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FEDERAL REGISTER

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Codification Guide

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

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

Title 3—THE PRESIDENT

Executive Order 10935

INSPECTION OF INCOME, EXCESS-PROFITS, ESTATE, AND GIFT TAX RETURNS BY THE COMMITTEE ON UN-AMERICAN ACIVITIES, HOUSE OF REPRESENTATIVES

By virtue of the authority vested in me by section 55(a) of the Internal Revenue Code of 1939, as amended (53 Stat. 29, 54 Stat. 1008; 26 U.S.C. 55(a)), and by section 6103(a) of the Internal Revenue Code of 1954 (68A Stat. 753; 26 U.S.C. 6103(a)), it is hereby ordered that any income, excess-profits, estate, or gift tax return for the years 1945 to 1961, inclusive, shall, during the Eighty-seventh Congress, be open to inspection by the Committee on Un-American Activities, House of Representatives, or any duly authorized subcommittee thereof, for the purpose of carrying on those investigations authorized by clause 18 of Rule XI of the Rules of the House of Representatives, agreed to January 3, 1961, such inspection to be in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in Treasury Decisions 6132 and 6133, relating to the inspection of returns by committees of the Congress, approved by the President on May 3, 1955.

This order shall be effective upon its filing for publication in the FEDERAL REGISTER.

JOHN F. KENNEDY

THE WHITE HOUSE,
April 22, 1961.

[F.R. Doc. 61-3825; Filed, Apr. 24, 1961; 10:28 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 88—RETIRED FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

On March 11, 1961, a notice of proposed rule-making was published in the FEDERAL REGISTER (26 F.R. 2127) stating that the Civil Service Commission was considering issuance of regulations for the establishment and administration of the Retired Federal Employees Health Benefits Program. Interested persons were allowed 30 days from the date of publication in which to submit written comments, suggestions, and objections.

Three suggestions were received from interested persons. One of these and two other amendments, all in the nature of perfecting amendments, were adopted. The other two suggestions, after full and careful consideration, were not adopted, in one case because the proposed amendment was unnecessary, and in the other case because the amendment would have the effect of increasing the cost to retired employees of the uniform plan above that which they may reasonably be expected to pay. Therefore,

It is ordered, That effective on the date of publication in the FEDERAL REGISTER, Chapter I of Title 5, Code of Federal Regulations, is amended by adding a new Part 88, to read as follows:

Subpart A—General Provisions

Subpart B—Retired Employees Entitled to Annuity

Subpart C—Retired Employees Entitled to Compensation

AUTHORITY: §§ 88.1 to 88.26 issued under sec. 9, 74 Stat. 851; 5 U.S.C. 3058.

Subpart A—General Provisions

§ 88.1 Organization of this part.

(a) Subpart A of this part contains provisions applying to the Retired Federal Employees Health Benefits Program generally. Subpart B of this part contains provisions applying only to retired employees who are entitled to annuity under a retirement system for civilian employees of the Government. Subpart C of this part contains provisions applying only to retired employees who are entitled to compensation under the Federal Employees' Compensation Act.

(b) The provisions of this part do not apply to the Federal Employees Health Benefits Program, which is governed by Part 89 of this chapter; nor do the provisions of Part 89 of this chapter apply to the Retired Federal Employees Health Benefits Program.

§ 88.2 Definitions.

For the purposes of this part:

(a) "Annuity" means the periodic payment due a former employee or his survivors by reason of past service, but does not include compensation paid under the Federal Employees' Compensation Act. "Annuity period" means the period for which an installment of annuity is paid.

(b) "Bureau of Employees' Compensation" means the Bureau of Employees' Compensation, Department of Labor.

(c) "Carrier" means a voluntary association, corporation, partnership, or other nongovernmental organization which lawfully offers a health benefits plan.

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

(e) "Compensation" means monthly compensation paid under the Federal Employees' Compensation Act, and includes compensation payable every four weeks.

(f) "Elect" means to file with the retirement office under which retired or with the Bureau of Employees' Compensation, as the case may be, a properly completed form, prescribed by the Commission for the purpose, giving notice of intention (1) to subscribe to the uniform plan, (2) to receive a Government contribution toward the cost of a private health benefits plan, or (3) not to participate in the program.

(g) "Employee" means an appointive or elective officer or employee in or under the executive, judicial, or legislative branch of the United States Government, including a Government-owned or controlled corporation (but not including any corporation under the supervision of the Farm Credit Administration, of which corporation any member of the board of directors is elected or appointed by private interests), or of the municipal government of the District of Columbia, and includes an Official Reporter of Debates of the Senate and a person employed by the Official Reporters of Debates of the Senate in connection with the performance of their official duties, and an employee of Gallaudet College, but does not include (1) a member of a "uniformed service" as that term is defined in section 1072 of title 10 of the United States Code, (2) a noncitizen employee whose permanent-duty station is located outside a State of the United States or the District of Columbia, or (3) an employee of the Tennessee Valley Authority.

(h) "Government" means the Government of the United States of America (including the municipal government of the District of Columbia).

(i) "Health benefits plan" means an individual or group insurance policy or contract, medical or hospital service arrangement, membership or subscription contract, or similar agreement provided by a carrier for a stated periodic premium or subscription charge for the purpose of providing, paying for, or reimbursing expenses for hospital care, surgical or medical diagnosis, care, and treatment, drugs and medicines, remedial care, or other medical supplies and services, or any combination of these.

(j) "Immediate annuity" means—

(1) As applied to a retired employee, an annuity which begins to accrue not later than one month after the date of the separation from the service on which title to the annuity is based, and

(2) As applied to a survivor, an annuity which begins to accrue not later than one month (i) after the date of death of the employee or annuitant whose service forms the basis for the annuity, or (ii) after the birth of a posthumous child of such an employee or annuitant.

(k) "Member of family" means a former employee's spouse and any unmarried child (1) under the age of nineteen years (including (i) an adopted child, and (ii) a stepchild or recognized natural child who lives with the former employee in a regular parent-child relationship or did so at the time of the former employee's death), or (2) regardless of age who is incapable of self-support because of mental or physical incapacity that existed prior to his reaching the age of nineteen years. As used in this paragraph, "former employee" means the former employee on whose service title to annuity is based.

(l) "Private health benefits plan" means a health benefits plan other than the uniform plan.

(m) "Retired employee" includes (1) a former employee retired under the Civil Service Retirement Act or other retirement system for civilian employees of the Government (not including the Social Security system), (2) an employee or former employee receiving compensation under the Federal Employees' Compensation Act, and (3) persons who are entitled to annuity or compensation as members of the family of a deceased employee or of a deceased retired employee qualifying under subparagraphs (1) and (2) of this paragraph.

(n) "Retirement office" means any office responsible for the administration of a retirement system for civilian employees of the Government. It does not include the Bureau of Employees' Compensation.

(o) "Survivor" means a person who is entitled to annuity or compensation as a member of the family of a deceased employee or deceased retired employee.

(p) "Uniform plan" means the health benefits plan for which the Commission contracts pursuant to section 3 of Public Law 86–724.

§ 88.3 General conditions of eligibility.

(a) A retired employee who is enrolled or covered by the enrollment of another under Part 89 of this chapter, or who is covered by the election of another retired employee under this part, is ineligible to subscribe to the uniform plan or to receive a Government contribution toward the cost of a private health benefits plan.

(b) A retired employee is ineligible to subscribe to the uniform plan if his annuity or compensation is not sufficient to cover the necessary withholding.

§ 88.4 Withholding.

The appropriate retirement office, or the Bureau of Employees' Compensation, as the case may be, shall withhold from the annuity or compensation of each of its retired employees who has elected to subscribe to the uniform plan so much as is necessary to pay his share of the cost of his subscription. The withholdings shall be forwarded, in accordance with the Commission's instructions, to the Retired Employees Health Benefits Fund.

§ 88.5 Determination of eligibility.

The Bureau of Retirement and Insurance of the Commission shall, on request, determine the eligibility of any retired employee, or class of retired employees, to make the elections and receive the Government contributions provided for by this part.

§ 88.6 Appeals.

(a) A retired employee may appeal any determination by the Bureau of Retirement and Insurance that he is not eligible to make an election or to receive a Government contribution under this part. The appeal shall be made in writing, within 90 days of the determination, to the Board of Appeals and Review, United States Civil Service Commission, Washington 25, D.C.

(b) The Commission may order correction of administrative errors at any time.

(c) The Commission does not adjudicate individual claims for payment or service under health benefits plans, nor does it arbitrate or attempt to compromise disputes between retired employees and carriers as to claims for payment or service.

§ 88.7 Standards for uniform plan and carrier.

(a) The uniform plan must be open to all eligible retired employees and members of their families, without regard to race, sex, health status, or age. It must not deny or limit benefits because of any preexisting condition. It must offer a choice among basic coverage only, major medical coverage only, and basic plus major medical coverage. It shall provide a 31-day extension of coverage upon termination of subscription other than by change of election or termination of the contract. A person confined in hospital for care or treatment on the 31st day of the extension of coverage shall be entitled to continuation of the benefits of the contract during the continuance of the confinement, but not beyond the 60th day following the end of the extension of coverage. The uniform plan shall be experience-rated.

(b) The carrier of the uniform plan must, in the most recent year for which data are available, have made at least 1 percent of all group health insurance benefit payments in the United States. If the carrier is an insurance company, it must be licensed to issue group health insurance in all the States of the United States and the District of Columbia.

Subpart B—Retired Employees Entitled to Annuity

§ 88.11 Eligibility.

(a) To be eligible for the benefits provided by this part, a retired employee (other than a survivor) who is entitled to annuity:

(1) Must have retired before his first pay period beginning after June 30, 1960. He is considered to have retired before his first pay period beginning after June 30, 1960, for the purposes of this clause, if his annuity began to accrue before his first pay period after June 30, 1960, or if he was eligible under § 88.21 until the date his annuity began to accrue;

(2) Must have retired on immediate annuity;

(3) Must have had at least 12 years of creditable service, or have retired under a disability provision of his retirement system;

(4) Must have retired from employment which was not in the Tennessee Valley Authority or in a corporation under the supervision of the Farm Credit Administration, of which corporation any member of the board of directors was elected or appointed by private interests; and

(5) If, at the time of retirement, he was a noncitizen, must have had a permanent-duty station within the several States and the District of Columbia on the day before retirement.

(b) To be eligible for the benefits provided by this part, a survivor who is entitled to annuity:

(1) Must be in receipt of immediate annuity as the survivor of (i) an employee who died before his first pay period beginning after June 30, 1960; or (ii) a retired employee whose annuity began to accrue before his first pay period beginning after June 30, 1960;

(2) Must be the survivor of (i) an employee who had at least 5 years' creditable service, (ii) a former employee who retired having at least 12 years' creditable service and received an immediate annuity, or (iii) a former employee who retired under a disability provision of his retirement system;

(3) Must be unmarried; and

(4) Must not be receiving annuity as the survivor of a person who at the time of the retirement or death, as the case may be, on which annuity is based, was an employee of the Tennessee Valley Authority or of any corporation under the jurisdiction of the Farm Credit Administration of which corporation any member of the board of directors was elected or appointed by private interests, or was a noncitizen having a permanent-duty station outside the several States and the District of Columbia.

(c) For the purposes of this section "creditable service" means service which is creditable for the purposes of the Civil Service Retirement Act.

§ 88.12 Election.

(a) Each eligible retired employee must elect during the months of March and April, 1961. Failure to elect shall be considered an election not to participate in the program unless the failure is determined by the retirement office to be for cause beyond the control of the retired employee. In any case in which annuity is being paid to a payee in behalf of a retired employee, the payee shall make the election for the retired employee.

(b) (1) A retired employee may elect to participate in the program for self only or for self and members of the family.

(2) Survivors, if actually or constructively living in the same household, shall have only one right of election among them. The election shall be made by the payee. The fact that one payee is receiving annuity for all members of the family is prima facie evidence that they are living in the same household. The existence of more than one payee is prima facie evidence that each payee and the survivors in whose behalf the payee is receiving annuity constitute a separate household, and each such payee may elect for the survivors in whose behalf he is receiving annuity, but where a family is being paid annuity through more than one payee, one payee may, with the consent of the other payees, elect for the whole family.

(3) A retired employee may not be covered under more than one election.

(4) A retired employee who is entitled to more than one annuity is entitled to only one election.

(c) Each retired employee who elects to receive a Government contribution toward the cost of a private health benefits plan must file with his election a certificate of the carrier, on the form prescribed by the Commission for the purpose, that he is a subscriber to a health benefits plan. The Commission, or the appropriate retirement office, may at any time require that any retired employee renew the certificate, or may take such other action as it considers desirable to verify the continuing eligibility of the retired employee to receive a Government contribution. The retirement office may suspend the Government contribution whenever there is a reasonable doubt of the retired employee's continuing eligibility to receive the Government contribution.

(d) In the discretion of the retirement office, a representative of the retired employee having a written authorization to do so may elect for him.

(e) The election provided by paragraphs (a) to (d) of this section is effective on July 1, 1961. Withholdings and contributions are effective for annuity periods beginning on and after June 1, 1961.

(f) A person who is not eligible, during the months of March and April, 1961, to elect to subscribe to the uniform plan or to receive a Government contribution toward the cost of a private health benefits plan, may apply to the appropriate retirement office when he becomes eligible. If the retirement office determines that he is eligible, it shall notify the retired employee that he is eligible to make an election in accordance with paragraphs (a) to (d) of this section within 60 days of the date of the notice. If a retirement office determines that an eligible retired employee was unable, for cause beyond his control, to make an election within the time limits prescribed by this section, it shall notify the retired employee that he is eligible to make an election in accordance with paragraphs (a) to (d) of this section within 60 days of the date of the notice. Elections made under this paragraph are effective on the first day of the third month following the month in which the retirement office receives the election. Withholdings and contributions are effective for annuity periods beginning on and after the first day of the second month following the month in which the retirement office receives the election. This paragraph does not apply to retired employees who have been, at any time, covered by the election of another under this part.

§ 88.13 Change of election.

(a) Retired employees must change their elections in accordance with the following table:

TABLE OF REQUIRED CHANGES

Event requiring change	Type of election to which requirement applies	Change required	Effective date of change
(1) Loss of member of family by death or otherwise, leaving only one person covered by the election.	Election for self and family for uniform or private health benefits plan.	Change to self only	First day of month following the event requiring change. Changes in withholdings and contributions are effective for annuity accruing for the month in which the event requiring change occurs.
(2) Termination of subscription to a private health benefits plan for all persons covered by the election but the retired employee making the election.[1]	Election for self and family for private health benefits plan.	do	Do.
(3) Termination of subscription to a private health benefits plan for all persons covered by the election.[1]	Election for self only or for self and family for private health benefits plan.	Change to not participating (optional change may be made in accordance with paragraph (b) of this section).	Do.

[1] If the termination is immediately succeeded by a similar subscription in another private health benefits plan a change of election is not required, but the retired employee must file a certificate of the new carrier that he is a subscriber. A form for the certificate may be obtained from the retirement office.

(b) Retired employees may change their elections in accordance with the following table by notifying the appropriate retirement office at any time:

TABLE OF OPTIONAL CHANGES

Change permitted	Type of election from which changing	Effective date of change
(1) Change to not participating	Election for self only or self and family for uniform or private health benefits plan.	First day of month specified in notice to retirement office, or first day of month following receipt of notice by retirement office, whichever is later. Changes in withholdings and contributions are effective for annuity accruing for the month preceding the effective date of the change.
(2) Change from basic and major medical to basic only or to major medical only.	Election for self only or self and family for uniform plan (basic and major medical).	Do.
(3) Change to self only in same plan	Election for self and family for uniform or private health benefits plan.	Do.
(4) Change to private health benefits plan for self only or self and family.	Election for self only or self and family for uniform plan.	Do.
(5) Change to self and family in same plan.	Election for self only for uniform or private health benefits plan.	First day of fourth month following month in which notice is received by retirement office. Changes in withholdings and contributions are effective for annuity accruing for the third month following month in which notice is received by retirement office.
(6) Change from major medical only to basic or to basic and major medical.	Election for self only or self and family for uniform plan (major medical only).	Do.
(7) Change to self only or self and family for uniform (basic only) or private health benefits plan.	Election not to participate	Do.

(c) Two changes may be made by the same notice.

Example. A retired employee originally elected to receive a Government contribution for self and family toward the cost of a private health benefits plan. The subscription to the private health benefits plan is terminated March 15, 1962. He notifies his retirement office of the termination and at the same time notifies the retirement office that he wishes to elect the uniform plan (basic only) for self and family. The retirement office receives the notice March 22, 1962. His election becomes an election not to participate on April 1, 1962, and the Government contribution is not added to the annuity accrued for March 1962. On July 1, 1962, the family is covered by the basic coverage of the uniform plan, and withholdings and contributions are made for the annuity accruing in June 1962.

§ 88.14 Suspension and termination.

(a) Whenever the annuity is entirely waived or suspended, Government contributions are suspended. If the election is to subscribe to the uniform plan, and the annuity is suspended, or waived to the extent that the retired employee's share of the cost cannot be withheld, withholdings and Government contributions are suspended, but the subscription continues.

(b) If the waiver or suspension covers 3 months or less, Government contributions and withholdings for the period of waiver or suspension will be made when annuity payment is resumed. If the waiver or suspension covers more than 3 months, the retired employee's election is terminated effective at the end of the third month of waiver or suspension. A terminated election is renewed when annuity payment is resumed. When a terminated election is renewed pursuant to this paragraph, withholdings and Government contributions will be made for the first 3 months of the waiver or suspension. Withholdings and Government contributions shall be made for annuity accruing after the election is renewed.

(c) If title of a retired employee to annuity is terminated, his eligibility under this part is terminated.

(d) If the eligibility of a retired employee is terminated and other members of the same family continue to be eligible under this part, the election of the former retired employee will continue for the remainder of the family unless and until changed in accordance with § 88.13.

§ 88.15 Government contributions.

(a) The Commission will pay, through his retirement office, $3.00 monthly to each retired employee who elects to receive a Government contribution toward the cost of a private health benefits plan in which he is a subscriber for self only, and $6.00 monthly to each who so elects toward the cost of a private health benefits plan in which he is a subscriber for self and family, but not more than the cost of the private health benefits plan.

(b) The Commission will contribute to the cost of the uniform plan $3.00 monthly for an election for self only, and $6.00 monthly for an election for self and family. Election to subscribe to the uni-

form plan constitutes agreement by the retired employee that the retirement office shall withhold from his annuity his share of the cost of the plan, as provided by this part.

(c) The Government will contribute to the Retired Federal Employees Health Benefits Fund 2 percent of the total Government contribution authorized by this section, for payment of expenses incurred by the Commission in administering this part.

§ 88.16 Responsibilities of retirement offices.

(a) Retirement offices are responsible, in accordance with regulations and instructions issued by the Commission, for withholding from the annuity of each retired employee within the jurisdiction of the retirement office who elects to subscribe to the uniform plan his share of the cost, for forwarding the amount withheld to the Retired Federal Employees Health Benefits Fund, and for reporting to the Commission amounts required for Government contribution for these retired employees.

(b) Retirement offices are responsible, in accordance with regulations and instructions issued by the Commission, for reporting to the Commission amounts required for Government contributions to retired employees within the jurisdiction of the retirement office who have elected to receive a Government contribution toward the cost of a private health benefits plan, and for paying the Government contribution to these retired employees.

(c) Retirement offices are responsible for advising retired employees within the jurisdiction of the retirement office of the rights and obligations of retired employees under this part.

(d) Whenever one or more of the family members is a child 19 or over who is incapable of self-support because of mental or physical incapacity that existed prior to his reaching the age of 19, the appropriate retirement office shall obtain the necessary evidence and make a determination of incapacity.

(e) Retirement offices are responsible, in accordance with regulations and instructions issued by the Commission, for verifying continuing eligibility of retired employees to receive Government contributions.

Subpart C—Retired Employees Entitled to Compensation

§ 88.21 Eligibility.

(a) To be eligible for the benefits provided by this part, a retired employee (other than a survivor) who is entitled to compensation:

(1) Must be receiving monthly compensation for an injury sustained or illness contracted before his first pay period beginning after June 30, 1960;

(2) Must be held by the Secretary of Labor to be unable to return to duty;

(3) Must have compensation based on employment which was not in the Tennessee Valley Authority or in a corporation under the supervision of the Farm Credit Administration, of which corporation any member of the board of directors was elected or appointed by private interests; and

(4) If, at the time of sustaining the injury or contracting the illness, as the case may be, on which compensation is based, he was a noncitizen, must have had a permanent-duty station within the several States and the District of Columbia at that time.

(b) To be eligible for the benefits provided by this part, a member of a family who is receiving compensation:

(1) Must be a survivor beneficiary of (i) an employee who completed five years of service and died as a result of injury or illness which is compensable under the Federal Employees' Compensation Act and which was sustained or contracted before his first pay period beginning after June 30, 1960, or (ii) a former employee who was separated after having completed at least five years of service and who died while receiving monthly compensation under the Act on account of injury sustained or illness contracted before his first pay period beginning after June 30, 1960, and who has been held by the Secretary of Labor to have been unable to return to duty;

(2) Must be unmarried; and

(3) Must not be receiving compensation as the survivor of a person who at the time of sustaining the injury or contracting the illness, as the case may be, on which compensation is based, was an employee of the Tennessee Valley Authority or of any corporation under the jurisdiction of the Farm Credit Administration of which corporation any member of the board of directors was elected or appointed by private interests, or was a noncitizen having a permanent-duty station outside the several States and the District of Columbia.

(c) For the purposes of this section, "service" means service which is creditable for the purposes of the Civil Service Retirement Act.

§ 88.22 Election.

(a) Each eligible retired employee must elect during the months of March and April, 1961. Failure to elect shall be considered an election not to participate in the program unless the failure is determined by the Bureau of Employees' Compensation to be for cause beyond the control of the retired employee. In any case in which compensation is being paid to a payee in behalf of a retired employee, the payee shall make the election for the retired employee.

(b) (1) A retired employee may elect to participate in the program for self only or for self and members of the family.

(2) Survivors, if actually or constructively living in the same household, shall have only one right of election among them. The election shall be made by the payee. The fact that one payee is receiving compensation for all members of the family is prima facie evidence that they are living in the same household. The existence of more than one payee is prima facie evidence that each payee and the survivors in whose behalf the payee is receiving compensation constitute a separate household, and each such payee may elect for the survivors in whose behalf he is receiving compensation, but where a family is receiving compensation through more than one payee, one payee may, with the consent of the other payees, elect for the whole family.

(3) A retired employee may not be covered under more than one election.

(4) A retired employee who is entitled to compensation and annuity is entitled to only one election.

(c) Each retired employee who elects to receive a Government contribution toward the cost of a private health benefits plan must file with his election a certificate of the carrier, on the form prescribed by the Commission for the purpose, that he is a subscriber to a health benefits plan. The Commission, or the Bureau of Employees' Compensation, may at any time require that any retired employee renew the certificate, or may take such other action as it considers desirable to verify the continuing eligibility of the retired employee to receive a Government contribution. The Bureau of Employees' Compensation may suspend the Government contribution whenever there is a reasonable doubt of the retired employee's continuing eligibility to receive the Government contribution.

(d) In the discretion of the Bureau of Employees' Compensation, a representative of the retired employee having a written authorization to do so may elect for him.

(e) The election provided by paragraphs (a) to (d) of this section is effective on July 1, 1961, for survivors. For survivors withholdings and contributions will be effective for the month beginning June 1, 1961. The election provided by this section is effective July 13, 1961, for retired employees other than survivors. For retired employees other than survivors withholdings and contributions will be effective for the four-week period beginning June 15, 1961.

(f) A person who is not eligible, during the months of March and April, 1961, to elect to subscribe to the uniform plan or to receive a Government contribution toward the cost of a private health benefits plan, may apply to the Bureau of Employees' Compensation when he becomes eligible. If the Bureau of Employees' Compensation determines that he is eligible, it shall notify the retired employee that he is eligible to make an election in accordance with paragraphs (a) to (d) of this section within 60 days of the date of the notice. If the Bureau of Employees' Compensation determines that a retired employee was unable, for cause beyond his control, to make an election within the time limits prescribed by this section, it shall notify the retired employee that he is eligible to make an election in accordance with paragraphs (a) to (d) of this section within 60 days of the date of the notice. Elections made under this paragraph are effective, for survivors, on the first day of the third month following the month in which the Bureau of Employees' Compensation receives the election. Withholdings and contributions are effective for months beginning on and after the first day of the second month following the month in which the

Bureau of Employees' Compensation receives the election. For other retired employees changes of election made under this paragraph are effective on the first day of the third four-week period following the four-week period in which the Bureau of Employees' Compensation receives the election, and withholdings and contributions are effective beginning with the second four-week period following receipt of the election. This paragraph does not apply to retired employees who have been, at any time, covered by the election of another under this part.

§ 88.23 Change of election.

(a) Whenever, in this section, "month" is used, it applies to survivors, and the section shall apply to retired employees other than survivors as if "four-week period" were used in place of "month".

(b) Retired employees must change their elections in accordance with the following table:

TABLE OF REQUIRED CHANGES

Event requiring change	Type of election to which requirement applies	Change required	Effective date of change
(1) Loss of member of family by death or otherwise, leaving only one person covered by the election.	Election for self and family for uniform or private health benefits plan.	Change to self only	First day of month following the event requiring change. Changes in withholdings and contributions are effective for compensation accruing for the month in which the event requiring change occurs.
(2) Termination of subscription to a private health benefits plan for all persons covered by the election but the retired employee making the election.[1]	Election for self and family for private health benefits plan.	do	Do.
(3) Termination of subscription to a private health benefits plan for all persons covered by the election.[1]	Election for self only or for self and family for private health benefits plan.	Change to not participating (optional change may be made in accordance with paragraph (c) of this section).	Do.

[1] If the termination is immediately succeeded by a similar subscription in another private health benefits plan a change of election is not required, but the retired employee must file a certificate of the new carrier that he is a subscriber. A form for the certificate may be obtained from the Bureau of Employees' Compensation.

(c) Retired employees may change their elections in accordance with the following table by notifying the Bureau of Employees' Compensation at any time:

TABLE OF OPTIONAL CHANGES

Change permitted	Type of election from which changing	Effective date of change
(1) Change to not participating	Election for self only or self and family for uniform or private health benefits plan.	First day of month specified in notice to Bureau of Employees' Compensation, or first day of month following receipt of notice by Bureau of Employees' Compensation, whichever is later. Changes in withholdings and contributions are effective for compensation accruing for the month preceding the effective date of the change.
(2) Change from basic and major medical to basic only or to major medical only.	Election for self only or self and family for uniform plan (basic and major medical).	Do.
(3) Change to self only in same plan	Election for self and family for uniform or private health benefits plan.	Do.
(4) Change to private health benefits plan for self only or self and family.	Election for self only or self and family for uniform plan.	Do.
(5) Change to self and family in same plan.	Election for self only for uniform or private health benefits plan.	First day of fourth month following month in which notice is received by Bureau of Employees' Compensation. Changes in withholdings and contributions are effective for compensation accruing for the third month following month in which notice is received by the Bureau of Employees' Compensation.
(6) Change from major medical only to basic or to basic and major medical.	Election for self only or self and family for uniform plan (major medical only).	Do.
(7) Change to self only or self and family for uniform (basic only) or private health benefits plan.	Election not to participate	Do.

(d) Two changes may be made by the same notice.

Example. A retired employee originally elected to receive a Government contribution for self and family toward the cost of a private health benefits plan. The subscription to the private health benefits plan is terminated March 15, 1962. He notifies the Bureau of Employees' Compensation of the termination and at the same time notifies the Bureau that he wishes to elect the uniform plan (basic only) for self and family. The Bureau of Employees' Compensation receives the notice March 22, 1962. His election becomes an election not to participate on April 1, 1962, and the Government contribution is not added to the compensation accrued for March 1962. On July 1, 1962, the family is covered by the basic coverage of the uniform plan, and withholdings and contributions are made for the compensation accruing in June 1962.

§ 88.24 Suspension and termination.

(a) Whenever compensation is entirely suspended, Government contributions are suspended. If the election is to subscribe to the uniform plan, and compensation is suspended, withholdings and Government contributions are suspended, but the subscription continues.

(b) If the suspension covers 3 months or less (three 4-week periods or less for retired employees other than survivors), Government contributions and withholdings for the period of suspension will be made when payment is resumed. If the suspension covers more than 3 months (three 4-week periods or less for retired employees other than survivors), the retired employee's election is terminated effective at the end of the third month, or 4-week period, as the case may be, of suspension. A terminated election is renewed when compensation payment is resumed. When a terminated election is renewed pursuant to this paragraph, withholdings and Government contributions will be made for the period of suspension before termination. Withholdings and Government contributions shall be made for compensation accruing after the election is renewed.

(c) If title of a retired employee to compensation is terminated, his eligibility under this part is terminated.

(d) If the eligibility of a retired employee is terminated and other members of the same family continue to be eligible under this part, the election of the former retired employee will continue for the remainder of the family unless and until changed in accordance with § 88.23.

§ 88.25 Government contributions.

(a) The Commission will pay, through the Bureau of Employees' Compensation, $3.00 monthly to each survivor who elects to receive a Government contribution toward the cost of a private health benefits plan in which he is a subscriber for self only, and $6.00 monthly to each survivor who so elects toward the cost of a private health benefits plan in which he is a subscriber for self and family. The Commission will pay, through the Bureau of Employees' Compensation, $2.80 each 4-week period to each retired employee other than a survivor who elects to receive a Government contribution toward the cost of a private health benefits plan in which he is a subscriber for self only, and $5.60 each 4-week period to each who so elects toward the cost of a private health benefits plan in which he is a subscriber for self and family. The Commission will not pay, in any case, more than the cost of the private health benefits plan each month or 4-week period, as the case may be.

(b) The Commission will contribute to the cost of the uniform plan $3.00 monthly for survivors, and $2.80 each 4-week period for other retired employees, for an election for self only; and $6.00 monthly for survivors, and $5.60 each 4-week period for other retired employees, for an election for self

and family. Election to subscribe to the uniform plan constitutes agreement by the retired employee that the Bureau of Employees' Compensation shall withhold from his compensation his share of the cost of the plan, as provided by this part.

(c) The Government will contribute to the Retired Federal Employees Health Benefits Fund 2 percent of the total Government contribution authorized by this section, for payment of expenses incurred by the Commission in administering this part.

§ 88.26 Responsibilities of the Bureau of Employees' Compensation.

(a) The Bureau of Employees' Compensation is responsible only for retired employees who are receiving compensation from the Bureau and is responsible even though the retired employee has retired under a retirement office from which he is not currently receiving annuity. If the retired employee is currently receiving annuity from a retirement office, that retirement office, rather than the Bureau of Employees' Compensation, will have the responsibilities imposed on retirement offices by this part for that retired employee.

(b) The Bureau of Employees' Compensation is responsible, in accordance with regulations and instructions issued by the Commission, for withholding from the compensation of each retired employee within its jurisdiction who elects to subscribe to the uniform plan his share of the cost, for forwarding the amount withheld to the Retired Federal Employees Health Benefits Fund, and for reporting to the Commission amounts required for Government contributions for these retired employees.

(c) The Bureau of Employees' Compensation is responsible, in accordance with regulations and instructions issued by the Commission, for reporting to the Commission amounts required for Government contributions to employees within its jurisdiction who have elected to receive a Government contribution toward the cost of a private health benefits plan, and for paying the Government contribution to these retired employees.

(d) The Bureau of Employees' Compensation is responsible for advising retired employees within its jurisdiction of their rights and obligations under this part.

(e) Whenever one or more of the family members is a child 19 or over who is incapable of self-support because of mental or physical incapacity that existed prior to his reaching the age of 19, the Bureau of Employees' Compensation shall obtain the necessary evidence and make a determination of incapacity.

(f) The Bureau of Employees' Compensation is responsible, in accordance with regulations and instructions issued by the Commission, for verifying continuing eligibility of retired employees to receive Government contributions.

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

[F.R. Doc. 61-3724; Filed, Apr. 24, 1961; 8:49 a.m.]

Title 6—AGRICULTURAL CREDIT

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

SUBCHAPTER C—EXPORT PROGRAMS

[Announcement CN-EX-13]

PART 482—COTTON

Subpart—1961-62 Cotton Export Program—Payment-in-Kind

Sec.
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AUTHORITY: §§ 482.401 to 482.417 issued under sec. 4, 5, 62 Stat. 1070, as amended; sec. 203, 70 Stat. 188; 15 U.S.C. 714b, 714c, 7 U.S.C. 1853.

§ 482.401 General statement.

In order to encourage the movement of cotton by the commercial cotton trade into export channels, Commodity Credit Corporation (referred to in this subpart as "CCC") will carry out a cotton export program (referred to in this subpart as the "program") under which payments in the form of certificates redeemable as provided in § 482.411 will be made to exporters in connection with the exportation during the 1961-62 cotton marketing year of upland cotton produced in the continental United States. The program will be administered through the CSS Commodity Office, Wirth Building, 120 Marais Street, New Orleans 16, Louisiana (referred to in this subpart as the "New Orleans office"). Additional information pertaining to the operation of the program may be obtained from the New Orleans office.

§ 482.402 Definitions.

(a) *Cotton.* "Cotton" means upland cotton grown in the continental United States of grades named in the Universal Standards for American Upland Cotton and having a staple length of 13/16-inch or longer: *Provided, however,* That reginned or repacked cotton as defined in regulations of the Department of Agriculture under the United States Cotton Standards Act (Service and Regulatory Announcement No. A.M.S. 153, Title 7, Chapter I, Part 28, of the Code of Federal Regulations) shall be eligible for export under this subpart only if a Form A certificate issued by a board of cotton examiners of the U.S. Department of Agriculture shows that the reginned or repacked cotton exported was 13/16-inch or longer in staple and of a grade named in the Universal Standards for American Upland Cotton. Below-grade cotton, reginned or repacked cotton (unless proof of export includes a Form A certificate), or by-products of cotton, such as cotton mill waste, sweepings, linters, motes, and other such by-products of cotton, are not eligible for export under this subpart.

(b) *Export.* "Export" means the shipment of cotton from the continental United States to an eligible destination as specified in § 482.408. If cotton is exported under this subpart, the date which appears on the applicable on-board ocean bill of lading, or if shipment is by rail, the date the shipment clears United States Customs, will be accepted as the date of export.

(c) *Exporter.* "Exporter" means an individual, corporation, partnership, association or other business entity, which is regularly engaged in the business of exporting cotton, and for this purpose maintains a bona fide business office in the continental United States, and therein has a person, principal, or resident agent upon whom service of process may be had.

(d) *Director.* "Director" means the Director of the New Orleans office.

(e) *Export sale.* "Export sale" means a sale by an exporter to a foreign purchaser.

(f) *Date of sale.* "Date of sale" means the date on which the exporter and importer enter into an agreement for the sale of cotton.

(g) *Consignment.* "Consignment" means the shipment of cotton from the continental United States by an exporter prior to the sale of such cotton by the exporter.

(h) *Public notice.* "Public notice" means the filing of a notice with the FEDERAL REGISTER for publication.

§ 482.403 General conditions of eligibility.

If an exporter exports cotton, as defined in § 482.402(a), from the continental United States to an eligible destination, the exporter will be eligible to receive a payment in the form of a certificate, subject to the following terms and conditions and the other terms and conditions set forth in this subpart:

(a) Such cotton must have been exported in fulfillment of an export sale or consignment registered as provided in § 482.404.

(b) Such cotton must have been exported in accordance with § 482.408.

(c) The exporter must have submitted to the New Orleans office an application for such payment in accordance with § 482.409 and satisfactory evidence of the exportation of such cotton in accordance with § 482.410.

(d) The payment rate shall be determined in accordance with § 482.406.

(e) The amount of the certificate, the method of using the certificate, and other terms and conditions applicable to the certificate will be determined in accordance with §§ 482.407 and 482.411.

(f) Cotton exported pursuant to any program wherein the CCC sales price

reflects an export allowance, cotton which is sold by CCC under conditions specifically excluding such cotton from exportation under this subpart, cotton exported pursuant to a CCC barter contract, cotton exported under an export sale financed under Title I of Public Law 480, 83d Congress (unless the applicable purchase authorization specifically provides that such cotton shall be eligible for a payment under this subpart), and cotton shipped as offset cotton in connection with Proclamation 2544 of the President of the United States shall not be eligible for a payment under this subpart.

§ 482.404 Registration.

Any export sale of cotton must have been made on or after February 21, 1961, to be registered under this subpart. CCC will register an export sale or consignment of cotton when, and only in the event that, the following requirements have been met:

(a) *Telegraphic notice of sale or consignment.* The exporter must send a notice of the export sale or consignment to the New Orleans office by telegram in accordance with the following requirements:

(1) In the case of an export sale, such telegram shall be filed with the telegraph office not later than midnight (exporter's local time) on the date of sale; except that in the case of any sale made on and after February 21, 1961, and before ten business days after the date on which this announcement is published in the FEDERAL REGISTER, such telegram must be filed with the telegraph office not later than ten business days after the date this announcement is published in the FEDERAL REGISTER. A notice of sale filed after the applicable date as determined above may be accepted by the Director if he determines that the delay is due to a cause occurring without the fault or negligence of the exporter. The notice must state the date of sale, exporter's sale number, if any, name and address of the foreign purchaser, country of destination, number of bales sold, and the period of export.

(2) In the case of consignments, such telegram should be filed with the telegraph office when it is determined that the consignment will be made and must be filed prior to export of the cotton. The notice must state the country of destination, number of bales, and anticipated date of export.

(b) *Submission of Form 37.* The exporter must send to the New Orleans office a Confirmation of Cotton Sale or Consignment, CCC Cotton Form 37 (referred to in this subpart as "Form 37"), properly executed, in triplicate. The number of bales shown on the Form 37 must agree with the number of bales shown in the telegraphic notice. The Form 37 must be mailed in an envelope postmarked not later than five business days after the date of the telegraphic notice of sale or consignment. An extension of such five-day period may be granted by the Director before or after expiration of such period if he determines that additional time in which to submit the Form 37 is required by the exporter. Supplies of Form 37 and detailed instructions regarding the preparation and submission of the form may be obtained from the New Orleans office.

(c) *Name in which filed.* The telegraphic notice of sale or consignment and the Form 37 must be filed in the name of the exporter who sold or consigned the cotton. If a sale or consignment is made under a trade name, and documents to evidence export will be submitted under such trade name, the telegraphic notice and the Form 37 must show, in addition to the exporter's name, the trade name under which the cotton is to be shipped.

(d) *Refusal of registration.* CCC reserves the right to refuse to register any sale or consignment if it determines that such sale was made or notice of consignment was filed for the purpose of obtaining a higher rate of payment than otherwise would be applicable. CCC also reserves the right to waive any informality in a notice of sale or consignment or Form 37.

(e) *Registration number.* Upon receipt of an acceptable Form 37, a registration number will be assigned by the New Orleans office, and a copy of Form 37 showing such number will be returned to the exporter. All correspondence relating to a sale or consignment for which a registration number has been assigned shall refer to the registration number.

(f) *Exporter's obligation.* The submission of a telegraphic notice of sale or consignment by the exporter shall result in a contract, subject to the terms and conditions of this subpart, under which the exporter is obligated to export to eligible destinations the quantity of cotton shown in such notice and to submit satisfactory evidence of such exportation in consideration of the obligation of CCC to make a payment under this subpart: *Provided,* That if CCC refuses to register the sale or consignment pursuant to paragraph (d) of this section, the contract shall become null and void.

§ 482.405 Cancellation of sale or failure to export.

(a) The exporter shall notify the New Orleans office promptly in every case where, after filing a telegraphic notice of sale, a sale is canceled in whole or in part by the exporter or by the importer, stating fully the reason for such cancellation. Such notification shall be by telegram, and if the sale is canceled in part, shall be confirmed by submission of a corrected Form 37 submitted in the same manner as provided in § 482.404. The exporter shall also notify the New Orleans office promptly when, for any other reason, it becomes apparent to him that he will not be able to fulfill his obligation under this subpart by making shipment within the period provided for export under this subpart.

(b) If the Director determines that the exporter has been or will be prevented from exporting, in accordance with the requirements of this subpart, all or a part of the cotton covered by a registered sale or consignment due to a cause occurring without his fault or negligence, the registration will be canceled with respect to such quantity of cotton. The exporter will be so informed by the Director, and if a corrected Form 37 was submitted by the exporter, a copy will be returned to the exporter.

(c) The program is designed to encourage the exportation through normal trade channels of surplus cotton held in private inventories and in CCC's stocks in order (1) to reduce the quantity of cotton which would otherwise be taken into CCC's stocks under its price support program, (2) to promote and expedite the orderly liquidation of CCC's stocks, and (3) to maintain and expand the market in friendly countries for United States-produced cotton. If the exporter files a telegraphic notice of sale or consignment and fails to export cotton to eligible destinations, in accordance with this subpart, in fulfillment of the export sale or consignment (except for the tolerance allowed by the sales contract or trade rules under which the sale was made, a two percent tolerance in the case of consignments, or as otherwise approved by CCC), and if the registration has not been canceled by CCC, as provided in paragraph (b) of this section, such breach of the contract between the exporter and CCC will result in damages to CCC. Inasmuch as failure of the exporter to export will cause serious or substantial losses to CCC, such as damages to CCC's export and price support programs, the incurrence of additional storage, administrative, and other costs, and increase the expenditures of CCC, and it will be difficult, if not impossible, to prove the exact amount of such damages, the exporter shall pay to CCC liquidated damages in an amount for each pound of such cotton not exported calculated at a rate equal to one cent per pound plus that amount, if any, by which the maximum payment rate in effect between (i) the date the telegraphic notice was filed, and (ii) the date the exporter gives notice of the cancellation of the sale or consignment or the final date for export, whichever is earlier, exceeds the payment rate on the date the telegraphic notice was filed. It is agreed by the exporter and CCC that the foregoing rate is a reasonable estimate of the probable actual damages that would be incurred by CCC. In addition to the foregoing, CCC may deny an exporter and its subsidiaries or affiliates the right to continue participating in this or any other program administered by CCC for such period as CCC may determine.

§ 482.406 Payment rate.

The rates of payment will be determined by the Executive Vice President, CCC, and announced from time to time by CCC. In the case of an export sale, the applicable rate of payment shall be the rate in effect on the date of sale: *Provided,* That in the case of a notice of sale filed after the applicable date specified in § 482.404 which is accepted by the Director, the rate of payment on the cotton exported under such sale will be the lower of the rate of payment in effect on the date of the export sale and the rate of payment in effect on the date on which the exporter files the notice of such sale. (The date of sale must be stated in the telegraphic notice and on Form 37 and must agree with the date shown on the documents required under

§ 482.410.) In the case of a consignment, the applicable rate of payment shall be the rate in effect on the date telegraphic notice of the consignment is filed.

§ 482.407 Amount due exporters.

The amount due an exporter will be determined by multiplying the applicable payment rate by the actual gross weight of the cotton exported exclusive of any franchised weight and exclusive of patches. Payment will not be made on quantities exported which are in excess of the number of pounds shown on the Form 37 plus, in the case of export sales, any tolerance specified in the sales contract, including any tolerance contained in the trade rules specifically incorporated in the sales contract or in case of consigments a tolerance of two percent.

§ 482.408 Export conditions.

(a) *Eligible destination.* An eligible destination, to which cotton may be exported under this subpart, shall be any destination outside the continental United States, other than Alaska, Hawaii, or Puerto Rico, and other than a country covered in § 482.409(b), unless a license, if required, has been obtained from the Bureau of Foreign Commerce, U.S. Department of Commerce. It is the policy of CCC not to make payments on the export of cotton to countries or areas for which general or specific export licenses will not be issued by the Bureau of Foreign Commerce. Accordingly, in making application for an export payment under this announcement, the exporter makes the warranty contained in § 482.409(b).

(b) *Time for export.* To be eligible for payment under this subpart, cotton must be exported on or after August 1, 1961, and not later than July 31, 1962.

§ 482.409 Application for cotton export payment.

(a) *Application for payment.* After exporting cotton in fulfillment of a sale or consignment registered under this subpart, the exporter shall submit to the New Orleans office an original and two copies of Application for Cotton Export Payment, CCC Cotton Form 38 (referred to in this subpart as "Form 38"), together with satisfactory evidence of such exportation, as provided in § 482.410, not later than 30 days after the date of the landing certificate (for rail shipments) or on-board ocean bill of lading or on-board endorsement of port or custody bill of lading (for ocean shipments). An extension of the time for submission of the Form 38 will be granted by the Director if he determines that the exporter has been or will be delayed in submitting such form by a cause ocurring without the fault or negligence of the exporter. The weight on which payment is claimed must agree with the weight in the exporter's affidavit as provided in § 482.410(g). Supplies of Form 38 and detailed instructions regarding the preparation and submission of the form may be obtained from the New Orleans office.

(b) *Warranty.* By submitting a Form 38 to the New Orleans office, the exporter represents and warrants that the cotton covered by such Form 38 was not exported to, and has not and will not be transshipped or caused to be transshipped by the exporter to, any country or area for which an export license is required under regulations issued by the Bureau of Foreign Commerce, U.S. Department of Commerce, unless a license for such exportation or transshipment thereto has been obtained from such Bureau.[1]

§ 482.410 Satisfactory evidence of exportation.

Evidence of exportation, to be satisfactory hereunder, must meet the following requirements unless otherwise approved by the Director:

(a) Separate documents must be submitted to the New Orleans office for each export shipment, and all documents covering any one shipment must be submitted at the same time. The registration number assigned by the New Orleans office must be shown on each document. If the export sale is financed under Public Law 480, the Purchase Authorization Number must also be shown on the documents evidencing exportation. Where exportation or transshipment has been made to one or more of the countries or areas described in § 482.409(b) under license issued by the U.S. Department of Commerce, Bureau of Foreign Commerce, evidence of exportation shall identify by license number, in addition to the name and address of the consignee, the license issued by that Bureau.

(b) In the case of sales, there shall be submitted a certified true copy of the sales contract. (The sales contract may be a formal sales contract, sales confirmation, or other documentary evidence of the sale.) If more than one shipment is made under a sale, the documents constituting the contract need be submitted only on the first shipment.

(c) For shipments by ocean carrier, there shall be submitted a nonnegotiable copy of either (1) an on-board ocean bill of lading, or (2) a port or custody bill of lading with on-board endorsement. The bill of lading must be certified by the exporter as being a true copy and must show the number of bales, marks, and gross weight of the cotton, the date and place of loading, the name of the vessel, the destination of the cotton, and the name and address of both the person who exported the cotton and the person to whom it is shipped.

(d) For shipments by rail, there shall be submitted a copy of the railroad bill of lading, certified to by the exporter as being a true copy, under which the cotton is shipped, and an authenticated landing certificate or similar document issued by an official of the government of the country to which the cotton is exported, showing the number of bales, marks, the place and date of entry, and gross landed weight of the cotton, and the name and address of both the person who exported the cotton from the United States and the person to whom it is shipped.

(e) There shall be submitted a copy of the tag list showing the bale numbers under which the cotton is exported and containing a certification by the exporter that the tag list is true and correct and that the cotton was produced in the continental United States, is of grades named in the Universal Standards for American Upland Cotton, is of staple lengths of $13/16$-inch or longer, and unless a Form A certificate is included, as provided in paragraph (f) of this section, that the cotton is not reginned or repacked.

(f) If the cotton exported is reginned or repacked cotton, as defined in § 482.402, there shall be submitted a Form A of a board of cotton examiners showing that the cotton was $13/16$-inch or longer in staple length and of a grade named in the Universal Standards for American Upland Cotton.

(g) There shall be furnished an affidavit of the exporter reflecting, in relation to each bill of lading, the actual gross weight of the cotton shipped exclusive of any franchised weight and exclusive of patches. The weight shown must agree with the weight claimed on the Form 38.

(h) If the shipper or consignor named in the bill of lading or landing certificate is other than the exporter named in the Form 37, waiver by such shipper or consignor of any interest in the claim in favor of such exporter is required. Such waiver must clearly identify the bill of lading or landing certificate submitted to evidence exportation. If the shipper or consignor is neither the exporter named in the Form 37 nor the consignee identified with the sale contract, the exporter must submit, in addition to the waiver, a certification by such shipper or consignor that he acted only as a freight forwarder, agent of exporter, or agent of consignee, and not as seller or purchaser of the cotton shown on the documents submitted to evidence exportation.

(i) The exporter shall also furnish promptly any additional evidence of exportation which may be requested by the Director.

(j) If cotton is loaded on board a vessel for shipment to an eligible destination and is destroyed or damaged while on board such vessel, and the cotton or the salvage therefrom does not reenter the continental United States and does not enter Alaska, Hawaii, or Puerto Rico, or countries designated in § 482.409(b) without a license, the cotton shall be regarded as having been exported for the purposes of this subpart.

(k) Failure of the exporter to furnish satisfactory evidence of exportation within 30 days after the final date of exportation, determined in accordance with § 482.408, shall constitute prima facie evidence of failure to export.

[1] Information to exporters: The Department of Commerce regulations prohibit exportation or reexportation by anyone, including a foreign exporter, of the cotton exported pursuant to the terms of this announcement, to Soviet Bloc countries and other prohibited areas. The attention of the exporter is invited to the "Notice to Exporters" which accompanies this announcement.

§ 482.411 Cotton Export Payment Certificates.

Upon receipt of a properly prepared Form 38, together with satisfactory evidence of exportation (as provided in § 482.410) of cotton in fulfillment of an export sale or consignment registered under this subpart, the New Orleans office will issue to the exporter a Cotton Export Payment Certificate (CCC Cotton Form 40) for the amount due, subject to the following terms and conditions:

(a) *Payee.* Except as provided in § 482.412, the certificate will be issued only to the exporter who registered the sale or consignment.

(b) *Face value.* The face value of the certificate, which will be shown in the space provided on the certificate, will be the amount due the exporter determined in accordance with § 482.407. More than one certificate in face values totaling the amount due the exporter will be issued in connection with a shipment if requested by the exporter.

(c) *Redemption.* The certificate will be redeemable by CCC at face value (1) in payment for upland cotton purchased for unrestricted use under CCC sales announcements providing for acceptance of such certificate, (2) in repayment of 1961-crop upland cotton loans which are outstanding under the CCC cotton loan program, or (3) for cash, if it has not been used to obtain cotton under (1) or (2) of this subparagraph and if it is presented to the New Orleans office for payment not earlier than 60 days after issuance and not later than the expiration date of the certificate.

(d) *Transfer.* The certificate may be transferred to any person or firm. The certificate must be endorsed by the named payee and the holder who presents it to CCC.

(e) *Expiration.* All certificates shall expire July 31, 1962, or 120 days after the date of the certificate, whichever is later, and thereafter will not be redeemable by CCC.

§ 482.412 Assignments.

No exporter shall, without the written consent of CCC, assign any right to an export payment under this subpart, except that certificates received by him may be transferred by endorsement as provided in § 482.411.

§ 482.413 Import of cotton card lap or cotton picker lap.

(a) The exporter shall not be entitled to a payment under this subpart on any cotton exported hereunder which, with or without his consent, has been reentered into the continental United States in the form of cotton card lap or cotton picker lap or has been entered into Alaska, Hawaii, or Puerto Rico in such form.

(b) The exporter warrants that no cotton on which a payment is made hereunder will, with or without his consent, reenter the continental United States in the form of cotton card lap or cotton picker lap or enter Alaska, Hawaii, or Puerto Rico in such form.

(c) The program provided for in this subpart is designed to encourage the exportation through normal trade channels of surplus cotton held in private inventories and in CCC's stocks in order (1) to reduce the quantity of cotton which would otherwise be taken into CCC's stocks under its price support program, (2) to promote and expedite the orderly liquidation of CCC's stocks, and (3) to maintain and expand the market in friendly countries for United States-produced cotton. If any cotton on which a payment has been made under this subpart reenters the continental United States in the form of cotton card lap or cotton picker lap or enters Alaska, Hawaii, or Puerto Rico in such form, with or without the exporter's consent, such breach of the contract between the exporter and CCC will cause serious and substantial damages to CCC, such as damages to CCC's export and price support programs, the incurrence of additional storage, administrative, and other costs, and will increase the expenditures of CCC; and inasmuch as it will be difficult, if not impossible, to prove the exact amount of such damages, the exporter shall pay to CCC liquidated damages in an amount determined by multiplying 110 per centum of the rate of payment under this subpart in effect on the date of such reentry or entry by the number of pounds of such cotton card lap or cotton picker lap so reentered or entered. It is agreed by the exporter and CCC that such amount is a reasonable estimate of the probable actual damages that would be incurred by CCC.

(d) In all cases in which cotton has been exported hereunder and later reenters the continental United States in the form of cotton card lap or cotton picker lap or enters Alaska, Hawaii, or Puerto Rico in such form, with or without the exporter's consent, the exporter shall immediately notify the New Orleans office of such reentry or entry.

(e) If any cotton on which the exporter has claimed a payment hereunder reenters the continental United States in the form of cotton card lap or cotton picker lap or enters Alaska, Hawaii, or Puerto Rico in such form and such reentry or entry occurs with the exporter's knowledge or consent, and if the exporter does not notify the New Orleans office promptly of such reentry or entry, CCC may deny the exporter and its subsidiaries and affiliates the right to continue participating in the program provided for in this subpart until the exporter has presented evidence satisfactory to the Director of the New Orleans office that he has complied with any requirements established by the Director of the New Orleans office for reinstatement of eligibility under the program.

(f) If any exporter participates directly or indirectly or through any affiliate or subsidiary in the entry into the continental United States, Alaska, Hawaii, or Puerto Rico of any cotton card lap or cotton picker lap made from foreign cotton or from cotton produced in the United States (other than cotton on which the exporter has claimed a payment hereunder), CCC may deny the exporter and its subsidiaries and affiliates the privilege of participating further in the program.

§ 482.414 Records and reports.

The exporter shall make available to CCC from time to time, upon CCC's request, such information and reports, and such of the exporter's and such of his affiliates' and subsidiaries' books, records, and accounts and other documents and papers as CCC may deem pertinent to any transaction hereunder. Such records shall be maintained for a period of three years after date of last payment under any registration.

§ 482.415 Amendment or termination.

CCC reserves the right to amend or terminate any and all of the provisions of this subpart at any time by giving public notice thereof: *Provided, however,* That such amendment or termination shall not apply to export sales of cotton or consignments for which the exporter has filed notices of sale or consignment before the effective date of such amendment or termination.

§ 482.416 Good faith.

If CCC, after affording the exporter an opportunity to present evidence, determines that such exporter has not acted in good faith in connection with any transaction under this program, such exporter may be denied the right to continue participating in the program or the right to receive payments in connection with sales previously registered, or both. Such exporter may also be required to return certificates or refund cash to CCC in an amount equal to the amount of the certificates received by him in connection with the transaction in which he is determined not to have acted in good faith. Any such action shall not affect any other right of CCC by way of the premises.

§ 482.417 Persons not eligible.

No Member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any benefit that may arise from the program, but this provision shall not be construed to extend to a payment made to a corporation for its general benefit.

NOTE: The recordkeeping and reporting requirements of this announcement have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Reports Act of 1942.

Signed at Washington, D.C., on April 20, 1961.

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

NOTICE TO EXPORTERS

(Revision of January 23, 1961)

The Department of Commerce, Bureau of Foreign Commerce (BFC), pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or reexportation by anyone of any commodities (except absorbent cotton and sterilized gauze and bandages with respect to Cuba only) under this program to Cuba, the Soviet Bloc, or Communist-controlled areas of the Far East including Communist China, North Korea, and the Communist-controlled area of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of Foreign Commerce.

These regulations generally require that exporters, in or in connection with their contracts with foreign purchasers, where the contract involves $10,000 or more and exportation is to be made to a Group R country obtain from the foreign purchaser a written acknowledgment of his understanding of (1) U.S. Commerce Department prohibitions (Comprehensive Export Schedule, 15 CFR 371.4 and 371.8) against sales or resale for reexport of said commodities, or any part thereof, without express Commerce Department authorization, to the Soviet Bloc, Communist China, North Korea, or the Communist-controlled area of Vietnam or to Cuba, and (2) the sanction of denial of future U.S. export privileges that may be imposed for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by the Secretary of Agriculture or CCC. Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC the original purchaser should inform the exporter in writing of the requirement for obtaining the signed acknowledgment from the foreign purchaser.

For all exportations, one of the destination control statements specified in BFC Regulation (Comprehensive Export Schedule, 15 CFR 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of Foreign Commerce or one of the field offices of the Department of Commerce.

The above statement is with respect to the regulations of the Department of Commerce as of October 19, 1960. Exporters should consult the applicable regulations for more detailed information if desired and for any changes that may be made therein subsequent to such date.

[F.R. Doc. 61-3746; Filed, Apr. 24, 1961; 8:52 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P.P.C. 612, 31st Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Khapra Beetle

Administrative Instructions Designating Certain Premises as Regulated Areas

Pursuant to § 301.76-2 of the regulations supplemental to the Khapra Beetle Quarantine (7 CFR 301.76-2) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162), revised administrative instructions are hereby issued as follows, listing premises in which infestations of the khapra beetle have been determined to exist and designating such premises as regulated areas within the meaning of said quarantine and regulations.

§ 301.76-2a Administrative instructions designating certain premises as regulated areas under the khapra beetle quarantine and regulations.

Infestations of the khapra beetle have been determined to exist in the premises listed in paragraphs (a) and (b) of this section. Accordingly, such premises are hereby designated as regulated areas within the meaning of the provisions in this subpart:

(a)

ARIZONA

S & W Feed Lot, located one mile east of Gila Center Store and 4/10 mile north of Highway 95, P.O. Box 1590, Yuma.

Arthur Smart Hog Farm, located ½ mile south of 13th Street on Avenue F½, Route 1, P.O. Box 642, Yuma.

James B. Thomson Aviary, 2024 North 26th Place, Phoenix.

C. A. Watson Farm, Route 3, Box 108, located northwest corner 14½ Street and Avenue 1½ E, Yuma.

(b) The portion of the following premises in which live khapra beetles were found has received the approved fumigation treatment, but the premises must continue under frequent observation and inspection for a period of one year following fumigation before a determination can be made as to the adequacy of such treatment to eradicate the khapra beetle in and upon such premises. During this period regulated articles may be moved from the premises only in accordance with the regulations in this subpart.

TEXAS

Beaver Egg Farm, Route 1, Box 44, Yeleta.

(Sec. 9, 37 Stat. 318; 7 U.S.C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161. 19 F.R. 74, as amended; 7 CFR 301.76-2)

These administrative instructions shall become effective April 25, 1961, when they shall supersede P.P.C. 612, Thirtieth Revision, effective March 11, 1961 (26 F.R. 2110).

Subsequent to the thirtieth revision, effective March 11, 1961, infestations of the khapra beetle were discovered on the following premises in Arizona: the Henry Soloman Hog Farm, Route 1, Box 795, located ½ mile south of Loth Street and ¼ mile west of Avenue C, Yuma; the Mrs. Elanore M. Whitehead residence 825 Sixth Avenue, Yuma; and the Charles A. Whitlow, Sr., tool shed, 501 East H Street, P.O. Box 13, Florence. Movement of regulated articles from these properties was immediately stopped. Within a few days the infested premises had been fumigated in their entirety and declared free of khapra beetle infestation. Accordingly, these properties are not being included in this revision.

This revision adds certain premises in Arizona to the list of premises in which khapra beetle infestations have been determined to exist, and designates such premises as regulated areas under the khapra beetle quarantine and regulations. It also has the effect of revoking the designation as regulated areas of certain premises in Arizona and California, since it has been determined by the Director of the Plant Pest Control Division that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises.

These instructions, in part, impose restrictions supplementing khapra beetle quarantine regulations already effective. They also relieve restrictions insofar as they revoke the designation of certain regulated areas. They must be made effective promptly in order to carry out the purposes of the regulations and to be of maximum benefit in permitting the interstate movement, without restriction under the quarantine, of regulated products from the premises being removed from designation as regulated areas. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing administrative instructions are impracticable and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 19th day of April 1961.

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

[F.R. Doc. 61-3743; Filed, Apr. 24, 1961; 8:51 a.m.]

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

[Amdt. 2]

PART 723—CIGAR-BINDER TOBACCO AND CIGAR-FILLER AND BINDER TOBACCO

Marketing Quota Regulations, 1961-62 Marketing Year

This amendment to the above designated regulations (25 F.R. 6671, 7201) is based on the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, applicable to tobacco (7 U.S.C. 1311-15), and is issued to implement the provisions of Public Law 86-793, approved September 14, 1960, which provide extended allotment history credit beyond the expiration date of a conservation reserve contract under stipulated conditions.

Since farmers are now making plans for growing tobacco for 1961, and the provisions relating to the determination of tobacco acreage history enter into the formulation of such plans, it is hereby found and determined that compliance with the notice and effective date provisions of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest, and the provisions of this amendment shall become effective upon filing with the Director, Office of the Federal Register.

Paragraph (i)(3) of § 723.1229 of the above designated regulations is hereby amended to read as follows:

§ 723.1229 Determination of preliminary allotments for 1962 and subsequent years, and tobacco acreage history for 1960 and subsequent years.

* * * * *

(i) * * *

(3) "Acreage regarded as planted to tobacco under the Soil Bank Act" shall be determined as provided below. The maximum acreage which may be regarded as planted to tobacco and to all other allotment crops under the Soil Bank Act is the sum of (i) the acreage on the farm in the conservation reserve at the regular rate under a contract which has not been cancelled and has not expired (see Part 485 of this title), plus (ii) the acreage on the farm placed in the conservation reserve at the regular rate for which the conservation reserve contract has been fulfilled and has expired but for which a period after the expiration of the contract equal to the period of the contract has not ended, less (iii) any part of the acreage changed under the provisions of the contract from cropland to permanent vegetation which is not properly maintained in permanent vegetation. The acreage which may be regarded as planted to tobacco under the Soil Bank Act shall not exceed the amount by which the farm tobacco acreage allotment exceeds the final tobacco acreage on the farm. In the event the farm has two or more commodity allotments for which the final acreage is less than the respective allotment, and the maximum conservation reserve allotment history credit on the farm is less than the sum of the amounts by which such respective allotments exceed the respective final acreages of such crops on the farm, the maximum conservation reserve allotment history credit shal be prorated and credited to each such allotment commodity. To prorate this acreage, the sum of the amounts by which the respective allotments for those crops for which the final acreage is less than the respective allotment exceed the respective final acreage for such allotment crops on the farm shall be obtained. This total shall then be divided into the amount by which the tobacco allotment exceeds the final tobacco acreage. The percentage thus obtained for tobacco shall be applied to the maximum conservation reserve allotment history credit. The result shall be the acreage regarded as planted to tobacco on the farm under the Soil Bank Act. Where it is necessary to determine the acreage regarded as planted to tobacco under the Soil Bank Act in 1959 or 1958, the provisions of this paragraph shall be followed in making such determination. For 1958, the acreage entered on the acreage reserve agreement shall be included in the acreage regarded as planted under the Soil Bank Act, and shall be added to the final acreage in determining whether, and the extent to which, the commodity is entitled to share in the conservation reserve credit for the farm. As used in this subparagraph, the term "allotment" means the allotment after deducting acreage released to the county committee and the amount of any reduction for violation of marketing quota regulations for a prior year, but before adding reapportioned acreage or the amount of any increase granted for peanuts of a type determined to be in short supply.

(Secs. 313, 375, 52 Stat. 47, as amended; 66, as amended, sec. 112, 70 Stat. 195; 7 U.S.C. 1313, 1375, 1836)

Signed at Washington, D.C., on April 20, 1961.

H. D. GODFREY,
Administrator,
Commodity Stabilization Service.

[F.R. Doc. 61–3752; Filed, Apr. 24, 1961; 8:54 a.m.]

[Amdt. 3]

PART 723—CIGAR-BINDER TOBACCO AND CIGAR-FILLER AND BINDER TOBACCO

Marketing Quota Regulations, 1961–62 Marketing Year

(1) *Basis and purpose.* (a) This amendment to the above-designated regulations (25 F.R. 6671, 7201, 26 F.R. 3517) is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.) to permit (i) acreage made available under § 723.1218 and acreage reserved for establishing allotments for new farms which is not used for that purpose, to be allocated to eligible farms from which land has been removed from agricultural production other than through the exercise of the right of eminent domain, and (ii) acreage reserved for new farms and not used for that purpose to be used for the correction of errors.

(b) Since farmers are now making plans for growing tobacco, it is imperative that they be advised as soon as possible of the tobacco acreage allotments for their farms, and it is hereby found and determined that compliance with the notice and effective date provisions of Section 4 of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest. Therefore, the provisions of this amendment shall become effective upon filing with the Director, Office of the Federal Register.

(2) Section 723.1218 is hereby amended by substituting for the second sentence thereof the following: Not to exceed, in the case of cigar-binder (types 51 and 52) tobacco one percent of the total acreage for such tobacco allotted to all tobacco farms in the State for the 1960–61 marketing year; and not to exceed, in the case of cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco four percent of the total acreage for such tobacco allotted to all tobacco farms in the State for the 1960–61 marketing year, shall be made available in the State for increasing allotments as described above in this section, for correcting errors, for providing allotments for overlooked farms, and to make adjustments necessitated by Amendment 10 to the Farm Constitution and Allotment Record Regulations (26 F.R. 1262): *Provided,* Additional acreage may be made available to the States for the last designated purpose and for the correction of errors from acreage reserved for establishing allotments under § 723.1223 which is not allocated to new farms.

(Secs. 313, 375, 52 Stat. 47, as amended; 66, as amended; 7 U.S.C. 1313, 1375)

Signed at Washington, D.C., on: April 10, 1961.

H. D. GODFREY,
Administrator,
Commodity Stabilization Service.

[F.R. Doc. 61–3753; Filed, Apr. 24, 1961; 8:54 a.m.]

[Amdt. 2]

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

Marketing Quota Regulations, 1961–62 Marketing Year

This amendment to the above designated regulations (25 F.R. 6676, 26 F.R. 1023) is based on the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, applicable to tobacco (7 U.S.C. 1311–15), and is issued to implement the provisions of Public Law 86–793, approved September 14, 1960, which provide extended allotment history credit beyond the expiration date of a conservation reserve contract under stipulated conditions.

Since farmers are now making plans for growing tobacco in 1961, and provisions relating to the determination of tobacco acreage history enter into the formulation of such plans, it is hereby found and determined that compliance with the notice and effective date provisions of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest, and the provisions of this amendment shall become effective upon filing with the Director, Office of the Federal Register.

Paragraph (i) (3) of § 725.1228 of the above designated regulations is hereby amended to read as follows:

§ 725.1228 Determination of preliminary allotments for 1962 and subsequent years, and tobacco acreage history for 1960 and subsequent years.

* * * * *

(i) * * *

(3) "Acreage regarded as planted to tobacco under the Soil Bank Act" shall be determined as provided below. The maximum acreage which may be regarded as planted to tobacco and to all other allotment crops under the Soil Bank Act is the sum of (i) the acreage on the farm in the conservation reserve at the regular rate under a contract which has not been cancelled and has not expired (see Part 485 of this title), plus (ii) the acreage on the farm placed in the conservation reserve at the regular rate for which the conservation reserve contract has been fulfilled and has expired but for which a period after the expiration of the contract equal to the period of the contract has not ended, less (iii) any part of the acreage changed under the provisions of the contract from cropland to permanent vegetation which is not properly maintained in permanent

vegetation. The acreage which may be regarded as planted to tobacco under the Soil Bank Act shall not exceed the amount by which the farm tobacco acreage allotment exceeds the final tobacco acreage on the farm. In the event the farm has two or more commodity allotments for which the final acreage is less than the respective allotment, and the maximum conservation reserve allotment history credit on the farm is less than the sum of the amounts by which such respective allotments exceed the respective final acreages of such crops on the farm, the maximum conservation reserve allotment history credit shall be prorated and credited to each such allotment commodity. To prorate this acreage, the sum of the amounts by which the respective allotments for those crops for which the final acreage is less than the respective allotment exceed the respective final acreage for such allotment crops on the farm shall be obtained. This total shall then be divided into the amount by which the tobacco allotment exceeds the final tobacco acreage. The percentage thus obtained for tobacco shall be applied to the maximum conservation reserve allotment history credit. The result shall be the acreage regarded as planted to tobacco on the farm under the Soil Bank Act. Where it is necessary to determine the acreage regarded as planted to tobacco under the Soil Bank Act in 1959 or 1958, the provisions of this paragraph shall be followed in making such determination. For 1958, the acreage entered on the acreage reserve agreement shall be included in the acreage regarded as planted under the Soil Bank Act, and shall be added to the final acreage in determining whether, and the extent to which, the commodity is entitled to share in the conservation reserve credit for the farm. As used in this paragraph (i) (3), the term "allotment" means the allotment after deducting acreage released to the county committee and the amount of any reduction for violation of marketing quota regulations for a prior year, but before adding reapportioned acreage or the amount of any increase granted for peanuts of a type determined to be in short supply.

(Secs. 313, 375, 52 Stat. 47, as amended; 66, as amended, sec. 112, 70 Stat. 195; 7 U.S.C. 1313, 1375, 1836)

Signed at Washington, D.C., on April 20, 1961.

H. D. GODFREY,
Administrator,
Commodity Stabilization Service.

[F.R. Doc. 61-3749; Filed, Apr. 24, 1961; 8:53 a.m.]

[Amdt. 3]

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

Marketing Quota Regulations, 1961–62 Marketing Year

(1) *Basis and purpose.* (a) This amendment to the above-designated regulations (25 F.R. 6676, 26 F.R. 1023, 3518) is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.) to permit (i) acreage made available under § 725.1218 and acreage reserved for establishing allotments for new farms which is not used for that purpose, to be allocated to eligible farms from which land has been removed from agricultural production other than through the exercise of the right of eminent domain, and (ii) acreage reserved for new farms and not used for that purpose to be used for the correction of errors.

(b) Since farmers are now making plans for growing tobacco, it is imperative that they be advised as soon as possible of the tobacco acreage allotments for their farms, and it is hereby found and determined that compliance with the notice and effective date provisions of Section 4 of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest. Therefore, the provisions of this amendment shall become effective upon filing with the Director, Office of the Federal Register.

(2) Section 725.1218, as amended, is hereby amended by substituting for the second sentence thereof the following: "Not to exceed, in the case of burley, flue-cured, fire-cured, and dark air-cured tobacco, one-tenth of one percent of the total acreage for such tobacco allotted to all tobacco farms in the State for the 1960–61 marketing year; and not to exceed, in the case of Virginia sun-cured tobacco four percent of the total acreage for such tobacco allotted to all tobacco farms in the State for the 1960–61 marketing year, shall be made available in the State for increasing allotments as described above in this section, for correcting errors, for providing allotments for overlooked farms, and to make adjustments necessitated by Amendment 10 to the Farm Constitution and Allotment Record Regulations (26 F.R. 1262): *Provided,* That additional acreage may be made available to the States for the last designated purpose and for the correction of errors from acreage reserved for establishing allotments under § 725.1223 which is not allocated to new farms."

(Secs. 313, 375, 52 Stat. 47, as amended; 66, as amended; 7 U.S.C. 1313, 1375)

Signed at Washington, D.C., on April 10, 1961.

H. D. GODFREY,
Administrator,
Commodity Stabilization Service.

[F.R. Doc. 61-3754; Filed, Apr. 24, 1961; 8:54 a.m.]

[Amdt. 1]

PART 727—MARYLAND TOBACCO

Marketing Quota Regulations, 1961–62 Marketing Year

This amendment to the above designated regulations (25 F.R. 6681) is based on the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, applicable to tobacco (7 U.S.C. 1311–15), and is issued to implement the provisions of Public Law 86-793, approved September 14, 1960, which provide extended allotment history credit beyond the expiration date of a conservation reserve contract under stipulated conditions.

Since farmers are now making plans for growing tobacco in 1961 and the provisions relating to determination of tobacco acreage history enter into the formulations of such plans, it is hereby found and determined that compliance with the notice and effective date provisions of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest, and the provisions of this amendment shall become effective upon filing with the Director, Office of the Federal Register.

Paragraph (i) (3) of § 727.1228 of the above designated regulations is hereby amended to read as follows:

§ 727.1228 Determination of preliminary allotments for 1962 and subsequent years, and tobacco acreage history for 1960 and subsequent years.

* * * * *

(i) * * *

(3) "Acreage regarded as planted to tobacco under the Soil Bank Act" shall be determined as provided below. The maximum acreage which may be regarded as planted to tobacco and to all other allotment crops under the Soil Bank Act is the sum of (i) the acreage on the farm in the conservation reserve at the regular rate under a contract which has not been cancelled and has not expired (see Part 485 of this title), plus (ii) the acreage on the farm placed in the conservation reserve at the regular rate for which the conservation reserve contract has been fulfilled and has expired but for which a period after the expiration of the contract equal to the period of the contract has not ended, less (iii) any part of the acreage changed under the provisions of the contract from cropland to permanent vegetation which is not properly maintained in permanent vegetation. The acreage which may be regarded as planted to tobacco under the Soil Bank Act shall not exceed the amount by which the farm tobacco acreage allotment exceeds the final tobacco acreage on the farm. In the event the farm has two or more commodity allotments for which the final acreage is less than the respective allotment, and the maximum conservation reserve allotment history credit on the farm is less than the sum of the amounts by which such respective allotments exceed the respective final acreages of such crops on the farm, the maximum conservation reserve allotment history credit shall be prorated and credited to each such allotment commodity. To prorate this acreage, the sum of the amounts by which the respective allotments for those crops for which the final acreage is less than the respective allotment exceed the respective final acreage for such allotment crops on the farm shall be obtained. This total shall then be divided into the amount by which the tobacco allotment exceeds the final tobacco acreage. The percentage thus obtained for

tobacco shall be applied to the maximum conservation reserve allotment history credit. The result shall be the acreage regarded as planted to tobacco on the farm under the Soil Bank Act. Where it is necessary to determine the acreage regarded as planted to tobacco under the Soil Bank Act in 1959 or 1958, the provisions of this paragraph shall be followed in making such determination. For 1958, the acreage entered on the acreage reserve agreement shall be included in the acreage regarded as planted under the Soil Bank Act, and shall be added to the final acreage in determining whether, and the extent to which, the commodity is entitled to share in the conservation reserve credit for the farm. As used in this paragraph (i) (3), the term "allotment" means the allotment after deducting acreage released to the county committee and the amount of any reduction for violation of marketing quota regulations for a prior year, but before adding reapportioned acreage or the amount of any increase granted for peanuts of a type determined to be in short supply.

(Secs. 313, 375, 52 Stat. 47, as amended; 66, as amended, sec. 112, 70 Stat. 195; 7 U.S.C. 1313, 1375, 1836)

Signed at Washington, D.C., on April 20, 1961.

H. D. GODFREY,
Administrator,
Commodity Stabilization Service.

[F.R. Doc. 61-3750; Filed, Apr. 24, 1961; 8:53 a.m.]

[Amdt. 2]

PART 727—MARYLAND TOBACCO

Marketing Quota Regulations, 1961–62 Marketing Year

(1) *Basis and purpose.* (a) This amendment to the above-designated regulations (25 F.R. 6681, 26 F.R. 3519) is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.) to permit (i) acreage made available under § 727.1218 and acreage reserved for establishing allotments for new farms which is not used for that purpose, to be allocated to eligible farms from which land has been removed from agricultural production other than through the exercise of the right of eminent domain, and (ii) acreage reserved for new farms and not used for that purpose to be used for the correction of errors.

(b) Since farmers are now making plans for growing tobacco, it is imperative that they be advised as soon as possible of the tobacco acreage allotments for their farms, and it is hereby found and determined that compliance with the notice and effective date provisions of Section 4 of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest. Therefore, the provisions of this amendment shall become effective upon filing with the Director, Office of the Federal Register.

(2) Section 727.1218 is hereby amended by substituting for the second sentence thereof the following: "Not to exceed four percent of the total acreage allotted to all tobacco farms in the State for the 1960–61 marketing year shall be made available in the State for increasing allotments as described above in this section, for correcting errors, for providing allotments for overlooked farms, and to make adjustments necessitated by Amendment 10 to the Farm Constitution and Allotment Record Regulations (26 F.R. 1262): *Provided,* Additional acreage may be made available to the States for the last designated purpose and for the correction of errors from acreage reserved for establishing allotments under § 727.1223 which is not allocated to new farms."

(Secs. 313, 375, 52 Stat. 47, as amended; 66, as amended; 7 U.S.C. 1313, 1375)

Signed at Washington, D.C. on April 10, 1961.

H. D. GODFREY,
Administrator,
Commodity Stabilization Service.

[F.R. Doc. 61-3751; Filed, Apr. 24, 1961; 8:53 a.m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[Sugar Determination 849.2 Revised, Amdt. 1]

PART 849—DOMESTIC BEET SUGAR PRODUCING AREA

Prevented Acreage Credit; 1959 and Subsequent Crops

Pursuant to the provisions of section 302(b) of the Sugar Act of 1948, as amended, paragraph (g) of § 849.2 (26 F.R. 248) is hereby revised to read as follows:

(g) *Appeals.* Any producer whose reported prevented acreage is not approved in its entirety may request the County Committee in writing to reconsider its determination. Within 5 days after all facts in the case have been considered, the County Committee shall notify him of its decision in writing. If the producer is dissatisfied with the decision of the County Committee, he may, within 15 days after the date of mailing of the decision to him, appeal in writing to the State Committee. Upon receipt of an appeal, the State Committee shall ascertain the County Committee's basis for denying or reducing the claim and any other information which is deemed necessary for consideration of the appeal. The appellant shall be informed when the State Committee will consider his appeal and that he may appear personally before the committee at such time if he so desires. After all the facts in the case have been assembled, the committee shall consider the case carefully and determine the prevented acreage credit which should be approved in the case. Within 5 days after all facts in the case have been considered, the State Committee shall notify him of the decision in writing. If the prevented acreage credit is less than that claimed, the notice shall also indicate the basis for the committee's decision and inform him that if he is not satisfied with the decision, he may, within fifteen days after such notice is forwarded to or otherwise made available to him, appeal directly to the Deputy Administrator for Production Adjustment, Commodity Stabilization Service, U.S. Department of Agriculture, Washington 25, D.C., whose decision shall be final. In acting upon the appeal, consideration shall be given by the State Committee or the Deputy Administrator only to such matters as were required or permitted to be considered by the County Committee in approving prevented acreage credits in the case being reviewed.

Statement of bases and considerations. This amendment to the determination of prevented acreage credit for the 1959 and subsequent crops revises that portion relating to appeals. Such revision is necessary to establish uniformity in appeals procedures with respect to all programs administered through the Agricultural Stabilization and Conservation State and County offices.

Accordingly, I hereby find and conclude that the aforestated amendment will effectuate the applicable provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies sec. 302, 61 Stat. 930, as amended; 7 U.S.C. 1132)

Effective date: Date of publication.

Signed at Washington, D.C., on April 20, 1961.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 61-3747; Filed, Apr. 24, 1961; 8:53 a.m.]

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[Sugar Determination 857.13, Amdt. 1]

PART 857—PUERTO RICO

Proportionate Shares for Farms; 1960–61 Crop

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended, paragraph (d) of § 857.13 (25 F.R. 12224) is hereby revised to read as follows:

(d) *Determination of eligibility and basis for payment; and appeals for review thereof.* Except as otherwise provided in regulations relating to conditional payments, compliance with the conditions prescribed by the act and regulations for any payment authorized under Title III of the act, the facts constituting the basis for any such payment and the amounts thereof, shall be determined by the Area office. If the producer is dissatisfied with the decision he may, within 15 days after notice of such a determination is mailed to or otherwise made available to him, request the Area office in writing to reconsider such determination. Within 5 days after all facts in the case have been considered the Area office shall, after giving the producer an opportunity to appear before it, if so requested, notify the producer in writing of its decision. If the producer is dissatisfied with the

decision of the Area office he may, within 15 days after the date of mailing of the decision to him, appeal in writing to the Secretary to review the decision of the Area office. The decision of the Secretary shall be final. Determinations by the Area office and reviews thereof shall be made and decided in accordance with the applicable provisions of the act and regulations issued by the Secretary thereunder and on the basis of the facts in the individual case.

Statement of bases and considerations. This amendment to the determination of proportionate shares for the 1960–61 crop, revises that portion relating to the eligibility and basis for payment and appeals for review thereof. Such revision is necessary to establish uniformity in appeals procedures with respect to all programs administered through Agricultural Stabilization and Conservation State, County and Area offices.

Accordingly, I hereby find and conclude that the aforestated amendment will effectuate the applicable provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. Sup. 1153. Interprets or applies secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132)

Effective date: Date of publication.

Signed at Washington, D.C., on April 20, 1961.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 61–3748; Filed, Apr. 24, 1961; 8:53 a.m.]

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

[Lemon Reg. 895, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 953.1002 (Lemon Regulation 895, 26 F.R. 3237) are hereby amended to read as follows:

(ii) District 2: 302,250 cartons.

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

Dated: April 20, 1961.

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

[F.R. Doc. 61–3717; Filed, Apr. 24, 1961; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60–FW–100]

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

Alteration of Control Zone

On December 24, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 13728) stating that the Federal Aviation Agency proposed to alter the Baton Rouge, La., control zone.

As stated in the notice, the Baton Rouge control zone would be redesignated within a 5-mile radius of Ryan Airport; within a 3-mile radius of the Downtown Airport; and within 2 miles either side of the Baton Rouge VOR 071° True radial extending from the Ryan Airport 5-mile radius zone to the VOR.

However, subsequent to publication of this notice, it has been determined that revisions of the procedures in the Baton Rouge terminal area may be required by implementation of Amendment 60–21 to Civil Air Regulations, Part 60, Air Traffic Rules. Considerable coordination will be required for the several procedures involved. Therefore, the only alteration to the Baton Rouge control zone contained herein is the elimination of the northwest extension based on the L/MF range since the instrument approach procedures based on the RR are being cancelled altogether. A new proposal concerning the Baton Rouge control zone will be initiated after completion of coordination and resolution of procedural changes.

No adverse comments were received regarding the rescission of the northwest control zone extension.

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

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

In the text of § 601.2327 (14 CFR 601.2327) "within 2 miles either side of the Baton Rouge RR northwest course extending from the RR to a point 10 miles northwest," is deleted.

This amendment shall become effective 0001 e.s.t., June 29, 1961.

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

Issued in Washington, D.C., on April 18, 1961.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 61–3690; Filed, Apr. 24, 1961; 8:45 a.m.]

[Airspace Docket No. 60–WA–140]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

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

Designation and Modification of Federal Airways and Associated Control Areas

On November 30, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 12252) stating that the Federal Aviation Agency (FAA) proposed to realign the segment of VOR Federal airway No. 16 between the Coyle, N.J., VOR and the Riverhead, N.Y., VOR; extend VOR Federal Airway No. 44 from the Barnegat, N.J., VOR to the Riverhead VOR; and designate VOR Federal airway No. 475 from the Coyle VOR to a VOR to be installed approximately March 1, 1961, near Deer Park, N.Y.

Since these actions involve the designation of navigable airspace outside of the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order No. 10854.

The Aerospace Industries Association (AIA) stated that the off-shore portions of these airways would transgress the flight test area utilized by the Grumman and Republic aircraft companies. However, the AIA stated that it would have no objection to the establishment of these airways provided a satisfactory "operations agreement" is established for the segregation of airway traffic and flight test operations. The FAA is developing procedural arrangements whereby the airway traffic and flight test operations will be segregated. It should be noted, however, that flight test areas are approved for the purpose of limiting the areas within which flight tests may be conducted. The approval of such areas does not constitute an assignment

of airspace for that purpose to the exclusion of other traffic. Test flights must adhere to at least the same rules and weather minima as all other flights operating in the same airspace. No other adverse comments were received regarding the proposed amendments.

Subsequent to the publication of the notice, the FAA has determined that certain minor adjustments to the proposed realignment of Victors 16 and 44 are necessary in order to avoid conflict with the reoriented holding pattern at Ambrose, N.Y. The realignment of Victor 16 via the intersection of the Coyle VOR 057° True and the Riverhead VOR 218° True radials, in lieu of the Coyle VOR 058° True and the Riverhead VOR 218° True radials, and the realignment of Victor 44 via the intersection of the Barnegat VOR 043° True and the Riverhead VOR 218° True radials, in lieu of the Barnegat VOR direct to the Riverhead VOR, will permit the simultaneous movement of en route air traffic on these airways in conjunction with traffic utilizing the Ambrose holding pattern. In addition, these adjustments to the proposed realignment of Victors 16 and 44 will provide a common intersection of VOR Federal airways Nos. 1, 16, and 44. These changes are reflected in the actions taken herein.

Although not mentioned in the notice, the realignment of Victor 16 between Coyle and Riverhead requires a modification of VOR Federal airways Nos. 837 and 885. Moreover, on July 8, 1960, there was published in the FEDERAL REGISTER (25 F.R. 6417) an amendment to § 600.6016 which modified Victor 16 between Kenton, Del., and Coyle. This modification also requires a modification to Victor airways 837 and 885 which was inadvertently omitted. The 800 series airways are designated to indicate preferred routes and are aligned with existing low altitude airways and their associated control areas. In these instances, Victor airways 837 and 885 are aligned with Victor 16. Action is taken herein to reflect these changes.

Subsequent to the publication of the notice, the commissioning date of the Deer Park VOR has been rescheduled to late September 1961. Consequently, the actions in this docket concerning Victors 16, 44, 837, and 885 will become effective June 1, 1961, and the actions concerning Victor 475 will become effective October 19, 1961.

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

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

§ 600.6016 [Amendment]

1. In the text of § 600.6016 (14 CFR 600.6016, 25 F.R. 171, 1819, 2388, 3022, 5479) "point of INT of the Colts Neck, N.J., VOR 103° and the Riverhead VOR 218° radials; Riverhead, N.Y., VOR;" is deleted and "INT of the Coyle VOR 057° and the Riverhead, N.Y., VORTAC 218° radials; Riverhead VORTAC;" is substituted therefor.

2. Section 600.6044 (14 CFR 600.6044, 25 F.R. 6417, 12287) is amended to read:

§ 600.6044 VOR Federal airway No. 44 (Centralia, Ill., to Riverhead, N.Y.).

From the Centralia, Ill., VOR via the Samsville, Ill., VOR; Nabb, Ind., VOR; Falmouth, Ky., VOR; York, Ky., VOR; Parkersburg, W. Va., VOR; Morgantown, W. Va., VORTAC; Martinsburg, W. Va., VORTAC; Baltimore, Md., VORTAC; INT of the Baltimore VORTAC 097° radial with the Nottingham, Md., VOR direct radial to the Kenton, Del., VORTAC; Kenton VORTAC; INT of the Kenton VORTAC 086° and the Barnegat, N.J., VOR 233° radials; Barnegat VOR; INT of the Barnegat VOR 043° and the Riverhead, N.Y., VORTAC 218° radials; to the Riverhead VORTAC. The portion of this airway below 2,000 feet MSL that lies outside of the United States is excluded. The portion of this airway that coincides with the Warren Grove, N.J., Restricted Area R–5002 shall be used only after obtaining prior approval from appropriate authority.

§ 600.6837 [Amendment]

3. In the text of § 600.6837 (26 F.R. 21) "Kenton, Del., VORTAC; Coyle, N.J., VOR; INT of the Colts Neck, N.J., VOR 103° True and the Riverhead, N.Y., VORTAC 218° True radials;" is deleted and "Kenton, Del., VORTAC; Millville, N.J., VOR; Coyle, N.J., VOR; INT of the Coyle VOR 057° and the Riverhead, N.Y., VORTAC 218° radials;" is substituted therefor.

§ 600.6885 [Amendment]

4. In the text of § 600.6885 (26 F.R. 21) "Kenton VORTAC; Coyle, N.J., VOR; INT of the Colts Neck, N.J., VOR 103° True and the Riverhead, N.Y., VORTAC 218° True radials;" is deleted and "Kenton VORTAC; Millville, N.J., VOR; Coyle, N.J., VOR; INT of the Coyle VOR 057° and the Riverhead, N.Y., VORTAC 218° radials;" is substituted therefor.

5. Section 601.6044 (14 CFR 601.6044, 25 F.R. 6417, 12287) is amended to read:

§ 601.6044 VOR Federal airway No. 44 control areas (Centralia, Ill., to Riverhead, N.Y.).

All of VOR Federal airway No. 44.

These amendments shall become effective 0002 e.s.t., June 29, 1961.

6. Parts 600 and 601 (14 CFR Parts 600, 601) are amended by adding the following sections:

§ 600.6475 VOR Federal airway No. 475 (Coyle, N.J., to Deer Park, N.Y.).

From the Coyle, N.J., VOR to the Deer Park, N.Y., VOR.

§ 601.6475 VOR Federal airway No. 475 control areas (Coyle, N.J., to Deer Park, N.Y.).

All of VOR Federal airway No. 475.

These amendments shall become effective 0001 e.s.t., October 19, 1961.

(Sec. 307(a) and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order No. 10854, 24 F.R. 9565)

Issued in Washington, D.C., on April 18, 1961.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 61–3691; Filed, Apr. 24, 1961; 8:45 a.m.]

[Airspace Docket No. 60–WA–142]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

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

Modification of Federal Airway and Associated Control Areas

On November 30, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 12251) stating that the Federal Aviation Agency (FAA) proposed to realign the segment of VOR Federal airway No. 1 between Cape Charles, Va., and Idlewild, N.Y.

Subsequent to the publication of the notice, the FAA has determined that certain adjustments to the proposed realignment of Victor 1 between the Barnegat, N.J., VOR and the Idlewild VORTAC will permit the reorientation of the Ambrose, N.Y., holding pattern and minimize conflict with the east and southeast departure routes from the Idlewild Airport. The realignment of this segment of Victor 1 via the intersection of the Barnegat VOR 043° True and the Idlewild VORTAC 159° True radials, in lieu of the Barnegat 040° True and the Idlewild 138° True radials as proposed in the notice, will also provide a common intersection with VOR Federal airways Nos. 16 and 44. Victors 16 and 44 are being modified in Airspace Docket No. 60–WA–140 and will be effective concurrently with this docket. This change, which in effect will reduce the route mileage between Barnegat and Idlewild by approximately 6 miles, is reflected in the actions taken herein.

Since these actions involve the designation of navigable airspace outside of the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

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 herein and in the notice, the following actions are taken:

1. Section 600.6001 (14 CFR 600.6001; 25 F.R. 5690, 3755, 6829) is amended to read:

§ 600.6001 VOR Federal airway No. 1 (Jacksonville, Fla., to Wilton, Conn.).

From the Jacksonville, Fla., VORTAC via the Charleston, S.C., VORTAC; Myrtle Beach, S.C., VOR; Wilmington, N.C., VORTAC; Kinston, N.C., VOR, including a W alternate via the INT of the Wilmington VORTAC 352° and the Kinston VOR 214° radials; Cofield, N.C., VORTAC; Norfolk, Va., VORTAC; Cape Charles, Va., VORTAC; INT of the Cape Charles VORTAC 015° and the Salisbury, Md., VOR 206° radials; Salisbury VOR; Waterloo, Del., VOR; INT of the Waterloo VOR 023° and the Barnegat, N.J., VOR 233° radials; Barnegat VOR; INT of the Barnegat VOR 043° and the Idlewild, N.Y., VORTAC 159° radials; Idlewild VORTAC; INT of the Idlewild VORTAC 359° and the Wilton, Conn., VOR 214° radials; to the Wilton VOR. The portions of this airway below 2,000 feet that lie outside of the continental limits of the United States are excluded. The portions of this airway that coincide with the Patuxent, Md., Restricted Area R–4006 are excluded. The portion of this airway that coincides with the Warren Grove, N.J., Restricted Area R–5002 shall be used only after obtaining prior approval from appropriate authority. The portion of this airway between the Jacksonville VORTAC and the Charleston VORTAC which lies below 17,000 feet MSL and above 23,000 feet MSL is excluded.

2. Section 601.6001 (14 CFR 601.6001) is amended to read:

§ 601.6001 VOR Federal airway No. 1 control areas (Jacksonville, Fla., to Wilton, Conn.).

All of VOR Federal airway No. 1 including a W alternate.

These amendments shall become effective 0001 e.s.t., June 29, 1961.

(Sec. 307(a) and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on April 18, 1961.

D.D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 61–3692; Filed, Apr. 24, 1961; 8:45 a.m.]

[Airspace Docket No. 60–WA–143]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

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

Modification of Federal Airway and Associated Control Areas

On November 30, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 12252) stating that the Federal Aviation Agency (FAA) proposed to extend VOR Federal airway No. 139 and its associated control areas from the Hampton, N.Y., VOR to the Sea Isle, N.J., VOR via the intersection of the Hampton VOR 223° and the Sea Isle VOR 049° True radials.

Since this action involves the designation of navigable airspace outside of the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The Aerospace Industries Association (AIA) commented that this proposed segment of Victor 139 would eliminate portions of off-shore warning areas and transgress the flight test area utilized by the Grumman and Republic aircraft companies. However, the AIA concurred in the proposal provided a satisfactory operations arrangement is established whereby the airway traffic and testing operations are segregated. Procedural arrangements are being developed by the FAA to accomplish this purpose. It should be noted, however, that flight test areas are approved for the purpose of limiting the areas within which flight tests may be conducted. The approval of such areas does not constitute an assignment of airspace for that purpose to the exclusion of other traffic. Test flights must adhere to at least the same rules and weather minima as all other flights operating in the same airspace. As stated in the Notice, Warning Areas W–106 and W–107 will be modified, in accordance with non-rule-making procedures, to eliminate the portions of these warning areas that would coincide with Victor 139. The Department of Defense concurs in the modification of these warning areas. No other adverse comments were received regarding the proposed amendments.

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

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

1. Section 600.6139 (25 F.R. 11147) is amended to read:

§ 600.6139 VOR Federal airway No. 139 (Cape Charles, Va., to Boston, Mass.).

From the Cape Charles, Va., VORTAC via the Snow Hill, Md., VOR; Sea Isle, N.J., VOR; INT of the Sea Isle VOR 049° and the Hampton, N.Y., VOR 223° radials; Hampton VOR; INT of the Hampton VOR 059° and the Providence, R.I., VOR 212° radials; Providence VOR; INT of the Providence VOR 043° and the Boston, Mass., VOR 133° radials; to the Boston VOR. The portion of this airway below 2,000 feet MSL that lies outside the continental limits of the United States and the portions that coincide with the Bethany Beach, Del., Restricted Area R–2801 and the Chincoteague Inlet, Va., Restricted Area R–6604 are excluded.

2. Section 601.6139 (25 F.R. 6418) is amended to read:

§ 601.6139 VOR Federal airway No. 139 control areas (Cape Charles, Va., to Boston, Mass.).

All of VOR Federal airway No. 139.

These amendments shall become effective 0001 e.s.t., June 29, 1961.

(Sec. 307(a) and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on April 18, 1961.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 61–3693; Filed, Apr. 24, 1961; 8:45 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6561]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Extension of Time for Performing Certain Acts

The Income Tax Regulations (26 CFR Part 1) are amended by adding § 1.614–7 at the end of § 1.614–6 in order to prescribe rules allowing an extension of time in appropriate cases for the performance of certain acts required by the Income Tax Regulations (26 CFR Part 1) under section 614 of the Code relating to the definition of property. In addition, paragraphs 14 and 15 of Treasury Decision 6118 (Temporary Rules (26 CFR)), approved December 30, 1954, and Treasury Decision 6138 (Temporary Rules (26 CFR)), approved August 19, 1955, amending paragraph 14 of Treasury Decision 6118, were superseded by Treasury Decision 6524 (26 F.R. 145), approved January 5, 1961.

§ 1.614–7 Extension of time for performing certain acts.

Sections 1.614–2 to 1.614–5, inclusive, require certain acts to be performed on or before May 1, 1961 (the first day of the first month which begins more than 90 days after the regulations under section 614 were published in the FEDERAL REGISTER as a Treasury decision). The district director may, upon good cause shown, extend for a period not exceeding 6 months the period within which such acts are to be performed, and shall, if the interests of the Government would otherwise be jeopardized thereby, grant such an extension only if the taxpayer and the district director agree in writing to a corresponding or greater extension of the period prescribed for the assessment of the tax, or in the case of taxable years described in section 614(c)(3)(E), the assessment of the tax resulting from the exercise or change in an election.

Because this Treasury decision provides rules that are liberalizing in character and due to the proximity of May 1, 1961, the date prescribed for perform-

ing certain acts, it is found unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of said Act.

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

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

Approved: April 21, 1961.

HENRY H. FOWLER,
Acting Secretary of the Treasury.

[F.R. Doc. 61-3789; Filed, Apr. 24, 1961; 8:54 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER M—MISCELLANEOUS

PART 276—SOLICITATION OF LIFE INSURANCE ON MILITARY INSTALLATIONS

PART 277—SOLICITATION OF COMMERCIAL LIFE INSURANCE ON MILITARY INSTALLATIONS IN OVERSEA AREAS

The Deputy Secretary of Defense approved the following on April 10, 1961: Parts 276 and 277 published at 24 F.R. 1905 and 24 F.R. 1410, respectively, are hereby superseded and cancelled.

Sec.

AUTHORITY: §§ 276.1 to 276.12 issued under sec. 202, 61 Stat. 500, as amended; 5 U.S.C. 171a.

§ 276.1 Purpose and applicability.

(a) The purpose of this part is to prescribe uniform Department of Defense policy governing the solicitation of members of the Armed Forces for the purchase of life insurance on U.S. military installations.

(b) This part is applicable to members of the Armed Forces and to insurers and agents electing to request the privilege of soliciting and selling life insurance on U.S. military installations and the utilization of military allotments in payment of life insurance policy premiums.

§ 276.2 General policy statements.

(a) *Solicitation on base.* The conduct of a private business including the solicitation and sale of insurance on a military installation is a privilege, the control of which is a responsibility vested in the installation commander subject to compliance with this part.

(b) *Sound life insurance underwriting and programming encouraged.* The acquisition of a sound life insurance program suitably underwritten to meet the varying requirements of the individual is encouraged by the Department of Defense. Accordingly, the conduct of such personal business on base is permitted where feasible, with disinterested third party counseling provided, interviewing hours set aside, and facilities supplied. However, the privilege of solicitation on military installations is conditioned upon the clear understanding that such permission in no wise constitutes endorsement of the insurer or the policies offered for sale. The Department of Defense as a matter of continuing policy, abstains from endorsing any seller or product.

(c) *Granting and withdrawing the solicitation privilege.* Solicitation on base, a privilege as distinguished from a right, is subject to regulation resulting in the reasoned granting of the privilege or withholding it as circumstances may warrant. Suspension action may be ordered:

(1) due to conflict with the primary military mission.

(2) in the interests of the national security.

(3) for cause, and the concomitant command responsibility for the welfare of the military community (§ 276.9).

§ 276.3 Supervision of solicitation.

(a) *Command supervision.* The Secretaries of the military departments will issue regulations to ensure that solicitation on military installations is properly supervised and controlled.

(1) Regulations will include prohibitions against:

(i) The solicitation of recruits or trainees and "mass" or "captive" audiences;

(ii) Practices involving rebates or elimination of competition;

(iii) Military personnel on active duty representing insurers in any capacity, officially or unofficially, with or without compensation;

(iv) The use of official identification cards to gain entrance to a military installation to solicit the sale of life insurance.

(2) Solicitation will be on an individual basis, preferably by appointment, in a specific location(s), and at hours designated by the installation commander.

(b) *Actions required of agents.* (1) Before being permitted to solicit, the agent will be required to examine a copy of the applicable insurance regulations and to indicate in writing that he understands them and that any violation of the regulations could result in the withdrawal of the privilege of solicitation for himself or his employer, the insurer.

(2) For each proposed sale to enlisted personnel in the grades of E–1, E–2, and E–3, the agent must provide the applicant and the installation commander the following information in writing:

(i) Name and address of the insurer;

(ii) Name and address of the agent;

(iii) Type of policy;

(iv) Amount of life insurance;

(v) Premium;

(vi) Full name of person insured;

(vii) Death benefit, guaranteed cash value, extended insurance, pure endowment (if any) at the end of the first to the fifth years inclusive and the tenth, fifteenth and twentieth years; and a

(viii) List of all exclusion provisions which are incorporated in the policy, such as War Clauses, Geographic Limitations, Aviation Exclusion Provisions, Demolition, etc.

(ix) If statements are made referring to dividends, clearly indicate that dividends are estimates and are not guaranteed.

(c) *Counseling.* (1) Commanders will provide counseling for personnel under their command concerning the purchase of life insurance; counseling is mandatory for personnel of pay grades E–1, E–2, and E–3 and is encouraged for all others.

(2) Counseling will be accomplished, preferably by an officer; it is not expected that the counselor become a technical expert but he will, as a minimum, have available the information developed under paragraph (b)(2) of this section, possess copies and be familiar with, the contents of the "Armed Forces Life Insurance Handbook" (DOD Pam 6–9, DA Pam 355–118, NAVPERS 15917, AFP 34–1–7, NAVMC 1195) and the pamphlet (designed primarily to assist young enlisted personnel in their purchase of life insurance) "Buying Life Insurance." Both publications, prepared with the assistance of the Institute of Life Insurance, are available for official use by Armed Forces personnel through normal distribution channels.

(d) *Installation regulations.* Commanders may issue regulations governing solicitation on their installations. When there is a need to prescribe more restrictive requirements for insurers than may be contained in the regulations of the military departments or the overseas command commander, such additional requirements or restrictions must first be reviewed and confirmed by the cognizant military department or overseas command commander. Additional regulatory controls pertaining to individual agent problems need not be reviewed and confirmed.

§ 276.4 Use of the allotment system.

(a) Allotments of military pay will be made in accordance with DOD Directive 7330.1, "Voluntary Military Pay Allotments," and the requirements of this section.

(b) Allotments forms may not be issued to agents. The possession of allotments forms by agents is cause for withdrawal of the privilege of solicitation.

(c) The following requirements must be strictly complied with before allot-

ments of military pay may be authorized for personnel in pay grades E–1, E–2, and E–3:

(1) At least seven days must elapse between the signing of an insurance application and the certification of an allotment.

(2) Allotments will not be authorized in payment of premiums for life insurance purchased while in service until the prospective buyer has been fully counseled as required by § 276.3(c).

(3) If the first full monthly insurance insurance premium has been paid for in cash, the seven day waiting period may be waived, but the allotment will not be authorized until the buyer has been fully counseled as required by § 276.3(c).

(4) Allotments will not be authorized in payment of premiums for life insurance purchased while in service overseas unless the insurer and the agent are accredited for overseas on-base solicitation and the prospective buyer has been fully counseled as required by § 276.3(a).

§ 276.5 Minimum requirements for agents.

(a) *In the United States, its territories and the Commonwealth of Puerto Rico.* (1) Commanders of installations over which exclusive jurisdiction has been ceded to the United States will not permit solicitation by the representative of any insurer unless both the insurer and its agents are properly licensed by any one of the states or the District of Columbia. Where the state has retained exclusive or concurrent jurisdiction over any part of the installation, the insurer and its agents must qualify under the laws of that particular state to be eligible to solicit on the installations.

(2) Agents may be accredited for on-base solicitation by the installation commander providing the application to solicit is made by an accredited insurer as required under § 276.6(a).

(b) *On U.S. military installations in foreign areas.* (1) An agent may solicit business on U.S. military installations in foreign areas if:

(i) The insurer he represents has been accredited under the terms of this part;

(ii) His name appears on the list of accredited agents maintained by the DoD Life Insurance Board;

(iii) His employer, the insurer, has obtained clearance for him from the appropriate overseas command commanders; and,

(iv) He has been granted permission by the commanding officer of the military installation(s) on which he desires to solicit.

(2) Hereafter, from the date of this part, agents must have at least one year of successful life insurance underwriting in the United States in order to be initially employed for overseas solicitation and designated as an accredited agent.

(3) Agents may not solicit for more than one insurer overseas except with the knowledge and consent of each insurer. The DoD Life Insurance Board will furnish each insurer with the names of agents reported for accreditation where the record reveals employment with other insurers.

(4) General agents (or company managers or directors) may not be employed by more than one insurer in any capacity.

(5) Insurers employing overseas agents previously employed by another accredited insurer will include a statement in the letter to the Chairman of the DoD Life Insurance Board requesting accreditation that a report has been received from the former insurer advising that his separation was voluntary or involuntary, with or without prejudice.

(6) It is incumbent for insurers to maintain with the Chairman of the DoD Life Insurance Board a current list of agents, together with overseas areas in which soliciting. Changes must be promptly reported in order to avoid nonacceptance of the agents credentials by overseas commanders.

§ 276.6 Requirements for insurers soliciting on military installations in the United States, its territories and the Commonwealth of Puerto Rico.

Before an insurer may be accredited to solicit on a military installation (with the understanding that a knowing and willful false statement is punishable by fine or imprisonment (18 U.S.C., 1001)) a letter of application must be submitted to the commanding officer signed by its President or Vice-President:

(a) Reporting the States in which the insurer is qualified and licensed to sell insurance (§ 276.5(a)).

(b) Listing all policies, together with their form numbers, to be offered on the military installation;

(c) Assuring that only the policies listed are to be so offered and that such policies meet the requirements listed in § 276.8.

(d) Including the name and complete address and telephone number of each agent who will solicit on the installation if approval is granted, state(s) in which licensed, the date(s) of licensing, expiration date(s) and a statement of agreement to report all future accessions and separations of agents employed for solicitation on the installation; further that the insurer assumes full responsibility for the acts of its agent(s) with respect to the solicitation and sale of life insurance to military personnel.

§ 276.7 Requirements for insurers soliciting on U.S. military installations in foreign areas.

(a) *Applications filed annually.* During the month of April of each year only, insurers may apply for solicitation privileges on U.S. military installations in foreign areas for the fiscal year beginning the following July 1.

(b) *Application instructions.* Before an insurer may be accredited to solicit on a U.S. military installation in foreign areas (with the understanding that a knowing and wilful false statement is punishable by fine or imprisonment (18 U.S.C. 1001)) the President or Vice-President thereof must file a letter of application during the month of April, under the corporate seal of the insurer, to the Chairman of the DoD Life Insurance Board, The Pentagon, Washington 25, D.C., containing information submitted in the following order:

(1) Foreign countries and the commands (e.g., European Command, Pacific Command, etc.) where it is desired to solicit on U.S. military installations.

(2) Management plan for supervision and control of sales personnel, limited in numbers to one general agent (or company manager or director) and no more than 30 agents for each overseas area. If warranted, the number of agents may be further limited by the overseas command concerned.

(3) List of states and other jurisdictions in which the insurer is licensed and the dates of such licensing.

(4) A statement that the insurer has complied with or will comply with the applicable laws of the country or countries wherein it proposes to solicit (by "laws of the country" is meant all national, provincial, city or county laws or ordinances of any country, as applicable). Upon being authorized to do business in such country or countries, copies of such authorization(s) will be submitted to the Chairman of the DoD Life Insurance Board.

(5) An authenticated copy of the current annual statement as filed with the insurance department of the state of domicile.

(6) An authenticated copy of a current convention or "association type" report of examination if the insurer is licensed by more than one state, otherwise, a current report of one insurance department.

(7) A statement that the policies to be offered for sale:

(i) Conform to the standards prescribed in § 276.8;

(ii) Do not contain other than standard provisions such as those prescribed by the Life Insurance Act of the District of Columbia (Chapters 3–8, title 35, District of Columbia Code);

(8) The amount of unassigned surplus and paid up capital or only surplus if a non-stock company. In computing the amount of unassigned surplus, include as liabilities all debts due or to become due, contingent or otherwise, as provided in the Act (supra), and a statement that the amount of unassigned surplus and paid up capital has been computed by the method also prescribed in the Act (supra).

(9) A statement that none of its officers, directors, or principal stockholders, or any members of his immediate family, receives or has any contract to receive commissions, directly or indirectly, from military business currently transacted by the insurer, or if the insurer cannot so state, a disclosure and justification for such contracts.

(10) A statement that the insurer has not made any loan (except policy loans) to any director, officer or principal stockholder, or any member of his immediate family within the last year, and there is not currently outstanding any loan to such person made prior to that period.

(11) A statement that the insurer will be responsible for the acts of its agents with respect to the solicitation and sale of insurance to military personnel.

(12) Name, age, legal residence, citizenship and present address of each

agent who will solicit overseas, the state or states in which such agents are licensed, the date of licensing, expiration dates, and the area in which each agent will solicit; except that the DoD will waive the requirement for a state license for the accredited agent who has been continuously in foreign areas successfully selling life insurance and forfeits his eligibility for a state license because of no fault of his own but due, instead, to the operation of state law or regulation governing residence or domicile requirements; provided the insurer obtains a concurrence from the appropriate overseas command commander to the request for the waiver and it is submitted to the Chairman of the DoD Life Insurance Board for approval. The request should contain the name of the state or jurisdiction which would not renew the agent's license. Once a waiver to the general rule requiring a state license has been granted it need not be renegotiated provided the agent's overseas accreditation remains continuously in good standing.

(13) The following formats, which will be supplied to all applicants for overseas accreditation, must be completed and attached as Inclosures to the application:

(i) Format A,[1] entitled "Selected Financial Information".

(ii) Format B,[1] entitled "Lapse Ratio and Military Business Statement".

(iii) Format C,[1] entitled "Operations Statement".

(14) Any explanatory or supplemental comments that will assist in evaluating applications.

(c) *Financial and operational criteria.* (1) The insurer must have demonstrated continuous successful operation in the life insurance business within the United States or a territory or the Commonwealth of Puerto Rico for a period of five years, immediately preceding the date of application (use Format C) except that an insurer or a division of an existing insurer organized to write life insurance and affiliated or connected with an insurer already writing other lines of insurance may be granted a waiver of the otherwise mandatory five-year requirement, if the insurer to which it is connected has been in business twenty years and has a record of financial stability and sound management.

(2) "Continuous successful operation" (subparagraph (1) of this paragraph) also includes assessment of the insurer's ethical standards and stability in management control as evidenced by: Co-operation with the DOD which includes the commanders in the field and compliance with solicitation regulations; the absence of substantiated complaints on operations and sales techniques from servicemen, next of kin, state insurance commissioners, Members of Congress, the life insurance industry, better business bureaus, chambers of commerce; and such other relevant and evidential materials that may come to the attention of the DOD.

(3) The insurer must be licensed to do business in any twelve or more of the states, a territory, or the District of Columbia; or comply with the following:

(i) Be licensed to do business in at least one of the states, a territory, or the District of Columbia.

(ii) Meet minimum standards for initial licensing under current laws where domiciled even though presently doing business under statutes previously enacted.

(iii) The insurer must have unassigned surplus and paid up capital (or surplus, if a non-stock company) at least equal to the amounts currently required by the state of domicile or the District of Columbia, whichever is larger.

(d) *Announcement of findings.* (1) Advice of action taken by the Department of Defense upon applications for accreditation to solicit on U.S. military installations in foreign countries which are received during the month of April each year will be announced by letters dispatched to each insurer as soon as practicable after June 15.

(2) In the event the privilege of solicitation on U.S. military installations in foreign countries is denied, specific reasons for such findings shall be submitted to the insurer.

(3) Upon receipt of notification of an unfavorable finding, the insurer shall have 30 days in which to request reconsideration of the original decision. Such requests must be accompanied by substantiating data or information in rebuttal of the specific reasons on which the adverse findings were based.

(e) *Change in status.* Material changes affecting the status of the insurer which may occur during the fiscal year of accreditation must be reported at the time of occurrence. The right is reserved to terminate during the fiscal year of accreditation for failure to report such changes when such changes are material to the original accreditation.

§ 276.8 Policy requirements.

Insurance policies offered and sold on U.S. military installations, or the premiums of which will be paid for by military allotment, must:

(a) Provide for reserves at least equal to those produced by the Commissioners Reserve Valuation Method as defined in the Standard Valuation Law when calculated according to the Commissioners 1958 Standard Ordinary Mortality Table with interest at a rate not in excess of 3½ percent per annum provided, that the Commissioners 1941 Standard Ordinary Mortality Table shall similarly apply with respect to insurance policies offered prior to January 1, 1966 unless the State of domicile of the offering insurer has adopted the Commissioners 1958 Standard Ordinary Mortality Table on a permissive basis and the insurer has adopted such table prior to such offer.

(b) Comply with the Standard Non-Forfeiture and Valuation Law, particularly with the minimum values therein prescribed as interpreted by the "Working Committee of the Life Insurance Committee, National Association of Insurance Commissioners."

(c) Plainly indicate on the face of the policy the existence of exclusion or restrictive clauses or provisions, including War Clauses, Geographic Limitations, Aviation Exclusion Provisions, Demolition, etc.

(d) Not provide for a variation in the amount of death benefit depending upon the length of time the policy has been in force.

(e) Clearly indicate that dividends are estimates and are not guaranteed, if statements are made referring to dividends.

§ 276.9 Suspension or withdrawal of the solicitation privilege.

(a) The suspension or withdrawal, for cause, of the on-base solicitation privilege and the concurrent ban prohibiting the initiation of subsequent allotments for life insurance premiums should only be invoked for good and sufficient reasons, such as, but not limited to:

(1) Violation of Department of Defense regulations.

(2) Substantiated adverse reports from state insurance commissioners, other authorities, state or Federal, and recognized financial or insurance advisory services.

(3) The utilization of any manipulative, deceptive, or fraudulent device, scheme, or artifice, including misleading advertising or other misleading sales literature.

(4) The solicitation by mail, or otherwise, of next of kin of military members urging the purchase of life insurance on their relative in service when such communications or presentations are composed or delivered in any manner which gives rise to any appearance that the offer is sponsored or has the endorsement of the Department of Defense or any echelon thereof.

(b) Installation commanders may suspend indefinitely the privilege of on-base solicitation granted to insurers or agents for cause, or withhold the privilege when classified operations are in progress and such action is determined to be in the best interest of national security. When suspension for cause occurs the reason therefor will be included in prompt notifications to the insurer; agent; insurance commissioner of the state in which the insurer is domiciled and the agent is licensed; insurance commissioner of the state in which the installation is located; and, the Secretary of the military department including a recommendation as to whether the suspension should be extended throughout the cognizant Service.

(c) The Secretary of a military department may extend the suspension action of an installation commander (paragraph (b) of this section) throughout the department or order such a suspension without the recommendation of an installation commander. When the Secretary of a military department directs service-wide suspension, which will also include a concurrent suspension or initiating subsequent allotments in favor of the suspended insurer, he will notify promptly the other addressees listed in paragraph (b) of this section, the Secretaries of the other military departments who will order the exten-

[1] Filed as part of original documents.

sion of the same actions throughout their departments without delay and notify the Assistant Secretary of Defense (Manpower).

(d) The Assistant Secretary of Defense (Manpower) may direct the indefinite suspension of the privilege of solicitation for agents and insurers throughout the Department of Defense and he may also terminate the suspension when such action appears appropriate.

(e) Insurers may be permanently prohibited from soliciting on military installations only by action of the Secretary of Defense.

§ 276.10 Department of Defense Life Insurance Board.

(a) The Department of Defense Life Insurance Board is the principal advisor to the Secretary of Defense in all matters pertaining to the sale of life insurance to members of the Armed Forces.

(b) The Functions of the Board include:

(1) The study and recommendation of proposed changes in Department of Defense policies governing the sale of life insurance to members of the Armed Forces in light of operational experiences.

(2) Recommending approval or disapproval on applications received from insurers requesting accreditation to solicit on U.S. installations in foreign areas.

(3) The receipt and review of reports of violations of regulations governing life insurance affairs.

(4) Recommending corrective measures or the suspension of solicitation privileges for cause.

(5) Maintaining the Department of Defense List of Accredited Life Insurance Agents and Insurers authorized to solicit on U.S. military installations overseas and correspondence in connection therewith.

§ 276.11 Delegation of authority and implementation.

(a) *Delegation of authority.* Under the direction, authority and control of the Secretary of Defense, the Assistant Secretary of Defense (Manpower) shall be responsible for the administration of this Part.

(b) *Implementation.* Within (30) thirty days from the date of this Part, the Secretaries of the Military Departments shall submit to the Assistant Secretary of Defense (Manpower) for approval, their proposed implementing regulations. The regulations should omit § 276.7 as this function is exclusively performed by the Office of the Secretary of Defense and the Life Insurance Board.

§ 276.12 Reports.

(a) The military departments will report to the Assistant Secretary of Defense (Manpower) violations or suspension actions in duplicate immediately after such violations or suspensions occur. As a minimum, the agent's name, the insurer's name, and a description of the violation will be reported. Violations by agents or insurers resulting in suspension of the solicitation privilege will be processed as required by § 276.9. Report Control Symbol DD-M(AR)374 is assigned to this reporting requirement.

(b) The public reporting requirements contained in this Part have been approved by the Bureau of the Budget. Budget Bureau approval number 22-R188 may be cited.

MAURICE W. ROCHE,
Administrative Secretary.

[F.R. Doc. 61-3714; Filed, Apr. 24, 1961; 8:48 a.m.]

Chapter XIV—The Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1472—CONDUCT OF RENEGOTIATION

Place for Filing

Section 1472.5(d) *Place for filing* is amended by deleting in its entirety the first sentence of subparagraph (1) and inserting in lieu thereof the following: "The principal office of the Board is located at 1910 K Street NW., Washington, D.C., and the mailing address of the Board is The Renegotiation Board, Washington 25, D.C."

(Sec. 109, 65 Stat. 22; 50 U.S.C. App. Sup. 1219)

Dated: April 20, 1961.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 61-3727; Filed, Apr. 24, 1961; 8:50 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER D—NAVIGATION REQUIREMENTS FOR CERTAIN INLAND WATERS

[CGFR 61-12]

PART 82—BOUNDARY LINES OF INLAND WATERS

Pacific Coast

Pursuant to the notice of proposed rule making published in the FEDERAL REGISTER of February 15, 1961 (26 F.R. 1278-1286), and Merchant Marine Council Public Hearing Agenda dated March 27, 1961 (CG-249), the Merchant Marine Council held a Public Hearing on March 27, 1961, for the purpose of receiving comments, views and data. The proposals considered were identified as Items I through XII, and Item XII contained miscellaneous proposals regarding boundary lines to distinguish between inland waters and the high seas along the Pacific Coast for the purpose of Rules of the Road—International—Inland (CG-169). This document is the third of a series covering the regulations and actions considered at this Public Hearing and annual session of the Merchant Marine Council.

In this document are the actions taken with respect to the boundary lines in certain areas along the California coast. Except for proposals regarding Monterey Bay area, the proposals in Item XII are accepted as proposed in the Agenda. The first alternate proposed for Monterey Bay is rejected. The second alternate for Monterey Bay is accepted with a minor revision regarding the placement of the line for Moss Landing Harbor.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order 120, dated July 31, 1950 (15 F.R. 6521), to promulgate regulations in accordance with the statute cited with the regulations below, §§ 82.130, 82.135 and 82.140 are redesignated §§ 82.133, 82.145, and 82.157, respectively, and new regulations designated §§ 82.127 to 82.161, inclusive (including sections redesignated), are prescribed and shall be in effect on and after June 1, 1961, reading as follows:

Sec.
82.127 Crescent City Harbor.
82.129 Arcata—Humboldt Bay.
82.131 Bodega and Tomales Bays.
82.133 San Francisco Harbor.
82.135 Santa Cruz Harbor.
82.137 Moss Landing Harbor.
82.139 Monterey Harbor.
82.141 Estero—Morro Bay.
82.143 San Luis Obispo Bay.
82.145 San Pedro Bay.
82.147 Santa Barbara Harbor.
82.149 Port Hueneme.
82.151 Playa del Rey.
82.153 Redondo Harbor.
82.155 Newport Bay.
82.157 San Diego Harbor.
82.159 Isthmus Cove (Santa Catalina Island).
82.161 Avalon Bay (Santa Catalina Island).

AUTHORITY: §§ 82.127 to 82.161 issued sec. 2, 28 Stat. 672, as amended, 33 U.S.C. 151.

§ 82.127 Crescent City Harbor.

A line drawn from Crescent City Outer Breakwater to the highest point in the center of Whaler Island.

§ 82.129 Arcata—Humboldt Bay.

A line drawn from the outer end of Humboldt Bay North Jetty to the outer end of Humboldt Bay South Jetty.

§ 82.131 Bodega and Tomales Bays.

A line drawn from the northwestern tip of Tomales Point to Tomales Point Lighted Whistle Buoy 2; thence to Bodega Rock Channel Lighted Gong Buoy 2; thence to the southernmost extremity of Bodega Head.

§ 82.133 San Francisco Harbor.

A straight line from Point Bonita Lighthouse drawn through Mile Rocks Lighthouse to the shore.

§ 82.135 Santa Cruz Harbor.

A line drawn from Santa Cruz Light to the southernmost projection of Soquel Point.

§ 82.137 Moss Landing Harbor.

A line drawn from the west end of Moss Landing Harbor North Breakwater to the west end of the pier located 3 miles to the south of Moss Landing Harbor North Breakwater.

§ 82.139 Monterey Harbor.

A line drawn from Monterey Harbor Breakwater Light to Monterey Harbor Anchorage Buoy B; thence to Monterey Harbor Anchorage Buoy A; thence to the north end of Monterey Municipal Pier 2.

§ 82.141 Estero—Morro Bay.

A line drawn from the outer end of Morro Bay Entrance East Jetty to Morro Bay Entrance Lighted Bell Buoy 1; thence to Morro Bay Light.

§ 82.143 San Luis Obispo Bay.

A line drawn from the outer end of Whaler Island Breakwater to the southernmost tip of Fossil Point.

§ 82.145 San Pedro Bay.

A line drawn from Los Angeles Harbor Lighthouse through the axis of the Middle Breakwater to the easternmost extremity of the Long Beach Breakwater; thence to Anaheim Bay East Jetty Light 4.

§ 82.147 Santa Barbara Harbor.

A line drawn from Santa Barbara Wharf Light to Santa Barbara Lighted Buoy 1; thence to Santa Barbara Harbor Breakwater Light.

§ 82.149 Port Hueneme.

A line drawn from Port Hueneme West Jetty Light to the southwest end of Port Hueneme East Jetty.

§ 82.151 Playa del Rey.

A line drawn from the southwest end of Playa del Rey North Jetty to the southwest end of Playa del Rey Middle Jetty.

§ 82.153 Redondo Harbor.

A line drawn from Redondo Beach East Jetty Light to Redondo Beach West Breakwater Light.

§ 82.155 Newport Bay.

A line drawn from Newport East Jetty Light to Newport East Jetty Light to Newport West Jetty Light.

§ 82.157 San Diego Harbor.

A line drawn from the southerly tower of the Coronado Hotel to San Diego Channel Lighted Bell Buoy 5; thence to Point Loma Lighthouse.

§ 82.159 Isthmus Cove (Santa Catalina Island).

A line drawn from the northernmost point of Lion Head to the north tangent of Bird Rock Island; thence to the northernmost point of Blue Cavern Point.

§ 82.161 Avalon Bay (Santa Catalina Island).

A line drawn from White Rock to the northernmost point of Abalone Point.

Dated: April 18, 1961.

[SEAL] J. A. HIRSHFIELD,
Vice Admiral, U.S. Coast Guard
Acting Commandant.

[F.R. Doc. 61-3726; Filed, Apr. 24, 1961; 8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2336]

[Montana 043418]

MONTANA

Withdrawing Lands for Use of the Department of the Air Force for Military Purposes

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 and mineral leasing laws, and disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604), as amended, and reserved under the jurisdiction of the Department of the Air Force for military purposes:

PRINCIPAL MERIDIAN

T. 16 N., R. 23 E.,
Sec. 10, SW¼NW¼, an area of 2.14 acres described as follows:
Beginning at a point which bears north 15°08'14" east 2941.70 feet from the southwest corner of said Section 10; thence north 0°34'04" east 155.00 feet; thence south 89°25'56" east 260.00 feet; thence south 0°34'04" west 357.02 feet to a point on the south line of the northwest quarter of said Section 10; thence westerly along said south line 260.01 feet; thence north 0°34'04" east 204.60 feet to the point of beginning.

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

APRIL 17, 1961.

[F.R. Doc. 61-3706; Filed, Apr. 24, 1961; 8:47 a.m.]

[Public Land Order 2337]

[1982890]

[Anchorage 052009]

ALASKA

Revoking Executive Order No. 2242 of August 31, 1915, and Public Land Order No. 262 of February 3, 1945

By virtue of the authority vested in the President by the act of March 12, 1914 (38 Stat. 305, 307; 48 U.S.C. 304) as amended, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 2242 of August 31, 1915, so far as it withdrew the following-described public lands in Alaska for use of the Alaska Railroad, and Public Land Order No. 262 of February 3, 1945, which transferred jurisdiction over the lands from the Department of the Interior to the Federal Public Housing Authority, National Housing Agency (now Public Housing Administration), are hereby revoked:

City of Anchorage

Beginning at Corner No. 15, U.S. Survey No. 2275, Alaska, on the boundary of the North Addition to Anchorage Townsite; thence
N. 6°18' W., 147.83 feet;
S. 87°31' W., 78.10 feet;
S. 89°45' W., 90.00 feet;
S. 0°15'E., 148.81 feet;
S. 88°59' W., 74.70 feet, to Corner No. 13, U.S. Survey No. 2275;
N. 1°10' E., 12.51 feet;
N. 0°15' W., 122.31 feet;
N. 7°26' E., 15.14 feet;
N. 74°53' W., 62.92 feet;
N. 18°15' E., 99.38 feet, to Corner No. 10, U.S. Survey No. 2275;
N. 73°30' W., 15.01 feet, to intersection monument No. 6, U.S. Survey No. 2275;
N. 18°15' E., 64.04 feet;
S. 81°03' E., 68.67 feet;
N. 89°45' E., 117.79 feet;
N. 86°07' E., 73.07 feet;
N. 79°53' E., 239.80 feet;
S. 10°07' E., 165.00 feet;
S. 79°53' W., 110.00 feet;
S. 10°07' E., 147.50 feet;
S. 79°53' W., 163.14 feet, to the place of beginning.

The tract described contains 2.81 acres.

2. The lands are nonpublic.

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

APRIL 19, 1961.

[F.R. Doc. 61-3707; Filed, Apr. 24, 1961; 8:47 a.m.]

[Public Land Order 2338]

[1606599]

ALASKA

Partly Revoking the Executive Order of May 24, 1905 and Executive Order No. 7127 of August 6, 1935

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. The Executive order of May 24, 1905, withdrawing lands for military purposes, and Executive Order No. 7127 of August 6, 1935, placing lands in certain abandoned military reservations under control of the Secretary of the Interior for disposition, are hereby revoked so far as they affect 640 acres at Mentasta Lake, known as the Mentasta Telegraph Station Reserve.

2. The lands are situated approximately 60 miles south of Tok, Alaska, near the Glenn Highway. They consist mostly of low rolling hills, with the valleys between often occupied by small lakes or swamps. The upland soil consists of unsorted glacial material, with peat and other highly organic material in the swamps. Vegetation is composed of the white spruce-birch complex typical of interior Alaska.

3. Until 10:00 a.m. on July 19, 1961, the State of Alaska shall have a preferred right to select the lands in accordance with and subject to the limitations and requirements of the act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46–3b),

section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR 76.1–76.18.

4. Beginning at 10:00 a.m., on July 19, 1961, the lands shall be subject to operation of the public land laws generally, including the mining and mineral leasing laws, subject to valid existing rights and equitable claims, the provisions of existing withdrawals, and the requirements of applicable law, rules, and regulations.

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

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

APRIL 19, 1961.

[F.R. Doc. 61–3708; Filed, Apr. 24, 1961; 8:47 a.m.]

[Public Land Order 2340]

[62594]

[Anchorage 052774–A]

ALASKA

Partly Revoking Public Land Order No. 861 of September 3, 1952

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:

Public Land Order No. 861 of September 3, 1952, which withdrew 86,570 acres of public land in the Susitna Flats area, lying northwesterly across Cook Inlet from the City of Anchorage, is hereby revoked so far as it affects approximately 68,000 acres. The lands not released from withdrawal by this order will be described upon acceptance of plat of survey, as U.S. Survey 3942, and comprise lands which have been used as a gunnery range by the Department of the Army and may be contaminated by unexploded ordnance.

2. Until 10:00 a.m., on July 19, 1961, the State of Alaska shall have a preferred right to select the lands released from withdrawal by this order in accordance with and subject to the limitations and requirements of the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46–3b), and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR 76.1–76.18. Thereafter the lands will not be subject to disposition under the public land laws unless and until it is so provided by order of an authorized officer of the Bureau of Land Management.

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

APRIL 19, 1961.

[F.R. Doc. 61–3709; Filed, Apr. 24, 1961; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 12859; FCC 61–529]

PART 3—RADIO BROADCAST SERVICES

Option Time and the Station's Right To Reject Network Programs

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 19th day of April 1961;

The Commission having determined to reconsider its Report and Order herein adopted September 14, 1960, and the proceedings leading to the adoption of that Order;

It is ordered, That, upon the basis of this Order, the General Counsel of the Commission is hereby directed to move the United States Court of Appeals for the District of Columbia Circuit for a remand of Times-Mirror Broadcasting Company v. United States, Case No. 16068, now pending in that Court upon a petition for review of the Report and Order of September 14, 1960; and

It is further ordered, That the Report and Order of September 14, 1960, is vacated, effective upon the grant of the requested remand to the Commission.

Released: April 20, 1961.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–3730; Filed, Apr. 24, 1961; 8:50 a.m.]

[Docket No. 13506; FCC 61–524]

PART 3—RADIO BROADCAST SERVICES

Permission of FM Broadcast Stations To Transmit Stereophonic Programs on a Multiplex Basis

1. The Commission on March 22, 1955, released a Report and Order in Docket No. 10832 (FCC 55–340) which adopted rules providing for the issuance of Subsidiary Communications Authorizations (SCA's) to FM broadcasters—Section 3.293, et seq. After a few years of operation under these rules, it became evident that multiplex techniques could be employed for additional uses beyond the limited "news, music, time, and weather" format prescribed therein. Accordingly, a Notice of Inquiry was released on July 8, 1958 (Docket No. 12517; FCC 58–636), for the purpose of exploring possible additional uses of FM multiplexing.

2. A preliminary examination of the comments submitted in response to the Notice of Inquiry in Docket No. 12517 demonstrated a widespread interest in the subject of FM stereophonic broadcasting by means of subcarrier multiplex transmission in conjunction with main channel operation. Accordingly, the Commission on March 12, 1959, released a Further Notice of Inquiry (FCC 59–211) which enlarged the scope of the proceedings under Docket No. 12517 to afford interested persons an opportunity to submit data and opinions directed specifically to the matter of FM stereophonic broadcasting.

3. During the pendency of the Notice of Inquiry, the Electronic Industries Association organized the National Stereophonic Radio Committee (NSRC) for the purpose of developing and recommending national standards for FM stereophonic radio. As a result of its studies, the NSRC submitted for consideration in Docket No. 12517 seven FM stereophonic broadcasting systems. Supplemental comments were submitted by the Radio Corporation of America, H. M. Davison, National Broadcasting Company, Zenith Radio Corporation, Philco Corporation, Multiplex Development Corporation, Crosby Laboratories, Inc., General Electric Company, FM Station WJBR, Audio Engineering Society, J. David Dykstra and others. This material formed the basis for the instant Notice of Proposed Rule Making (FCC 60–498; 25 F.R. 4257) released May 9, 1960, wherein the engineering characteristics of the seven systems submitted by the NSRC and an additional system submitted by the Philco Corporation were described and comments requested thereon.

4. The notice of proposed rule making in this proceeding emphasized that comments expressing preferences unsupported by engineering analyses were not desired, since adequate provision was made for the submission of general comments in Docket No. 12517. Nonetheless, more than 2500 such comments were received, most of which resulted from a series of articles in the trade press which reflected adversely on certain of the systems under consideration and concluded by urging readers to write to the Chairman of this agency on behalf of one particular system. Even though these "votes" cannot form the basis of our decision, they are nonetheless indicative of an intense interest in FM stereophonic broadcasting by a segment of the listening public.

5. Comments of an engineering nature were submitted by the Philco Corporation, Radio Corporation of America, Electric and Musical Industries, Ltd., Concert Network, Moseley Associates, Multiplex Development Corporation, Charles River Broadcasting Co. (WCRB), J. D. Dykstra, H. M. Davison, Zenith Corporation, Channel Broadcasting Company, Inc. (KRCW), General Electric Company, Crosby-Teletronics Corporation, H. H. Scott Company, Inc., Pacific FM, Inc. (KPEN) and others. Additionally, six of the eight systems outlined

[1] Dissenting opinion of Commissioner Robert E. Lee in which Commissioner John S. Cross joins filed as part of original document.

in the Notice of Proposed Rule Making were thoroughly field tested by the NSRC under FCC observation. Our analysis of the comments together with data empirically derived from the field test program form the basis of our decision in this proceeding. In this connection, we wish to express our gratitude to the National Stereophonic Radio Committee and to its members who devoted their time and talents to the end that we might be fully informed in the matters extant in this proceeding.

6. We feel that FM stereophonic transmission is properly an adjunct to existing aural broadcast service, to be permitted on a voluntary basis as part of the FM broadcast service. Moreover, on the basis of the information developed in this proceeding, we affirm at the threshold our conviction that there must be a single set of national standards governing FM stereophonic broadcasting.

7. Of the eight stereophonic broadcasting systems contained in the notice of proposed rule making, Systems 5 and 6 were withdrawn by their proponents.[1] In order to narrow further the range of choices leading to our ultimate selection of a stereophonic system we turn briefly to the requirements of frequency response and stereo separation as applied to FM stereophonic broadcasting. Respondents disagree as to the desirability of and the need for maintaining suitable frequency response and electrical separation to 15,000 cycles. Each of the proposed systems transmits audio frequencies up to 15,000 cycles as main channel modulation, but Systems 2A and 2B have stereo subcarrier upper limitations at 7,000 and 8,000 cycles respectively. An upper limit of 9,500 cycles has also been suggested.[2] These two systems are characterized by a cross-feeding technique in the receiver [3] which injects main channel audio components above the stereo subchannel cut-off frequency into the demodulated subcarrier audio. Hence, the systems lack stereo separation above the stereo subcarrier cut-off frequency. There is considerable evidence that frequency response and stereo separation above 8,000 cycles make a significant contribution to stereophonic quality.[4 5] On the basis of this evidence and our analysis of the systems remaining, we find that Systems 1, 4, and 4A provide frequency response and stereo separation markedly superior to Systems 2A and 2B—up to 15,000 cycles. Since a prime objective is good stereophonic quality, we are not favorably impressed by Systems 2A and 2B.[6]

8. Turning to System 3, we note that it is theoretically superior to all other systems in most respects. We find, however, that in actual operation its capability for producing a subjective stereophonic effect is handicapped by orchestral dynamics in that the separation of left and right microphone signals is not accurately preserved for reproduction at the respective loudspeakers. On sustained tones, for example, the output for the stereo receiver becomes monophonic. On the other hand, program material consisting of a number of sound sources produces a very rapid shifting of gain between receiver output channels which is a source of annoyance to a listener near one loudspeaker. The tape recordings made during the field test program confirm these limitations, which we find to outweigh the virtues of this system. We are keenly aware of the difficulties under which Electric and Musical Industries has labored both as to unfamiliarity with our procedures and to the mileage which separated the "home office" from the sites of the NSRC meetings and field tests. We extend our appreciation to our British friends for their helpfulness in this common endeavor.

9. By the process of elimination there remain for consideration only Systems 1, 4, and 4A. Shortly prior to the issuance of the notice of proposed rule making, System 4 was modified to the extent that, except for minor parameter differences, Systems 4 and 4A are now theoretically identical and we shall treat them as such.[7] Accordingly, we proceed with a more detailed examination of System 1 and System 4–4A.

10. For System 1, the main channel modulation, which consists of the addition of the left and right microphone signals (L+R), frequency modulates the main carrier to a maximum deviation of plus or minus 37.5 kilocycles. A subcarrier, which is centered at 50 kilocycles and which is modulated by the difference of the left and right microphone signals (L—R) to a maximum of plus or minus 25 kilocycles, also modulates the main carrier plus or minus 37.5 kilocycles. System 4–4A also provides for modulation of the main carrier by the main channel modulation (L+R) but the maximum deviation of the main carrier by this modulation is 67.5 kilocycles. The subcarrier is at 38 kilocycles but is suppressed and amplitude modulated by the difference signal L−R. The suppressed subcarrier sidebands, which exist in the range 23 to 53 kilocycles, also frequency modulate the main carrier to a maximum of plus or minus 67.5 kilocycles. As previously noted, the record before us demonstrates that both System 1 and System 4–4A are adequate in terms of frequency response and stereo separation up to 15,000 cycles. We believe that these systems as proposed are capable, under properly controlled conditions,[8] of performance superior to that demonstrated thus far, and our rules, as amended herein, anticipate this improvement.

11. In the field test program, System 4A exhibited low values of distortion [9] (well below 2 percent) under all test conditions for frequencies below 7,500 cycles. System 1 produced low distortion for frequencies below 7,500 cycles, except when the transmitted left and right signals are equal and of opposite polarity (L=—R). Then the distortion reached higher values pointing up a transmitter and receiver design problem which is more critical in System 1 than in any other system. Under this condition of L=—R, the instantaneous frequency of the subcarrier varies from 25 kilocycles to 75 kilocycles when the subcarrier is being modulated fully. Hence, the subcarrier portion of the receiver must contain a filter which will accept all frequencies from 25 to 75 kilocycles with as nearly "flat" response as possible, but must attentuate all frequencies below approximately 25 kilocycles. While it is theoretically possible to design and manufacture a satisfactory subcarrier separation filter for System 1 receivers, there is no evidence that this has been done or that it could be done at moderate cost.

12. The field test program provided for the measurement of harmonic distortion and required the insertion of a 15-kilocycle low-pass filter in the receiver output. In view of the presence of this filter it was not possible to measure harmonic distortion at frequencies above 7,500 cycles. System 4 was measured for "distortion" up to 15,000 cycles, and

[1] See comments of Philco Corporation received July 27, 1960; also report on developmental operation of WGFM received May 23, 1960.

[2] The Radio Corporation of America's comments of August 8, 1960, recommended the adoption of a system with a stereophonic subchannel modulation band from 30 to 9,500 cycles. For the reasons indicated elsewhere, we cannot accept this recommendation.

[3] System 2B is intended to provide channel separation without a de-matrix circuit at the receiver, utilizing acoustic cancellation of components of the loudspeaker signals. Optionally, an electrical de-matrix circuit and high frequency cross-over are included. Unless this is done, however, maximum frequency response of the right loudspeaker signal will be limited to 8,000 cycles and its noise output will be approximately 6 db higher than the left speaker.

[4] "Subjective Evaluation of Factors Affecting Two Channel Stereophony" by F. K. Harvey and M. R. Schroeder, presented at the 12th Annual Meeting, Audio Engineering Society, October, 1960.

[5] "Perception of the Stereophonic Effect as a Function of Frequency" by Beaubien and Moore presented at the 11th Annual Meeting, Audio Engineering Society, October, 1959.

[6] Limited frequency response and stereo separation are not the only faults of these systems for, as the field test measurements indicate, Systems 2A and 2B also demonstrate high stereo subchannel noise characteristics and excessive cross-talk.

[7] Examination of the field test data reveals, in some instances, marked differences. These we attribute to variables in receiver design and measuring techniques.

[8] The Comments of the General Electric Company dated October 28, 1960, indicate the importance of maintaining equal transfer characteristics in the L+R channel and the L−R channel with respect to stereo separation. The curves supplied show, for example, that a gain difference of only 1 db between the L+R and L−R channels will result in a stereo separation of 25 db. Additionally, a phase shift difference between the L+R and L−R channels of only 3 degrees will, by itself, result in a stereo separation of 30 db. A combination of these factors would, of course, produce a greater degradation in performance.

[9] The term "distortion" as used here includes harmonic distortion, cross-talk and intermodulation products due to system non-linearity either in transmission or reception.

the distortion analyzer indicated the presence of undesired signal components in the receiver output of this system. The numerical values are not necessarily accurate, because of limitations of the test instruments used and it is reasonable to expect that similar results would have been obtained had the other systems been so tested. In analyzing the measurements to determine the "distortion" characteristics of System 4–4A, we note that measurements at the transmitter failed to exhibit correspondingly high "distortion" figures. While to some degree the inaccuracies may be attributed to measuring techniques and to the limitations of test instruments used, there does exist a degree of distortion which originates in the receiver and which is caused by non-linearity in the detector circuits and by certain phase shift characteristics of the receiver intermediate frequency (IF) stages near the extremity of the IF pass-band. On the basis of certain liberal assumptions, the degree of distortion of AM subcarrier systems (such as System 4–4A) has been calculated.[10] Re-alignment or modification of existing receivers for a broader, less "peaked" frequency response of IF stages is a remedy although this would reduce selectivity, sensitivity and signal-to-noise performance of the receiver. Our analysis of the problem leads us to the conclusion that the expense involved in overcoming the receiver distortion present in System 4–4A will not be nearly so great as the expense involved in overcoming the receiver distortion problem of System 1.[11] It is reasonable to assume that this cost differential would be reflected in the pricing of stereophonic receivers.

13. With respect to the question of monophonic distortion, i.e., the distortion that would appear at the output of a monophonic receiver while a station is engaged in stereophonic broadcasting, we find that both System 1 and System 4–4A produce very low distortion values and, accordingly, the monophonic listener would not be affected thereby.

14. The relative absence of noise in the output of receivers is of great importance in any broadcast transmission system. Signal-to-noise ratio, which is the term commonly used to describe this quality, is ordinarily expressed in decibels and is based upon the ratio, at the output of the receiver, of the power of the desired audio to the total noise power in the frequency band under consideration. The total noise is principally composed of (1) ambient noise or "static" radio fields, (2) thermal agitation noise in the resistance that the antenna system presents to the input terminals of the receiver and (3) noise generated within the receiver as a result of thermal agitation effects.

15. In comparing FM stereophonic systems, it is customary to use as the standard of comparison the signal-to-noise ratio obtained with monophonic transmission and reception for a given amount of transmitted power and other specified conditions, including height of antenna, transmission path and receiver sensitivity. When stereophonic transmission is substituted under the same set of conditions, the main carrier output and subcarrier output at the receiver will have reduced signal-to-noise ratios. The amount of reduction depends upon a number of transmission parameters, including the subcarrier frequency, the frequency swing of the main and subcarriers and the deviation of the main carrier caused by the subcarrier or subcarriers. The calculated loss of signal-to-noise ratio, compared to monophonic transmission and reception for each System is:

	System 1	*System 4–4A*
Monophonic receiver output	6 db	Less than 1 db
Subcarrier output	15 db	23 db
Left signal output	13 db	20 db
Right signal output	13 db	20 db

16. It will be observed that System 1 has the greater loss in signal to noise ratio for monophonic reception and the lesser loss for stereo; conversely, System 4–4A has a smaller loss for monophonic reception and a greater loss for stero. Both the monophonic and stereo losses for System 4–4A would be greater if SCA subcarrier frequencies were also used.[12]

17. The table below affords some comparison between Systems 1 and 4–4A for expected service range for a given level of signal-to-noise performance. It is based upon the figures in Paragraph 15, *supra*, the measured performance of two FM tuners (used in the field test program) which differ widely in price, and the curves in § 3.333 of the Commission rules.

	System 1		System 4–4A	
	Tuner No. 1	Tuner No. 2	Tuner No. 1	Tuner No. 2
Distance in miles:				
MM [1]	90	46	90	46
SM [2]	81	37	88	44
SS [3]	71	30	61	23
Coverage in square miles:				
MM	25,400	6,650	25,400	6,650
SM	20,650	4,300	24,400	6,100
SS	15,850	2,830	11,700	1,660
Coverage in square miles lost (from MM):				
SM	4,750	2,350	1,000	550
SS	9,550	3,820	13,700	4,990

[1] MM: Monophonic transmission and monophonic reception.
[2] SM: Stereophonic transmission and monophonic reception.
[3] SS: Stereophonic transmission and stereophonic reception.

Assumptions; Effective radiated power 20 kilowatts; transmitting antenna 500 feet in height; receiving antenna: half-wave dipole, 30 feet in height; service areas not subject to co-channel or adjacent channel interference; frequency: 97 megacycles; signal-to-noise ratio 60 db at output of FM tuner.

18. The most distinct advantage for System 1 would occur under conditions in which stereo listeners would be unable to use outside antennas or otherwise unable to receive anything but low voltages at the receiver antenna input terminals. Under these circumstances, more listeners would receive a usable stereo signal under System 1 than under System 4–4A. With respect to signal-to-noise performance for main channel monophonic reception, listeners in fringe areas or otherwise under low signal conditions would fare better with System 4–4A than under System 1.

19. In anticipation of the noted impairment of main channel coverage associated with System 1, comments were requested in the Notice of Proposed Rule Making on "the need for or desirability of increases in transmitter power output to offset reductions in main channel modulation". After examining the comments we do not consider power increase to be a satisfactory solution. Many FM stations are now operating with a maximum transmitter power output and a requirement to increase transmitter power during hours of stereophonic programming would require the installation of a new transmitter. A more serious consequence, however, is the definite probability that raising transmitter power would increase co-channel and adjacent channel interference during periods of subchannel activity.

20. On May 9, 1960, we released a Report and Order in Docket No. 12517 (FCC 60–497) which modified our rules to extend the uses to which SCA multiplex subchannels may be put. Permissible uses must now fall within one or both of the following categories:

(1) Transmission of programs which are of a broadcast nature, but which are of interest primarily to limited segments of the public wishing to subscribe thereto. Illustrative services include: background music; storecasting; detailed weather forecasting; special time signals; and other material of a broadcast nature expressly designed and intended for business, professional, educational, religious, trade, labor, agricultural or other groups engaged in any lawful activity.

(2) Transmission of signals which are directly related to the operation of FM broadcast stations; for example: relaying of broadcast material to other FM and standard broadcast stations; remote cueing and order circuits; remote control telemetering functions associated with authorized STL operation, and similar uses.

21. As of January 31, 1961, more than 250 stations held SCA multiplex authorizations. It is estimated that over 200 stations are actually providing background music and other services on authorized subcarrier frequencies. Because its wide band characteristics make it mutually exclusive with SCA multiplex operation, adoption of System 1 would require each of these stations to choose between SCA operation and stereophonic programming. Some stations, unsupported by companion AM or TV operations, would find it difficult if not financially impossible to forego subscription revenues. Other stations utilizing SCA

[10] See Zenith Radio Corporation comments dated October 28, 1960, in Docket No. 13506 and comments of the Radio Corporation of America dated March 14, 1960 in Docket No. 12517.

[11] We also note the comments of the General Electric Company dated October 28, 1960, to the effect that adoption of System 4A would permit the transmitter distortion specifications presently contained in our rules to be extended to stereophonic broadcasting without change.

[12] This further loss may be controlled by limiting the amount of main carrier modulation permitted by SCA subcarriers.

subcarrier frequencies for relaying broadcast material to other FM and standard broadcast stations and for various telemetering functions would also be foreclosed from engaging in stereophonic broadcasting with System 1. While an exact assessment of the future of SCA operations is impossible, the extended uses recently sanctioned under Docket No. 12517 have focused increased interest on the potentialities of SCA operation and it is possible that the next few years will find the majority of FM broadcast stations engaging in such operation.

22. The necessity, inherent in the adoption of System 1, of choosing between stereophonic broadcasting and SCA operation is of no decisional significance insofar as the major markets are concerned, for in larger cities where numerous FM assignments have been made only a small portion of FM licensees presently engage in SCA operation. However, our records indicate that of the approximately 250 stations holding SCA's, 81 have been granted to stations in cities which have only one FM station. Here, the necessity of choice assumes greater importance, for a decision by station management to continue with SCA operation would deprive the community of local stereophonic broadcast service for an indeterminate period of time. We also recognize that stations now operating with SCA's have already installed the basic multiplex equipment for stereophonic broadcasting, which equipment could be used for simultaneous SCA/stereophonic operation only if a narrow band system of stereophonic transmission (such as System 4–4A) is adopted.

23. Another factor to be weighed with respect to SCA operations is that a stereophonic receiver designed for System 4–4A would be incapable of receiving SCA transmissions because the latter are FM emissions, whereas the subcarrier detector in the System 4–4A stereo receiver is designed for the reception of AM multiplex signals.

24. Inasmuch as System 1 rules out the use of additional subchannels, the problem of cross-talk between the stereophonic subchannel and other channels need not be considered in relation to that system. However, this question must be considered with respect to System 4–4A. We are not vitally concerned with cross-talk from the main channel or stereophonic subchannel into SCA subchannels, for the latter do not carry programming which is intended for the general public. We do find from the record before us, however, that for System 4–4A the cross-talk into SCA channels is not sufficient to destroy the usefulness of SCA services. With respect to cross-talk from SCA subchannels into the main channel and stereophonic subchannel, the field test program did not yield values for System 4–4A which are completely acceptable. In this connection, adoption of System 4–4A would require that we carry forward the protection values already applicable to SCA operation—§ 3.319(e) of the rules.

25. With the exception of System 2B, the systems described in the Notice of Proposed Rule Making would all transmit the sum of the Left and Right microphone signals (L+R) as the signal heard by the main channel monophonic listener. It appears that, for the monophonic listener, this is preferable to the alternatives of single Left (L) or Right (R) microphone signals or the two Left minus Right (2L—R) combination advocated in System 2B. It is recognized that, because of acoustical effects, some stereophonic recordings fail to provide good monophonic presentation upon straight addition of the L and R channels. This same problem has been encountered by the recording industry in the preparation of monophonic records from stereophonic recordings.[13] In all probability, most of the stereophonic programming by the broadcasting industry will be from available stereophonic tapes and discs. Hence, FM stations engaging in stereophonic broadcasting will be expected to exercise appropriate discretion in the selection of program material.

26. We call attention to existing arrangements among standard, FM and TV broadcast stations whereby Left and Right signals are separately transmitted in order to achieve stereophonic effects. While recognizing that many stations engaging in this type of operation have screened the records and tapes used in stereophonic transmission in order to assure some semblance of aural balance, we feel that dual station stereophonic programming violates good engineering practice insofar as the monophonic listener is concerned. Accordingly, we contemplate the discontinuance of dual station stereophonic programming at such time as equipment to conduct FM stereophonic broadcasting under the rules herein adopted becomes generally available.

27. In Paragraph 7 of the Notice of Proposed Rule Making comments were requested, among other things, on: (1) The need for or desirability of suitable frequency and modulation monitors for use with the respective systems and the technical specifications for such monitors; (2) the approximate cost and practicability of transmitter modifications; and (3) the cost and relative simplicity of stereophonic receivers or adaptations of existing receivers for the respective systems.

28. With respect to the necessity for frequency and modulation monitors, we find that since stereophonic broadcasting is intended to be received by the general public, it should be conducted only under suitable controls to assure not only the proper operation of the main channel as presently required by our Rules, but of the stereophonic subchannel as well. Accordingly, our Rules will be amended in the near future to require the use of frequency and modulation monitors capable of monitoring the operation of the stereophonic subchannel.

29. As stated in Paragraph 22, *supra*, stations engaged in SCA operation have already installed the basic multiplex equipment for stereophonic broadcasting. While none of the proponents submitted information specifically related to the cost of transmitter modifications, the General Electric Company indicated that a survey conducted in October of 1960 demonstrated that the cost of suitable stereophonic subcarrier signal generators would be acceptable to the majority of FM broadcasters.

30. With respect to the cost and relative simplicity of stereophonic receivers and adoptations of existing receivers, we have indicated our concern with the cost of a receiver for System 1 providing acceptably low distortion. We are mindful of the fact that a limited number of adapters were built and sold during the relatively short time that System 1 was being tested by various FM broadcast stations under developmental authorizations issued by this agency. It is understood that these adapters were sold for prices ranging from approximately fifty to one hundred dollars, depending on the manufacturer.

31. Since adapters have never been made available to the listening public in connection with the developmental testing of Systems 4–4A, we have no information as to the probable retail cost of such adapters. We do note, however, that the adapter for System 4–4A recommended by the proponent of System 4A would be a relatively small device which could be manufactured for a parts cost of less than eight dollars. However, the cost of the adapter to the ultimate consumer will represent only a fractional part of the cost of conversion to stereophonic reception; the necessity for an additional amplifier and speaker must also be taken into account. And, if the field test results are indicative of the true performance capabilities of present stereo receivers and adapters, we must conclude that receiver development to date has been inadequate for stereo reception of optimum quality. It is therefore to be expected that good stereo receivers will be considerably more costly than monophonic receivers, irrespective of the system adopted.

32. The closing date, as extended, for the submission of original comments in this proceeding was November 8, 1960 with reply comments due November 21, 1960. However, a number of respondents submitted original and rebuttal comments after the dates indicated, a few of which were accompanied by petitions for acceptance of late filing. Inasmuch as this material has been of assistance in our deliberations and in view of the nonadjudicatory nature of this proceeding, we take official notice of all comments received through March 1, 1961. The necessity for our acting on petitions for acceptance of late filing in this proceeding has therefore been rendered moot.

33. In our recent Report and Order in Docket No. 13755 (FCC 61–116, released January 30, 1961) amending the Rules to permit noncommercial educational FM broadcast stations to engage in specified nonbroadcast activities on a multiplex basis, we noted that "to the extent that (such) licensees can demonstrate a need for FM stereophonic broadcasting, such need will be considered by the Com-

[13] See comment of NSRC dated October 24, 1960, Docket No. 13506.

mission" in connection with the instant proceeding. In view of the limited response to this issue, we cannot conclude on the existing record that amendment of the Rules governing noncommercial educational FM broadcast stations to provide for stereophonic broadcasting would be warranted at this time. However, in recognition of the comments filed by WGBH Educational Foundation, we intend to institute a separate rule making proceeding in the near future to ascertain whether a requirement for stereophonic broadcasting can be established by educational FM interests.

34. The proponents of Systems 1, 4, and 4A have, as requested in the Notice of Proposed Rule Making, submitted statements which indicate in substance that each is prepared to grant non-exclusive licenses under any one or more of its patent applications and the patents issuing thereon to any responsible party at reasonable royalties for the manufacture, use and sale of the apparatus covered thereby. We find these representations consistent with the patent policies of the Commission which are designed to obviate any restraint of trade or monopolistic practices in matters coming within its cognizance.

35. In summary, we find that Systems 2A and 2B must be rejected because of inferior frequency response and stereo separation together with excessive crosstalk and high stereo subchannel noise characteristics. System 3, despite impressive theoretical advantages, must be rejected because of its inability to handle orchestral dynamics in a manner that will produce an acceptable subjective stereophonic effect. Systems 5 and 6 were withdrawn by their proponents from further consideration. The adoption of national FM stereophonic broadcast standards therefore reduces to a selection of either System 1 or System 4–4A. With respect to the technical criteria of frequency response and stereophonic separation these two systems compare favorably on a theoretical as well as a practical basis. However, we find that System 4–4A has the clearly decisive advantage of being able to provide stereophonic broadcast service with negligible effect on the monophonic listener and that the correlative disadvantage of System 1 is its detrimental effect on the monophonic listener.[14] As stated in the Notice of Proposed Rule Making, we feel that "* * * any stereophonic system adopted should be based upon standards capable of rendering as high a quality of service as the art can provide, consistent with economic and other factors involved, without significant degradation of the service now provided under existing FM rules" (emphasis supplied). We find, therefore, that the public interest would best be served by the adoption of System 4–4A.[15]

[14] We are also impressed by the apparent lower cost of System 4–4A, its comparative freedom from distortion, and the fact that its use does not ipso facto displace SCA operation.

[15] System 4–4A is a composite of stereophonic transmission standards proposed by the Zenith Radio Corporation and General Electric Company, respectively. The proponents of the other systems were: System 1, Crosby-Teletronics Corporation: System 2A, Calbest Electronics; System 2B, Multiplex Development Corp.; System 3, Electric and Musical Industries, Ltd.; System 5, General Electric Company's alternate proposal; System 6, Philco Corporation.

36. It should be observed that System 4–4A, like any multiplex transmission system, will increase energy transmission at the edges of the FM channel involved. Accordingly, for optimum stereophonic reception, the bandwith of stereophonic receivers must be considerably greater than that of monophonic receivers. Stereophonic receivers will thus be inherently more susceptible to adjacent channel interference. Also System 4–4A, in common with other multiplex systems, will not provide an FM stereophonic service area which is coextensive with the service area available to monophonic listeners. Accordingly, acceptable monophonic reception of a given station will not, per se, insure acceptable stereophonic reception.

37. Upon the effectiveness of the amendments herein ordered, FM broadcast licensees desiring to undertake stereophonic broadcasting may, without further authority from the Commission, transmit stereophonic programs in accordance with the technical standards and notification procedures herein adopted.

38. Authority for the adoption of this Report and Order and associated rule amendments is contained in sections 303(b), 303(c), 303(e), 303(g), 303(j), and 303(r) of the Communications Act of 1934, as amended.

39. *It is ordered,* This 19th day of April 1961, that effective June 1, 1961, the Commission's rules be amended as set forth below; and

40. *It is further ordered,* That proceedings under Docket No. 13506 are hereby terminated.

(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: April 20, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. New § 3.297 is added to read as follows:

§ 3.297 Stereophonic broadcasting.

FM broadcast stations may, without further authority, transmit stereophonic programs in accordance with the technical standards set forth in § 3.322: *Provided, however,* That the Commission and the Engineer in Charge of the radio district in which the station is located shall be notified within 10 days from the installation of type-accepted stereophonic transmission equipment or any change therein, and: *Provided further,* That the Commission and the Engineer in Charge shall be notified within 10 days from the commencement of stereophonic operation, scheduled hours of such operation or any change therein.

2. Section 3.310 is amended by adding the following paragraphs:

§ 3.310 Definitions.

* * * * *

(t) *Cross-talk.* An undesired signal occurring in one channel caused by an electrical signal in another channel.

(u) *FM stereophonic broadcast.* The transmission of a stereophonic program by a single FM broadcast station utilizing the main channel and a stereophonic subchannel.

(v) *Left (or right) signal.* The electrical output of a microphone or combination of microphones placed so as to convey the intensity, time and location of sounds originating predominately to the listener's left (or right) of the center of the performing area.

(w) *Left (or right) stereophonic channel.* The left (or right) signal as electrically reproduced in reception of FM stereophonic broadcasts.

(x) *Main channel.* The band of frequencies from 50 to 15,000 cycles which frequency modulate the main carrier.

(y) *Pilot subcarrier.* A subcarrier serving as a control signal for use in the reception of FM stereophonic broadcasts.

(z) *Stereophonic separation.* The ratio of the electrical signal caused in the right (or left) stereophonic channel to the electrical signal caused in the left (or right) stereophonic channel by the transmission of only a right (or left) signal.

(aa) *Stereophonic subcarrier.* A subcarrier having a frequency which is the second harmonic of the pilot subcarrier frequency and which is employed in FM stereophonic broadcasting.

(bb) *Stereophonic subchannel.* The band of frequencies from 23 to 53 kilocycles containing the stereophonic subcarrier and its associated sidebands.

3. Section 3.319 is amended to read as follows:

§ 3.319 Subsidiary communications multiplex operations: engineering standards.

(a) Frequency modulation of SCA subcarriers shall be used.

(b) The instantaneous frequency of SCA subcarriers shall at all times be within the range 20 to 75 kilocycles: *Provided, however,* That when the station is engaged in stereophonic broadcasting pursuant to § 3.297, the instantaneous frequency of SCA subcarriers shall at all times be within the range 53 to 75 kilocycles.

(c) The arithmetic sum of the modulation of the main carrier by SCA subcarriers shall not exceed 30 percent: *Provided, however,* That when the station is engaged in stereophonic broadcasting pursuant to § 3.297, the arithmetic sum of the modulation of the main carrier by the SCA subcarriers shall not exceed 10 percent.

NOTE: Inasmuch as presently approved FM modulation monitors have been designed to meet requirements for modulation frequencies of from 50 to 15,000 cycles, the use of such monitors for reading the modulation percentages during SCA multiplex operation may not be appropriate since the subcarriers utilized are above 20,000 cycles.

(d) The total modulation of the main carrier, including SCA subcarriers, shall meet the requirements of § 3.268.

(e) Frequency modulation of the main carrier caused by the SCA subcarrier operation shall, in the frequency range 50 to 15,000 cycles, be at least 60 db below 100 percent modulation: *Provided, however,* That when the station is engaged in stereophonic broadcasting pursuant to § 3.297, frequency modulation of the main carrier by the SCA subcarrier operation shall, in the frequency range 50 to 53,000 cycles, be at least 60 db below 100 percent modulation.

4. New § 3.322 is added to read as follows:

§ 3.322 Stereophonic transmission standards.

(a) The modulating signal for the main channel shall consist of the sum of the left and right signals.

(b) A pilot subcarrier at 19,000 cycles plus or minus 2 cycles shall be transmitted that shall frequency modulate the main carrier between the limits of 8 and 10 percent.

(c) The stereophonic subcarrier shall be the second harmonic of the pilot subcarrier and shall cross the time axis with a positive slope simultaneously with each crossing of the time axis by the pilot subcarrier.

(d) Amplitude modulation of the stereophonic subcarrier shall be used.

(e) The stereophonic subcarrier shall be suppressed to a level less than one percent modulation of the main carrier.

(f) The stereophonic subcarrier shall be capable of accepting audio frequencies from 50 to 15,000 cycles.

(g) The modulating signal for the stereophonic subcarrier shall be equal to the difference of the left and right signals.

(h) The pre-emphasis characteristics of the stereophonic subchannel shall be identical with those of the main channel with respect to phase and amplitude at all frequencies.

(i) The sum of the side bands resulting from amplitude modulation of the stereophonic subcarrier shall not cause a peak deviation of the main carrier in excess of 45 percent of total modulation (excluding SCA subcarriers) when only a left (or right) signal exists; simultaneously in the main channel, the deviation when only a left (or right) signal exists shall not exceed 45 percent of total modulation (excluding SCA subcarriers).

(j) Total modulation of the main carrier including pilot subcarrier and SCA subcarriers shall meet the requirements of Section 3.268 with maximum modulation of the main carrier by all SCA subcarriers limited to 10 percent.

(k) At the instant when only a positive left signal is applied, the main channel modulation shall cause an upward deviation of the main carrier frequency; and the stereophonic subcarrier and its sidebands signal shall cross the time axis simultaneously and in the same direction.

(l) The ratio of peak main channel deviation to peak stereophonic subchannel deviation when only a steady state left (or right) signal exists shall be within plus or minus 3.5 percent of unity for all levels of this signal and all frequencies from 50 to 15,000 cycles.

(m) The phase difference between the zero points of the main channel signal and the stereophonic subcarrier sidebands envelope, when only a steady state left (or right) signal exists, shall not exceed plus or minus 3 degrees for audio modulating frequencies from 50 to 15,000 cycles.

NOTE: If the stereophonic separation between left and right stereophonic channels is better than 29.7 decibels at audio modulating frequencies between 50 and 15,000 cycles, it will be assumed that paragraphs (l) and (m) of this section have been complied with.

(n) Cross-talk into the main channel caused by a signal in the stereophonic subchannel shall be attenuated at least 40 decibels below 90 percent modulation.

(o) Cross-talk into the stereophonic subchannel caused by a signal in the main channel shall be attenuated at least 40 decibels below 90 percent modulation.

(p) For required transmitter performance, all of the requirements of § 3.254 shall apply with the exception that the maximum modulation to be employed is 90 percent (excluding pilot subcarrier) rather than 100 percent.

(q) For electrical performance standards of the transmitter and associated equipment, the requirements of § 3.317 (a) (2), (3), (4), and (5) shall apply to the main channel and stereophonic subchannel alike, except that where 100 percent modulation is referred to, this figure shall include the pilot subcarrier.

[F.R. Doc. 61-3731; Filed, Apr. 24, 1961; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR 231, 299]

UNIFORM MANIFEST PROCEDURE FOR PASSENGERS

Notice of Proposed Rule Making

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), notice is hereby given of the proposed issuance of the following rules pertaining to a uniform manifesting procedure for arriving and departing passengers. In accordance with subsection (b) of said section 4, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 767, 119 D Street NE., Washington 25, D.C., written data, views, or arguments (in duplicate) relative to this proposed rule. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the day of publication of this notice will be considered.

1. The headnote and Part 231 are amended as set forth below.

PART 231—PASSENGER ARRIVAL AND DEPARTURE MANIFESTS

Sec.
231.1 Arrival manifests for passengers.
231.2 Departure manifests for passengers.

AUTHORITY: §§ 231.1 and 231.2 issued under sec. 103, 66 Stat. 173; 8 U.S.C. 1103. Interprets or applies sec. 231, 66 Stat. 195; 8 U.S.C. 1221.

§ 231.1 Arrival manifests for passengers.

The master or agent of every vessel or aircraft arriving in the United States from a foreign place, except one arriving directly from Canada on a voyage or flight originating in that country, must present a manifest of all passengers on board to the immigration officer at the first port of arrival. The manifest shall be in the form of a separate arrival-departure card (Form I–94) prepared for and presented by each passenger, except that an arrival-departure card is not required for an arriving, through-flight, air passenger at a United States port from which he will depart directly to a foreign place on the same flight, provided the number of such through-flight passengers is noted on Customs Form 7507 and such passengers remain during ground time in a separate area under the direction and control of the Service. When inspection of an arriving passenger is deferred at the request of the carrier to another port of debarkation, the manifest relating to any such passenger shall be returned, together with a Form I–92, for presentation by the master or agent at the port where inspection is to be conducted.

§ 231.2 Departure manifests for passengers.

The master or agent of every vessel or aircraft departing from the United States for a foreign place, except one departing directly to Canada on a voyage or flight terminating in that country, must present a manifest of all passengers on board to the immigration officer at the port of departure prior to departure, except that vessels or aircraft making regularly scheduled voyages or flights to and from the United States may defer presentation for a period not in excess of 30 days. The manifest shall be in the form of a separate arrival-departure card (Form I–94) for each passenger, except a through-flight passenger for whom an arrival-departure card was not prepared upon arrival. When a Form I–94 is required to be submitted for an alien by a departing vessel or aircraft, the Form I–94 given the alien at the time of his last admission should be utilized. Any evidence of registration surrendered pursuant to Part 264 of this chapter shall be attached to the manifest. An alien nonimmigrant departing on a vessel or aircraft proceeding directly to Canada on a voyage or flight terminating in that country should surrender any Form I–94 in his possession to the Canadian immigration officer at the port of arrival in that country.

2. The references to Forms I–92 and I–418 in § 299.1 *Prescribed forms* are amended to read as follows:

Form No.	*Title and description*
I–92	Report of Arrival/Departure.
I–418	Crew List.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

Dated: April 18, 1961.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 61–3676; Filed, Apr. 24, 1961; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1018]

[Docket No. AO 286–A4]

MILK IN SOUTHEASTERN FLORIDA MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to 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), a public hearing was held at Fort Lauderdale, Florida, on March 9, 1961, pursuant to notice thereof issued on February 28, 1961 (26 F.R. 1920).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deupty Administrator, Agricultural Marketing Service on March 24, 1961 (26 F.R. 2646; F.R. Doc. 61–2766) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issue on the record of the hearing relates to the computation of uniform base and excess prices.

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

The basis of pricing excess milk under the order should be revised. Excess milk should be assigned to the lowest available utilization of producer milk, in series beginning with Class IV. The price for such excess milk should be computed by multiplying the volume of excess milk thus assigned to each class by the applicable class prices and dividing the aggregate value by the volume of excess milk. The price for base milk should be determined by deducting the aggregate value of excess milk from the total value of the pool and dividing by the volume of base milk. Such price, however, should not be permitted to exceed the Class I price and any value in excess of the Class I price should be added to the aggregate value of excess milk in the computation of the excess price.

Since March 1958, when the base plan first became operative under the order, the price for excess milk has reflected the lowest available utilization value of an equivalent amount of producer milk. In most months this has approximated the Class II price. Until December 1, 1960, the order provided for the classification of milk in only two classes. An order amendment, effective December 1, established a four-class classification scheme. Because no substantive change was made in the language of the provision prescribing the computation of the base and excess price, the excess price with the order amendment became the Class II price. The Secretary pointed out in his decision that the effect of continuing the pricing of excess milk at the Class II price would tend to reduce the effectiveness of the base plan. However, the record of the hearing did not provide a basis for changing the excess price.

Producer proponents proposed that the excess price be the Class IV price except in situations where an adjustment of the resulting base price would be necessary to preclude such price from exceeding the Class I price. They

pointed out that under the existing order provisions which price excess milk at the Class II price, the base price has been unduly depressed because of the volume of producer milk utilized and priced in Class III and Class IV. The base price has also been depressed since July 1960, by the action of the supply-demand adjuster on the Class I price. Consequently, proponents contend, the existing relationship between the base price and the excess price is neither deterring production which is already substantially in excess of market needs nor is it encouraging the desired seasonality of production.

The Class I price is established at that level which is deemed necessary to bring forth an adequate but not excessive supply of milk for the fluid market. Because the seasonality of production normally is greater than the seasonality of sales, there is a greater volume of milk in excess of fluid needs during certain months than in other months. The only purpose of the base plan is to encourage a more even production of milk throughout the year. Its purpose is not to deter production.

The basic problem to be met is the devising of a reasonable procedure for the equitable distribution of returns among producers compatible with the purpose of the base plan. This can best be accomplished by providing that excess milk shall be assigned in series first to the available utilization in Class IV, then to Class III, and finally to Class II and possibly to Class I. Excess milk is seasonal surplus and is hence over and above the normal or long range utilization. Such seasonal surplus will thus be that which is in the lowest priced classes. By assigning excess milk to the lowest available utilization first a price will be returned on excess milk which is actually commensurate with its utilization value.

In each of the months since November 1960 the volume of excess milk has exceeded the volume of producer milk allocated to both Class III and Class IV. Also during the period since the base plan first became effective (March 1958) and prior to the December 1, amendment, the volume of excess milk has approximated the volume of producer milk in Class II and has actually exceeded it in 16 out of the 33 months. Hence, it is apparent that the assignment of excess milk in series to the lowest available class utilization and the computation of the excess price on the basis of the proportionate assignment to each class will reflect more equitable returns to producers for such milk than the use of the Class IV price which producers proposed.

Without significant change in the market supply or volume of Class I sales, the excess price will generally be the Class IV price. While it may not be possible for individual producers to predict precisely the excess price in some months, nevertheless, they do know that excess milk is normally over and above fluid requirements of the market and that returns for such milk will reflect the lowest available use values. However, it is on the basis of the blended price for base milk that long range production decisions are made. The base price, under the procedure herein recommended, will be substantially more stable than would be the case if excess milk, regardless of use was priced at the Class IV price and the additional value, when used in higher class, was reflected in the base price.

As previously indicated, the Class I price is established at that level which is necessary to bring forth the needed market supply. It would be inappropriate, therefore, to permit the base price to exceed the Class I price. On the other hand, for obvious reasons the excess price should not be permitted to exceed the base price. The amendatory language hereinafter provided implements these conclusions and prescribes the procedure for distributing monies should either of these situations occur.

It is concluded that the above outlined procedure for pricing base and excess milk will better implement the intent of the base rating plan than the pricing presently provided. At the same time each producer will have assurance that his returns will reflect the actual use value of his milk. Had the proposed amendment been effective during the months of December 1960 and January and February 1961 the price for excess milk would have been lowered $1.17, $0.87 and $0.42 cents, respectively.

Rulings on proposed findings and conclusions. No briefs or proposed findings and conclusions were filed by interested parties.

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

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

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

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

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

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Southeastern Florida Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Southeastern Florida Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of January, 1961, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Southeastern Florida marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D.C., April 19, 1961.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

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

§ 1018.0 Findings and determinations.

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

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon

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

certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Southeastern Florida 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.

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

Delete § 1018.72 and substitute therefor the following:

§ 1018.72 Computation of uniform base and excess prices.

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

(a) *Excess milk price.* (1) Assign the total hundredweight of excess milk for all handlers whose receipts are included in the computation pursuant to § 1018.71 to producer milk in each class, in series beginning with Class IV milk;

(2) Multiply the pounds of excess milk assigned to each class pursuant to subparagraph (1) of this paragraph by the applicable class price and add the resulting totals;

(3) Add the amount of any adjustment applicable pursuant to the proviso of paragraph (b) (2) of this section; and

(4) Divide the resulting total by the hundredweight of excess milk. The result rounded to the nearest full cent shall be the uniform price for excess milk.

(b) *Base milk price.* (1) From the aggregate value determined pursuant to § 1018.71 deduct an amount determined by multiplying the hundredweight of excess milk included in the computation of paragraph (a) by the uniform price for excess milk;

(2) Divide the resulting amount by the total hundredweight of base milk for all handlers whose receipts are included in the computation pursuant to § 1018.71:

Provided, That if the resulting price is greater than the Class I price, the aggregate amount in excess thereof shall be included in the computation of the excess price pursuant to paragraph (a) of this section, except that if by such addition the excess price should exceed the base price then the aggregate amount of the excess shall be prorated to the aggregate values of base and excess milk on the basis of the respective volumes of base and excess milk used in the computation of the base and excess prices; and

(3) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to subparagraph (2) of this paragraph. The result shall be the uniform price for base milk.

[F.R. Doc. 61–3718; Filed, Apr. 24, 1961; 8:48 a.m.]

Commodity Exchange Authority

[17 CFR Part 21]

SPECIAL CALLS FOR INFORMATION ON OPEN CONTRACTS OF ACCOUNTS CARRIED BY FUTURES COMMISSION MERCHANTS, MEMBERS OF CONTRACT MARKETS, AND FOREIGN BROKERS

Notice of Proposed Rule Making

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 1958 ed., § 1003), notice is hereby given that the Secretary of Agriculture, under authority contained in sections 4g, 5(b), and 8a(5) of the Commodity Exchange Act (7 U.S.C. 1958 ed., §§ 6g, 7(b), and 12a(5)), is considering the issuance of a regulation under the Commodity Exchange Act, to be designated as § 21.02, reading substantially as follows:

§ 21.02 Special calls for information on open contracts of accounts carried by futures commission merchants, members of contract markets, and foreign brokers.

Upon special call by the Act Administrator, each futures commission merchant, member of a contract market, or foreign broker, shall furnish to the Commodity Exchange Authority the following information for the commodity, contract market, and date specified in such call:

(a) The name, address, and principal occupation of all traders, including house accounts, holding open contracts on the records of such futures commission merchant, member of a contract market, or foreign broker;

(b) The open contracts held or controlled by such traders in each future; and

(c) The classification of such traders' open contracts as speculative, spreading (straddling), or hedging, or as "futures commission merchant" or "foreign broker", if such trader is another futures commission merchant or foreign broker.

Special calls requiring the submission of this same information have been made from time to time by the Act Administrator under the authority of the Commodity Exchange Act. The purpose of this amendment is to put into the form of a regulation the specific requirements with respect to such special calls.

All persons who desire to submit written statements for consideration in connection with the proposed regulation should file the same with the Administrator, Commodity Exchange Authority, United States Department of Agriculture, Washington 25, D.C., within twenty (20) days after the publication of this notice in the FEDERAL REGISTER.

Issued this 20th day of April 1961.

ALEX C. CALDWELL,
Administrator,
Commodity Exchange Authority.

[F.R. Doc. 61–3744; Filed, Apr. 24, 1961; 8:52 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 27]

CANNED FRUITS AND CANNED FRUIT JUICES; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

Artificially Sweetened Canned Pineapple; Standard of Identity

Notice is given that the National Canners Association, 1133 Twentieth Street NW., Washington, D.C., whose members include canners of artificially sweetened pineapple, has filed a petition proposing the adoption of a definition and standard of identity for artificially sweetened canned pineapple, as follows:

§ 27.57 Artificially sweetened canned pineapple; identity; label statement of optional ingredients.

(a) Artificially sweetened canned pineapple is the food which conforms to the definition and standard of identity prescribed for canned pineapple by § 27.50, except that in lieu of a packing medium specified in § 27.50(b), the packing medium used is water artificially sweetened with saccharin, sodium saccharin, calcium cyclamate, sodium cyclamate, or any combination of two or more of these. Such packing medium may be thickened with pectin.

(b) (1) The specified name of the food is "artificially sweetened _____," the blank being filled in with the name prescribed by § 27.50 for canned pineapple having the same optional pineapple ingredient.

(2) The artificially sweetened food is subject to the requirements for label statement of optional ingredients used, as prescribed for canned pineapple by § 27.50. If the packing medium is thickened with pectin, the label shall bear the statement "thickened with pectin."

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the author-

ity delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), all interested persons are invited to submit their views in writing regarding the proposal published herein. Such views and comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER.

Dated: April 17, 1961.

[SEAL] J. K. KIRK,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 61-3720; Filed, Apr. 24, 1961; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP-313) has been filed by Zonolite Company, 135 South LaSalle Street, Chicago 3, Illinois, proposing the issuance of a regulation to provide for the safe use of exfoliated vermiculite mineral in poultry feed as a nutrient carrier, physical conditioner, and/or pelleting aid.

Dated: April 18, 1961.

[SEAL] J. K. KIRK,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 61-3721; Filed, Apr. 24, 1961; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-WA-35]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Designation of Federal Airway and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration a proposal by the Canadian Department of Transport for the designation of the United States portion of a VOR airway from Grand Forks, N. Dak., to Winnipeg, Manitoba, Canada. In consideration of this request it is proposed to extend VOR Federal airway No. 181 northward from the Grand Forks VOR via the intersection of the Grand Forks VOR 353° and the Winnipeg VOR 180° True radials thence via the Winnipeg 180° True radial to its intersection with the United States/Canadian Border. (Victor 181 was extended from Fargo, N. Dak., to Grand Forks in Airspace Docket No. 61-KC-1, effective May 4, 1961 (26 F.R. 2034).) The designation of this segment of Victor 181 would provide a route for VOR equipped aircraft operating between Grand Forks and Winnipeg.

In addition, to implement in part, Civil Air Regulations, Part 60, Air Traffic Rules, Amendment 60-21 (26 F.R. 570), the Federal Aviation Agency is considering designating the control areas associated with the proposed segment of Victor 181 to extend upwards from 1,200 feet above the surface or, if appropriate, upwards from 500 feet below the minimum Instrument Flight Rules enroute altitude when established, to the base of the continental control area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

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

Issued in Washington, D.C., on April 17, 1961.

J. R. BAILEY,
Assistant Chief, Airspace Utilization Division.

[F.R. Doc. 61-3696; Filed, Apr. 24, 1961; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-WA-21]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Designation of Federal Airway and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Part 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency is considering the designation of low altitude VOR Federal airway No. 522 from the Sheridan, Wyo., VORTAC via the Dupree, S. Dak., VOR to the Watertown, S. Dak., VOR. This would provide continuity in the low altitude airway structure and provide a low altitude route for VOR equipped aircraft operating between Sheridan and Watertown.

In addition, to implement in part, Civil Air Regulations, Part 60, Air Traffic Rules, Amendment 60-21 (26 F.R. 570), it is proposed to designate the control areas associated with the above described airway to extend upward from at least 1,200 feet above the surface, or if appropriate, 500 feet below the minimum IFR enroute altitude, when established, to the base of the continental control area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

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

Issued in Washington, D.C., on April 17, 1961.

J. R. BAILEY,
Assistant Chief, Airspace Utilization Division.

[F.R. Doc. 61-3697; Filed, April 24, 1961; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-WA-47]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Alteration of Federal Airway and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR

409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.6494 and 601.6494 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airway No. 494 extends from Sacramento, Calif., to Elko, Nev. The Federal Aviation Agency is considering the alteration of this airway by extending it northeastward from the Elko VORTAC via the Wells, Nev., VOR; to the Malad City, Idaho, VORTAC. This would provide a low altitude route for VOR equipped aircraft operating between Sacramento and Malad City.

In addition, to implement in part, Civil Air Regulations, Part 60, Air Traffic Rules, Amendment 60–21 (26 F.R. 570) it is proposed to designate the control areas associated with the proposed extension to Victor 494 to extend upward from 1,200 feet above the surface, or if appropriate, 500 feet below the minimum IFR enroute altitude when established, to the base of the continental control area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

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

Issued in Washington, D.C., on April 17, 1961.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 61–3698; Filed, Apr. 24, 1961; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61–WA–43]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Alteration of Federal Airway and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.6264 and 601.6264 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airway No. 264 extends from Los Angeles, Calif., to Prescott, Ariz. The Federal Aviation Agency is considering the alteration of this airway by extending it eastward from the Prescott VORTAC via the St. Johns, Ariz., VORTAC; to the Socorro, N. Mex., VORTAC. This would provide an additional low altitude route for VOR equipped aircraft operating between Los Angeles and Socorro.

In addition, to implement in part, Civil Air Regulations, Part 60, Air Traffic Rules, Amendment 60–21 (26 F.R. 570), it is proposed to designate the control areas associated with the proposed extension to Victor 264 to extend upward from 1,200 feet above the surface, or if appropriate, 500 feet below the minimum IFR enroute altitude when established, to the base of the continental control area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

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

Issued in Washington, D.C., on April 17, 1961.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 61–3699; Filed, Apr. 24, 1961; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No.61–WA–42]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Designation of Federal Airways and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Part 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency is considering the designation of low altitude VOR Federal airway No. 503 from the Goffs, Calif., VOR to the Beatty, Nev., VOR. This would provide continuity in the low altitude airway structure and provide a low altitude route for VOR equipped aircraft operating between Goffs and Beatty.

In addition, to implement in part, Civil Air Regulations, Part 60, Air Traffic Rules, Amendment 60–21 (26 F.R. 570), it is proposed to designate control areas associated with the above described airway to extend upward from 1,200 feet above the surface, or if appropriate, 500 feet below the minimum IFR enroute altitude when established, to the base of the continental control area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for exami-

nation at the office of the Regional Air Traffic Management Field Division Chief.

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

Issued in Washington, D.C., on April 17, 1961.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 61-3700; Filed, Apr. 24, 1961; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-WA-40]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Designation of Federal Airways and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Part 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency is considering the designation of low altitude VOR Federal airway No. 524 from the Laramie, Wyo., VOR via the intersection of the Laramie VOR 069° and the Scottsbluff, Nebr., VORTAC 254° True radials; to the Scottsbluff VORTAC. This would provide continuity in the low altitude airway structure and provide an additional low altitude route for VOR equipped aircraft operating between Laramie and Scottsbluff.

In addition, to implement in part, Civil Air Regulations, Part 60, Air Traffic Rules, Amendment 60-21 (26 F.R. 570), it is proposed to designate the control areas associated with the above described airway to extend upward from at least 1,200 feet above the surface, or if appropriate, 500 feet below the minimum IFR enroute altitude, when established, to the base of the continental control area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

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

Issued in Washington, D.C., on April 17, 1961.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 61-3701; Filed, Apr. 24, 1961; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-NY-154]

FEDERAL AIRWAYS, CONTROLLED AIRSPACE AND REPORTING POINTS

Revocation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

Blue Federal airway No. 4 extends from Boston, Mass., to the United States/Canadian border. The Federal Aviation Agency is considering the revocation of this airway. It is the policy of this Agency to revoke L/MF airways wherever adequate VOR airways are available, and it appears that the route from Boston to the United States/Canadian border is adequately served by a combination of VOR Federal airways Nos. 3, 141, and 91. In addition, the Federal Aviation Agency IFR peak-day airway traffic survey for the period July 1, 1959, through June 30, 1960, shows one aircraft movement on this airway. Therefore, it appears that the retention of this airway is unjustified as an assignment of airspace. Accordingly, the Federal Aviation Agency proposes to revoke Blue Federal airway No. 4, its associated control areas and reporting points. Adoption of this proposal would not necessarily result in discontinuance of the low frequency navigational aids associated with this airway. Any proposals to discontinue one or more of these aids would be processed in accordance with current Agency procedures. These procedures afford interested persons an opportunity to comment on such action.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

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

Issued in Washington, D.C., on April 18, 1961.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 61-3702; Filed, Apr. 24, 1961; 8:47 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-WA-41]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Designation of Federal Airways and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency is considering the designation of low altitude VOR Federal airway No. 526 from the Winslow, Ariz., VORTAC via the Crown Point, N. Mex., VOR to the Taos, N. Mex., VOR. This would provide continuity in the low altitude airway structure and provide a low altitude route for VOR equipped aircraft operating between Winslow and Taos.

In addition, to implement in part, Civil Air Regulations, Part 60, Air Traffic Rules, Amendment 60-21 (26 F.R. 570), it is proposed to designate control areas associated with the above described airway to extend upward from at least 1,200 feet above the surface, or if appropriate, 500 feet below the minimum IFR enroute altitude when established, to the base of the continental control area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air

Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

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

Issued in Washington, D.C. on April 18, 1961.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 61–3703; Filed, Apr. 24, 1961; 8:47 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61–WA–44]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Designation of Federal Airway and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency is considering the designation of low altitude VOR Federal airway No. 530 from the Texico, N. Mex., VOR to the Childress, Tex., VOR. This would provide continuity in the low altitude airway structure and provide a low altitude route for VOR equipped aircraft operating between Texico and Childress.

In addition, to implement, in part, Civil Air Regulations, Part 60, Air Traffic Rules, Amendment 60–21 (26 F.R. 570), it is proposed to designate control areas associated with the above described airway to extend upward from 1,200 feet above the surface, or if appropriate, 500 feet below the minimum IFR en route altitude, when established, to the base of the continental control area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

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

Issued in Washington, D.C., on April 18, 1961.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 61–3704; Filed, Apr. 24, 1961; 8:47 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61–WA–46]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Designation of Federal Airway and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Part 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency is considering the designation of VOR Federal airway No. 507 from the Lovelock, Nev., VORTAC via the Sod House, Nev., VOR; the Rome, Oreg., VOR; to the Boise, Idaho, VORTAC. This would provide continuity in the low altitude airway structure and provide a low altitude route for VOR equipped aircraft operating between Lovelock and Boise.

In addition, to implement in part, Civil Air Regulations, Part 60, Air Traffic Rules, Amendment 60–21 (26 F.R. 570), it is proposed to designate the control areas associated with the above described airway to extend upward from 1,200 feet above the surface, or if appropriate, 500 feet below the minimum IFR en route altitude when established, to the base of the continental control area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

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

Issued in Washington, D.C., on April 18, 1961.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 61–3705; Filed, Apr. 24, 1961; 8:47 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60–NY–155]

CONTROLLED AIRSPACE

Designation of Transition Area

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency is considering the designation of a transition area at Montpelier, Vt. To implement, in part, Civil Air Regulations, Part 60, Air Traffic Rules, Amendment 60–21 (26 F.R. 570), it is proposed to designate the transition area with a floor of 1,200 feet above the surface within 8 miles northwest and 5 miles southeast of the northeast course of the Montpelier radio range extending from the radio range to 17 miles northeast; within 8 miles northwest and 5 miles southeast of the Mont-

pelier VOR 037° True radial extending from the VOR to 17 miles northeast; and within the area southwest of the Barre-Montpelier Airport bounded on the southeast by VOR Federal airway No. 141 and on the north and east by VOR Federal airway No. 151. This proposed transition area would provide protection for aircraft executing prescribed instrument approach procedures utilizing the Montpelier radio range and the VOR. In addition, it would provide protection for aircraft conducting prescribed missed approach and departure procedures at the Barre-Montpelier Airport.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

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

Issued in Washington, D.C., on April 18, 1961.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 61-3695; Filed, Apr. 24, 1961; 8:46 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 61-WA-49]

CODED JET ROUTES

Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 602.564 of the regulations of the Administrator, the substance of which is stated below.

VOR/VORTAC jet route No. 64 presently extends from Los Angeles, Calif., to Chicago, Ill. The Federal Aviation Agency has under consideration extension of this jet route from Chicago to New York, N.Y., by designating it from the Joliet, Ill., VORTAC via the Cleveland, Ohio, VORTAC; Pittsburgh, Pa., VORTAC; Coyle, N.J., VOR; to the Idlewild, N.Y., VORTAC.

This would facilitate air traffic management and flight planning by providing an additional single numbered jet route for the high volume of turbojet aircraft operating between Los Angeles and New York. It would also provide a dual route capability between Cleveland and New York. It is anticipated that radar flight advisory service would be provided aircraft operating on this proposed jet route segment. The proposed jet route segment would not traverse any high altitude refueling areas.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C.

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

Issued in Washington, D.C., on April 17, 1961.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 61-3694; Filed, Apr. 24, 1961; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 1, 3]

[Docket No. 13961]

CERTAIN BROADCAST APPLICATION FORMS

Order Extending Time for Filing Comments

In the matter of amendment of Section IV (Statement of Program Service) of Broadcast Applications Forms 301, 303, 314 and 315, Docket No. 13961.

The Commission having under consideration (1) the above-captioned proceedings; and (2) the question whether the date for filing comments in said proceedings should be extended beyond May 1, 1961; and

It appearing that the public interest would be served by such extension;

It is ordered, This 19th day of April 1961, that the time for filing comments in the above-captioned proceedings is extended to and including June 1, 1961, and the time for filing reply comments is extended to and including June 12, 1961.

Released: April 20, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-3732; Filed, Apr. 24, 1961; 8:50 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. Idaho 011368]

IDAHO

Order Providing for Opening of Lands

APRIL 17, 1961.

The State of Idaho has certified that the hereinafter-described lands patented to the State under the provisions of Section 4 of the Act of August 18, 1894 (28 Stat. 422, 43 U.S.C. Sec. 641), as amended, commonly known as the Carey Act, have not been reclaimed as required by the Carey Act and that water is not available for the irrigation of these tracts. The State of Idaho therefore, has reconveyed the lands to the United States:

BOISE MERIDIAN, IDAHO

Parcel 1

T. 9 S., R. 14 E.,
Sec. 17; NW¼SE¼;
Sec. 21; E½NW¼, NE¼SW¼;
Sec. 27; SW¼NW¼.
The lands are located from two to five miles northwest of Buhl, Idaho.

Parcel 2

T. 9 S., R. 17 E.,
Sec. 33; Lot 3.
The lands are located about two miles north of Twin Falls, Idaho, in the Snake River Canyon.

Parcel 3

T. 11 S., R. 18 E.,
Sec. 19; NE¼SW¼.
The lands are located about seven miles southeast of Twin Falls, Idaho.

Parcel 4

T. 11 S., R. 20 E.,
Sec. 4; Lot 3;
Sec. 6; Lot 1.
The lands are located about two miles north of Murtaugh, Idaho, adjacent to the south bank of the Snake River.

Parcel 5

T. 12 S., R. 21 E.,
Sec. 21; SE¼SE¼;
Sec. 27; NE¼SW¼.
T. 13 S., R. 22 E.,
Sec. 8; NW¼NE¼.
The lands are located from five to ten miles northwest of Oakley, Idaho.

The areas described total 462.84 acres of public lands.

The lands in parcels 3 and 5 are nearly level or slightly rolling. The soils range from shallow to deep. Vegetative cover consists of sagebrush and cheatgrass. Portions of the lands have some suitability for agricultural development if an adequate supply of water could be developed. The lands in parcels 2 and 4 are quite steep with precipitous cliffs. The soils are generally shallow with numerous lava outcroppings. The vegetative cover consists mainly of sagebrush, grasses and some willows along the river. The lands in parcel 1 range from nearly level to rough and steep. The soils are generally quite shallow with numerous lava outcrops. The vegetative cover is primarily sagebrush and cheatgrass.

The public lands affected by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, rules and regulations.

Applications and offers under the mineral leasing laws presented prior to 10:00 a.m., on May 23, 1961, will be considered as simultaneously filed as of that date and hour. The lands will also be open to mining location at that date and hour.

Inquiries and applications concerning the above lands shall be addressed to the Manager, Land Office, Bureau Land Management, P.O. Box 2237, Boise, Idaho.

JOE T. FALLINI,
State Supervisor.

[F.R. Doc. 61-3710; Filed, Apr. 24, 1961; 8:48 a.m.]

Office of the Secretary

PERSONAL PROPERTY MANAGEMENT

Delegation of Authority

The following material is a portion of the Departmental Manual and the numbering system is that of the Manual. Material that relates solely to internal management has not been included.

The following Secretary's orders are revoked: 2619, as amended; 2642, as amended (16 F.R. 6318, 19 F.R. 7417).

PART 205—GENERAL DELEGATIONS

CHAPTER 9—PERSONAL PROPERTY MANAGEMENT

205.9.4 *Disposal of surplus personal property.* The head of each bureau or office, may dispose of surplus personal property under his jurisdiction, in accordance with 40 U.S.C. 483(h), 484, and Chapter IV, Title 1, Regulations of the General Services Administration. This authority shall include the right to make all determinations and findings contemplated by such Chapter IV. The head of each bureau or office may also redelegate this authority, with authority for further redelegation, to the Administrator, Bonneville Power Administration.

205.9.5 *Foreign excess property.* The head of each bureau or office, with respect to personal property under his jurisdiction and located outside of the States of the Union, the District of Columbia, Puerto Rico, or the Virgin Islands, is delegated hereby the authority of the Secretary conferred by Title IV, Federal Property and Administrative Services Act of 1949, as amended, in accordance with 40 U.S.C. 514(b).

CHAPTER 10—REAL PROPERTY MANAGEMENT

205.10.2 *Abandonment or destruction.* The head of each bureau is authorized to abandon, destroy, or donate to public bodies, real property with no commercial value, or real property the estimated cost of continued care and handling of which would exceed the estimated proceeds from its sale, as authorized by and in full compliance with Chapter VII, Title 2, Regulations of the General Services Administration.

STEWART L. UDALL,
Secretary of the Interior.

APRIL 19, 1961.

[F.R. Doc. 61-3711; Filed, Apr. 24, 1961; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

COTTON PAYMENT-IN-KIND CERTIFICATES

Notice of Redemption

Notice is hereby given that any payment-in-kind certificate issued under the 1960–61 Cotton Export Program—Payment-In-Kind (Announcement CN–EX–9) (25 F.R. 3309), as amended, on or after May 3, 1961, which has not been used to purchase cotton for unrestricted use from Commodity Credit Corporation will be redeemed in cash at face value by Commodity Credit Corporation on or after August 1, 1961, if it is presented to the New Orleans CSS Commodity Office, 120 Marais Street, New Orleans 16, Louisiana, for payment not earlier than 60 days after issuance and not later than the expiration date of the certificate. Any certificate issued prior to May 3, 1961, will not be redeemable in cash and can be used only to purchase cotton prior to August 1, 1961, in accordance with the provisions of the announcement.

Signed at Washington, D.C., on April 20, 1961.

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

[F.R. Doc. 61-3745; Filed, Apr. 24, 1961; 8:52 a.m.]

Office of the Secretary

GEORGIA

Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a–2(a)), as amended, it has been determined that in the following counties in the State of Georgia a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

GEORGIA

Appling.	Lowndes.
Atkinson.	Macon.
Bacon.	Marion.
Baker.	Miller.
Ben Hill.	Mitchell.
Berrien.	Montgomery.
Bleckley.	Peach.
Brantley.	Pierce.
Brooks.	Pulaski.
Bulloch.	Quitman.
Calhoun.	Randolph.
Candler.	Richmond.
Clay.	Schley.
Coffee.	Seminole.
Colquitt.	Stewart.
Cook.	Sumter.
Crawford.	Tattnall.
Crisp.	Taylor.
Decatur.	Telfair.
Dougherty.	Terrell.
Dodge.	Thomas.
Dooly.	Tift.
Early.	Toombs.
Effingham.	Truetlen.
Emanual.	Turner.
Evans.	Twiggs.
Grady.	Ware.
Houston.	Washington.
Irwin.	Wayne.
Jeff Davis.	Webster.
Johnson.	Wheeler.
Lanier.	Wilcox.
Laurens.	Wilkinson.
Lee.	Worth.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1961, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 20th day of April 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-3755; Filed, Apr. 24, 1961; 8:54 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

CARL W. HASEK, JR.

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 as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of April 9, 1961.

Dated: April 11, 1961.

CARL W. HASEK, Jr.

[F.R. Doc. 61-3686; Filed, Apr. 24, 1961; 8:45 a.m.]

HAROLD LARSEN

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 as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No changes.
B. Additions: No changes.

This statement is made as of April 11, 1961.

Dated: April 11, 1961.

HAROLD LARSEN.

[F.R. Doc. 61-3687; Filed, Apr. 24, 1961; 8:45 a.m.]

JOHN H. SPRAGGON

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 as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of April 11, 1961.

Dated: April 11, 1961.

JOHN H. SPRAGGON.

[F.R. Doc. 61-3688; Filed, Apr. 24, 1961; 8:45 a.m.]

EDWARD J. BRACKEY, JR.

Report of Appointment and Statement of Financial Interests

Report of appointment and statement of financial interests required by section 710(b)(6) of the Defense Production Act of 1950, as amended.

REPORT OF APPOINTMENT

1. Name of appointee: Edward J. Brackey, Jr.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of Appointment: April 11, 1961.

4. Title of position: Assistant Director for Mobilization Planning, Communications Industries.

5. Name of private employer: Southern Bell Telephone & Telegraph Co., Jacksonville, Fla.

CARLTON HAYWARD,
Director of Personnel.

STATEMENT OF FINANCIAL INTERESTS

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Southern Bell Telephone & Telegraph Co.
Bank Deposits

EDWARD J. BRACKEY, Jr.

APRIL 13, 1961.

[F.R. Doc. 61-3725; Filed, Apr. 24, 1961; 8:49 a.m.]

[Docket No. FC-59]

A/B LABECO ET AL.

Appeals Board Decision

In the matter of A/B Labeco, Kunbsgatan 4A, Stockholm C. Sweden; A/B Labeco, Kurfuerstendamm 26A, Berlin W. 15, Germany; Lauter G.m.b.H., Kurfuerstendamm 26A, Berlin W. 15, Germany; Mikhel Lauter, Kingsgatan 4A, Stockholm C. Sweden; respondents; Appeals Board Docket No. FC-59, B.F.C. Case No. 272.

Mikhel Lauter, individually and on behalf of A/B Labeco, Berlin and Stockholm, and Lauter, G.m.b.H., Berlin (hereinafter collectively referred to as Appellant unless otherwise referred to), has appealed from the order denying export privileges, dated November 23, 1960 (25 F.R. 12211), herein called the Order, issued by the Director, Office of Export Supply, Bureau of Foreign Commerce, herein called the "Bureau". The Order denied to Mikhel Lauter, A/B Labeco, Stockholm and Berlin, and Lauter G.m.b.H. all U.S. export privileges so long as export controls are in effect. The Appellant has requested the Board to proceed with the hearing without his presence or that of his counsel and to consider the appeal on the basis of documents and papers previously submitted in connection with the original compliance proceedings.

The record in this case is identified as follows: The charging letter, dated June 10, 1960, answers to the charging letter by the Lauter-Labeco, Stockholm letter of July 4, 1960, and Labeco, Berlin letter of June 23, 1960; the Bureau's exhibits 1-19 as presented to the Bureau's Compliance Commissioner; the transcript of the proceedings before the Compliance Commissioner on September 19, 1960; the Compliance Commissioner's report and recommendation, dated October 26, 1960; the order denying export privileges, dated November 23, 1960; Mr. Lauter's letter of appeal dated December 7, 1960, supplemented by his letter of February 13, 1961.

The case involves the unauthorized transshipment and diversion by the Appellant to East Germany, in early 1959, of a U.S.-origin electromagnet with pole caps, valued at approximately $5,000.00. The exportation was affected from the U.S. under General License GRO, authorizing shipment to West Berlin, Germany, via Gothenburg, Sweden.

The Appellant admits that the transshipment took place but contends that he had no actual knowledge of the U.S. prohibitions against the transshipment of the electromagnet to East Germany and specified in detail his explanation of the transaction and his defenses, which included in effect a plea for mitigation.

The Board has carefully reviewed this appeal and Appellants' answer with a view to full protection of Appellants' interests, particularly in view of the fact that appellant did not appear in person at the hearing of the appeal, but requested the Board to decide the appeal on the record.

The gist of the charges is that Appellant had been specifically put on notice, both by a destination control notice on the ocean Bill of Lading, and by a similar notice on the commercial invoice issued by the seller, which documents were transmitted by mail to Appellant by the seller about a month before the arrival of the magnet and its on-forwarding to East Germany.

Appellant contends that the magnet was offered to him without restriction; that the documents with destination control notices were only routinely checked by his bookkeeping department and were not brought to Mr. Lauter's attention; and that, in any event, the entire transaction was brought under control of a Swedish bank, which had "security" title and which, by the terms of the letter of credit and other documents, was bound to send the magnet to East Germany.

The record indicates, however, that in addition to the destination control notices, the seller had previously written Appellant and had refused to sell the magnet for re-export as well as directly to an East German customer. The record also indicates that Appellant played an active rather than passive role in the transshipment.

The above statement of the case is not meant to be exhaustive or complete, but to indicate the nature of the issues before the Compliance Commissioner.

From the Board's review and careful consideration of the entire record it is clear that all of Appellants' contentions and defenses were in the hands of the Compliance Commissioner at the time of the hearing on September 19, 1960. Moreover, it is clear also from the record, that the Compliance Commissioner gave to each of these explanations detailed and intensive consideration, and his conclusions with respect thereto, as reflected in his report, are, in the considered opinion of the Board, so sustained by the record that it can find no basis for any changes or modifications in his findings.

Accordingly, the Denial Order of the Bureau of Foreign Commerce is hereby sustained and this appeal is denied.

Washington 25, D.C., April 18, 1961.

JOHN F. LUKENS,
Chairman, Appeals Board.

[F.R. Doc. 61-3689; Filed, Apr. 24, 1961; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 5482 etc.]

REOPENED KANSAS-OKLAHOMA LOCAL SERVICE CASE

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above entitled proceeding is assigned to be held on May 9, 1961, at 10:00 a.m. (local time), at the City Council Chambers in Springfield, Missouri, before Examiner Merritt Ruhlen.

Without limiting the scope of the issues to be considered, particular attention will be directed to the following matters:

1. Whether the public convenience and necessity require the extension of segment 5 of Route 107 of Ozark Airlines, Inc. beyond Joplin, Missouri, to Tulsa, Oklahoma;

2. Whether the public convenience and necessity require the authorization of a new segment for Central Airlines, Inc. between St. Louis, Springfield, and Joplin, Missouri, and Tulsa, Oklahoma;

3. Whether the public convenience and necessity require the authority of American Airlines, Inc., to serve Joplin and Springfield, Missouri, on Route 4, should be suspended or eliminated;

4. The investigation in Docket 9615 instituted by the Board insofar as it relates to service between St. Louis, Missouri, and Tulsa, Oklahoma, via Springfield and Joplin, Missouri;

5. Whether the public convenience and necessity requires service to Fort Leonard Wood by Ozark Airlines, Inc. and Central Airlines, Inc., or either and in what manner; and

6. Whether Ozark or Central violated the Board's Principles of Practice in this proceeding and if so, (a) do such violations disqualify the applicant from receiving an award herein or (b) if not of a disqualifying character, do such violations reflect adversely upon such applicant from a comparative standpoint.

The economic phase of the hearing, i.e., the issues 1 through 5 set forth above, will be heard commencing on May 9. The enforcement phase of the proceeding, i.e., the issues raised in paragraph 6 above, will commence immediately following the close of the economic phase.

For further details of the issues involved in this proceeding interested persons are referred to the applications and any amendments thereto, petitions, motions, and orders entered in the docket of this proceeding, all of which are on file with the Civil Aeronautics Board.

Notice is further given that any person other than parties of record desiring to be heard in this proceeding should file with the Board, on or before May 9, 1961, a statement setting forth the issues of fact or law to be presented.

Dated at Washington, D.C., April 19, 1961.

[SEAL] MERRITT RUHLEN,
Hearing Examiner.

[F.R. Doc. 61-3741; Filed, Apr. 24, 1961; 8:51 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

INSTITUTIONS OF HIGHER EDUCATION

Cut-Off Date for Filing Applications for Capital Contributions

As previously indicated in letter-circular dated March 1, 1961, to the concerned colleges and universities, April 30, 1961, is the date on or before which all applications for Federal Capital Contributions from States' allotments or reallotments under Title II of the National Defense Education Act of 1958 (Pub. Law 85-864, as amended, 72 Stat. 1583, 20 U.S.C. 421) must be filed by institutions of higher education in order to be considered for payments from the appropriation for such purpose in the Department of Health, Education, and Welfare Appropriation Act, 1962.

All applications shall be submitted to: Student Loan Section, Division of Higher Education, Office of Education, Department of Health, Education, and Welfare, Washington 25, D.C.

Applications received by mail will be considered filed as of the date of postmark.

Forms for application may be obtained from the above address.

Dated: April 11, 1961.

[SEAL] STERLING M. MCMURRIN,
U.S. Commissioner of Education.

Approved: April 18, 1961.

ABRAHAM RIBICOFF,
Secretary of Health, Education, and Welfare

[F.R. Doc. 61-3719; Filed, Apr. 24, 1961; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13989, 13990; FCC 61M-684]

BAR NONE, INC., AND INDEPENDENT BROADCASTING CORP.

Order Continuing Hearing

In re applications of Bar None, Inc., Dishman, Washington, Docket No. 13989, File No. BP-12909; Independent Broadcasting Corporation, Spokane, Washington, Docket No. 13990 File No. BP-13243; for construction permits.

Pursuant to the agreements reached at the prehearing conference on April 14, 1961, the evidentiary hearing in this proceeding is continued from May 15, 1961, to a date to be announced at the conclusion of the further prehearing conference which will be called within ten days after the Commission has acted on the presently pending petition to enlarge issues.

It is so ordered, This the 14th day of April 1961.

Released: April 18, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-3733; Filed, Apr. 24, 1961; 8:51 a.m.]

[Docket Nos. 10833-10835; FCC 61M-698]

CITY OF JACKSONVILLE, FLA., ET AL.

Order Scheduling Prehearing Conference

In re applications of City of Jacksonville, Jacksonville, Florida, Docket No. 10833, File No. BPCT-749; Florida-Georgia Television Company, Inc., Jacksonville, Florida, Docket No. 10834, File No. BPCT-1624; Jacksonville Broadcasting Corp., Jacksonville, Florida, Docket No. 10835, File No. BPCT-1625; for construction permits for new television stations (Channel 12).

It is ordered, This 19th day of April 1961, that a prehearing conference in the above-entitled proceeding will be held in the Offices of the Commission, Washington, D.C., commencing at 9:00 a.m., Wednesday, April 26, 1961.

Released: April 19, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-3734; Filed, Apr. 24, 1961; 8:51 a.m.]

[Docket No. 13855; FCC 61M-689]

MANDAN RADIO ASSN.

Order Continuing Hearing

In the matter of revocation of license of Mandan Radio Association, for Standard Broadcast, Station KBOM, Bismarck-Mandan, North Dakota, Docket No. 13855.

As a result of agreements reached on the record of a prehearing conference held on April 14, 1961, in the above-entitled matter: *It is ordered,* This 17th day of April, 1961, that the hearing heretofore scheduled for April 26, 1961, in Bismarck, North Dakota, is hereby rescheduled to commence at 10:00 a.m., July 17, 1961, in Bismarck, North Dakota.

Released: April 18, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-3735; Filed, Apr. 24, 1961; 8:51 a.m.]

[Docket Nos. 13848, 13849; FCC 61M-683]

MARTIN THEATRES OF GEORGIA, INC. (WTVM) AND COLUMBUS BROADCASTING CO., INC. (WRBL-TV)

Order Continuing Hearing

In re applications of Martin Theatres of Georgia, Inc. (WTVM), Columbus, Georgia, Docket No. 13848, File No. BMPCT-5490; Columbus Broadcasting Company, Inc. (WRBL-TV), Columbus, Georgia, Docket No. 13849, File No. BMPCT-5491; for modification of construction permits.

The Hearing Examiner has under consideration a petition filed April 12, 1961, on behalf of the Chief, Broadcast Bureau requesting that the time for filing a response to the presently pending petition of both applicants for leave to amend be continued from April 12, 1961, to April 19, 1961, and that the evidentiary hearing in this proceeding presently scheduled to begin on April 19, 1961, be continued to April 26, 1961.

The reason for the requested continuance is the fact that Bureau counsel assigned to this case is presently absent from Washington on official business and cannot file a response to the petition for leave to amend on or before the date due, to wit, April 12, 1961.

Counsel for all parties who have filed appearances in this proceeding have agreed to the requested continuances and to waive the requirements of § 1.43 of the Commission's rules so as to permit immediate consideration of the instant petition.

Good cause for the requested continuances has been shown and the requests will be granted.

At the start of the evidentiary hearing which will commence on April 26, 1961, the Examiner will hear oral argument in support of or in opposition to the presently pending petition for leave to amend.

It is ordered, This the 14th day of April 1961, that the petition of Broadcast Bureau for extension of time is granted and the time for filing responsive pleadings to the presently pending petition to amend is continued from April 12, 1961, to April 19, 1961, and the date for the start of the evidentiary hearing is continued from April 19, 1961, to April 26, 1961.

Released: April 18, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-3736; Filed, Apr. 24, 1961; 8:51 a.m.]

[Docket No. 13609; FCC 61M-688]

MARIETTA BROADCASTING, INC.

Order Scheduling Prehearing Conference

In the matter of modification of license of Marietta Broadcasting, Inc., KERO-TV, Channel 10 Bakersfield, California, Docket No. 13609.

It is ordered, This 17th day of April 1961, That the prehearing conference in the above-entitled proceeding heretofore scheduled for April 6, 1961, but continued without date by order of the Chief Hearing Examiner released April 4, 1961 (FCC 61M-583), is hereby rescheduled for 10:00 a.m., Wednesday, April 26, 1961, at the Commission's offices, Washington, D.C.

Released: April 18, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-3737; Filed, Apr. 24, 1961; 8:51 a.m.]

[Docket Nos. 13991, 13992; FCC 61M-692]

BEN S. McGLASHAN (KGFJ) AND SUN STATE BROADCASTING SYSTEM, INC.

Order Re Procedural Dates

In re applications of Ben S. McGlashan (KGFJ) Los Angeles, California, Docket No. 13991, File No. BP-13123; Sun State Broadcasting System, Inc., San Fernando, California, Docket No. 13992, File No. BP-14056; for construction permits.

It is ordered, This 18th day of April 1961, that the prehearing conference heretofore scheduled for April 12, 1961, in the above-entitled proceeding, which was continued to a new date to be specified by the Hearing Examiner by order of the Chief Hearing Examiner released April 11, 1961 (FCC 61M-627), is hereby rescheduled for Wednesday, May 10, 1961, at 10:00 a.m., at the Commission's Offices, Washington, D.C.;

It is ordered further, On the Examiner's own motion, that the hearing which is scheduled to commence on May 10, 1961, is hereby continued to a date to be determined at the prehearing conference hereby rescheduled.

Released: April 18, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-3738; Filed, Apr. 24, 1961; 8:51 a.m.]

[Docket Nos. 13916, 13917; FCC 61M-695]

MARSHALL ROSENE AND COURT HOUSE BROADCASTING CO. (WCHI)

Order Following Pre-Hearing Conference

In re applications of Marshall Rosene, Celina, Ohio, Docket No. 13916, File No. BP-13305; The Court House Broadcasting Co. (WCHI), Chillicothe, Ohio, Docket No. 13917, File No. BP-14047; for construction permits.

Pursuant to agreement reached at a pre-hearing conference in the above-entitled proceeding held on April 18, 1961: *It is ordered,* This 18th day of April 1961, that the hearing scheduled for May 2, 1961, is vacated, and the fol-

lowing calendar of events will govern the future course of this proceeding:

May 2, 1961, Exchange of exhibits.
May 16, 1961, Freeze date.
May 22, 1961, Hearing date.

Released: April 19, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-3739; Filed, Apr. 24, 1961; 8:51 a.m.]

[Docket No. 14014; FCC 61M-697]

SUNSHINE STATE BROADCASTING CO., INC. (WBRD)

Order for Prehearing Conference

In re application of Sunshine State Broadcasting Company, Inc. (WBRD), Bradenton, Florida Docket No. 14014, File No. BP-13440; for construction permit.

A prehearing conference in the above-entitled proceeding will be held on Friday, April 28, 1961, beginning at 9:30 a.m. in the offices of the Commission, Washington, D.C. This conference is called pursuant to the provisions of § 1.111 of the Commission's rules and the matters to be considered are those specified in that section of the rules.

The applicant should be prepared to discuss compliance with the local notice requirements of § 1.362 of the Commission's rules, as amended, effective December 12, 1960.

It is so ordered, This the 18th day of April 1961.

Released: April 19, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-3740; Filed, Apr. 24, 1961; 8:51 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 20, 1961.

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. 37068: *Soda ash—Eastern points to Carolina and Tennessee points.* Filed by Traffic Executive Association-Eastern Railroads, Agent (ER No. 2574), for interested rail carriers. Rates on soda ash, in bulk, in carloads, from specified points in Michigan, New York, and Ohio, to specified points in North Carolina, South Carolina, and Tennessee.

Grounds for relief: Market competition with Saltville, Va.

Tariffs: Supplements 195 and 43 to Traffic Executive Association-Eastern Railroads tariffs I.C.C. A-1079 (Boin series) and C-102, respectively.

FSA No. 37069: *Pig iron from Keokuk, Iowa, and Jackson, Ohio.* Filed by Traffic Executive Association-Eastern Railroads, Agent (CTR No. 2461), for interested rail carriers. Rates on pig iron, in carloads, from Keokuk, Iowa, and Jackson, Ohio, to Cleveland, Ohio, Buffalo, Harriet, and North Tonawanda, N.Y.

Grounds for relief: Water competition as to Keokuk and market competition as to Jackson.

Tariffs: Supplement 15 to Western Trunk Line Committee tariff I.C.C. A-4300 and Supplement 7 to The Baltimore and Ohio Railroad Company's tariff I.C.C. 24503.

FSA No. 37070: *Liquefied petroleum gas from Albuquerque and Bernalillo, N. Mex.* Filed by Southwestern Freight Bureau, Agent (No. B-8006), for interested rail carriers. Rates on liquefied petroleum gas, in tank-car loads, from Albuquerque and Bernalillo, N. Mex., to points in official and southern territories.

Grounds for relief: Market competition and grouping.

Tariffs: Supplements 97 and 259 to Southwestern Freight Bureau tariffs I.C.C. 4334 and 4150, respectively.

FSA No. 37071: *Caustic soda from Geismar, La., Calvert, Ky., and Memphis, Tenn.* Filed by O. W. South, Jr., Agent (SFA No. A4087), for interested rail carriers. Rates on sodium (soda), liquid, caustic, in tank-car loads, from Geismar, La., Calvert, Ky., and Memphis, Tenn., to Catawba and Rock Hill, S.C.

Grounds for relief: Market competition.

Tariffs: Supplements 47 and 47 to Southern Freight Association tariffs I.C.C. S-89 and S-116, respectively.

FSA No. 37072: *Substituted service—CRI&P for Buckingham Express, Inc., et al.* Filed by Middlewest Motor Freight Bureau, Agent (No. 308), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between Chicago (Burr Oak), Ill., and Kansas City (Armourdale), Kans., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 4 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 353.

FSA No. 37073: *Substituted service—KCS for Arkansas-Best Freight System, Inc.* Filed by Middlewest Motor Freight Bureau, Agent (No. 309), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between Kansas City, Mo., and Shreveport, La., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 4 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 353.

FSA No. 37074: *Substituted service—Wab. for Bruce Motor Freight, Inc., et al.* Filed by Middlewest Motor Freight Bureau, Agent (No. 311), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between St. Louis, Mo., and Des Moines, Iowa, in connection with Bruce, and between St. Louis, Mo., and Omaha, Nebr., in connection with Merchants, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 4 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 353.

FSA No. 37075: *Substituted service—C&NW and Wab. for Bruce Motor Freight, Inc.* Filed by Middlewest Motor Freight Bureau, Agent (No. 312), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between St. Louis, Mo., and Minneapolis, Minn., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 4 to Middlewest Motor Freight Bureau tariff MF-I.C.C 353.

FSA No. 37076: *Substituted service—CGW for Bruce Motor Freight, Inc., et al.* Filed by Middlewest Motor Freight Bureau, Agent (No. 313), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between Chicago, Ill., and Kansas City, Mo., on the one hand, and Des Moines, Iowa, on the other, in connection with Bruce, and between Chicago, Ill., and St. Joseph, Mo., in connection with Transamerican, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 4 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 353.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-3722; Filed, Apr. 24, 1961; 8:49 a.m.]

[Notice 483]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 20, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition

will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 63556. By order of April 17, 1961, the Transfer Board approved the transfer to Heavy Duty Haulers, Inc., Columbia, S.C., of a portion of Certificate No. MC 50350, issued May 20, 1937, to Homer Jones, doing business as Homer Jones Transfer Company, Columbus, Ga., authorizing the transportation of: General commodities, excluding household goods and other specified commodities, between points in Alabama and Georgia within 10 miles of Columbus, Ga. Allan Watkins, 214 Grant Building, Atlanta 3, Ga., attorney for applicants.

No. MC–FC 63813. By order of April 17, 1961, the Transfer Board approved the transfer to Sandy Valley Explosive Company, Inc., Allen, Ky., of Permit No. MC 64371, issued July 31, 1947, to William Andrew Malone, Allen, Ky., authorizing the transportation of: Explosives and blasting supplies, between Allen, Ky., and points within 10 miles of Allen, and points in Mingo, Wayne, and Lincoln Counties, W. Va., between Nemours, W. Va., and points within 10 miles of Nemours, on the one hand, and, on the other, points in that part of Kentucky on and east of U.S. Highways 25 and 25 W, and between Huntington, W. Va., and points within 10 miles of Huntington, on the one hand, and, on the other, points in Floyd, Letcher, Martin, Johnson, and Pike Counties, Ky. Chas. T. Dodrill, 600 Fifth Avenue, Huntington, W. Va., attorney for applicants.

No. MC–FC 63928. By order of April 17, 1961, the Transfer Board approved the transfer to Charles Molinelli, Inc., Vineland, N.J., of Certificate No. MC 32453, issued February 28, 1949, to Charles Molinelli, Vineland, N.J., authorizing the transportation, over irregular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, from Philadelphia, Pa., to points in Cumberland County, N.J., Agricultural commodities, from points in 8 specified counties in New Jersey, to points in Delaware, Maryland, New York, Pennsylvania, and the District of Columbia, canned goods, from Landisville, N.J., to New York, N.Y., and Philadelphia, Pa., and from East Vineland, N.J., to Landisville, N.J., and empty baskets, from Baltimore, Md., and New York, N.Y., to Minotola, N.J., and fertilizer materials, from Philadelphia, Pa., to Carteret and Elizabethport, N.J. Stanley S. Brotman, 15 South Sixth Street, Vineland, N.J., Counsellor for applicants.

No. MC–FC 63973. By order of April 17, 1961, the Transfer Board approved the transfer to N & K Cartage Company, a Corporation, Muskegon, Mich., of a portion of Certificate No. MC 85934 Sub 12, issued October 12, 1960, to Michigan Transportation Company, a Corporation, Dearborn, Mich., authorizing the transportation of cement, over irregular routes, from St. Joseph, Mich., to points in Illinois, Indiana, and Ohio; and damaged cement and empty cement sacks, from points in Illinois, Indiana, and Ohio to St. Joseph, Mich. Walter N. Bieneman, 2150 Guardian Building, Detroit 26, Mich., attorney for applicants.

No. MC–FC 63993. By order of April 17, 1961, the Transfer Board approved the transfer to Joseph DiMella, doing business as Daystar Van Co., Brooklyn, N.Y., of Certificate No. MC 80625, issued January 8, 1951, to Edward A. Blomquist, Brooklyn, N.Y., authorizing the transportation of household goods, over irregular routes, between New York, N.Y., on the one hand, and, on the other, points in New York, New Jersey, and Connecticut. Morris Honig, 150 Broadway, New York 38, N.Y., attorney for applicants.

No. MC–FC 64004. By order of April 17, 1961, the Transfer Board approved the transfer to Fusco Trucking Co., Inc., New York, N.Y., of Certificate in No. MC 61332, issued July 28, 1937, to Gerald Spence, Philadelphia, Pa., authorizing the transportation of: furniture and rugs, between Philadelphia, Pa., on the one hand, and, on the other, New York, N.Y., Baltimore, Md., Atlantic City and Wildwood, N.J., and points in New Jersey within 15 miles of Camden, N.J., points in New Castle County, Del., and those in Pennsylvania within 25 miles of City Hall, Philadelphia, Pa. Morris J. Winokur, Suite 1920, Two Penn Center Plaza, Philadelphia 2, Pa., attorney for applicants.

No. MC–FC 64017. By order of April 17, 1961, the Transfer Board approved the transfer to G & L Tractor Service, Inc., Fort Morgan, Colo., of Certificate No. MC 114589, issued January 19, 1956, to Art Keseling, and acquired by J. T. Robinson, in MC–FC 62276, authorizing the transportation of oilfield machinery, equipment, materials and supplies, over irregular routes, between points in Colorado within 75 miles of Sterling, Colo., including Sterling. Doyle T. Johns, Jr., 230 Main Street, P.O. Box 580, Fort Morgan, Colorado, attorney for applicants.

No. MC–FC 64019. By order of April 19, 1961, the Transfer Board approved the transfer to Brighton-Ft. Lupton Transportation Co., a corporation, Brighton, Colo., of Certificate No. MC 58342 sub 2, issued September 21, 1955, to Fred Rein, Jr., doing business as Rein Transportation Company, Denver, Colo., and acquired by Donald L. Mikelson, Brighton, Colo., pursuant to MC–FC 62165, then acquired by Brighton-Ft. Lupton Transfer, Inc., pursuant to MC–FC 63061 by order of October 27, 1960, and assigned No. MC 120286 Sub 1, authorizing the transportation of: General commodities, excluding household goods, as defined by the Commission, commodities in bulk, and other specified commodities over regular routes, between Denver, Colo., and Roggen, Colo., Henderson, Colo., Prospect Valley, Colo., serving all intermediate points and specified off-route points. E. B. Evans, 718 Symes Building, Denver, Colo., attorney for applicants.

No. MC–FC 64028. By order of April 17, 1961, the Transfer Board approved the transfer to Anderson Brothers Corporation, Grants, N. Mex., of Certificate in No. MC 120312 Sub 2, issued October 3, 1960, to Anderson Development Corporation, Albuquerque, N. Mex., authorizing the transportation of: Salt, in bulk, in dump trucks, from Reid, N. Mex., to the site of Kermac Nuclear Fuels, Corporation Mill, at or near Ambrosia Lake, McKinley County, N. Mex. R. Russell Rager, 515 Central Avenue, NE., Albuquerque, N. Mex., attorney for applicants.

No. MC–FC 64065. By order of April 17, 1961, the Transfer Board approved the transfer to Blue Bird Coach Lines, Inc., Olean, N.Y., of Certificate in No. MC 108531, issued March 31, 1948, to Joe Magnano, doing business as Blue Bird Coach Lines, Olean, N.Y., authorizing the transportation of: Passengers and their baggage in round-trip charter operations, over irregular routes, beginning and ending at Olean, N.Y., and points within 35 miles thereof, except Bradford, Pa., and points in Pennsylvania within 15 miles of Bradford and extending to points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, District of Columbia, West Virginia, Ohio, Indiana, Illinois, and Kentucky. William C. Arrison, Bank of Jamestown Building, Jamestown, N.Y., attorney for applicants.

No. MC–FC 64080. By order of April 17, 1961, the Transfer Board approved the transfer to Malb'ro Furniture Delivery Corp., Long Island City, N.Y., of Certificate No. MC 119773, issued October 25, 1960, to Straub Furniture Delivery Co., Inc., authorizing the transportation, over irregular routes, of new furniture, uncrated, as defined, by and lamps and lamp shades (restricted to retail delivery service), from New York, N.Y., to points in New Jersey within 50 miles of New York, N.Y. Morris Honig, 150 Broadway, New York 38, N.Y., attorney for applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 61–3723; Filed, Apr. 24, 1961; 8:49 a.m.]

TARIFF COMMISSION

[AA 1921—20]

RAYON STAPLE FIBER FROM CUBA

Notice of Investigation

Having received advice from the Treasury Department on April 17, 1961 that rayon staple fiber from Cuba is being, or is likely to be, sold in the United States at less than fair value, the United States Tariff Commission has instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

No hearing in connection with this investigation has been ordered. If a hearing is ordered, due notice of the time and place will be given. In this connection, interested parties are referred to § 208.4 of the Commission's rules of practice and procedure (19 CFR 208.4) which provides that interested parties may

within 15 days after the date of publication of this notice in the FEDERAL REGISTER request that a public hearing be held, stating reasons for the request.

Any interested party may submit to the Commission a writen statement of information pertinent to the subject matter of this investigation. Fifteen clear copies of such statement should be submitted. Information which an interested party desires to submit in confidence should be submitted on separate pages, each clearly marked "Submitted in Confidence". Written statements must be filed not later than May 22, 1961.

Issued: April 20, 1961.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 61-3728; Filed, Apr. 24, 1961; 8:50 a.m.]

[AA1921—21]

RAYON STAPLE FIBER FROM WEST GERMANY

Notice of Investigation

Having received advice from the Treasury Department on April 17, 1961 that rayon staple fiber from West Germany, except as to importations of "Cuprama" rayon staple fiber manufactured by Earbenfabriken Bayer, is being, or is likely to be, sold in the United States at less than fair value, the United States Tariff Commission has instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

No hearing in connection with this investigation has been ordered. If a hearing is ordered, due notice of the time and place will be given. In this connection, interested parties are referred to § 208.4 of the Commission's rules of practice and procedure (19 CFR 208.4) which provides that interested parties may within 15 days after the date of publication of this notice in the FEDERAL REGISTER request that a public hearing be held, stating reasons for the request.

Any interested party may submit to the Commission a written statement of information pertinent to the subject matter of this investigation. Fifteen clear copies of such statement should be submitted. Information which an interested party desires to submit in confidence should be submitted on separate pages each clearly marked "Submitted in Confidence". Written statements must be filed not later than May 22, 1961.

Issued: April 20, 1961.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 61-3729; Filed, Apr. 24, 1961; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24D-2450]

AGRICULTURAL RESEARCH DEVELOPMENT, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

APRIL 19, 1961.

I. Agricultural Research Development, Inc. (issuer), a Colorado corporation, Wiggins, Colorado, filed with the Commission on May 23, 1960, a notification on Form 1-A and an offering circular relating to an offering of 120,000 shares of its 5 cents par value common stock at $2.50 per share for an aggregate amount of $300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof, and Regulation A promulgated thereunder, and

II. The Commission has reasonable cause to believe that:

A. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made in the light of the circumstances under which they were made not misleading, particularly with respect to:

1. The failure to disclose the activities of a principal stockholder and officer in connection with the distribution of the subject's securities and the benefits derived therefrom by such persons.

2. The failure to disclose adequately proposed payments to be made to the issuer's officers and directors from moneys received from the public offering.

B. The issuer filed a report on Form 2-A containing false statements.

C. The offering was made in violation of section 17(a) of the Securities Act of 1933, as amended.

III. *It is ordered,* Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

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

[F.R. Doc. 61-3712; Filed, Apr. 24, 1961; 8:48 a.m.]

CUMULATIVE CODIFICATION GUIDE—APRIL

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