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FEDERAL REGISTER

VOLUME 26 NUMBER 115

Washington, Friday, June 16, 1961

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3417

IMMIGRATION QUOTA

By the President of the United States of America

A Proclamation

WHEREAS under the provisions of section 202(a) of the Immigration and Nationality Act, each independent country, self-governing dominion, mandated territory, and territory under the international trusteeship system of the United Nations, other than independent countries of North, Central, and South America, is entitled to be treated as a separate quota area when approved by the Secretary of State; and

WHEREAS under the provisions of section 201(b) of the Immigration and Nationality Act, the Secretary of State, the Secretary of Commerce, and the Attorney General, jointly, are required to determine the annual quota of any quota area established pursuant to the provisions of section 201(a) of the said Act, and to report to the President the quota of each quota area so determined; and

WHEREAS under the provisions of section 202(e) of the said Act, the Secretary of State, the Secretary of Commerce, and the Attorney General, jointly, are required to revise the quotas, whenever necessary, to provide for any political changes requiring a change in the list of quota areas; and

WHEREAS, the former British Colony and Protectorate of Sierra Leone became independent on April 27, 1961; and

WHEREAS the Secretary of State, the Secretary of Commerce, and the Attorney General have jointly determined and reported to me the immigration quota hereinafter set forth:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, acting under and by virtue of the authority vested in me by the aforesaid Act of Congress, do hereby proclaim and make known that the annual quota of the quota area hereinafter designated has been determined in accordance with the law to be, and shall be, as follows:

Quota area	*Quota*
Sierra Leone	100

The establishment of an immigration quota for any quota area is solely for the purpose of compliance with the pertinent provisions of the Immigration and Nationality Act and is not to be considered as having any significance extraneous to such purpose.

Proclamation No. 3298 of June 3, 1959, entitled "Immigration Quotas," is amended by the addition of the immigration quota established by this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twelfth day of June in the year of our Lord nineteen hundred and [SEAL] sixty-one and of the Independence of the United States of America the one hundred and eighty-fifth.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 61-5611; Filed, June 14, 1961; 1:23 p.m.]

Proclamation 3418

DISPLAY OF THE FLAG AT THE UNITED STATES MARINE CORPS MEMORIAL IN ARLINGTON, VIRGINIA

By the President of the United States of America

A Proclamation

WHEREAS the joint resolution of Congress of June 22, 1942, entitled "Joint Resolution To Codify and Emphasize Existing Rules and Customs Pertaining to the Display and Use of the Flag of the United States of America," as amended by the joint resolution of December 22, 1942, 56 Stat. 1074, contains the following provisions:

"SEC. 2. (a) It is the universal custom to display the flag only from sunrise to sunset on buildings and on stationary flagstaffs in the open. However, the flag may be displayed at night upon special occasions when it is desired to produce a patriotic effect.

* * * * *

"SEC. 8. Any rule or custom pertaining to the display of the flag of the United States of America, set forth herein, may be altered, modified, or repealed, or additional rules with respect thereto may be prescribed, by the Commander in Chief of the Army and Navy of the United States, whenever he deems it to be appropriate or desirable; and any such alteration or additional rule shall be set forth in a proclamation."; and

WHEREAS the battle between the United States forces and the forces of the Japanese for possession of the island of Iwo Jima, in the North Pacific, was one of the most significant and most costly battles of World War II; and

WHEREAS victory in that battle was achieved by our forces after a heroic and prolonged struggle; and

WHEREAS the raising of the American flag during that battle over Mt. Suribachi on February 23, 1945, symbolizes the courage and valor of the American fighting forces in World War II; and

WHEREAS the United States Marine Corps Memorial in Arlington, Virginia, portrays the actual raising of the American flag on Mt. Suribachi:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby proclaim that the flag of the United States of America shall hereafter be displayed at the United States Marine Corps Memorial in Arlington, Virginia, at all times during the day and night, except when the weather is inclement.

The rules and customs pertaining to the display of the flag as set forth in the joint resolution of June 22, 1942, are hereby modified accordingly.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twelfth day of June in the year of our Lord nineteen hundred and [SEAL] sixty-one, and of the Independence of the United States of America the one hundred and eighty-fifth.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 61-5612; Filed, June 14, 1961; 1:23 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter II—Agricultural Marketing Service (School Lunch Program), Department of Agriculture

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

Appendix—Second Apportionment of Food Assistance Funds Pursuant to National School Lunch Act, as Amended, Fiscal Year 1961

The funds available for purposes of the National School Lunch Act (42 U.S.C. 1751–1760) for food assistance for the fiscal year ending June 30, 1961, are reapportioned as follows in order to effect a further apportionment of supplemental funds pursuant to section 4 of the Act.

State	Total	State agency	Withheld for private schools
Alabama	$2,649,232	$2,564,691	$84,541
Alaska	90,627	90,627	
Arizona	708,344	643,180	65,164
Arkansas	1,583,293	1,549,275	34,018
California	5,519,038	5,519,038	
Colorado	835,682	759,552	76,130
Connecticut	782,029	782,029	
Delaware	138,633	129,064	9,569
District of Columbia	213,840	213,840	
Florida	2,383,717	2,246,189	137,528
Georgia	2,867,567	2,867,567	
Guam	33,211	22,065	11,146
Hawaii	378,478	310,950	67,528
Idaho	429,249	411,548	17,701
Illinois	3,848,426	3,848,426	
Indiana	2,320,970	2,320,970	
Iowa	1,480,339	1,297,523	182,816
Kansas	1,040,466	1,040,466	
Kentucky	2,410,192	2,410,192	
Louisiana	2,231,749	2,231,749	
Maine	548,474	464,721	83,753
Maryland	1,301,112	1,135,726	165,386
Massachusetts	1,883,981	1,883,981	
Michigan	3,846,296	3,274,085	572,211
Minnesota	1,785,631	1,483,837	301,794
Mississippi	2,401,155	2,401,155	
Missouri	1,921,241	1,921,241	
Montana	371,589	330,762	40,827
Nebraska	740,170	636,783	103,387
Nevada	107,787	101,565	6,222
New Hampshire	294,387	294,387	
New Jersey	2,121,887	1,653,087	468,800
New Mexico	562,967	562,967	
New York	5,641,036	5,641,036	
North Carolina	3,617,590	3,617,590	
North Dakota	408,137	363,191	44,946
Ohio	4,317,228	3,649,285	667,943
Oklahoma	1,309,228	1,309,228	
Oregon	877,714	877,714	
Pennsylvania	4,937,306	3,896,336	1,040,970
Puerto Rico	3,245,229	3,245,229	
Rhode Island	394,731	394,731	
South Carolina	2,356,757	2,320,863	35,894
South Dakota	437,316	437,316	
Tennessee	2,574,420	2,488,964	85,456
Texas	5,560,478	5,232,377	328,101
Utah	574,946	564,191	10,755
Vermont	217,584	217,584	
Virginia	2,457,114	2,334,564	122,550
Virgin Islands	39,494	39,494	
Washington	1,298,043	1,205,972	92,071
West Virginia	1,443,292	1,401,163	42,129
Wisconsin	2,043,044	1,567,979	475,065
Wyoming	163,858	163,858	
Total	93,746,304	88,371,903	5,374,401

(Secs. 2–11, 60 Stat. 230–233, as amended; 42 U.S.C. 1751–1760)

Dated: June 13, 1961.

ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 61–5580; Filed, June 15, 1961; 8:49 a.m.]

Chapter III—Agricultural Research Service, Department of Agriculture

PART 319—FOREIGN QUARANTINE NOTICES

Subpart—Nursery Stock, Plants, and Seeds

IMPORTATION OF CERTAIN PLANTS

On April 12, 1961, there was published in the FEDERAL REGISTER (26 F.R. 3112), a notice of rule making relating to the proposed amendment of §§ 319.37–2 and 319.37–4 of the regulations relating to the importation of nursery stock, plants, and seeds (7 CFR 319.37–2, 319.37–4). After due consideration of all relevant matters presented, and under the authority of sections 1, 5, and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 154, 159, 162), §§ 319.37–2 and 319.37–4 are hereby amended to read, respectively, as follows:

§ 319.37–2 Restricted plant material enterable without individual permits.

Restricted plant material (except Aglaonema, and seeds of Vicia spp. and Lens spp.) which is imported for food, analytical, medicinal, or manufacturing purposes, and seed specified in § 319.37–4(a) may be entered without further permit other than the authorization contained in this section but subject to the conditions and requirements outlined in §§ 319.37–7, 319.37–8, 319.37–9, 319.37–11, 319.37–15, 319.37–16, 319.37–17, and 319.37–20: *Provided,* That the inspector may waive the inspection provided for in § 319.37–8 for any shipment when in his judgment such inspection is unnecessary.

§ 319.37–4 Seeds.

(a) *Seeds importable without individual permits.* Seeds of field crops, vegetables, and annual, biennial, and perennial flowers which are essentially herbaceous in character, except seeds of Lathyrus spp., Lens spp., okra (Hibiscus esculentus), and Vicia spp., may be imported into the United States without further permit other than the authorization contained in this paragraph but subject to the conditions and requirements of § 319.37–2.

(b) *Seeds importable under permit.* All seeds (including seeds of Lens spp. from other than South American countries, and seeds of Lathyrus spp., okra (Hibiscus esculentus) and Vicia spp.) not under paragraph (a) of this section, not prohibited entry in § 319.37 or any other quarantine, and not restricted in any other quarantine, and which are free from pulp of a character which will support living larvae of fruit flies or other injurious insects, other than stored-product insects of general distribution, may be imported into the United States with a permit. Such seeds may be imported subject to the requirements of § 319.37–7 through § 319.37–17, and § 319.37–20, through ports that have special inspection facilities and are named in the permit issued for the seeds. In the case of seeds of such fruits as are approved for importation without treatment under the provisions of §§ 319.56, 319.56–1 et seq., the requirements as to freedom from pulp shall not apply when such seeds are imported, under the requirements of this section, for propagation.

(Secs. 1, 5, and 9, 37 Stat. 315, 316, 318, as amended; 7 U.S.C. 154, 159, 162)

These amendments shall become effective July 17, 1961.

These amendments authorize, with certain exceptions, the importation into the United States, under permit and through any port named in the permit, of seeds of all species of Vicia, Lathyrus, and Lens, upon compliance with designated safeguards.

Vetch seed (Vicia spp.) and Lathyrus spp. seed have been under plant quarantine import permit requirements since August 1, 1936. Shortly after these requirements were imposed the importation of vetch seed in commercial quantities at Pacific Coast ports was prohibited in order to conform Federal import requirements to State regulations governing the domestic movement of the seed. At ports other than those on the Pacific Coast, vetch seed was allowed entry after methyl bromide fumigation. Similar treatment was required for Lathyrus spp. seed, which was allowed entry at all ports, including Pacific Coast ports, that had special inspection facilities.

In addition to vetch seed, seed of another species of Vicia (broadbeans, Vicia faba), frequently imported for food purposes, had likewise been refused entry in commercial quantities at Pacific Coast ports. Such seed was enterable at other ports after methyl bromide fumigation, with a few conditional exemptions from the fumigation requirements. These amendments extend the permissive entry requirements heretofore limited to broadbean seed imported at non-Pacific Coast ports to seed of all species of Vicia and Lathyrus imported at any port named in the permit issued for the seed and to seed of Lens spp. from countries other than those in South America.

Lens spp. seed from all South American countries will continue in a prohibited status under § 319.37(b) because of a form of the rust disease, Uromyces fabae, that exists in certain areas of South America. It has been determined that seed of Vicia spp., Lathyrus spp., and Lens spp. can be safely admitted under the stated provisions.

The original State regulations on which the above-mentioned 1936 action was based have been relaxed.

Done at Washington, D.C., this 13th day of June 1961.

[SEAL] B. T. SHAW,
Administrator,
Agricultural Research Service.

[F.R. Doc. 61–5581; Filed, June 15, 1961; 8:49 a.m.]

PART 319—FOREIGN QUARANTINE NOTICES

Subpart—Nursery Stock, Plants, and Seeds

ADMINISTRATIVE INSTRUCTIONS EXEMPTING CERTAIN RESTRICTED ARTICLES FROM SOME OF REQUIREMENTS OF NURSERY STOCK, PLANT, AND SEED QUARANTINE REGULATIONS

On April 12, 1961, there was published in the FEDERAL REGISTER (26 F.R. 3112), a notice of rule making relating to the proposed amendment of administrative instructions designated as 7 CFR 319.37–2a, supplementary to § 319.37–2 of the regulations relating to the importation of nursery stock, plants, and seeds (7 CFR 319.37–2). After due consideration of all relevant matters presented, and pursuant to the first proviso of Nursery Stock, Plant and Seed Quarantine No. 37 (7 CFR 319.37(a)), under the authority of sections 1, 5, and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 154, 159, 162), administrative instructions designated as § 319.37–2a are hereby amended to read as follows:

§ 319.37–2a Administrative instructions exempting certain restricted articles from some of the requirements of the nursery stock, plant, and seed quarantine regulations.

The following articles are hereby exempted from the requirements of the regulations specified in paragraphs (a) to (d) of this section:

(a) Restricted plant material (except Aglaonema, and seeds of Vicia spp. and Lens spp.) for food, analytical, medicinal, or manufacturing purposes, enterable under § 319.37–2, is hereby exempted from the notice of arrival requirements of § 319.37–11.

(b) All seeds of field crops, vegetables, and annual, biennial and perennial flowers which are essentially herbaceous in character (except seeds of Lathyrus spp., Lens spp., okra (Hibiscus esculentus), and Vicia spp.), enterable under § 319.37–4, are hereby exempted from the notice of arrival requirements of § 319.37–11 when the inspector at any port shall find and shall so inform the importers concerned that equivalent information is obtainable from ships' manifests or other sources and that the notice of arrival requirements are being waived.

(c) All grains and cereals from Canada which are restricted plant material enterable under § 319.37–2 are hereby exempted from the provisions of §§ 319.37–7, 319.37–8, 319.37–9, 319.37–11, 319.37–15, and 319.37–16, relating respectively to costs and charges, inspection, treatment, notice of arrival, freedom from soil, and approved packing materials.

(d) All seeds of Lathyrus spp., Lens spp., and Vicia spp., enterable under § 319.37–4, are hereby exempted from the treatment requirements of § 319.37–9 under the following conditions:

(1) Seeds of Lathyrus spp. and Vicia spp. are exempted from the treatment requirements of § 319.37–9 when they (i) are certified by the Canada Department of Agriculture as of Canadian origin, or (ii) are shipments from Canada of non-Canadian origin but are certified by the Canada Department of Agriculture as having been fumigated, or (iii) are uncertified shipments from Canada, or are from any other country in North, Central, or South America, or islands adjacent thereto, whether certified or uncertified, and examination of the seeds by an inspector shows them to be free from injurious plant pests other than stored products insects of general distribution.

(2) Seeds of Lens spp. are exempted from the treatment requirements of § 319.37–9 when they (i) are certified by the Canada Department of Agriculture as of Canadian origin; or (ii) are shipments from Canada of non-Canadian origin (except those from South American countries) but are certified by the Canada Department of Agriculture as having been fumigated; or (iii) are uncertified shipments from Canada; or are from any other country in North or Central America, or islands adjacent thereto, whether certified or uncertified; and examination of the seeds by an inspector shows them to be free from injurious plant pests other than stored products insects of general distribution.

(Secs. 1, 5, and 9, 37 Stat. 315, 316, 318, as amended; 7 U.S.C. 154, 159, 162)

This revision shall become effective July 17, 1961.

The purpose of this revision of these administrative instructions is to include "seeds of Vicia spp. and Lens spp." in the parenthetical exception in paragraph (a), and to add the scientific name of okra in paragraph (b).

Done at Washington, D.C., this 5th day of June, 1961.

[SEAL] E. P. REAGAN,
Director,
Plant Quarantine Division.

[F.R. Doc. 61-5582; Filed, June 15, 1961; 8:49 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Treasury Department

Effective upon publication in the FEDERAL REGISTER, subparagraph (15) is added to paragraph (a) of § 6.303 as set out below.

§ 6.303 Treasury Department.

(a) *Office of the Secretary.* * * *

(15) One Public Affairs Specialist.

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

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

[F.R. Doc. 61–5586; Filed, June 15, 1961; 8:49 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 14,667]

PART 545—OPERATIONS

Bonus Plans

Correction

In F.R. Doc. 61–5359, appearing at page 5173 of the issue for Friday, June 9, 1961, the following corrections are made:

1. In § 545.3(a)(4)(ii), the phrase "of this paragraph" should read "of this paragraph (a)".

2. In § 545.3(c), a line should be inserted in the first sentence, so that that part of the sentence from the fifth comma to the end of the sentence reads as follows: "but after such date shall not make any bonus agreement and, except such bonus as may be distributed under bonus agreements outstanding at such date, shall not distribute any bonus other than a bonus as provided by this section."

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket Nos. 60–LA–36, 61–AN–2]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

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

PART 608—SPECIAL USE AIRSPACE

Revocation of Segments of Federal Airway, Associated Control Areas and Reporting Points; Alteration of Control Area Extension and Restricted Areas

On January 27, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 848) stating that the Federal Aviation Agency (FAA) proposed to revoke the segment of Amber Federal airway No. 2 between Daggett, Calif., and the United States/Canadian border, its associated control areas and reporting points, and to modify the Las Vegas, Nev., control area extension.

Although not mentioned in the notice, Restricted Areas R–2502 and R–2508 are bounded, in part, with reference to this segment of Amber 2. Action is taken herein to eliminate this reference in the descriptions of these restricted areas. Other editorial changes are also made in these restricted area descriptions. These changes do not involve the designation of additional airspace.

On March 3, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 1860) stating the FAA proposed to revoke the segment of Amber 2 between Bettles, Alaska, and Point Barrow, Alaska, and its associated control areas.

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 600.102 (14 CFR 600.102) is amended to read:

§ 600.102 Amber Federal airway No. 2 (Snag, Yukon Territory, Canada, to Bettles, Alaska).

From the Snag, Yukon Territory, RR via the Northway, Alaska, RR; Big Delta, Alaska, RR; INT of the NW course of the Big Delta RR and the E course of the Fairbanks, Alaska, RR; Fairbanks RR; to the Bettles, Alaska, RR, excluding the portion which lies outside of the United States. The portion of this airway which coincides with R–2207 shall be used only after obtaining prior approval from appropriate authority.

2. Section 601.102 (14 CFR 601.102) is amended to read:

§ 601.102 Amber Federal airway No. 2 control areas (Snag, Yukon Territory, Canada, to Bettles, Alaska).

All of Amber Federal airway No. 2.

3. Section 601.4102 (14 CFR 601.4102) is amended to read:

§ 601.4102 Amber Federal airway No. 2 (Snag, Yukon Terirtory, Canada, to Bettles, Alaska).

Big Delta, Alaska, RR; INT of the NW course of the Big Delta RR and the E course of the Fairbanks, Alaska, RR; Bettles, Alaska, RR.

4. Section 601.1455 (14 CFR 601.1455) is amended to read:

§ 601.1455 Control area extension (Las Vegas, Nev.).

The airspace NW of Las Vegas bounded by a line beginning at latitude 36°41'00" N., longitude 115°33'00" W.; to latitude 36°17'05" N., longitude 115°01'40" W.; to latitude 36°08'00" N., longitude 115°-13'25" W.; to latitude 36°04'50" N., longitude 115°17'20" W.; to latitude 36°-28'30" N., longitude 115°47'50" W.; clockwise along the arc of a 10-mile radius circle centered at latitude 36°-34'47" N., longitude 115°40'36" W., to the point of beginning. The portion of this control area extension which coincides with R–4806 shall be used only after obtaining prior approval from appropriate authority.

§ 608.25 [Amendment]

5. In § 608.25 (26 F.R. 874), the following changes are made:

a. R–2502 Camp Irwin, Calif., is amended to read:

R–2502 Camp Irwin, Calif.:

Boundaries. Beginning at latitude 35°-37'45" N., longitude 116°29'40" W.; to latitude 35°34'30" N., longitude 116°29'40" W.; to latitude 35°34'30" N., longitude 116°-23'30" W.; to latitude 35°28'35" N., longitude 116°18'45" W.; to latitude 35°18'45" N., longitude 116°18'45" W.; to latitude 35°-07'00" N., longitude 116°34'00" W.; to latitude 35°07'00" N., longitude 116°47'45" W.; to latitude 35°10'00" N., longitude 116°-49'00" W.; to latitude 35°19'00" N., longitude 116°49'00" W.; to latitude 35°19'00" N., longitude 116°55'20" W.; to latitude 35°-37'45" N., longitude 116°55'20" W.; to the point of beginning.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.

Using agency. Commanding General, Camp Irwin, Calif.

b. R–2508 Complex, Calif., is amended to read:

R–2508 Complex, Calif.:

Boundaries. Beginning at latitude 37°-12'00" N., longitude 117°20'00" W.; to latitude 35°34'00" N., longitude 116°23'00" W.; to latitude 35°28'35" N., longitude 116°18'-45" W.; to latitude 35°18'45" N., longitude 116°18'45" W.; to latitude 35°07'00" N., longitude 116°34'00" W.; to latitude 35°07'00" N., longitude 116°47'45" W.; to latitude 35°08'50" N., longitude 116°48'40" W.; to latitude 35°06'30" N., longitude 116°58'40" W.; to latitude 34°53'30" N., longitude 117°11'50" W.; to latitude 34°50'20" N., longitude 117°32'00" W.; to latitude 34°48'30" N., longitude 117°32'00" W.; to latitude 34°48'00" N., longitude 117°35'00" W.; to latitude 34°48'00" N., longitude 118°01'00" W.; to latitude 34°49'40" N., longitude 118°05'45" W.; to latitude 34°51'30" N., longitude 118°05'45" W.; to latitude 34°-56'00" N., longitude 118°21'00" W.; to latitude 35°15'00" N., longitude 118°35'00" W.; to latitude 37°12'00" N., longitude 118°-35' 00" W.; to the point of beginning.

Designated altitudes. 20,000 feet MSL to unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.

Using agency. Commander, Naval Ordnance Test Center, China Lake, Calif.

These amendments shall become effective 0001, e.s.t., August 24, 1961.

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

Issued in Washington, D.C., on June 12, 1961.

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

[F.R. Doc. 61–5559; Filed, June 15, 1961; 8:46 a.m.]

[Airspace Docket No. 61–FW–56]

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

Alteration of Control Zone and Control Area Extension

The purpose of these amendments to §§ 601.2031 and 601.1053 of the regulations of the Administrator is to alter the descriptions of the Houston, Tex., control zone and control area extension.

The Houston control zone and control area extension are described in part with reference to the Houston radio range. The Federal Aviation Agency is converting the Houston radio range to a nondirectional radio beacon. Therefore, action is taken herein to substitute the Houston radio beacon for the Houston radio range in the descriptions of the Houston control zone and control area extension.

Since these amendments impose no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

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

1. Section 601.1053 (14 CFR 601.1053) is amended to read:

§ 601.1053 Control area extension (Houston, Tex.).

The airspace bounded by a line beginning at latitude 30°22'00" N., longitude 94°03'00" W.; thence clockwise along the arc of a 25-mile radius circle centered on the Beaumont, Tex., RR to latitude 29°38'35" N., longitude 94°00'-00" W.; to latitude 29°37'30" N., longitude 94°00'00" W.; thence 3 nautical miles from and parallel to the shoreline to latitude 28°23'20" N., longitude 96°17'30" W.; thence clockwise along the arc of a 25-mile radius circle centered on the Palacios, Tex., RR to latitude 28°55'00" N., longitude 96°38'45" W.; to latitude 29°58'30" N., longitude 95°58'-30" W.; thence clockwise along the arc of a 50-mile radius circle centered on the Houston, Tex., RBN to latitude 30°20'-25" N., longitude 95°17'00" W.; to the point of beginning.

2. Section 601.2031 (25 F.R. 8052) is amended to read:

§ 601.2031 Houston, Tex., control zone.

Within a 5-mile radius of the Houstion International Airport (latitude 29°38'40" N., longitude 95°16'30" W.), within a 5-mile radius of Ellington Air Force Base (latitude 29°36'25" N., longitude 95°09'20" W.), within 2 miles either side of the 138° bearing of the Houston RBN extending from the Houston International Airport 5-mile radius zone to 12 miles SE of the RBN, and within 2 miles either side of the 043° bearing of the Pearland, Tex., RBN extending from the Ellington AFB 5-mile radius zone to the RBN.

These amendments shall become effective 0001, e.s.t., July 27, 1961.

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

Issued in Washington, D.C., on June 9, 1961.

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

[F.R. Doc. 61–5557; Filed, June 15, 1961; 8:45 a.m.]

[Airspace Docket Nos. 60–FW–95, 60–FW–110]

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

Designation of Control Zone and Transition Area

On January 13, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 260) stating that the Federal Aviation Agency (FAA) proposed to designate a control area extension at McAllen, Tex.

On January 19, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 487) stating that the FAA proposed to designate a control zone at McAllen, Tex.

The Aircraft Owners and Pilots Association (AOPA) stated that in view of the adoption of Civil Air Regulations Amendment 60–21, the AOPA would have no objection to the designation of the control area extension provided the floor is established at 1,200 feet. Regarding the designation of the control zone, the AOPA recommended that a fan marker be installed on each of the VOR radials serving the proposed control zone extensions to mark the point at which a final descent to a landing would start, thus eliminating the need for flight below 1,000 feet above the ground until final descent is started.

Since the publication of these notices, the FAA has published Civil Air Regulations Amendment 60–21 (26 F.R. 570), effective February 21, 1961, and Airspace Docket No. 61–WA–9 (26 F.R. 1908), effective March 4, 1961, which provide in part for the designation of transition areas, in lieu of control area extensions, to extend upward from 1,200 feet above the surface when designated in conjunction with an airport with a control zone. Therefore, the airspace proposed as the McAllen control area extension is designated herein as the McAllen, Tex., transition area with a floor of 1,200 feet. The installation of fan markers, as recommended by the AOPA to facilitate the instrument approach procedures, is not economically feasible at this time. However, instrument approach procedures have been developed which require aircraft to complete the procedure turn at 1,500 feet above the surface. This will permit a reduction in the length of the control zone extensions from 12 miles as proposed, to 7 miles. These changes are reflected in the action taken herein.

No other adverse comments were received regarding the proposed amendments.

Interested person 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 notices, Part 601 (14 CFR Part 601) is amended by adding the following sections:

§ 601.10002 McAllen, Tex. (Miller International Airport), transition area.

All that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 26°26′00″ N., on the E by longitude 98°00′00″ W., on the S by the United States/Mexican border, and on the W by longitude 98°30′00″ W.

§ 601.2387 McAllen, Tex., control zone.

Within a 5-mile radius of Miller International Airport (latitude 26°10′40″ N., longitude 98°14′25″ W.), within 2 miles either side of the 095° and 322° radials of the McAllen VOR extending from the 5-mile radius zone to 7 miles E and NW of the VOR, excluding the portion which lies outside of the United States.

These amendments shall become effective 0001, e.s.t., July 27, 1961.

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

Issued in Washington, D.C., on June 12, 1961.

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

[F.R. Doc. 61–5558; Filed, June 15, 1961; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8188 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Bernard M. Abrahams et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155–40 *Exaggerated as regular and customary;* § 13.155–45 *Fictitious marking;* § 13.155–70 *Percentage savings.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act;* § 13.1900 *Source or origin:* § 13.1900–40 Fur Products Labeling Act: § 13.199–40(b) Place.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Bernard M. Abrahams et al. trading as Abrahams Brothers, New York, N.Y., Docket 8188, Apr. 6, 1961]

In the Matter of Bernard M. Abrahams, Sherman Abrahams and Donald M. Abrahams Individually and as Copartners Trading as Abrahams Brothers

Consent order requiring New York City furriers to cease violating the Fur Products Labeling Act by advertising in newspapers which failed to disclose the names of animals producing certain furs or the country of origin of imported furs, represented prices of fur products as reduced from purported regular prices which were in fact fictitious, and, by use of such claims as "Save to 20 percent or more", that regular prices were reduced in that percentage when such was not true, and which failed in other respects to comply with requirements; and by failing to keep adequate records as a basis for pricing claims.

The order to cease and desist is as follows:

It is ordered, That Bernard M. Abrahams, Sherman Abrahams, and Donald M. Abrahams, individually and as copartners trading as Abrahams Brothers or under any other trade name, and Respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur products" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or the offering for sale of fur products and which:

A. Fails to disclose:

1. The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

2. The name of the country of origin of any imported furs contained in a fur product;

B. Fails to set forth the information required under section 5(a) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in type of equal size and conspicuousness and in close proximity with each other;

C. Represents directly or by implication that the regular or usual price of any fur product is any amount which is in excess of the price at which Respondents have usually and customarily sold such products in the recent regular course of business;

D. Represents directly or by implication through percentage savings claims that the regular or usual prices charged by Respondents for fur products in the recent regular course of business were reduced in direct proportion to the amount of savings stated when contrary to the fact;

2. Making pricing claims or representations respecting prices or values of fur products unless Respondents maintain full and adequate records disclosing the facts upon which such claims and representations are based.

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

It is ordered, That respondents Bernard M. Abrahams, Sherman Abrahams, and Donald M. Abrahams, individually and as copartners trading as Abrahams Brothers, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 6, 1961.

By the Commission.

[SEAL] JOHN N. WHEELOCK, *Acting Secretary.*

[F.R. Doc. 61-5562; Filed, June 15, 1961; 8:46 a.m.]

[Docket 8191 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Louis J. Bedell et al.

Subpart—Bribing customers' employees: § 13.315 *Employees of private concerns.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Louis J. Bedell et al. doing business as Era Records, Hollywood, Calif., Docket 8191, Apr. 6, 1961]

In the Matter of Louis J. Bedell, Max Newman and Herbert Newman, Individually, and Formerly Operating as Copartners, Trading and Doing Business as Era Records

Consent order requiring Hollywood manufacturers of phonograph records to cease giving concealed payola to disc jockeys and other personnel of radio and television stations to induce frequent playing of their records in order to increase sales.

The order to cease and desist is as follows:

It is ordered, That respondents Louis J. Bedell, Max Newman, and Herbert Newman, individually and formerly operating as copartners trading and doing business as Era Records, or under any other name, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with phonograph records which have been distributed in commerce, or which are used by radio or television stations in broadcasting programs in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Giving, or offering to give, without requiring public disclosure, any sum of money or other material consideration, to any person directly or indirectly, to induce that person to select, or participate in the selection of, and the broadcasting of, any such records in which respondents, or any of them, have a financial interest of any nature;

(2) Giving, or offering to give, without requiring public disclosure, any sum of money, or other material consideration, to any person, directly or indirectly, as an inducement to influence any employee of a radio or television broadcasting station, or any other person, in any manner, to select, or participate in the selection of, and the broadcasting of, any such records in which respondents, or any of them, have a financial interest of any nature.

There shall be "public disclosure" within the meaning of this order, by any employee of a radio or television broadcasting station, or any other person, who selects or participates in the selection and broadcasting of a record when he shall disclose, or cause to have disclosed, to the listening public at the time the record is played, that his selection and broadcasting of such record are in consideration for compensation of some nature, directly or indirectly received by him or his employer.

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

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

Issued: March 16, 1961.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 61-5563; Filed, June 15, 1961; 8:46 a.m.]

[Docket 8239 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Foam Rubber City, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods;* § 13.155 *Prices:* § 13.155–40 *Exaggerated as regular and customary;* § 13.155–100 *Usual as reduced, special, etc.* Subpart—Using misleading name—goods: § 13.2280 *Composition.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Foam Rubber City, Inc. (College Point, Long Island, N.Y.), et al., Docket 8239, Apr. 4, 1961]

In the Matter of Foam Rubber City, Inc., a Corporation, Foam Rubber City "2", Inc., a Corporation, Foam Rubber City National, Inc., a Corporation, Foam Rubber City of Chicago, Inc., a Corporation, "2" Foam Rubber City of Chicago, Inc., a Corporation, National Foam Rubber City of Chicago, Inc., a Corporation, and Victor Sabatino, Donald Lewis, Joseph Krauss, and Morton Klein, Individually and as Officers of Each of Said Corporations

Consent order requiring a furniture manufacturer at College Point, Long Island, N.Y., and its five subsidiaries—two at the Long Island location and three in Chicago—to cease such practices as representing falsely in newspaper advertising that the higher prices following the term "Reg." were the usual retail prices for their furniture and that the difference between the higher and lower prices represented savings to purchasers, and that the prices used in connection with such terms as "Chain Wide Clearance Sale", "Special Purchase Sale", "Annual Inventory Sale", and "Discount Sale", were reductions from customary retail prices; and to cease representing by use of the term "Foam Rubber City" that only foam rubber was used in the construction of their products, when in fact the cheaper and less desirable polyurethane (polyfoam) was used in a substantial part of them.

The order to cease and desist is as follows:

It is ordered, That respondents, Foam Rubber City, Inc., Foam Rubber City "2", Inc., Foam Rubber City National, Inc., Foam Rubber City of Chicago, Inc., "2" Foam Rubber City of Chicago, Inc., National Foam Rubber City of Chicago, Inc., corporations, and their officers, and Victor Sabatino, Donald Lewis, Joseph Krauss and Morton Klein, individually and as officers of all of said corporations, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of furniture or any other articles of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) That any amount is respondents' usual and customary retail price of respondents' merchandise when such amount is in excess of the price at which said merchandise is usually and customarily sold at retail by respondents and their franchise dealers in the recent, regular course of their business;

(b) That any saving from respondents' retail price is afforded to the purchasers of respondents' merchandise, unless the price at which it is offered constitutes a reduction from the price at which said merchandise has been usually and customarily sold by respondents and their franchise dealers in the recent, regular course of business.

2. Using the words or expressions "regular", "reg.", "clearance sale", "discount sale", "special purchase sale" or "sale", or any other word or expressions of the same import, to describe or refer to retail prices of respondents' merchandise unless such prices constitute reductions from the prices at which the advertised merchandise has been sold by respondents and their franchise dealers in the recent, regular course of business.

3. Misrepresenting in any manner the amount of savings available to purchasers of respondents' merchandise, or the amounts by which the prices of said merchandise are reduced from the prices at which said merchandise is usually and customarily sold at retail in the recent, regular course of business.

4. Misrepresenting the materials used in the construction of merchandise.

5. Furnishing means and instrumentalities to others by and through which they may mislead the public as to any of the matters and things prohibited in paragraphs 1, 2, 3, and 4 thereof.

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

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

Issued: March 16, 1961.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 61-5564; Filed, June 15, 1961; 8:47 a.m.]

[Docket 7996]

PART 13—PROHIBITED TRADE PRACTICES

Richard F. Jorn et al.

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

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, Richard F. Jorn et al. trading as Tessitalia, New York, N.Y., Docket 7996, Apr. 4, 1961]

In the Matter of Richard F. Jorn and Irving Rifkin, Individually and as Copartners Trading as Tessitalia

Order requiring New York City importers of fabrics from Italy to cease violating the Wool Products Labeling Act by labeling as "95% Rep. Wool, 5% Nylon", "40% Rep. Wool, 50% Spun Rayon, 10% Nylon", fabrics which contained substantially less woolen fibers than thus represented, and by failing to comply with labeling requirements in other respects.

The order to cease and desist is as follows:

It is ordered, That respondents Richard F. Jorn and Irving Rifkin, individually and as copartners trading as Tessitalia, or under any other name or names, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the offering for sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, and the Wool Products Labeling Act of 1939, of woolen fabrics or other "wool products", as such products are defined in and subject to said Wool Products Labeling Act, do forthwith cease and desist from misbranding such products by:

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

2. Failing to affix labels to wool products showing each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

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

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

Issued: April 4, 1961.

By the Commission.

[SEAL] JOHN N. WHEELOCK, *Acting Secretary.*

[F.R. Doc. 61-5565; Filed, June 15, 1961; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER E—ORGANIZED RESERVES

PART 562—RESERVE OFFICERS' TRAINING CORPS

Miscellaneous Amendments

1. In § 562.3, revise pragraph (aa) and add new paragraphs (hh), (ii), and (jj), as follows:

§ 562.3 Definitions.

* * * * *

(aa) *Professor of military science (PMS).* The academic title customarily conferred upon the senior commissioned Army officer assigned for duty with an Army ROTC unit and detailed as PMS by direction of the President of the United States.

* * * * *

(hh) *Regularly enrolled student.* A student who is enrolled in and attending full time a regular course of instruction at an educational institution. At class MC and CC institutions, the course of instruction must lead to a degree in a recognized academic field.

(ii) *Army ROTC property officer.* An active duty officer or warrant officer or Department of the Army civilian employee designated by the PMS to maintain accountability and prescribed records of supplies and equipment provided by the Government for use by the Army ROTC unit at educational institutions where the Army has assumed property accountability.

(jj) *Military property custodian.* The agent of an educational institution which maintains accountability and responsibility for Government property who is authorized to requisition, receive, store, issue, account for and otherwise perform such administrative functions as may be required in connection with the utilization of Government property furnished the institution by the Department of the Army and Department of the Air Force, or both, in connection with the conduct of ROTC training.

2. In § 562.5, revise section heading and paragraph (b)(1), as follows:

§ 562.5 Department of Military Science.

* * * * *

(b) *Military personnel.* (1) The PMS is the commander of the military personnel assigned to the ROTC unit. His primary responsibility is to insure that the ROTC program is administered at the institutions in accordance with Army regulations, training programs, and policies. As head of the Department of Military Science, he is also responsible to the institutional authorities for the conduct of the program in accordance with institutional rules, regulations, and customs. He will advise institutional authorities of the provisions of law and regulations affecting the conduct of the ROTC program. In coordination with the head of the institution the PMS will draft the rules and orders relating to the administration, control, and training of the ROTC unit including appointment, promotion, and reduction of cadet officers. The PMS is responsible for the maintenance of good relations with the authorities, faculty, and student body of the institution and represents the Department of the Army locally in all matters relating to ROTC. At institutions where the Army is responsible for accountability of the Government property provided for the ROTC programs, the PMS will designate an Army officer or warrant officer assigned to duty at the institution, or a Department of the Army civilian employee as Army ROTC property officer.

3. In § 562.9d, revise the introductory portion and paragraphs (a) and (b), as follows:

§ 562.9d Military training certificate.

A military training certificate will be given to the student to indicate the portion of ROTC training he successfully completes including completion of the entire military schools division course of instruction together with 2 years of college work or to indicate his designation as a distinguished military student or distinguished military graduate. Upon issuance of a certificate, the form number, title, and date of issuance will be recorded on DA Form 131 (ROTC Student's Record). The following certificates are issued:

(a) DA Form 136 (Military Training Certificate—Reserve Officers' Training Corps) will be presented to each student upon the completion of the military schools division course of instruction and the 2 years of college academic work at a class MJC institution. Presentation will be made with as much ceremony as the PMS and the head of the institution deem appropriate. The PMS will complete one copy of the form, have the head of the institution add his signature, and forward it to major command headquarters for signature of a general officer. After the form has been signed by the officer, it will be returned to the PMS. This certificate will entitle the graduate to:

(1) Appointment as a commissioned officer in the Army Reserve upon successful completion of the academic re-

quirements for a baccalaureate degree provided he is otherwise qualified. The academic requirements for a baccalaureate degree must be completed within 2 successive years following the date of certificate for a degree normally requiring 4 years of undergraduate study, or within 3 successive years following date of certificate for a degree normally requiring 5 years of undergraduate study. Under justifiable circumstances the major commander may grant a waiver of this time requirement. When waiver is granted, the major commander will not authorize an additional period in excess of 2 years.

(2) Enter an officer candidate school under the conditions described for such personnel.

(b) DA Form 134 (Military Training Certificate—Reserve Officers' Training Corps) will be completed in single copy and presented to each student who successively completes all or part of the junior division, military schools division (when DA Form 136 is not presented), or senior division. The training must be terminated under honorable conditions and for reasons other than academic failure. This form may be of value to the individual in applying for enlistment as a noncommissioned officer in the Army Reserve. When DA Form 134 is issued to a student who completes the advanced course under the provisions of § 562.25, the PMS will explain to him that the form does not in itself entitle him to a commission. When the student is appointed upon completion of the advanced course, the form may be omitted. DA Form 134 will not be used in lieu of DA Form 131 when the student transfers to another ROTC unit.

4. Revise subdivisions (vii), (viii), and (ix) and add subdivision (xiii) to § 562.13(a)(4), as follows:

§ 562.13 Establishment of Senior Division ROTC Units.

* * * * *

(a) *Requirements for establishment.* * * *

(4) * * *

(vii) To appoint or designate a civilian member of the staff or faculty of the school as military property custodian who will be employed to requisition, receive, stock, and account for Government property issued to the school and otherwise transact matters pertaining thereto for the school. (This proviso is applicable only to institutions which maintain accounting responsibility for Government property provided for the ROTC program.)

(viii) To conform to the regulations of the Secretary of the Army relating to issue, care, use, safekeeping, turn-in, and accounting for such Government property as may be issued to the institution. (This proviso is applicable only to institutions which maintain accounting responsibility for Government property provided for the ROTC program.)

(ix) To furnish adequate bond or other indemnity (in no case less than $5,000) to insure the protection of Government property issued to the institution. (This proviso is applicable only to institutions which maintain accounting responsibility for Government property provided for the ROTC program.)

* * * * *

(xiii) To provide without expense to the Army, adequate storage and issue facilities for all Government property provided for the ROTC program. Adequate facilities will consist of safe, well lighted, dry, heated, ventilated areas, provided with office space, shelving, bins, clothing racks, and cabinets, as required, and suitable storage space for arms and ammunition. All windows will be securely barred or provided with heavy mesh screen and doors will be reinforced and fitted with cylinder locks. Such facilities will be separate and apart from those occupied by any other department of the institution or other Government agency. Determination as to adequacy, safety and satisfactory nature of such storage and issue facilities will be at the discretion of the major commander. (This proviso is applicable to institutions which have transferred accounting responsibility for Government property provided for ROTC training to the Army, the transfer of such responsibility having been agreed to by the institution by executing DA Form 918a (Supplement to Agreement for Establishment of Army Reserve Officers' Training Corps Unit). (Initial distribution of this form will be made immediately upon receipt from printer direct to major commanders for distribution to PMS's of senior division institutions. If additional supplies are needed, they may be requisitioned from The Adjutant General, Attn: AGPB–O.))

5. In § 562.16, revoke subdivision (i) in paragraph (b)(4), and revise paragraph (d), as follows:

§ 562.16 Maintenance of required standards.

* * * * *

(b) * * *

(4) Upon receipt of report from PMS, the major commander:

(i) [Revoked]

* * * * *

(d) A unit placed on probation will remain in probationary status for one academic year. When Headquarters, Department of the Army, determines that a Senior Division unit will be placed in probationary status, action will be taken as follows:

(1) Headquarters, Department of the Army, will notify the head of the institution of the probationary status of the unit. Notification will also be made to the Commanding General, United States Continental Army Command, the major commander, and the PMS.

(2) The Commanding General, United States Continental Army Command, or the major oversea command is responsible for insuring that a mid-academic year evaluation of each unit in probationary status is conducted in order to evaluate conditions and prospects of the unit. This evaluation will serve as a basis for determining future action concerning the unit and will be conducted during January of the academic year the unit is in probationary status. A report, Results of Mid-Academic-year Evaluation (Reports Control Symbol CSRES–59), of the findings, including appropriate recommendations, will be prepared in letter form and dispatched by the Commanding General, United States Continental Army Command, or the major oversea commander to reach The Adjutant General, Attn: AGPB–O, by February 10. Disruption of academic functions will be kept at a minimum while conducting the evaluation. The evaluation will include the following:

(i) Overall analysis of reasons why the unit is on probation.

(ii) Analysis of quantitative production to include estimated production for current and subsequent years.

(iii) Analysis of the qualitative production to include graduates from officer orientation courses to date of evaluation.

(iv) Any other pertinent factors.

(3) Headquarters, Department of the Army, will take the following action upon receipt of report required by subparagraph (2) of this paragraph:

(i) Notify the head of each institution with a unit in probationary status by 1 March as to whether the unit will:

(*a*) Be removed from probationary status at the end of the academic year.

(*b*) Remain in probationary status for the next academic year.

(*c*) Be withdrawn at the end of the next academic year.

(ii) Notify the Commanding General, United States Continental Army Command, the major commander, and PMS of final determination (subdivision (i) of this subparagraph).

(iii) Direct any additional action which may be required.

[C8, AR 145–5, Apr. 20, 1960; C9, AR 145–5, Feb. 27, 1961; C4, AR 145–350, Feb. 27, 1961] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 4381–4387, 70A Stat. 246–248; 10 U.S.C. 4381–4387)

BRUCE EASLEY,
Major General, U.S. Army,
Acting The Adjutant General.

[F.R. Doc. 61–5553; Filed, June 15, 1961; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[No. 10122]

PART 139—STANDARD TIME ZONE BOUNDARIES

Boundary Line Between Eastern and Central Zones

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 6th day of June A.D. 1961.

It appearing that by order issued with the original report in this proceeding dated October 24, 1918 (51 I.C.C. 273; 49 CFR Part 139), the Commission defined the limits of the United States Standard Time Zones as authorized by the act of Congress entitled "An Act to save daylight and to provide standard

time for the United States" (The Standard Time Act), approved March 19, 1918 (40 Stat. 450, as amended, 15 U.S.C. 261–265); and has modified or redefined said limits by numerous subsequent orders issued from time to time in this proceeding;

It further appearing that upon petitions filed by the City of Louisville, Ky., and numerous other cities and civic organizations in middle Kentucky and by the Chamber of Commerce of Nashville, Tenn., and the Chamber of Commerce of Clark County, Ind., for a modification of the outstanding orders entered herein, the proceeding was reopened for further hearing; and that subsequently upon petition of the City of Indianapolis, Ind., and other Indiana interests for a further modification of the outstanding orders, the pending reopening of this proceeding was broadened to embrace the additional modifications requested;

And it further appearing that notices of proposed modification of the outstanding orders was given in 24 F.R. 4635 and 25 F.R. 2549, pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 237; 5 U.S.C. 1003), proposing to extend the United States Standard Eastern Time Zone to embrace eastern and central Indiana, middle Kentucky, and middle Tennessee, now embraced in the United States Standard Central Time Zone; that hearings have been held in each of the three States and a full investigation of the matters and things involved has been made; and that the said Division 3, on the date hereof, has made and issued its thirty-fifth supplemental report in the above-entitled proceeding, containing its findings of fact and conclusions thereon, which said thirty-fifth supplemental report is hereby referred to and made a part hereof:

It is ordered, That said order of October 24, 1918, as restated and amended by numerous orders subsequently entered (issued with the reports listed in the footnote hereto [1]), and the corresponding sections of the Code of Federal Regulations (49 CFR Part 139), are hereby amended as indicated in the said thirty-fifth supplemental report.

It is further ordered, That the changes and additions required hereby shall become effective at 2 o'clock ante meridian, central standard time, July 23, 1961.

It is further ordered, That the petition of the Chamber of Commerce of Nashville, Tenn., and all other pending petitions in this proceeding, be, and they are hereby, denied, except to the extent herein granted.

[1] 21st supplemental report, 218 I.C.C. 221, August 14, 1936; 22d supplemental report, 218 I.C.C. 434, September 23, 1936; 24th supplemental report, 246 I.C.C. 721, 6 F.R. 5346, October 21, 1941; 25th supplemental report, 248 I.C.C. 15, 6 F.R. 5731, November 11, 1941; 26th supplemental report, 255 I.C.C. 129, 8 F.R. 1983, February 13, 1943; 27th supplemental report, 269 I.C.C. 57, 12 F.R. 5891, September 4, 1947; 29th supplemental report, 272 I.C.C. 479, 13 F.R. 5572, September 24, 1948; and 34th supplemental report, 309 I.C.C. 780, 25 F.R. 1986, March 8, 1960.

And it is further ordered, That notice of this order be given to the public by depositing a copy thereof, together with a copy of the said thirty-fifth supplemental report, in the office of the Secretary of the Commission at Washington, D.C., and by filing copies with the Director, Office of the Federal Register.

(40 Stat. 450–451, as amended, 15 U.S.C. 261–265)

By the Commission, Division 3.

[SEAL] HAROLD D. McCOY, *Secretary.*

Section 139.3 *Boundary line between eastern and central zones,* amended as follows:

Paragraphs (a), (b), (c), and (g) amended to read as follows:

(a) *Michigan.* Beginning on the boundary line between the United States and Canada at the point south of Drummond Island where the said boundary line turns in a northeasterly direction through False Detour Channel; thence westerly up Lake Huron through the middle of South Channel and the Straits of Mackinac to and along the north shore of the northernmost island in Charlevoix County; thence southwesterly to and along the west shore of Gull Island; thence by direct line to the western boundary of the State of Michigan at a point in the middle of Lake Michigan opposite the main channel of Green Bay; thence southerly along the western boundary of the State of Michigan to its junction with the southern boundary thereof and the northern boundary of the State of Indiana.

(b) *Indiana.* From the juncture of the western boundary of the State of Michigan with the northern boundary of the State of Indiana eastwardly along said northern boundary to the west line of Elkhart County; thence southerly along the west lines of Elkhart, Kosciusko, Wabash, and Madison Counties to the north line of Hamilton County; thence westerly along the north lines of Hamilton and Boone Counties to the northwest corner of Boone County; thence southerly along the west lines of Boone, Hendricks, and Morgan Counties to the southwest corner of Morgan County; thence easterly along the south lines of Morgan, Johnson, and Shelby Counties to the west line of Decatur County; thence southerly along the west line of Decatur County to the north line of Jennings County; thence westerly and southerly along the north and west lines of Jennings County and the west lines of Scott and Clark Counties to the north line of Floyd County; thence westerly along the north lines of Floyd and Harrison Counties and southerly along the west line of Harrison County to the Ohio River and the southern boundary of the State; in each case including the various off-sets in the named county lines.

(c) *Kentucky.* From the juncture of the west line of Harrison County, Ind., with the Ohio River in a generally southwesterly direction down that river to the northwest corner of Meade County; thence southeasterly and southwesterly along the west lines of Meade and Hardin Counties to the southwest corner of Hardin County; thence along the south lines of Hardin and Larue Counties to the northwest corner of Taylor County; thence southeasterly along the west (southwest) line of Taylor County and northeasterly along the east (southeast) line of that county to the west line of Casey County; and thence along the west or south lines of Casey, Pulaski, and McCreary Counties to the southern boundary of the State.

* * * * *

(g) *Operating exceptions*—(1) *Lines east of boundary excepted from eastern zone.* Those portions of the lines of railroad, below named, located east of the zone boundary above described, shall for operating purposes only, be excepted from the United States standard eastern time zone and included within the United States standard central time zone, viz:

Railroad	From—	To—
Atlanta & West Point.[1]	Georgia-Alabama State line (west of West Point, Ga.).	Western limits of Atlanta, Ga.
Baltimore & Ohio.	West line of Elkhart County, Ind. (west of Nappanee, Ind.).	West yard limits of Garrett, Ind.
Do	West line of Hendricks County, Ind. (west of North Salem, Ind.).	West yard limits of Indianapolis, Ind.
Do	West line of Jennings County, Ind. (west of Hayden, Ind.).	West yard limits of North Vernon, Ind.
Chicago, Milwaukee, St. Paul & Pacific.	West line of Decatur County, Ind. (west of Alert, Ind.).	Westport, Ind.
Grand Trunk Western.[1]	Michigan-Indiana State line (north of Granger, Ind.).	Battle Creek, Mich.
Illinois Central	North line of Brown County, Ind. (north of Fruitdale, Ind.).	South yard limits of Indianapolis, Ind.
Do	West line of Hardin County, Ind. (west of Summit, Ky.).	Hodgenville, Ky., and south yard limits of Louisville, Ky.
Louisville & Nashville	West line of Meade County, Ky. (west of Guston, Ky.).	Strawberry, Ky.
Do	South line of Hardin County, Ky. (south of Dombey, Ky.).	Lebanon Junction, Ky.
Do.[1]	West line of Hamilton County, Tenn. (west of Hooker, Ga.).	Western limits of Chattanooga, Tenn.
Do.[1]	Apalachicola River.	River Junction, Fla.
Monon	North line of Boone County, Ind. (northwest of Terhune, Ind.).	North yard limits of Indianapolis, Ind.
Do	West line of Clark County, Ind. (west of Borden, Ind.).	North yard limits of New Albany, Ind.

See footnotes at end of table.

Railroad	From—	To—
New York Central.[1]	Michigan-Indiana State line (south of Grand Beach, Mich.).	Niles, Mich.
Do.[2]	Michigan-Indiana State line (south of Bertrand, Mich.).	Benton Harbor and Baroda, Mich.
Do	West line of Elkhart County, Ind. (west of Elkhart, Ind.) Two lines.	West yard limits of Elkhart, Ind.
Do	North line of Boone County, Ind. (southeast of Colfax, Ind.).	North yard limits of Indianapolis, Ind.
Do	West line of Boone County, Ind. (east of New Ross, Ind.).	West yard limits of Indianapolis, Ind.
Do	West line of Hendricks County, Ind. (west of Reno, Ind.).	Do.
New York, Chicago & St. Louis.	West line of Kosciusco County, Ind. (west of Mentone, Ind.).	West yard limits of Fort Wayne, Ind.
Do	North line of Hamilton County, Ind. (north of Atlanta, Ind.).	North yard limits of Indianapolis, Ind.
Pennsylvania	West line of Kosciusco County, Ind. (west of Etna Green, Ind.).	West yard limits of Fort Wayne, Ind.
Do	West line of Wabash County, Ind. (southwest of Roann, Ind.).	Auburn, Ind.
Do	North line of Boone County, Ind. (south of Reagan, Ind.).	Ben Davis, Ind.
Do	West line of Hendricks County, Ind. (west of Coatesville, Ind.).	West yard limits of Indianapolis, Ind.
Do	West line of Morgan County, Ind. (west of Whitaker, Ind.).	Do.
Southern	West line of Harrison County, Ind. (east of Milltown, Ind.).	Junction with Baltimore & Ohio near Vincennes Street, New Albany, Ind.
Tennessee Central.[1]	North line of Roane County, Tenn. (west of Rockwood, Tenn.).	Emory Gap, Tenn.
Wabash	West line of Elkhart County, Ind. (west of Wakarusa, Ind.).	Toledo, Ohio.
Do	West line of Wabash County, Ind. (west of Richvalley, Ind.).	Toledo, Ohio, and Oakwood Junction, Mich.

[1] Existing exception continued.
[2] Consolidation of 2 existing exceptions, as modified to reflect intervening changes.

(2) *Lines west of boundary included in eastern zone.* Those portions of the lines of railroad, below named, located west of the zone boundary line above described, shall, for operating purposes only, be included within the United States standard eastern time zone, viz:

Railroad	From—	To—
Apalachicola Northern.[1]	Apalachicola, Fla., and Apalachicola River.	Port St. Joe, Fla.
Atlanta, Birmingham & Coast.[1]	Georgia-Alabama State line (near Evansville, Ga.).	Birmingham, Ala.
Atlantic Coast Line.[1]	Georgia-Alabama State line (west of Saffold, Ga.).	Abbeville, Elba, Luverne, and Montgomery, Ala.
Central of Georgia.[1]	Georgia-Alabama State line (west of Hilton, Ga.).	Dothan, Ala.
Chesapeake & Ohio.[1]	Michigan-Indiana State line (south of New Buffalo, Mich.).	Porter, Ind.
Do.[1]	do	La Crosse, Ind.
Do	West line of Grant County, Ind. (east of Converse, Ind.).	Hammond, Ind.
Erie	West line of Wabash County, Ind. (east of Disko, Ind.).	Do.
Louisville & Nashville.	West line of Taylor County, Ky. (east of Whitewood, Ky.).	Greenberg, Ky.
New York Central.	West line of Decatur County, Ind. (west of Burney, Ind.).	Columbus, Ind.
New York, Chicago & St. Louis.	West line of Grant County, Ind. (west of Sims, Ind.).	East yard limits of Frankfort, Ind.
Do	West line of Madison County, Ind. (west of Elwood, Ind.).	Do.
Pennsylvania	West line of Grant County, Ind. (east of Converse, Ind.).	Logansport, Ind.
Do	West line of Madison County, Ind. (northwest of Elwood, Ind.).	Anoka, Ind.
Do	South line of Johnson County, Ind. (south of Edinburg, Ind.).	North line of Scott County, Ind. (north of Austin, Ind.).
Do	South line of Shelby County, Ind. (south of Flat Rock, Ind.).	Columbus, Ind.
Do	West line of Jennings County, Ind. (southeast of Elizabethtown, Ind.).	Do.
Seaboard Air Line.[1]	Georgia-Alabama State line (west of Esom, Ga.).	Jacksonville and Birmingham, Ala.
Do.[1]	Georgia-Alabama State line (west of Omaha, Ga.).	Montgomery, Ala.
Southern [1]	Georgia-Alabama State line (west of Early, Ga.).	Attalla, Ala.
Tennessee, Alabama & Georgia.[1]	Georgia-Alabama State line (southwest of Menlo, Ga.).	Gadsden, Ala.

[1] Existing exception continued.

[F.R. Doc. 61-5520; Filed, June 15, 1961; 8:45 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter X—Oil Import Administration, Department of the Interior

[Oil Import Reg. 1 (Revision 2), Amdt. 7]

ALLOCATIONS

1. Section 10 of Oil Import Regulation 1 (Revision 2) (25 F.R. 13768) is amended to read as follows:

Sec. 10. Allocations of crude oil and unfinished oils—Districts I–IV.

(a) The quantity of imports of crude oil and unfinished oils determined to be available for allocation in Districts I–IV for the allocation period July 1, 1961 through December 31, 1961 shall be allocated by the Administrator among eligible applicants as provided in paragraphs (b) and (c) of this section.

(b) Except as provided in paragraph (c) of this section, each eligible applicant shall receive an allocation based on refinery inputs for the year ending March 31, 1961, and computed according to the following schedule:

Average B/D input:	*Percent of input*
0–10,000	11.1
10–20,000	10.2
20–30,000	9.3
30–60,000	8.3
60–100,000	7.4
100–150,000	6.5
150–200,000	5.5
200–300,000	4.5
300,000 plus	3.7

(c) If an eligible applicant has been importing crude oil pursuant to an allocation under the Voluntary Oil Import Program and if an allocation computed under paragraph (b) of this section would be less than 70 percent of the applicant's last allocation of imports of crude oil under the Voluntary Oil Import Program, the applicant shall nevertheless receive an allocation under this section equal to 70 percent of his last allocation of imports of crude oil under the Voluntary Oil Import Program.

(d) No allocation made pursuant to this section shall entitle a person to a license which will allow the importation of unfinished oils in excess of 10 percent of the allocation.

(e) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

2. Section 11 of Oil Import Regulation 1 (Revision 2) (25 F.R. 13768) is amended to read as follows:

Sec. 11. Allocations of crude oil and unfinished oils—District V.

(a) The quantity of imports of crude oil determined to be available for allocation in District V for the allocation period July 1, 1961, through December 31, 1961, shall be allocated by the Administrator among eligible applicants as provided in paragraphs (b) and (c) of this section.

(b) Except as provided in paragraph (c) of this section, each eligible applicant shall receive an allocation based

on refinery inputs for the year ending March 31, 1961, and computed according to the following schedule:

Average B/D input:	Percent of input
0–10,000	42.1
10–20,000	32.9
20–30,000	23.8
30–60,000	14.1
60–100,000	11.3
100–150,000	10.3
150–200,000	9.3
200,000 plus	7.4

(c) If an eligible applicant has been importing crude oil pursuant to an allocation under the Voluntary Oil Import Program and if an allocation computed under paragraph (b) of this section would be less than 70.3 percent of the applicant's last allocation of imports of crude oil under the Voluntary Oil Import Program, the applicant shall nevertheless receive an allocation under this section equal to 70.3 percent of his last allocation of imports of crude oil under the Voluntary Oil Import Program.

(d) Allocations made pursuant to this section shall not permit the importation of unfinished oils in excess of 10 percent of the permissible imports of crude oil. With respect to any allocation made pursuant to this section, the Administrator upon request shall issue a license permitting the importation of unfinished oils in an amount not in excess of 10 percent of the allocation. If the total quantity of unfinished oils applied for is less than 10 percent of the permissible imports of crude oils, the Administrator may to that extent increase the percentage amount of unfinished oils specified in licenses of persons who request such increases. Each person making such a request shall receive an increase in the proportion that his allocation bears to the total of allocations made to all persons requesting increases. Each barrel of unfinished oil imported shall be deemed to be the equivalent of one barrel of crude oil and will be so charged against the person's license by the respective Collectors of Customs.

The permissible percentage of imports of unfinished oils and the equivalence of unfinished oils to crude oil may be changed during the allocation period, if necessary to prevent impairing accomplishment of the purposes of the program. Such a change will be made only after notice of proposed rule making and will not become effective until the 30th calendar day following publication in the FEDERAL REGISTER of the amendment making such change.

(e) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

3. Section 12 paragraph (a) (2) of Oil Import Regulation 1 (Revision 2) (26 F.R. 2121) is amended to read as follows:

Sec. 12. Allocations of residual fuel to be used as fuel in District I.

(a) * * *

(2) For the allocation period April 1, 1962, through March 31, 1963, an applicant who during the calendar year 1957 imported into District I residual fuel oil to be used as fuel shall be entitled to an allocation on the basis provided by subparagraph (1) of this paragraph except that the percentage of the ratio mentioned in subparagraph (1) shall be reduced by three percentage points.

4. Section 15 of Oil Import Regulation 1 (Revision 2) (25 F.R. 13768) is amended to read as follows:

Sec. 15. Allocation of crude oil and unfinished oils—Puerto Rico.

(a) For the allocation period July 1, 1961, through December 31, 1961, the Administrator shall allocate to each eligible applicant for an allocation for Puerto Rico quantities of imports of crude oil and unfinished oils in proportion to the applicant's average barrels daily of refinery input (adjusted by the Administrator for downtime) in Puerto Rico during the months of July, August, and September of the year 1958.

(b) In the event that the maximum levels of imports of crude oil and unfinished oils are increased or decreased pursuant to paragraph (b) of section 14, the Administrator shall increase or decrease individual allocations in the proportion that each allocation bears to the total allocations of crude oil and unfinished oils.

(c) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

5. Section 16 of Oil Import Regulation 1 (Revision 2) (25 F.R. 13768) is amended to read as follows:

Sec. 16. Allocations of finished products—Puerto Rico.

(a) For the allocation period July 1, 1961, through December 31, 1961, the Administrator shall allocate to each eligible applicant for an allocation for Puerto Rico a quantity of imports of finished products equal to the applicant's average barrels daily of imports of such products during the last 6 months of the calendar year 1958. Separate allocations shall be made for imports of residual fuel oil to be used as fuel and of imports of finished products other than residual fuel oil to be used as fuel.

(b) In the event that the maximum level of imports of residual fuel oil to be used as fuel or of finished products other than residual fuel oil to be used as fuel is increased or decreased pursuant to paragraph (b) of section 14, the Administrator shall increase or decrease individual allocations in the proportion that each allocation bears to the total allocations of residual fuel oil to be used as fuel or of finished products other than residual fuel oil to be used as fuel, respectively.

(c) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

The amendment to section 12 makes no change with respect to the allocation period April 1, 1962, through March 31, 1963, and it is designed merely to clarify that provision of the regulations. Therefore, it appears unnecessary to give notice of proposed rule making or to delay the effective date of the amendment to this section. Because allocations must be made and licenses issued for the allocation period beginning July 1, 1961, it is impracticable to give notice of proposed rule making on, or to delay the effective date of, the amendments to sections 10, 11, 15, and 16. Accordingly, all amendments shall become effective immediately.

STEWART L. UDALL,
Secretary of the Interior.

JUNE 12, 1961.

[F.R. Doc. 61–5571; Filed, June 15, 1961; 8:48 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Lemon Bay, Fla.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.245 is hereby amended revoking paragraph (i) (4) governing the operation of the Florida State Road Department bridge across Lemon Bay near Englewood, Florida, effective on publication in the FEDERAL REGISTER since the bridge has been reconstructed as a fixed structure, as follows:

§ 203.245 Navigable water discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(i) *Waterways discharging into Gulf of Mexico east of Mississippi River.* * * *

(4) [Revoked.]

[Regs., May 31, 1961, 285/91 (Lemon Bay, Fla.)—ENGCW–ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

BRUCE EASLEY,
Major General, U.S. Army,
Acting The Adjutant General.

[F.R. Doc. 61–5554; Filed, June 15, 1961; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

CROW INDIAN IRRIGATION PROJECT, MONTANA

Operation and Maintenance Charges

Basis and purpose. Notice is hereby given that pursuant to the authority contained in the Acts of Congress approved August 1, 1914 (38 Stat. 583), May 18, 1916 (39 Stat. 142), and March 7, 1928 (45 Stat. 210), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs (Order No. 2508; 14 F.R. 258), and by virtue of the authority delegated by the Commissioner of Indian Affairs to the Area Director (Bureau Order No. 551, Amendment No. 1; 16 F.R. 5454–7), notice is hereby given of the intention to modify §§ 221.13a, 221.13b, and 221.13c of Title 25, Code of Federal Regulations, dealing with the irrigable lands of the Crow Indian Irrigation Project, Montana, that are subject to the jurisdiction of the several irrigation districts. Purpose of this amendment is to establish the assessment charges for the season of 1962 and thereafter until further notice, and which charges are applicable to all irrigable lands in the Crow Indian Irrigation Project that are included in the irrigation districts organization that are subject to the jurisdiction of the three irrigation districts.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rules making process. Accordingly, interested persons may submit written comments, suggestions or objections with respect to the proposed amendment to Area Director, U.S. Bureau of Indian Affairs, 804 North 29th Street, Billings, Montana, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

Sections 221.13a, 221.13b and 221.13c are amended to read as follows:

§ 221.13a Charges, Big Horn Irrigation District.

Pursuant to a contract executed by the Big Horn Irrigation District, Crow Indian Irrigation Project, Montana, and approved by the Secretary of the Interior on June 28, 1948, notice is hereby given that an assessment of $3.10 per acre is hereby fixed for the season of 1962 and subsequent years until further notice, for the operation and maintenance of the irrigation systems which serve that portion of the project within the confines and under the jurisdiction of the Big Horn Irrigation District. This assessment is applicable to an area of approximately 8,000 acres; does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

§ 221.13b Charges, Lower Little Horn and Lodge Grass Irrigation District.

(a) Pursuant to a contract executed by the Lower Little Horn and Lodge Grass Irrigation District, Crow Indian Irrigation Project, Montana, and approved by the Secretary of the Interior on June 28, 1948, notice is hereby given that an assessment of $3.10 per acre is hereby fixed for the season of 1962 and subsequent years until further notice, for the operation and maintenance of the irrigation systems which serve that portion of the project within the confines and under the jurisdiction of the Lower Little Horn and Lodge Grass Irrigation District. This assessment is applicable to an area of approximately 2,500 acres; does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

(b) Pursuant to a second contract executed by the above district and approved by the Assistant Secretary of the Interior on June 28, 1951, notice is hereby given that an assessment of fifteen cents ($0.15) per acre is hereby fixed for the season of 1962 and subsequent years until further notice for the operation and maintenance of the Willow Creek storage works which serve storage water either directly or by substitution to that portion of the project within the confines and under the jurisdiction of the Lower Little Horn and Lodge Grass Irrigation District.

§ 221.13c Charges, Upper Little Horn Irrigation District.

(a) Pursuant to a contract executed by the Upper Little Horn Irrigation District, Crow Indian Irrigation Project, Montana, and approved by the Secretary of the Interior on June 28, 1948, notice is hereby given that an assessment of $3.10 per acre is hereby fixed for the season of 1962 and subsequent years until further notice for the operation and maintenance of the irrigation systems which serve storage water either directly or by substitution to that portion of the project within the confines and under the jurisdiction of the Upper Little Horn Irrigation District. This assessment includes an area of approximately 1,500 acres; does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

(b) Pursuant to a second contract executed by the above district and approved by the Assistant Secretary of the Interior on June 28, 1951, notice is hereby given that an assessment of fifteen cents ($0.15) per acre is hereby fixed for the season of 1962 and subsequent years until further notice, for the operation and maintenance of the Willow Creek storage works which serve storage water either directly or by substitution to that portion of the project within the confines and under the jurisdiction of the Upper Little Horn Irrigation District.

PERCY E. MELIS,
Area Director.

[F.R. Doc. 61-5566; Filed, June 15, 1961; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

[7 CFR Part 942]

[Docket No. AO 103 A18]

MILK IN NEW ORLEANS MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions 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), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Commodity Stabilization Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the New Orleans marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at New Orleans, Louisiana, on November 16 and 17, pursuant to notice thereof which was issued November 3, 1960 (25 F.R. 10704).

The material issues on the record of the hearing relate to:

1. The supply-demand mechanism for the adjustment of the Class I price.
2. The role of cooperative associations as handlers of farm tank milk.
3. The classification and accounting for fortified and reconstituted milk.
4. The classification and accounting of fluid milk products in inventory.
5. The classification and pricing of milk disposed of for other than Class I use.

Findings and Conclusions. The following findings and conclusions on the material issues are based on evidence

presented at the hearing and the record thereof:

1. *Revision of the supply-demand mechanism of the Class I pricing formula.* The supply-demand adjustment mechanism of the Class I pricing formula should be revised to provide for a moving 24-month base period in lieu of the existing fixed 24-month base period. The standard utilization percentages (presently reflecting a 78 percent annual utilization) should be revised to reflect a 74.5 percent annual utilization and adjusted monthly to reflect the changing seasonality of Class I sales and production as indicated by a direct comparison of utilization in the base period with average utilization in the 2d, 3d, 14th, 15th, 26th, and 27th preceding months. The relationship of current utilization (2d and 3d preceding months) to the adjusted standard should determine the direction and extent of any price adjustment. A contraseasonal provision should be provided to prevent substantial contraseasonal price movements during the months of September through November and April through June.

Under the existing order provisions the amount of the supply-demand adjustment is determined by a direct comparison of current utilization (2d and 3d preceding months) with synthesized standards based on average 1953–1954 experience adjusted to reflect a more ideal production pattern. However, because of producer objections to the resulting price level, the maximum amount of adjustment has been limited to plus or minus 13 cents by suspension action since February 1, 1959, pending further consideration of the Class I pricing provisions.

Producers contend that the existing supply-demand adjustment mechanism is deficient in that it is based on theoretical norms rather than actual experience, that seasonality of both supply and sales have changed significantly, that short-run changes in the supply-demand situation produce erratic and inappropriate price changes and that such changes have tended to run contraseasonally.

Producers proposed that standard utilization percentages be established on the basis of 1958–1959 experience, each month's standard to be a composite of the sales-supply relationship for the preceding 2d, 3d, 12th, and 13th months. To determine the appropriate adjustment for each pricing month the average sales-supply relationship on the 2d, 3d, 12th, and 13th months would be compared with the standards for such month. Each percentage point of deviation would produce a two-cent change in the Class I price. However, no price change would result unless the change from the standard was in excess of plus or minus one percent and the direction of the change was the same in each of the three preceding months.

While producer representatives accept the purpose of the supply-demand adjustment mechanism, nevertheless, their proposal would have provided no price adjustment in any month tested (January 1958 to date). The present mechanism as suspended has reduced the Class I price 5 cents, 11 cents and 9 cents, respectively, in the years 1958, 1959, and 1960. The adoption of producers' proposal would have provided an average Class I price increase of 8 cents per hundredweight over this three-year period. This proposed increase was suggested notwithstanding the fact that the market supply has been in excess of market demand during the entire period and in fact since 1951.

Official notice is taken of the price announcements of the market administrator for the months of December 1960 through March 1961.

It is apparent that the existing supply-demand mechanism has not provided adequate price adjustments to deter the continuing trend of oversupply of milk for the market. Annual utilization of Class I milk has decreased from an average of 75 percent of producer receipts in 1958 to 70 percent in 1960 and there is little indication of prospective improvement. It is imperative under the standards of the Act that some means be provided to further adjust the price level to reflect the actual existing supply-demand situation. While it is obvious that proponent's proposal would not accomplish this, nevertheless, many of the features of their proposal can be appropriately adapted. These include the adoption of a more current base period, a reduction in the annual average of the standard utilization percentage from 78 percent to 74.5 percent, snubbing the effect of short-term movements in supply and sales, permitting an adjustment to be effective only when it exceeds the standards by a specified amount, tying the adjustments to a three-month trend and limiting contraseasonal price movements.

The determination of the appropriate seasonal pattern of supplies and sales as reflected in the standard utilization percentages has been a continuing problem in the New Orleans market. Since March 1950 when a supply-demand adjustor first became effective under the order, the Class I pricing mechanism has been reviewed at five separate hearings and the operation of the supply-demand adjustor has been negated or limited either by amendment or suspension about one-third of the time. Past revisions of the standard utilization percentages were intended to modernize the standards to reflect changes in the seasonality of sales and supplies. However, it is apparent that standards established on a fixed base period have not provided appropriate price changes under conditions of continuing changes in seasonality of sales and supply. This difficulty can be substantially alleviated by providing for the use of a moving and ever current base period.

To determine changes in seasonality of supplies and sales a utilization percentage (ratio of sales to supplies) for the immediately preceding two-month period and of the same period one and two years earlier should be computed and compared to the utilization percentage of the two-year period beginning with the 25th preceding month and ending with the 2d preceding month. This comparison of the average two-month utilization at approximately the beginning, center and end of a two-year period with that of the two-year period, provides a basis for adjusting the "norms" or standards to reflect the current seasonality of sales and supplies.

Under the present order provisions the normal relationship between sales and supply at which no adjustment is made is 78 percent, which was the sales-supply relationship during the period 1953–1954. Proponents suggested that the average of their proposed standard sales-supply relationships for 1958–1959, which was 74.5 percent, be used. The use of 74.5 percent will tend to provide an appropriate level of Class I pricing under the revised supply-demand adjustment herein provided.

The relationship established between sales and supply in the three two-month periods and the 24-month period should be applied to the annual average relationship of 74.5 to establish the "norm" or standard for comparison with actual utilization in the two-month period ending with the 2d preceding month. The deviation between the two percentages would thus indicate the direction and extent of desirable price adjustments.

To provide further assurance that supply-demand adjustments are not the result of erratic sales-supplies ratio changes, each price adjustment should reflect the deviation percentages for the current and two preceding pricing months. Hence, if June were the pricing month, for example, the deviation percentage for such month would reflect the sales-supplies relationship for the preceding March and April, and the deviation percentage for the two preceding pricing months, May and April would reflect the sales-supplies relationship for February–March, and January–February, respectively. However, the three successive deviation percentages to be used in the price adjustment for each month, should be applied in a manner so that the more recent of the deviations would be given more importance than the earlier of the three deviation percentages. This may be accomplished by eliminating any deviation which is in the opposite direction from a more recent deviation, and reducing any deviation to the extent that it exceeds a more recent deviation. The sum of the resulting adjusted deviation percentages would provide the basis for price adjustments. The price adjustments would be upward or downward depending on whether the sum of the adjustment deviation reflects utilization below or above, respectively, the standard utilization percentage.

The rate of price adjustment for each deviation percentage should be 1.5 cents. The present adjustment rate approximates two cents per point. However, because the recommended procedure reflects an accumulated adjustment, a rate of 1.5 cents will produce an appropriate result.

Proponents proposed that no price adjustment be applicable unless the deviation percentage exceeded the standard by more than one percent. They suggested that minor price fluctuations accomplish no useful purpose and are confusing to producers. Under the ex-

isting order provisions no price adjustment is applicable unless the net deviation percentage exceeds the standard by plus or minus 3 points. Since the net deviation percentage under the procedure herein recommended reflects the deviation percentage for three months no price adjustment should be made unless such net deviation percentage exceeds the norm or standard by at least four percentage points.

It was also proposed that price adjustments resulting from action of the supply-demand mechanism be limited to a maximum of plus or minus 24 cents. Proponents pointed out that under the present pricing provisions, except for the effect of the existing suspension action, the Class I price could be reduced 69 cents by supply-demand action and the seasonal price change beginning in March. Also, the Class I price could fluctuate by as much as 98 cents, solely through action of the supply-demand adjustment. They suggested that price changes of such magnitude in conjunction with the returns from surplus milk (Class II) would unduly depress the blended price and requested that the action of the supply-demand mechanism be limited to plus or minus 24 cents.

It is recommended that the limits of supply-demand adjustment be plus or minus 45 cents. The Class I price should be at that level which is necessary to bring forth an adequate but not excessive supply of milk for the fluid market and it is apparent that the action of existing supply-demand mechanism has not encouraged needed supply adjustments. In fact, as previously noted, the supply of milk in relation to market's requirements has continued to increase throughout the past two years. A supply-demand adjustment limited to 24 cents could not be expected to produce needed supply adjustments.

The influence of the base-excess plan has tended to override the influence of price on production in this market. An analysis of the production pattern during recent years clearly indicates a substantial production response during the base-forming months and a tendency for production during other months in close conformance with established bases. This situation has tended to produce the contraseasonal action of the supply-demand mechanism to which proponents object. It also emphasizes, however, the necessity for price adjustments of sufficient magnitude to override the urge for continued base-building in an oversupplied market.

In view of the past experience with a supply-demand adjustor in this market it does not appear desirable to permit adjustments in excess of 45 cents at this time. However, should the indicated adjustments exceed this limit over any extended period of time consideration then should be given to adjustment of the basic price level.

Notwithstanding the previous conclusions it is desirable that appropriate checks be provided to prevent substantial contraseasonal price movements during the months of September through November and April through June, normally the months of shortest and greatest production, respectively. The features of the supply-demand mechanism herein recommended should tend to substantially reduce large contraseasonal price movements. While contraseasonal price movements are especially unsatisfactory to producers, nevertheless, when such movements are primarily the result of bona fide supply-demand changes rather than changing seasonality, it is important that some adjustments be made promptly rather than permitting them to be accumulated to take effect later in the form of large and abrupt price changes. This can be accomplished without unreasonable contraseasonal price movements by providing that the Class I price during any month of September through November shall in no event be more than 5 cents less than the Class I price in the immediately preceding month and such price during any month of April through June shall in no event be more than 5 cents greater than the Class I price in the immediately preceding month.

While producers recommended inclusion of December among the months when contraseasonal price movements should be deterred, the record does not support its inclusion.

The changes in the Class I pricing provisions herein recommended, had they been in effect during 1960, would have provided an average Class I price of $6.14 compared to the price of $6.12 provided by the present order. In the months of January, February and March, 1961, however, the prices would have averaged 32, 27, and 27 cents, respectively, under the prices actually in effect. It must be expected that without some favorable supply adjustments the action in subsequent months will approach that for the January-March period. This situation reflects the rapidly growing excess of production over Class I sales which has occurred throughout much of 1960 and emphasizes the need for more realistic Class I prices.

2. *A cooperative association's responsibility as a handler on farm tank milk.* A cooperative association should be the responsible handler for milk picked up at the farm in tank trucks owned and operated by, or controlled by, the association and delivered to the pool plant of another handler, unless such cooperative association and the operator of the pool plant notify the market administrator, in writing, prior to the time of delivery that the plant operator is to be held the responsible handler for such milk.

Under the existing order provisions the operator of the pool plant at which the milk is first received is held the responsible handler for reporting, accounting and payment. In situations where a tank of milk is split between two or more handlers the operator of the plant where milk is first drawn off is considered the receiving handler for the entire load and the subsequent deliveries to the remaining plants involved are treated as interhandler transfers. In cases of diversions, the diverting handler (the cooperative association or the plant operator, as the case may be) is held the responsible handler.

Under the terms of its membership contracts the principal cooperative, acting as the marketing agent for its members, negotiates for the sale of their milk, collects the proceeds therefrom and returns such proceeds to its members in the form of a uniform price. With the advent of farm milk tanks the cooperative generally has assumed full responsibility for hauling producer milk to plants. The milk is picked up at the farm in tankers owned and operated by the association or, in situations where independent haulers are involved, under contract to or under direct control of the cooperative. Milk is delivered to handlers in accordance with their daily requirements which in some situations requires splitting loads between several handlers. Milk in excess of the market's fluid requirements is diverted to the association's nonpool manufacturing plant or to other nonpool plants, primarily for manufacturing uses.

Under the arrangements for marketing the milk of producers using farm milk tanks as they exist in the milkshed, the amount of milk received is determined by measurement at the farm. Samples for the determination of the butterfat tests are taken at the farm. The acceptability of the quality of the milk is also determined at the farm. After the milk has been pumped into the tank truck and commingled with the milk of other producers, there is no further opportunity to measure or sample or reject the milk on an individual basis. The determinations made at the farm are therefore the final and only valid determinations concerning the milk received from individual producers. In cases where the cooperative controls the pick-up and hauling it should be held the responsible handler for reporting, accounting and payment. The milk delivered to a pool plant should be considered a receipt of producer milk by the cooperative association at a pool plant at the same location of the plant of physical receipt and the transaction should be treated under the order as an interhandler transfer.

To minimize administrative problems transfers from a cooperative association, in its capacity as the operator of a pool plant or as a handler of farm bulk tank milk, to the pool plant of another handler should be assigned pro rata to available Class I and Class II utilization immediately preceding the assignment of producer receipts. However, provisions should be made whereby the classification of such transfers can be made on the same basis as other interhandler transfers i.e., by agreement to the extent that the transferee plant has utilization in such class of an equivalent amount of skim milk and butterfat, respectively, and such classification results in the allocation to producer receipts of the maximum Class I utilization in both plants.

Under some situations where the cooperative picks up both member and nonmember milk the cooperative may not wish to be the responsible handler. In other situations the transferee han-

dler, with agreement of the cooperative may wish to be the responsible handler. The order would accommodate either situation of the cooperative and the transferee handler both agree that the transferee handler shall be held the responsible handler and both notify the market administrator to that effect, prior to delivery.

In line with the present provisions relating to milk received from a cooperative association as the operator of a pool supply plant, the purchasing handler should be required to pay to the cooperative at least the class prices for milk received from the association in its capacity as a handler with respect to milk received from producers with farm tanks. In addition, to prevent possible inequities in the cost of milk to handlers, the payment by the purchasing handler should also include the administrative assessment on milk received from the association. The cooperative in turn should be held responsible for payment of the administrative assessment to the market administrator.

The present classification provisions of the order provide that the receiving handler shall be allowed as Class II milk actual shrinkage up to 0.5 percent of milk received from producers and disposed of as whole milk, skim milk or cream in bulk lots. The transferee handler is allowed as Class II shrinkage up to 1.5 percent of milk received in bulk lots and disposed of other than in bulk lots. This provision should also apply to the cooperative as the receiving handler of bulk tank milk since it will provide an acceptable basis for dividing shrinkage when the cooperative is the responsible handler on such milk.

3. *The classification and accounting for fortified and reconstituted fluid milk products.* The present order provisions should be clarified to assure a full accounting of all milk and milk products on a butterfat and skim milk equivalent basis. The liquid volume of all fluid milk products designated as Class I milk pursuant to § 942.41(a) should be classified as Class I and in the case of fortified products the skim milk equivalent of the nonfat solids in excess of the weight of natural fluid skim milk should be classified in Class II. This is the intent of the existing order provisions and the order has been administered to accomplish essentially this result.

Producers proposed clarification to remove any doubt of the intent for full accounting on a butterfat and skim milk equivalent basis. They further proposed that in the case of fortified products the skim equivalent of nonfat solids used in fortification should be classified as Class I milk rather than Class II milk as presently provided.

Under the classified use system of pricing in the market, milk classified and priced as Class I is that which is disposed of in fluid form as fresh fluid milk and fluid milk products to consumers and which is required to be made from milk meeting prescribed quality standards. It is necessary that such fluid milk products be classified and priced as Class I if producers who supply such milk to the local market are to be properly compensated, and if the necessary incentive to producers is to be provided through the uniform price to encourage the daily production and delivery of an adequate milk supply to meet the market's requirements for such products.

Fortification is the result of adding extra solids to a fluid milk product. Grade A products must be used. However, the added solids are normally derived from nonfat dry milk for which handlers have a wide choice as to source of supply. While nonfat dry milk is manufactured locally from producer milk, such locally made product is no more valuable than the same product procured from other sources and the value of the producer milk from which it is derived is not enhanced when the product is used for fortification. The added solids, regardless of source, displace no significant volume of fluid producer milk. This is in contrast to reconstitution where the milk equivalent of the solids used displaces an equal volume of producer milk. Unless the liquid volume of reconstituted milk is classified and priced as Class I the effectiveness of the order in achieving orderly marketing conditions for producer milk might be nullified.

4. *Classification and accounting for fluid milk products in inventory.* No change should be made in the classification of inventory of fluid milk products on hand at the end of accounting periods. This closing inventory is presently classified as Class II in the current month, but any opening inventory which is allocated to Class I is subject to a reclassification charge at the difference between the Class II price of the previous month and the Class I price of the current month. This procedure tends to assure equal costs among handlers for milk disposed of as Class I milk.

Producers requested that closing inventories be classified as Class I. Their representatives stated that the allocation of inventories under the present provisions of the order results in administrative problems for them in collecting reclassification charges from association buyers, particularly when the reclassification occurs several months after the actual sale.

The classification of closing inventories as Class I would give handlers an opportunity to speculate on Class I price changes, either up or down, by respectively building or depleting inventories in order to gain cost-of-product advantages. Such speculation might contribute to inequities among handlers as to the cost of producer milk and could deprive producers of the full use value of their milk.

The problem producers seek to relieve can be alleviated by changes in the allocation procedure which provides for the clearing of opening inventories for each month by specific assignment of opening inventory to final disposition in the current month. A corollary change should also be made in the payment provisions to preclude a reclassification charge on other Federal order milk, classified and priced as Class I in the original market and assigned to Class II in the preceding month but which may be reclassified in the current month through inventory reclassification. Since such milk has already been classified and priced as Class I under the original order, it would be inappropriate to require a reclassification charge.

These modifications in the allocation and payment provisions will tend to clarify for both buyer and seller the basis of any inventory reclassification charge. Under the recommended procedure inventory reclassification is first credited to producer milk to the extent that producer milk, other than shrinkage, was assigned to Class II in the previous month. Thereafter, inventory reclassification is credited to any other Federal order receipts in the previous month which were assigned to Class II under this order but were classified and priced as Class I under the original order. A reclassification charge is applicable on any reclassification of producer milk and on any reclassification of other source milk except receipts from other Federal order plants classified and priced as Class I in the original market.

5. *The classification and pricing of milk disposed of for other than Class I use.* No basic change should be made in the classification system presently provided by the order. However, provision should be made for the classification of "dip" specialty items as Class II.

Producers proposed that the existing Class II classification be subdivided to provide a separate classification for milk and skim milk used in fluid form for ice cream and cottage cheese. They further proposed that the price for milk in such uses be increased about 46 cents per hundredweight and that the price for milk used in other manufacturing products be decreased about 19 cents per hundredweight. Proponents contended that such a classification and pricing system would relieve certain milk manufacturing operations from a cost-price squeeze and at the same time more realistically reflect in returns to producers the actual use value of milk disposed of for all manufacturing uses.

Under certain circumstances under the Federal order program where handlers are required by the local health ordinance to use locally inspected milk or its equivalent in specified nonfluid products a separate classification and pricing above that for other manufacturing uses but below the Class I price has been adopted. However, the situation in the New Orleans market does not support such a procedure. While limited volumes of fluid milk and skim milk are used at city plants for cottage cheese and ice cream, it is apparent that handlers have considerable flexibility in the choice of ingredients in these products. Certain handlers now get their cottage cheese from unregulated sources and if a higher pricing were provided it is likely that handlers generally would seek a cheaper source of supply, either for finished products or by use of nonfat dry milk. Ice cream manufacturers similarly could readily adjust their operations. Hence, adoption of producer's proposal would likely increase the volume of milk to be processed at country manufacturing outlets and lower over-all returns to producers.

Both at the hearing and in its brief the cooperative association suggested that if a three-class classification system was not adopted some downward adjustment in the existing Class II price was desirable. Their only specific recommendation in this regard, however, was for better alignment of the New Orleans Class II price with the Class II price under the Mississippi Federal orders. Handlers, on the other hand, proposed that the Class II price be reduced by 13.5 cents and that the Class II location differential be eliminated.

The structure of the New Orleans market is fundamentally different from that of the adjacent Mississippi markets. In the case of New Orleans there is virtually no overlapping of marketing area and supply area whereas in both the Mississippi Gulf Coast and Central Mississippi markets the production area and marketing area are largely coextensive. In the case of New Orleans, milk not needed for fluid consumption need not be moved to the marketing area for manufacture. Manufacturing facilities are available in and adjacent to the supply area to handle the reserve supply of the market. If handlers desire milk at city plants for other than Class I use producers should not be expected to bear the cost of transportation. For this reason the New Orleans order provides a Class II location differential applicable at plants located 50 miles or more distant from specified points in the marketing area.

The New Orleans Class II price at plants at which the Class II location differential is applicable is virtually identical with the Class II price in both the Gulf Coast and Central Mississippi orders. In each market the Class II price is computed by the addition of specified differentials to the average of local manufacturing plant pay price. Because of the variations in seasonality of pricing provided and the amount of the differentials, the New Orleans Class II price in each month of the year varies from the Class II price in either the Gulf Coast or Central Mississippi markets by 5 cents. In some months it is higher, in other months lower, and on an annual basis is higher than the Gulf Coast and Central Mississippi Class II prices by only 3.3 and 2.5 cents, respectively.

The New Orleans Class II price is well below the price paid by local manufacturing plants for Grade A, bulk tank milk. Such plants generally are paying a 50-cents premium over their reported pay prices for ungraded milk which prices are used in the computation of the order Class II price. This would indicate that the prevailing price for Grade A milk at unregulated manufacturing plants is 11.5 to 21.5 cents over the order price at New Orleans and 25 to 35 cents over the order price at country plants. The cooperative association during 1960 moved sizable quantities of milk as much as 275 miles to West Point and Starkville, Mississippi, and received a price 50 cents over the ungraded milk price. Since it appears that there are outlets for the surplus milk at unregulated plants which will return at least the present Class II price a lesser price than that presently provided would not be appropriate.

A proposal included in the hearing notice would price diverted milk at the location of the plant of physical receipt. However, no testimony was offered on this proposal at the hearing and no action is taken on it.

A handler proposed that the classification provisions of the order be revised to provide that "dip specialty products" be classified as Class II. Such products normally consist of various blends of milk solids, cultured milk and cream, cheese and nondairy food ingredients such as onion, garlic, horse radish and similar items. Proponents suggested that the requested classification be applicable to those cultured milk and cream products containing not more than 15 percent butterfat and not less than 3 percent of cheese and other nondairy food ingredients.

A determination of the appropriate classification of the products in question should not be dependent on their butterfat content nor on the percentage of nondairy food ingredients included. The products included in Class I are those products which are required to be made from locally approved milk supplies. A Class I classification and pricing for such products is essential to assure sufficient returns to producers to encourage the maintenance of an adequate milk supply for the market.

It is neither necessary not desirable that sufficient producer milk be available to supply the market's requirements for products not required to be made from approved milk. Such requirements, under normal circumstances, can be supplied more economically through manufactured dairy products procured on the open market. Nevertheless, to the extent that the reserve supply of the local fluid market is available for disposition in such products its economic utilization should be encouraged.

Products similar to "dip speciality items", made from ungraded milk in outside markets are now being disposed of in the marketing area in competition with locally made products. There are widely scattered sources supplying the products to this market. However, if handlers sell their locally made products as sour cream or under a Grade A label to comply with local health regulations, the product should be classified as Class I. If the products are not so labeled, they should be classified in Class II. The recommended revision in the definition of "fluid milk products" hereinafter set forth will implement these conclusions.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

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

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

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

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

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

§ 942.10 [Amendment]

1. Delete subparagraphs (1) and (2) of § 942.10(a) and substitute therefor the following:

(1) Disposition in the marketing area of fluid milk products on routes is 20 percent or more of receipts from dairy farmers, cooperatives in their capacities as handlers pursuant to § 942.12(d) and supply plants; and

(2) Total disposition of fluid milk products on routes is 50 percent or more of receipts from dairy farmers, cooperatives in their capacities as handlers pursuant to § 942.12(d) and supply plants;

§ 942.12 [Amendment]

2. Delete the period at the end of § 942.12(c) and add a new paragraph (d) to read as follows: "; or (d) Any cooperative association with respect to the milk of producers which it causes to be delivered directly from the farm to the pool plant of another handler in a tank truck owned and operated by, under

contract to, or under the control of such association, unless the association and the transferee handler both notify the market administrator, in writing, prior to the time of delivery that the transferee handler is to be held the responsible handler for such milk. Such milk shall be deemed to have been received by the association from producers at a pool plant at the location of the pool plant at which such milk is physically received."

3. Delete § 942.16 and substitute therefor the following:

§ 942.16 Other source milk.

Other source milk means all skim milk and butterfat contained in:

(a) Receipts of fluid milk products during the month, except:

(1) Fluid milk products received from pool plants;

(2) Milk received from a cooperative association in its capacity as a handler pursuant to § 942.12(d); and

(3) Producer milk.

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month, or for which other utilization or disposition is not established pursuant to § 942.34.

4. Delete § 942.17 and substitute therefor the following:

§ 942.17 Fluid milk product.

Fluid milk product means all skim milk (including reconstituted skim milk) and butterfat in the form of milk, skim milk, buttermilk, concentrated milk or skim milk, fortified milk or skim milk (up to an equal volume of unfortified, unmodified milk or skim milk of the same butterfat test) flavored milk, flavored milk drinks (including eggnog) yoghurt, cream (other than frozen storage cream), cultured sour cream, sour cream products labeled Grade A and any mixture of cream and milk or skim milk in fluid form (other than ice cream mixes, other frozen dessert mixes and sterilized products contained in hermetically sealed containers).

§ 942.30 [Amendment]

5. In the preamble of § 942.30 insert immediately following the words "a handler pursuant to § 942.12(c)" insert the following: "or (d)"

§ 942.30 [Amendment]

6. In § 942.30(a) renumber subparagraphs (2), (3), and (4) as (3), (4), and (5), respectively, and insert a new subparagraph (2) as follows:

(2) Milk received from a cooperative association in its capacity as a handler pursuant to § 942.12(d);

§ 942.31 [Amendment]

7. Delete that part of paragraph (a) of § 942.31 preceding the colon and substitute therefor the following:

(a) On or before the 20th day of each month each handler operating a pool plant(s) and each cooperative association which is a handler pursuant to § 942.12 (c) or (d) shall report their producer payroll for the preceding month which shall show for each producer:

§ 942.41 [Amendment]

8. Delete subparagraph (5) of § 942.41 (b) and substitute therefor the following:

(5) That portion of fortified milk or skim milk not classified as Class I pursuant to paragraph (a)(1) of this section;

(6) In shrinkage not to exceed an amount calculated as follows:

(i) 0.5 percent of skim milk and butterfat, respectively, received from producers (except diverted milk) and disposed of in bulk as whole milk, skim milk or cream;

(ii) 1.5 percent of skim milk and butterfat, respectively, received in bulk (including milk received from a cooperative association in its capacity as a handler pursuant to § 942.12(d)) and disposed of in a form other than bulk lots of milk, skim milk and cream;

(iii) 2.0 percent of skim milk and butterfat, respectively, received directly from producers and disposed of in a form other than bulk lots of whole milk, skim milk or cream.

§ 942.43 [Amendment]

9. Delete the preamble and paragraph (a) of § 942.43 and substitute therefor the following:

§ 942.43 Transfers.

Skim milk and butterfat transferred or diverted during the month as milk, skim milk or cream in bulk from a pool plant (including milk transferred by a cooperative association in its capacity as a handler pursuant to § 942.12(d)) to:

(a) The pool plant of another handler, except as provided in paragraph (f) of this section, shall be classified as Class I unless Class II utilization is indicated by the operators of both plants in their reports submitted pursuant to § 942.30 and:

(1) The receiving plant has utilization in such class of equivalent amounts of skim milk and butterfat, respectively; and

(2) Such skim milk and butterfat shall be classified so as to allocate to producer milk the greatest possible total Class I utilization in the two plants.

9a. Delete the period at the end of paragraph (e) of § 942.43 and add the following: "; and (f) Unless a different utilization is claimed by both handlers pursuant to paragraph (a) of this section, skim milk and butterfat transferred to the pool plant of another handler by a cooperative association in its capacity as the operator of a pool plant or a handler pursuant to § 942.12(d) shall be classified pro rata to the respective amounts thereof remaining in each class for such months at the pool plant of the receiving handler after the computations pursuant to § 942.46(g) and the corresponding step of § 942.47."

§ 942.45 [Amendment]

10. Delete the period at the end of § 942.45, and add the following: ": *Provided*, That the skim milk contained in any product utilized, produced, or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids."

11. Delete § 942.46 and substitute therefor the following:

§ 942.46 Allocation of skim milk classified.

The pounds of skim milk remaining after making the following computations shall be the pounds of skim milk in each class allocated to producer milk:

(a) Subtract from the total pounds of skim milk in Class II the pounds of skim milk in shrinkage computed pursuant to § 942.41(b)(6);

(b) Subtract from the total pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk except as specified in paragraphs (c) and (d) of this section;

(c) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk received from pool plants regulated pursuant to other orders issued pursuant to the Act;

(d) Subtract from the pounds of skim milk in Class I the pounds of skim milk in other source milk receipts of fluid milk products in consumer packages from a nonpool distributing plant described in § 942.62;

(e) Subtract from the pounds of skim milk remaining in Class II, in excess of the pounds of skim milk contained in inventory of fluid milk products at the end of the month, the pounds of skim milk in inventory of such products at the beginning of the month: *Provided*, That if the pounds of skim milk in such inventory are greater than the remaining pounds of skim milk in Class II the difference shall be subtracted from the remaining pounds of skim milk in Class I;

(f) Subtract from the pounds of skim milk remaining in each class, the pounds of skim milk received from other pool plants (including a cooperative association in its capacity as a handler pursuant to § 942.12(d)) in accordance with the classification of such milk pursuant to § 942.43(a);

(g) Add to the remaining pounds of skim milk in Class II the pounds subtracted pursuant to paragraph (a) of this section;

(h) Subtract pro rata from the pounds of skim milk remaining in each class, the pounds of skim milk to be classified pursuant to § 942.43(f); and

(i) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the remaining pounds of skim milk in each class in series beginning with Class II. Any amount so subtracted shall be known as overage.

§ 942.51 [Amendment]

12. Delete paragraph (a) and substitute therefor the following:

(a) *Class I milk price.* The Class I milk price shall be the basic formula

price for the preceding month, plus $2.48 during the months of March through June and $2.68 in all other months, plus or minus a supply-demand adjustment calculated for each month pursuant to subparagraphs (1) through (6) of this paragraph: *Provided,* That the Class I price for any month of September, October, or November shall not be lower, by more than 5 cents, than such price for the immediately preceding month and for any month of April, May, or June of each year shall not be higher, by more than 5 cents, than such price for the immediately preceding month:

(1) Divide the total gross volume of Class I milk of all pool handlers (excluding interhandler transfers) by total receipts of producer milk in each of the following periods and round to one-tenth of one percent:

(i) The two-year period ending with the second preceding month;

(ii) The two-month period ending with the second preceding month; and

(iii) The two-month period ending with the second preceding month and the same period of each of the two preceding years.

(2) Divide the utilization percentage for the three two-month periods computed pursuant to subparagraph (1) (iii) by the utilization percentage for the two-year period computed pursuant to subparagraph (1) (i). Adjust the resulting "seasonal ratio" as follows:

(i) Add to the seasonal ratio a similar computation for each of the 11 preceding periods;

(ii) Divide 12 by the sum thus obtained;

(iii) Divide the seasonal ratio by the quotient obtained in subdivision (ii).

(3) Compute the standard utilization percentage by multiplying the adjusted seasonal ratio of (2) (iii) by 74.5.

(4) Subtract from the current utilization percentage computed pursuant to subparagraph (1) (ii) the standard utilization percentage for the month computed pursuant to subparagraph (3) of this paragraph and round to the nearest full percentage point. The result is the deviation percentage.

(5) Compute a sum of the deviation percentages for the current and two preceding months, and after excluding any deviation percentage which is in the opposite direction from the deviation percentage of a more recent month, compute a sum from the remaining deviation percentages which excludes any amount by which, any of such deviation percentages exceeds any of such deviation percentages for a more recent month.

(6) Compute the number of cents which is 1.5 times the sum of the plus or minus deviations, as the case may be, computed pursuant to subparagraph (5) of this paragraph, round to the nearest even full cent, and increase or decrease, respectively, the Class I price by such sum, if it exceeds plus or minus four cents: *Provided,* That the plus or minus adjustment shall not exceed 45 cents.

§ 942.53 [Amendment]

13. In § 942.53(b) (2) change the reference from "§ 942.41(b) (3), (4), and (5)" to "§ 942.41(b) (3), (4), and (6)".

§ 942.70 [Amendment]

14. Delete paragraphs (b), (c), and (d) of § 942.70 and substitute therefor the following:

(b) Add an amount computed by multiplying the skim milk and butterfat substracted from Class I milk pursuant to § 942.46(b) and the corresponding step of § 942.47 by the rate of compensatory payment as determined pursuant to § 942.54 for the nearest plant(s) from which an equivalent amount of other source milk was received in the form of fluid milk products;

(c) Add an amount computed by multiplying the skim milk and butterfat subtracted from Class I milk pursuant to § 942.46(d) and the corresponding step of § 942.47 which is not classified and priced as Class I milk under the provisions of the other Federal order by the rate of compensatory payment as determined pursuant to § 942.54.

(d) Add an amount obtained by multiplying by the difference between the applicable Class II price for the preceding month and the applicable Class I price for the current month the lesser of:

(1) The skim milk and butterfat subtracted from Class I pursuant to § 942.46 (e) and the corresponding step of § 942.47; or

(2) The skim milk and butterfat in producer milk classified as Class II (except shrinkage) for the preceding month;

(e) Add an amount computed by multiplying the rate of componsatory payment as determined pursuant to § 942.54 by the skim milk and butterfat subtracted from Class I pursuant to § 942.46(e) and the corresponding step in § 942.47 which is in excess of the sum of;

(1) The skim milk and butterfat for which an adjustment was made pursuant to paragraph (d); and

(2) The skim milk and butterfat subtracted from Class II pursuant to § 942.46 (c) and the corresponding step in § 942.47 for the previous month and which was classified and priced as Class I under another Federal order; and

(f) Add the amounts computed by multiplying the skim milk and butterfat in overage deducted from each class pursuant to § 942.46(i) and the corresponding step of § 942.47 by the applicable class price.

§ 942.80 [Amendment]

15. Delete paragraph (d) of § 942.80 and substitute therefor the following:

(d) Each handler shall make payment to a cooperative association for milk received from such association in its capacity as a handler pursuant to § 942.12(a) and § 942.12(d) as follows:

(1) On or before the 22d day of each month an amount equal to not less than the Class II price for the preceding month multiplied by the hundredweight of milk received from any cooperative association during the first 15 days of the current month; and

(2) On or before the 12th day after the end of each month in which it was received at not less than the applicable class prices plus the amount due the market administrator from the cooperative association on such milk pursuant to § 942.86, less amounts paid pursuant to subparagraph (1) of this paragraph.

Issued at Washington, D.C., June 13, 1961.

ROBERT G. LEWIS,
Deputy Administrator, Price Support, Commodity Stabilization Service.

[F.R. Doc. 61-5583; Filed, June 15, 1961; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 60]

[Reg. Docket No. 773; Draft Release No. 61-13]

AIR TRAFFIC RULES

Radio Failure

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend the Civil Air Regulations, Part 60, § 60.49, as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received prior to August 2, 1961, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination by interested persons in the Docket Section when the prescribed date for the return of comments has expired. Because of the large number of comments which we anticipate receiving in response to this draft release, we will be unable to acknowledge receipt of each reply.

Part 60 of the Civil Air Regulations comprises the Air Traffic Rules. Section 60.49, Radio Failure, establishes the requirements incumbent upon the pilot in command of an aircraft which has experienced two-way radio communications failure while operating in accordance with the Instrument Flight Rules in controlled airspace. This section provides, in part, that the pilot, if operating in weather conditions equal to or better than those prescribed for VFR flight, may proceed under VFR and land as soon as practicable. As an alternate course of action, he may proceed to the airport of destination, maintaining the minimum safe altitude or the last altitude assigned by air traffic control (ATC), whichever is the higher.

In addition to the provisions of § 60.49, sections 60.21-1 and 60.49-1 of Civil Aeronautics Manual (CAM) 60 provide information which is to a great extent explanatory and to some extent repetitious. The Flight Information Manual presents considerable informative mate-

rial which is essentially an elaboration of the provisions of this rule and a repetition of the material in CAM 60.

The existing rule, last amended in 1949, has served satisfactorily in the past. However, the introduction of the jet aircraft and adoption of the three strata airspace structure indicate that a revision may be in order.

The requirements of jet aircraft to operate at high altitudes due to high fuel consumption rates at lower altitudes are not satisfied by the existing rule which requires the maintenance of "the minimum safe altitude." By interpreting § 60.17(d) and referring to the MEAs contained in Part 610 of the Regulations of the Administrator, it can be contended that the minimum safe altitude for a flight operating under the Instrument Flight Rules is, in fact, the published MEA for the route being flown. As applied to operations within the high and intermediate route structures, these MEAs would be Flight Level 240 and 14,500 feet m.s.l., respectively. The minimum safe altitude for flight outside low or intermediate airways would be that altitude that provides terrain and obstruction clearance in accordance with § 60.17(d).

The existing rule did not envision a climb subsequent to radio failure of the magnitude which would be required were the pilot to climb, for example, from an initially assigned altitude at departure of 6,000 feet to the MEA of the high altitude route structure. The requirements of the rule should be clarified and a procedure established which will best serve flight safety.

It is virtually impossible to promulgate a rule which provides definitive action for every conceivable eventuality associated with radio failure. Such a rule would be too voluminous for ready comprehension and application. Similarly, it is not our intent to promulgate a rule so brief or general as to be ambiguous. Adoption of the rule proposed herein would be accompanied by a description in the Flight Information Manual of the detailed procedures which should be followed in the event of radio failure. There would be no other FAA source of supplementary material applicable to this rule.

While two-way communications failure may not necessarily constitute an emergency to the pilot, it frequently causes some degree of emergency to the ATC system, especially within terminal areas. The simplest manner to resolve this problem is to remove its source. Therefore, to provide for maximum flight safety and to minimize adverse effects upon other air traffic operating IFR in the ATC system, the rule would require that the flight be terminated under VFR conditions if then existing or subsequently encountered weather permits. However, it is not intended to encroach upon the prerogatives of the pilot to exercise his best judgment by requiring landing at an airport unsuitable for the type and configuration of the aircraft or by requiring landing only minutes short of the intended destination.

The proposed requirement to terminate flight under VFR would not apply within positive controlled airspace. Special Civil Air Regulation SR–424C prohibits flight under VFR in positive controlled airspace and it is not intended that this amendment modify that regulation. It is therefore considered advisable to require that the pilot follow the course of action applicable to IFR should radio failure be experienced within positive control airspace. It is emphasized, however, that all portions of the rule apply upon leaving such airspace.

In the event weather conditions preclude VFR termination of the flight, it is proposed that pilots who have been assigned an altitude or flight level within the route structure requested in their flight plan, maintain that altitude or flight level, or the MEA, whichever is higher, to destination. Pilots assigned an altitude or flight level below the route structure requested in the flight plan would be required to maintain the assigned altitude or the minimum safe altitude, whichever is the higher, until ten minutes after passing the first compulsory reporting point over which the pilot could not report his position. After observing the required ten-minute time period, the pilot would execute climb to the lowest cardinal altitude at or above the MEA of the route structure within which he had planned en route flight. Cardinal altitudes or flight levels are odd or even thousand foot levels. For example, when the published MEA of the intermediate route structure is 14,500, a pilot who files an intermediate route and is assigned an altitude in the low route structure would be expected, in the event of radio failure, to climb at the appropriate time to 15,000 feet, the lowest usable cardinal altitude. If the published MEA is above 15,000 feet, he would climb to and maintain the appropriate cardinal altitude. It should be noted that the pilot would be required to use Flight Level 240 without a requirement or ability to cope with the problem of altimeter error when pressure is below 29.92 inches of mercury. The controller would be responsible to adjust insofar as possible any other IFR traffic below Flight Level 240 to preclude confliction during flight in pressure below 29.92" Hg.

A degree of safety in climb to the minimum usable altitude in the route structure filed is provided in the proposed rule. While it may be contended that safety would be enhanced by requiring the aircraft suffering radio failure to climb off the centerline of the airway, the ability of air traffic control to effectively provide separation would be reduced because of the doubtful position of the climbing aircraft. It is considered that the most feasible solution is to make provision for controller recognition of radio failure and to provide time for the controller to adjust traffic involved prior to the initiation of climb by the "radio failure" aircraft. This would be accomplished by incorporating into the proposed rule the delayed pilot action prior to an oncourse climb.

In the interest of expediency and to insure a proper flow of traffic, ATC must, on occasion, clear aircraft to hold, either en route or at the approach fix. Guidance is necessary for the pilot who experiences radio failure subsequent to receipt of a holding clearance. Accordingly, the proposed rule provides that pilots who have received holding instructions should depart the holding fix at the expected further clearance time specified or, if an expected approach time has been received, to depart the holding fix so as to arrive at the approach facility as nearly as possible to the expected approach time.

The proposed rule takes cognizance of the many variables encountered in flight which require estimates to be revised and cause the actual arrival times to differ from estimates. The proposal specifies the use of an elapsed time as revised during the course of the flight. It stipulates that descent at the approach facility should be initiated as soon as possible after the expected approach time or estimated time of arrival in the event the aircraft's arrival over the facility is later than anticipated.

As previously stated, it is not feasible to provide for any and all possible ramifications and this rule will not attempt to regulate emergency or near emergency situations. For example, the rule omits reference to the problems arising if it proves necessary to proceed to an alternate airport. The circumstances would be so unpredictable in such a situation that it is considered an emergency would exist and, as such, would not be subject to regulation.

In the informal coordination of this proposed rule with both the military and civilian segments of the aviation community, one segment expressed a desire that the revised section be adopted as early as practicable. It was suggested that the period for comment regarding the notice of proposed rule making be reduced. There was no opposition to this proposal. Therefore, the period for comment in response to this proposal is reduced from the usual 60 days to a period of 45 days after publication.

In consideration of the foregoing, it is proposed that Part 60 of the Civil Air Regulations (14 CFR Part 60) and the Civil Aeronautics Manual 60 be amended as follows:

1. By amending § 60.49 to read as follows:

§ 60.49 Radio failure.

In the event of two-way radio communications failure the pilot shall comply with the following procedures, unless otherwise authorized by air traffic control:

(a) *VFR Conditions.* If the failure occurs in VFR conditions or if such conditions are subsequently encountered, continue flight under VFR and land as soon as practicable: *Provided,* That during flight within positive control airspace, the provisions of paragraph (b) of this section shall apply to the portion of the flight conducted within such airspace.

(b) *IFR Conditions.* If the failure occurs in IFR conditions, or if the provisions of paragraph (a) of this section cannot be followed, continue flight to the airport of destination.

(1) *Route.* Via the route specified in the last air traffic control clearance received or, if no route has been specified, via the planned route.

(2) *Altitude.* At the altitudes or flight levels specified in the last air traffic con-

trol clearance received, the lowest cardinal altitude at or above the MEA of the planned route structure, or the minimum safe altitude, whichever is higher. When climb to a higher route structure is necessary, climb shall be initiated, unless required earlier by the minimum safe altitude, 10 minutes after passing the first compulsory reporting point over which the failure prevented communications with air traffic control.

(3) *Holding.* When holding instructions have been received, depart the holding fix at the expected further clearance time received or, if an expected approach clearance time has been received, depart the holding fix so as to arrive over the radio facility serving the destination airport as nearly as possible to the expected approach clearance time.

(4) *Descent.* Descent from the en route altitude or flight level shall be initiated at the approach facility serving the destination airport at whichever of the following times is the later:

(i) The expected approach clearance time, if received;

(ii) The estimated time of arrival as determined from the flight plan, as amended; or

(iii) The actual time of arrival over the facility.

2. By rescinding §§ 60.21–1 and 60.49–1 of the Civil Aeronautics Manual.

This amendment is proposed under the authority of section 307 of the Federal Aviation Act of 1958 (72 Stat. 752, 49 U.S.C. 1354).

Issued in Washington, D.C., on June 9, 1961.

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

[F.R. Doc. 61–5572; Filed, June 15, 1961; 8:48 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 61–KC–20]

FEDERAL AIRWAYS

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 § 600.1702 of the regulations of the Administrator, the substance of which is stated below.

Intermediate altitude VOR Federal airway No. 1702 extends from the United States/Canadian border northwest of Buffalo, N.Y., via Buffalo to Paterson, N.J. The Federal Aviation Agency has under consideration the extension of this airway within 5 miles either side of the centerline northwest from its present terminus at the United States/Canadian border via the intersection of the Buffalo VORTAC 312° and the Toronto, Canada, VOR 141° True radials; the Toronto VOR; the Wiarton, Canada, VOR; the Sault Ste. Marie, Mich., VOR; the Whitefish, Mich., VOR; to the Lakehead, Ontario, VOR, excluding those portions which lie over Canada. This action would provide an intermediate altitude airway in conjunction with Canadian segments of VOR Federal airway No. 300 for northwest and southeast bound air traffic between the New York, N.Y., terminal area and Lakehead.

If this action is taken, Intermediate altitude VOR Federal airway No. 1702 would be designated from the Lakehead, Ontario, VOR; 10-mile wide airway via the Whitefish, Mich., VOR; the Sault Ste. Marie, Mich., VOR; the Wiarton, Canada, VOR; the Toronto, Canada, VOR; the intersection of the Toronto VOR 141° and the Buffalo, N.Y., VORTAC 312° True radials to the United States/Canadian border; thence 16-mile wide airway via the Buffalo VORTAC; the intersection of the Buffalo VORTAC 124° and the Wilkes-Barre, Pa., VOR 299° True radials; the Wilkes-Barre VOR; thence 10-mile wide airway via the Sparta, N.J., VOR; to the intersection of the Sparta VOR 111° and the Wilton, Conn., VOR 240° True radials, excluding those portions which lie over Canada.

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

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

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

Issued in Washington, D.C., on June 12, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–5560; Filed, June 15, 1961; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 259]

FORMS PRESCRIBED UNDER PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission is considering a proposal to amend Form U5S (described in § 259.5s), adopted pursuant to sections 5 and 14 of the Public Utility Holding Company Act of 1935. That form, which prescribes the information required to be filed annually by each registered holding company, does not require the filing of information (other than in a footnote to the financial statements) with respect to stock options issued to officers, directors, or employees of the registered holding company or any of its subsidiary companies. It appears appropriate in the public interest and for the protection of investors and consumers that adequate information with respect to stock options issued by registered holding companies or their subsidiary companies be made available to the Commission and to the public.

The proposal to amend the form is made pursuant to the provisions of sections 5 and 14 of the Public Utility Holding Company Act of 1935. The suggested amendment to Form U5S is as follows:

Add the following to Item 9, *Officers, directors and employees.*

(f) *Stock options.* Furnish the following information (in tabular form to the extent practicable):

(A)—as to each officer or director in the holding-company system, who, at any time during the calendar year, held an option to purchase shares of stock of any company in the holding-company system—(1) name; (2) dates employed by, or served as a director in, the holding-company system; (3) name of each company in the holding-company system from which optionee received any compensation during the calendar year; (4) position in each such company from which optionee received any compenation during the calendar year; (5) name of each such company granting a stock option to optionee; (6) regular annual cash compensation received from each such company employing optionee at date of each grant of option; (7) date of each grant of option held by optionee; (8) number of shares of stock optioned to optionee at date of each grant; (9) per share market value of stock at date of each grant of option held by optionee; (10) per share exercise price of each share optioned to optionee; (11) expiration date of each option; (12) date(s) of exercise by optionee of each share of stock optioned; (13) number of shares acquired by optionee upon each exercise of stock optioned; and (14) per share market value of stock at date of each exercise of option.

(B)—as to all other holding-company system employees as a group, without naming them individually, who at any time during

the calendar year held an option to purchase shares of stock of any company in the holding-company system—(1) number of such employees whose regular annual cash compensation received from all companies in the holding-company system at the date such employee was granted an option was (i) under $10,000, (ii) $10,000 to $19,999, (iii) $20,000 to $29,999, (iv) $30,000 to $39,999, (v) $40,000 to $49,999, and (vi) $50,000 and above; (2) the total number of shares optioned during the calendar year to such employees within each of the above ranges of compensation; (3) the expiration date of options issued to such persons within each of the above ranges of compensation; (4) the per share market values of the shares of stock at the dates of the granting of the options to such persons within each of the above ranges of compensation and the number of optioned shares applicable to each such market value figure; (5) the number of shares, if any, purchased by such persons during the calendar year by exercise of options classified as in item (4) hereof; (6) the per share market values of the shares purchased during the calendar year by such persons at the dates of exercise of options classified as in item (4) hereof.

Add the following as paragraph (5) to the Instructions to Item 9.

5. The term "option" as used in paragraph (f) includes all options, warrants or rights expiring one year or more after date of issuance.

(Sec. 5, 49 Stat. 812, 15 U.S.C. 79e; and sec. 14, 49 Stat. 827, 15 U.S.C. 79n)

All interested persons are invited to file written views and comments with respect to the proposal. Such views and comments should be submitted to the Securities and Exchange Commission, Washington, D.C., on or before July 7, 1961.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

JUNE 9, 1961.

[F.R. Doc. 61-5570; Filed, June 15, 1961; 8:48 a.m.]

Notices

CIVIL AERONAUTICS BOARD

[Docket No. 12030]

OZARK AIR LINES, INC.

"Use-It-or-Lose-It" Investigation; Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on July 25, 1961, at 10:00 a.m., c.d.s.t., in the Olmsted County Court House, 501 Second Street SW., Rochester, Minnesota, before the undersigned examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served April 4, 1961, Board orders E–16231 and E–16499 adopted January 9, 1961, and March 13, 1961, respectively, and all other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board located in the Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., June 12, 1961.

[SEAL] WILLIAM J. MADDEN,
Hearing Examiner.

[F.R. Doc. 61–5585; Filed, June 15, 1961; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 61–KC–41]

PROPOSED RADIO ANTENNA STRUCTURES

Notice of No Airspace Objection

The Federal Aviation Agency has circularized the following proposals to interested persons for aeronautical comment and has conducted studies to determine their effect upon the utilization of airspace:

1. Illinois Bell Telephone Company, Springfield, Illinois, proposes to construct a microwave radio antenna structure near Braidwood, Illinois, at latitude 41°13′57″ north, longitude 88°11′09″ west. The overall height of the structure would be 863 feet above mean sea level (263 feet above ground).

2. Chicago and North Western Railway Company, Chicago, Illinois, proposes to construct a microwave radio antenna structure in Proviso, Illinois, at latitude 41°53′50″ north, longitude 87°54′46″ west. The overall height of the structure would be 887 feet above mean sea level (230 feet above ground).

3. Western Union Telegraph Company, New York, New York, proposes to construct two microwave radio antenna structures as follows:

(a) One near Ellis, Nebraska, at latitude 40°14′05″ north, longitude 96°-52′40″ west. The overall height of the structure would be 1,758 feet above mean sea level (313 feet above ground).

(b) One near Gilead, Nebraska, at latitude 40°08′44″ north, longitude 97°-26′33″ west. The overall height of the structure would be 1,846 feet above mean sea level (313 feet above ground).

No aeronautical objections were made in response to the circularizations. The aeronautical studies by the Agency revealed that the proposed structures would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, I find that these proposed structures, at the locations and mean sea level elevations specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection thereto from an airspace utilization standpoint be interposed by this Agency, provided that each structure be obstruction marked and lighted in accordance with applicable rules and standards.

This finding will be effective upon publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on June 9, 1961.

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

[F.R. Doc. 61–5555; Filed, June 15, 1961; 8:45 a.m.]

[OE Docket No. 61–KC–47]

PROPOSED TELEVISION ANTENNA STRUCTURE

Notice of No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the utilization of airspace: Norbertine Fathers, St. Norbert College, Green Bay, Wisconsin, operator of television station WBAY, proposes to construct a television antenna structure near Green Bay, Wisconsin, at latitude 44°24′33″ north, longitude 88°00′00″ west, within the Green Bay "Antenna Farm" area. The overall height of the structure would be 2,049 feet above mean sea level (1,149 feet above ground). Station WBAY presently utilizes an antenna structure located sixty feet north of the site of the proposed structure with an overall height of 1,650 feet above mean sea level (750 feet above ground).

No aeronautical objections were made in response to the circularization. The aeronautical study revealed that the proposed structure would be located within the geographical boundaries of the Green Bay "Antenna Farm" area which was recognized by the Airspace Division of the former Air Coordinating Committee in Airspace Panel Meeting No. 569 held on October 7, 1958.

The Administrator of the Federal Aviation Agency has found in OE Docket No. 61–KC–3 (26 F.R. 925) that a structure not exceeding 2,049 feet above mean sea level located within the geographical boundaries of the Green Bay "Antenna Farm" area would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes. This finding in effect established a height limitation of 2,049 feet MSL for the Green Bay "Antenna Farm" area. For this reason, I have determined that this study need not include review of the proposal at a Federal Aviation Agency Regional or Washington Informal Airspace Meeting.

Therefore, I find that this proposed structure at the location and mean sea level elevation specified herein, would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection thereto from an airspace utilization standpoint be interposed by this Agency, provided that the structure be marked and lighted in accordance with applicable rules and standards, and provided further that marking and lighting of the proponent's existing antenna structure be continued until this existing structure is dismantled.

This finding will be effective upon publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on June 9, 1961.

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

[F.R. Doc. 61–5556; Filed, June 15, 1961; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Project Nos. 282, 406, 467]

IDAHO AND OREGON

Vacation of Withdrawals Under Section 24 of the Federal Power Act

JUNE 9, 1961.

An application filed February 23, 1922, for a license for transmission-line Project No. 282 reserved, among other lands, portions of the following-described lands under section 24 of the Federal Power Act—which lands were listed in the Commission's January 10, 1923 withdrawal notification letter as:

BOISE MERIDIAN, IDAHO

T. 3 S., R. 7 E.,
Sec. 3: Lots 1, 2, S½NE¼, NE¼SW¼, SW¼SW¼;
Sec. 9: E½NE¼, SW¼NE¼, NW¼SE¼, E½SW¼, SW¼SW¼;
Sec. 10: NW¼NW¼;

Sec. 17: E½NE¼, N½SE¼, SW¼SE¼, SE¼SW¼;
Sec. 20: N½NW¼, SW¼NW¼.

An application filed April 16, 1923, for a license for transmission-line Project No. 406 reserved portions of the following-described lands—which lands were listed in the Commission's May 24, 1923 withdrawal notification letter as having been so reserved:

BOISE MERIDIAN, IDAHO

T. 1 N., R. 9 E.,
Sec. 13: SE¼SE¼;
Sec. 22: SE¼SE¼;
Sec. 23: SW¼SW¼;
Sec. 24: Lots 2, 3, SW¼NW¼;
Sec. 27: Lots 1, 2, 3;
Sec. 29: Lot 1, NE¼NE¼;
Sec. 31: Lots 7, 12, 13.
T. 1 N., R. 10 E.,
Sec. 7: Lot 2.
T. 2 N., R. 10 E.,
Sec. 6: E½SE¼;
Sec. 7: Lots 1, 4, 7, 10;
Sec. 8: Lot 2;
Sec. 18: Lot 8, E½NW¼;
Sec. 19: Lot 12, NE¼SW¼;
Sec. 30: Lots 9, 12.
T. 3 N., R. 10 E.,
Sec. 21: Lot 8;
Sec. 28: Lot 1;
Sec. 33: Lot 5, SW¼SW¼.
T. 1 S., R. 2 W.,
Sec. 14: NE¼NW¼, S½NW¼, W½SW¼;
Sec. 21: SE¼SE¼;
Sec. 22: W½NE¼, SE¼NW¼, N½SW¼;
Sec. 28: Lots 1, 2, NE¼NE¼.
T. 2 S., R. 2 W.,
Sec. 32: SE¼SE¼;
Sec. 33: S½SW¼, SE¼;
Sec. 34: S½NE¼, SE¼NW¼, N½SW¼, NW¼SE¼;
Sec. 35: SW¼NW¼.
T. 3 S., R. 2 W.,
Sec. 5: Lots 1, 2, 3, 4, SW¼NW¼;
Sec. 6: Lots 1, 5, 6, SE¼NW¼, S½NE¼.
T. 3 S., R. 3 W.,
Sec. 1: SE¼NE¼, N½S½;
Sec. 2: S½SW¼, SE¼;
Sec. 3: S½SE¼;
Sec. 9: SE¼NE¼, NE¼SE¼, S½SE¼;
Sec. 10: NW¼NE¼, NE¼NW¼, S½NW¼, NW¼SW¼;
Sec. 20: E½NE¼, N½SE¼, SW¼SE¼, SE¼SW¼;
Sec. 21: NW¼NW¼;
Sec. 29: NW¼NE¼, E½NW¼, SW¼NW¼, N½SW¼, SW¼SW¼;
Sec. 30: SE¼SE¼;
Sec. 31: E½NE¼, SE¼;
Sec. 32: NW¼NW¼.
T. 4 S., R. 3 W.,
Sec. 6: Lot 2, SW¼NE¼, NW¼SE¼, E½SW¼;
Sec. 7: Lots 3, 4, NE¼SW¼;
Sec. 18: Lots 1, 2, 3, 4;
Sec. 19: Lots 1, 2, 3, E½NW¼;
Sec. 31: Lots 2, 3, SE¼NW¼, NE¼SW¼, W½SE¼.
T. 5 S., R. 3 W.,
Sec. 6: Lot 2, SW¼NE¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 7: E½E½;
Sec. 17: W½NW¼, NW¼SW¼;
Sec. 18: E½E½;
Sec. 19: E½E½;
Sec. 20: SW¼SW¼;
Sec. 29: E½W½, NW¼NW¼;
Sec. 32: SW¼NE¼, E½NW¼, NE¼SW¼, W½SE¼.
T. 6 S., R. 3 W.,
Sec. 5: Lot 2, SW¼NE¼;
Sec. 8: NW¼NE¼, E½E½;
Sec. 9: SW¼SW¼;
Sec. 17: NE¼NE¼;
Sec. 21: W½W½;
Sec. 28: NW¼, E½SW¼.

T. 4 S., R. 4 W.,
Sec. 24: E½SE¼, SW¼SE¼;
Sec. 25: Lot 1, W½NE¼, NE¼SW¼.
T. 5 S., R. 4 W.,
Sec. 1: NW¼.
T. 2 S., R. 7 E.,
Sec. 24: NE¼SE¼, S½SE¼;
Sec. 25: NW¼NE¼, S½NW¼, W½SW¼;
Sec. 26: E½SE¼;
Sec. 34: SE¼SE¼;
Sec. 35: N½NE¼, SW¼NE¼, SE¼NW¼, N½SW¼, SW¼SW¼.
T. 1 S., R. 8 E.,
Sec. 13: SE¼SE¼;
Sec. 24: NE¼NE¼, SE¼SE¼;
Sec. 25: SW¼SE¼, SE¼SW¼;
Sec. 35: SW¼SW¼.
T. 2 S., R. 8 E.,
Sec. 4: NE¼SE¼, SW¼SE¼;
Sec. 8: NE¼SE¼, S½SE¼;
Sec. 9: NE¼NW¼, S½NW¼, NW¼SW¼;
Sec. 17: NW¼NE¼, E½NW¼, N½SW¼, SW¼SW¼;
Sec. 18: NE¼SE¼, S½SE¼;
Sec. 19: Lots 2, 3, N½NE¼, E½NW¼.
T. 1 S., R. 9 E.,
Sec. 5: W½SW¼;
Sec. 6: Lots 1, 2, SE¼NE¼.
T. 14 S., R. 22 E.,
Sec. 8: E½SE¼;
Sec. 9: W½W½;
Sec. 17: E½E½;
Sec. 20: E½E½;
Sec. 29: E½SE¼;
Sec. 32: E½NE¼;
Sec. 33: W½W½.

WILLAMETTE MERIDIAN, OREGON

T. 13 S., R. 42 E.,
Sec. 13: S½S½;
Sec. 14: S½S½;
Sec. 20: NE¼;
Sec. 21: S½N½;
Sec. 22: E½NE¼, SW¼NW¼;
Sec. 23: N½N½;
Sec. 24: NW¼NW¼.
T. 13 S., R. 43 E.,
Sec. 9: Lot 7, SE¼SW¼, SE¼SE¼;
Sec. 10: SE¼SW¼;
Sec. 11: SW¼SE¼;
Sec. 12: N½SE¼, SE¼SW¼;
Sec. 14: NW¼NE¼, E½NW¼, SW¼NW¼;
Sec. 15: E½NE¼, NW¼NE¼, NE¼NW¼;
Sec. 17: NW¼NE¼;
Sec. 18: NE¼SE¼.
T. 13 S., R. 44 E.,
Sec. 7: NW¼SE¼, SE¼SE¼;
Sec. 8: S½SE¼;
Sec. 14: SW¼SE¼, SE¼SW¼;
Sec. 15: NW¼SE¼, SE¼NW¼.
T. 13 S., R. 45 E.,
Sec. 20: W½SE¼;
Sec. 31: E½SE¼, SW¼SE¼, SE¼SW¼;
Sec. 32: Lots 1, 2, 3, 4, 5.
T. 14 S., R. 45 E.,
Sec. 6: Lots 2, 3, 6, 7, SE¼NW¼, NE¼SW¼;
Sec. 7: Lots 1, 2, 3.

An application filed January 9, 1924, for a license for transmission-line Project No. 467 reserved portions of certain lands—which lands were listed in the Commission's January 14, 1924 withdrawal notification letter and subsequently described in its December 22, 1925 letter in the terms of supplemental surveys as:

WILLAMETTE MERIDIAN, OREGON

T. 12 S., R. 41 E.,
Sec. 20: Lot 15;
Sec. 26: Lot 13;
Sec. 27: Lots 14, 15, 16, 17;
Sec. 28: Lots 5, 6, 7, 8, 9;
Sec. 29: Lots 1, 2, 3, 9;
Sec. 35: SW¼NE¼, E½NW¼, N½SE¼, SE¼SE¼.

T. 13 S., R. 41 E.,
Sec. 1: Lots 8, 9, 15, 16, 19;
Sec. 2: Lot 1;
Sec. 12: Lots 2, 4, 6, 8, 9, 10.
T. 13 S., R. 42 E.,
Sec. 7: Lot 4;
Sec. 17: S½SW¼;
Sec. 18: Lot 1, NE¼NW¼, SW¼NE¼, N½SE¼, SE¼SE¼.

An application filed January 8, 1926, for amendment of the application for license for Project No. 406 reserved portions of the following-described lands for transmission-line purposes—which lands were described in the Commission March 24, 1926 withdrawal notification letter as:

BOISE MERIDIAN, IDAHO

T. 15 S., R. 22 E.,
Sec. 9: W½W½;
Sec. 20: SE¼NE¼, E½SE¼;
Sec. 21: W½NW¼, NW¼SW¼;
Sec. 29: E½E½;
Sec. 32: Lots 1, 2, E½NE¼, NE¼SE¼.
T. 16 S., R. 22 E.,
Sec. 5: Lot 2;
Sec. 8: W½E½;
Sec. 17: W½E½;
Sec. 20: NW¼NE¼;
Sec. 28: W½NW¼, NW¼SW¼, SE¼SW¼;
Sec. 29: NE¼NE¼;
Sec. 33: W½E½, SE¼SE¼.

An application filed May 29, 1928, for amendment of the license for Project No. (406) 282 reserved a portion of the following-described land for transmission-line purposes—which land was described in the Commission's June 15, 1929 withdrawal notification letter as:

BOISE MERIDIAN, IDAHO

T. 4 S., R. 8 E.,
Sec. 19: Lot 1.

An application filed July 3, 1935, for amendment of the license for Project No. 282 reserved portions of the following-described lands—which lands were described in the Commission's October 17, 1935 withdrawal notification letter as:

BOISE MERIDIAN, IDAHO

T. 4 S., R. 4 W.,
Sec. 26: Lot 1, SE¼SW¼;
Sec. 31: S½SE¼;
Sec. 32: S½S½;
Sec. 33: Lot 1, S½SE¼;
Sec. 34: E½NE¼, SW¼NE¼, SE¼NW¼, NW¼SE¼, N½SW¼, SW¼SW¼.
T. 5 S., R. 4 W.,
Sec. 4: Lots 3, 4;
Sec. 5: Lot 1;
Sec. 6: Lots 2, 3, 4, 6, 10.
T. 5 S., R. 5 W.,
Sec. 1: Lot 1, S½SE¼;
Sec. 12: W½NE¼.

Applications filed September 20, 1938, and August 17, 1939, for the amendment of the license for Project No. 282 reserved portions of the following-described lands—which lands were described in the Commission's March 4, 1940 withdrawal notification letter as:

BOISE MERIDIAN, IDAHO

T. 6 S., R. 15 E.,
Sec. 2: S½SW¼.
T. 6 S., R. 16 E.,
Sec. 1: N½S½;
Sec. 2: N½S½;
Sec. 3: N½S½;
Sec. 4: N½S½;
Sec. 5: N½SE¼, E½SW¼, SW¼SW¼;
Sec. 6: S½SE¼, SE¼SW¼.

T. 6 S., R. 17 E.,
Sec. 3: NW¼SE¼, N½SW¼;
Sec. 4: N½S½;
Sec. 5: N½S½;
Sec. 6: N½S½.
T. 5 S., R. 4 E.,
Sec. 32: Lots 7, 8, N½SE¼;
Sec. 34: Lot 9.

Project Nos. 406 and 467 were consolidated with and are now part of Project No. 282. Except for the lands reserved pursuant to the filing of the above-mentioned September 20, 1938 and August 17, 1939 applications for amendment of the license for Project No. 282 to include therein certain lines, which applications the applicant was permitted to withdraw, and the lands reserved in connection with certain lines which were subsequently licensed as Project No. 466, all of the above-described lands have at some time been occupied for transmission-line purposes in connection with Project No. 282. The surrender of the license for Project No. 466 was accepted effective as of November 17, 1960, by order issued February 10, 1961.

The remaining above-described lands were reserved in connection with transmission lines which have been excluded from the license for Project No. 282. Some of the lines were constructed to serve mining areas which have been completely abandoned for a number of years, the service discontinued and the lines removed from the lands. Other lines were excluded from the license pursuant to findings by the Commission that they were not subject to its licensing authority and the lands of the United States involved are now occupied under permit from an appropriate Federal agency.

The Commission finds: The existing power withdrawals pertaining to the above-described lands under section 24 of the Federal Power Act pursuant to the filing of the above-mentioned applications in connection with Project Nos. 282, 406 and 467 serve no useful purpose and vacation of the withdrawals is in the public interest.

The Commission orders: The existing power withdrawals pertaining to the above-described lands under section 24 of the Federal Power Act pursuant to the filing of the above-mentioned applications in connection with Project Nos. 282, 406 and 467 are vacated.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–5561; Filed, June 15, 1961; 8:46 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

CLARA SCHWARZ

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. Clara Schwarz, Rotenburg/Hannover, Western-Germany; $242.49 cash in the Treasury of the United States. Claim No. 33335. Vesting Order No. 4378.

Executed at Washington, D.C., on June 12, 1961.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Acting Director,
Office of Alien Property.

[F.R. Doc. 61–5576; Filed, June 15, 1961; 8:48 a.m.]

FRIEDA (ELFRIEDE) HEIDRICH

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Frieda (Elfriede) Heidrich, Berlin, Germany; $5,587.58 in the Treasury of the United States. Claim No. 66616. Vesting Order No. 1503.

Executed at Washington, D.C., on June 12, 1961.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Acting Director,
Office of Alien Property.

[F.R. Doc. 61–5577; Filed, June 15, 1961; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–123]

CURATORS OF UNIVERSITY OF MISSOURI, SCHOOL OF MINES AND METALLURGY

Notice of Extension of Completion Date

Please take notice that the Atomic Energy Commission has issued an order extending to December 31, 1961, the latest completion date specified in Construction Permit No. CPRR–44 for the construction of the 10-kilowatt pool-type nuclear reactor to be located on the University's campus in Rolla, Missouri.

Copies of the Commission's order and of the application of The Curators of The University of Missouri are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 9th day of June 1961.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 61–5551; Filed, June 15, 1961; 8:45 a.m.]

[Docket No. 50–30]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Plum Brook Reactor Facility

Please take notice that pursuant to provisions of paragraph IV A of Provisional Operating License No. TR–3, the National Aeronautics and Space Administration has been authorized to commence initial core loading of its Plum Brook Reactor Facility located near Sandusky, Ohio.

Based upon a report of inspection by a representative of the Division of Compliance and an evaluation of this report by the Test and Power Reactor Safety Branch, Division of Licensing and Regulation, I have found that:

1. The systems or items described in Category II of the Amendment to the application filed by NASA on October 17, 1960, have been constructed and tested in accordance with the application.

2. The reactor control modification described in Category III of the Amendment to the application filed by NASA on October 17, 1960, has been completed.

Notice of issuance of Provisional Operating License TR–3 was issued on March 14, 1961.

Dated this 12th day of June 1961.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 61–5552; Filed, June 15, 1961; 8:45 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

TEXTILES AND TEXTILE MANUFACTURES

Investigation of Imports

Notice is hereby given, in accordance with the provisions of section 8 of the Trade Agreements Extension Act of 1958 and OCDM Regulation No. 4, as amended, that the Director of the Office of Civil and Defense Mobilization has ordered an investigation to be undertaken to determine whether or not textiles and textile manufactures are being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security. An application to OCDM for such action was filed jointly by American Cotton Manufacturers Institute, Inc., National Association of Wool Manufacturers, Northern Textile Association, Apparel Industry Committee on Imports, Cloth-

ing Manufacturers Association of the United States of America, American Silk Council, Inc., Association of Cotton Textile Merchants of New York, Man-Made Fiber Producers Association, Inc., American Carpet Institute, Inc., and Boston and Allied Wool Trade Associations.

Dated: June 14, 1961.

FRANK B. ELLIS,
Director, Office of Civil and Defense Mobilization.

[F.R. Doc. 61-5602; Filed, June 15, 1961; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3842]

BLACK BEAR INDUSTRIES, INC.

Order Summarily Suspending Trading

JUNE 12, 1961.

The common stock, par value 15 cents a share, of Black Bear Industries, Inc. (formerly Black Bear Consolidated Mining Co.) being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, June 13, 1961, to June 22, 1961, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61-5568; Filed, June 15, 1961; 8:47 a.m.]

[File No. 814-54]

PRINCIPAL INVESTORS CORP.

Notice of Filing of Application for an Order

JUNE 9, 1961.

Notice is hereby given that Principal Investors Corporation, Seattle, Wash. ("Applicant"), a Delaware corporation, has filed an application pursuant to Section 9(b) of the Investment Company Act of 1940 ("Act") for an order exempting the Applicant from the provisions of section 9(a) of the Act to the extent that the same may be applicable as a result of the circumstances described below.

The application contains the following representations:

Applicant is registered as a broker-dealer under the Securities Exchange Act of 1934, and is the principal underwriter for a registered investment company.

Donald M. Cormie, of Edmonton, Alberta, Canada, owns 64 percent of the capital stock of Applicant. Cormie also holds 64 percent of the voting securities of Collective Securities Ltd. (an Alberta corporation), which holds 96.93 percent of the voting securities of First Investors Corporation Ltd. (an Alberta corporation), which holds 100 percent of the voting securities of Athabasca Holdings Ltd. (an Alberta corporation), which in turn, holds 100 percent of the voting securities of Alberta Mortgage Exchange Ltd. ("Mortgage Exchange") (an Alberta corporation). Mortgage Exchange is, therefore, an affiliated person of Applicant under section 2(a)(3)(C) of the Act, which defines an affiliated person of another person as including any person directly or indirectly under common control with such other person.

Mortgage Exchange expects to plead guilty on or about June 19, 1961, before a Magistrate of the Province of Alberta, Canada, to a charge that it violated the Securities Act, 1955 of the Province of Alberta ("Alberta Act") by selling Mortgage Exchange debentures to the public without complying with the registration requirements of the Alberta Act.

Section 9(a) of the Act, among other things, makes it unlawful for any company to serve or act in the capacity of investment adviser or depositor of any registered investment company, or principal underwriter for any registered open-end company, registered unit investment trust or registered face-amount certificate company if any affiliated person of such company is a person who within ten years has been convicted of any felony or misdemeanor involving the purchase or sale of any security or arising out of such person's conduct as an underwriter, broker or dealer.

Section 9(b) of the Act provides that any person who is ineligible, by reason of subsection (a), to serve or act in the capacities therein enumerated, may file with the Commission an application for an exemption from its provisions, and that this Commission shall by order grant such application, either unconditionally or on an appropriate temporary or other conditional basis if it is established that the prohibitions of subsection (a) as applied to such person, are unduly or disproportionately severe or that the conduct of such person has been such as not to make it against the public interest or protection of investors to grant such application.

The application indicates that during the period February 11, 1958, through May 1960, Mortgage Exchange sold a total of $156,300 principal amount of debentures to 25 different persons; that one salesman (who received commissions on 24 of the 25 sales) and one officer of Mortgage Exchange knew about these sales; and that the violation of the Alberta Act was due to a mistake of law.

Until clarification of the law as described below, both the salesman and officer of Mortgage Exchange believed that a public offering was not involved where the purchaser was affiliated or associated with Mortgage Exchange or with companies or persons affiliated or associated with Mortgage Exchange.

In May 1960, Mortgage Exchange learned that in October 1959 there was reported the first decision of an Alberta court discussing the question of an offering for sale to the public; and that such decision indicated that a public offering would be involved where "* * * the sale of the securities of the private company transcended the ordinary sale of a private domestic concern to a person or persons having common bonds of interest or associations." R. V. Piepgrass, 29 W.W.R. 218 (1959). Upon inquiry as to the relationship of the purchasers to Mortgage Exchange, it became clear that not all of them had "common bonds of interest or association" with Mortgage Exchange, although they may have had such connection with persons or companies having common bonds of interest or association with Mortgage Exchange.

Mortgage Exchange has redeemed all of the debentures which had been issued except $24,300 principal amount of debentures, of which $15,300 principal amount are held by the father-in-law of the salesman involved and the balance of $9,000 principal amount are held by a sister of the officer of Mortgage Exchange referred to above and by three other persons similarly affiliated with Mortgage Exchange.

The Applicant states that the salesman is no longer connected with Mortgage Exchange or with any affiliated company and that he has been convicted of violation of the Alberta Act and has been fined the minimum amount of $25 and costs. The Crown Prosecutor has told counsel for Mortgage Exchange that the Crown is of the opinion that Mortgage Exchange has committed a technical offense and that the Crown will request the Magistrate to impose the minimum fine of $100 and costs since no one has been harmed and the offense was based on a mistake of law.

Applicant asserts that the prohibitions of section 9(a) of the Act if applicable by reason of said conviction, would be unduly and disproportionately severe if applied to Applicant and that the conduct of Applicant has been such as to make it not against the public interest or protection of investors to grant the requested application.

Notice is further given that any interested person may, not later than June 22, 1961, at 5:30 p.m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such re-

quest and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D.C. At any time after said date, the application may be granted as provided in Rule O–5 of the rules and regulations promulgated under the Act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61–5569; Filed, June 15, 1961; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 13, 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. 37203: *Substituted service—L&N for Roadway Express, Inc.* Filed by Southern Motor Carriers Rate Conference, Agent (No. 64), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between Covington, Ky., on the one hand, and Atlanta, Ga., Birmingham, Ala., Knoxville, Memphis, and Nashville, Tenn., on the other, 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 7 to Southern Motor Carriers Rate Conference tariff MF–I.C.C. 1121, I.C.C. 34.

FSA No. 37204: *Substituted service—SAL for Terminal Transport Company, Inc.* Filed by Southern Motor Carriers Rate Conference, Agent (No. 65), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between Jacksonville, Fla., and Miami, Fla., 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 7 to Southern Motor Carriers Rate Conference MF–I.C.C. 1121, I.C.C. 34.

FSA No. 37205: *Substituted service—L&N and ACL for Central Truck Lines, Inc.* Filed by Southern Motor Carriers Rate Conference, Agent (No. 66), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between New Orleans, La., on the one hand, and Jacksonville, Lakeland, Orlando, and Tampa, Fla., on the other, 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 7 to Southern Motor Carriers Rate Conference tariff MF–I.C.C. 1121, I.C.C. 34.

FSA No. 27206: *Substituted service—L&N and SAL for Central Truck Lines, Inc.* Filed by Southern Motor Carriers Rate Conference, Agent (No. 67), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between New Orleans, Mobile, Ala., and Pensacola, Fla., on the one hand, and Jacksonville, Miami, Orlando, and Tampa, Fla., on the other, 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 7 to Southern Motor Carriers Rate Conference tariff MF–I.C.C. 1121, I.C.C. 34.

FSA No. 37207: *Substituted service—ACL, et al., for Mercury Motor Express, Inc.* Filed by Southern Motor Carriers Rate Conference, Agent (No. 68), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between Alexandria, Va., Baltimore, Md., Kearny, N.J., and Philadelphia, Pa., on the one hand, and Atlanta, Ga., and Miami, Fla., 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 7 to Southern Motor Carriers Rate Conference tariff MF–I.C.C. 1121, I.C.C. 34.

FSA No. 37208: *Substituted service—ACL, et al., for McLean Trucking Company.* Filed by Southern Motor Carriers Rate Conference, Agent (No. 69), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between Atlanta and Savannah, Ga., on the one hand, and Alexandria, Va., Baltimore, Md., Kearny, N.J., and Philadelphia, Pa., on the other, 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 7 to Southern Motor Carriers Rate Conference tariff MF–I.C.C. 1121, I.C.C. 34.

FSA No. 37209: *Substituted service—L&N and ACL for Herrin Transportation Company.* Filed by Southern Motor Carriers Rate Conference, Agent (No. 70), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between Jacksonville, Fla., on the one hand, and Memphis, Tenn., and New Orleans, La., on the other, 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 7 to Southern Motor Carriers Rate Conference tariff MF–I.C.C. 1121, I.C.C. 34.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61–5574; Filed, June 15, 1961; 8:48 a.m.]

[Docket No. 33746]

PULLMAN-STANDARD HYDRO-FRAME–60 BOX CARS

Drawbar Extensions

JUNE 13, 1961.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 31st day of May, A.D. 1961.

Notice is hereby given pursuant to the provisions of section 4(a) of the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 1003), that the Commission has under consideration a petition dated April 27, 1961, filed by the Brotherhood of Railroad Trainmen, the Order of Railway Conductors and Brakemen, the Switchmen's Union of North America, and Brotherhood Railway Carmen of America for the investigation into the use of drawbar extensions on pullman-standard hydroframe–60 box cars, such extensions being based upon a sliding frame principle extending 30 inches from the end of the car and which, upon impact, collapse to absorb shock, and petitioners further request that pending such investigation and at the conclusion thereof such action be taken as is necessary to prevent the use of such equipment.

Any interested person may, on or before August 1, 1961, submit written statements containing data, views, arguments, or suggestions to be considered in this connection and may request oral argument thereon. One signed copy and 14 additional copies of such statements must be furnished for the use of the Commission by mailing to the Secretary of the Interstate Commerce Commission, Washington, D.C. The Commission thereafter will determine whether or not assignment of the matter for oral hearing is necessary or desirable.

Notice of the above petition for investigation shall be given to persons of interest and to the general public by posting a copy of this notice in the Office of the Secretary of the Commission at Washington, D.C., for public inspection and by filing a copy with the Director of the Division of the Federal Register for publication in the FEDERAL REGISTER.

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61–5575; Filed, June 15, 1961; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 12, 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. 37199: *Cement from Marquette, Mo., to southern territory.* Filed by O. W. South, Jr., Agent (No. A4108), for interested carriers. Rates on cement and related articles, in carloads, from Marquette, Mo., to points in southern territory.

Grounds for relief: Motor-truck competition, short-line distance formula and grouping.

Tariff: Supplement 10 to Southern Freight Association tariff I.C.C. S–157.

FSA No. 37200: *Class rates—Seatrain Lines, Inc.* Filed by Seatrain Lines, Inc. (No. 14) for interested carriers. Rates on various commodities moving on class rates loaded, in trailers and transported over joint water-rail, motor-water-rail, rail-water and rail-water-motor routes of the applicant rail and motor carriers and Seatrain Lines, Inc., between Stroudsburg, Pa., and points taking same rates, on the one hand, and points in Arkansas, Louisiana and Texas.

Grounds for relief: Motor-water and rail-water competition.

Tariff: Supplement 33 to Seatrain Lines, Inc., tariff I.C.C. 185.

FSA No. 37201: *Soda ash from Texas and Louisiana points to Hillsboro and Tampa, Fla.* Filed by Southwestern Freight Bureau, Agent (No. B–8036), for interested rail carriers. Rates on soda ash, in bulk, in carloads, from Corpus Christi, Freeport and Houston, Tex., Lake Charles and West Lake Charles, La., to Hillsboro and Tampa, Fla.

Grounds for relief: Market competition.

Tariffs: Supplements 805 and 523 to Southwestern Freight Bureau tariffs I.C.C. 4139 and 4087.

FSA No. 37202: *Liquefied petroleum gas from Zuni, N. Mex.* Filed by Southwestern Freight Bureau, Agent (No. B–8037), for interested rail carriers. Rates on liquefied petroleum gas, in tank-car loads, from Zuni, N. Mex., to points in southwestern territory, also Kansas; and points in southern territory, also adjacent official territory border points.

Grounds for relief: Short-line distance formula and grouping.

Tariffs: Supplements 13, 106, and 15 to Southwestern Freight Bureau tariffs I.C.C. 4410, 4334 and 4395, respectively.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

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