amended, and such terms and conditions are as follows:

DEFINITIONS

§ 950.I Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 950.2 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.).

§ 950.3 Person.

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

§ 950.4 Production area.

"Production area" means all territory included within the boundaries of the State of Maine.

§ 950.5 Potatoes.

"Potatoes" means all varieties of Irish potatoes grown within the production area.

§ 950.6 Handler.

"Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of potatoes owned by another person) who ships potatoes or causes potatoes to be shipped.

§ 950.7 Ship or handle.

"Ship" or "handle" means to sell or transport potatoes within the production area or between the production area, and any point outside thereof, or between points outside the production area.

§ 950.8 Grading.

"Grading" is synonymous with "preparation for market" and means the sorting or separation of potatoes into grades and sizes for market purposes.

§ 950.9 Grade and size.

"Grade" means any one of the officially established grades of potatoes and "size" means any one of the officially established sizes of potatoes, as defined and set forth in:

(a) The United States Standards for Potatoes issued by the United States De-

partment of Agriculture (§§ 51.1540 to 51.1559 of this title) or amendments thereto, or modification thereof, or variations based thereon;

(b) United States Consumer Standards for Potatoes issued by the United States Department of Agriculture (§§ 51.1575 to 51.1587 of this title) or amendments thereto, or modifications thereof, or variations based thereon;

(c) State of Maine Standards for Potatoes issued by the State of Maine Commissioner of Agriculture, or amendments thereto, or modifications thereof, or variations based thereon.

§ 950.10 Producer.

"Producer" means any person engaged in the production of potatoes for market.

§ 950.11 Committee.

"Committee" means the Maine Potato Marketing Committee established pursuant to § 950.25.

§ 950.12 Fiscal period.

"Fiscal period" means the period beginning and ending on the dates approved by the Secretary pursuant to recommendations by the committee.

§ 950.13 Varieties.

"Varieties" means and includes all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 950.14 Seed potatoes.

"Seed potatoes" is synonymous with "seed" and means and includes all potatoes officially certified and tagged, marked or otherwise appropriately identified under the supervision of the official seed potato certifying agency of the State of Maine or other seed certification agencies which the Secretary may recognize.

§ 950.15 Table stock potatoes.

"Table stock potatoes" is synonymous with "table stock" and means and includes all potatoes not included within the definition of "seed potatoes."

§ 950.16 Pack.

"Pack" means a quantity of potatoes specified by weight, grade, size, or numerical limits, or by type of container, or any combination of these, recommended by the committee and approved by the Secretary.

§ 950.17 Export.

"Export" means shipment of potatoes beyond the boundaries of continental United States.

§ 950.18 District.

"District" means each one of the geographical divisions of the production area initially established pursuant to § 950.28 or as reestablished pursuant to § 950.29.

§ 950.19 Container.

"Container" means a sack, bag, crate, box, basket, barrel, or bulk load or any other unit used in packaging, transportation, or sale of potatoes.

§ 950.20 Label.

"Label" means to mark, brand, or otherwise designate on containers the grade or size, or both of potatoes therein.

§ 950.21 Maturity.

"Maturity" means the stage of development or condition of the outer skin (epidermis) of the potato determined according to skinning classifications defined by the United States Standards for Potatoes (§§ 51.1540 to 51.1559, inclusive, of this title).

COMMITTEE**§ 950.25 Establishment and membership.**

The Maine Potato Marketing Committee, consisting of 20 members, 15 of whom shall be producers and 5 shall be handlers, is hereby established.

§ 950.26 Selection.

Committee members shall be selected on the basis of districts as established in §§ 950.28 or 950.29. From each district, three producers shall be selected as committee members and one producer shall be selected as committee alternate. From each district one handler shall be selected as member and one handler shall be selected as alternate.

§ 950.27 Qualifications for committee membership.

Persons selected as committee members or alternates to represent producers shall be individuals who are producers in the respective district for which selected, or officers or employees of a corporate producer in such district, and such persons shall be residents of the respective district for which selected. Persons selected as committee members or alternates to represent handlers shall be individuals who are handlers in the district for which selected, or officers or employees of a corporate handler, and such persons shall be residents of the district for which selected.

§ 950.28 Districts.

For the purpose of determining the basis for selecting committee members, the following districts of the production area are hereby initially established:

District No. 1. The towns of Hamlin and Cyr, township 17, Range 3, townships 16 and 17, Range 4, townships 14, 15, and 16, Range 5, all townships 14, Ranges 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16, and all area north thereof in Aroostook County, in the State of Maine.

District No. 2. The towns of Fort Fairfield, Caribou, Washburn, Wade, Perham, Woodland, Limestone, Caswell, Connor, New Sweden, Westmanland and Stockholm in Aroostook County, in the State of Maine.

District No. 3. The town of Bridgewater, township D, Range 2, all townships 9, ranges 3, 4, and 5, the town of Oxbow, all townships 9, ranges 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18, and all area north thereof, not included in Districts 1 and 2, in the State of Maine.

District No. 4. The towns of Orient, Haynesville and Glenwood, township 2, Range 2, the towns of Silver Ridge and Benedicta, all townships 2, ranges 6, 7, 8, west of the east line of the State 9, 10, 11, 12, townships 2, 3, and 4, Range 13, townships 4 and 5, Range 14, all townships 5, ranges 15, 16, 17, 18, 19, and 20, and all area north thereof, not included in Districts 1, 2, and 3, in the State of Maine.

District No. 5. All the remaining counties, towns, and townships in the State of Maine not included in Districts 1, 2, 3, and 4.

§ 950.29 Redistricting.

The committee may recommend, and pursuant thereto, the Secretary may approve, the apportionment of members among districts, and the re-establishment of districts within the production area. In recommending any such changes the committee shall give consideration to: (a) Shifts in potato acreage within districts and within the production area during recent years; (b) the importance of new production in its relation to existing districts; (c) the equitable relationship of committee membership and districts; (d) economies to result for producers in promoting efficient administration due to redistricting or reapportionment of members within districts; and (e) other relevant factors. No change in districting or in reapportionment of members within districts may become effective within less than 30 days prior to the date on which terms of office begin each year and no recommendations for such redistricting or reapportionment may be made less than six months prior to such date.

§ 950.30 Term of office.

(a) The terms of office shall begin as of July 1 and end as of June 30. The term of office of producer members shall be for three years. The term of office of the producer members of the initial committee shall be so determined by the Secretary that one-third shall be for term of one year, one-third for term of two years, and one-third for term of three years. The term of office of alternate producer members and of handler members and alternates shall be for one year. No producer member and no handler member shall serve for more than three consecutive years.

(b) Committee members and alternates shall serve during the term of office for which they have been selected and have qualified, or during that portion thereof beginning on the date on which they qualify during such term of office and continuing until the end thereof, and until their successors are selected and have qualified.

§ 950.31 Nomination.

The Secretary may select the committee members and alternates from nominations which may be made in the following manner:

(a) The committee shall hold or cause to be held prior to May 1 of each year a meeting or meetings of producers in each district and a meeting or meetings of handlers shall be held in the production area to nominate members and alternates for the committee.

(b) In arranging for such meetings the committee may, if it deems desirable, utilize the services and facilities of existing organizations and agencies;

(c) At each such meeting at least one nominee shall be designated for each position as member and for each position as alternate member on the committee and eligible voters may ballot to indicate the ranking of their choice for each nominee;

(d) Nominations for committee members and alternates, shall be supplied to the Secretary in such manner and form as he may prescribe, not later than June 1 of each year;

(e) Only producers may participate in designating nominees for producer members and alternates and only handlers may participate in designating nominees for handler members and alternates. Each person who is both a producer and a handler may vote either as a producer or as a handler and he may elect the group in which he votes. In the event a person is engaged in producing or in handling potatoes in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees;

(f) Regardless of the number of districts in which a person produces or handles potatoes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives in designating nominees for committee members and alternates. An eligible voter's privilege of casting only one vote as aforesaid shall be construed to permit a voter to cast one vote for each position to be filled from the group in the respective district in which he elects to vote.

§ 950.32 Failure to nominate.

If nominations are not made within the time and in the manner specified in § 950.31, the Secretary may, without regard to nominations, select the committee members and alternates, which selection shall be on the basis of the representation provided for in §§ 950.26 through 950.29, inclusive.

§ 950.33 Acceptance.

Any person selected as a committee member or alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 950.34 Vacancies.

To fill committee vacancies, the Secretary may select such members or alternates from unselected nominees on the current nominee list from the district involved, or from nominations made in the manner specified in § 950.31. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, which selection shall be made on the basis of the representation provided for in §§ 950.26 through 950.29 inclusive.

§ 950.35 Alternate members.

In the event any member of the committee is unable to attend a meeting of the committee, the alternate, who was selected from the same district and from the same group as the absent member may act in the place and stead of the absent member. In the event of the death, removal, resignation, or disqualification of a member, a qualified alternate shall act for him until a successor of such member is selected and has qualified.

§ 950.36 Procedure.

(a) A majority of the members of the committee from each of at least four districts shall be necessary to constitute a quorum and a majority of concurring votes of the entire membership of such committee will be required to pass any motion or approve any committee action.

(b) The committee may provide for meeting by telephone, telegraph, or other means of communication and any vote cast at such a meeting shall be confirmed promptly in writing; *Provided*, That if any assembled meeting is held, all votes shall be cast in person.

§ 950.37 Expenses and compensation.

Committee members and alternates shall be reimbursed for expenses necessarily incurred by them in the performance of duties and in the exercise of powers under this part. Committee members and alternates may receive compensation for official services rendered in connection with administration of this part and such compensation shall not be in excess of rates recommended by the committee and approved by the Secretary.

§ 950.38 Powers.

The committee shall have the following powers:

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

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

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

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

§ 950.39 Duties.

It shall be the duty of the committee:

(a) To meet prior to the beginning of the marketing season each year, to organize, to select from among its membership a chairman and such other officers as may be necessary, and to adopt such rules and regulations for the conduct of its business as it may deem advisable.

(b) To prepare a marketing policy;

(c) To recommend marketing regulations to the Secretary;

(d) To recommend rules and procedures for, and to make determinations in connection with, issuance of certificates of privilege or exemptions, or both;

(e) To establish a subcommittee or subcommittees whose duties, assigned by the committee, may include, but shall not be limited to, any of the following duties of the committee;

(f) To consult, cooperate, and exchange information with other marketing order committees and other individuals or agencies, and to cooperate, and exchange information, in connection with all proper activities and objectives of such committees under this part.

(g) To act as intermediary between the Secretary and any producer or handler;

(h) To furnish to the Secretary such available information as he may request;

(i) To appoint such employees, agents, and representatives as it may deem nec-

essary and to determine the salaries and define the duties of each such person;

(j) To investigate from time to time and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to potatoes, as may be necessary for administration of this part;

(k) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative;

(l) To make available to producers and handlers committee voting records on recommended regulations and on other matters of policy;

(m) At the beginning of each fiscal period, and as may be requested by the Secretary, to prepare a budget of its expenses and a proposed rate or rates of assessment for such fiscal period, together with a report thereon;

(n) To cause the books of the committee to be audited by a competent accountant at least once each year, and at such other time as such committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part; a copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of such committee for inspection by producers and handlers; and

(o) To investigate an applicant's claim for exemption under § 950.70.

EXPENSES AND ASSESSMENTS**§ 950.43 Expenses.**

The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred during each fiscal period for its maintenance and functioning, and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Handlers shall share expenses on the basis of a fiscal period. Each handler's share of such expense shall be proportionate to the ratio between the total quantity of potatoes under regulation handled by the first handler thereof during a fiscal period and the total quantity of potatoes under regulation handled by all handlers as first handlers thereof during such fiscal period.

§ 950.44 Budget.

As soon as practicable after the beginning of each fiscal period and as may be necessary thereafter, the committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The committee may recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

§ 950.45 Assessments.

(a) The funds to cover such expenses shall be acquired by the levying of as-

sessments upon handlers as provided in this subpart. Each handler who first ships potatoes shall pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of the agencies' expenses.

(b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of the committee's recommendations and other available information. Such rates may be applied equitably to each pack or unit.

(c) At any time during, or subsequent to, a given fiscal period the committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendations, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all potatoes which were regulated under this part and which were shipped by the first handler thereof during such fiscal period.

§ 950.46 Accounting.

(a) All funds received by the committee pursuant to the provisions of this subpart shall be used solely for the purposes specified in this part.

(b) The Secretary may at any time require the committee, its members and alternates, employees, agents, and all other persons to account for all receipts and disbursements, funds, property, or records for which they are responsible. Whenever any person ceases to be a member or alternate of the committee he shall account for all receipts, disbursements, funds, and property (including but not being limited to books and other records) pertaining to such committee activities for which he is responsible, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, agency, or person designated by the Secretary, the right to all of such property and funds and all claims vested in such person.

(c) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other property of the committee during periods when regulations are not in effect and, if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the committee.

§ 950.47 Refunds.

At the end of each fiscal period, if assessments collected are in excess of expenses incurred such excess shall be accounted for as follows:

(a) Except as provided in paragraphs (b) and (c) of this section, each person entitled to a proportionate refund of any excess assessment shall be credited with such refund against the operation of the following fiscal period unless such person demands repayment thereof, in which event it shall be paid to him. Refunds need not be paid or credited to any handler with outstanding obligations due

the committee until his account is settled.

(b) The committee, with the approval of the Secretary, may establish and maintain during one or more fiscal years an operating monetary reserve in an amount not to exceed approximately one fiscal period's operational expenses. Upon approval of the Secretary, funds in such reserve shall be available for use by the committee for all expenses authorized pursuant to § 950.43.

(c) Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

REGULATIONS

§ 950.50 Marketing policy.

(a) At the beginning of each season, and as the Secretary may require, the committee shall prepare a marketing policy statement. Such policy statement shall indicate the data on potato supplies and demand on which the committee bases its judgments and recommendations. It shall indicate also the kind or types of regulations contemplated during the ensuing season, and, to the extent practical, shall include recommendations for specific regulations. Notice of such marketing policy shall be given to producers, handlers, and other interested parties by bulletins, newspapers, or other appropriate media, and copies thereof shall be submitted to the Secretary and shall be available generally.

(b) Marketing policy statements relating to recommendations for regulations shall give appropriate consideration to potato supplies for the remainder of the season, with special consideration to:

- (1) Estimates of total supplies including grade, size, and quality thereof, in the production area;
- (2) Estimates of supplies in competing areas;
- (3) Market prices by grades, sizes, containers, and packs;
- (4) Estimates of supplies of competing commodities;
- (5) Anticipated marketing problems;
- (6) Level and trend of consumer income; and
- (7) Other relevant factors.

§ 950.51 Recommendations for regulations.

Upon complying with the requirements of § 950.50, the committee may recommend regulations to the Secretary whenever it finds that such regulations as are provided for in this subpart will tend to effectuate the declared policy of the Act.

§ 950.52 Issuance of regulations.

(a) The Secretary shall limit by regulation the handling of potatoes whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulations would tend to effectuate the declared policy of the Act.

(b) Such regulations may:

(1) Limit in any or all portions of the production area, the handling of particular grades, sizes, qualities, maturities, or packs, or any combination thereof, of any or all varieties of tablestock or of seed potatoes, or both, during any period; or

(2) Limit the handling of particular grades, sizes, or qualities, of potatoes differently, for different varieties, for tablestock or seed, for different portions of the production area, for different markets, for different packs, for different sizes and types of containers, or for any combination of the foregoing, during any period;

(3) Require that containers for potatoes handled hereunder shall be labeled to show the grade or size, or both, thereof;

(4) Fix the size, capacity, weight, dimensions, or pack of the container, or containers, which may be used in the packaging or handling of potatoes, or

(5) Limit the handling of potatoes when parity prices have been established, by establishing and maintaining minimum standards of quality and maturity in terms of grades or sizes.

§ 950.53 Handling for special purposes.

Upon the basis of recommendation and information submitted by the committee, or other available information, the Secretary shall modify, suspend, or terminate regulations issued pursuant to §§ 950.45, 950.52, 950.53, 950.65, or any combination thereof, in order to facilitate shipments of potatoes for the following purposes whenever he finds that it will tend to effectuate the declared policy of the Act;

- (a) For grading or storage within the production area;
- (b) For planting within the production area;
- (c) For export;
- (d) For distribution by the Federal Government;
- (e) For manufacture or conversion into specified products;
- (f) For charitable purposes;
- (g) For livestock feed;
- (h) For chipping; and
- (i) For other purposes which may be specified.

§ 950.54 Minimum quantity regulation.

The committee, with the approval of the Secretary, may establish for any or all portions of the production area, minimum quantities below which shipments will be free from regulations issued pursuant to §§ 950.45, 950.52, 950.53, 950.65, or any combination thereof.

§ 950.55 Notification of regulation.

The Secretary shall notify the committee of any regulations issued or of any modification, suspension, or termination thereof. The committee shall give reasonable notice thereof to handlers.

§ 950.56 Safeguards.

(a) The committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent shipments pursuant to § 950.53 or § 950.54 from entering channels of trade for other than the spe-

cific purpose authorized therefor, and rules governing the issuance and the contents of Certificates of Privilege if such certificates are prescribed as safeguards by the committee. Such safeguards may include requirements that:

(1) Handlers shall file applications with the committee to ship potatoes pursuant to §§ 950.53 and 950.54;

(2) Handlers shall obtain inspection provided by § 950.65, or pay the pro rata share of expenses provided by § 950.45, or both, in connection with potato shipments affected under the provisions of § 950.53: *Provided*, That such inspection or payment of expenses may be required at different times than otherwise specified by the aforesaid sections; and

(3) Handlers shall obtain Certificates of Privilege from the committee for shipments of potatoes affected or to be affected under the provisions of §§ 950.53 and 950.54.

(b) The committee may rescind or deny Certificates of Privilege to any shipper if proof is obtained that potatoes shipped by him for the purposes stated in §§ 950.53 and 950.54 were handled contrary to the provisions of this part.

(c) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

(d) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of potatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of potatoes shipped under duly issued certificates, and such other information as may be requested.

INSPECTION

§ 950.65 Inspection and certification.

(a) During any period in which shipments of potatoes are regulated pursuant to §§ 950.45, 950.52, or 950.53, or any combination thereof, or during any period recommended by the committee and approved by the Secretary, no handler shall ship potatoes unless each such shipment is inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate, except when relieved from such requirements pursuant to § 950.53 or § 950.54, or both.

(b) Regrading, resorting, or repacking any lot of potatoes shall invalidate any prior inspection certificates insofar as the requirements of this section are concerned. No handler shall ship potatoes after they have been regraded, resorted, repacked, or in any other way further prepared for market, unless each shipment of such potatoes is inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate.

(c) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary.

(d) When potatoes are inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available to the committee by the inspection service.

(e) The committee may recommend and the Secretary may require that no handler shall transport or cause the transportation of potatoes by motor vehicle or by other means unless such shipment is accompanied by a copy of the inspection certificate issued thereon, which certificate shall be surrendered to such authority as may be designated.

(f) Upon recommendation of the committee, and approval of the Secretary, all potatoes inspected and certified shall be identified by appropriate seals, stamps, or tags to be affixed to the container by the handler under rules to be established by the committee.

EXEMPTION

§ 950.70 Policy.

(a) Any producer whose potatoes have been adversely affected by acts beyond his control or by acts beyond reasonable expectation and who, by reason of any regulation issued pursuant to § 950.52, is prevented from shipping during the season, or a specific portion thereof, as large a proportion of his potato crop as the average proportion shipped or to be shipped during comparable portions of the season by all producers in his immediate area of production, may apply to the committee for exemptions from such regulations for the purpose of obtaining equitable treatment under such regulations.

(b) Any handler who has storage holdings of ungraded potatoes acquired during or immediately following the digging season that have been adversely affected by acts beyond the handler's control or by acts beyond reasonable expectation and who, by reason of any regulation issued pursuant to § 950.52 is prevented from shipping as large a proportion of his storage holdings of ungraded potatoes as the average proportion of ungraded storage holdings shipped by all handlers in said handler's immediate shipping area, may apply to the committee for exemptions from such regulations for the purpose of obtaining equitable treatment under such regulations.

§ 950.71 Rules and procedures.

The committee may adopt, with approval of the Secretary, the rules and procedures for handling exemptions. Such rules and procedures should provide for handling applications for exemptions, for issuing certificates of exemption, for committee determinations with respect to areas and averages (as required by § 950.70), and for such other procedures as may be necessary to accomplish policies with respect to exemptions.

§ 950.72 Applications and issuance.

The committee may issue certificates of exemption to any qualified applicant who furnishes adequate evidence to such committee:

(a) That the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the

applicant's control and by acts beyond reasonable expectation;

(b) That by reason of regulations issued pursuant to § 950.52 in case of an applicant who is a producer, he will be prevented from shipping as large a proportion of his production as the average proportion of production shipped by all producers in said applicant's immediate area of production during the season, or a specific portion thereof;

(c) That by reason of regulations issued pursuant to § 950.52, in case of an applicant who is a handler who has storage holdings of ungraded potatoes acquired during or immediately following the digging season, he will be prevented from shipping as large a proportion of such storage holdings as the average proportion of similar storage holdings shipped by all handlers in said applicant's immediate shipping area during the season;

(d) Each certificate shall permit the recipient thereof to ship the potatoes described thereon, and evidence of such certificates shall be made available to subsequent handlers thereof.

§ 950.73 Investigation.

The committee shall be permitted at any time to make a thorough investigation of any applicant's claim pertaining to exemptions.

§ 950.74 Appeals.

If any applicant for exemption certificate is dissatisfied with the determination with respect to his application, said applicant may file an appeal with the committee. Such an appeal must be taken promptly after the determination from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to such committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The committee shall notify the appellant of the final determination, and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

§ 950.75 Records.

The committee shall maintain a record of all applications submitted for exemption certificates, a record of all exemption certificates issued and denied, the quantity of potatoes covered by such exemption certificates, a record of the amount of potatoes shipped under exemption certificates, a record of appeals for reconsideration of applications, and such other information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the committee upon request of the Secretary.

MISCELLANEOUS PROVISIONS

§ 950.80 Reports.

(a) Upon the request of the committee with the approval of the Secretary, handlers shall furnish to the committee, in such manner and at such time as may be prescribed, such information as will enable the committee to exercise its

powers and perform its duties under this subpart. The Secretary shall have the right to modify, change, or rescind any requests for reports pursuant to this section.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers is authorized, subject to the prohibition of disclosure of individual handlers' identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the potatoes received, and of potatoes disposed of, by such handler as may be necessary to verify the reports he submits to the committee pursuant to this section.

§ 950.81 Compliance.

Except as provided in this subpart, no handler shall ship potatoes, the shipment of which has been prohibited by the Secretary in accordance with provisions of this subpart, and no handler shall ship potatoes except in conformity to the provisions of this subpart.

§ 950.82 Right of the Secretary.

The members of the committee (including successors, and alternates), and any agent or employee appointed or employed by such committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval the disapproved action of the said committees shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 950.83 Effective time.

The provisions of this subpart shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

§ 950.84 Termination or suspension.

(a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

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

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers, who during the preceding marketing season, have been engaged in the production for market of potatoes: *Provided*, That such majority has, during such period produced for

market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced at least 30 days prior to the end of the then current fiscal period.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 950.85 Proceedings after termination.

(a) Upon the termination of the provisions of this subpart, the members of the committee then functioning shall continue as joint trustees, for the purpose of liquidating the affairs of the committee and of all the funds and property then in the possession of or under control of such committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the joint trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims, have been transferred or delivered by the committee, or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of such committees and upon the said trustees.

§ 950.86 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or any regulation issued pursuant to this subpart or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulation issued under this subpart or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 950.87 Duration of immunities.

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

§ 950.88 Agents.

The Secretary may, by designation in writing, name any person including any officer or employee of the Government, or name any agency in the United States

Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 950.89 Derogation.

Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 950.90 Personal liability.

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

§ 950.91 Separability.

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

§ 950.92 Amendments.

Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), it is hereby directed that a referendum be conducted among the producers who, during the period from August 1, 1960, through July 31, 1961 (which is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the production area as defined in Section 950.4 of 7 CFR Part 950, in the production of potatoes for market to ascertain whether such producers approve or favor the issuance of the annexed amended order.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except those Applicable to Milk and its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F.R. 5176). The ballots used in the referendum shall contain a summary describing the proposed amendments to the order.

R. L. Powers and K. W. Schaible of the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture are hereby designated as agents of the Secretary of Agriculture, to conduct such referendum jointly or severally. Such agents may appoint any person or persons to assist them in performing their functions hereunder.

Copies of the text of the aforesaid annexed order may be examined in the office of the Hearing Clerk, Room 112, Administrative Building, United States Department of Agriculture, Washington, D.C., and at those places in the production area announced by the referendum agents.

Ballots to be cast in the referendum and copies of the text of said annexed order may be obtained from any referendum agent or any appointee hereunder.

Dated: December 29, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 62-153; Filed, Jan. 4, 1962;
8:53 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 983]

[Docket No. AO 239-A1]

TYPE 62—SHADE-GROWN CIGAR- LEAF TOBACCO GROWN IN DESIGNATED PRODUCTION AREA OF FLORIDA AND GEORGIA

Notice of Hearing With Respect to Proposed Amendment of Marketing Agreement and Order

Correction

In F.R. Doc. 61-12234 appearing at page 12528 of the issue for Wednesday, December 27, 1961, the first line of § 983.12 *Fiscal period* is corrected to read: "Fiscal period" means the 12-month period".

[7 CFR Part 1047]

[Docket No. AO-33-A25]

MILK IN FORT WAYNE, IND., MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Market- ing 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 a public hearing to be held in the Alsonette Room, Hotel Indiana, Fort Wayne, Indiana, beginning at 10:00 a.m., local time, on February 5, 1962, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Fort Wayne, Indiana, marketing area.

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

The proposal relative to a redefinition of the marketing area raises the issue

[7 CFR Part 1049]

[Docket No. AO-319-A-1]

**MILK IN INDIANAPOLIS, IND.,
MARKETING AREA****Notice of Hearing on Proposed
Amendments to Tentative Market-
ing 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 a public hearing to be held in the Gold Room, Washington Hotel, 32 East Washington Street, Indianapolis, Indiana, beginning at 10:00 a.m., local time, on January 30, 1962, with respect to proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Indianapolis, Indiana, marketing area.

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

The proposal relative to a redefinition of the marketing area raises the issue whether the provisions of the present order would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

The proposed amendments set forth below have not received the approval of the Secretary of Agriculture.

Proposed by Central Indiana Dairy Association, Independent Milk Producers Association, Howard County Milk Producers, Inc., Miami Valley Milk Producers Association, Vigo County Milk Producers Association, Danville Producers Dairy and Wayne Cooperative Milk Producers, Inc.:

Proposal No. 1. Amend § 1049.6 by adding the following counties: Vigo, Clay, Owen and Monroe, all in the State of Indiana.

Proposal No. 2. Amend § 1049.12(a) to read as follows:

(a) A distributing plant from which not less than 50 percent of the Grade A milk received at such plant from dairy farmers and other plants is disposed of during the month on routes and not less than 10 percent of such receipts is disposed of on routes in the marketing area: *Provided*, That a pool distributing plant qualified pursuant to this paragraph in each of the immediately preceding months of September through May shall be a pool plant for each of the months of June through August in which it disposes of any milk on routes in the marketing area: *And provided further*, That only those dairy farmers whose milk was received by the handler at his pool plant in each of the three preceding months of March, April and May will be accorded producer status for a plant qualifying under this above proviso.

Proposal No. 3. Amend § 1049.12(b) to read as follows:

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

Proposal No. 4. Amend the second proviso in § 1049.16 by deleting "July" and substituting therefor "September".

Proposal No. 5. Amend § 1049.32(j) (2) by deleting the phrase "the 10th day" and substituting therefor the phrase "the 11th day".

Proposal No. 6. Amend § 1049.35 by deleting the phrase "the 8th day" and substituting therefor the phrase "the 7th day".

Proposal No. 7. Amend § 1049.44(d) to read as follows:

(d) As Class I milk, if transferred or diverted in bulk either in the form of milk or skim milk to a nonpool plant not more than 275 miles from Monument Circle, Indianapolis, Indiana, by the shortest highway distance as determined by the market administrator, or in the form of cream to any nonpool plant unless:

Proposal No. 8. Amend §§ 1049.53(a) and 1049.72(a) by deleting the phrase "70 miles" and substituting therefor the phrase "75 miles".

Proposal No. 9. Amend §§ 1049.53(b) and 1049.72(b) by deleting the phrases "70 miles" and "80 miles" and substituting therefor, respectively, the phrases "75 miles" and "85 miles".

Proposal No. 10. Amend § 1049.70(a) (2) by deleting the phrase "the 15th day" and substituting therefor the phrase "the 17th day".

Proposed by Dean Milk Company:

Proposal No. 11. Amend § 1049.35 by changing the reporting date from the 8th day after the end of the month to the 9th day after the end of the month and making corresponding changes in §§ 1049.32(j) (2) and 1049.70 to extend the date one day and any other sections which may be affected by such date change.

Proposal No. 12. Amend § 1049.44(d) by extending the 150 mile limitation on milk transfers to include plants located at a greater distance and normally receiving milk from regulated plants under Order No. 125.

Proposal No. 13. Amend § 1049.45 so that nonfat milk solids used for fortifica-

whether the provisions of the present order would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Wayne Cooperative Milk Producers, Inc.:

Proposal No. 1. Extend the marketing area by including the counties of Blackford, Jay and Wabash, all in the State of Indiana.

Proposal No. 2. Delete § 1047.51(b) and substitute the following:

(b) **Class II milk price.** The price for Class II milk of 3.5 percent butterfat content shall be the basic formula price, but in no event shall the Class II price exceed a price computed by adding together the plus amounts pursuant to subparagraphs (1), (2) and (3), as follows:

(1) From the Chicago butter price, subtract 3 cents and then multiply by 4.2;

(2) From the simple average of the weighted averages of the carlot prices per pound of spray and roller process nonfat dry milk solids for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.2; and

(3) Add 5 cents.

Proposals No. 3. Amend § 1047.62 (b) (1) (i) by adding thereto the following proviso:

Provided, That this computed amount shall be reduced for each of the months of April, May and June by an amount equal to 8 percent of the Class I price multiplied by the pounds of milk received from dairy farmers and during each of the months of October, November, and December the computed amount shall be increased by one-third of the total of the preceding deductions.

Proposed by the Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service:

Proposal No. 4. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Richard J. Connolly, 503 Strauss Building, 809-11 South Calhoun Street, Fort Wayne, Indiana, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Signed at Washington, D.C., on December 29, 1961.

W. E. UNDERHILL,
Acting Deputy Administrator,
Price and Production, Agri-
cultural Stabilization and
Conservation Service.

[F.R. Doc. 62-84; Filed, Jan. 4, 1962;
8:45 a.m.]

tion purposes be accounted for on an actual weight basis and change other sections to correspond to such amendment.

Proposal No. 14. Amend § 1049.51(b) by changing the Class II price formula to a closer relationship with the South Bend and Fort Wayne price for milk used in the lowest price class.

Proposed by the Beatrice Foods Company:

Proposal No. 15. Amend § 1049.45 by deleting the proviso or as an alternative, classify as Class I only that portion of a fluid milk product to which concentrated nonfat milk solids have been added an amount equal to the actual weight of a similar fluid milk product of the same butterfat content and the difference between the actual weight of the product and the milk equivalent to be classified in the lowest use class.

Proposal No. 16. Amend § 1049.44 by providing in paragraph (d) when either skim milk or butterfat is moved in any form to a nonpool plant fully regulated by another Federal order, that such milk when so moved shall be assigned to the same use class to which it is assigned by the market administrator of the other order.

Proposed by the Thompson Dairy Company, Inc., Thompson Dairy, Inc., Thompson-Glass Dairy Company, Inc., and Bedford Dairy, Inc.:

Proposal No. 17. Amend § 1049.6 by extending the marketing area to include the entire geographical limits of the counties of Bartholomew, Brown, Dearborn, Decatur, Jackson, Jefferson, Jennings, Lawrence, Monroe, Ohio, Ripley, Scott and Switzerland, all in the State of Indiana.

Proposed by Med-O-Bloom Dairy:

Proposal No. 18. Amend § 1049.16 to provide diversion of milk between pool plants.

Proposal No. 19. Amend §§ 1049.41 and 1049.45 to provide Class II classification of skim milk used for fortification.

Proposal No. 20. Amend § 1049.51(a) by changing \$1.25 to \$1.20.

Proposal No. 21. Delete § 1049.53(a).

Proposal No. 22. Amend § 1049.51 and any other necessary sections to provide a lower price for skim milk and butterfat classified under § 1049.41(b) (3).

Proposed by East Side Jersey Dairy, Inc.:

Proposal No. 23. Delete §§ 1049.53 and 1049.72, relating to location differentials.

Proposal No. 24. Amend § 1049.45, relating to reconstituted nonfat solids, by classifying into two groups, (a) fortification and (b) reconstitution, only the pounds of nonfat solids to be accounted for in Class I.

Proposal No. 25. Amend § 1049.16 to provide unlimited diversion to nonpool plants.

Proposal No. 26. Amend § 1049.73 by changing "4 cents" to "2 cents".

Proposed by The Kroger Company:

Proposal No. 27. Reconsider the shrinkage allowance provided for in § 1049.42.

Proposed by the Milk Foundation of Indianapolis, Inc.:

Proposal No. 28. Delete § 1049.21.

Proposal No. 29. Delete § 1049.41 and substitute the following:

Subject to the conditions set forth in § 1049.44, the classes of utilization shall be as follows:

(a) **Class I milk.** Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of fluid milk products except those classified pursuant to paragraph (b) (2), (3) and (4) of this section, except that fluid milk products that are fortified with nonfat solids shall be Class I in an amount equal only to the weight of an equal volume of an unmodified fluid milk product of the same nature and butterfat content, and

(2) Not specifically accounted for as Class II or Class III milk.

(b) **Class II milk.** Class II milk shall be all skim milk and butterfat:

(1) Used to produce eggnog, milk shake mix and sour cream;

(2) Disposed of for livestock feed;

(3) Dumped if the market administrator has been notified in advance and afforded the opportunity to verify such dumping;

(4) Contained in that portion of "fortified" fluid milk products not classified as Class I pursuant to paragraph (a) (1) of this section;

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

(6) In inventory of fluid milk products on hand at the end of the month; and

(7) In shrinkage allocated to producer milk that is not in excess of 2 percent of the receipts of skim milk and butterfat, respectively, in producer milk, plus 1.5 percent of receipts of skim milk and butterfat, respectively, received in bulk tank lots from pool plants, less 1.5 percent of skim milk and butterfat, respectively, disposed of in bulk tank lots to pool plants.

(c) **Class III milk.** Class III milk shall be all skim milk and butterfat:

(1) Used to produce a product other than a fluid milk product or a Class II product.

Proposal No. 30. Amend § 1049.51 by adding thereto the following:

(c) **Class III price.** The price for Class III milk shall be the Minnesota-Wisconsin average price per hundredweight for manufacturing grade milk f.o.b. plants, less 15 cents per hundredweight.

Proposal No. 31. Amend § 1049.52 by adding thereto the following:

(c) **Class III price.** Multiply the butter price for the month by 0.113.

Proposal No. 32. Delete § 1049.53(a).

Proposal No. 33. Delete § 1049.72(s).

Proposal No. 34. Amend § 1049.73 by substituting one and one-half cents per hundredweight, where 4 cents per hundredweight now appears.

Proposed by Frazier's Dairy:

Proposal No. 35. Amend § 1049.41(b) (5) by changing 0.5 percent and 1.5 percent, respectively, wherever such per-

centages appear and inserting 1.0 percent and 2.0 percent, respectively.

Proposal No. 36. Amend § 1049.45 by adding to the last sentence the following:

When such powder or product is used for fortifying it will be charged for at actual pounds used.

Proposal No. 37. Delete § 1049.50(a).

Proposal No. 38. Delete § 1049.51(b) and substitute:

(b) The Class II price shall be the manufacturing price for 3.5 percent milk in the Minnesota-Wisconsin area.

Proposal No. 39. Amend § 1049.41 by adding a Class III utilization to cover the surplus skim milk and butterfat diverted to a nonpool plant during April, May, June and July.

Proposal No. 40. Amend § 1049.51 by adding a new paragraph (c) as follows:

(c) The price for Class III milk shall be the Minnesota-Wisconsin area manufacturing cost for 3.5 percent milk reduced by 30 cents per hundredweight.

Proposed by Miller Dairy Division, Miller Corporation:

Proposal No. 41. Amend § 1049.32 to provide audit of handlers' records at regular intervals so that at no time will a handler's records be over four months in arrears.

Proposal No. 42. Extend the marketing area to include the counties of Union, Franklin, Ripley and Decatur, all in the State of Indiana.

Proposed by Wayne Dairy Products, Inc.:

Proposal No. 43. Extend the marketing area to include the following additional counties: Randolph, Union, Franklin and Decatur, all in the State of Indiana.

Proposal No. 44. Amend § 1049.8 to read as follows:

"Producer" means an approved dairy farmer whose milk is received at a pool plant pursuant to § 1049.16.

Proposal No. 45. Amend the first proviso under § 1049.16 as follows:

Provided, That milk diverted from an approved plant to a pool plant or a nonpool plant, etc.

Proposal No. 46. Amend § 1049.17 to read as follows:

"Producer milk" means approved milk received at a pool plant pursuant to § 1049.16.

Proposed by Sutter's Dairy Products, Inc.:

Proposal No. 47. Amend § 1049.6 to include all the territory within the boundaries of Miami and Wabash Counties, Indiana.

Proposal No. 48. Amend §§ 1049.53(a) and 1049.72(a) by changing the limits of the price zone from 70 miles to 110 miles.

Proposal No. 49. Amend § 1049.16 to permit diversion between handlers.

Proposal No. 50. Amend § 1049.41 (b) (5) to permit the maximum allowable shrinkage on fluid milk products received in the plant which are either processed or changed in form.

Proposed by Johnson Creamery Company:

PROPOSED RULE MAKING

Proposal No. 51. Amend § 1049.6 to include all the territory within the boundaries of Greene, Lawrence and Monroe Counties, Indiana.

Proposed by the Miami Valley Milk Producers Association:

Proposal No. 52. Amend § 1049.12 to provide pool plant standards for a plant which is a distributing plant during a portion of the qualifying period and a supply plant during the remainder of such period.

Proposed by Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service:

Proposal No. 53. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Wendell M. Costello, 5130 North Brouse Street, Indianapolis 5, Indiana, or from the Hearing Clerk, Room-112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Signed at Washington, D.C., December 29, 1961.

W. E. UNDERHILL,
*Acting Deputy Administrator,
Price and Production, Agri-
cultural Stabilization and
Conservation Service.*

[F.R. Doc. 62-85; Filed, Jan. 4, 1962;
8:45 a.m.]

Notices

DEPARTMENT OF STATE

[Public Notice 202]

VALIDITY OF CERTAIN FOREIGN PASSPORTS

Under the provisions of section 212 (a) (26) of the Immigration and Nationality Act, a nonimmigrant alien who makes application for a visa or for admission into the United States is required to be in possession of a passport which is valid for a minimum period of six months from the date of expiration of the initial period of his admission into the United States or his contemplated initial period of stay authorizing him to return to the country from which he came or to proceed to and enter some other country during such period. By reason of the foregoing requirement, certain foreign governments have entered into agreements with the Government of the United States whereby their passports are recognized as valid for the return of the bearer to the country of the foreign-issuing authority for a period of six months beyond the expiration date specified in the passport. These agreements have the effect of extending the validity period of the foreign passport an additional six months notwithstanding the expiration date indicated in the passport. Notice is hereby given that the following foreign governments have concluded such an agreement with the Government of the United States:

Australia.
Austria (Reisepass only).
Bahamas (see United Kingdom).
Belgium.
Bolivia.
Brazil.
Cambodia.
Canada.
Ceylon.
Chile.
Colombia.
Cuba.
Cyprus.
Dominican Republic.
Ecuador.
Ethiopia.
Finland.
France.
Germany (Reisepass and Kinderausweis).
Greece (Issued in Greece only).
Guatemala.
Guinea.
Honduras.
Iceland.
India.
Ireland.
Israel.
Korea.
Laos.
Lebanon.
Luxembourg.
Malagasy Republic.
Malaya.
Mexico.
Monaco.
The Netherlands.
Pakistan.
Peru.
Philippines.
Portugal.

Spain.
Switzerland.
United Arab Republic.
United Kingdom of Great Britain and Northern Ireland (including Jersey and Guernsey and its dependencies) and the Bahamas.
Venezuela.

In addition, travel documents issued by the Government of the Trust Territory of the Pacific Islands are considered to be valid for the return of the bearer to the Trust Territory for a period of six months beyond the expiration date specified therein.

This notice supersedes Public Notice 195 of September 21, 1961 (26 F.R. 9092).

Dated: December 22, 1961.

SALVATORE A. BONTEMPO,
*Administrator, Bureau of
Security and Consular Affairs.*

[F.R. Doc. 62-138; Filed, Jan. 4, 1962;
8:51 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

LAMBERTUS HARDENBERG AND
ESTATE OF PAUL NOTHMANN

Notice of Intention to Return
Vested Property

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

Claimant, Claim No., Property, and Location

Lambertus Hardenberg, Administrator of the Estate of Paul Nothmann, deceased, Amsterdam, Holland; Vesting Order No. 17742; Claim No. 66938; \$1,158.60 in the Treasury of the United States.

Executed at Washington, D.C., on
December 28, 1961.

For the Attorney General.

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

[F.R. Doc. 62-151; Filed, Jan. 4, 1962;
8:52 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13055]

SEATTLE-FAIRBANKS FARE
INVESTIGATION

Notice of Hearing

In the matter of reduced fares between Seattle, Washington, and Fairbanks, Alaska, proposed by Pan-American World Airways, Inc.

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 January 25, 1962, at 10 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C. before the undersigned examiner.

For further information concerning the issues involved and other details of this proceeding, interested persons are referred to Board Order E-17551, dated October 6, 1961, and the Report of Pre-hearing Conference in this matter served on December 6, 1961, each of which documents is on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., January 2, 1962.

[SEAL] EDWARD T. STODOLA,
Hearing Examiner.

[F.R. Doc. 62-154; Filed, Jan. 4, 1962;
8:53 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

ORGANIZATION, FUNCTIONS, AND
DELEGATIONS OF AUTHORITY

Correction

The Organization, Functions, and Delegations of Authority of the Agricultural Marketing Service (26 F.R. 9758) is corrected as follows:

1. In section 5(c)(1) change the words "Export Grade and Plum Act" to read "Export Grape and Plum Act."
2. Also in section 5(c)(1) delete the phrase "section 8e of the act of August 24, 1935, as amended."

Issued at Washington, D.C., this 28th
day of December 1961.

S. R. SMITH,
Administrator.

[F.R. Doc. 62-79; Filed, Jan. 4, 1962;
8:45 a.m.]

FOREIGN-TRADE ZONES BOARD

FOREIGN-TRADE ZONE NO. 5,
SEATTLE, WASH.

Extension of Time for Permanent
Relocation

Mr. H. M. Burke, General Manager, Port of Seattle, Seattle, Washington, as representative of the zone grantee, on October 27, 1961, advised the Foreign-Trade Zones Board of their inability to accomplish the permanent relocation of Foreign-Trade Zone No. 5 by the date established in Memorandum Order, dated June 2, 1960, and requests an extension of time to June 30, 1963.

The Committee of Alternates has reviewed the circumstances in this case and unanimously recommend that the request for an extension of time from December 31, 1961, to June 30, 1963, be granted.

Upon consideration the Board concurs in the Committee's recommendation and hereby adopts the following resolution: The Foreign-Trade Zones Board, after consideration of the request from the Port of Seattle Commission, Grantee, Foreign-Trade Zone No. 5 for an extension of time from December 31, 1961, to June 30, 1963, to permanently relocate the zone, approves the request.

The Executive Secretary of the Foreign-Trade Zones Board is directed to incorporate this Memorandum, the letters from the Assistant Secretary of the Treasury A. Gilmore Flues, dated December 18, 1961, and Colonel Carl H. Bronn, Department of the Army, dated December 8, 1961, approving the foregoing Resolution in the official records of the Foreign-Trade Zones Board. The Executive Secretary will publish the foregoing resolution in the FEDERAL REGISTER.

Dated: December 27, 1961.

LUTHER H. HODGES,
Secretary of Commerce, Chairman and Executive Officer,
Foreign-Trade Zones Board.

[F.R. Doc. 62-113; Filed, Jan. 4, 1962; 8:48 a.m.]

FEDERAL AVIATION AGENCY

PLAN FOR STANDARD INSTRUMENT DEPARTURES

Revision

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, of the Federal Aviation Agency plan for the establishment and use of Standard Instrument Departures (SIDs).

A. A Standard Instrument Departure is a means of simplifying air traffic control clearances and relay and delivery procedures, and presents such air traffic control clearance to the pilot in pictorial and/or narrative form.

B. The Agency plans to establish Standard Instrument Departures at:

1. Civil airports for the most frequently-used departure routes, if their establishment would be advantageous to both the users and air traffic control and if the Standard Instrument Departure will materially reduce the verbiage of an air traffic control clearance; and

2. Military airports for the most frequently-used departure routes, regardless of the simplicity or complexity of the air traffic control clearance.

C. Application of the Standard Instrument Departure program will be limited to those flights where the pilots file in a proposed instrument flight plan a request for a specific Standard Instrument Departure or any Standard Instrument Departure available for the airport of departure.

D. The filing of a specific Standard Instrument Departure or any Standard Instrument Departure for the airport of departure in a proposed instrument flight plan or any request by the pilot, prior to take-off, for a specific or any Standard Instrument Departure will be considered by the Agency as a statement by the pilot that he is familiar with, and has available, the necessary charts and/or narrative of all the Standard Instrument Departures pertinent to his operation from the airport of departure.

E. Participation in this program is voluntary on the part of the pilot. However, an accepted SID must be complied with as provided in Civil Air Regulations, § 60.21 (14 CFR 60.21).

Issued in Washington, D.C., December 28, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-97; Filed, Jan. 4, 1962; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14268; File No. BP-14864; FCC 61M-2011]

CROSBY COUNTY BROADCASTING CO.

Order Continuing Hearing

In re application of Darrell Willis, W. R. Bentley, Phil Crenshaw, Galen O. Gilbert, and Lew D'Elia d/b as Crosby County Broadcasting Co., Ralls, Texas; for construction permit.

The Hearing Examiner having under consideration a request, filed December 22, 1961, on behalf of the Commission's Broadcast Bureau, that because of other commitments petitioner desires to change the hearing now scheduled for January 16, 1962, to January 30, 1962, as well as change the date for exchange of exhibits from January 5, 1962, to January 19, 1962;

It appearing that good cause exists why said petition should be granted and counsel for Crosby County Broadcasting Co., the only other party to the proceeding, has consented to grant of the instant request;

Accordingly, *It is ordered*, This 29th day of December, 1961, that the hearing now scheduled for January 16, 1962, be and the same is hereby rescheduled for January 30, 1962, at 10:00 a.m., in the Commission's offices, Washington, D.C., and *It is further ordered*, That the exchange of exhibits now scheduled for January 5, 1962, shall be accomplished on or before January 19, 1962.

Released: December 29, 1961.

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

[F.R. Doc. 62-90; Filed, Jan. 4, 1962; 8:46 a.m.]

[Docket Nos. 14455, 14456; File Nos. BL-8187, BP-14110; FCC 61M-2013]

JEFFERSON RADIO CO. (WIXI) AND VOICE OF THE MID SOUTH

Order Scheduling Hearing

In re applications of W. D. Frink, tr/as Jefferson Radio Company (WIXI), for license to cover construction permit BP-10672 authorizing a new standard broadcast station at Irondale, Alabama; Fred H. Davis and W. D. Frink, d/b as Voice of the Mid South, for construction permit to build a new standard broadcast station at Centreville, Alabama.

It is ordered, This 28th day of December, 1961, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on February 28, 1962, in Washington, D.C.; and, *It is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Friday, January 26, 1962.

Released: December 29, 1961.

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

[F.R. Doc. 62-91; Filed, Jan. 4, 1962; 8:46 a.m.]

[Docket Nos. 14411, 14412; File Nos. BP-14116, BP-15073; FCC 61M-2012]

LaFIESTA BROADCASTING CO. AND MID-CITIES BROADCASTING CORP.

Order Continuing Hearing Conference

In re applications of J. R. Earnest and John A. Flache, d/b as LaFiesta Broadcasting Company, Lubbock, Texas, Mid-Cities Broadcasting Corporation, Lubbock, Texas, for construction permits.

The Acting Chief Hearing Examiner, in the absence of the Hearing Examiner, having under consideration a petition on behalf of LaFiesta Broadcasting Company, filed December 27, 1961, requesting that the prehearing conference in the proceeding be rescheduled from January 3, 1962 to January 11, 1962;

It appearing that good cause exists why the said petition should be granted and the other parties to the proceeding have consented to a continuance along with a waiver of Section 1.43 of the Commission's Rules to permit immediate consideration of the instant pleading; Accordingly, *It is ordered*, This 29th day of December, 1961, that the prehearing conference now scheduled in the proceeding for January 3, 1962, be and the same is hereby rescheduled to January 11, 1962, at 9:00 a.m., in the Commission's offices, Washington, D.C.

Released: December 29, 1961.

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

[F.R. Doc. 62-92; Filed, Jan. 4, 1962; 8:46 a.m.]

[Docket Nos. 14394 etc.; File Nos. BPCT-2944 etc.; FCC 61-1511]

**FLOWER CITY TELEVISION CORP.
ET AL.**

**Order Designating Applications for
Consolidated Hearing on Stated
Issues**

In re applications of: Flower City Television Corporation, Rochester, New York, Docket No. 14394, File No. BPCT-2929; Genesee Valley Television Co., Inc., Rochester, New York, Docket No. 14395, File No. BPCT-2944; for construction permits for new television broadcast stations.

In re applications of: Rochester Area Educational Television Association, Inc., Rochester, New York, Docket No. 14459, File No. BPCT-2943; Star Television, Inc., Rochester, New York, Docket No. 14460, File No. BPCT-2948; Community Broadcasting, Inc., Rochester, New York, Docket No. 14461, File No. BPCT-2953; Heritage Radio and Television Broadcasting Company, Rochester, New York, Docket No. 14462, File No. BPCT-2961; Ivy Broadcasting Company, Inc., Rochester, New York, Docket No. 14463, File No. BPCT-2963; Main Broadcasting Company, Inc., Rochester, New York, Docket No. 14464, File No. BPCT-2964; Federal Broadcasting System, Inc., Rochester, New York, Docket No. 14465, File No. BPCT-2966; Citizen's Television Corporation, Rochester, New York, Docket No. 14466, File No. BPCT-2967; Rochester Broadcasting Corporation, Rochester, New York, Docket No. 14467, File No. BPCT-2972; Rochester Telecasters, Inc., Rochester, New York, Docket No. 14468, File No. BPCT-2974; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 27th day of December, 1961;

The Commission having under consideration the applications Rochester Area Educational Television Association, Inc. (BPCT-2943), Star Television, Inc. (BPCT-2948), Community Broadcasting, Inc. (BPCT-2953), Heritage Radio and Television Broadcasting Co. (BPCT-2961), Ivy Broadcasting Company, Inc. (BPCT-2963), Main Broadcasting Company, Inc. (BPCT-2964), Federal Broadcasting System, Inc. (BPCT-2966), Citizen's Television Corporation (BPCT-2967), Rochester Broadcasting Corporation (BPCT-2972), Rochester Telecasters, Inc. (BPCT-2974), captioned above, each requesting a construction permit for a new television broadcast station to operate on Channel 13 in Rochester, New York; and

It appearing, that on November 21, 1961, the Commission designated for hearing two applications (BPCT-2929 and BPCT-2944), each requesting a construction permit for Channel 13 in Rochester, New York (FCC 61-1367, Docket Nos. 14394 and 14395); and

It further appearing, that the above-captioned applications (BPCT-2943, 2948, 2953, 2961, 2963, 2964, 2966, 2967, 2972, 2974), were on file on November 20, 1961, the day preceding the date on

which the prior applications were designated for hearing, and are mutually exclusive and entitled to comparative consideration therewith; and

It further appearing, that the above-captioned applications propose antenna locations in the vicinity of the antennas of Standard Broadcast Stations WBBF, WVET, WHEC, and WSAY; that the installation and operation of the television antennas as proposed are possible and feasible without adversely affecting the ability of the Station WBBF, WVET, WHEC, and WSAY to operate in accordance with the terms of their licenses, but that appropriate proof thereof should be submitted after installation of any of the proposed antennas; and that a grant, if made, of any of the above-captioned applications should be subject to the condition in this respect as follows:

The construction authorized herein is subject to the condition that the ability of Standard Broadcast Stations WBBF, WVET, WHEC, and WSAY to operate in accordance with the terms of their licenses shall not be adversely affected thereby, particularly with respect to their radiation patterns, and that at least five field intensity measurements on each radial established during the last proof of performance for each of these standard broadcast stations shall be submitted with the television application for license to prove that such patterns have not been materially affected.

It further appearing, that Rochester Area Educational Television Association, Inc., and Rochester Telecasters, Inc., propose a share-time operation; and

It further appearing, that the above-captioned applications are mutually exclusive with the exception that the applications of Rochester Area Educational Television Association, Inc., and Rochester Telecasters, Inc., are complementary and mutually contingent and considered together are mutually exclusive with the other applications; and

It further appearing, that the following matters are to be considered in connection with the issues specified below:

(a) The proposal of Star Television, Inc. (BPCT-2948).

Based on information contained in the application, it appears that cash in the approximate amount of \$981,000 will be required for construction and initial operation of the proposed station. It appears that construction and operation will be financed, in part, by means of a line of credit from the Central Trust Bank in the amount of \$1,000,000. This loan is subject to the condition that the applicant has paid in capital and loans by stockholders of not less than \$600,000. This condition has not been met and, therefore, it cannot be determined that Star Television, Inc., is financially qualified.

(b) The proposal of Ivy Broadcasting Company, Inc. (BPCT-2963).

1. The applicant has pending an application (BPCT-2949) for a construction permit for a new television broadcast station to operate on Channel 9 in Syracuse, New York. In the event both applications were to be granted, it appears that substantial overlap would result. Under such circumstances and

assuming a grant of the Syracuse application, it appears appropriate to consider the size, extent and location of the areas served and to be served; the extent of the overlap involved; the number of persons served; the number of persons residing within the overlap area; the extent of other competitive service to the areas in question; the extent to which the stations will rely on the same revenue and program sources; the nature of the programming that the stations will present, with particular reference to the particular need of the communities they are designed to serve; the advertising practices of the stations; the source of program material and talent for each station; and such other factors as will tend to demonstrate that the overlap involved will not be in contravention of § 3.636(a) (1) of the Commission's rules.

2. Based on information contained in the application, it appears that cash in the approximate amount of \$1,310,000 will be required for construction and initial operation of the proposed station. Applicant proposes to finance the costs of construction and operation by means of a bank loan of \$1,000,000 and existing capital of \$75,000. With respect to existing capital, the applicant's balance sheet shows that current assets exceed current liabilities by only \$10,000. In addition, it appears that current liabilities are understated since Commission records show that the current portion of long term debts has not been included as a current liability. Moreover, the applicant has pending an application (BPCT-2949) for a permit to construct a television broadcast station on Channel 9 in Syracuse, New York and in connection therewith proposes the use of existing capital for financing the cost of construction and initial operation. In view of the foregoing, it cannot be determined that Ivy Broadcasting, Inc., is financially qualified to construct and operate the proposed station.

(c) The proposal of Main Broadcasting Company, Inc. (BPCT-2964).

1. Based on information contained in the application, it appears that cash in the approximate amount of \$570,000 will be required for construction and initial operation of the proposed station. The applicant proposes to finance the construction and initial operation by means of a bank loan of \$500,000 and stock subscriptions of \$100,000 from the four stockholders. The balance sheets submitted for the stockholders do not disclose current and liquid assets in excess of current liabilities sufficient in amount to meet their commitments. Consequently, it cannot be determined that applicant is financially qualified to construct and operate the proposed television broadcast station.

2. The electrical center and gain for the type antenna proposed do not correspond with data filed with the Commission by the manufacturer. It is necessary, therefore, to determine the correct antenna gain and/or electrical center of the proposed antenna.

(d) Federal Broadcasting System, Inc. (BPCT-2966).

It appears that the site elevation figure utilized in determining the antenna height above average terrain and the

antenna height above sea level and the heights affected thereby is in error.

It further appearing, that upon due consideration of the above-captioned applications (BPCT-2943, 2948, 2953, 2961, 2963, 2964, 2966, 2967, 2972, and 2974), the Commission finds that Rochester Area Educational Television Association, Inc., is legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast station; that Star Television, Inc. is legally and technically qualified to construct, own and operate the proposed television broadcast station and is otherwise qualified except with respect to issue "1" below; that Community Broadcasting, Inc. is legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast station; that Heritage Radio and Television Broadcasting Company is legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast station; that Ivy Broadcasting Company, Inc., is legally and technically qualified to construct, own and operate the proposed television broadcast station and is otherwise qualified except with respect to issues "2" and "3" below; that Main Broadcast Company, Inc., is legally qualified to construct, own and operate the proposed television broadcast station, is technically so qualified except with respect to issue "4" below and is otherwise qualified except with respect to issue "5" below; that Federal Broadcasting System, Inc., is legally and financially qualified to construct, own and operate the proposed television broadcast station and is technically and otherwise qualified except with respect to issue "6" below; that Citizen's Television Corporation is legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast station; that Rochester Broadcasting Corporation is legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast station; and that Rochester Telecasters, Inc. is legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast station.

It is ordered. That pursuant to section 309(3) of the Communications Act of 1934, as amended, the above-captioned applications (BPCT-2943, 2948, 2953, 2961, 2963, 2964, 2966, 2967, 2972, and 2974) are designated for hearing and consolidated into the pending proceeding in Docket Nos. 14394 and 14395 upon the following issues:

1. To determine whether Star Television, Inc., is financially qualified to construct, own and operate the proposed television broadcast station.
2. To determine whether Ivy Broadcasting Company, Inc., is financially qualified to construct, own and operate the proposed television broadcast station.
3. To determine, assuming a grant of Ivy Broadcasting Company's application (BPCT-2949) for Channel 9, Syracuse, New York, whether a grant of the sub-

ject application would contravene the provisions of Section 3.636 of the Commission's Rules.

4. To determine the correct antenna gain and/or electrical center of the antenna proposed by Main Broadcasting Company, Inc.

5. To determine whether Main Broadcasting Company, Inc., is financially qualified to construct, own and operate the proposed television broadcast station.

6. To determine the exact elevation above mean sea level of the antenna site proposed by Federal Broadcasting System, Inc., and other elevations that would be affected thereby.

7. To determine on a comparative basis which of the mutually exclusive operations proposed in the above-captioned applications would best serve the public interest, convenience and necessity in light of the significant differences among the applicants as to:

(a) The background and experience of each bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the proposed television station.

(c) The programming service proposed in each of the above-captioned applications.

8. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered. That issues "7" and "8" of this order shall supersede the issues specified in the Commission's Order of November 15, 1961 (FCC 61-1367), in Docket Nos. 14394 and 14395.

It is further ordered. That the time and place of the consolidated hearing will be specified in a subsequent order.

It is further ordered. That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue:

To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the applications will be effectuated.

It is further ordered. That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered. That the applicants herein and the applicants previously designated for hearing in Docket Nos. 14394 and 14395 shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Com-

mission of the publication of such notice as required by § 1.362(c) of the rules.

Released: January 2, 1962.

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

[F.R. Doc. 62-155; Filed, Jan. 4, 1962;
8:53 a.m.]

[Docket Nos. 14407 etc.; File Nos. BPCT-2928
etc.; FCC 61-1510]

GRAND BROADCASTING CO. ET AL. Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of: Grand Broadcasting Company, Grand Rapids, Michigan, Docket No. 14407, File No. BPCT-2928; Atlas Broadcasting Company, Grand Rapids, Michigan, Docket No. 14408, File No. BPCT-2950; for construction permit for new television broadcast station.

In re applications of: West Michigan Telecasters, Inc., Grand Rapids, Michigan, Docket No. 14469, File No. BPCT-2956; MKO Broadcasting Corporation, Grand Rapids, Michigan, Docket No. 14470, File No. BPCT-2959; Major Television Company, Grand Rapids, Michigan, Docket No. 14471, File No. BPCT-2960; Peninsular Broadcasting Company, Grand Rapids, Michigan, Docket No. 14472, File No. BPCT-2962; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 27th day of December 1961;

The Commission having under consideration the applications of West Michigan Telecasters, Inc. (BPCT-2956); MKO Broadcasting Corporation (BPCT-2959); Major Television Company (BPCT-2960); and Peninsular Broadcasting Company (BPCT-2962), captioned above, each requesting a construction permit for a new television broadcast station to operate on Channel 13 in Grand Rapids, Michigan; and

It appearing, that on November 21, 1961, the Commission designated for hearing two applications (BPCT-2928 and BPCT-2950) each requesting a construction permit for Channel 13 in Grand Rapids, Michigan (FCC 61-1399, Docket Nos. 14407 and 14408); and

It further appearing, that the above-captioned applications (BPCT-2956, BPCT-2959, BPCT 2960 and BPCT-2962) were on file on November 20, 1961, the day preceding the date on which the prior applications were designated for hearing, and are mutually exclusive and entitled to comparative consideration therewith; and

It further appearing, that the following matters are to be considered in connection with the issues specified below:

(a) The proposal of West Michigan Telecasters, Inc. (BPCT-2956),

(1) Cash in the approximate amount of \$656,000 will be required for down payment on the equipment, for buildings,

miscellaneous items and for initial working capital. The applicant proposes to finance the construction and initial operation by means of a bank loan of \$250,000, stock subscriptions of \$340,000, and existing capital of \$24,114; total \$614,114. It appears that applicant has not shown the availability of sufficient funds for construction and initial operation. Consequently, the Commission cannot make the finding that West Michigan Telecasters, Inc. is financially qualified.

(2) No determination has yet been made as to whether the proposed antenna system and site may constitute a menace to air navigation.

(b) The proposal of MKO Broadcasting Corporation (BPCT-2959).

(1) It appears that cash in the amount of \$794,000 will be required for down payment on equipment, land, transmitter buildings, miscellaneous and initial working capital. It also appears that additional funds will be needed for the studio building in an amount which the Commission is unable to determine. The applicant proposes to finance the construction and initial operation from existing capital of \$13,500, stock subscriptions of \$121,500, bank loan of \$600,000, and debentures in the amount of \$500,000. The subscribers to the stock and debentures, with the exception of Ivor F. Johnson, John S. Vanderplow, and John W. Bertsch, have failed to comply with the requirements of Section III, Page 2, Paragraph (d), FCC Form 301, in that the assets relied upon are not described in sufficient detail. Therefore, it cannot be determined that they have sufficient funds with which to meet their commitments. It cannot be determined that \$13,500 in existing capital is available since there are offsetting liabilities in the approximate amount of \$10,000. It cannot be determined that the bank loan of \$600,000 is available to applicant since it has not been shown how the conditions of the loan are to be met. Consequently, the Commission cannot make the finding that the applicant is financially qualified.

(2) No determination has yet been made as to whether the proposed antenna system and site may constitute a menace to air navigation.

(c) The proposal of Major Television Company (BPCT-2960).

No determination has yet been made as to whether the proposed antenna system and site may constitute a menace to air navigation.

(d) The proposal of Peninsular Broadcasting Company (BPCT-2962).

(1) Cash in the approximate amount of \$828,000 will be required for down payment on equipment, land, buildings, miscellaneous and for initial working capital. The applicant proposes to finance the construction and initial operation by a bank loan of \$175,000, existing capital of \$76,000, stock subscription of \$304,000, and loans by major stockholders of \$275,000. However, Fred J. Barr, William K. McInerney and John D. Loeks have not shown sufficient funds in compliance with Section III, Page 2, Paragraph (d) of FCC Form 301, to meet

their commitments. Consequently, the Commission cannot make the finding that the applicant is financially qualified.

(2) No determination has yet been made as to whether the proposed antenna system and site may constitute a menace to air navigation.

It further appearing, that upon due consideration of the above-captioned applications (BPCT-2956, 2959, 2960, and 2962), the Commission finds that West Michigan Telecasters, Inc., is legally qualified to construct, own and operate the proposed television broadcast station, and is technically so qualified except with respect to issue "2" specified below, and is otherwise qualified except with respect to issue "1" below; that MKO Broadcasting Corporation is legally qualified to construct, own and operate the proposed television broadcast station, and is technically so qualified except with respect to issue "4" specified below, and is otherwise qualified except with respect to issue "3" below; that Major Television Company is legally and financially qualified to construct, own and operate the proposed television broadcast station, and is technically so qualified except with respect to issue "5" below; and that Peninsular Broadcasting Company is legally qualified to construct, own and operate the proposed television broadcast station, and is technically so qualified except with respect to issue "7" below, and is otherwise qualified except with respect to issue "6" below.

It is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing and consolidated into the pending proceeding in Docket Nos. 14407 and 14408, upon the following issues:

1. To determine whether West Michigan Telecasters, Inc., is financially qualified to construct, own and operate the proposed television broadcast station.

2. To determine whether there is a reasonable possibility that the tower height and location proposed by West Michigan Telecasters, Inc., would constitute a menace to air navigation.

3. To determine whether MKO Broadcasting Corporation is financially qualified to construct, own and operate the proposed television broadcast station.

4. To determine whether there is a reasonable possibility that the tower height and location proposed by MKO Broadcasting Corporation would constitute a menace to air navigation.

5. To determine whether there is a reasonable possibility that the tower height and location proposed by Major Television Company would constitute a menace to air navigation.

6. To determine whether Peninsular Broadcasting Company is financially qualified to construct, own and operate the proposed television broadcast station.

7. To determine whether there is a reasonable possibility that the tower height and location proposed by Peninsular Broadcasting Company would constitute a menace to air navigation.

8. To determine, on a comparative basis, which of the proposed operations would better serve the public interest, convenience and necessity in light of the significant differences among the applicants as to:

(a) The background and experience of each bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the proposed television broadcast stations.

(c) The programming service proposed in each of the above-mentioned applications.

9. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

It is further ordered, That Issues "8" and "9" of this Order shall supersede Issues "5" and "6" specified in the Commission's Order of November 21, 1961 (FCC 61-1399), in Docket Nos. 14407 and 14408.

It is further ordered, That the time and place of the consolidated hearing will be specified in a subsequent Order.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue:

To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the applications will be effectuated.

It is further ordered, That the Federal Aviation Agency is hereby made a party to the proceeding.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That, the applicants herein and the applicants previously designated for hearing in Docket Nos. 14407 and 14408 shall pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually, or, if feasible, jointly, within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 1.362(c) of the rules.

Released: January 2, 1962.

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

[F.R. Doc. 62-156; Filed, Jan. 4, 1962; 8:53 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 954 (Sub-2)]

INVESTIGATION OF INCREASED RATES ON SUGAR, REFINED OR TURBINATED, IN BAGS IN ATLANTIC/GULF PUERTO RICO TRADE.

Notice of Supplemental Order

On December 14, 1961, the Federal Maritime Commission entered the following First Supplemental Order to the original order in this proceeding dated December 7, 1961:

It appearing, that there is currently pending in this proceeding an investigation of an increase in rates on Sugar, refined or turbinated, in bags from Puerto Rico ports to Atlantic and Gulf ports, which said rates have been suspended and are now to become effective on April 8, 1962; and

It further appearing, that on November 15, 1961, A. H. Bull Steamship Co. filed with the Federal Maritime Commission (Commission) a tariff schedule designated Fifth Revised Page No. 27 to Homeward Freight Tariff No. 1, FMB-F No. 2, to become effective December 18, 1961, which said schedule published increased commodity rates on Sugar, refined or turbinated, in bags; and

It further appearing, that protests have been received petitioning the Commission to suspend said increased rates; and

It further appearing, that upon consideration of said rates and protests thereto, there is reason to believe that said rates would, if permitted to become effective, result in rates which would be unjust, unreasonable, or otherwise unlawful in violation of the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933, as amended; and

It further appearing, that the Commission is of the opinion that the new rates on sugar, refined or turbinated, in bags named in said schedule should be made the subject of a public investigation and hearing to determine whether they are just, reasonable, and otherwise lawful under the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933, as amended; and

It further appearing, that the effective date of the said rates should be suspended pending such investigation;

Now therefore it is ordered, That this proceeding be, and it hereby is, expanded to include, in addition to the matters now under investigation, an investigation into and concerning the lawfulness of the increased rates on sugar, refined or turbinated, in bags named in the said schedule, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant; and

It is further ordered, That said rates be, and they are hereby, suspended and that the use of the said rates, be, and they are hereby, deferred to and includ-

ing April 17, 1962, unless otherwise authorized by the Commission, and that the rates heretofore in effect, and which were to be changed by the suspended rates, shall remain in effect during the period of suspension; and

It is further ordered, That no change shall be made in the matter hereby suspended nor the matter which is continued in effect as a result of such suspension until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Commission; and

It is further ordered, That there shall be filed immediately with the Commission by A. H. Bull Steamship Co. a consecutively numbered supplement to the aforesaid tariff schedule which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described, and shall state that the aforesaid rates are suspended and may not be used until the 18th day of April 1962, unless otherwise authorized by the Commission, and that the rates heretofore in effect, and which were to be changed by the suspended rates, shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Commission; and

It is further ordered, That copies of this order shall be filed with the said tariff schedule in the Bureau of Domestic Regulation of the Federal Maritime Commission; and

It is further ordered, That (I) the investigation herein ordered be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners, at a date and place to be determined and announced by the Chief Examiner, to receive evidence in this proceeding, which will provide an adequate record for proper disposition of the issues and that an initial decision be issued; (II) A. H. Bull Steamship Co., be and it is hereby made respondent in this proceeding; (III) a copy of this order shall forthwith be served upon the protestants, the A. H. Bull Steamship Co., and all others heretofore named respondents hereto; (IV) the said respondents and protestants be duly notified of the time and place of the hearing ordered; and (V) this order and notice of the said hearing be published in the FEDERAL REGISTER.

By order of the Federal Maritime Commission.

Dated: December 29, 1961.

THOMAS LIST,
Secretary.

[F.R. Doc. 62-94; Filed, Jan. 4, 1962; 8:47 a.m.]

[Docket No. 954]

INVESTIGATION OF RATES AND PRACTICES IN ATLANTIC-GULF/PUERTO RICO TRADE

Notice of Supplemental Order

On December 18, 1961, the Federal Maritime Commission entered the following Tenth Supplemental Order to the Original Order in this proceeding dated July 17, 1961:

It appearing, that there is currently pending an investigation into and a hearing concerning certain reduced rates and practices from Atlantic and Gulf Coast ports of the United States to ports in the Commonwealth of Puerto Rico which became effective on July 6, 1961, and on various dates thereafter; and

It further appearing, that A. H. Bull Steamship Company, Inc. (Bull), has been named a respondent in this proceeding; and

It further appearing, that on October 4, 1961, Bull filed with the Federal Maritime Commission (Commission) a new tariff page setting forth a new rule which provides for increased rates and charges and a change in regulations and practices affecting such rates and charges, the said rule to become effective November 6, 1961, and being designated as follows:

A. H. Bull Steamship Co., Outward Freight Tariff No. 1, FMB-F No. 1, 2d revised page No. 20, item 2; and

It further appearing, that the Federal Maritime Commission by Ninth Supplemental Order in Docket No. 954 dated November 2, 1961, suspended the operation of the above designated schedule and deferred the use thereof to and including March 5, 1962, unless otherwise authorized by the Commission; and

It further appearing, that the Commission having found good cause therefor has on November 27, 1961, granted Bull special permission to cancel such schedule on not less than one day's notice under special permission No. 3957 and pursuant thereto, such schedule has been properly cancelled;

Now therefore, it is ordered, That the Ninth Supplemental Order in Docket No. 954 be, and is hereby vacated; and

It is further ordered, That copies of this order shall be filed with said tariff schedules in the Bureau of Domestic Regulation, Federal Maritime Commission; and

It is further ordered, That a copy of this order shall be forthwith served upon all respondents and protestants herein; and that this order be published in the FEDERAL REGISTER.

By order of the Federal Maritime Commission.

Dated: December 29, 1961.

THOMAS LIST,
Secretary.

[F.R. Doc. 62-95; Filed, Jan. 4, 1962; 8:47 a.m.]

[Docket No. 960]

**HAWAIIAN RATES; SECOND
GENERAL INCREASE (1961)****Notice of Amendment to Second
Supplemental Order**

On December 14, 1961, the Federal Maritime Commission issued the following amendment to the Second Supplemental Order in this proceeding dated November 30, 1961:

It appearing, that by Second Supplemental Order in Docket 960 dated November 30, 1961, the Commission instituted an investigation into the lawfulness of certain recently filed rate increases of the Atlantic and Gulf/Hawaii Conference, Walter R. Greiner, Agent, and suspended said increases; and

It further appearing, that certain changes should be made in said supplemental order;

Now therefore it is ordered, That the Commission's Second Supplemental Order in Docket No. 960 dated November 30, 1961 be, and it is hereby, amended as follows: The second appearing clause in said supplemental order, which currently reads:

It further appearing, that there has been filed with the Federal Maritime Commission a new tariff schedule to which American President Lines, Ltd., Isthmian Lines, Inc., Lykes Bros. Steamship Company, Inc. (Lykes Oriental Line), Matson Navigation Company, United States Lines Company (American Pioneer Line), and Waterman Steamship Corporation are parties, naming increases in freight rates from Atlantic and Gulf ports to ports in Hawaii to become effective on December 20, 1961, designated as Atlantic and Gulf/Hawaii Conference, Walter R. Greiner, Agent, Freight Tariff No. 15, FMB-F No. 22; and is hereby deleted and the following paragraph substituted therefor:

It further appearing, that there has been filed with the Federal Maritime Commission a new tariff schedule to which American President Lines, Ltd., Isthmian Lines, Inc., Lykes Bros. Steamship Company, Inc. (Lykes Oriental Line), Matson Navigation Company, United States Lines Company (American Pioneer Line), and Waterman Steamship Corporation are parties, naming increases in freight rates from Atlantic and Gulf ports to ports in Hawaii to become effective on December 20, 1961, designated as Atlantic and Gulf/Hawaii Conference, Walter R. Greiner, Agent, Freight Tariff No. 15, FMC-F No. 22; and

It is further ordered, That said supplemental order, as so modified, remain in full force and effect as issued; and

It is further ordered, That a copy of this order shall be forthwith served upon all respondents, protestants, and interveners herein, and that this order be published in the FEDERAL REGISTER.

Dated: December 29, 1961.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-96; Filed, Jan. 4, 1962;
8:47 a.m.]

[Docket No. 965]

PACIFIC COAST TERMINALS**Investigation of and Proposed Rules
Relating to Practices in Granting
Free Time and Collecting Wharf
Demurrage and Storage Charges**

Notice is hereby given that on December 14, 1961 the Federal Maritime Commission entered the following order:

It appearing, that, except for the requirements of the orders outstanding as a result of Docket No. 555 (2 U.S.M.C. 588 and 709), (1) the water terminals on the United States Pacific Coast may be granting free time of such length as to be prejudicial, unjust, and unreasonable within the meaning of sections 16 and 17 of the Shipping Act, 1916, as amended; (2) said terminals may be assessing and collecting wharf demurrage and storage charges so low as to be prejudicial, unjust, unreasonable, preferential or disadvantageous within the meaning of sections 16 and 17 of the Shipping Act, 1916, as amended; (3) there appears to be no uniformity among the practices and rates relating to free time, wharf demurrage, and storage among the aforesaid terminals; and (4) in order for just and reasonable practices, as required by section 17 of the Shipping Act, 1916, as amended, to exist at the aforesaid terminals it may be necessary that uniform rules for all terminals be established;

It further appearing, that, in order that just and reasonable regulations and practices may prevail at said Pacific Ports the Commission should promulgate rules requiring that all terminal operators at all Pacific Coast Ports establish practices, regulations and rates which:

(1) Permit no more than 10 days free time to any and all commodities, without regard to their nature and without regard to whether they are being exported from or imported into the United States or being transported in the interstate commerce of the United States;

(2) Charge rates for wharf demurrage and/or storage which do not discriminate unfairly among or between commodities and which exact charges bearing a fair relation to the cost of the service provided;

(3) Permit the waiver of the aforesaid 10 days free storage rule and charges for wharf demurrage and/or storage only upon the special permission of the Federal Maritime Commission for good cause shown and only in the instance of specific and individual cargo movements; and

(4) Prohibit (a) making or giving any undue or unreasonable preference or advantage to any particular person, locality, or description of traffic in any respect whatsoever, and (b) subjecting any particular person, locality, or description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

Now, therefore, it is ordered, That pursuant to sections 16, 17, 22, and 43 of the Shipping Act, 1916, as amended, there is hereby instituted an investigation to determine the necessity and advisability of promulgating rules requiring that persons (including common carriers by

water) carrying on the business of furnishing wharfage, dock, warehouse, or other terminal facilities at Pacific Coast ports establish practices, regulations, and rates as aforesaid; and

It is further ordered, That, all interested persons, including but not limited to the persons named in Appendix A below, may submit written data, views, and arguments relative to the advisability and propriety of the promulgation of rules such as the aforesaid. All arguments and views should be supported by written data and/or statements of fact. Requests for opportunity to present evidence and argument at a public hearing will be given due consideration by the Commission provided such requests are accompanied by a written summary of the facts intended to be proved at such public hearing if it is held. All views, data, arguments, and requests for hearing submitted in accordance herewith should be forwarded to the Federal Maritime Commission, Washington, D.C., and, to be entitled to consideration, must be received no later than 60 days from the publication of this order and notice in the FEDERAL REGISTER.

It is further ordered, That, a copy of this order shall be served upon all persons named in Appendix A below.

It is further ordered, That, a copy of the order shall be published in the FEDERAL REGISTER.

By the Commission.

Dated: January 2, 1962.

THOMAS LISI,
Secretary.

APPENDIX A

Kopper Co., Inc., 55 New Montgomery, Wilmington, Calif.
Los Angeles Harbor Grain Terminal, 914 San Clemente Avenue, Wilmington, Calif.
Encinal Terminals, Foot of Jay Street, Alameda, Calif.
Board of Harbor Commissioners, Oxnard Harbor District, P.O. Box 297, Port Hueneme, Calif.
Wagon Wheel Lumber Co., Hueneme, Calif.
Wholesale Forest Product Co., Hueneme, Calif.
Board of Harbor Commissioners, Port of Long Beach, 925 Harbor Plaza, P.O. Box 570, Long Beach, Calif.
Crown Zellerbach Building Products, One Bush Street, San Francisco 19, Calif.
Board of Harbor Commissioners, Los Angeles Harbor, City of Los Angeles, Room 1300, City Hall, Los Angeles 12, Calif.
J. H. Baxter & Co., 3450 Wilshire Boulevard, Los Angeles, Calif.
Diablo Seaway Terminals, 211 Berrellesa Street, Martinez, Calif.
West Coast Checkerboard Elevator Co., 2201 East Seventh Street, Oakland, Calif.
Howard Terminals, 95 Market Street, Oakland 4, Calif.
Board of Port Commissioners, Port of Oakland, Grove Street Pier, Oakland 7, Calif.
Oakland Dock and Warehouse Co., 1401 Middle Harbor Road, Oakland 20, Calif.
Board of Port Commissioners, Port of Redwood City, Redwood City, Calif.
Board of Harbor Commissioners, Port of San Diego, 1365 North Harbor Drive, San Diego 1, Calif.
San Francisco Port Authority, Ferry Building, Room 16, San Francisco 6, Calif.
Port of San Francisco Grain Terminal, Piers 90-92, San Francisco 24, Calif.
Pacific Vegetable Oil Corp., 62 Townsend Street, San Francisco, Calif.

Port of Stockton, P.O. Box 2089, Stockton, Calif.
 Stockton Elevators, P.O. Box 1566, Stockton, Calif.
 Lumber Terminal, Inc., 601 South Seaside, Terminal Island, Calif.
 Consolidated Lumber Co., 1446 East Anaham, Wilmington, Calif.
 Port of Grays Harbor, P.O. Box 100, Aberdeen, Wash.
 Anacortes Port Commission, P.O. Box 280, Anacortes, Wash.
 Port of Astoria Commission, Astoria, Oreg.
 Port of Bandon Commission, Bandon, Oreg.
 Bellingham Port Commission, P.O. Drawer 643, Bellingham, Wash.
 Port of Camas—Washougal, P.O. Box 1017, Camas, Wash.
 Central Dock Co., P.O. Box 148, 1116 North Front Street, Coos Bay, Oreg.
 Everett Port Commission, Pier 1, Port of Everett, Everett, Wash.
 Port of Longview Commission, Foot of Oregon Way, Longview, Wash.
 Yaquina Bay Dock & Dredge Co., Inc., P.O. Box 245, Newport, Oreg.
 Port of Olympia Commission, P.O. Box 827, Olympia, Wash.
 Commission of Public Docks, City of Portland, 3630 NW. Front Avenue, Portland 10, Oreg.
 Albina Dock Co., Foot of North Russell Street, Portland, Oreg.
 Port of Willapa Harbor, Raymond, Wash.
 Matson Terminals, Inc., Pier 48, Seattle 4, Wash.
 American Mail Line, Ltd., 740 Stuart Building, Seattle, Wash.
 Puget Sound Terminal, Inc., Pier 62, Seattle 1, Wash.
 Alaska Terminal and Stevedoring Co., Pier 42, Seattle, Wash.
 Arlington Dock, Inc., Pier 56, Seattle, Wash.
 Canadian Pacific Railway Co., 515 White—Henry—Stuart Building, Seattle, Wash.
 Olympia Steamship Co., Inc., 1000 Second Avenue, Seattle, Wash.
 Port of Seattle, P.O. Box 1209, Seattle, Wash.
 General Hardwood Co., Milwaukee Waterway, Tacoma, Wash.
 Port of Tacoma, East 11th Street, Tacoma, Wash.
 Tacoma Stevedore and Terminal Co., 7 North Dock Street, Tacoma, Wash.
 Balfour, Guthrie and Co., Ltd., Milwaukee Ocean Dock No. 2, Tacoma, Wash.
 Port of Vancouver Public Terminals, P.O. Box 570, Vancouver, Wash.
 Salmon Terminals, Pier 24, North, Seattle 4, Wash.
 [F.R. Doc. 62-150; Filed, Jan. 4, 1962; 8:52 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP62-43]

ATLANTIC SEABOARD CORP.

Notice of Application

DECEMBER 28, 1961.

Take notice that on August 22, 1961, as supplemented on October 17, 1961, Atlantic Seaboard Corporation (Applicant), P.O. Box 1273, Charleston 25, West Virginia, filed in Docket No. CP62-43 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing (1) the construction and operation of approximately 40.3 miles of 30-inch gas transmission pipeline extending in a northeasterly direction from Applicant's 26-inch pipe-

lines at Leesburg Gate, Loudoun County, Virginia, to a point of interconnection with Applicant's 20-inch and 26-inch pipelines at Linden Church, Howard County, Maryland, and (2) installation and operation of an additional 1320 horsepower at Applicant's Lost River Compressor Station, Hardy County, West Virginia, by the turbocharging of six existing compressor units from 1100 h.p. to 1320 h.p. each, all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

The application states that the estimated peak day gas requirements for the 1962-1963 winter season will increase approximately 45,800 Mcf over and above the estimated peak day gas requirements for the 1961-1962 winter season and that the proposed transmission facilities are necessary to provide sufficient transmission capacity to meet such increased requirements.

The application further states that Applicant's proposed 30-inch gas transmission pipeline is necessary in that it will permit Applicant to remove any additional pipeline operations from the urban area surrounding Washington, D.C.

Applicant does not propose to increase its present contract demand from United Fuel Gas Company, its principal source of supply.

The estimated cost of the proposed facilities is \$5,476,000 which would be financed by The Columbia Gas System, Inc., Applicant's parent.

Protests, requests for hearing or petitions to intervene in this proceeding may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 22, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-105; Filed, Jan. 4, 1962; 8:47 a.m.]

[Docket No. G-19115 etc.]

HASSIE HUNT TRUST ET AL.

Order Denying Rehearing and Fixing Date for Hearing

DECEMBER 28, 1961.

Hassie Hunt Trust, Operator, et al., Docket No. G-19115; H. L. Hunt, Operator, et al., Docket No. G-19116; Hunt Oil Company, Docket No. G-19117; William Herbert Hunt Trust Estate, Operator, Docket No. G-19118; Lamar Hunt Trust Estate, Docket No. G-19119; George W. Graham, Inc., Operator, et al., Docket No. G-19123; Placid Oil Company, Operator, et al., Docket Nos. G-19124, G-19125.

On December 1, 1961, Placid Oil Company filed an Application for Rehearing of our Order Granting Intervention, Setting Aside Certificates and Issuing Temporary Authorizations, issued November 2, 1961, and Hassie Hunt Trust, H. L. Hunt, Hunt Oil Company, William Herbert Hunt Trust Estate, Lamar Hunt Trust Estate, and George W. Graham, Inc., filed an Application for Rehearing

and Reconsideration of said order.¹ Petitioners allege that the Commission erred in vacating the certificate of public convenience and necessity theretofore issued to them in the above-listed dockets, that it erred in vacating the certificates without full hearing, that the Commission has no authority to issue temporary authorizations for the period during which service may be continued without permanent certificates outstanding, that the refund provision set forth in the aforesaid order was improper, and that we have no authority to order the filing of a copy of said order with Petitioners' rate schedules.

We have considered Petitioners' arguments, and find no reason to grant rehearing or to reconsider our order.

On November 24, 1961, the Public Service Commission of the State of New York filed, pursuant to ordering paragraph (B) of the aforesaid order a statement setting forth its position on the issues involved and its position thereon. In view of said position, and in order that the public interest be adequately served, we deem it necessary that a hearing be held concerning the applications in the above-listed dockets in order that it may be determined whether or not the public convenience and necessity require that permanent certificates should issue to Petitioners upon the terms and at the price sought.

On June 15, 1961, the Court of Appeals for the District of Columbia Circuit reversed our denial of intervention to the New York Commission and ordered that the instant cases be "remanded for such further proceedings as are not inconsistent with this opinion." Public Service Commission of New York v. F.P.C., 295 F. 2d 140, 144. In view of prior judicial determinations, we have taken in this proceeding the only action we could have taken to protect the right of the New York Commission to intervene in this case.

Petitioners argue that we should not have vacated the certificates, that they had become final because no appeal had been taken from them and that the court had no power to rule upon the effectiveness of the certificates. Petitioners ignore the fact that the New York Commission had sought to intervene to protect its rights, that the intervention had been denied, and that an appeal from said denial was pending before the courts at the time certificates were issued to Petitioners. Petitioners were undoubtedly aware of these facts, or should have been. The denial of intervention was reversed. To allow the certificates now to become final, in derogation of the New York Commission's right to intervene, would thwart completely the judgment of the Court. This we cannot do. In a similar case, Public Service Commission of New York v. F.P.C., 284 F. 2d 220, the same Court of Appeals made this clear when it stated:

If a person has applied for intervention in a proceeding and been denied intervention, and has validly brought the order of denial to this court for review, the administrative agency cannot destroy the jurisdiction

¹ All parties are hereinafter referred to as Petitioners.

of this court by simply taking final action in the proceeding, the would-be intervenor being absent from that proceeding. Such a holding would create too ready a means by which the administrative agencies could thwart the power of a reviewing court to pass upon the validity of orders denying intervention. Such applicants for intervention have a right to judicial review of such denials.

* * * * *
If it be decided * * * that the order denying intervention was in error and that the New York Commission should have been allowed to intervene in the opening stages of the proceeding before the Federal Commission, it will follow that the proceeding before the Commission would have to be reopened to permit the New York Commission to become a full participant in the proceeding and to present whatever evidence and argument it might choose to present.

In view of this clear pronouncement, it is plain that the proceedings should be reopened so that the New York Commission may have its day in court and an opportunity to contest the initial prices sought by Petitioners. *U.S. v. Seatrains Lines, Inc.*, 329 U.S. 424 and other cases cited by Petitioners are inapposite.

Nor are we foreclosed from the issuance of temporary certificates in cases of this kind. Once service in interstate commerce has been initiated, it must be continued unless permission to abandon has been received from the Commission under section 7(b) of the Natural Gas Act. In view of the requirement that we vacate the permanent certificates under the Court's order, as set forth above, and that we hold further hearings to determine the Petitioners' applications for certificates of public convenience and necessity, we found it necessary to issue temporary authorizations in order to maintain adequate service to Natural Gas Pipeline Company of America. This may be done without notice or hearing under the authority granted us in sections 7 and 16 of the Act.

The Commission's order provided for possible refunds in the event Petitioners failed to justify the price sought in the certificates. The power of the Commission to impose conditions upon certificates of public convenience and necessity has been held to extend to temporary certificates. *Sunray Mid-Continent Oil Co. v. F.P.C.*, 270 F. 2d 404; *Texaco Inc. v. F.P.C.*, 290 F. 2d 149; *J. M. Huber Corp. v. F.P.C.*, — F. 2d — (Sept. 14, 1961). In ordering that refunds be made for revenues collected in excess of the amount computed at the rate determined to be required by the public convenience and necessity, we believe that we have "protected all interests pending [final] determination" *The Pure Oil Co. v. F.P.C.*, — F. 2d — (July 7, 1961) of the application for permanent authority.

Petitioners further contend that we have no authority to order that a copy of our November 2, 1961, order be filed as part of their applicable rate schedules. Section 16 of the Natural Gas Act gives us the power to perform all acts necessary to carry out the provisions of that Act. We have ample authority to require that the rate schedule under

which an independent producer will be collecting revenues be on file with us and that it truly represent the terms and conditions under which said revenues are being collected. We have accomplished this by requiring that the aforesaid order be filed as part of the Petitioners' rate schedules.

The Commission finds:

(1) The applications for rehearing and reconsideration filed by Petitioners set forth no new facts or legal considerations which were not fully considered by the Commission prior to the issuance of our order of November 2, 1961, or which have now been considered warrant the modification of said order.

(2) It is necessary and proper that a hearing be held in the above consolidated dockets to determine whether certificates of public convenience and necessity should issue to Petitioners on the terms and at the price sought.

The Commission orders:

(A) The applications for rehearing filed by Petitioners be and they hereby are denied.

(B) 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 regulations thereunder and the rules of practice and procedure of the Commission, a hearing will be held commencing March 28, 1962, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented in the applications filed by Petitioners in the above-listed dockets.

(C) Any person heretofore permitted to intervene in the above-listed dockets shall be considered an intervenor in the reopened matter. Further 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 February 28, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-106; Filed, Jan. 4, 1962;
8:47 a.m.]

[Docket Nos. RI62-243, RI62-247]

SHELL OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes to Become Effective Subject to Refund

DECEMBER 28, 1961.

Shell Oil Company (Operator), et al., Docket No. RI62-243; Shell Oil Company, Docket No. RI62-247.

On November 29, 1961, Shell Oil Company (Shell)¹ tendered for filing proposed changes in rates for sales of natural gas subject to the jurisdiction of the Commission. These changes represent in-

creases from 15.5017 cents² to 15.55987 cents per Mcf³ to El Paso Natural Gas Company. The filings, designated Supplement No. 9 to Shell's FPC Gas Rate Schedule No. 33, Supplement No. 5 to Shell's FPC Gas Rate Schedule No. 40 and Supplement No. 5 to Shell's FPC Gas Rate Schedule No. 95, from the producing areas of Langmat Field, Tubb-Blinebry Field, and Bagley Field, respectively, in Lea County, New Mexico, reflect annual increases of \$10, \$65, and \$20, respectively. Shell requests an effective date of December 30, 1961.

Concurrently with the above filings Shell Oil Company (Operator), et al.,¹ tendered for filing Supplement No. 10 to its FPC Gas Rate Schedule No. 34 and Supplement No. 16 to its FPC Gas Rate Schedule No. 41, reflecting increases of the amounts described above to El Paso Natural Gas Company.⁴ These increases relate to sales from the Langmat and Tubb-Blinebry, et al. Fields, Lea County, New Mexico, and represent annual increases of \$182 and \$2,011, respectively. The requested effective date is December 30, 1961.

The subject rate changes result from increase in tax reimbursement provided for by Shell's contract of sale, which Shell, however, did not file at the time of tendering its renegotiated rate changes currently in effect subject to refund in Docket No. RI61-475. The subject increases are, therefore, being suspended for one day.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), public hearings shall be held upon dates to be fixed by notice from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, each of the above-designated rate supplements is hereby suspended and the use thereof deferred until December 31, 1961, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act: *Provided, however*, That said supplements shall become effective sub-

² Rate in effect subject to refund in Docket No. RI61-475.

³ The pressure base is 14.65 psia.

⁴ The rate presently in effect under Schedule No. 34 is subject to refund in Docket No. RI61-477 and the rate presently in effect under Rate Schedule No. 41 is subject to refund in Docket No. RI61-476.

¹ 50 West 50th Street, New York 20, N.Y.

ject to refund on the date and in the manner herein prescribed if within 20 days from the date of issuance of this order Shell shall execute and file under the appropriate above-designated docket numbers with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedules involved. Unless Shell is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37) on or before February 1, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-107; Filed, Jan. 4, 1962;
8:48 a.m.]

[Docket No. E-7019]

SOUTHERN CALIFORNIA EDISON CO. Order Providing for Hearing and Suspension of Proposed Rate Schedule Change

DECEMBER 28, 1961.

Southern California Edison Company (Edison) on December 1, 1961, tendered for filing pursuant to section 205 of the Federal Power Act, a proposed change in rate schedule to supersede as of January 1, 1962, Edison's Rate Schedule FPC No. 1, as supplemented.¹ The proffered superseding rate schedule designated as Edison's Rate Schedule FPC No. 2, would increase Edison's rates and charges for wholesale electric service to the City of Colton, California, by an estimated \$130,892 based upon Edison's 1960 deliveries of power and energy to the City of Colton. For the twelve-month period ending December 31, 1960, Edison furnished 27,211,200 kwh to the City of Colton. Based upon the schedule of rates and charges reflected in Edison's Rate Schedule FPC No. 1, the total charges to the City of Colton would be \$215,817 and under the proposed in-

creased rates and charges would be \$346,709.²

The proposed rate schedule change and increased rates and charges may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Unless suspended by order of the Commission, Edison's Rate Schedule FPC No. 2 will become effective pursuant to the provisions of the Federal Power Act on January 1, 1962. Examination of that rate schedule and other data currently before the Commission indicates that the rates and charges embodied in Rate Schedule FPC No. 2 inter alia may produce an excessive return upon Edison's net investment properly allocated as a rate base to its service to the City of Colton; may reflect averaging of plant balances upon an improper basis for test year rate base purposes; may reflect improper inclusion in Edison's net investment rate base of amounts of construction work in progress; may reflect an insufficient credit of tax accruals to claimed working capital allowances; may reflect improper allocation of demand responsibility to the City of Colton; may reflect an insufficiently stated fuel adjustment clause; and may reflect improper inclusion of items in claimed production expenses of Edison.

The City of Colton on October 25, 1961, protested the filing of the proposed rate schedule change and requested that the proposed rate increase be suspended and the lawfulness, under the Federal Power Act, of Edison's Rate Schedule FPC No. 2 be determined following a hearing thereon.

The Commission finds: In view of the foregoing, it is necessary and appropriate for the purposes of the Federal Power Act that the Commission pursuant to the authority of that Act, particularly sections 205, 308, and 309 thereof, enter upon a hearing concerning the lawfulness of Edison's proposed Rate Schedule FPC No. 2 and that the operation of such proposed rate schedule be suspended and the use thereof deferred all as herein-after provided.

The Commission orders:

(A) A public hearing be held concerning the lawfulness of Edison's proposed Rate Schedule FPC No. 2 at a time and place to be specified by notice of the Secretary.

(B) Pending such hearing and decision thereon, the operation of the proposed Rate Schedule referred to in Paragraph (A) above, hereby is suspended and the use thereof deferred until June 1, 1962. On that date the proposed rate schedule shall take effect in the manner prescribed by the Federal Power Act, subject to further order of

¹ Edison's actual billing to the City of Colton during the twelve-month period ending December 31, 1960, was at a schedule of rates and charges higher than those reflected in Edison's Rate Schedule FPC No. 1. These higher rates and charges were not filed with this Commission. See Commission Opinion No. 346 issued July 31, 1961, Docket No. E-6821, City of Colton, California v. Southern California Edison Company.

the Commission, unless this proceeding has been disposed of previously.

(C) During the period of suspension Edison's Rate Schedule FPC No. 1, and Supplement No. 1 thereto, on file with the Commission shall remain and continue in effect.

(D) Unless otherwise ordered by the Commission, Edison shall not change the terms or provisions of its proposed Rate Schedule FPC No. 2 or its Rate Schedule FPC No. 1, and Supplement No. 1 thereto, until this proceeding has been disposed of or until the period of suspension has expired.

(E) Notice of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37) on or before January 31, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-108; Filed, Jan. 4, 1962;
8:48 a.m.]

[Docket No. CP60-122 etc.]

TEXAS EASTERN TRANSMISSION CORP ET AL.

Notice of Applications, Further Consolidations and Date of Hearing

DECEMBER 28, 1961.

Texas Eastern Transmission Corporation, Docket Nos. CP60-122, CP61-203; Algonquin Gas Transmission Company, Docket Nos. CP60-124, CP61-220; United Gas Pipe Line Company, Docket No. CP61-151; Southern Natural Gas Company, Docket No. CP61-206; Texas Gas Transmission Corporation, Docket No. CP61-247; Arkansas-Missouri Power Company, Docket No. CP62-20.

Take notice that, on November 23, 1960, United Gas Pipe Line Company (United) filed an application in Docket No. CP61-151, as supplemented on January 3, 1961, March 3, 1961, March 20, 1961, April 13, 1961, and October 16, 1961, for a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act (Act) to construct, in two phases, and operate facilities, hereinafter more fully described, to enable United to replace declining gas supplies used to serve its northeast Texas and north Louisiana market areas with more abundant supplies from southern Louisiana.

Phase I, 1961 construction, consists of 317.3 miles of 30-inch pipeline and appurtenant facilities. These proposed facilities begin at a point in St. Mary Parish, Louisiana, where United's 20-inch Lafayette-Bayou Sale pipeline connects to United's 26 and 30-inch Eugene Island-Kosciusko pipeline, and extend in a northwesterly direction paralleling said Lafayette-Bayou Sale pipeline to the point at which United's 16-inch pipeline to Weeks Island Field connects to said 20-inch pipeline. The proposed

facilities then proceed in a northerly direction ending at a point in Ouchita Parish, Louisiana, near Milepost 131 on United's 24 and 20-inch Carthage-Sterlington pipeline.

Phase II, 1962 construction, is a proposed 5,600 HP compressor station on United's proposed new 30-inch pipeline near Marksville, Avoyelles Parish, Louisiana. The total capacity of these new facilities will be approximately 453,000 Mcf per day. The proposed facilities will enable United to supplement, with gas from south Louisiana, declining sources of supply in northeast Texas and north Louisiana.

United also proposes to sell and deliver increased quantities of natural gas to three of its existing pipeline customers, including Texas Eastern Transmission Corporation (Texas Eastern) and Texas Gas Transmission Corporation (Texas Gas).¹ Texas Eastern has agreed to purchase an additional 100,000 Mcf per day commencing on November 1, 1962, and 25,000 Mcf per day additional in 1963. These additional supplies will contribute to Texas Eastern's supply for the service it proposes to render in Docket No. CP61-203, a companion application. Texas Gas has agreed to purchase an additional 50,000 Mcf per day from United commencing on the same date, in order to render service proposed by it in Docket No. CP61-247.

United estimates the total capital cost of its proposed facilities at \$34,188,000, which will be financed from retained earnings, depreciation and amortization accruals and from the issuance and sale of 4½ percent notes and 5½ percent first mortgage bonds to its parent, United Gas Corporation.

On May 11, 1961, United was granted temporary authority to construct and operate only those facilities designated as Phase I of its project, namely, the new 217 mile 30-inch pipeline and compressor facilities of 2,800 horsepower. On November 2, 1961, United was granted temporary authority to commence the proposed additional deliveries to Texas Eastern so that the latter could commence the service proposed in Docket No. CP61-203.²

Texas Eastern, on January 27, 1961, filed an application in Docket No. CP61-203, as supplemented on March 6, 1961,

¹United also has a precedent agreement with Mississippi River Fuel Corporation (Mississippi River)^o for increased gas supplies as follows:

Daily Volume (Mcf at 14.9 psia)				
1962	1963	1964	1965	
10,000	30,000	80,000	100,000	

United, in its application herein states that Mississippi will need no certificate to handle these proposed increases.

²Temporary authority to construct and operate these facilities was granted to Texas Eastern on June 29, 1961, subject to condition that all costs associated with the installation of these facilities shall not be placed in Texas Eastern's rate base until such inclusion is permitted by further action of this Commission in this proceeding. Temporary authority to make the additional sales proposed for the 1961-62 winter was issued on November 2, 1961.

March 13, 1961, June 5, 1961, July 17, 1961, September 5, 1961, and September 29, 1961, for a certificate of public convenience and necessity pursuant to section 7(c) of the Act to construct and operate 473 miles of pipelines of various sizes and lengths and approximately 97,300 horsepower of additional compressor facilities at various stations in order to increase its peak day system capacity by approximately 230,000 Mcf per day (at 14.73 psia) and to serve additional quantities of gas to 40 percent customers and to initiate service to four new resale customers.³ These proposed new sales will be made under long term service agreements and Texas Eastern's firm gas rate schedules and will total 224,617 Mcf per day. Approximately 4,900 Mcf of peak day capacity will be uncommitted and available for section 7(a) applicants or other customers. Approximately half of the additional volumes will be delivered commencing November 1, 1961, the remainder commencing November 1, 1962.

The facilities of Texas Eastern proposed herein are described as follows:

(1) Approximately 57.0 miles of 14-inch pipeline from Castor, Louisiana, to West Monroe, Louisiana.

(2) Approximately 165.0 miles of 20-inch pipeline from West Monroe, Louisiana, to Kosciusko, Mississippi.

(3) Approximately 215.0 miles of 30-inch pipeline loops on Texas Eastern's pipeline system at various locations and in various lengths between Kosciusko, Mississippi, and Lambertville, New Jersey.

(4) Approximately 12.5 miles of 14-inch and 13.5 miles of 12¾-inch pipeline extending north from a point on Texas Eastern's 36-inch pipeline in New Jersey between compressor stations 26 and 27.

(5) Approximately 11.0 miles of 10¾-inch pipeline from a point on Texas Eastern's 36-inch pipeline near Manville, New Jersey, to a point near Helmetta, New Jersey.

(6) A new compressor station near West Monroe, Louisiana, of approximately 7,500 horsepower.

(7) Approximately 12,500 additional horsepower at the Kosciusko, Mississippi, compressor station.

(8) Approximately 15,000 additional horsepower at the Gladeville, Tennessee, compressor station.

(9) Approximately 16,000 additional horsepower at the Danville, Kentucky, compressor station.

(10) Approximately 15,000 additional horsepower at the Wheelersburg, Ohio, compressor station.

(11) Approximately 15,000 additional horsepower at the Berne, Ohio, compressor station.

(12) Approximately 10,500 additional horsepower at the Delmont, Pennsylvania, compressor station.

(13) Approximately 2,050 additional horsepower at Station No. 16, Lebanon, Ohio.

(14) Approximately 2,000 additional horsepower at Station No. 17, Circleville, Ohio.

³See Appendix A below for customers and related proposed new volumes.

(15) Approximately 1,750 additional horsepower at Station No. 20, Wind Ridge, Pennsylvania.

(16) Change impellers at various existing compressors and add various meter and regulating stations for deliveries of natural gas in connection with the expansion program.

The total capital cost of Texas Eastern's proposed facilities is estimated at \$84,521,000 to be financed through the issuance of \$60,000,000 of 20 year First Mortgage Pipe Line Bonds, \$15,000,000 of 5½ percent sinking fund preferred stock, and \$20,000,000 of 5.1 percent subordinate convertible preferred stock. The total of \$95,000,000 to be obtained through the issuance of these securities will be used for construction of other facilities in the future in addition to the subject proposal.

Texas Eastern will increase its daily pipeline purchases from United by 126,446 Mcf (Docket No. CP61-151); from Texas Gas by 50,000 Mcf (Docket No. CP61-247); and from Southern Natural Gas Company (Southern) by approximately 41,000 Mcf (Docket No. CP61-206).

Temporary authority was issued to Texas Eastern on June 29, 1961, as amended on August 2, 1961, authorizing construction and operation of facilities necessary to make the deliveries proposed commencing November 1, 1961. On November 2, 1961, temporary authority to sell and deliver the proposed increased volumes for the 1961-62 winter was issued to this applicant.

On February 3, 1961, Southern filed an application as supplemented on March 29, 1961, for certificate authority to construct and operate a total of 14.4 miles of 20-inch transmission loop line on its Gwinville-Pickens line in the State of Mississippi and an additional metering and regulating station at an existing interconnection with the facilities of Texas Eastern near Kosciusko, Mississippi. The proposed facilities would enable Southern to deliver approximately 40,000 Mcf of additional gas per day to Texas Eastern, an existing customer, under a proposed new rate schedule CDL-1, which will provide for the same demand and commodity charges as Southern's Rate Schedule CD-1.

Southern states that there will be available to it at Gwinville, Mississippi, some 190,000 Mcf per day of gas from reserves in south Louisiana along its Canfield line and from the Gwinville Field, which its present system lacks the capacity to move past Gwinville Station. It therefore proposes to complete the looping of the Gwinville-Pickens Line, which will enable 75,638 additional Mcf per day to be transported north from Gwinville to Pickens. Southern states that this will result in an excess capacity of 35,638 Mcf per day which will be needed; however, within the next one to three years to offset declines in deliverability from supply sources in North Louisiana and Texas. Further, Southern states that \$61,000 in construction costs will be saved by the complete looping of the Gwinville-Pickens line now, instead of constructing only enough loop for the sale to Texas Eastern and completing the remainder at a later date.

Southern estimates the total capital cost of construction of its proposed facilities at \$1,049,420 to be financed from cash on hand or cash available from current operations.

Texas Gas, on March 20, 1961, filed an application in Docket No. CP61-247 for certificate authority to construct and operate 56.5 miles of 30-inch and 20.75 miles of 26-inch pipeline, looping its existing 26-inch transmission system at various points in Louisiana, Mississippi, Tennessee, Kentucky and Ohio; two 24-inch river crossings, and 4,000 additional compressor horsepower at its existing Hardinsburg, Kentucky, compressor station.

The proposed facilities are for the purpose of enabling applicant to increase its deliveries to Texas Eastern, as of November 1, 1962, by 50,000 Mcf per day to be delivered at an existing delivery point near Middletown, Ohio. The sale to Texas Eastern will be made under its existing rate schedule CD-4.

Texas Gas has contracted to purchase 50,000 additional Mcf per day from United (Docket No. CP61-151) beginning on November 1, 1961.

Texas Gas estimates the total capital cost of its proposed facilities at \$12,913,600. It states, however, that since the proposed facilities need not be constructed until the summer of 1962, it plans to finance the construction in conjunction with the financing of such other facilities as may be needed to meet the requirements of its other customers during the 1962-1963 winter season. Therefore, the plans for financing the subject facilities are not known at this time.

Algonquin Gas Transmission Company (Algonquin) on February 23, 1961, filed an application in Docket No. CP61-220, as supplemented on March 27, 1961, and October 4, 1961, for certificate authority to construct and operate certain additional facilities in order to sell and deliver additional volumes of natural gas to certain of its existing customers.⁴ Algonquin proposes to build a new 8,100 horsepower compressor station at Burrillville, Rhode Island and approximately 5.6 miles of 8-inch pipeline loop on its existing 6-inch G-8 lateral in order to commence deliveries of 10,061 Mcf per day on November 1, 1961. Further, it proposes to construct and operate an addition of 4,000 compressor horsepower at its existing Cromwell, Connecticut compressor station and approximately 5.8 miles of 20-inch pipeline loop on its existing G-1 lateral in order to commence deliveries of an additional 17,203 Mcf per day on November 1, 1962.

The total capital cost of Algonquin's proposed facilities is estimated at \$4,848,900 to be financed through the use of retained earnings and a bank loan of \$4,000,000 at 4½ percent.

The additional volumes proposed to be sold by Algonquin and for which the facilities are a necessary adjunct, will be made available by Texas Eastern as set forth in its application in Docket No. CP61-203.

Temporary authority to construct and operate the facilities necessary to com-

mence the November 1, 1961, service was issued to Algonquin on June 29, 1961,⁵ and temporary authority to sell up to 10,061 Mcf per day to certain existing customers was issued on November 2, 1961.

In Docket No. CP62-20, Arkansas-Missouri Power Company (Arkansas-Missouri) filed on July 24, 1961,⁶ as supplemented on August 21, 1961, and October 16, 1961, an application for a certificate of public convenience and necessity under section 7(c) to construct and operate 20.96 miles of 3-inch lateral pipeline and distribution systems in four Arkansas cities.⁷ These systems are to be constructed and owned by the cities but will be operated by Arkansas-Missouri. Arkansas-Missouri's estimate of the total cost to construct these facilities is \$433,500, to be financed by the individual cities concerned. Arkansas-Missouri will operate, maintain the facilities, and make the retail deliveries. It will make annual lease and rental payments to each of the cities.

The estimated peak day requirements of the four communities for the first three years of service are 421,554 and 689 Mcf respectively.

Arkansas-Missouri owns and operates two separate and unconnected pipeline transmission systems. The main integrated system, from which the proposed new service will be rendered, receives its gas supply from Texas Eastern and Texas Gas. Arkansas-Missouri's ability to render the service proposed herein may be dependent upon certification of Texas Eastern's application in Docket No. CP61-203 wherein sales of 6,000 Mcf per day to applicant are proposed.

On September 15, 1960, there was issued notice of applications and consolidation in Texas Eastern Transmission Corporation, Docket No. CP60-122 and Algonquin Gas Transmission Company, Docket No. CP60-124, companion applications. Texas Eastern proposes to construct and operate a total of 66.28 miles of 30-inch pipeline loops at various places along its pipeline system between Vidor, Texas and Lambertville, New Jersey and install 33,710 additional compressor horsepower at four existing stations⁸ as well as a change of centrifugal compressor impellers at various compressor stations.

Algonquin in its application in Docket No. CP61-124 seeks authority to construct and operate facilities so as to deliver an additional quantity of 13,432 Mcf per day to ten of its existing customers as further described in said notice. The availability of this additional service is dependent upon Texas Eastern's receiving certification of its appli-

⁴ This temporary authorization contains the same condition as the temporary authorization issued to Texas Eastern on the same date. See footnote 2.

⁵ Arkansas-Missouri filed a petition to amend the certificate issued in Docket No. G-1900; but since the proposal involves service to new communities, it is being treated as a new application and has been designated Docket No. CP62-20.

⁶ Black Oak, Lake City, Caraway and Marmaduke.

⁷ Vidor, Tex.; Opelousas, La.; Barton, Ala., and Tomkinsville, Ky.

cation in Docket No. CP60-122 which contains a proposed additional allocation of 20,000 Mcf per day to Algonquin.

Temporary authority to construct and operate the proposed facilities in Docket No. CP60-122 and deliver the proposed additional gas volumes was issued to Texas Eastern by letter order of October 28, 1960. This authorization was subject to the condition that Texas Eastern eliminate its proposed investment from its rate base and that its stockholders bear all costs associated with such investment should the Commission ultimately deny the certificate requested in Docket No. CP60-122. This authorization was further conditioned on acceptance by Algonquin of the temporary authority concurrently issued to it in Docket No. CP60-124. This conditional temporary authorization was accepted by Texas Eastern by letter of November 25, 1960.

Temporary authority to construct and operate facilities and sell natural gas as proposed in Docket No. CP60-124 was granted to Algonquin by Commission letter order of October 28, 1960. This contained conditions similar to those in the temporary authorization issued to Texas Eastern, in Docket No. CP60-122. Algonquin accepted this temporary certificate and the attached conditions on November 25, 1960.

These matters are all interrelated and should be disposed of on a consolidated record, 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 February 26, 1962, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications.

Protests or petitions to intervene in these consolidated proceedings 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 February 1, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

APPENDIX A

Customers of Texas Eastern	Quantity proposed to be sold (Mcf/d)	
	15.025 psia	14.73 psia
Algonquin Gas Transmission Co.	29,410	30,000
Arkansas-Missouri Power Co. and Associated Natural Gas Co.	6,000	6,120
Batesville, Ind., City of	1,000	1,020
Belmont, Miss., Town of	200	204
The Brooklyn Union Gas Co.	26,000	26,521
Columbia, Ky., City of	425	434
Consolidated Edison Co. of N.Y., Inc.	20,000	20,401
Consumers Gas Co., Alton, Ill.	1,350	1,377

⁸ See Appendix B below.

APPENDIX A—Continued

Customers of Texas Eastern	Quantity proposed to be sold (Mcf/d)	
	15.025 psia	14.73 psia
Consumers Gas Co., Omaha, Ill.	566	577
Crossville, Ill., Village of	300	306
Eastern Indiana Natural Gas Corp.	1,500	1,530
Elizabethtown Consolidated Gas Co.	2,900	2,953
Equitable Gas Co.	25,000	25,501
Flora, Miss., Town of	220	224
Fort Branch Natural Gas Co., Inc.	1,500	1,530
Franklin, Tenn., Town of	700	714
Fulton, Miss., Town of	100	102
Grayville, Ill., City of	3,500	3,570
Hartsville Gas Co.	244	249
Huntingburg, Ind., City of	400	408
Illinois Electric & Gas Co.	2,000	2,040
Indiana Natural Gas Corp.	1,000	1,020
Jasper, Ind., City of	500	510
Lawrenceburg, Tenn., City of	1,000	1,020
Lebanon, Tenn., City of	1,000	1,020
Liberty, Ky., City of	288	273
Long Island Lighting Co.	20,000	20,401
Mid-South Gas Co.	2,000	2,040
Missouri Utilities Co.	3,000	3,060
New Jersey Natural Gas Co.	7,000	7,140
Oxford Natural Gas Corp.	3,029	3,090
Penn Fuel Group	2,170	2,213
Penn Fuel, Orviston, Pa.	3,125	3,188
Phillips, T. W., Gas & Oil Co.	3,000	3,060
Petersville Gas Co., Inc.	14,800	15,090
Public Service Electric and Gas Co.	26,700	27,235
Pulaski, Tenn., City of	1,151	1,174
Shippensburg Gas Co.	390	393
Smyrna, Tenn., Town of	200	204
Somerset, Ky., City of	500	510
Southeastern Illinois Gas Co., Division of United Cities Gas Co.	800	816
Tennessee Gas Co., Division of United Cities Gas Co.	5,000	5,100
United Natural Gas Co.	5,000	5,100
Westport Natural Gas Co., Inc.	550	561
Total	220,206	224,617

New resale customers.

APPENDIX B
(Nov. 1, 1961)

Customers of Algonquin	Additional sales proposed (Mcf at 14.73 psia)	
	Maximum daily quantity	Maximum annual quantity
Boston Gas Co.	3,690	810,000
Brockton Taunton Gas Co.	1,761	475,470
Buzzards Bay Gas Co.	460	124,200
The Connecticut Gas Co.	1,500	405,000
The Hartford Electric Light Co.	120	32,400
The Hartford Gas Co.	800	216,000
City of Norwich, Conn.	150	40,500
Worcester Gas Light Co.	1,270	342,900
Fall River Gas Co.	1,000	270,000
Total	10,061	2,716,470

(Nov. 1, 1962)

Customers of Algonquin	Additional sales proposed (Mcf at 14.73 psia)	
	Maximum daily quantity	Maximum annual quantity
Boston Gas Co.	4,500	1,215,000
Brockton Taunton Gas Co.	2,337	630,990
Buzzards Bay Gas Co.	400	108,000
The Connecticut Gas Co.	1,900	513,000
The Hartford Electric Light Co.	165	44,550
The Hartford Gas Co.	2,200	594,000
New Haven Gas Co.	1,528	412,560
City of Norwich, Conn.	150	40,500
Norwood Gas Co.	323	87,210
Providence Gas Co.	2,900	783,000
Worcester Gas Light Co.	800	216,000
Total	17,203	4,644,810

[F.R. Doc. 62-109; Filed, Jan. 4, 1962; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3842]

BLACK BEAR INDUSTRIES, INC.

Order Summarily Suspending Trading

DECEMBER 29, 1961.

In the matter of trading on the San Francisco Mining Exchange in the common stock, par value 15 cents a share of Black Bear Industries, Inc. (formerly Black Bear Consolidated Mining Co.).

The common stock, par value 15 cents a share, of Black Bear Industries, Inc. (formerly Black Bear Consolidated Mining Co.), being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, December 30, 1961, to January 8, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-137; Filed, Jan. 4, 1962; 8:51 a.m.]

tions. Such review is limited to the determination of whether a concession that has been modified or withdrawn can be restored in whole or in part without causing or threatening serious injury to the domestic industry concerned.

In submitting its report, the Commission advised the President that the conditions of competition between imported and domestic safety pins had not so changed as to warrant the institution of a formal investigation under the provisions of paragraph 2 of Executive Order 10401. This means that, in the Commission's view, the developments in the trade in safety pins do not warrant a formal inquiry into the question of whether a reduction in the duties on safety pins could be made without resulting in serious injury to the domestic industry concerned.

Copies of the Commission's report are available upon request as long as the limited supply lasts. Requests should be addressed to the U.S. Tariff Commission, Eighth and E Streets NW., Washington 25, D.C.

By direction of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 62-139; Filed, Jan. 4, 1962; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[W-0170311]

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands

DECEMBER 29, 1961.

The Forest Service, U.S. Department of Agriculture, has filed an application, serial number Wyoming 0170311, for withdrawal of the lands described below from location and entry under the general mining laws of the United States.

The applicant desires the lands for recreational facilities and water influence zones.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the State Director, Bureau of Land Management, Department of the Interior, P.O. Box 929, Cheyenne, Wyoming.

If the circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, WYOMING

BLACK HILLS NATIONAL FOREST

Cook Lake Recreation Area

T. 53 N., R. 63 W.,
Sec. 10: SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$,
SW $\frac{1}{4}$ SE $\frac{1}{4}$;

TARIFF COMMISSION

SAFETY PINS

Report to the President

JANUARY 2, 1962.

The U.S. Tariff Commission today submitted to the President its third periodic report on the developments in the trade in safety pins since the "escape clause" action, on December 30, 1957, modifying the concession granted in the General Agreement on Tariffs and Trade on such pins classifiable under paragraph 350 of the Tariff Act of 1930. This report was made pursuant to paragraph 1 of Executive Order 10401 of October 14, 1952, which order prescribes procedures for the periodic review of escape-clause ac-

Sec. 15: NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$.
Total area 140 acres.

ED PIERSON,
State Director.

[F.R. Doc. 62-119; Filed, Jan. 4, 1962;
8:49 a.m.]

[W-0153858]

WYOMING

Correction Notice of Proposed Withdrawal and Reservation of Lands

DECEMBER 26, 1961.

The Notice of Proposed Withdrawal and Reservation of Lands in behalf of the Forest Service, U.S. Department of Agriculture, serial number Wyoming 0153858, published as F.R. Document 61-7455 on page 7112 of the FEDERAL REGISTER issued August 8, 1961, showed the total area as 17,096.54 acres, more or less. This acreage figure was in error. The correct acreage of land in the proposed withdrawal for the roadside zones is 3,464.5 acres, more or less.

ED PIERSON,
State Director.

[F.R. Doc. 62-118; Filed, Jan. 4, 1962;
8:49 a.m.]

Office of the Secretary COMMITTEE MANAGEMENT American Fisheries Advisory Committee

The following material is a portion of the Departmental Manual and the numbering system is that of the Manual.

PART 630—AMERICAN FISHERIES ADVISORY COMMITTEE

CHAPTER 1—OBJECTIVES, RESPONSIBILITIES, AUTHORITY

1 Objectives. The objective of the American Fisheries Advisory Committee is to consider and give advice and make recommendations on the matters relating to the commercial fisheries programs in the Department of the Interior. The Committee shall strive toward the furtherance of coordination in research programs, and the promotion of better relations within the fishing industry and the public.

2 Responsibilities. The Committee shall be responsible to the Secretary of the Interior and shall submit to him its advice and recommendations on fishery matters in regard to the formulation of policy, rules, and regulations pertaining to requests for assistance and other matters as deemed appropriate by the Chairman of the Committee for consideration by the Committee. The American Fisheries Advisory Committee shall:

- A. Consider the problems of producers, processors, distributors, and consumers;
- B. Review the current research and other programs of the Bureau of Commercial Fisheries and recommend adjustments, terminations, and expansions, in order that available funds will be used on problems of greatest importance;

C. Recommend new work or the expansion of current programs and advise with respect to the relative priorities to be given various programs;

D. Consider future needs arising from long-term trends in world fisheries and international use of high-seas resources, plus the changes in the needs of the United States industry.

3 Authority. The Secretary of the Interior is authorized " * * * to appoint an advisory committee of the American fishing industry * * *" under the provisions of the Saltonstall-Kennedy Act of July 1, 1954 (68 Stat. 376; 15 U.S.C. 713c-3), as amended. The Committee is authorized by the same act to advise the Secretary of the Interior in the formulation of policy, rules, and regulations pertaining to requests for assistance from the commercial fishing industry and other matters.

4 Definitions.

A. Chairman. The Chairman of the American Fisheries Advisory Committee shall be the Assistant Secretary for Fish and Wildlife, Department of the Interior.

B. Executive Secretary. The Executive Secretary shall be a full-time, salaried, career Federal Civil Service employee to be designated by Director, Bureau of Commercial Fisheries.

C. Industry representative. Industry representatives shall also be referred to as "Committee members" and are appointed by the Secretary of the Interior, under the authority vested in him under the Saltonstall-Kennedy Act of July 1, 1954, as amended, and under the provisions of Chapter 2 of this Part.

CHAPTER 2—POLICIES AND PROCEDURES

1 Composition of committee. The American Fisheries Advisory Committee shall consist of not more than 20 members and not less than 12 members, of which 50 percent shall constitute a quorum at any meeting for the conduct of Committee business.

2 Qualifications for membership. Persons appointed to the American Fisheries Advisory Committee shall be individuals actively engaged in the commercial fishing industry of the United States of America and, to the extent that it is possible, should represent the following industry segments:

- A. Commercial fishery producers, processors, and distributors;
- B. Representatives of fishermen's co-operatives, including fishermen actively engaged in a commercial fishery;

C. Officials or executives of trade associations and labor unions, provided they spend a principal portion of their working time in the operation of a business which is a constituent unit of the commercial fishing industry, and if his position as a trade association official or executive is incidental to that activity, No person appointed to membership on the American Fisheries Advisory Committee shall be considered as representing a trade association or labor union.

3 Terms of appointment for industry representatives.

A. Appointment period. The term of office for Committee members is 3 years, with approximately one-third of the membership of the Committee changing

each year. All terms of office shall terminate on the 30th of June in the calendar year designated by the Secretary of the Interior in his letter of appointment.

B. Reappointment to committee. Upon completion of one 3-year term of office or portion thereof, a Committee member shall be eligible, at the discretion of the Secretary of the Interior, for appointment to an additional term of office of 3 years. No Committee member may serve more than 6 consecutive years.

C. Vacancies on the committee. Vacancies shall be filled for the unexpired terms of Committee members in accordance with Chapter 2.2 of this Part.

(1) A replacement appointee shall be eligible, at the discretion of the Secretary of the Interior, for appointment for one additional 3-year term.

4 Alternates. No Committee member may be represented by an alternate.

5 Allowances for committee members. Members shall receive no compensation unless authorized by the Secretary of the Interior, subject to the provisions of Section 15 of the Act of August 2, 1946 (60 Stat. 810; 5 U.S.C. 55a). Committee members shall be reimbursed for travel expenses to and from Committee meetings at standard government rates.

6 Committee meetings.

A. Number of meetings. The American Fisheries Advisory Committee shall meet at least once each year.

B. Place of meetings. The time and place of all meetings of the Committee shall be determined by the Chairman of the Committee.

C. Agenda. The agenda of meetings held by the Committee shall be initiated within the Department of the Interior by the Bureau of Commercial Fisheries, and shall be approved by the Chairman of the Committee. Upon approval of the Chairman, the agenda shall become available to the members of the Committee prior to the meeting.

D. Minutes of meetings. The Executive Secretary shall be responsible for preparation of summary minutes of all meetings held by the Committee.

7 Information. Requests for information concerning the activities and functions of the American Fisheries Advisory Committee should be addressed to the Director, Bureau of Commercial Fisheries, Department of the Interior, Washington 25, D.C.

JAMES K. CARR,
Under Secretary of the Interior.

DECEMBER 29, 1961.

[F.R. Doc. 62-124; Filed, Jan. 4, 1962;
8:50 a.m.]

RALPH W. FACKLER Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) None.
- (2) Deletion—Burlington Industries.
- (3) None.
- (4) None.

This statement is made as of December 21, 1961.

Dated: December 21, 1961.

RALPH W. FACKLER.

[F.R. Doc. 62-125; Filed, Jan. 4, 1962; 8:50 a.m.]

FRANK W. GRIFFITH

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) Delete General Motors Corp., delete Massachusetts Investors Trust, delete Boston Fund, delete Iowa Electric Light and Power Co., and add General Telephone and Electronics Co.
- (3) No change.
- (4) No change.

This statement is made as of December 22, 1961.

Dated: December 22, 1961.

FRANK W. GRIFFITH.

[F.R. Doc. 62-126; Filed, Jan. 4, 1962; 8:50 a.m.]

ANDREW PAT JONES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) None.
- (2) None.
- (3) None.
- (4) None.

This statement is made as of December 31, 1961.

Dated: December 22, 1961.

A. P. JONES.

[F.R. Doc. 62-127; Filed, Jan. 4, 1962; 8:50 a.m.]

CLARENCE W. MAYOTT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) None.
- (2) None.
- (3) None.
- (4) None.

This statement is made as of December 18, 1961.

Dated: December 18, 1961.

CLARENCE W. MAYOTT.

[F.R. Doc. 62-128; Filed, Jan. 4, 1962; 8:50 a.m.]

GORDON S. MEYRICK

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) None.
- (2) None.
- (3) None.
- (4) None.

This statement is made as of December 22, 1961.

Dated: December 22, 1961.

G. S. MEYRICK.

[F.R. Doc. 62-129; Filed, Jan. 4, 1962; 8:50 a.m.]

LILBERT A. MOLLMAN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) None.
- (2) None.
- (3) None.
- (4) None.

This statement is made as of December 19, 1961.

Dated: December 19, 1961.

L. A. MOLLMAN.

[F.R. Doc. 62-130; Filed, Jan. 4, 1962; 8:50 a.m.]

RIGGS SHEPPERD

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) Banks: Hondo National Bank, Hondo, Texas; National Bank of Commerce, San Antonio, Texas; American Bank of Commerce, Victoria, Texas.
- (2) Texas Savings & Loan—San Antonio, Texas.
- (3) Stocks: Marine Capitol Corporation, Fidelity Capital Corporation, Aileen, Incorporated.
- (4) Gulf American Land.

This statement is made as of December 19, 1961.

Dated: December 19, 1961.

RIGGS SHEPPERD.

[F.R. Doc. 62-131; Filed, Jan. 4, 1962; 8:50 a.m.]

STANLEY J. SICKEL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) None.
- (2) None.
- (3) None.
- (4) None.

This statement is made as of December 22, 1961.

Dated: December 22, 1961.

S. J. SICKEL.

[F.R. Doc. 62-132; Filed, Jan. 4, 1962; 8:50 a.m.]

STANLEY C. TOWNSEND

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) Unchanged.
- (2) Additions: Central Securities Corp.
- Deletions: Atlantic Refining Co., Page-Hersey Tubes Co., Coca Cola Co., Tennessee Gas Transmission Co., Pennsylvania Power & Light Co.
- (3) Unchanged.
- (4) Unchanged.

This statement is made as of December 20, 1961.

Dated: December 20, 1961.

STANLEY C. TOWNSEND.

[F.R. Doc. 62-133; Filed, Jan. 4, 1962; 8:50 a.m.]

WILFORD D. WILDER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) None.
- (2) None.
- (3) None.
- (4) None.

This statement is made as of December 22, 1961.

Dated: December 22, 1961.

W. D. WILDER.

[F.R. Doc. 62-134; Filed, Jan. 4, 1962; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 2, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37492: *Express rates in the United States.* Filed by Railway Express Agency, Incorporated (No. 1-61), for itself. Rates on commodities moving on less-than-carload express rates from, to, and between points in the United States.

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

FSA No. 37494: *Methanol from Houston, Tex., to Chicago, Ill.* Filed by Southwestern Freight Bureau, agent (No. B-8123), for interested rail carriers. Rates on methanol (methyl alcohol), in tank-car loads, from Houston, Tex., to Chicago, Ill., (applicable only for deliveries on railroad tracks serving the Lake River Terminals at Crawford, Ill.).

Grounds for relief: Unregulated barge and market competition.

Tariff: Supplement 215 to Southwestern Freight Bureau tariff I.C.C. 4064.

FSA No. 37495: *Ethylene glycol from Louisiana and Texas points.* Filed by Southwestern Freight Bureau, agent (No. B-8124), for interested rail carriers. Rates on ethylene glycol, in tank-car loads, from Chaison, Houston, Orange and Port Arthur, Tex., Lake Charles and West Lake Charles, La., to Clinton, Iowa.

Grounds for relief: Market competition.

Tariff: Supplement 215 to Southwestern Freight Bureau tariff I.C.C. 4064.

FSA No. 37497: *Scrap iron or steel from Cincinnati, Ohio to Butler, Pa.* Filed by Traffic Executive Association-Eastern Railroads, agent (ER No. 2596), for the Pennsylvania Railroad Company. Rates on scrap iron or steel (not copper clad), in carloads, from Cincinnati, Ohio to Butler, Pa.

Grounds for relief: Market competition.

Tariff: Supplement 39 to Traffic Executive Association-Eastern Railroads tariff I.C.C. 4807 (Hinsch series).

AGGREGATE-OF-INTERMEDIATES

FSA No. 37493: *Express rates in the United States.* Filed by Railway Express Agency, Incorporated (No. 2-61), for itself. Rates on commodities moving on less-than-carload express rates from, to, and between points in the United States.

Grounds for relief: Maintenance of single-factor through rates which exceed the aggregates of the intermediate rates.

FSA No. 37496: *Ethylene glycol from Louisiana and Texas points.* Filed by Southwestern Freight Bureau, agent (No. B-8125), for interested rail carriers. Rates on ethylene glycol, in tank-car loads, from Chaison, Houston, Orange and Port Arthur, Tex., Lake Charles and West Lake Charles, La., to Clinton, Iowa.

Grounds for relief: Maintenance of depressed rates not applicable in constructing combination rates from or to points beyond the named points.

Tariff: Supplement 215 to Southwestern Freight Bureau tariff I.C.C. 4064.

By the Commission.

[SEAL]

HAROLD D. McCoy,
Secretary.

[F.R. Doc. 62-143; Filed, Jan. 4, 1962; 8:51 a.m.]

CUMULATIVE CODIFICATION GUIDE—JANUARY

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during January.

	Page		Page		Page
3 CFR		8 CFR		25 CFR	
PROCLAMATIONS		3-----	96	PROPOSED RULES	
3443-----	31			221-----	107
EXECUTIVE ORDERS:		9 CFR		26 CFR	
May 28, 1868 (revoked in part		PROPOSED RULES:		1-----	33
by PLO 2574)-----	9	89-----	10	PROPOSED RULES:	
10025-----	32	12 CFR		1-----	48, 50, 106
10982-----	3	545-----	45	29 CFR	
10983-----	32	14 CFR		4-----	102
5 CFR		40-----	97	43 CFR	
6-----	38, 96	41-----	97	PROPOSED RULES:	
25-----	5	42-----	97	161-----	10
6 CFR		507-----	98	PUBLIC LAND ORDERS:	
421-----	96	600-----	98	2354-----	103
446-----	6	601-----	98	2571-----	9
519-----	6	602-----	99	2572-----	9
7 CFR		608-----	6	2573-----	9
52-----	38, 74	PROPOSED RULES:		2574-----	9
722-----	6	608-----	17	2575-----	103
728-----	41, 76	610-----	14	2576-----	103
850-----	43	15 CFR		2577-----	103
905-----	85	202-----	99	2578-----	103
906-----	7, 86	16 CFR		45 CFR	
912-----	87, 92	13-----	8, 99, 100	145-----	47
914-----	8	19 CFR		47 CFR	
927-----	92	8-----	101	10-----	103
944-----	8	21 CFR		PROPOSED RULES:	
1015-----	93	120-----	101	7-----	17
PROPOSED RULES:		121-----	45-47	8-----	17
911-----	11	PROPOSED RULES:		14-----	17
950-----	111	121-----	14, 54	50 CFR	
959-----	108	24 CFR		12-----	104
983-----	121	203-----	101	PROPOSED RULES:	
1047-----	121	234-----	102	274-----	107
1049-----	122				

