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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Veterans Administration

Effective upon publication in the FEDERAL REGISTER, subparagraph (12) is added to paragraph (a) of § 6.322 as set out below.

§ 6.322 **Veterans Administration.**

(a) *Office of the Administrator.*

* * *

(12) One Confidential Assistant to the Associate Deputy Administrator.

(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. 61-6384; Filed, July 6, 1961; 8:55 a.m.]

Title 7—AGRICULTURE

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

[Nectarine Order 8]

PART 937—NECTARINES GROWN IN CALIFORNIA

Limitation of Shipments

§ 937.329 **Nectarine Order 8.**

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 37 (7 CFR Part 937) regulating the handling of nectarines grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Nectarine Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of nectarines of the varieties hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such nectarines must await the development of the crop thereof, and adequate information thereon was not available to the Nectarine Administrative Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such nectarines. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such nectarines are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such nectarines and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 29, 1961.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 9, 1961, and ending at 12:01 a.m., P.s.t., November 1, 1961, no handler shall handle any package or container of Freedom, Grandeur, Le Grand, Late Le Grand, Golden Grand, Gold King, or Red Grand nectarines unless:

(i) Such nectarines, when packed in a No. 26 standard lug box, or in a No. 27 standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 88 nectarines in the respective lug box; or

(ii) Such nectarines, when packed in any container other than in a No. 26 standard lug box, or in a No. 27 standard lug box, measure not less than two and one-quarter (2¼) inches in diameter: *Provided,* That not to exceed ten (10) percent, by count, of the nectarines in any such container may fail to meet such diameter requirement.

(2) When used herein, "diameter," and "standard pack" shall have the same meaning as set forth in the United States Standards for Nectarines (§§ 51.3145–51.3159 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "No. 26 standard lug box" and "No 27 standard lug box," respectively, shall have the same meaning as set forth in section 828.4 of the Agricultural Code of California, and all other terms shall have the same meaning as when used in the marketing agreement and order.

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

Dated: July 3, 1961.

G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-6358; Filed, July 6, 1961; 8:51 a.m.]

[Milk Order 118]

PART 1018—MILK IN SOUTHEASTERN FLORIDA MARKETING AREA

Order Amending Order

§ 1018.0 **Findings and determinations.**

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

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

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

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

a sufficient quantity of pure and wholesome milk, and be in the public interest; and

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

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1961. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Price Support, Commodity Stabilization Service was issued June 7, 1961, and the decision of the Secretary containing all amendment provisions of this order, was issued June 21, 1961. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1961, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

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

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

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

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

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

§§ 1018.18, 1018.19 [Deletion]

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

§ 1018.22 [Amendment]

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

§ 1018.30 [Amendment]

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

§ 1018.31 [Amendment]

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

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

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

§ 1018.71 Aggregate value used to determine producer prices.

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

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

§ 1018.72 Computation of the uniform price.

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

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

(b) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (a) of this section. This resulting figure shall be the uniform price for producer milk containing 4.0 percent butterfat, at the market.

§ 1018.73 [Amendment]

7. In § 1018.73 delete the word "prices" and substitute therefor the word "price".

8. Delete § 1018.74 in its entirety and substitute therefor the following:

§ 1018.74 Location differentials to producers.

The uniform price pursuant to § 1018.72 to be paid for milk received from producers at a pool plant located 60 miles or more from the location of the main U.S. Post Office in Boca Raton by the shortest hard-surfaced highway distance, as determined by the market administrator, shall be reduced according to the location of the pool plant where such milk was received at the rates set forth in § 1018.51.

§ 1018.75 [Amendment]

9. Delete paragraphs (b) and (c) of § 1018.75 and substitute therefor the following:

(b) The uniform price for producer milk computed pursuant to § 1018.72, and the butterfat differential;

(c) The amount and value of his producer milk at the uniform price; and

§ 1018.80 [Amendment]

10a. Delete subparagraphs (1), (2) and (3) of § 1018.80(a) and substitute therefor the following:

(1) On or before the 20th day of each month to each producer who did not discontinue shipping milk to such handler before the 15th day of the month, an amount equal to not less than the uniform price for the preceding month less 10 percent, but not to exceed $6.00, multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph;

(2) On or before the fifth day of the following month to each producer who did not discontinue shipping milk to such handler before the last day of the month, an amount equal to not less than the uniform price for the preceding month less 10 percent, but not to exceed $6.00, multiplied by the hundredweight of milk received from such producer after the 15th and through the last day of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph; and

(3) On or before the 15th day of the following month, to each producer an amount equal to not less than the uniform price computed pursuant to § 1018.72 adjusted by the butterfat and location differentials to producers, multiplied by the total pounds of milk received from such producer, subject to the following adjustments:

(i) Less payments made to such producer pursuant to subparagraphs (1) and (2) of this paragraph,

(ii) Less marketing service deductions made pursuant to § 1018.85,

(iii) Plus or minus adjustments for errors made in previous payments made to such producer, and

(iv) Less proper deductions authorized by such producer:

Provided, That if by the date specified, such handler has not received full payment from the market administrator pursuant to § 1018.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment and payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after receipt of the balance due from the market administrator;

b. Delete subdivision (iii) of § 1018.80 (c)(2) in its entirety and redesignate subdivisions (iv) and (v) of said paragraph as (iii) and (iv), respectively.

§ 1018.82 [Amendment]

11. In § 1018.82 delete the word "prices" and substitute therefor the word "price".

§ 1018.83 [Amendment]

12. In § 1018.83 delete the word "prices" and substitute therefor the word "price".

§§ 1018.90, 1018.91, 1018.92 [Deletion]

13. Delete §§ 1018.90, 1018.91 and 1018.92 in their entirety.

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

Issued at Washington, D.C., June 30, 1961, to be effective on and after the 1st day of August 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-6359; Filed, July 6, 1961; 8:51 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Interstate Movement

Pursuant to the provisions of sections 1 and 3 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 and 5 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 120, 121, 123, 125), §§ 74.2 and 74.3 of Part 74, as amended, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, are hereby amended in the following respects:

1. A new subparagraph (4) is added to paragraph (a) of § 74.2 to read:

(4) The following Counties in Nebraska: Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Sheridan, Sioux, and Scottsbluff.

2. Subparagraph (1) of paragraph (a) of § 74.3 is amended to read:

(1) Arkansas, New York, North Dakota, and Tennessee.

3. A new subparagraph (4) is added to paragraph (a) of § 74.3 to read:

(4) All Counties in Nebraska except Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Sheridan, Sioux, and Scottsbluff.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111–113, 117, 120, 121, 123, 125. Interpret or apply secs. 6, 7, 23 Stat. 32, as amended, secs. 2, 4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 115, 117, 124, 126. 19 F.R. 74, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment adds the Counties of Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Sheridan, Sioux, and Scottsbluff in Nebraska to the free areas and deletes such Counties from the infected and eradication areas, as sheep scabies are not known to exist in such Counties. Hereafter, the restrictions pertaining to the interstate movement of sheep from, into, and through infected and eradication areas as contained in 9 CFR Part 74, as amended, will not apply to these Counties. However, the restrictions in said Part 74 pertaining to the interstate movement of sheep into free areas will apply thereto.

The amendment relieves certain restrictions presently imposed and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 3d day of July 1961.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 61-6386; Filed, July 6, 1961; 8:55 a.m.]

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS; ORGANISMS AND VECTORS

PART 131—HANDLING OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

Budget of Expenses and Fixing Rates of Assessment for 1961

On May 26, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 101) regarding the budget of expenses and the fixing of the rates of assessment for the calendar year 1961, under the marketing agreement and the marketing order (9 CFR 131.1 et seq.), regulating the handling of anti-hog-cholera serum and hog-cholera virus. This regulatory program is effective pursuant to Public Law No. 320, 74th Congress, approved August 24, 1935 (7 U.S.C. 851 et seq.).

The notice provided a period of 30 days for interested parties to file data, views or arguments with the Hearing Clerk. After consideration of all relevant matters, including the proposals set forth in the aforesaid notice, it is hereby found and determined that:

a. Section 131.161 is added to read as follows:

§ 131.161 Budget of expenses and rates of assessment for the calendar year 1961.

(a) *Budget of expenses.* The expenses which will necessarily be incurred by the Control Agency, established pursuant to the provisions of the marketing agreement and of the marketing order (§§ 131.1 to 131.113), for the maintenance and functioning of said Agency during the calendar year 1961, will amount to $64,841.00 under the recommendation of the Control Agency, from which shall be deducted the unexpended balance of $6,099.10 on hand with said Control Agency on January 1, 1961, from assessments collected during the calendar year 1960, leaving a balance of $58,741.90 to be collected during the calendar year 1961.

(b) *Rates of assessment.* Of the amount of $58,741.90 to be collected during the calendar year 1961, the sum of $45,759.94 shall be assessed against handlers who are manufacturers, and $12,981.96 shall be assessed against handlers who are wholesalers. The pro rata share of the expenses of the Control Agency to be paid for the calendar year 1961 by each handler who is a manufacturer shall be $27.28 for each ten thousand dollars or fraction thereof of serum and virus sold by such handler during the calendar year 1960 and the pro rata share of such expenses to be paid for the calendar year 1961 by each handler who is a wholesaler shall be $25.00 for the first ten thousand dollars or fraction thereof and $20.33 for each additional ten thousand dollars or fraction thereof of serum and virus sold by such handler. Such assessments shall be paid by each respective handler in accordance with the applicable provisions of the marketing agreement and order (§§ 131.1 to 131.113).

(c) *Terms.* As used in this section, the terms "handler", "manufacturer", "wholesaler", "virus", and "serum" shall have the same meaning as is given to each such term in said marketing agreement and marketing order (§§ 131.1 to 131.113).

Findings relative to effective date. It is hereby further found that (1) the fiscal year of the Control Agency established pursuant to the provisions of the marketing agreement and the marketing order corresponds to the calendar year, and the current calendar year 1961 is already well advanced; (2) the expenses of operating this regulatory program since January 1, 1961, have been paid with funds representing assessments collected in excess of expenses incurred during the calendar year 1960 and prepayments of a portion of their 1961 assessments by manufacturer and wholesaler handlers; (3) nearly all such funds have now been expended; (4) in order for the administrative assessments to be collected, it is essential that the specification of the assessment rates be effective immediately so as to enable the Control Agency to perform its respective duties and functions under the aforesaid marketing agreement and marketing order; and (5) no preparation with respect to this determination is required of persons regulated which cannot be completed prior to the effective date hereof. Wherefore, it is hereby determined that good cause exists for making this determination effective upon its publication in the FEDERAL REGISTER.

(Sec. 60, 49 Stat. 782; 7 U.S.C. 855)

Done at Washington, D.C., this 30th day of June 1961, to become effective upon publication in the FEDERAL REGISTER.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 61-6387; Filed, July 6, 1961; 8:55 a.m.]

SUBCHAPTER G—ANIMAL BREEDS

PART 151—RECOGNITION OF BREEDS AND BOOKS OF RECORD OF PURE-BRED ANIMALS

Miscellaneous Amendments

On May 9 there appeared in the FEDERAL REGISTER (26 F.R. 3999) a notice of proposed rule making concerning amend-

ments to the regulations governing the recognition of breeds and books of record of purebred animals and the certification of purebred animals (9 CFR Part 151, as amended) under paragraph 1606 of section 201 of the Tariff Act of 1930, as amended (19 U.S.C. 1201, par. 1606). After due consideration of all relevant matters and under the authority of said paragraph 1606, the regulations are hereby amended as follows:

§ 151.1 [Amendment]

1. Paragraph (j) of § 151.1 is amended to read:

(j) *Certificate of pure breeding.* A certificate issued by the Director of the Division, for Bureau of Customs use only, certifying that the animal to which the certificate refers is a purebred animal of a recognized breed and duly registered in a book of record recognized under the regulations in this part for that breed.

2. The definition of "port of arrival" in paragraph (k) of § 151.1 is deleted. A new paragraph (k) is added as follows:

(k) *Agent.* The agent authorized by section 201, paragraph 1606 of the Tariff Act of 1930 (19 U.S.C. 1201, par. 1606) to sign the affidavit referred to therein shall be a person acting under written authority from the owner or importer of the animal, such as a licensed customhouse broker or his employee.

3. Paragraph (l) of § 151.1 is amended to read:

(l) *Port of entry.* Any port designated under § 92.3 of this chapter.

4. Sections 151.2, 151.3, 151.4, 151.6, and 151.7 are amended to read:

§ 151.2 Issuance of a certificate of pure breeding.

The Director of the Division will issue a certificate of pure breeding for an animal claimed to be entitled to free entry under the act provided the requirements of the regulations in this part are complied with. Such certificate will be presented to the owner, agent, or importer who in turn shall present it to the collector of customs at the port where customs entry is made.

§ 151.3 Application for certificate of pure breeding.

An application for a certificate of pure breeding executed by the owner, agent, or importer of an animal shall be made on AIQ Form 338 (available from the collector of customs) before the animal will be examined as provided in § 151.7. Such application shall be made to the inspector at the port of entry for all animals: *Provided, however,* That the application for a certificate of pure breeding for dogs, other than those regulated under § 92.18 of this chapter, and cats may be made to the inspector either at the port of entry or at any other port where customs entry is made. An agent shall show the inspector written authorization from the owner or importer authorizing him to act for the owner or importer in connection with the application for a certificate of pure breeding.

§ 151.4 Pedigree certificate.

A pedigree certificate for an animal of a breed listed in § 151.9 issued by the custodian of the appropriate book of record listed in said section and on which there has been entered in accordance with the rules of entry of the registry association, a complete record of transfers of ownership from the breeder to and including the United States importer, or a complete record of transfers of ownership from the breeder to and including the person who owns the animal when it is imported into the United States and the name of the United States importer (for example, a lessee), shall be furnished by the owner, agent, or importer to the inspector at the time of the examination of the animal as provided in § 151.7. The inspector will return the document to the party who submitted it. A verbatim translation of the description relating to color and markings shall appear in English in the pedigree certificate for the animal or in a separate certificate appended to the pedigree certificate.

§ 151.6 Affidavit of identity.

An affidavit by the owner, agent, or importer shall be executed before an officer having authority to administer oaths, stating that the animal declared for free entry under the act is the identical animal described in the pedigree certificate presented therefor. This affidavit shall be executed and recorded on AIQ Form 338 and presented to the inspector before the animal will be examined as provided in § 151.7. In addition to other officers having authority to administer oaths, the affidavit may be executed before: (a) Director of the Division, or (b) any officer or employee of the Bureau of Customs designated for that purpose by the Secretary of the Treasury. No compensation or fee shall be demanded or accepted by Federal employees for administering oaths under the provisions of this section.

§ 151.7 Examination of animal.

(a) For the purpose of determining identity, an examination shall be made by an inspector of each animal for which free entry is claimed under the act. All animals shall be examined at the port of entry: *Provided, however,* That dogs, other than those regulated under § 92.18 of this chapter, and cats may be examined either at the port of entry or at any other port where customs entry is made.

(b) The owner, agent, or importer shall provide adequate assistance and facilities for restraining and otherwise handling the animal and present it in such manner and under such conditions as in the opinion of the inspector will make a proper examination possible. Otherwise the examination of the animal will be refused or postponed by the inspector until the owner, agent, or importer meets these requirements.

(c) A pedigree certificate, as required by § 151.4 shall be presented at the time of examination to the inspector making the examination in order that proper identification of the animal may be made. When upon such examination of any animal, the color, markings, or other identifying characteristics do not conform with the description given in the pedigree certificate and the owner, agent, or importer desires to pursue the matter further, the inspector shall issue AIQ Form 419 to the owner, agent, or importer, and shall forward the pedigree certificate for this animal, together with AIQ Form 338, to the Washington office of the Division by certified mail. A determination will be made by such office as to the identity of the animal in question and the eligibility of the animal for certification under § 151.2. The pedigree certificate will be returned to the party who submitted it as soon as such determination is made. Removal of an animal from the port where examination is made prior to presentation of the pedigree certificate or other failure to comply with the requirements of this paragraph shall constitute a waiver of any further claim to certification under the regulations in this part.

(Par. 1606, sec. 201, 46 Stat. 673, as amended; 19 U.S.C. 1201, par. 1606)

Effective date. The foregoing amendments shall become effective on July 1, 1961.

The change in § 151.1(j) provides for routing the certificate of pure breeding through the owner, agent, or importer as described in the revisions of § 151.2. The addition of § 151.1(k) contains a definition of the word "agent" as used in the regulation. The term port of arrival is deleted from the regulation and the term port of entry redefined in order to clearly provide that animals, other than dogs regulated under 9 CFR 92.18 and cats, must be imported through the ports designated under 9 CFR 92.3. The changes in § 151.7 (a) and (b) provide for examination of dogs, other than those regulated under 9 CFR 92.18, and cats at the port where customs entry is made for such animals. The change in § 151.2 provides for the routing of the certificate of pure breeding through the owner, agent, or importer, for submission by him to the collector of customs at the port where customs entry is made, with all of the other entry papers. The change in § 151.3 provides for one standard form with respect to the application for a certificate of pure breeding, affidavit of identity, report of inspection, and certification concerning an imported purebred animal and requires the form to be executed by the owner, agent, or importer, prior to inspection of the animal. This will facilitate certification and in many instances complete it before the animal leaves the port. The change also requires an agent to show written authority to act for the owner or importer under this part. The change in § 151.4 clarifies who the United States importer is when he is not the owner of the animal and removes the requirement that the pedigree certificate be presented to the Division following examination of the animal by the inspector, except when there is a question regarding the identity of the animal. The change in § 151.6 requires the affidavit to be completed prior to examination of the animal, describes the persons who may

administer oaths, and states that these employees shall not accept compensation for administering such oaths. The change in § 151.7(c) provides for the issuance of a notice concerning the eligibility of import animals declared for free entry (AIQ Form 419) when there is a question regarding identity of the animal and changes the method of submitting such cases for review to be in keeping with the method of applying for certification. It also provides for mailing pedigree certificates by certified mail in lieu of registered mail.

The proposed amendments are less restrictive than the regulations presently in effect; accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) these amendments may be made effective less than 30 days after publication in the FEDERAL REGISTER.

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D.C., this 30th day of June 1961.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 61-6388; Filed, July 6, 1961; 8:55 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. T]

PART 220—CREDIT BY BROKERS, DEALERS AND MEMBERS OF NATIONAL SECURITIES EXCHANGES

Special Arbitrage Accounts; Transfer of Accounts

1. Effective August 7, 1961, paragraph (d)(3) of § 220.3, paragraph (d) of § 220.4, and paragraph (d) of § 220.6 are amended to read as follows:

§ 220.3 General accounts.

* * * * *

(d) *Adjusted debit balance.* * * *

(3) the current market value of any securities (other than unissued securities) sold short in the account plus, for each such security (other than an exempted security), such amount as the Board shall prescribe from time to time in § 220.8 as the margin required for such short sales, except that such amount so prescribed in § 220.8 need not be included when there are held in the account securities exchangeable or convertible within 90 calendar days, without restriction other than the payment of money, into such securities sold short;

§ 220.4 Special accounts.

* * * * *

(d) *Special arbitrage account.* In a special arbitrage account, a member of a national securities exchange may effect and finance for any customer bona fide arbitrage transactions in securities. For the purposes of this paragraph, the term "arbitrage" means (1) a purchase or sale of a security in one market together with an offsetting sale or purchase of the same security in a different market at as nearly the same time as practicable, for the purpose of taking advantage of a difference in prices in the two markets, or (2) a purchase of a security which is, without restriction other than the payment of money, exchangeable or convertible within 90 calendar days following the date of its purchase into a second security together with an offsetting sale at or about the same time of such second security, for the purpose of taking advantage of a disparity in the prices of the two securities.

§ 220.6 Certain technical details.

* * * * *

(d) *Transfer of accounts.* (1) In the event of the transfer of a general account from one creditor to another, such account may be treated for the purposes of this part as if it had been maintained by the transferee from the date of its origin: *Provided,* That the transferee accepts in good faith a signed statement of the transferor that no cash or securities need be deposited in the account in connection with any transaction that has been effected in the account or, in case he finds that it is not practicable to obtain such a statement from the transferor, accepts in good faith such a signed statement from the customer.

(2) In the event of the transfer of a general account from one customer to another, or to others, as a bona fide incident to a transaction that is not undertaken for the purpose of avoiding the requirements of this part, each transferee account may be treated by the creditor for the purposes of this part as if it had been maintained for the transferee from the date of its origin: *Provided,* That the creditor accepts in good faith and keeps with the transferee account a signed statement of the transferor describing the circumstances giving rise to the transfer.

2a. The purpose of the amendment to § 220.4 is to clarify the Board's position as to the situations in which credit may be extended under paragraph (d) of § 220.4 outside the margin restrictions of § 220.3 *General accounts,* and to provide more explicit standards for the use of these sections in arbitrage situations. A conforming change is being made to paragraph (d)(3) of § 220.3. The purpose of the amendment to paragraph (d) of § 220.6 relating to the transfer of general accounts between customers, is to eliminate possible ambiguities and to make clearer what situations are covered and what situations are not covered by that provision.

b. The amendments set forth herein were the subject of notices of proposed rule making published in the FEDERAL REGISTER (25 F.R. 2737 and 3556), and were adopted by the Board after consideration of all relevant views and arguments received from interested persons.

(Secs. 3, 7, 8, 17, 23; 48 Stat. 882, 886, 888, 897, 901, as amended; 15 U.S.C. 78c, 78g, 78h, 78q, 78w)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 61-6365; Filed, July 6, 1961; 8:52 a.m.]

[Reg. U]

PART 221—LOANS BY BANKS FOR PURPOSE OF PURCHASING OR CARRYING REGISTERED STOCKS

Loans to Finance Arbitrage Transactions; Transfer of Loans Between Borrowers

1. Effective August 7, 1961, paragraph (j) of § 221.2 and paragraph (e) of § 221.3 are amended to read as follows:

§ 221.2 Exceptions to general rule.

* * * * *

(j) Any loan to a member of a national securities exchange for the purpose of financing his or his customers' bona fide arbitrage transactions in securities. For the purposes of this paragraph, the term "arbitrage" means (1) a purchase or sale of a security in one market together with an offsetting sale or purchase of the same security in a different market at as nearly the same time as practicable, for the purpose of taking advantage of a difference in prices in the two markets, or (2) a purchase of a security which is, without restriction other than the payment of money, exchangeable or convertible within 90 calendar following the date of its purchase into a second security together with an offsetting sale at or about the same time of such second security, for the purpose of taking advantage of a disparity in the prices of the two securities;

§ 221.3 Miscellaneous provisions.

* * * * *

(e) A bank, without following the requirements of this part as to the making of a loan, may:

(1) Accept the transfer of a loan from another bank, or

(2) Permit the transfer of a loan from one borrower to another, or to others, as a bona fide incident to a transaction that is not undertaken for the purpose of avoiding the requirements of this part, provided that a statement signed by the transferor, describing the circumstances giving rise to the transfer, is accepted in good faith by an officer of the bank and is kept with each transferee loan account;

Provided, The loan is not increased and the collateral for the loan is not changed; and, after such transfer, a bank may permit such withdrawals and substitutions of collateral as the bank might have permitted if it had been the original maker of the loan or had originally made the loan to the new borrower.

2a. The purpose of the amendment to § 221.2 is to clarify the Board's position as to the situations in which credit may

be extended under paragraph (j) of § 221.2 outside the margin restrictions of § 221.1 *General rule*, and to provide more explicit standards for the use of these sections in arbitrage situations. The purpose of the amendment to paragraph (e) of § 221.3, relating to the transfer of loans between borrowers, is to eliminate ambiguities and to make clearer what situations are, and what situations are not, covered by that provision.

b. The amendments set forth herein were the subject of notices of proposed rule making published in the FEDERAL REGISTER (25 F.R. 2737 and 3557), and were adopted by the Board after consideration of all relevant views and arguments received from interested persons.

(Sec. 23, 48 Stat. 901; 15 U.S.C. 78w. Interprets or applies secs. 2, 3, 7, 17, 48 Stat. 881, 882, 886, as amended; 15 U.S.C. 78b, 78c, 78g, 78w)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 61-6366; Filed, July 6, 1961; 8:52 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 788; Amdt. 301]

PART 507—AIRWORTHINESS DIRECTIVES

Convair Model 22 (880) Aircraft

Investigation of one reported instance in which a Convair Model 22 (880) aircraft rudder spring cartridge assembly, P/N 22-46223, seized due to corrosion and galling and resulted in limited rudder travel, has shown that this malfunction is likely to occur on other Convair Model 22 (880) aircraft. The effects of this malfunction on operational safety are such as to require recurrent inspections until a reworked part is installed.

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

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

CONVAIR. Applies to all Model 22 (880) aircraft having cartridge assembly—rudder spring P/N 22-46223 installed.

Compliance required as indicated.

One instance has occurred on the Model 22 (880) aircraft in which the cartridge assembly—rudder spring P/N 22-46223 seized due to corrosion and galling, resulting in limited rudder travel. The effects of this malfunction upon operational safety are such as to require accomplishment of the following:

(a) Within the next 100 hours' time in service unless already accomplished in the last 220 hours' time in service, and at each 320 hours' time in service thereafter, conduct the following operational check: Lock the rudder flight tab and rudder in neutral position and operate the rudder pedals right and left until the cockpit stops are contacted 5 or more times. If any roughness in operation is noted, remove cartridge assembly—rudder spring P/N 22-46223, and replace with a P/N 22-46223 which has been inspected and found free of corrosion or galling and operationally checked, or a part reworked in accordance with the provisions of Convair Service Bulletin No. 27-33 and reidentified as P/N 22-46223-1, prior to further flight.

(b) When the cartridge assembly—rudder spring is replaced with an assembly reworked in accordance with provisions of Convair Service Bulletin 27-33 and reidentified as P/N 22-46223-1, the inspection specified in (a) may be discontinued.

(Convair Service Bulletin No. 27-33 covers this same subject.)

This amendment shall become effective July 7, 1961.

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

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

OSCAR BAKKE,
Director,
Bureau of Flight Standards.

[F.R. Doc. 61-6319; Filed, July 6, 1961; 8:45 a.m.]

[Reg. Docket No. 780; Amdt. 302]

PART 507—AIRWORTHINESS DIRECTIVES

Convair Model 22 (880) Series Aircraft

Pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), an airworthiness directive was adopted on June 16, 1961, and made effective immediately because of the safety emergency involved, as to all known United States operators of Convair Model 22 (880) Series aircraft. One case has been reported where the rivets attaching the forward rod end to the rudder flight tab rod were not installed.

For this reason it was found that immediate corrective action was required in the interest of safety, that notice and public procedure thereon were impracticable and that good cause existed for making this airworthiness directive effective immediately as to all known U.S. operators of Convair Model 22 (880) Series aircraft by individual telegrams dated June 16, 1961. It is hereby published in the FEDERAL REGISTER as an amendment to § 507.10(a) of Part 507 (14 CFR Part 507), to make it effective as to all persons:

CONVAIR. Applies to all Model 22 (880) Series aircraft.

Compliance required as indicated.

One instance has been reported where the rivets attaching the forward rod end P/N 22-04442-1, to the rudder flight tab rod P/N 22-46257, were not installed. This resulted in the rod end P/N 22-04442-1, becoming separated from the tab rod P/N 22-46257, with ensuing loss of the rudder flight tab control. The effects of this malfunction on operational safety is such as to require accomplishment of the following:

(a) Prior to further flight unless already accomplished in accordance with Convair Alert Service Bulletin 27-40 dated June 14, 1961, inspect rod P/N 22-46257 and rod end P/N 22-04442-1 to insure that they are attached by two AN-435 MC rivets per Convair Drawing 22-46257.

(b) If the rivets in paragraph (a) are not installed, rod end P/N 22-04442-1 shall be attached to rod P/N 22-46257 per Convair Alert Service Bulletin 27-40 dated June 14, 1961, or FAA approved equivalent, prior to further flight.

(c) Rod end assemblies attached with NAS 464-3 bolts must be replaced within 250 hours' time in service on bolt by parts complying with Convair Drawing 22-46257.

(Convair Alert Service Bulletin 27-40 covers this same subject.)

This amendment shall become effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram dated June 16, 1961.

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

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

OSCAR BAKKE,
Director,
Bureau of Flight Standards.

[F.R. Doc. 61-6320; Filed, July 6, 1961; 8:45 a.m.]

[Reg. Docket No. 744; Amdt. 303]

PART 507—AIRWORTHINESS DIRECTIVES

Aero Commander Model 500 Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection for fatigue cracks in upper engine mount angles of Aero Commander Model 500 aircraft was published in 26 F.R. 4290.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

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

AERO COMMANDER. Applies to all Model 500 aircraft.

Compliance required within the next 100 hours' time in service after the effective date of this directive and at each 100 hours' time in service thereafter.

Visually inspect the inside of angles P/N 5620023-7, -8, -9, and -10 in the area of the row of Huck bolts, nearest the radius of the angle, that attach the angles to the upper and lower mount fittings, P/N 3620025-1 and -2. If cracks are found, prior to further flight, incorporate the reinforcement as indicated in Aero Commander Service Bulletin No. 68A, dated January 20, 1961, or equivalent.

Angles incorporating Federal Aviation Agency approved reinforcement need not be reinspected in accordance with the provisions of this AD.

(Aero Commander Service Bulletin No. 68A dated January 20, 1961, covers this subject.)

This supersedes Amendment 233, (25 F.R. 12829).

This amendment shall become effective August 8, 1961.

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

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

OSCAR BAKKE,
Director,
Bureau of Flight Standards.

[F.R. Doc. 61-6321; Filed, July 6, 1961; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8284 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Irving Adelman

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act.*

(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, Irving Adelman trading as Irving Adelman, New York, N.Y., Docket 8284, May 16, 1961]

Consent order requiring a New York City furrier to cease violating the Fur Products Labeling Act by deceptively invoicing fur with respect to the name of the producing animal, and by failing in other respects to comply with invoicing requirements.

The order to cease and desist is as follows:

It is ordered, That Irving Adelman, an individual trading as Irving Adelman or under any other trade name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, sale, advertising or offering for sale, in commerce, or the transportation or distribution in commerce, of fur as "commerce" and "fur" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Falsely or deceptively invoicing fur by:

A. Failing to furnish to purchasers of fur invoices showing all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing or otherwise falsely or deceptively identifying fur as to the name or names of the animal or animals that produced the fur.

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

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

Issued: May 16, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61-6367; Filed, July 6, 1961; 8:53 a.m.]

[Docket 7286 o.]

PART 13—PROHIBITED TRADE PRACTICES

Art National Manufacturers Distributing Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15–270 *Size and extent;* § 13.15–278 *Time in business;* § 13.30 *Composition of goods;* § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices:* § 13.155–40 *Exaggerated as regular and customary;* § 13.175 *Quality of product or service;* § 13.215 *Seals, emblems, or awards.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misrepresenting oneself and goods—Prices: § 13.1811 *Fictitious preticketing.*

(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, Art National Manufacturers Distributing Co., Inc. (Maspeth, N.Y.), et al., Docket 7286, May 10, 1961]

In the Matter of Art National Manufacturers Distributing Co., Inc., a Corporation, Louis Watch Company, Inc., a Corporation, and Louis Friedman, Martin Friedman and Albert Friedman, Individually and as Officers of Said Corporations

Order requiring two associated concerns with common officers—a catalog mail order house and a watch manufacturer which made a substantial part of its sales through the former's catalog—to cease misrepresenting the size and extent of their business quarters, or the length of time in business; representing falsely that their "Louis" watches were shockproof, had been awarded a Gold Medal, were jeweled with rubies, and were guaranteed; and to cease preticketing their watches with excessive prices represented thereby as the usual retail prices.

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

It is ordered, That respondent Art National Manufacturers Distributing Co., Inc., a corporation, and respondents Louis Friedman, Martin Friedman and Albert Friedman, individually and as officers of said corporation, and their agents, representatives and employees, directly or through any corporate or other device, in connection with the sale or distribution of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(a) Representing, directly or indirectly:

1. That respondents occupy any portion of buildings depicted that is not in accordance with the facts, or misrepresenting, in any manner, the size or extent of the buildings in which they carry on their business;

2. That respondent Art National Manufacturers Distributing Co., Inc., sells its merchandise at America's lowest prices, or misrepresenting in any other manner its prices as compared to those of its competitors;

3. That Louis watches are shockproof.

(b) Representing by means of prices on tickets attached to or accompanying merchandise, or by any other means, that any price is the retail price of merchandise when it is in excess of the price at which said merchandise is usually and customarily sold at retail.

(c) Furnishing means and instrumentalities to dealers or others by and through which they may misrepresent the usual and customary retail prices of respondents' merchandise.

It is further ordered, That respondent Louis Watch Company, Inc., a corporation, and respondents Louis Friedman and Albert Friedman, individually and as officers of said corporation, and their agents, representatives and employees, directly or through any corporate or other device, in connection with the sale or distribution of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(a) Representing directly or indirectly:

1. That said corporation has been in existence, or that said corporation or individuals have been in business for any period or length of time that is not in accordance with the facts;

2. That they occupy any portion of buildings depicted that is not in accordance with the facts, or misrepresenting, in any manner the size or extent of the buildings in which they carry on their business;

3. That Louis watches have been awarded a Gold Medal or any other kind of medal;

4. That the jewels in Louis watches are rubies;

5. That Louis watches are shockproof;

6. That Louis watches are guaranteed unless the nature and extent of the guarantee and the manner in which the guarantors will perform are clearly set forth.

(b) Representing by means of prices on tickets attached to or accompanying merchandise, or by any other means, that any price is the retail price of merchandise when it is in excess of the price at which said merchandise is usually and customarily sold at retail.

(c) Furnishing means and instrumentalities to dealers or others by and through which they may misrepresent the usual and customary retail prices of respondents' merchandise.

It is further ordered, That the 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 man-

ner and form in which they have complied with the order to cease and desist.

Issued: May 10, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-6368; Filed, July 6, 1961; 8:53 a.m.]

[Docket 8283 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Dofan Handbag Co., Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185–40 *In general.*

(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, Dofan Handbag Co., Inc., et al., New York, N.Y., Docket 8283, May 16, 1961]

In the Matter of Dofan Handbag Co., Inc., a Corporation, and Zoltan J. Grosz and Armand A. Grosz, Individually and as Officers of Said Corporation

Consent order requiring New York City distributors of ladies' handbags to cease stamping the words "Leather Lined" upon some of their handbags which were, in fact, only partially leather lined.

The order to cease and desist is as follows:

It is ordered, That respondents Dofan Handbag Co., Inc., a corporation, and its officers, and Zoltan J. Grosz and Armand A. Grosz, individually, and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of ladies' handbags, or other merchandise do forthwith cease and desist from representing directly or by implication:

1. That certain ladies' handbags or other merchandise are leather lined unless said articles are completely lined with genuine leather.

2. That certain ladies' handbags or other merchandise are leather lined by affixing stampings or labels thereto that they are leather lined unless such articles are completely lined with genuine leather.

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

It is ordered, That 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: May 16, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-6369; Filed, July 6, 1961; 8:53 a.m.]

[Docket 8192 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Einbender's Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155–40 *Exaggerated as regular and customary.* Subpart—Misbranding or mislabeling: § 13.1280 *Price.* Subpart—Misrepresenting oneself and goods—Prices: § 13.1810 *Fictitious marking.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act.*

(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, Einbender's Inc., et al., St. Joseph, Mo., Docket 8192, May 17, 1961]

In the Matter of Einbender's Inc., a Corporation, and Sylvia B. Einbender, Lester L. Einbender, and Edwin I. Einbender, Individually and as Officers of Said Corporation

Consent order requiring furriers in St. Joseph, Mo., to cease violating the Fur Products Labeling Act by affixing to fur products labels bearing fictitious prices, represented thereby as the regular retail selling prices; by advertising in newspapers which failed to disclose that certain fur products were composed of flanks, and, by use of such terms as "Values to", represented falsely that the following excessive figure was their usual retail price, and failed in other respects to comply with advertising requirements; and by failing to keep adequate records as the basis for pricing and value claims.

The order to cease and desist is as follows:

It is ordered, That Einbender's Inc., a corporation, and its officers, and Sylvia E. Einbender and Lester L. Einbender, individually and as officers of said corporation, and Edwin I. Einbender, as an officer of said corporation, 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 any 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 product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by falsely or deceptively labeling or otherwise identifying such products as to the regular prices thereof by any representation that the regular or usual prices of such products are any amount in excess of the prices at which respondents have usually and customarily sold such products in the recent regular course of business.

2. 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 offering for sale of fur products, and which:

A. Sets forth information required under section 5(a) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

B. Fails to disclose that fur products are composed in whole or in substantial part of flanks, when such is the fact.

C. 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.

D. Represents directly or by implication through the use of the term "Values to" or any other words or terms of similar import or meaning, that the regular or usual price of any fur product is any amount which is in excess of the price at which the respondents have usually and customarily sold such products in the recent regular course of business.

E. Misrepresents in any manner the savings available to purchasers of respondents' fur products.

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

It is further ordered, That the complaint be, and the same hereby is, dismissed as to Edwin I. Einbender, individually but not as an officer of said corporation.

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

It is ordered, That respondents, Einbender's Inc., a corporation; Edwin I. Einbender, as an officer of said corporation; and Sylvia B. Einbender and Lester L. Einbender, individually and as officers of said corporation, shall within sixty 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: May 17, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-6370; Filed, July 6, 1961; 8:53 a.m.]

[Docket 8246 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Flemington Fur Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15–55 *Direct dealing advantages:* § 13.15 *Producer status of dealer or seller:* § 13.15–235(m) *Manufacturer.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—

Neglecting, unfairly or deceptively, to make material disclosure: § 13.1900 *Source or origin:* § 13.1900–40 *Fur Products Labeling Act:* § 13.1900–40(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, Flemington Fur Company et al., Flemington, N.J., Docket 8246, May 17, 1961]

In the Matter of Flemington Fur Company, a Corporation, and Philip J. Benjamin and Joseph Birnbaum, Individually and as Officers of Said Corporation

Consent order requiring furriers in Flemington, N.J., to cease violating the Fur Products Labeling Act by advertising in newspapers which failed to disclose the name of the country of origin of imported furs, and represented falsely that they manufactured all the fur products they handled and acted as their own distributor; and by failing to comply with invoicing requirements.

The order to cease and desist is as follows:

It is ordered, That Flemington Fur Company, a corporation, and its officers, and Philip J. Benjamin and Joseph Birnbaum, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, manufacture for introduction, 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, manufacture for sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Falsely or deceptively invoicing fur products by:

A. Failing to furnish to purchasers of fur products invoices showing all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. 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 offering for sale of fur products and which:

A. Represents directly or by implication that respondents are wholesale or manufacturing distributors of fur products when such is not the fact.

B. Uses the word "manufacturers" or any simulation thereof with reference to any fur products procured from outside sources of supply and not manufactured by respondents.

C. Fails to disclose the name of the country of origin of any imported furs contained in a fur product.

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

It is ordered, That 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: May 17, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61–6371; Filed, July 6, 1961; 8:53 a.m.]

[Docket 8221 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Julee Manufacturing Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.230 *Size or weight.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055–50 *Preticketing merchandise misleadingly.* Subpart—Misbranding or mislabeling: § 13.1323 *Size or weight.*

(Sec. 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, Julee Manufacturing Corporation et al., Longmeadow, Mass., Docket 8221, May 17, 1961]

In the Matter of Julee Manufacturing Corporation, a Corporation, and Julius Kaplan and Lee Kaplan, Individually and as Officers of Said Corporation

Consent order requiring manufacturers at Longmeadow, Mass., to cease misrepresenting the size of their sleeping bags by stating as "cut size" in catalogs and on attached labels, size descriptions almost invariably larger than the actual size of the bags in question.

The order to cease and desist is as follows:

It is ordered, That respondents Julee Manufacturing Corporation, a corporation, and its officers, and respondents Julius Kaplan and Lee Kaplan, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of sleeping bags, or other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Advertising, labeling, or otherwise representing the "cut size" or dimensions of materials used in their construction, unless such representation is accompanied by a description of the finished or actual size, with the latter description being given at least equal prominence;

2. Misrepresenting the size of such products on labels or in any other manner;

3. Furnishing any means or instrumentalities to others by and through which they may mislead the public as to any of the matters referred to in paragraphs 1 and 2.

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: May 17, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61–6372; Filed, July 6, 1961; 8:54 a.m.]

[Docket 7144, 7144 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Haines City Citrus Growers Association et al.

Subpart—Discriminating in price under section 2, Clayton Act—Payment or Acceptance of Commission, Brokerage or other Compensation under 2(c): § 13.820 *Direct buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist orders: Haines City Citrus Growers Association (Haines City, Fla.) et al., Docket 7144, May 19, 1961; and Dale G. Snyder, doing business as D. G. Snyder Brokerage Co., Memphis, Tenn., Docket 7144 c.o., May 19, 1961]

In the Matter of Haines City Citrus Growers Association, a Corporation; E. B. Garrett Company, Inc., a Corporation; Dale G. Snyder, an Individual Doing Business as D. G. Snyder Brokerage Co., Sam J. Bushala, an Individual Doing Business as Sam Bushala

Order requiring a Haines City, Fla., cooperative of approximately 140 citrus grove owners to cease violating section 2(c) of the Clayton Act by paying unlawful commissions to buyers on purchases for their own accounts for resale, and requiring two brokers to cease accepting such commissions from suppliers of citrus fruit or other fruit products on direct purchases for resale; and

Consent order requiring a third broker respondent to desist from the same practice.

The orders to cease and desist are as follows (combining the two orders as to the three broker respondents):

It is ordered, That Respondent Haines City Citrus Growers Association, a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the sale of citrus fruit or fruit products in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from: Paying, granting, or allowing, directly or indirectly, to any buyer, or to anyone acting for or in behalf of or who is subject to the direct or indirect control of such buyer, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any sale of citrus fruit or fruit products, to such buyer for his own account.

It is further ordered, That Respondents E. B. Garrett Company, Inc., a corporation, and its officers; Sam J. Bushala, an individual doing business as Sam Bushala; and Respondent Dale G. Snyder, an individual, doing business as D. G. Snyder Brokerage Co.; and Respondents' agents, representatives and employees, directly or through any corporate, partnership, or other device, in connection with the purchase of citrus fruit or fruit products in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from: Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of citrus fruit or fruit products, for their own account, or when Respondents are the agents, representatives, or other intermediaries acting for or in behalf of, or are subject to the direct or indirect control of the buyer.

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

It is further ordered, That the respondents, Haines City Citrus Growers Association, E. B. Garrett Company, Inc., Sam Bushala, and Dale G. Snyder, 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 each of them has complied with the relevant order contained in the initial decision applicable to such respondent.

Issued: May 19, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-6373; Filed, July 6, 1961; 8:54 a.m.]

[Docket 7818 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Knickerbocker Case Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15–235 *Producer status of dealer or seller:* § 13.15–235(m) *Manufacturer;* § 13.30 *Composition of goods;* § 13.135 *Nature of product or service;* § 13.155 *Prices:* § 13.155–40 *Exaggerated as regular and customary;* § 13.170 *Qualities or properties of product or service:* § 13.170–30 *Durability or permanence.*

(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, Knickerbocker Case Corporation et al., Chicago, Ill., Docket 7818, May 18, 1961]

In the Matter of Knickerbocker Case Corporation, a corporation, and Chester William Buchsbaum, and Samuel Buchsbaum, Individually and as Officers of Said Corporation

Consent order requiring a Chicago manufacturer-jobber to cease representing falsely in catalogs and other advertising that its vinyl and surtex luggage and brief cases had all the qualities of leather, that they were scuff proof, that products made of vinyl or a plastic containing pulverized leather were manufactured of leather, that it was the manufacturer of all such products offered for sale, and that amounts set out as "retail" were the usual retail prices therefor.

The order to cease and desist is as follows:

It is ordered, That respondent Knickerbocker Case Corporation, a corporation, and its officers, Samuel Buchsbaum and Chester William Buchsbaum as officers of said corporation; and Chester William Buchsbaum, individually, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of products made of vinyl, or surtex, or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that:

(a) A product has any of the characteristics or qualities of leather which it does not in fact possess; or misrepresenting in any manner the characteristics or qualities of a product;

(b) Any product made of vinyl or surtex is scuff proof, or that any other product is scuff proof, unless such is the fact;

(c) Any product not made entirely of leather, is leather, provided however, that if a part of a product is leather such part may be designated as leather providing the part is clearly identified;

(d) Respondents are the manufacturers of any products sold by them unless they own, operate or directly and absolutely control the manufacturing plant or factory where the product is manufactured;

(e) Any product is offered for sale at the manufacturer's price unless respondents manufacture the product so offered or, if they do not manufacture such product, unless the price at which it is offered is in fact the manufacturer's price;

(f) Any amount is the usual and regular retail price of a product when it is in excess of the price at which said product is usually and regularly sold at retail in the trade areas or areas where the representation is made;

2. Misrepresenting in any manner, directly or by implication, the savings resulting in the purchase of respondents' product.

It is further ordered, That the complaint be, and it is hereby, dismissed as to respondent Samuel Buchsbaum as an individual.

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

It is ordered, That respondents Knickerbocker Case Corporation, a corporation, Samuel Buchsbaum and Chester William Buchsbaum as officers of said corporation, and Chester William Buchsbaum, individually, 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: May 18, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-6374; Filed, July 6, 1961; 8:54 a.m.]

[Docket 8181 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Mars Electronics, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15–250 *Qualifications and abilities;* § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices:* § 13.155–10 *Bait.*

(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, Mars Electronics, Inc., et al., Washington, D.C., Docket 8181, May 18, 1961]

In the Matter of Mars Electronics, Inc., a Corporation, and Andre Rivera and Juan Rivera, Jr., Individually and as Officers of Said Corporation

Consent order requiring a television repair service in Washington, D.C., to cease such false advertising by radio, in newspapers, and otherwise, as "Repairs Made in Your Home . . . for only $1.00" when in fact they removed sets to their shop for estimates and charged $13.50 for the pickup, redelivery, and alleged examination, and the said low service charge was a form of bait to induce persons to call for service; and to cease advertising falsely that their repair employees were factory trained, and that all their repairs were fully guaranteed.

The order to cease and desist is as follows:

It is ordered, That respondents Mars Electronics, Inc., a corporation, and its officers, and Andre Rivera and Juan Rivera, Jr., individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of replacement parts for television sets, or any other products, or repair services in connection therewith, 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 respondents service or repair television sets in the homes of owners for $1.00 or any other amount, unless such is the fact;

(b) That their employees are factory trained technicians or misrepresenting the training or qualifications of their employees;

(c) That work or repairs are guaranteed, unless the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

2. Failing to clearly disclose to owners of television sets that in case their sets are removed from their homes by respondents and no repairs are made by respondents that a charge in a stated amount will be made before the sets are redelivered to the owners.

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: May 18, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-6375; Filed, July 6, 1961; 8:54 a.m.]

[Docket 7525 o.]

PART 13—PROHIBITED TRADE PRACTICES

National Trade Publications Service, Inc., and Melvin R. Lindsey

Subpart—Misrepresenting oneself and goods—Goods: § 13.1575 *Comparative data or merits;* § 13.1735 *Sample, offer, or order conformance.* Subpart—Securing orders by deception: § 13.2170 *Securing orders by deception.* Subpart—Substituting product inferior to offer: § 13.2263 *Substituting product inferior to offer.*

(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, National Trade Publications Service, Inc., et al., Overland Park, Kans., Docket 7525, May 5, 1961]

In the Matter of National Trade Publications Service, Inc., a Corporation, and Melvin R. Lindsey, Individually and as an Officer of Said Corporation

Order requiring a concern in Overland Park, Kans., engaged in selling magazine subscriptions to the public through solicitation of their agents, generally handicapped individuals, to cease accepting payment for magazines they were not authorized to sell; requiring purchasers to substitute magazines for those subscribed to and paid for and which they were not authorized to sell and substituting magazines for those paid for without the consent of the subscriber; and representing falsely that certain publications they were authorized to sell were the same in content as others not on their selling list.

The order to cease and desist is as follows, including, among others, the further provision requiring report of compliance therewith:

It is ordered, That respondents, National Trade Publications Service, Inc., a corporation, and its officers, and Melvin R. Lindsey, individually and as an officer of said corporation, 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 magazine subscriptions in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Accepting subscriptions for magazines or other publications for which they have no authority to solicit.

2. Requiring subscribers to substitute magazines or other publications for those subscribed for.

3. Substituting magazines or other publications for those subscribed for without the consent of the subscriber.

4. Representing directly, or by implication, that any magazine or publication which respondents are authorized to sell is

(a) The same in content as any magazine or publication which respondents are not authorized to sell, or

(b) Similar to any magazine or publication which respondents are not authorized to sell when in fact the magazines or publications compared are different in either content, form, coverage or any other material respect.

It is further ordered, That the second, third and sixth charges of the complaint (subparagraphs 2, 3, and 6 of Paragraph Six) be, and they hereby are, dismissed.

It is further ordered, That respondents, National Trade Publications Service, Inc., and Melvin R. Lindsey, 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 contained herein.

Issued: May 5, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-6376; Filed, July 6, 1961; 8:54 a.m.]

[Docket 8207 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Russell-Ward Co., Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Payment or Acceptance of Commission, Brokerage or Other Compensation under 2(c): § 13.820 *Direct buyers;* § 13.822 *Lowered price to buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Russell-Ward Co, Inc., Seattle, Wash., Docket 8207, May 17, 1961]

In the Matter of Russell-Ward Co., Inc., a Corporation

Consent order requiring a Seattle, Wash., distributor of food products to cease violating section 2(c) of the Clayton Act by accepting commissions from suppliers on substantial purchases of food products for its own account for resale, such as a discount usually at the rate of 10 cents per 1⅗ bushel box of citrus fruit from Florida sellers, or a lower price which reflected such discount.

The order to cease and desist is as follows:

It is ordered, That respondent Russell-Ward Co., Inc., a corporation, and its officers, representatives and employees, directly or through any corporate or other device, in connection with the purchase of citrus fruit or other food products in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from: Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of citrus fruit or other food products for respondent's own account, or where respondent is the agent, representative, or other intermediary acting for or in behalf, or is subject to the direct or indirect control, of any buyer.

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

It is ordered, That respondent Russell-Ward Co., Inc., a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: May 17, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-6377; Filed, July 6, 1961; 8:54 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 17—BAKERY PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

Bread; Effective Date of Order Amending Standard of Identity

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), notice is given that no objections were filed to the order published in the FEDERAL REGISTER of April 19, 1961 (26 F.R. 3300) with regard to listing calcium stearyl-2-lactylate as a permitted optional ingredient in bread, enriched bread, milk bread, whole wheat bread, and raisin bread. Accordingly the amendment promulgated by that order became effective June 18, 1961.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: June 29, 1961.

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

[F.R. Doc. 61-6361; Filed, July 6, 1961; 8:51 a.m.]

PART 51—CANNED VEGETABLES; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

Canned Vegetables Other Than Those Specifically Regulated; Effective Date of Order Amending Standard of Identity

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), notice is given that no objections fully complying with the requirements of section 701(e) of the act were filed to the order published in the FEDERAL REGISTER of Apri. 29, 1961 (26 F.R. 3697) with regard to listing corn sirup, glucose sirup, and dried forms of such sirups as optional seasoning ingredients permitted for use in canned sweetpotatoes, in forms other than mashed. Accordingly, the amendment promulgated by that order will become effective June 29, 1961.

Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: June 29, 1961.

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

[F.R. Doc. 61-6362; Filed, July 6, 1961; 8:52 a.m.]

PART 121—FOOD ADDITIVES

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

POLYSORBATE 80 AS AN ANTIFOGGING AGENT IN FOOD PACKAGING

The Commissioner of Food and Drugs, having evaluated the data submitted in petitions filed by Goodyear Tire and Rubber Company, 1144 East Market Street, Akron 16, Ohio, and other relevant material, has concluded that the following regulation should issue in conformance with section 409 of the Federal Food, Drug, and Cosmetic Act, with respect to the food additive polysorbate 80 as a component to prevent fogging and moisture condensation of rubber hydrochloride film and polyvinyl chloride film used for packaging food. Therefore, pursuant to the provisions of the act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart F the following new section:

§ 121.2513 Polysorbate 80 as an antifogging agent in food packaging.

Polysorbate 80 may be safely used in food-packaging films in accordance with the following prescribed conditions:

(a) The polysorbate 80 meets the specifications prescribed in § 121.1009.

(b) It is used or intended for use as an antifogging agent as follows:

(1) As a component of polyvinyl chloride film used for packaging meat and fresh fruits and vegetables whereby the maximum amount does not exceed 1.2 percent of the weight of the film.

(2) As a component of rubber hydrochloride film used for packaging meat whereby the maximum amount does not exceed 1.5 percent of the weight of the film.

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

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

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

Dated: June 29, 1961.

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

[F.R. Doc. 61-6360; Filed, July 6, 1961; 8:51 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2422]

[Idaho 012238]

IDAHO

Partly Revoking Reclamation Withdrawal (Mountain Home Project)

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The order of the Bureau of Reclamation of April 30, 1951, concurred in by the Bureau of Land Management on January 28, 1952, which withdrew lands for reclamation purposes in connection with the Mountain Home Project, is hereby revoked so far as it affects the following-described lands:

BOISE MERIDIAN

T. 1 N., R. 1 E.,
Sec. 4, SW¼SW¼;
Sec. 9, N½NW¼.

Containing 120 acres.

2. The lands are situated in Ada County, approximately one mile south of Mora, and about 16 miles from Boise. Topography is level to slightly rolling. Soil is derived from rocks of volcanic origin.

3. The public lands released from withdrawal by this order are hereby restored to the operation of the public land laws, including the mining laws, subject to valid existing rights and equitable claims, the requirements of applicable law, rules, and regulations, and the provisions of any existing withdrawals. They have been open to applications and offers under the mineral leasing laws.

4. The State of Idaho has waived the preference right of application granted by subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

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

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

JUNE 30, 1961.

[F.R. Doc. 61-6352; Filed, July 6, 1961; 8:50 a.m.]

Title 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 72, Rev.]

PART 244—BUSINESS PRACTICES OF FREIGHT FORWARDERS AND OF CARRIERS IN RELATION THERETO

Sections 244.1 to 244.14 of this part are hereby revised to read as follows; the "Appendix—Statement of Policy" (22 F.R. 1746, March 19, 1957) appearing at the end of this part shall continue in effect until revoked or amended:

Sec.
244.1 Definitions.
244.2 Registration.
244.3 Additional information.
244.4 Information available to public.
244.5 Registration numbers.
244.6 Registration lists.
244.7 Billing practices.
244.8 Consolidated shipments.
244.9 Special contracts.
244.10 Nondiscriminatory treatment required.
244.11 Exceptions as to special contracts.
244.12 Forwarders' receipts.

Sec.
244.13 Brokerage payments.
244.14 Section 15 agreements.
244.15 Carrier performing forwarding services.
244.16 Penalties for violations.
244.17 Separability clause.
244.18 Effective date.

AUTHORITY: § 244.1 to 244.18 issued under sec. 204, 49 Stat. 1987, as amended, 46 U.S.C. 1114; sec. 19, 41 Stat. 995, 46 U.S.C. 876. Interpret or apply 39 Stat. 728; 46 U.S.C. 814, 815, 816, 820.

§ 244.1 Definitions.

(a) "Freight forwarder" means any person engaged in the business of dispatching or facilitating shipments on behalf of other persons, by common carrier by water in transportation as defined in this part, and of handling the formalities incident to such shipments. This definition includes, without limitation, independent freight forwarders, common carriers, manufacturers, exporters, export traders, manufacturers' agents, resident buyers, brokers, commission merchants, and any other persons when they engaged for and on behalf of any person other than themselves, in the aforementioned activity.

(b) "Common carrier by water" means any person engaged in transportation as defined in this part.

(c) "Transportation" means transportation of property by common carrier by water on ocean-going vessels in commerce from the United States, its territories and possessions, and the Commonwealth of Puerto Rico, to foreign countries, or between the United States, its territories and possessions, and the Commonwealth of Puerto Rico.

(d) "Freight forwarding service" means a service rendered by a freight forwarder, as defined in this part, in the process of dispatching or facilitating shipments on behalf of other persons, as authorized by such other persons. Such services include, but are not limited to: Examining instructions and documents received from shippers; ordering cargo to port; preparing export declarations; booking cargo space; preparing and processing delivery orders and dock receipts; preparing instructions to truckman or lighterman, and arranging for or furnishing such facilities; preparing and processing ocean bills of lading; preparing consular documents, and arranging for their certification; arranging for or furnishing warehouse storage; arranging for insurance; clearing shipments in accordance with United States Government regulations; preparing advice notices of shipments; sending copies to bank, shipper, or consignee, as required; sending completed documents to shipper, bank, or consignee, as required; advancing necessary funds in connection with the foregoing; providing supervision in the coordination of services rendered to the shipment from origin to vessel; and giving expert advice to exporters as regards letters of credit, licenses, and inspection.

(e) "Freight forwarding fee" means any compensation paid by the shipper or consignee, or the agent of either, who engages the freight forwarder for the performance of a freight forwarding service.

(f) "Broker" means any person, not a common carrier by water and not regularly employed by any common carrier by water, who is engaged by such carrier to sell or offer for sale transportation, or who holds himself out by solicitation, advertisement, or otherwise as one who negotiates between shipper and carrier for the purchase or sale of transportation.

(g) "Brokerage service" means securing cargo for a vessel engaged in transportation as defined in this part by selling transportation or by negotiating for the purchase or sale of transportation.

(h) "Brokerage" or "brokerage fee" means compensation paid by a common carrier by water for the performance of a brokerage service.

(i) "Person" includes individuals, and corporations, partnerships, associations and other legal entities existing under or authorized by the laws of the United States, or any State, Territory, District, or possession thereof, or the Commonwealth of Puerto Rico, or any foreign country.

§ 244.2 Registration.

(a) Each person who engages in business as a freight forwarder shall register with the Federal Maritime Board before engaging in such business. Registration shall be accomplished by executing and filing with the Federal Maritime Board Freight Forwarder Registration Form FMB–21 (prescribed in paragraph (b) of this section), which will be furnished by the Federal Maritime Board upon request. All freight forwarders currently engaged in business as freight forwarders and holding registration numbers heretofore issued by the Federal Maritime Board shall, within 30 days from the effective date of the rules in this part, execute and file with the Federal Maritime Board Form FMB–21 as prescribed in this part.

(b) Form FMB–21,[1] is hereby prescribed for registration under this section.

§ 244.3 Additional information.

Registrants shall submit such additional information as the Federal Maritime Board may request from time to time, and shall notify the Federal Maritime Board of any change in facts reported to it under this part within ten days after such change occurs. Failure to comply with this section by a freight forwarder will be deemed sufficient reason to cancel his registration.

§ 244.4 Information available to public.

Information set forth in Freight Forwarder Registration Form FMB–21 shall be public information and available for public inspection at the offices of the Federal Maritime Board.

§ 244.5 Registration numbers.

(a) Each person who intends to engage in business as a freight forwarder and has filed the required information will be issued a registration number by the Federal Maritime Board after examination and verification of the information submitted by him and a determination that the issuance of a registration number will not be inconsistent with this part of the Shipping Act, 1916. Thereafter, such registration number shall be set forth on the registrant's letterheads, invoices, advertising, and all other documents relating to his forwarding business. The issuance of a registration number by the Federal Maritime Board to a freight forwarder is for identification and informational purposes and does not mean that the Board has investigated and found that the freight forwarder is qualified. Use of these registration numbers in any manner other than to indicate the fact of registration with the Federal Maritime Board is prohibited.

(b) A freight forwarder's registration may be suspended or cancelled after notice and hearing, if the Federal Maritime Board finds that the registrant has violated the rules in this part or the Shipping Act, 1916.

(c) A freight forwarder may not transfer or assign his registration number.

(d) A freight forwarder shall not be entitled to register under more than one name or to obtain more than one registration number regardless of the number of names under which he may be doing business. When two or more entities are owned or controlled by substantially the same interests they shall be treated as one entity for the purpose of registration and they shall not be entitled to separate numbers.

§ 244.6 Registration lists.

The Board will compile periodically, and make available to the public upon request, lists of all registrants with their respective registration numbers.

§ 244.7 Billing practices.

All freight forwarders shall use invoices or other forms of billing which state separately and specifically, as to each shipment:

(a) The amount of ocean freight assessed by the carrier;

(b) The amount of consular fees paid to consular authorities;

(c) The actual cost to the forwarder of insuring the shipment whether by a policy bought in the name of the shipper or by an open policy or otherwise;

(d) The amount charged for each accessorial service performed in connection with the shipment;

(e) Other charges.

Provided, however, That freight forwarders who offer to the public at large to forward small shipments for uniform charges available to all and duly filed with the Federal Maritime Board, shall not be required to itemize the components of such uniform charges on shipments as to which the charges shall have been stated to the shipper at time of shipment, and accepted by the shipper for payment; but if such freight forwarders procure marine insurance to cover such shipments, they must state their total charge for such insurance, inclusive of premiums and placing fees, separately from the aforementioned uniform charge.

[1] Filed with the Office of the Federal Register as part of the original document.

§ 244.8 Consolidated shipments.

In the case of individual shipments consolidated with other individual shipments, the invoice or other form of billing concerning each shipment shall state the minimum ocean freight and consular fees that would have been payable on each shipment if shipped separately and the amounts actually charged for these items by the freight forwarder, on the shipment in question.

§ 244.9 Special contracts.

All special agreements or contracts between freight forwarders and shippers or consignees shall be in writing and shall be filed with the Board within 10 days after they are signed.

§ 244.10 Nondiscriminatory treatment required.

To the extent that special agreements or contracts are entered into by a freight forwarder with individual shippers or consignees, such freight forwarder shall not deny to other shippers or consignees similarly situated, and whose shipments are accepted by such freight forwarder, equal charges for forwarding and accessorial services to be rendered by the freight forwarder, insofar as such forwarding and accessorial services are similar to those performed for shippers or consignees holding special contracts.

§ 244.11 Exceptions as to special contracts.

In the case of special contracts whereby the parties have agreed in advance as to the charges for services in connection with the forwarding of a shipment, the invoice or other form of billing shall refer to the agreement in which event the charges need not be itemized.

§ 244.12 Forwarders' receipts.

Freight forwarders' receipts for cargo shall be clearly identified as such and shall not be in form purporting to be ocean carriers' bills of lading.

§ 244.13 Brokerage payments.

(a) No common carrier by water shall pay to a freight forwarder, and no freight forwarder shall charge or receive from any common carrier by water, either directly or indirectly, any compensation or payment of any kind whatsoever, whether called "brokerage", "commission", "fees", or by any other name, in connection with any cargo as to which the freight forwarder has performed any forwarding service as defined in § 244.1(d).

(b) No freight forwarder may render, or offer to render, any forwarding service free of charge or at reduced rates in consideration of the shipper or carrier agreeing to allow or allowing the freight forwarder to receive brokerage on the shipment.

(c) Common carriers by water when acting in accordance with approved section 15 agreements or an individual carrier may make rules and regulations to assure that brokerage will not be paid under circumstances which will violate the Shipping Act, 1916, or the rules in this part.

(d) No freight forwarder or other person shall collect brokerage from a common carrier by water, and no such carrier shall pay brokerage to any freight forwarder or other person, in cases where payment thereof would constitute a rebate, such as, for example, where the freight forwarder or other person: (1) Is the shipper or consignee or is the seller or purchaser or purchasing agent of the shipment, (2) advances the purchase price of the goods shipped or guarantees payment therefor, or has any beneficial interest therein, (3) directly or indirectly, by stock ownership or otherwise, controls or is controlled by the shipper or consignee, or seller or purchaser or purchasing agent of the shipment or by any person having a beneficial interest in the shipment or person advancing the purchase price of the goods shipped or guaranteeing payment therefor, and (4) where the freight forwarder and the shipper, consignee, seller or purchaser or purchasing agent, or person advancing the purchase price of the goods shipped or guaranteeing payment therefor are owned or controlled by substantially the same interests.

(e) No freight forwarder shall share directly or indirectly any part of the brokerage received from a common carrier by water with a shipper, consignee, or an employee of a shipper or consignee or seller or purchaser or purchasing agent of the shipment or person advancing the purchase price of the goods shipped or guaranteeing payment therefor, or with any person having a beneficial interest in the shipment.

(f) No common carrier by water shall pay brokerage to a freight forwarder or other person when receipt of such brokerage by the freight forwarder is prohibited by the rules in this part or the Shipping Act, 1916, as amended.

§ 244.14 Section 15 agreements.

(a) Copies of written agreements and true and complete memoranda of oral agreements between a freight forwarder and another freight forwarder or carrier or other person subject to the Shipping Act, 1916, or modifications or cancellations thereof, which relate to one or more of the following subjects must be filed with the Board:

(1) Fixing or regulating transportation rates or fares;

(2) Giving or receiving special rates, accommodations or other special privileges or advantages;

(3) Controlling, regulating, preventing or destroying competition;

(4) Pooling or apportioning earnings, losses, or traffic (including sharing or dividing forwarding or brokerage fees with another forwarder);

(5) Allotting ports or restricting or otherwise regulating the number and character of sailings between ports;

(6) Limiting or regulating in any way the volume or character of freight or passenger traffic to be carried;

(7) In any manner providing for an exclusive, preferential or cooperative working arrangement.

(b) Copies of all such agreements referred to in paragraph (a) of this section are required to be filed with the Federal Maritime Board accompanied by a letter stating that they are offered for filing in compliance with section 15 of the Shipping Act, 1916, specifically requesting the Board's approval and addressed as follows:

Federal Maritime Board,
Office of Regulations,
Washington 25, D.C.

(c) All copies of memoranda or agreements, modifications or cancellations thereof submitted for the Board's approval under section 15 shall clearly show (preferably in the opening paragraph), their nature, the parties, ports and subject matter in detail, and reference to any previously filed agreements to which they may relate.

(d) All such agreements, or modifications or cancellations thereof, shall not be carried out without the prior express approval of the Board.

§ 244.15 Carrier performing forwarding services.

Any common carrier by water performing forwarding services shall specify in his tariff the kinds of forwarding services performed by him and the charges made for such services.

§ 244.16 Penalties for violations.

Penalties for violations of this part are prescribed by section 806(d) of the Merchant Marine Act, 1936, 46 U.S.C. 1228.

§ 244.17 Separability.

The provisions of this order are not interdependent. If any portion hereof shall be enjoined, set aside, suspended, or held invalid, the validity and enforceability of all other parts shall be unaffected thereby, and shall to the full extent practicable, remain in full force and effect unless and until it is otherwise provided by a court of competent jurisdiction.

§ 244.18 Effective date.

The rules in this part shall take effect 120 days after publication in the FEDERAL REGISTER.

Investigative proceedings instituted in Docket No. 765 "Investigation of Practices, Operations, Actions and Agreements of Ocean Freight Forwarders and Related Matters, and Proposed Revision of General Order 72 (46 CFR Part 244)" and Docket No. 831 "Investigation of Practices and Agreements of Common Carriers by Water in Connection with Payment of Brokerage or Other Fees to Ocean Freight Forwarders and Freight Brokers" are hereby discontinued.

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the provisions of the Federal Reports Act of 1942.

Dated: June 29, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
Secretary.

[F.R. Doc. 61-6393; Filed, July 6, 1961; 8:56 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Aleutian Islands National Wildlife Refuge, Alaska

The following special regulation is issued.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ALASKA

ALEUTIAN ISLANDS NATIONAL WILDLIFE REFUGE

Hunting of upland game on the Aleutian Islands National Wildlife Refuge, Alaska, is permissible only under the following conditions:

(a) Species permitted to be taken: All species of ptarmigan.

(b) Open season: August 20 to April 15.

(c) Daily bag limits: 20 a day.

(d) Methods of hunting: Weapons and means as permitted by Alaska regulation.

(e) Description of areas open to hunting: Hunting is permitted in accordance with (a) above on all lands of Adak, Atka, Unimak, Shemya, Attu and Great Sitkin Islands.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

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

(3) The provisions of this special regulation are effective July 1, 1961, through June 30, 1962.

DAN H. RALSTON,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JUNE 29, 1961.

[F.R. Doc. 61-6340; Filed, July 6, 1961; 8:48 a.m.]

PART 32—HUNTING

Aleutian Islands National Wildlife Refuge, Alaska

The following special regulation is issued.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ALASKA

ALEUTIAN ISLANDS NATIONAL WILDLIFE REFUGE

Hunting of big game on the Aleutian Islands National Wildlife Refuge, Alaska, is permissible only under the following conditions:

(a) Species permitted to be taken: Caribou and brown bear.

(b) Open season:
Caribou—No closed season;
Brown bear—October 1 to May 31.

(c) Bag limits: Caribou—no limit; brown bear—one of either sex a year, provided that the taking of cubs or females accompanied by cubs is prohibited.

(d) Methods of hunting: Weapons, equipment and means as prescribed by Alaska regulation.

(e) Description of areas open to hunting: Hunting is permitted in accordance with (a) above on those areas of the refuge described as follows:

1. Caribou may be taken on Atka Island only.

2. Brown bear may be taken on Unimak Island only.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is required to take brown bear on Unimak Island. Permits may be obtained from Refuge Manager, Cold Bay, Alaska, or from U.S. Game Management Agent, Box 280, Anchorage, Alaska.

(3) The provisions of this special regulation are effective July 1, 1961, through June 30, 1962.

DAN H. RALSTON,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JUNE 29, 1961.

[F.R. Doc. 61-6341; Filed, July 6, 1961; 8:49 a.m.]

PART 32—HUNTING

Arctic National Wildlife Range, Alaska

The following special regulation is issued.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ALASKA

ARCTIC NATIONAL WILDLIFE RANGE

Hunting of big game on the Arctic National Wildlife Range, Alaska, is permissible only under the following conditions:

(a) Species permitted to be taken: Black bear, polar bear, grizzly bear, wolf, caribou, Dall sheep and moose.

(b) Open season: Black bear—no closed season; polar bear—October 15 to May 7; grizzly bear—September 1 to December 31 and May 15 to June 15; wolf—no closed season; caribou—no closed season; Dall sheep—August 1 to September 20; moose—August 1 to September 30 and November 10 to December 10.

(c) Bag limits: Black bear—3 a year; polar bear—1 a year; grizzly bear—1 of either sex a year, provided that the taking of cubs or females accompanied by cubs is prohibited; wolf—no limit; caribou—no limit; Dall sheep—1 ram with ¾ curl horn or larger; and moose—1 bull a year.

(d) Methods of hunting: Weapons, equipment, and means as permitted by Alaska regulations.

(e) Description of areas open to hunting: Hunting is permitted in accordance with (a) above on all lands of the Arctic National Wildlife Range.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

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

(3) The provisions of this special regulation are effective July 1, 1961, through June 30, 1962.

DAN H. RALSTON,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JUNE 29, 1961.

[F.R. Doc. 61-6342; Filed, July 6, 1961; 8:49 a.m.]

PART 32—HUNTING

Bering Sea National Wildlife Refuge, Alaska

The following special regulation is issued.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ALASKA

BERING SEA NATIONAL WILDLIFE REFUGE

Hunting of big game on the Bering Sea National Wildlife Refuge, Alaska, is permissible only under the following conditions:

(a) Species permitted to be taken: Caribou.

(b) Open season: No closed season.

(c) Bag limits: As prescribed by permit.

(d) Methods of hunting: Weapons, equipment, and means as permitted by Alaska regulations.

(e) Description of areas open to hunting: Hunting is permitted in accordance with (a) above on all lands of the Bering Sea National Wildlife Refuge.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is required to enter the public hunting area. Permits may be obtained from the Refuge Supervisor, Bureau of Sport Fisheries and Wildlife, Kenai, Alaska.

(3) The provisions of this special regulation are effective July 1, 1961, through June 30, 1962.

DAN H. RALSTON,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JUNE 29, 1961.

[F.R. Doc. 61-6343; Filed July 6, 1961; 8:49 a.m.]

PART 32—HUNTING

Izembek National Wildlife Range, Alaska

The following special regulation is issued.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ALASKA

IZEMBEK NATIONAL WILDLIFE RANGE

Hunting of big game on the Izembek National Wildlife Range, Alaska, is permissible only under the following conditions:

(a) Species permitted to be taken: Brown bear and caribou.

(b) Open season: Brown bear—October 1–May 31; caribou—August 20 to March 31.

(c) Bag limits: Brown bear—one of either sex a year provided that the taking of cubs or females accompanied by cubs is prohibited; caribou—3 a year.

(d) Methods of hunting: Weapons, equipment and means as permitted by Alaska regulations.

(e) Description of areas open to hunting: Hunting is permitted in accordance with (a) above on all lands of the Izembek National Wildlife Range.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

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

(3) The provisions of this special regulation are effective July 1, 1961, through June 30, 1962.

DAN H. RALSTON,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JUNE 29, 1961.

[F.R. Doc. 61–6344; Filed, July 6, 1961; 8:49 a.m.]

PART 32—HUNTING

Kenai National Moose Range, Alaska

The following special regulation is issued.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ALASKA

KENAI NATIONAL MOOSE RANGE

Hunting of big game on the Kenai National Moose Range, Alaska, is permissible only under the following conditions:

(a) Species permitted to be taken: Moose, Dall sheep, mountain goat, black bear and grizzly bear.

(b) Open season: Moose (general)—August 20 to September 30 and November 1 to November 30; moose (special antlerless permit)—December 6 to December 10; Dall sheep—August 10 to August 31; mountain goat—August 10 to November 30; black bear—August 10 to June 30; and grizzly bear—September 1 to September 30.

(c) Bag limits: Moose (general)—1 bull a year; moose (special antlerless)—1 cow a year (in no case may the total bag per hunter exceed 1 moose per year); Dall sheep—1 ram with ¾ curl horn or larger; mountain goat—2 a year; black bear—3 a year; and grizzly bear—1 of either sex a year, provided that the taking of cubs or females accompanied by cubs is prohibited.

(d) Methods of hunting: Weapons, equipment, and means as permitted by Alaska regulations.

(e) Description of areas open to hunting: Hunting is permitted in accordance with (a) above on all lands of the Kenai National Moose Range.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

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

(3) The provisions of this special regulation are effective July 1, 1961 through June 30, 1962.

DAN H. RALSTON,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JUNE 29, 1961.

[F.R. Doc. 61–6345; Filed, July 6, 1961; 8:49 a.m.]

PART 32—HUNTING

Kodiak National Wildlife Refuge, Alaska

The following special regulation is issued.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ALASKA

KODIAK NATIONAL WILDLIFE REFUGE

Hunting of big game on the Kodiak National Wildlife Refuge, Alaska, is permissible only under the following conditions:

(a) Species permitted to be taken: Brown bear and deer.

(b) Open season: Brown bear—October 1 to May 31; and deer—September 1 to November 30.

(c) Bag limits: Brown bear—1 of either sex a year provided that the taking of cubs or females accompanied by cubs is prohibited; and deer—1 deer, provided that anterless deer may be taken only during the period November 1 to November 30.

(d) Methods of hunting: Weapons, equipment and means as permitted by Alaska regulations.

(e) Description of areas open to hunting: Hunting is permitted in accordance with (a) above on all lands of the Kodiak National Wildlife Refuge.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

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

(3) The provisions of this special regulation are effective July 1, 1961, through June 30, 1962.

DAN H. RALSTON,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JUNE 29, 1961.

[F.R. Doc. 61–6346; Filed, July 6, 1961; 8:49 a.m.]

PART 33—SPORT FISHING

Ninepipe National Wildlife Refuge, Montana

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

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

MONTANA

NINEPIPE NATIONAL WILDLIFE REFUGE

Special regulations filed May 17, 1961; 8:46 a.m., F.R. Doc. 61–4548 is hereby amended as follows:

Section (c) Daily creel limits: Bass—Fifteen (15) fish not to exceed fifteen (15) pounds and one (1) fish. Perch, bullhead, and sunfish—no limits.

The provisions of this amendment are effective through February 28, 1962.

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

JUNE 27, 1961.

[F.R. Doc. 61–6347; Filed, July 6, 1961; 8:49 a.m.]

PART 33—SPORT FISHING

Pablo National Wildlife Refuge, Montana

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

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

MONTANA

PABLO NATIONAL WILDLIFE REFUGE

Special regulation filed May 17, 1961; 8:46 a.m., F.R. Doc. 61–4549 is hereby amended as follows:

Section (c) Daily creel limits: Trout—Ten (10) fish not to exceed ten (10) pounds and one (1) fish. Bass—Fifteen (15) fish not to exceed fifteen (15) pounds and one (1) fish. Perch and bullhead—no limits.

The provisions of this amendment are effective through February 28, 1962.

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

JUNE 27, 1961.

[F.R. Doc. 61–6348; Filed, July 6, 1961; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 233]

SAN CARLOS INDIAN IRRIGATION PROJECT, ARIZONA

Delinquent Bills

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Acts of June 7, 1924 (43 Stat. 476), and March 7, 1928 (45 Stat. 210; 25 U.S.C. 387), and by section 161 of the Revised Statutes (5 U.S.C. 22), it is proposed to amend 25 CFR 233.21 as set forth below. The purpose of this amendment is to increase the reconnection charge from $2.00 to $5.00 in order to provide a more adequate charge for costs incurred for reconnection services.

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

Section 233.21 is amended to read as follows:

§ 233.21 Delinquent bills.

Bills for electric service will be delinquent if not paid on or before the twentieth day following the date of issue. When such delinquency occurs, the Project Engineer shall discontinue service and service shall not be restored until the consumer has paid all bills then due plus a reconnection charge of $5.00 and has made the deposit required under § 233.5. Discontinuance of service for delinquency shall not relieve the consumer of liability for minimum monthly payments guaranteed by him under his contract.

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

JUNE 30, 1961.

[F.R. Doc. 61–6350; Filed, July 6, 1961; 8:50 a.m.]

National Park Service

[36 CFR Part 1]

BOATS

Permits and Launching

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 3 of the act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), it is proposed to amend Title 36 CFR 1 as set forth below. The purpose of the amendments is to authorize the superintendents of national parks and monuments to issue boating permits and to control the use of motor-propelled boats in park and monument waters not accessible by commonly used public roads.

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

Section 1.59 is amended to change the present section heading and text of paragraphs (a) and (b) to read as follows:

§ 1.59 Boating.

(a) Written permission is required from the superintendent to launch or operate motor-propelled boats, other than Government-owned powerboats used for official purposes, on all park or monument waters which are not directly accessible by a commonly used public road. In all other cases the superintendent may require issuance of a permit before any type of vessel is placed in or allowed to operate upon the waters of any park or monument. He may specify locations and conditions under which vessels may operate and shall have authority to revoke a permit and require the immediate removal of the vessel upon failure of the permittee to comply with the terms and conditions of the permit.

(b) No vessel primarily designed and used for floating living quarters commonly referred to as a "houseboat", shall be permitted upon the waters of any park or monument. This paragraph shall not apply to Everglades National Park nor National Capital Parks.

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

JUNE 30, 1961.

[F.R. Doc. 61–6353; Filed, July 6, 1961; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1026]

[Docket No. AO–332]

CENTRAL CALIFORNIA GRAPES FOR CRUSHING

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk, United States Department of Agriculture, of this recommended decision of the Department with respect to a proposed marketing agreement and order regulating the handling of Central California grapes for crushing (hereinafter referred to collectively as the "order"). The order would be effective pursuant to provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.), hereinafter referred to as the "act".

Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D.C., not later than the close of business on the ninth day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing on the record of which the order is formulated was held in Fresno, California, May 22–24, 27, and 29–31, 1961, pursuant to a notice thereof which was published in the FEDERAL REGISTER on April 28, 1961 (26 F.R. 3644). Said notice contained a proposed order prepared and submitted by a producer-vintner committee under the chairmanship of Mr. A. Setrakian. In addition, a large group of producers and vintners, representing all sections of the Central California grape industry, met in Fresno on April 17, 1961, and by resolution adopted at that meeting, requested that a hearing be held on the proposal.

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The existence of the right to exercise Federal jurisdiction;

(2) The need for the proposed regulatory program to effectuate the declared policy of the act;

(3) The specific terms and provisions of the order including:

(a) Definitions of the commodity, the area, the persons to be regulated, and those other terms set forth in the notice of hearing which are applicable to the provisions of the proposed program;

(b) The establishment, maintenance and duties of a Grape Crush Advisory Board which shall be advisory to the committee;

(c) The establishment, maintenance, powers and duties of a Grape Crush Administrative Committee which shall be the administrative agency for assisting the Secretary in administration of the program;

(d) The authority to establish, and incur expenses in connection with, marketing research and development projects;

(e) The provisions applicable both to the board and the committee;

(f) The procedure for annually determining a marketing policy for the crop year;

(g) The method for limiting the volume of dried commodity which may be received by handlers;

(h) The method for determining the extent of surplus of the commodity and providing for its control;

(i) Authorizing exemptions from certain regulations;

(j) The disposition of surplus;

(k) The establishment of reporting and related recordkeeping requirements upon handlers;

(l) The authority for the committee to incur expenses and for the Secretary to levy assessments on handlers; and

(m) Additional terms and conditions set forth in the notice of hearing as §§ 1026.75 through 1026.99.

Findings and conclusions. The findings and conclusions on the aforementioned material issues all of which are based on the evidence adduced at the hearing and record thereof, are as follows:

(1) The proposed program would regulate the handling of grapes for crushing in a manner to restrict the volume of grapes which may be received and freely used by handlers. This will be accomplished by providing a method for determining the existence and extent of the surplus of the commodity and providing for its control and disposition. This would be for the purpose of carrying out the declared policy of the act by establishing and maintaining orderly marketing conditions for the agricultural commodity through the authorized action of applying the order.

Grapes and their products enter into the stream of commerce from California in three principal forms: fresh grapes, raisins, and the products of crushing. That grapes for crushing, as such are defined in the order, do not physically move outside the State of California for conversion into such products does not remove them from being inextricably intermingled with, or directly burdening or affecting interstate or foreign commerce, since the products do move in such commerce as is hereinafter demonstrated. An artificial separation of production, processing and manufacturing from commerce, without regard to the economic continuity, the effects of the former on the latter, and the methods by which the several processes are organized, related, and carried on, does not remove such activities or the agricultural commodities and their related products from the reach of the act.

Grapes for crushing are received by handlers and processed without regard to whether the products thereof are ultimately to be distributed within or outside the area of production or the State of California. Not only are the grapes commingled and processed together but in the subsequent treatment, involving the blending of wines or the addition of high proof, the grapes, in the form of products, become further commingled. The products of grapes for crushing as they move to market tend to be similar in that they are sold under standardized classes, types, names, or brands. If it were possible to devise methods whereby grapes used in products sold only within the State could be exempted from the program, the result would be, in the absence of program restriction, to greatly burden this outlet with excess production. There would then follow severe compliance and program disrupting problems arising from the fact that the California prices would be materially lower than those existing in the channels of interstate and foreign commerce and would induce a movement of the lower-priced products, in the hands of persons one or more stages removed from the handlers being regulated under the program, to ship and sell the products outside the State. For these reasons, the handling of grapes for crushing or their products directly burdens, obstructs and affects the handling of such grapes and their products in interstate or foreign commerce to such an extent as to make necessary the regulation of intrastate, as well as interstate and foreign commerce, to permit effective regulation of the latter commerce under the program. In terms of grapes for crushing utilization, the principal outlet is in the form of wine. Shipments of California wine to markets outside the State, in the years since 1953, have ranged from 76 to 80 percent of the total California wine shipments. Of the total California crush, the volume crushed within the proposed area is approximately 87 percent of the total for the State.

Opponents of the proposed program have contended that the products which would be incidentally controlled are not agricultural commodities nor the products thereof. However, there can be no question but that grapes for crushing are an agricultural commodity, and that wine, brandy, concentrate and such other items are products thereof. The act specifically provides that orders shall be applicable to "agricultural commodities and the products thereof."

Under the order, surplus percentages would apply to grapes for crushing. The free tonnage portion would be available to handlers without restrictions as to use or outlet. The surplus portion would be converted into storable products at the expense of the producer or other equity holder. The products would be stored at the expense of the equity holders and any returns from the liquidation of the surplus pool, after the payment of expenses, returned to them. To prohibit the conversion of the surplus portion of the grapes for crushing into storable products would eliminate any opportunity for the producers, or other equity holders, to realize other than a total loss or a nominal sum from its disposal. However, when converted into storable products, the opportunity is preserved for a later release to handlers, for use in normal or non-normal outlets, at prices which could result in sizable returns to equity holders and thus tend to effectuate the declared purposes of the act by improving the returns on the agricultural commodity.

Fresh grapes cannot be stored except under refrigeration and then only for shorter periods than would be adequate and at high cost. Consequently it is impractical to set aside the surplus grapes in fresh form. They could be destroyed, but such would deny to the producer an opportunity for possible remuneration and void the stabilization potentials of the setaside as a reserve against years of inadequate grape production.

(2) Approximately 80 percent of the commercially produced wine entering distribution in the United States and 60 percent of the brandy originates in the State of California. California grapes, with productions in the most recent ten seasons ranging from 2.3 million to 3.2 million tons, are used for fresh shipment, canning, raisins or crushing but the returns to producers from grapes for crushing have been less than those obtained in the other outlets. This may be attributable, in part, to the fact that all varieties of grapes, whether table varieties, raisin varieties or wine varieties, can be utilized in some product of the vintner or distiller. Thus whenever marketing conditions are poor in the fresh or raisin outlets, or producing conditions or likelihood of weather damage adversely affect disappearance in such outlets, or there is a bumper crop, grape producers, grape shippers and raisin packers may divert above normal quantities to winery outlets. By virtue of being a residual outlet from all other outlets, prices are rendered unstable and in recent seasons have been materially lower than the prices which growers obtained from the other outlets. During the most recent five years, 1956–60, producers received an average of $72 per ton from fresh outlets, $59 per fresh ton from dried outlets, $62 per ton from canning outlets, and only $44 per ton from the grapes for crushing outlet. In two years of this period the crushing outlet returned above-average prices for that outlet, due to either small grape crops or small inventories being held by vintners, but with an ample supply outlook in the 1960 season, as to production and inventory, prices returned to former low levels.

One of the principal grape varieties used in wineries is the Thompson Seedless which is classified as a raisin variety grape and of which substantial tonnages are made into raisins annually. The cost to the producer per fresh ton of producing and harvesting this variety, in the area proposed for this program, is approximately $41 per ton. In the 1960 season, this variety brought only $33.70 per ton when delivered to wineries. This same variety when used in raisins, on a fresh basis, returned producers approximately $52.50 per ton. Certain table varieties of grapes show an even wider disparity in price as between the returns from the fresh shipping outlet and the returns from the crushing outlet.

Wine varieties of grapes show varying levels of returns based on whether or not an individual variety especially desired by vintners was in a short supply in the 1960 season. Although the wine varieties averaged $52.20 for the State as a whole, in 1960, the average within the Central Valley was $43.00 per ton as compared with $93.90 per ton in the North Coast counties, outside the area of the order, which are primarily producers of table wines. The largest producing county of wine variety grapes, within the area, is San Joaquin and here

the average returns in the most recent eleven seasons have been less than for raisin varieties crushed, in six of such seasons, slightly higher in four and materially higher only in the 1960 season. While it is possible that the conditions of abnormal demand for certain varieties may be repeated in future seasons, the evidence of the hearing indicates that in view of the many products and the substitutability of grape varieties in producing all or a portion of many of such products, in an average season the prices of the several varieties tend to be similar. In view of the evidence, it is concluded that no one varietal group should be exempt from the order but rather that exemption, based on the circumstances of the season, may be permitted as hereinafter provided.

Since 1947 the return for grapes entering the crushing outlet has shown a gradual declining trend as measured by the price spread from the other outlets. This could be accentuated, in the absence of the proposed order, in ensuing years by the increasing production potential. Hence there is reason to believe that future returns for grapes for crushing could be at low levels not seen since 1952, a year when vintners held an all-time record high inventory of table and dessert wines. Although domestic shipments indicate a slight upward trend in consumption of all wines and brandy, there has been practically no growth in consumption of dessert wine, the principal outlet for grapes produced in the area.

The equivalent parity price of California grapes excluding dried raisins, derived from the U.S. parity price, as of April 1961, was approximately $55.90 per ton. This equivalent parity is a guide to the return level, with due consideration to the components not grapes for crushing, which will be an objective of the order, pending the establishment, when sufficient price data have been collected, of a price series applicable to the commodity as defined. In the meantime, as long as the prices of major components of the commodity are generally below 119 percent (the parity index divided by the index of prices received) of their most recent 10-year average, it is certain that producer returns on the agricultural commodity are below parity. The increase of producer returns to as near the parity level as is practicable and consistent with the interest of consumers is one of the expressed objectives of the act. The proposed order is designed to permit accomplishment of this objective.

The hearing evidence is that the demand for dessert wine, the major outlet for grapes for crushing, is inelastic. This means that there is opportunity, and the proposed order would provide the technique, by reasonable restriction of marketable supplies, to improve total earnings and thereby enhance the relatively low returns to producers from the crushing outlet.

The hearing evidence indicates interest in production controls on grapes and a contention that the order would tend to increase production and be unworkable without such controls. However, the authorizing legislation does not include such authority nor is this an essential element in marketing the available supply of any season in an orderly manner. Admittedly, production controls could reduce the supply and possibly the problems in marketing, but the absence of such controls does not mean, necessarily, that an industry cannot effect benefits by controlling the marketing of whatever supply is being produced.

(3) (a) "Secretary" should be defined to include the Secretary of Agriculture of the United States, and, in recognition of the fact that it is physically impossible for him to perform personally all of the functions and duties imposed upon him by law, any other officer or employee of the United States Department of Agriculture who is, or who may hereafter be authorized to act in his stead.

"Act" should be defined within the order to provide a ready and correct legal citation for the statute pursuant to which this order is to be operative and to make it unnecessary to refer to the citation whenever the word "act" is used.

"Person" should be defined the same as in the act to thereby ensure that it has the same meaning.

"Area" should be defined to mean the nine California central valley counties of Sacramento, San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare, and Kern. These counties form a contiguous area lying between the coastal range on the west and the Sierra-Nevada mountains on the east. Extensive production of wine, raisin, and table varieties of grapes occurs throughout the nine-county area, being favored by substantially uniform climate. The total acreage is about 80 percent of vineyard acreage in the entire State of California. In general, yields per acre are uniform throughout the nine counties and are much larger than in the other counties of the State. Grapes grown outside the nine-county area are mostly wine varieties having relatively low yields per acre and are used primarily in the production of table wines many of which are marketed at premium prices. In contrast, the bulk of the grapes in the nine-county area are used for the production of dessert wines, high proof, beverage brandy, and grape juice concentrate. Within the nine counties, the large acreages, high vineyard yields, and diversion to wineries of grapes from alternative outlets, cause price depressing winery supplies and adversely affect returns to producers.

Prices received by producers per ton of grapes produced in the State of California outside of the nine-county area are generally higher than those received within the area, and the same is true of producer returns in states other than California. By restricting supplies in the counties with the bulk of the production, namely, the nine counties, would not permit a replacement of the withheld supplies by the outside counties as their productions are too small and they are reasonably certain to continue to move to their normal, outside the area, outlets. Consequently, it is not necessary to apply the program to a larger area to improve the position of producers in the nine-county area. The nine-county area is the smallest practicable area for application of the order because of similarity of producer prices and marketing, the large production of table grapes for fresh shipment and their substantial usage by wineries, the bulk of the raisin variety grapes of the State are produced herein, and there is substantial intra-area movement of grapes and their products. Applying the order to any lesser production area could materially decrease the effectiveness of the program, particularly if the two northern counties were excluded, as was proposed at the hearing, as they contribute in excess of 20 percent of the total tonnage crushed in the area and this tonnage has a comparable demand to that of other counties in the area and in most years receives no higher prices than in the more southern counties. Exempting the most northern county, Sacramento, does not seem warranted simply because the production is small, as such production is located in the southern part of that county and hence is a more contiguous part of the production area than that in other counties which are excluded. There is no evidence that there are such differences of production or marketing within the proposed area as need to be recognized by applying different terms to different parts of the area.

"Grapes for crushing" should be defined to identify the agricultural commodity to be regulated under the order. In this instance, the commodity should be grapes, in whatever form, which are received by vintners, distillers or juice processors and introduced into their processing operations. Hence, the commodity "grapes for crushing" should mean any grapes produced within the area, whether fresh or dried, which by crushing or other acts are prepared for fermentation or the production of grape juice or concentrate. It should be recognized that grapes for crushing includes any of the following entering handler processing: Fresh grapes, culls resulting from fresh grape packing, vineyard strippings left after a primary harvest (for such purposes as table shipment or raisins), grapes which have been dried in whole or in part, whether artificially or naturally, and all residue or waste from dehydration or raisin packing. Fresh grapes are crushed in the course of preparing them for fermentation or the production of grape juice. However, material which has been dried is disintegrated by other means for fermentation. Hence both crushing and other acts should be included so that no person or portion of the commodity may avoid regulation because the definition of the agricultural commodity affected was insufficient or incomplete.

"Producer" should mean any person engaged within the area, in a proprietary capacity, in the production and sale, whether directly or indirectly, of grapes for crushing. This definition should be broad enough to include all persons engaged in the production and sale of grapes, whether fresh or dried, which are directly sold, or which are sold by another, to handlers. Any producer of grapes in the area is a possible seller of

grapes for juice or fermentation and distillation and many sell grapes directly whereas others receive a portion of their income from the fact that fresh grape shippers, dehydrators and raisin packers divert a portion of their receipts or the raisin packing residues to these outlets. Where any such person or other middleman acquires ownership of grapes or raisins which are delivered, in whole or part, to handlers, it is to be understood that he replaces the producer for the purposes of equity in the setaside, paying for its processing and storage and receiving the proceeds from disposition. The matter of "engaged in a proprietary capacity" in production is a simple means of expressing the various ways (through personally farming, through partnership, corporation, or otherwise) that one produces and acquires ownership of the commodity involved and an interest in its market. Only persons qualifying within the above definition should be eligible to vote in a producer referendum on the proposed order or serve as producer members of the proposed advisory board and administrative committee.

"Handle" should mean to receive and crush, ferment, or convert to juice or concentrate any grapes for crushing, or to store, treat, sell, transport or ship into channels of trade (except as a common or contract carrier), the products of such grapes. This term should cover the acts of receiving and processing, storing or disposing which distinguish a handler from a producer and identify the point at which grapes become subject to regulation. The handler must not only receive grapes for crushing but must crush or otherwise process them for the grapes to become subject to obligations of a particular handler. In other words, the arrival of grapes at a handler's premises and their subsequent removal and sale to another handler should not subject the first handler to obligations such as set aside against the transferred lot of grapes. The acts of storing, treating or disposing of the products should be included in the definition to further cover functions significant to the warehousing of setaside and its disposition, through sale to handlers for subsequent shipment into eligible outlets.

"Handler" should be defined as synonymous with vintner, distiller and processor, and mean any person within the State of California who handles. This definition is necessary to identify the persons on whom obligations would fall and to establish eligibility for board and committee membership. Handlers should be persons within the State of California receiving grapes for crushing, namely, those produced within the area, and performing acts of handling. Persons within the State of California whether in the nine-county area or not, should be included because it is physically possible to transport unrefrigerated grapes, while maintaining them in reasonably good condition, to the premises of vintners outside the nine-county area. However, there is no evidence of such shipment outside California. Failure to include all likely handlers within the State would permit some grapes to evade the program and upset the surplus control provision features.

"Wine" should be defined as the product obtained by the fermentation of grape juice or must, with or without addition or abstraction, and if it contains 14 percent or less of alcohol by volume shall be known as "table wine" whereas if it contains in excess of 14 percent alcohol by volume but not in excess of 24 percent shall be known as "dessert wine". The intent here is to employ the generally accepted definition, by industry and governments, and to define the term in an all-embracing sense which will permit such further subclassification as may prove necessary or desirable. The phrase "with or without addition or abstraction" should be used in recognition of the fact that any treatment of wine permitted under State of California and Federal laws and regulations should not cause the product to be removed from the definition. This definition should also clearly state that wine which contains 14 percent or less of alcohol by volume is to be known as table wine, and that containing in excess of 14 percent by volume but not more than 24 percent is to be known as dessert wine. These are classifications generally accepted and applied throughout the industry. Furthermore, statistical data, essential to marketing policy, have been compiled on the basis of these two general classifications of wine.

"High proof" is a setaside item and should be defined as wine spirits, produced from grapes for crushing in a distilled spirits plant, and not held for use as commercial brandy. High proof is normally distilled to 185 or more degrees of proof and when this occurs, unlike brandy, is relatively free of fruit flavor. However, inventories are often held at a lower proof and hence the definition should be broad enough to cover all such material on handlers' premises. The term "high proof" is widely used by handlers to distinguish these wine spirits from those held for use as commercial brandy.

"Concentrate" is a setaside item and should be defined as unfermented grape juice from which the major portion of the original water content has been removed. The process of water removal results in a grape product substantially reduced in volume from its original juice form, normally by approximately 75 percent, and characterized by a high degree of concentrated grape sugar. As a matter of industry practice, concentrate is customarily produced to result in a product containing sugar concentrated to not less than 68 degrees Brix (or the equivalent level Balling). However, the definition should be broad and should not specify a minimum level for the general purposes of the order because handlers produce varying concentrates suitable to their particular requirements. The terms "degrees Brix" and "degrees Balling" each refers to readings obtained through the use of hydrometers, in the one case employing a scale of measurement known as the "Brix" and in the other as the "Balling". Both scales are commonly used in the industry.

"Brandy" should be defined as wine spirits, produced from grapes for crushing in a distilled spirits plant, which have not been distilled to more than 170 degree proof. The lower point of original distillation is the principal difference between high proof and brandy and means that more of the flavoring properties have been retained for beverage purposes. This definition should be included in the order for the reason that it will serve to identify a grape product which should be considered in establishing the annual marketing policy.

"Setaside equivalent" should be defined as the alcohol equivalent, in proof gallons, of the sugar content of grapes received by handlers and required to be set aside pursuant to a volume regulation. The setaside will be in the form of concentrate or one or more of the alcoholic products. There must be a means of relating the grapes for crushing which the producer delivers, to the handler obligation to set aside grape products. The practical means of accomplishing this is for the grapes to be converted to a common denominator with the end product. All grapes contain sugar, and sugar is the source of the alcohol developed in the fermentation process. By ascertaining upon delivery the sugar content of the grapes received, it is possible to convert the incoming grapes to an alcohol equivalent. Hence, the handler should be obligated to set aside such products as dessert wine or high proof in terms of alcohol, based on proof gallons, equivalent to the sugar content of the grapes he received and crushed.

This process of conversion results in an equitable determination of setaside obligations allowing for the different sugar content of grapes. For instance, a variety which has 22 percent sugar would have a different setaside than one which has 18 percent sugar. As an example, if one producer delivered a thousand tons at 22 percent sugar and the computed yield was 44,000 proof gallons, in a year when the percent setaside was to be 10 percent, the handler would set aside 4,400 proof gallons or 10 percent of the alcohol derived from the delivery. The 4,400 proof gallons is also equal to 100 tons or 10 percent of the producer delivery. If another producer delivered 1,000 tons but it had only 18 percent sugar and the computed yield was 36,000 proof gallons, then the handler would set aside 3,600 proof gallons. This is the same as the yield of 100 tons or ten percent of the producer delivery. Thus from each producer's delivery, 100 tons would be set aside in the form of the equivalent alcohol.

"Proof gallon" should mean a standard liquid gallon of 231 cubic inches containing 50 percent alcohol by volume at 60 degrees Fahrenheit and as such is 100 degrees proof. This definition is in common usage in the alcoholic beverage industries and in view of the term being used in other definitions, should be set forth in the order. By long usage the term "100 degrees proof" is generally understood to mean that the contents of the product are only 50 percent alcohol by volume, not 100 percent. As to the definition of gallon the measure here

prescribed is the U.S. standard liquid gallon.

"Crop year" should be defined to mean the 12-month period beginning on July 1 of each calendar year and ending with June 30 of the following year. This is the 12-month period which is commonly used in the industry for statistical purposes. The oncoming crop of grapes for crushing is not received by vintners in any substantial volume prior to the month of July, and some crushing continues into winter. Habitually, the bulk of the tonnage is crushed during the months of August, September, and October. Crushing of table varieties continues at a rather heavy rate throughout November, and some tonnages, such as removals from cold storage, are crushed in the opening weeks of the new calendar year. Distillers receive raisin residue and sweepings from raisin packing operations throughout the year. The grape products produced by handlers are sold throughout the 12-month period.

"Cooperative association" should be defined to mean a cooperative association of grape producers, or wholly owned subsidiary, organized under the non-profit cooperative association laws of the State of California for the purpose of directly or indirectly crushing grapes or disposing of the products thereof. Handlers qualifying as cooperative associations would include (1) associations which receive, process, and market, (2) federations of associations for such purposes as centralized marketing, (3) any association with a wholly owned subsidiary cooperative performing the processing or marketing functions and (4) any such subsidiary cooperative. For purposes of representation on the proposed board and committee, entities to submit nominees would be only the first three types and the first type should be excluded if a member of a federation. However, for the purpose of receiving producer returns from disposition of set-aside, the committee should be permitted to recognize the practices of the respective organization and make the payment either to the parent company or the lesser unit. Similarly, the participation of the several types of associations in other aspects of the program should be decided on the basis of legal or practical considerations bearing on the particular issue.

"Part" should be defined to mean the order regulating the handling of Central California grapes for crushing, and all rules, regulations, and supplementary orders issued thereunder. The order regulating the handling of Central California grapes for crushing should constitute a "subpart" of such part. This use of such terms is in conformity with practices of the office of the Federal Register.

(3) (b) There should be established a Grape Crush Advisory Board to provide a broad representation within the industry, with the opportunity of drawing on the advice and knowledge of many persons, to advise the administrative committee on marketing policy and other matters and to provide a means to nominate to the Secretary the members and alternates of such committee. The board should be composed of 78 members to permit 48 to represent producers and 30 to represent handlers. The large handler representation would permit approximately one-half of the possible handlers under the program to participate in marketing policy. Producer representation on the committee should predominate as the program is for the primary purpose of improving their returns and, to cover absentees and duly protect the producer interest, should be well in excess of the number of handlers.

The producer members should be nominated from nine districts with not less than two from each district (since the committee is to have two from each) and the number in excess of two should be based on a measure of producer interest with the crushing outlet and the most readily available measure is the approximate acreage of grapes crushed. From south to north, the districts should follow county lines but the most northerly district, District No. 1, should be all of Sacramento County plus that portion of San Joaquin County north of State Highway No. 4. The next southerly district, District No. 2, should be that portion of San Joaquin County south of State Highway No. 4. County lines provide a convenient method of allocating membership as county statistics are available on grape acreage and, for most counties, tonnage crushed and are a means of providing geographic representation. In the two most northern districts, San Joaquin County should be divided to associate the northern portion, containing the large producing area of Lodi, with the closely related interests of Sacramento producers whose acreage is in the southern portion of that county. The southern part of San Joaquin County should be a separate district which includes the Manteca producing area. The number of members from Districts reading from 1 through 9 should be 7, 2, 4, 3, 3, 16, 2, 5, and 6, respectively. This would comply with the concept of having not less than two per district and provide an allocation related to approximate acreages, in each district, supplying grapes for crushing in the 1960 crop year.

The handler representation should be one member for each of the 22 largest tonnages crushed in the crop year of nomination except that the initial members should be based on the 1960–61 crush, four for approximately one-half the remaining tonnages and the handlers of the larger tonnages, and four for the balance and the handlers of the lesser tonnages. In this way each major handler of grapes will be assured participation and representation will be provided to all others in terms of the tonnage involved. Since the actual crush data of handlers is confidential information and not a part of the hearing record, it will be appropriate for the proposed committee to consider summaries of such information obtained under the program and propose appropriate adjustments in representation as hereinafter provided.

For each member of the board there should be an alternate member having the same qualifications as his principal and representing the same district or tonnage category. Alternates should be provided to permit representation of the district or tonnage category in the absence or unavailability of the member, otherwise effective administration of this program could not be assured.

The committee, which will obtain information such as volumes crushed by districts, handlers, county of grape production and varieties, much of which is not available at present should be permitted to use such information to propose changes in representation. Also, as time goes on there may well be changes both in the location of acreages and tonnages crushed and in handler tonnage categories. So that such changes may be effectuated without the necessity of an amendment hearing, the order should provide that changes may be made by the Secretary, upon recommendation of the committee, in the total number of either the producer or handler members of the board, may change the districts, or the numbers representing districts or handler tonnage categories. Such changes should be recommended by the committee rather than the board because the committee, as the administrative agency of the Secretary, will have, in the possession of the management of that committee, the information upon which appropriate changes in representation may be based. The statistical information should be weighted by such factors as similarity of interests among producers or handlers to thereby permit the most effective representation of logical groupings in terms of production or marketing.

The order should define the eligibility of producers and handlers so that there is a minimum of overlapping of interest. Thus the producers should be basically producers and the handlers basically handlers throughout their term of office. Producer representation should come only from those persons not engaged in handling of grapes for crushing either in a proprietary (ownership) capacity or as a director, officer or employee of a handler not a cooperative association. Producer members of cooperatives should not be barred from being producer members of the board as their interest would continue to be basically that of producers. Each handler member of the board and his alternate should be from the tonnage category he represents or an officer or employee of such a handler. County lines may sever a continuous producing belt of grapes, and hence a producer should not be barred from representing a district other than the district in which he resides or obtains his proprietary interest in grapes for crushing. However, to assure reasonable similarity of interest, the producer should be from either the district for which selected or from an adjoining district. In view of the proposed three-year term of office, the representation of producers or handlers should not be affected by a producer's failure to deliver grapes for crushing or a handler's to crush such grapes within his tonnage category, in any crop year beyond the year of selection, as such would negate the term, by causing adjustments each

year, and would forejudge the eligibility of such persons in any succeeding year.

Terms of office should be for three-year periods and should expire on April 30 to permit opportunity for members and alternates to qualify and to provide adequate time for a new board to be organized and nominate to the Secretary members of the committee to be appointed by June 1 or in any event before July 1, the beginning of the new crop year. A three-year term appropriately recognizes that the order is subject to a referendum to determine whether it shall be continued beyond three years. During such three-year period, the board and committee should have full opportunity to determine, test, and correct working policies. This could be adversely affected by periodic appointments of inexperienced persons to the board. To permit a full complement of members and alternates, each person should serve until his successor has been selected and has qualified by accepting his appointment.

So that members and alternate members of the board, other than representatives of individual handlers who designate them, are nominated by popular vote of the eligible persons in each district or tonnage category, it should be provided that nomination meetings be held for each district or tonnage category and that reasonable publicity be given to such meetings. At these meetings, each eligible person should have but one vote. This is consistent with the normal means of obtaining popular votes and permits representation to be broadly based irrespective of the weight of the tonnage involved. Voting at each meeting of producers should be by secret ballot, thereby adopting the normal method of conducting voting among several persons, but such voting by handlers need not be so restricted in view of the lesser number of persons and if they so conclude at the nomination meeting. The person receiving the majority of the votes cast for a position should be the nominee and if no person receives such majority, there should be a runoff vote between the two persons with the largest number of votes thereby assuring the possibility of a majority vote. All nominations should be certified by the board to the Secretary no later than April 5 of the year in which nominations are conducted. This would permit the Secretary to make the appointments and permit notification of the appointees prior to the expiration of the term of office on April 30. In the absence of a board, committee and committee management to initially cause nominations to be submitted, the Secretary should undertake these functions.

The duties of the board should be to select a chairman, and any other necessary officers, from its members, to make nominations from among members or alternates of the board, to the Secretary, for appointment to the committee and to make recommendations with respect to marketing policy and other operational matters as it deems proper or the committee may request. Nomination meetings for the board will be conducted by using the management of the committee with a member of the board in charge, and acting as chairman, of any such meeting. Hence the board will be conducting the nomination meetings for membership of the board and the chairman, or secretary, of each of these meetings will be certifying the nominations. The additional major duty of the board is to advise the committee by recommending marketing policies. In order to avoid a failure to anticipate all the matters which may be placed before the board, there should be a general provision which states that the board may give consideration to such other operational matters as it deems proper or as the committee may request.

(3) (c) There should be established an administrative agency which should be referred to as the Grape Crush Administrative Committee to reflect both the commodity and the nature of this committee. It should be composed of 31 members of whom 18 should represent producers, 12 should represent handlers, and to assure smoother administration of the program, the 31st member should be the chairman of the board and also the chairman of the committee. Such a committee would permit reasonable quorum requirements, as hereinafter set forth, which would assure a predominance of producers even though all handler members were present but only the minimum permissible number of producers were present. Geographic representation is preserved and the nomination problem simplified by specifying that the 18 producer representatives should be selected on the basis of two to represent each of the nine districts. The handler representation on the committee should follow the principle applied to the board of assuring direct representation to handlers of the largest tonnages. However, in view of the lesser number of positions, the handler representation should be one each for the six largest tonnages crushed, four members to represent the balance of the twenty-two largest tonnages, and one member each for the remaining two categories of board representation. Thus the handler representation, except for the six largest, is one-fourth that of the board.

Since changes in representation of producers or handlers on the board may require conforming changes on the committee, or since operational experience and industry changes may warrant altering the committee even though the composition of the board is satisfactory, provision should be made whereby the Secretary, upon recommendation of the committee, may change the committee in the same manner and based on the same factors as have already been set forth for the board.

The eligibility requirements for members and alternates of the committee should be the same as for the board, including presently serving on the board or awaiting, due to the later terminal date of service on the committee, the selection and qualification of a successor; and either the board member or alternate should be eligible to represent the same district or tonnage category as member or alternate on the committee.

The term of office for members and alternate members of the committee should be the same, and for the same reasons, as in the case of the board, except that the terminal date should be May 31 of every third year, and for the initial term of office should be May 31, 1964. However, to assure continuity of the committee, each such member and alternate member should continue to serve until his successor is selected and has qualified. Under these provisions approximately one month would be available for the board to meet, organize itself, and submit to the Secretary nominations for members and alternates of the committee.

Producer members of the board should nominate producer members and alternates of the committee and handler members of the board should nominate handler members and alternates of the committee. Futhermore, all such nominations should be by producers and handlers acting for their respective districts or tonnage categories. In other words, the segregations of the board as to producers and handlers should continue to prevail and to cause like representation on the committee. All such nominations should be certified by the board to the Secretary within 30 days of the selection of board members by the Secretary, and thereby provide reasonable opportunity for the Secretary to complete appointment actions as to the committee. For the purposes of nomination of the initial committee membership, it is likely that the Secretary will not yet have selected board members and hence it should be specified that in such nominations, the nominees for board membership should make the nominations.

The enabling act provides in section 8c(7)(C) for the selection by the Secretary of an agency and defining its powers and duties which include only specified powers. These powers should be included in the order and thus would serve to notify the committee, and other interested persons, as to the extent of its powers.

There should be set forth in the order the several duties which the committee shall have in administering the program. The proposed duties are similar to those specified for other administrative agencies under Federal marketing order programs and are essential to enable the committee to function efficiently and discharge its responsibilities. It should be recognized, however, that a listing of duties may not be all inclusive and that other duties may be essential to full administration of the program.

It should be provided that the committee is to act as intermediary between the Secretary and any producer or handler. Also, the committee should keep minutes, books and other records which clearly reflect all of its acts and transactions and shall permit these to be examined by the Secretary at any time. It should investigate and assemble data on production, handling, and marketing of grapes for crushing and the products of such grapes as such data will be essential to the recommendations of the committee in regard to marketing policy. Data, including that

on grapes, which the committee compiles should be made available to the Secretary so that he may have available all the facts or factors which the committee considers or has available to it. In order to function efficiently, the committee should select from its members, officers other than the chairman and adopt such rules and regulations for the conduct of its business as it may deem advisable. The committee should appoint or employ persons necessary to the administration and compliance activity of the program and to determine the salaries and define the duties of each such person. At least once each crop year, the committee should cause the books to be audited by a certified public accountant and cause two copies of each such audit report to be submitted to the Secretary. Such audit report should be available at the offices of the committee for inspection by producers and handlers but should not contain confidential information of the type which would reveal a business operation of the participants in the program. In the event it becomes necessary, an audit of the books should be made at any time or as the Secretary may request. So that there may be a running record and opportunity to supervise the financial operations of the committee, it should prepare and submit to the Secretary monthly statements of such operations. Such statements together with the minutes of meetings of the committee or the board should be available for inspection at the offices of the committee by producers and handlers. Whenever members are notified of a meeting of the board or the committee, notification should also be given to the Secretary so that he may have a representative present at such meeting.

A major activity of the committee will be the notification to handlers of their obligations, the use of reports and on-premise observation to determine compliance, and the explanation of program provisions to interested persons. The success of a program of this type is dependent upon compliance being obtained on the part of all handlers. It should be provided that the committee should investigate compliance with, and use means available to it to prevent violation of, the provisions of this part. Furthermore, the committee should be authorized, and consider it as a duty, to establish with the approval of the Secretary such rules and regulations as are necessary or incidental to the administration of the order, which are consistent with its provisions, and which would tend to accomplish the purposes of the order and the act.

(3) (d) The act authorizes marketing research and development projects designed to assist, improve or promote the marketing, distribution and consumption of the regulated commodity or any product and this authorization should be incorporated so that the committee may improve its ability to make marketing determinations and to dispose of the set-aside products. Such provision should permit the expense of the projects to be allocated as between the funds collected as assessments and those derived from the setaside and to permit cost accounting principles and committee policies to determine such allocations in accordance with the act. Since such projects will need to be planned in advance and any levy of assessments would be based on a budget approved early in the crop year, it is unnecessary to place a limit on funds for the purpose of protecting handlers against unanticipated assessments during the crop year.

(3) (e) There should be placed in the order several sections dealing with the selection, maintenance and procedures of both the board and the committee. First, it should be provided that the Secretary shall select producer and handler members and alternate members of the board and committee in the numbers and with the qualifications specified in the order. Also, the selections by the Secretary may be made from the nominations certified by the committee and the board or from other eligible producers and handlers. The latter would permit the Secretary not to make a particular selection, if in his judgment this was the correct thing to do, and in lieu thereof to select a suitable alternate to the nominee or to request the board or the committee to certify to him a new nominee.

In the event nomination of a member or alternate member should not be certified pursuant to and within the time specified in the order, the Secretary should be permitted to select an eligible person to fill such position. This is in the nature of permitting the Secretary to act expeditiously to keep the program operative and would encourage the board and committee to see that their action is completed in a proper and timely manner.

It should be provided that each person selected by the Secretary shall qualify by filing with the Secretary a written acceptance as soon as practicable after being notified of his selection, and shall not serve until this is done. This is a sound administrative procedure enabling the chairman, the manager and the Secretary to know that persons selected intend to serve.

There should be an alternate to each member of the board and committee to permit a person to act in the place and stead of an absent member or in the event of the removal, resignation, disqualification, or death of a member. However, the alternate should not automatically move up to the member's position, if it becomes vacant, but rather hold the alternate position until such time as a new member is selected. This will permit the district or tonnage category he represents to reconsider its representation both in terms of a new member and a possible new alternate if the alternate becomes the member.

The matter of filling vacancies occasioned by the removal, resignation, disqualification, or death of any member or alternate member, or failure of a person selected to qualify, should be recognized by the committee through provision for a new nominee to be certified to the Secretary within 40 calendar days. A period of 40 calendar days is desirable to permit nomination meetings to be arranged at convenient times, to permit advance notice, and to permit certification and transmission to the Secretary.

The members of the committee and the board, and the alternate members when acting as members, should serve without compensation for their services, but should be allowed their necessary expenses, either on the basis of actual expenses or per diem, as the committee may approve. This provision is similar to that in other programs of this type. Members, or alternates acting for members, should be allowed reimbursement for travel expenses and for the cost of any meals and lodging incurred by reason of attendance at committee meetings. If any members or alternates are assigned specific functions, such as members of special investigating or research committees, they should be reimbursed for travel and other expenses connected with any such task. It is indicated that producers and handlers are sufficiently public spirited to be willing to serve without compensation and thus avoid the substantial costs to the industry which salaries or other compensation would entail. Either actual expenses or per diem should be permitted by the committee, depending upon the method most suitable to a particular purpose.

All decisions should be by a majority vote of the members present at an assembled meeting, votes should be cast in person and a quorum should be present for a decision to be valid. On the board, the quorum should consist of not less than a majority of the producers and handlers, hence 25 producer members and 16 handler members. On the committee, in view of its responsibility to dispose of setaside products of producers, a quorum should be not less than 12 of the 18 producer members to assure producer predominance of decisions in the event all 12 handler members were present, and not less than two-thirds of the handlers, or 8 of the 12 handler members. These quorum requirements should be permitted to be changed if warranted by any changes in numbers of representatives on the board or committee.

The committee should be permitted to vote by mail or telegram upon due notice to all members and upon the proposition being explained accurately, fully and identically to all voters. If any such proposition is sufficiently controversial as to cause a dissenting vote, then consideration of the issue should be presented at an assembled meeting. In obtaining the vote, a time limit should be announced for members, or alternates acting as members to return their votes. If any is not returned by that time it should be deemed a "no" vote. It is presumed that a member would readily and promptly vote upon any issue which was clear-cut and non-controversial.

(3) (f) The committee should meet prior to August 15 of each crop year, consider certain factors, and thereupon prepare and submit to the Secretary a report setting forth its recommended marketing policy for the crop year. This marketing policy should be given reasonable publicity so that producers and handlers are on notice as to the indicated marketing situation. In particular, the committee should consider those factors which indicate a need for

restricting the volume of grapes for crushing which handlers may freely acquire and use and whether such restriction would tend to carry out the objectives of this program. In determining this need the committee should consider the inventories as of June 30 of products of grapes for crushing, the likely trade demand therefor (level of shipments or withdrawals) during the crop year, and the desirable carryout of products which should be on hand on the following June 30. The determined net need for products should then be converted to grape tonnage of specified sugar content to permit a subsequent application of volume regulation as hereinafter provided. In other words, if the desirable carryout on the following June 30 is added to the estimated trade demand for the 12-month period of July 1 through June 30, and from the resultant desirable supply is subtracted the July 1 carry-in, there would be determined the net production of products which should be obtained from the new crop. The committee could then convert the necessary net production in proof gallons to grape tonnage of a specified sugar content.

The committee should then consider the estimated production of grapes for the crop year and the desirability of exempting any variety, due to special conditions of the season and as hereinafter permitted, from possible volume regulation.

If the foregoing considerations indicate a likely need for volume regulation, the committee should formulate a recommendation to the Secretary as to the tonnage of grapes for crushing, of specified sugar content, which handlers should be permitted to freely acquire and use for the crop year. This tonnage should be referred to as the "desirable free tonnage". If the Secretary concurs on the likely need for volume regulation, he should establish the desirable free tonnage for the crop year. The desirable free tonnage so fixed, together with a determination of the crush, permits the recommendation and establishment of the free and surplus percentages hereinafter described.

(3) (g) Handlers should not be a nonnormal outlet for grapes which have entered the drying (raisin) outlet and from which a portion of the moisture has been removed. However, handlers should be permitted to continue their normal usage of raisin sweepings or other residual material to the extent of the approximate raisin weight of the industry-wide normal residual from the processing of standard raisins. Such a control on dried grapes is for the purpose of effectuating, in all crop years, the surplus control provisions of the order by eliminating the possibility of unforeseen quantities of partly or wholly dried grapes, of concentrated sugar content, suddenly entering the winery and distillation outlet. This occurs in occasional crop years, after substantial tonnages of fresh grapes have been contracted for crushing, and disrupts the price structure of such grapes and the handler f.o.b. prices of certain products. The prices of high proof, the principal outlet for raisin material, are particularly susceptible to price disruption, and in turn dessert wines, when unanticipated quantities of raisin material, due to such things as rain damage in the course of drying, enter wineries. In the 1958 season, for instance, approximately 59,000 tons of raisins were damaged by unexpected rains and prices of fresh Thompson grapes for crushing declined from $60 per ton to $40, as unexpected tonnages became available for high proof. By limiting such entry to the quantities normally available from the processing of standard raisins, all handlers will be on notice as to the approximate volume available in a given season and can with confidence make cash purchases of fresh grapes for crushing. So that the proposed surplus control and the price enhancing objectives of this program will not be jeopardized, it is found that this restriction on the receipt of grapes which have entered the drying outlet is a necessary and incidental means of effectuating the other provisions of the order.

Permitting the residue from raisin packing to be used by handlers would continue a normal practice, would maintain raisin packer outlets and hence income for the payment of raisin producers, and would maintain established practices of expeditious removal of residues from packing premises in the interest of good sanitation. The processing of standard raisins causes a net loss to raisin packers of about 6 percent of the incoming weight. A lesser percentage constitutes the raisin content as the total comprises such items as sand, chaff and other material of little or no sugar content. So that the restriction may be administered, and compliance obtained, the committee should adopt administrative rules whereby handlers may receive the material from raisin packers, either directly or from others acquiring such packer material, and whereby the eligible weight for use by handlers may be determined. The terms used in the provisions are of long standing in the industry and many are in usage in Raisin Order No. 89, as amended (7 CFR Part 989). With an increasing availability of rain damage insurance to producers of raisins and improved packer techniques in removing the sound raisins from damaged lots, it is proper that raisin producers rely on placing their commodity with raisin packers, or salvage outlets other than wineries and distilleries, and thus assist in stabilizing the crushing outlet to which a great many such producers directly market portions of their fresh grape crops and hence look to for a portion of their total income.

(3) (h) The committee should, no earlier than September 15 nor later than September 18 of the crop year, unless the Secretary otherwise directs (when there are overriding considerations such as rain damage about these dates), determine the volume of grapes to be crushed during such crop year and if any such volume materially exceeds the desirable free tonnage and the establishment of free and surplus percentages would tend to effectuate the declared policy of the act, it should recommend such percentages to the Secretary. The purpose of causing the committee determinations to be reached between September 15 and September 18, is to avoid such action when it is too early to determine the likely volume to be crushed and, at the same time, take the action as soon as it is reasonable to do so. By September 15 there is reasonably clear indication of the quality of raisins being made, and thus the committee can reach an intelligent conclusion as to the amount of grapes which will remain for delivery to wineries. If the Secretary concurs with the committee recommendation as to the need for volume regulation, he should establish and announce appropriate free and surplus percentages as soon as practicable after receipt of the committee's recommendation in order to minimize delay in establishment of field prices and the consequent delay in purchasing by handlers. The sum of the percentages for any crop year should equal 100 percent and thereby account for the entire receipts of handlers.

It should also be provided that on or about January 15 of a crop year in which percentages have been established, the committee should determine the actual volume crushed and the average sugar content of the crush, and if either is materially lower than the earlier estimates on which the surplus percentage was based, should recommend for the Secretary's approval an appropriate decrease in the surplus percentage and increase in the free percentage. There should be no increase of the surplus percentage at this late date as it would increase the setaside burden after handlers may have committed their entire free tonnage. Appropriate new percentages should be established by the Secretary. January 15 is the earliest practicable date after the main crushing season, in terms of availability of statistical data at which the committee could determine the actual crush and average sugar content.

Whenever free and surplus percentages for grapes for crushing are established for a crop year by the Secretary it should be required that each handler set aside and hold, within the State of California, free and clear of all liens, for the account of the committee, proof gallons, or the concentrate equivalent thereof, of the current year's crush equal to the setaside equivalent of the established surplus percentage applied to the total receipts of grapes for crushing at premises controlled or operated by him during the current crop year. Since in the early part of the season the products derived from such grapes may not yet have reached their final form, the handler should be deemed in compliance upon having on his premises, free and clear of all liens, sufficient concentrate or proof gallons of alcoholic products completed or in process, of the current year's crush, equivalent to his setaside obligation. In view of the commingling of the commodity and of the products which occurs in handler operations, it would be administratively burdensome and costly to require setasides to be those derived from specific grapes for crushing. After a reasonable time for processing, each handler should be re-

quired to set aside the products in one of the forms specified in or pursuant to the order. It was proposed that by January 15, the handler could set aside the actual products to be held. However, at that same time there may be changes in the surplus percentage which could immediately cause alterations in the volume of products held. Hence, by January 31, the setaside should be in the form of either dessert wine, other than special natural, of not less than 19.5 percent nor more than 21 percent alcohol by volume, high proof of not less than 185 degrees proof, or concentrate of not less than 68 degrees Brix. The levels are those at which the named products are customarily marketed and, to permit disposition by the committee, should be in these marketable forms. If the storage or other problems of some handlers can be more readily met or if experience indicates that other items should be permitted to be set aside, it should be provided that the committee may accept other items upon approval of the Secretary. This would permit handlers to set aside any authorized item which is surplus to his market needs or for which he has ready storage. The more desirable forms in which the setaside should be held are dessert wine and high proof. These items are storable in terms of the practices normally used by the handlers and represent forms which offer ready disposition possibilities by the committee. In this regard all items set aside should be stored to preserve their quality, should be of marketable quality meeting the standards of identity, quality and condition established under Federal or State of California laws or regulations or as such may be modified for the purposes of this order by the committee with the approval of the Secretary. In view of some handlers normally holding products at less than the specified levels of alcohol or sugar concentration, authorization should be granted for the committee to permit storage of such items, in adequate volume, upon the handler agreeing in writing to deliver at the specified levels.

Table wine need not be named as one of the eligible products because the nine-county area is a producer largely of dessert wines and high proof, and it is indicated that all handlers who will be subject to this program will have one or the other of these items for setaside. Furthermore, table wine varies widely in acceptability as compared to dessert wine and requires more careful storage to prevent deterioration.

In determining his gallonage setaside, the handler should be required to use conversion factors as established by the committee with the approval of the Secretary. There is sufficient knowledge among vintners and from the University of California to permit the establishment of conversion factors whereby the hydrometer measurements of soluble solids, commonly referred to as sugar determinations, of grapes are translated into proof gallons. So that producers may have equity in the setaside on a uniform basis and handlers be required to hold for the account of the committee comparable gallons based on sugar tons received, it is desirable that the conversion factors be applied uniformly throughout the area and on any tonnage which moves outside the area to handlers within the State of California. Hence, the factors should be established by the committee and all handlers required to use them.

So that each handler may adjust to the demand for his various products, a handler should be permitted to substitute any item held for the account of the committee upon prior notice to the committee of intent to withdraw, to substitute, and to withhold the equivalent in another category of eligible setaside. This is feasible in view of the similarity of values among the various setaside products, in terms of proof gallon values, and is desirable in minimizing any adverse impact of the program when handlers find an unanticipated sales outlet for a product. However, the right to substitute should be permitted to be suspended by the committee to facilitate disposition of setaside. This would permit the committee to do such things as offer pro rata shares of products on hand as of a given time.

The setaside need not be in containers separate and apart from other like products but each container with setaside should be required to be such as will maintain the condition of the item and should be labeled or marked as the committee may direct, and no withdrawals from labeled containers should be permitted below the handler's setaside obligation contained therein. Thus setaside and free gallons of like dessert wines could be in a single container and setaside and free gallons of like high proof in another container. There should always be maintained in any marked container holding setaside for the account of the committee the volume which the committee has been notified is being so held.

So that a handler is on notice that the committee may request delivery of a product at any time, the order should require that the handler shall commence delivery to the committee or its designee, upon five days' notice, any or all products held for the account of the committee and shall continue delivery at as rapid rate as may be practicable consistent with the requirements of the committee and the physical ability of the handler. It is recognized that the delivery of products may be in substantial volume and that the delivery may not be completed within a single day.

In any operation of this type there should be recognized shrinkages or losses which occur in the course of storing products. These should be recognized by the committee in terms of establishing uniform normal rates of shrinkage or normal losses which the committee may allow handlers with the approval of the Secretary. However, for the protection of equity holders handlers should be required to use good commercial practices in caring for setaside products and to be liable for losses of setaside resulting from lack of due care.

The producers delivering grapes for crushing will be equity holders in the setaside unless they sell the commodity or their equity to another person who then becomes the successor in interest. In order to determine at the committee offices the share which each equity holder has in the total setaside, each handler who receives grapes for crushing, should be required to determine, or cause to be determined, the variety, the weight and sugar content of each lot of grapes received, the producer's or the successor's in interest name and address, and the place of production, and this information should be submitted to the committee and certified as to correctness by the handler. It is essential to know the variety involved in order to give proper consideration, when appropriate, to the field price to producers of that variety during the crop year. The weight of each lot and its sugar content are necessary factors to apply in determining the producer contribution to the total setaside. The producer's name and address or that of his successor in interest and place of production are essential to determining that the grapes were produced within the area and hence subject to setaside. The name and address will be the means of contacting the equity holder as the committee disposes of setaside and has funds to disburse.

So that the sugar content determinations of each producer's grapes are made by a standard method uniformly applied, there should be employed a single service to make the determinations and to exercise the necessary supervision of the determinations. Thus all producers and handlers would be assured that an accurate and fair determination is being made on each and every lot received. This service should be the statewide inspection service, the Federal-State inspection service of the State of California, or such other similar service as may be recommended by the committee and approved by the Secretary. To assure accurate weight determinations, each should be made by an official weighmaster of the State of California.

Under the program, handlers are not required to meet their setaside obligation out of their own production but may obtain it from the production of other handlers. A prevailing practice, for instance, is that of selling bulk wine by one vintner to another and the holding or removal of such bulk wine from the seller's premises in accordance with the terms of the sales agreement. Since premises where products are stored within California would be available to the surveillance by the committee staff, a handler should be permitted to hold setaside on such premises of another handler, in the same manner as though the setaside were on any of his own premises. For the same reason, and to minimize the burden of holding setaside on the facilities of any handler, the handler should be permitted, under suitable arrangements, to hold setaside on the premises of another handler. However, it should be clearly understood that in so holding his setaside on the premises of another, the original handler is not relieved of his obligation to hold and maintain the setaside. In other words, the handler's setaside obligation arises from the act of receiving grapes for crushing and is not transferable.

The handlers receiving grapes for crushing, and establishing a setaside, will, in the basic sense of the program, be setting aside the surplus for the equitable account and benefit of the delivering persons. Hence, it is but right and proper that the expenses of receiving, processing, storing, and other costs with respect to such setaside for producers be chargeable to such persons' accounts maintained by handlers. The committee itself will not have appropriate funds whereby it could pay such costs. The practical solution is to authorize handlers to deduct such costs from the amounts due producers, or successors in interest, for free tonnage, in accordance with charges established by the committee with the approval of the Secretary. The evidence of record is insufficient to set forth in the order appropriate charges and hence they should be established, after due consideration, by rule making at the beginning of the crop year.

Although the setting aside of products is an essential requirement under the program, it should also be recognized that under some conditions it may become desirable for the handler to have removed from his premises all or part of such setaside products. Such removal should not occur prior to the expiration of any and all paid up storage charges unless the handler agrees, as a condition of such removal, to refund to the committee any unearned charges. The committee should then comply with such request within a reasonable time consistent with the availability of suitable, alternate storage. If any setaside is so removed, and the handler thereby relieved from holding such portion of his setaside obligation, the handler should forfeit to the extent of the removed volume his pro rata share in any offer. In turn, if a pro rata share of an offer were to be awarded a handler who had agreed to store setaside for the account of the committee in excess of his own setaside obligation, he should be permitted to participate in the offer to the extent of his increased setaside. In this fashion there would be continued the objective of removing setaside from all handlers at a similar rate and in an equitable manner.

(3) (i) The committee should be permitted to recognize situations wherein particular lots of grapes for crushing are not used to produce products shipped into normal commercial outlets and to relieve such grapes from regulation under rules and regulations established with the approval of the Secretary. As an example, colleges or charitable institutions may be recipients of products of grapes for crushing or may engage in crushing. Where these particular grapes for crushing do not become part of the commercial supply of products which are shipped into normal outlets, the committee should be permitted to specify such volumes, forms of products, conditions of manufacture and supply, or other factors as would permit such grapes for crushing to be eligible for exemption from the regulations of this part.

Provision should also be made to permit exemption from volume regulation, with the approval of the Secretary, of any variety of grapes determined to be of such small production and restricted usage or in such short supply relative to demand, that the program would not be adversely affected. Such exemption should be considered annually as a part of marketing policy and is so indicated in the applicable provision of the order. An example is a situation where frost has so damaged the supply of a variety as to cause the demand therefor, in terms of actual or indicated prices, to rise materially above average crushing price levels of grapes for the season. A further example is that of a variety of such small production and restricted usage that it is not offered for general sale nor are its products directly substitutable with other products.

(3) (j) A prohibition against any use or disposition of setaside by handlers, except as permitted in specified sections, should be clearly set forth in the order and thereafter followed by permissable methods of disposition. This is desirable for compliance purposes and to assure achievement of program objectives.

There should be included general provisions which set forth the committee objectives in disposing of setaside. The committee should have the power and authority to sell or dispose of any or all setaside upon the best terms and at the highest return obtainable, consistent with the objectives of the order, including the encouragement of new uses or new geographical outlets, and thereby improve returns to producers. It should be recognized that the opening of new uses or new geographical outlets should, over the long run, materially add to the income of producers and handlers.

So that setaside may not accumulate from year to year until a great excess hangs over the market, there should be a provision that when setaside of all crop years totals in excess of the equivalent of the six preceding months' shipments of dessert wine, the excess should be disposed of in nonnormal outlets. This determination need not be delayed beyond January 31 for by then reliable data will be available as to the shipments during the preceding six months ending December 31, the period of largest shipment of the crop year. The evidence is that a six months supply is adequate to protect against foreseeable contingencies. However, the provision should be qualified to the extent of authorizing the committee to hold excess setaside, to improve earnings on disposition, when sales into normal outlets can be foreseen due to such things as an indicated abnormally small oncoming crop. To prevent market disruptions, any such disposition of held-over excess setaside should be subject to the conditions as to entry into normal outlets contained in paragraph (b) of the disposition section. Disposition into nonnormal outlets should be completed by June 30, the end of the crop year, to thereby eliminate such supply prior to the new crushing season.

Normal outlets should be defined as the established trade channels for wine, brandy, high proof, grape juice, concentrate and wine vinegar but the committee should be authorized, with the approval of the Secretary, to define the limits of such outlets consistent with permitting such things as expansion of new markets. Upon any outlet becoming well established, the committee should be permitted to add it to outlets here prescribed as normal, upon approval of the Secretary. In any further definition of normal outlets, for purposes of administration, the committee should carefully weigh the possibility of releases of setaside adversely affecting sales of existing products. However, no prohibition against so releasing setaside should be placed in the order as such could preclude practically any sale of setaside.

If in any season the actual crush falls below the desirable free tonnage crush, the committee should be required to release sufficient setaside products to handlers to make up the deficit. This is essential to cause the stabilization aspects of the program to be realized and to assure maintenance of long run consumption trends. Whenever such sales of setaside products occur, and to prevent losses to handlers for grapes purchased in such a crop year, they should be made on the basis of a price of $1.50 per proof gallon equivalent (including the conversion of any grape sugar content to alcohol). Specifying the price will tend to stabilize field prices by placing handlers on notice, prior to any sale, of the committee sale price. Thus handlers may protect themselves against losses due to committee sales and be more willing, during the crushing period, to pay higher prices to producers. It should be understood, however, that the price of $1.50 per proof gallon is applicable to only a single type of sale and that all other sales would be at such prices as the committee, and the Secretary, determine to be appropriate.

It was proposed at the hearing that, in lieu of releasing supplies to the extent of a deficit in the volume crushed, an automatic release of setaside to a handler occur whenever the handler is willing to pay a predetermined price (such as 70 cents per gallon for unfinished dessert wine). However, such a provision could void the basic function of the order, of limiting supplies to a desirable free tonnage for the industry as a whole, by permitting individual handlers to add surplus to the free tonnage. Moreover, this could have an adverse effect upon producer returns because handlers would not be buying against fixed supplies and would tend to hedge against additions to supply which could jeopardize their individual ability to sell. In view of this, the proposal was not adopted.

In naming a release price for the purpose of augmenting short crop supplies, weight must be given to: (1) The fact that the release will not be practical until the actual crush is known, (2) handlers will already have contracted or paid for grapes, (3) the objective of achieving a degree of price stability while not upsetting handler investments in free tonnage, (4) permitting producers a higher return per ton to offset lower yields and the accompanying higher

costs of production per unit, and (5) prices should not be so high as to cause greater surpluses. At the same time, it must be recognized that, as compared with free tonnage costs, the handler will have been paid somewhere between $7.00 and $14.00 per grape ton for processing and storing the product now being sold to him, and the product is subject to finishing costs and the addition of handler profit to determine the market prices. In the absence of experience under a marketing order, and recognizing its price enhancing objectives, it is noted that average prices of grapes for crushing, under all crop conditions of the past 10 years, have not exceeded $55.00 per ton or approximately 75 cents per dessert wine gallon or $1.50 per proof gallon. This is considered an appropriate price for the further reason that it is applicable basically to the lower priced products and cannot be construed as a ceiling on either premium products or grape varieties.

No offer by the committee to sell setaside to handlers for resale into normal outlets should become effective until the elapse of five days subsequent to notification of the Secretary of such offer, or until the receipt of notice from the Secretary that he does not disapprove the making of such offer. This safeguard is needed for the purpose of permitting the Secretary time to review the information on which the committee based its action and to determine whether the recommended action is reasonably sound and likely to be of value to the industry and in the public interest. Whenever an offer is made, the handlers holding the setaside should be entitled to purchase such setaside to the extent of each such handler's pro rata share, based on holdings, of the quantity offered. This permits removing from each handler's premises a like percentage of his holdings of setaside obligation. Also, it enables each handler to participate in the release of setaside implementing the principle that the more salesmen available to the industry to market its output, the greater the tangible benefits to the producer of the commodity.

All outlets which are not normal outlets should be included in the category of non-normal outlets. It is recognized that dispositions into non-normal outlets (including destruction) may have to be made at lesser prices and perhaps, at times, for the sole purpose of reducing an excess amount of inventory. One of the prime purposes of this program, however, should be to encourage handlers, the experienced sellers of industry products, to expand the non-normal outlets and for this purpose the committee should be authorized to make sales to any handler or handlers without regard to pro rata participation by all handlers. However, when any disposition is for the purpose of reducing total inventories to the maximum permitted level, withdrawals should be, insofar as practical, pro rata from all handlers, based on holdings, so that handlers in general do not hold such excess.

The proceeds from any disposition of setaside should be distributed, after deduction of any expenses incurred by the committee in receiving, handling, holding, or disposing thereof, to the respective producers or their successors in interest. The method whereby the participation of each equity holder in such proceeds would be determined is basically on the tonnage of their respective contributions to the setaside weighted by the sugar content of the grapes delivered. However, in an individual season it may be appropriate to further weight each person's participation by the season's average field price for the variety delivered. This could be true in those seasons in which there is a significant disparity in prices being paid for particular varieties. In distributing the proceeds to members of cooperative associations, the proceeds should be paid to the appropriate association as hereinbefore explained. This would be consistent with the fact that an association is formed for the purpose of disposing of the grapes for crushing delivered to and processed by the association and distributing the proceeds from such grapes to the producer members.

(3) (k) Each handler should be required, upon request of the committee, to file with the committee a certified report showing such information as the committee may specify with respect to any wine, high proof, concentrate, brandy, or other grapes for crushing products which were held by him on June 30 and December 31 and such other dates as the committee may designate. These inventory reports would be essential to the marketing policy determinations and actions to be taken in August, September and January or in other months of the crop year.

Each handler should be required to file with the committee upon its request, a certified report as to each lot of grapes received, whether fresh or dried, showing the variety, weight, sugar content, place of production and equity holder's name and address. Such information is essential to the determination of each person's equity in the setaside and to compliance purposes.

So that the committee may ascertain, and check on, the volume and precise nature of the setaside being held for its account, each handler should be required, upon request of the committee, to file a certified report showing, by items, the setaside held for the account of the committee, the equivalent thereof in proof gallons, and the premises at which held. For compliance purposes and to ascertain the extent of its disposition task, the committee would need such a report from each handler at intervals to be established by the committee.

So that the committee may obtain other reports essential to the operation of the program or for the purpose of compliance activity thereunder, the committee should be authorized, with the approval of the Secretary, to request, and each handler required to furnish, such other information as may be necessary to enable the committee to exercise its powers and perform its duties. This is to cover a possibility that all reports of use to the committee may not have been anticipated and provision should be made for obtaining such reports as the need therefor becomes apparent.

Each handler should be required to maintain such records of all grapes used, whether fresh or dried, and items set aside as will substantiate the reports prescribed in the order, and such other reports as may be prescribed by the committee. Such records would be essential for ascertaining the accuracy of reports, for reconciling differences which may occur between committee data and handler data, and for assuring compliance with the program. In view of the long time during which the setaside may be maintained, it should be required that all records should be maintained for not less than five years after the termination of the crop year to which such records relate, or such lesser period as the committee may direct. If the setaside were disposed of within a two or three-year period and the entire proceeds from such setaside disbursed, the committee could and should notify handlers that records applicable to such setaside need no longer be retained. Hence there would be due protection of the needs of the committee and at the same time relief of handlers from the burden of record-keeping as soon as circumstances permit.

For the purpose of assuring compliance with the order's regulatory provisions, and of checking and verifying records and reports of handlers, the Secretary and committee, through duly authorized employees, should be permitted to have access to any premises where applicable records are maintained, where grapes, whether fresh or dried, are received and prepared for fermentation, are crushed, and where setaside items are held. At any time during reasonable business hours, such personnel should be permitted to inspect such premises, the setaside items, and the applicable records.

To protect each handler against disclosure of confidential information regarding his business to his competitors or to unauthorized persons, the order should provide that all reports and records furnished or submitted by handlers to, or obtained by, employees of the committee which contain data or information constituting a trade secret or disclosing the trade position, financial condition, or business operations of the particular handler from whom received, shall be treated as confidential and the reports and all information obtained from records shall at all times be kept in the custody and under the control of one or more employees of the committee, who shall disclose such information to no person other than the Secretary. Committee and Department employees are precluded from disclosing such information by Department regulations and the act.

(3) (l) The committee should be authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it during each crop year for the maintenance and functioning of the committee and the board, and for such other purposes (other than those directly related to the setaside), as the Secretary may, pursuant to the provisions of the order, determine to be

appropriate. This provision is in accordance with the authorization in the act and is necessary to permit the committee, with the approval of the Secretary, to incur the administrative expenses of the program, including those for the maintenance and functioning of the committee and other appropriate expenses. In conformity with the act, these expenses should exclude the expenses of receiving, handling, holding, or disposing of setaside. The latter expenses would be defrayed pursuant to §§ 1026.57 and 1026.62(d). The committee should be required to file a proposed budget of expenses and a rate of assessment estimated to be required to meet such budget, with the Secretary as soon as practicable after the beginning of each crop year. This provision would cause the committee to adopt the good business practice of anticipating its expenditures and income, and would permit the Secretary to establish a budget and rate of assessment.

Consistent with the act, the order would require that each handler shall pay to the committee, upon demand, with respect to free tonnage grapes for crushing received by him, including such grapes of his own production, his pro rata share of all expenses which the Secretary finds are reasonable and likely to be incurred by the committee during each crop year. Each handler's pro rata share of the expenses should be the rate of assessment per ton fixed by the Secretary. Hence handlers would be advised early in the season as to a uniform cost per ton to be levied upon them and could conduct their business operations accordingly. This rate of assessment should be permitted to be increased during or after the end of the crop year so that the total expenses may be covered. Unanticipated expenses may arise during or at the end of a crop year, or the actual assessable tonnage might be less than that estimated, so that the budget of expenses could not be met without increasing the assessment rate during, or after the end of, the crop year. At the beginning of the program, and perhaps in seasons when insufficient funds are carried over to permit the committee to meet current expenses, the committee should be authorized to accept advance payments against assessments subsequently levied against the handler. So as to assure continuous functioning by the committee and the board throughout the period the order is in effect, there should be included a provision to the effect that the payment of assessments for the maintenance and functioning of the committee and the board may be required throughout the period during which the order is in effect and irrespective of whether particular provisions thereof are suspended or become inoperative.

Any assessments collected during any crop year and not expended should be permitted to be used by the committee for a period of four months subsequent to the end of such crop year when assessment income will be available from the new crop year. In years subsequent to the initial year, this may avoid the necessity of the committee requesting advance funds from handlers. However, at the end of the four-month period the committee should, from funds on hand, refund or credit to handlers' accounts the excess of the previous crop year. As a matter of equitable treatment and to recognize each handler's interest in such excess, his share of excess should be the amount of the assessment which he has paid in excess of his pro rata share of the actual expenses of the committee for the preceding crop year. Once the crop year is completed the committee could determine the actual expenses which were incurred during such crop year and each handler's share of the cost based on his assessable tonnage. The difference between such share and the amount actually paid, if it is on the plus side, should be refunded in the form of cash or a credit to the handler's account.

In the event of termination of the program, any monies collected as assessments and remaining on hand should be used to pay the expenses of the committee and its successor board of trustees for liquidation, and upon completion of their actions, the excess funds should be distributed in such manner as the Secretary may direct but should, to the extent practical, be returned pro rata to the persons from whom such funds were collected. This is a means of providing for the expenses of any such liquidation and to recognize the interest of handlers in any assessment monies remaining after such expenses have been paid.

Although a maximum assessment rate was proposed to be placed in the order, the proposed maximum was too high in view of the likely level of expenses for a program of this type. Moreover, both the committee and the Secretary can be expected to use good business judgment in confining the committee's expenses and rate of assessment to those which are reasonable and necessary.

A provision should be included in the order authorizing the committee to enter into an agreement with the inspection service regarding sugar content determinations, the cost thereof, and the payment by handlers of their respective pro rata shares of such cost based on the tonnage received and used. By this means, the cost per ton for the required inspection could be made uniform to all handlers.

(3) (m) Except for § 1026.84(b) and those provisions of § 1026.82(b) requiring the holding of a referendum, the provisions of §§ 1026.75 to 1026.85, inclusive, as hereinafter set forth, are common to marketing agreements and orders now operating. The provisions of §§ 1026.97 to 1026.99, inclusive, as hereinafter set forth, are applicable only to marketing agreements and are also generally common to marketing agreements now operating. These provisions of the marketing agreement or order set forth certain rights, obligations, privileges, or procedures which are necessary and appropriate for effective operation of the program. The provisions are incidental to, and not inconsistent with, section 8c (6) and (7) of the act, and are necessary to effectuate the other provisions of program and to effectuate the declared policy of the act. Testimony at the hearing supports the inclusion of each of these provisions as hereinafter set forth.

It should be required in § 1026.82(b) that the Secretary shall hold a referendum of producers between July 1 and July 15, 1963, to determine whether they favor termination of the program on June 30, 1964. It should also be provided that, after such referendum and if the program is continued, the Secretary shall hold such a referendum between July 1 and July 15 of any third year after July 1963 if he receives a recommendation by the board, requesting the holding of such a referendum. The hearing evidence is to the effect that a mandatory referendum should be held early in the 1963–64 crop year, prior to the time that the marketing policy for the third crop year is adopted, so that industry and program operations of that crop year could be conducted with knowledge of the referendum results. Such results should be announced by the Secretary by August 15. If voted, termination should not be effective until the end of the crop year so that handlers may be able to adjust, in an orderly manner, the values of inventories prior to the termination of the program.

If the program continues to be acceptable after the initial years and is to be continued beyond the third crop year, then it should not be mandatory that the Secretary continue to hold periodic referendums unless the board requests the Secretary to hold a similar referendum between July 1 and July 15 of any third year after the first such referendum, with any termination to be effective on June 30 of that crop year. The board may have good reason to believe that the operation of the order would be facilitated through knowledge of the extent of producer support and hence should be permitted to recommend whether a referendum should be held at three-year intervals and that one be held if it so recommends.

Section 1026.84 should provide, in addition to the usual provisions of a termination section, that termination or amendment shall not release any setaside held for the account of the committee nor permit its disposition contrary to the provisions of the order. Once a setaside has been established and orderly marketing conditions have come to exist in the industry, the release of the setaside should not be permitted to cause disorderly or chaotic marketing conditions. An unrestricted release of the setaside into normal outlets, upon program termination, could disrupt field prices and handlers' prices to the trade, unduly depress inventory values, and harm the industry for months to come. Hence, it should be prevented. In lieu of unrestricted release the setaside should be liquidated in an orderly manner.

Rulings on proposed findings and conclusions. The Presiding Officer announced at the hearing that interested persons would be allowed to and including June 19, 1961, to file with the Hearing Clerk proposed findings and conclusions,

and written arguments or briefs, based upon evidence received at the hearing. That time was later extended to and including June 23, 1961. Briefs were filed on behalf of: (1) Bardenheier's Wine Cellars; (2) George J. Kaufman; (3) Guild Wine Company; (4) Bear Creek Vineyard Association, Lockeford Winery, Cherokee Vineyard Association, Lodi Winery, Del Rio Winery, Woodbridge Vineyard Association, East-Side Winery, Acampo Winery and Distilleries, Lodi Grape Products, Freeman Mills, and Sydney Wortley; (5) John de Boer, August Peterson, and Henry Veneman, Jr.; (6) Ficklin Vineyards; (7) United Vintners, Inc.; (8) Kasser Distillers Products Corp.; (9) California Wine Association; (10) John Pakchoian; (11) Les Scheidt; (12) Ambrose & Company; (13) Winery Grape Stabilization Program Committee; and (14) National Association of Wine Bottlers, Inc.

The briefs contained proposed findings of fact, conclusions and arguments with respect to proposals contained in the Notice of Hearing and certain briefs sought to extend the scope of the proposed order by proposing provisions not previously the subject of due notice to persons likely to be affected. No such provisions are recommended for adoption but this does not necessarily preclude them from being appropriate subjects for notice in any future hearing. Every point covered in these briefs has been considered carefully, consistent with the scope of the notice and the evidence in the record, in making the findings and reaching the conclusions herein set forth. Some proposals of the briefs are contained in the recommended order and some have been permitted as a result of changes in the several provisions. All other proposals of the briefs, inconsistent with findings and conclusions contained herein, are denied on the basis of the facts found and stated in connection with this recommended decision.

A contention in one of the briefs is that since the conclusion of the hearing, high temperatures in the production area caused a severe burn of the grape crop and as a result grapes for crushing will be in short supply. On that basis it is urged that the need for the order does not now exist. However, this fails to recognize that the damage is to a crop estimated to be well above average in size and that the damage may mean that a greater proportion than normal will be marketed for crushing, thereby continuing the probability of a surplus. Moreover, the proposed order is designed to operate as a continuing program and a surplus in each season is not essential to its issuance or continuation. The crop damage and its effect on grapes for crushing would, of course, be considered, if the order should become effective, in the formulation of a marketing policy for the crop year. On the basis of the foregoing, the contention is denied.

Briefs filed by certain opponents of the order charge that officials of the Department had engaged in improper action, allegedly amounting to improper discussion with proponents and prejudgment of the issues. These charges are based on a telegram dated April 17, 1961 from the Director of the Fruit and Vegetable Division to Mr. A. Setrakian, Chairman of the Winery Grape Stabilization Program Committee, the principal proponent, and a letter dated May 31, 1961 from the Secretary of Agriculture to that Committee. The telegram is in the hearing record but the letter is not.

The telegram was sent prior to the commencement of the hearing. In substance, it commended the proponents for their efforts to formulate and propose a self-help program in the interest of producers under the Agricultural Marketing Agreement Act of 1937, as amended, and further stated that the marketing agreement and order proposed by the proponents was sufficient for purposes of calling a hearing thereon and that such a hearing would be held. It made no commitment that any marketing agreement or order would issue following the hearing, or that an order, if issued, would contain any particular provisions.

The act and the rules of practice both contemplate and provide that the Department will inquire into the potential merits of a proposal for an order before a hearing is called. Under section 8c(3) of the act a hearing notice is to issue "whenever the Secretary of Agriculture has reason to believe that the issuance of an order will tend to effectuate the declared policy * * *" of the act. Section 900.2 of the rules of practice (7 CFR 900.3) implements this by providing for a preliminary investigation as to whether there is reason to believe that the proposal will tend to effectuate the declared policy of the act.

There thus is no merit in the charge that the telegram of April 17, 1961 and any discussion with proponents or others reflected by it were improper or contrary to the act. There clearly was no prejudgment of issues, for for the hearing notice which followed it expressly stated that the proposed marketing agreement and order had not received the approval of the Secretary.

The letter of May 31, 1961 likewise was not improper, nor did it constitute a prejudgment of the issues. It was mailed in Washington on the same day that the hearing closed in California. It does not purport to discuss the evidence, issues, or merits of the proposed order, nor does it commit the Secretary to issuing an order or any provisions thereof. It commends the Winery Grape Stabilization Program Committee in general terms for its efforts to develop a workable overall stabilization program in the interest of the California grape industry under the authority of Federal law. It extends to the industry the offer of insurance against rain damage to raisins through the Federal Crop Insurance Corporation as part of the overall effort to stabilize the industry. It expresses the hope that the complete stabilization program, if and when sucessfully established, may serve as an example to other growers to utilize the methods and tools provided by Federal law in the interests of producers and consumers. This is no letter of commitment. It is instead a letter of encouragement to an industry group commending their efforts on behalf of the industry and encouraging them to continue such efforts, if need be, in the interests of stabilizing the grape industry in California.

These briefs also asserted that the telegram and letter constituted a violation of § 900.16 of the rules of practice (7 CFR 900.16) which prohibits officers and employees of the Department of Agriculture, following the close of the hearing and prior to the issuance of an order, from discussing the merits, issues, or evidence in the proceeding with any interested person. It is evident from the foregoing that neither the telegram nor the letter violated this provision of the rules of practice.

The several motions contained in such briefs to disqualify the Director and the Secretary, to terminate the proceedings, to declare a "mistrial", etc., all based on such allegedly improper action, accordingly are denied.

General findings. Upon the basis of the evidence introduced and the record thereof, it is found that:

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

(2) The said order authorizes regulation of the handling of grapes for crushing produced in the production area in the same manner as, and is applicable only to the persons in the respective classes of industrial or commercial activity specified in, a proposed marketing agreement and order upon which the hearing has been held;

(3) The said order is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act and the issuance of several marketing orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of grapes for crushing in the production area covered by the proposed order which require different terms applicable to different parts of such area; and

(5) All handling of grapes for crushing produced in the area and of the products thereof is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

Recommended order. The following order is recommended as the detailed means by which the foregoing conclusions may be carried out:

DEFINITIONS

§ 1026.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the United States Department of Agriculture who is, or who may hereafter, be authorized to act in his stead.

§ 1026.2 Act.

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

§ 1026.3 Person.

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

§ 1026.4 Area.

"Area" means the nine central California Valley counties of Sacramento, San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare, and Kern.

§ 1026.5 Grapes for crushing.

"Grapes for crushing" means any grapes produced within the area, whether fresh or dried, which by crushing or other acts are prepared for fermentation or the production of grape juice or concentrate.

§ 1026.6 Producer.

"Producer" means any person engaged within the area, in a proprietary capacity, in the production and sale, whether directly or indirectly, of grapes for crushing.

§ 1026.7 Handle.

"Handle" means to receive and crush, ferment, or convert to juice or concentrate any grapes for crushing or to store, treat, sell, transport or ship into channels of trade, except as a common or contract carrier, the products of such grapes.

§ 1026.8 Handler.

"Handler" means any person within the State of California who handles and includes, but is not limited to, any vintner, distiller or processor.

§ 1026.9 Wine.

"Wine" means the product obtained by the fermentation of grape juice or must, with or without addition or abstraction, and if it contains 14 percent or less of alcohol by volume shall be known as "table wine" whereas if it contains in excess of 14 percent of alcohol by volume but not in excess of 24 percent, shall be known as "dessert wine."

§ 1026.10 High proof.

"High proof" means wine spirits, produced from grapes for crushing in a distilled spirits plant, and not held for use as commercial brandy.

§ 1026.11 Concentrate.

"Concentrate" means unfermented grape juice from which the major portion of the original water content has been removed.

§ 1026.12 Brandy.

"Brandy" means wine spirits, produced from grapes for crushing in a distilled spirits plant, which have not been distilled to more than 170 degree proof.

§ 1026.13 Setaside equivalent.

"Setaside equivalent" means the alcohol equivalent, in proof gallons, of the sugar content of grapes for crushing received by handlers and required to be set aside pursuant to a volume regulation.

§ 1026.14 Proof gallon.

"Proof gallon" means a standard liquid gallon of 231 cubic inches containing 50 percent alcohol by volume at 60 degrees Fahrenheit and as such is 100 degrees proof.

§ 1026.15 Crop year.

"Crop year" means the 12-month period beginning with July 1 of any year and ending with June 30 of the following year.

§ 1026.16 Cooperative association.

"Cooperative association" means a cooperative association of grape producers, or wholly owned subsidiary, organized under the non-profit cooperative association laws of the State of California for the purpose of directly or indirectly crushing grapes or disposing of the products thereof.

§ 1026.17 Part and subpart.

"Part" means the order regulating the handling of Central California grapes for crushing and all rules, regulations and supplementary orders issued thereunder. The order itself shall be a "subpart" of such part.

GRAPE CRUSH ADVISORY BOARD

§ 1026.20 Establishment and membership.

A Grape Crush Advisory Board (herein referred to as board) is hereby established consisting of 78 members of whom 48 shall represent producers and 30 shall represent handlers. The producer members shall be selected in accordance with the following numbers and districts: (a) Seven members for District No. 1: all of Sacramento County and that portion of San Joaquin County north of State Highway number 4; (b) two members for District No. 2: that portion of San Joaquin County south of State Highway number 4; (c) four members for District No. 3: Stanislaus County; (d) three members for District No. 4: Merced County; (e) three members for District No. 5; Madera County; (f) sixteen members for District No. 6: Fresno County; (g) two members for District No. 7: Kings County; (h) five members for District No. 8: Tulare County; and (i) six members for District No. 9: Kern County. For the initial board, the handler members shall be selected on the basis of one member for each handler of the twenty-two largest tonnages crushed in the 1960–61 crop year and eight to represent the remaining tonnage crushed. The representation of the eight members shall be apportioned so that four members represent approximately one-half of the remaining tonnages and those handlers crushing the larger tonnages whereas the other four shall represent the balance but handlers of the lesser tonnages. Subsequent handler members shall be selected to represent tonnages crushed in the crop year of nomination. For each member there shall be an alternate member.

§ 1026.21 Changes in representation.

The Secretary, upon recommendation of the committee, may change the total number of either the producer or handler members on the board, may change the districts or the numbers representing individual districts or may alter the number of handlers representing any tonnage category. In making any such changes, consideration shall be given to such factors as changes in the total number of producers or handlers, the volumes crushed, similarity in interests, or geographical shifts in the numbers of producers, handlers, grape acreages, or the crushing of grapes.

§ 1026.22 Eligibility.

Each producer member of the board, or alternate member, shall be, at the time of his selection and during his term of office, a producer in the district for which selected or in an adjoining district and, except for producer members of cooperative associations, shall not be engaged in the handling of grapes for crushing either in a proprietary capacity or as a director, officer, or employee. Each handler member of the board, and his alternate, shall be, at the time of his selection, a handler in the group he represents or an officer or employee of such handler and shall throughout his term of office so continue to be a handler. However, if a producer fails to deliver grapes for crushing or a handler crushes outside his tonnage category, in any crop year, he may fulfill his term of office in the position for which originally selected.

§ 1026.23 Term of office.

Members and alternate members of the board shall serve for terms of three years ending on April 30, the initial term ending on April 30, 1964, but each such member and alternate shall serve until his successor is selected and has qualified.

§ 1026.24 Nomination.

Producers and handlers specified in § 1026.20, or as such may be changed pursuant to § 1026.21, other than handlers eligible to directly nominate a member and alternate, may nominate representatives at a nomination meeting or meetings held for each district or tonnage category. The committee shall give reasonable publicity to such nomination meetings. Only persons eligible to serve on the board shall be eligible to vote and each producer and each handler when voting at their respective meetings shall have but one vote. Voting at each meeting of producers shall be by secret ballot and at each meeting of handlers may be by secret ballot. The person receiving the majority of the votes cast for a position shall be the nominee, but in the event no person receives a majority there shall be a runoff vote between the two persons receiving the largest number of votes for each position. All nominations shall be certified by the board to the Secretary no later than April 5 immediately preceding the commencement of the term of office for the member or alternate member position for which a nomination is certified. For the purpose of obtaining the initial nominations, the Secretary shall

perform the functions of the committee and the board.

§ 1026.25 Duties.

The duties of the board shall consist of selecting from among its members a chairman and other officers, the conducting of meetings for the purpose of making nominations for membership on the board and the certifying of such nominations to the Secretary, the making of nominations to the Secretary for member and alternate member positions on the committee, the making of recommendations to the committee with respect to marketing policy and the consideration of such other operational matters as it deems proper or as the committee may request.

GRAPE CRUSH ADMINISTRATIVE COMMITTEE

§ 1026.29 Establishment and membership.

A Grape Crush Administrative Committee (herein referred to as committee) is hereby established to administer the terms and provisions of this part. Such committee shall consist of 31 members of whom 18 shall represent producers, 12 shall represent handlers, and the 31st member shall be the chairman of the board and also the chairman of the committee. The producer representation shall be two members from each of the nine districts. The handler representation shall be one member for each of the handlers of the six largest tonnages crushed, four members for handlers of all other tonnages of the twenty-two largest tonnages, and one member from each of the remaining board categories of handler representation. For each member there shall be an alternate member.

§ 1026.30 Changes in representation.

The Secretary, on recommendation of the committee, may change the number of members on the committee or the numbers to represent producers, handlers, districts or tonnage categories. In making any such changes consideration shall be given to the same factors as are set forth in § 1026.21.

§ 1026.31 Eligibility.

No person shall be seleted or continue to serve as a producer or handler member or alternate member of the committee unless he is serving as a member or alternate member of the board representing the same district or tonnage category or is awaiting the selection and qualification of his successor.

§ 1026.32 Term of office.

Members and alternate members of the committee shall serve for terms of three years ending on May 31, the initial term ending on May 31, 1964, but each such member and alternate member shall continue to serve until his successor is selected and has qualified.

§ 1026.33 Nomination.

The producer and handler members of the board respectively, including alternate members acting as members, shall nominate from among the producer members and producer alternate members of the board, the required number of persons to serve as producer members and alternate members of the committee and from the handler members and handler alternate members of the board, the required number of persons to serve as handler members and alternates on the committee. All such nominations shall be made by producers and handlers acting for their respective districts or tonnage categories. Nominations for the committee shall be certified by the board to the Secretary within 30 days following the selection of board members by the Secretary. For the purposes of initial nominations the Secretary shall consider nominations made by nominees for board membership.

§ 1026.34 Powers.

The committee shall have the following powers:

(a) To administer the terms and provisions of this part;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary, complaints of violations of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 1026.35 Duties.

The committee shall have among others the following duties:

(a) To act as intermediary between the Secretary and any producer or handler;

(b) To keep minutes, books, and other records which shall clearly reflect all of its acts and transactions and these shall be subject to examination by the Secretary at any time;

(c) To investigate and assemble data on the production, handling, and marketing of grapes for crushing and the products of such grapes;

(d) To submit to the Secretary such available information with respect to grapes and grapes for crushing and the products thereof as he may request and such other information as the committee may deem desirable and pertinent;

(e) To select from among its members officers other than the chairman and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(f) To appoint or employ such other persons as it may deem necessary and to determine the salaries and define the duties of each such person;

(g) To cause the books of the committee to be audited by a certified public accountant at least once each crop year and at such other times as the committee may deem necessary or as the Secretary may request, to submit two copies of each such audit report to the Secretary, and to make available a copy which does not contain confidential data for inspection at the offices of the committee by producers and handlers;

(h) To prepare and submit to the Secretary monthly statements of the financial operations of the committee and to make such statements together with the minutes of the meetings of said committee and the board available for inspection at the offices of the committee by producers and handlers;

(i) To give the Secretary the same notice of meetings of the committee and the board as is given to members;

(j) To investigate compliance with and to use means available to the committee to prevent violation of the provisions of this part; and

(k) To establish with the approval of the Secretary such rules and regulations as are necessary or incidental to administration of this subpart, as are consistent with its provisions, and as would tend to accomplish the purposes of this subpart and the act.

§ 1026.36 Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of grapes for crushing or the products of such grapes. The expense of such projects shall be paid from funds collected pursuant to § 1026.72, but the expense of any projects involving setaside items may be allocated if appropriate, in whole or in part, to funds obtained from setaside disposition.

BOARD AND COMMITTEE

§ 1026.39 Selection.

The Secretary shall select producer and handler members and alternate members of the board and the committee in the numbers and with the qualifications specified in this subpart. Such selections may be made from the nominations certified by the committee and the board or from other eligible producers and handlers.

§ 1026.40 Failure to nominate.

In the event a nominee for any member or alternate member position is not certified pursuant to and within the time specified in this subpart, the Secretary may select an eligible person to fill such position without regard to nomination.

§ 1026.41 Qualify by acceptance.

Each person selected by the Secretary as a member or as an alternate member shall, prior to serving, qualify by filing with the Secretary a written acceptance as soon as practicable after being notified of such selection.

§ 1026.42 Alternate members.

An alternate for a member shall act in the place and stead of such member (a) during his absence, or (b) in the event of his removal, resignation, disqualification, or death, until a successor for such member's unexpired term has been selected and has qualified.

§ 1026.43 Vacancies.

Any vacancy occasioned by the removal, resignation, disqualification, or death of any member, or any need to select as successor through failure of any person selected as a member or alternate member to qualify, shall be recognized by the committee certifying to the Secretary a new nominee within 40 calendar days.

§ 1026.44 Compensation and expenses.

The members of the committee and the board, and the alternate members when acting as members, shall serve without compensation but shall be allowed their necessary expenses, actual or per diem, as approved by the committee.

§ 1026.45 Procedure.

All decisions of the board and the committee reached at an assembled meeting shall be by majority vote of the members present. All votes in an assembled meeting shall be cast in person and a quorum must be present for a valid decision. A quorum for the board shall consist of not less than 25 producer members and 16 handler members. A quorum for the committee shall consist of not less than 12 producer members and eight handler members. Such quorum requirements may be changed by the Secretary, upon recommendation of the committee, if warranted by changes pursuant to § 1026.21 or § 1026.30. The committee may vote by mail or telegram upon due notice to all members, but any proposition to be so voted upon first shall be explained accurately, fully, and identically by mail or telegram, to all such members. When any proposition is submitted to be voted on by such method, one dissenting vote shall prevent its adoption. Failure of any member, or alternate, acting for a member, to vote within a prescribed time shall be held to be a dissenting vote.

MARKETING POLICY

§ 1026.47 Marketing policy.

Prior to August 15 of each crop year the committee shall prepare and submit to the Secretary a report setting forth its recommended marketing policy for the crop year. Notice of the committee's marketing policy shall be given promptly by reasonable publicity to producers and handlers. In the committee considerations and the report to the Secretary the following factors shall be included:

(a) With respect to wine, high proof, concentrate, brandy and such other grape products as the committee may determine: The reported June 30 carryover, the anticipated trade demand for the crop year, the desirable carryout, the resultant total handler need to produce such products, and the conversion of the total product need to grape tonnage of a specified sugar content (degrees Brix or Balling equivalent);

(b) The estimated production of grapes and the desirability of exempting any variety pursuant to § 1026.58(b); and

(c) The recommendation to the Secretary as to the tonnage of grapes for crushing, of a specified sugar content, which handlers may freely acquire and use for the crop year (hereinafter to be referred to as the "desirable free tonnage").

§ 1026.48 Establishment.

If on the basis of the committee recommendation or other information, the Secretary concurs on the likely need for volume regulation, he shall establish the desirable free tonnage at specified sugar content which handlers may freely acquire and use in the crop year.

RECEIVING REGULATION

§ 1026.50 Prohibition.

Handlers shall not receive and use as grapes for crushing any grapes from which a portion of the moisture has been removed by drying: *Provided,* That sweepings or other residual material from raisin processing may be received from any packer of raisins, directly or indirectly, and used to the extent of the approximate raisin weight of the industry-wide normal residual material from processing standard raisins. Such usage shall be according to rules and regulations prescribed by the committee. Consistent with Raisin Order No. 89, as amended (Part 989 of this chapter), standard raisins means raisins which meet the effective minimum grade and condition standards for natural condition raisins. The terms "sweepings" or "residual material" mean any chaff, large stems, capstems, blowovers, light raisins, damaged raisins, belt or machine residues, or other such material removed or lost in raisin processing.

VOLUME REGULATION

§ 1026.53 Percentages.

Whenever the committee concludes, which shall occur, unless the Secretary otherwise directs, no earlier than September 15 nor later than September 18 of the crop year, that the tonnage of grapes to be crushed during such year materially exceeds the desirable free tonnage, established by the Secretary, and that limiting the volume which handlers may freely acquire and use through establishing free and surplus percentages applicable to such total crush would tend to effectuate the declared policy of the act, it shall recommend such percentages to the Secretary. If, on the basis of the committee recommendation and other information, the Secretary concurs as to the need for volume regulation, he shall establish, as soon as practicable, free and surplus percentages, and the sum of such percentages for any crop year shall equal 100 percent. On or about January 15 of a crop year in which percentages are established, the committee shall determine the actual volume crushed and the average sugar content of the total crush and if either is materially lower than the earlier determinations, recommend new percentages for the crop year. If the Secretary concurs as to the need for a change, appropriate new percentages shall be established: *Provided,* That no such new percentages shall increase the surplus percentage.

§ 1026.54 Setaside.

Whenever free and surplus percentages for grapes for crushing have been established for a crop year by the Secretary, each handler shall set aside and hold in storage, within the State of California, for the account of the committee, free and clear of all liens, proof gallons of products, or the concentrate equivalent thereof, of the current year's crush equal to the setaside equivalent of the established surplus percentage applied to the total receipts of grapes for crushing at premises within the State of California controlled or operated by him. By January 31 the setaside equivalent shall be in the form, at the handler's option, of either dessert wine, other than special natural, of not less than 19.5 percent nor more than 21 percent alcohol by volume, high proof of not less than 185 degrees proof, concentrate of not less than 68 degrees Brix, or such other items as the committee may establish with the approval of the Secretary. All items setaside shall be of marketable quality, shall be stored to preserve their quality, and shall meet the standards of identity, quality, and condition established under Federal or State of California laws or regulations or as such may be modified for the purposes of this part by the committee with the approval of the Secretary. On any approved item, the committee, in its discretion, may permit storage, in adequate volumes, at less than specified levels of alcohol or sugar concentration, if the handler so desiring to store undertakes in writing to deliver, on demand, at the specified levels. In determining his gallonage setaside, each handler shall use conversion factors established by the committee with the approval of the Secretary. Upon establishing the January 31 setaside, a handler may substitute any item held for the account of the committee upon prior notice to the committee of intent to withdraw, to substitute, and to withhold the equivalent in another category of eligible setaside: *Provided,* That the right to substitute may be suspended by the committee to facilitate disposition of setaside. Setaside items need not be in containers separate and apart from other like products held by the handler but each container with setaside shall be such as will maintain the condition of the item, shall be so labelled or marked as the committee may direct, and no withdrawals therefrom shall be made below the handler's effective setaside obligation. A handler shall commence delivery to the committee or its designee, upon five days' notice of any or all setaside items held for the account of the committee and at such rate as may be practicable. Setaside obligations shall be adjusted from time to time to recognize such normal shrinkage or loss as the committee may determine with the approval of the Secretary. Handlers shall use good commercial practices in caring for setaside items and be liable for losses of setaside resulting from lack of due care.

§ 1026.55 Equity holders.

So that the committee may determine each producer's, or his successor's in interest, equity in the total setaside, each handler who receives grapes for crushing shall determine, or cause to be determined, the variety, weight and sugar content of each lot of grapes received, the name and address of the producer or successor in interest, place of production, and shall cause these to be certified to the committee. Each weight determination shall be made by an official weighmaster of the State of California and each sugar content determination shall be made by the Federal-

State inspection service of the State of California or such other service as may be recommended by the committee and approved by the Secretary.

§ 1026.56 Off-premise setaside.

No handler may transfer a setaside obligation but any handler may, upon notification to the committee, arrange to hold setaside, of his own production or which he has purchased, on the premises of another handler within California in the same manner as though the setaside were on his own premises.

§ 1026.57 Handler compensation.

Each handler shall be compensated for receiving, processing, storing and such other costs relating to the setaside as the committee may deem to be appropriate, in accordance with charges established at the beginning of the crop year by the committee with the approval of the Secretary. Such payments shall be borne by the producers, or their successors in interest, and may be deducted from any monies owed by handlers to such persons. A handler may request the committee to remove setaside from his premises upon expiration of prepaid storage charges or the refund of unearned charges, and the committee shall comply within a reasonable time consistent with the availability of suitable storage. Upon any such removal the handler shall forfeit, to the extent of the removed volume, his pro rata share in any offer to sell setaside items and such share shall be allocated to the successor storing handler.

§ 1026.58 Exemption.

(a) The committee may establish, with the approval of the Secretary, such rules and regulations as will permit exemption, from any or all provisions of this part, of any grapes for crushing which are used for producing products which do not become part of the commercial supply shipped into normal outlets.

(b) The committee may exempt from volume regulation, with the approval of the Secretary, any variety of grapes determined to be of such small production and restricted usage or in such short supply relative to demand that the exemption would not tend to affect adversely the attainment of the purposes of this part.

DISPOSITION

§ 1026.61 Prohibition.

Except as provided in §§ 1026.54 and 1026.62, the setaside shall not be used or disposed of by any handler.

§ 1026.62 Disposition.

(a) *General.* The committee shall have the power and authority to sell or dispose of any and all setaside upon the best terms and at the highest return obtainable consistent with the provisions and objectives of this part, including the encouragement of new uses or new geographical outlets. If on any January 31 the total setaside from all crop years is in excess of the equivalent of the shipments of dessert wine for the preceding six months ending December 31, the committee shall, in the absence of foreseeable sales of such excess in normal outlets pursuant to paragraph (b) of this section, dispose of the excess by June 30 in non-normal outlets.

(b) *Normal outlets.* For the purpose of disposition of setaside, normal outlets mean the established trade channels for wine, brandy, high proof, grape juice, concentrate and wine vinegar: *Provided,* That the committee, with the approval of the Secretary, may add other outlets and by administrative rules define the limits of any normal outlets to effectuate other provisions of this part. Sales of setaside to handlers shall be made whenever, due to a small grape production or other cause, it is necessary to add setaside to the actual crush to make available a crush equal to the desirable free tonnage. Such sales of setaside shall be made on the basis of $1.50 per proof gallon equivalent. No offer by the committee to sell such setaside to handlers for resale into free tonnage outlets shall become effective until the lapse of five days subsequent to notification of the Secretary of such offer or until the receipt of a notice from the Secretary that he does not disapprove the making of such offer. In any such offer, each handler holding setaside for the account of the committee shall have the first option to purchase such setaside to the extent of his pro rata share, based on holdings, of such offer.

(c) *Non-normal outlets.* The committee may sell or dispose of setaside in the non-normal outlets (those other than normal), including industrial alcohol, in a manner to achieve the general objectives of this part, and may make such sales to any handler or handlers, selling in or engaged in developing such outlets, without regard to pro rata participation by handlers: *Provided,* That, when such sale or disposition is for the purpose of reducing total inventories to the maximum permitted level, the withdrawal shall be made, insofar as practical, pro rata based on holdings, from all handlers.

(d) *Net proceeds.* The proceeds from the disposition of any setaside shall be distributed, after deduction of any expenses incurred by the committee in receiving, handling, holding, or disposing thereof, to the respective producers or their successors in interest, on the basis of the tonnage of their respective contributions to the setaside weighted by sugar content and, when determined to be appropriate for any varieties, by the season average field price of each variety. The distribution of proceeds to producer members of cooperative associations shall be made to the appropriate association.

REPORTS AND RECORDS

§ 1026.65 Reports.

(a) *Inventory.* Each handler shall, upon request of the committee, file with the committee a certified report, showing such information as the committee may specify with respect to any wine, high proof, concentrate, brandy, or other products of grapes for crushing which were held by him on June 30 and December 31 and such other dates as the committee may designate.

(b) *Receipts.* Each handler shall, upon request of the committee, file with the committee a certified report showing for each lot of grapes received, whether fresh or dried, the variety, weight, sugar content, place of production, and equity holder's name and address.

(c) *Setaside.* Each handler shall, upon request of the committee, file with the committee a certified report showing the setaside held for the account of the committee by items, the quantity of each being held, the proof gallon equivalent of each, and the premises at which held.

(d) *Other reports.* Upon the request of the committee, with the approval of the Secretary, each handler shall furnish to the committee such other information as may be necessary to enable it to exercise its powers and perform its duties under this part.

§ 1026.66 Records.

Each handler shall maintain such records pertaining to all grapes used, whether fresh or dried, and items setaside as will substantiate the required reports and such others as may be prescribed by the committee. All such records shall be maintained for not less than five years after the termination of the crop year to which such records relate or for such lesser period as the committee may direct.

§ 1026.67 Verification of reports and records.

For the purpose of assuring compliance with record keeping requirements and verifying reports filed by handlers, the Secretary and the committee, through its duly authorized employees, shall have access to any premises where applicable records are maintained, where grapes, whether fresh or dried, are received and prepared for fermentation and where setaside items are held and, at any time during reasonable business hours, shall be permitted to inspect such handler premises, including setaside items, and any and all records of such handlers with respect to matters within the purview of this part.

§ 1026.68 Confidential information.

All reports and records furnished or submitted by handlers to, or obtained by the employees of the committee which contain data or information constituting a trade secret or disclosing the trade position, financial condition, or business operations of the particular handler from whom received, shall be treated as confidential and the reports and all information obtained from records shall at all times be kept in the custody and under the control of one or more employees of the committee, who shall disclose such information to no person other than the Secretary.

EXPENSES AND ASSESSMENTS

§ 1026.71 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it during each crop year for the maintenance and functioning of the committee and board and for such other purposes, other than expenses incurred in receiving, handling, holding or dispos-

ing of setaside, as the Secretary may, pursuant to the provisions of this subpart, determine to be appropriate. The committee shall file a proposed budget of expenses and rate of assessment with the Secretary as soon as practicable after the beginning of the crop year.

§ 1026.72 Assessments.

(a) *Requirement for payment.* Each handler shall pay to the committee, upon demand, with respect to free tonnage grapes for crushing received by him, including such grapes of his own production, his pro rata share of all expenses which the Secretary finds are reasonable and likely to be incurred by the committee during each crop year. Each handler's pro rata share shall be the rate of assessment per ton fixed by the Secretary. At any time during or after the crop year the Secretary may increase the rate of assessment to cover unanticipated expenses or a deficit in assessable tonnage. In order to provide funds to carry out the functions of the committee and the board, the committee may accept advance payments from any handler and such shall be credited towards assessments levied pursuant to this section against such handler. The payment of expenses for the maintenance and functioning of the committee and the board may be required throughout the period during which this part is in effect and irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) *Refunds.* Any money collected as assessments during any crop year and not expended in connection with the committee's operations may be used by the committee for a period of four months subsequent to the end of such crop year. At the end of such period the committee shall, from funds on hand, refund or credit to handlers' accounts the aforesaid excess. Each handler's share of such excess fund shall be the amount of the assessment he has paid in excess of his pro rata share of the actual expenses of the committee for the preceding crop year. Any money collected as assessments hereunder and remaining unexpended in the possession of the committee, or a successor board of trustees for liquidation, after termination of this part, shall be distributed in such manner as the Secretary may direct: *Provided,* That, to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(c) *Sugar determinations.* The committee may enter into an agreement with the inspection service regarding determination of the sugar content pursuant to § 1026.55, the cost thereof, and the payment by handlers of their pro rata shares of such cost based on the tonnage received and used.

MISCELLANEOUS PROVISIONS

§ 1026.75 Rights of the Secretary.

The members of the committee and board (including successors or alternates) and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary, in his discretion, at any time. Each and every decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time, and upon such disapproval, shall be deemed null and void.

§ 1026.76 Personal liability.

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

§ 1026.77 Separability.

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

§ 1026.78 Derogation.

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

§ 1026.79 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this subpart, shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 1026.80 Agents.

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

§ 1026.81 Effective time.

The provisions of this subpart, as well as any amendments to this subpart, shall become effective at such time as the Secretary may declare, and shall continue in force until terminated or suspended in one of the ways specified in § 1026.82.

§ 1026.82 Termination or suspension.

(a) *Failure to effectuate policy of act.* The Secretary shall terminate or suspend the operation of any or all of the provisions of this subpart, whenever he finds that such provisions obstruct or do not tend to effectuate the declared policy of the act.

(b) *Referendum.* The Secretary shall terminate the provisions of this subpart on or before the thirtieth day of June of any crop year whenever he is required to do so by the provisions of section 8c(16)(B) of the act. The Secretary may, at any time he deems it desirable, hold a referendum of producers to determine whether they favor termination of this subpart. However, the Secretary shall hold a referendum of producers in the period July 1–July 15, 1963, to determine whether they favor termination at the end of the third crop year, and after the first referendum shall hold one for the same purpose between July 1 and July 15 of any third year, if the Secretary receives a recommendation, adopted by the board, requesting the holding of such a referendum. The results of any such referendum shall be announced by the Secretary by August 15 of the crop year in which held.

(c) *Termination of act.* The provisions of this subpart shall terminate, in any event, upon the termination of the act.

§ 1026.83 Procedure upon termination.

Upon the termination of this subpart, the members of the committee then functioning shall continue as joint trustees, for the purpose of liquidating the affairs of the committee. Action by such trustees shall require the concurrence of a majority of said trustees. Such trustees shall continue in such capacity until discharged by the Secretary, and shall account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and the joint trustees, to such person as the Secretary may direct; and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all the funds, properties, and claims vested in the committee or the joint trustees, pursuant to this subpart. Any person to whom funds, property, or claims have been transferred or delivered by the committee or the joint trustees, pursuant to this section, shall be subject to the same obligations imposed upon the members of said committee and upon said joint trustees.

§ 1026.84 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provisions of this subpart or any regulation issued under this subpart, or (b) release any setaside held for the account of the committee nor permit its disposition contrary to the provisions of this subpart, or (c) release or extinguish any violation of this subpart or any regulation issued under this subpart, or (d) affect or impair any rights or remedies of the Secretary, or of any other person, with respect to such violation.

§ 1026.85 Amendments.

Amendments to this subpart may be proposed, from time to time, by any person or by the committee.

§ 1026.97 Counterparts.

This agreement may be executed in multiple counterparts, and when one

counterpart is signed by the Secretary all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.[1]

§ 1026.98 Additional parties.

After the effective date of this agreement, any handler may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.[1]

§ 1026.99 Order with marketing agreement.

Each signatory handler favors and approves the issuance of an order, by the Secretary, regulating the handling of grapes for crushing in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such order.[1]

Dated: July 3, 1961.

G. R. GRANGE,
Acting Director,
Fruit and Vegetable Division.

[F.R. Doc. 61-6383; Filed, July 5, 1961; 12:32 p.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 1027]

[Docket No. AO-312-A1]

MILK IN UPPER CHESAPEAKE BAY (MARYLAND) MARKETING AREA

Notice of Extension of Time for Filing Exceptions to the Recommended Decision on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Upper Chesapeake Bay (Maryland) marketing area, which was issued June 23, 1961 (26 F.R. 5822), is hereby extended to July 14, 1961.

Dated: July 3, 1961, Washington, D.C.

RAPHAEL V. FITZGERALD,
Acting Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-6385; Filed, July 6, 1961; 8:55 a.m.]

[1] Applicable only to the proposed marketing agreement.

FEDERAL AVIATION AGENCY

[14 CFR Part 600]

[Airspace Docket No. 61-WA-101]

FEDERAL AIRWAY

Designation

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

The Federal Aviation Agency has under consideration the designation of intermediate altitude VOR Federal airway No. 1760 from the Kremmling, Colo., VOR, as a 16-mile wide airway via the intersection of the Kremmling VOR 081° and the Denver, Colo., VOR 292° True radials; thence a 10-mile wide airway to the Denver VOR. This proposed airway would provide an additional route between Denver and Kremmling which would facilitate the control of intermediate altitude air traffic departing Denver to the west and southwest.

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

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

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

Issued in Washington, D.C., on June 30, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-6335; Filed, July 6, 1961; 8:48 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 61-WA-99]

FEDERAL AIRWAYS

Designation

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

The Federal Aviation Agency has under consideration the designation of intermediate altitude VOR Federal airway No. 1758 from the Santa Fe, N. Mex., VOR, as a 16-mile wide airway to the Cimarron, N. Mex., VOR; thence a 10-mile wide airway to the Tobe, Colo., VOR. This proposed airway would provide a more direct route for aircraft operating at intermediate altitudes between Albuquerque, N. Mex., and Kansas City, Mo. The reduced airway width from 16 miles to 10 miles between Cimarron and Tobe would provide lateral separation with adjacent VOR Federal airways Nos. 1645 and 1730.

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

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

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

Issued in Washington, D.C., on June 30, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-6336; Filed, July 6, 1961; 8:48 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 61–NY–30]

FEDERAL AIRWAY

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 § 600.1502 of the regulations of the Administrator, the substance of which is stated below.

Intermediate altitude VOR Federal airway No. 1502 extends in part from the Syracuse, N.Y., VOR via the intersection of the Syracuse VOR 100° and the Albany, N.Y., VOR 286° True radials; Albany VOR; intersection of the Albany VOR 075° and the Manchester, N.H., VOR 276° True radials to the Manchester VOR.

The Federal Aviation Agency has under consideration alteration of this segment of Victor 1502 by redesignating it from the Syracuse VOR as a 10-mile wide airway to the intersection of the Syracuse VOR 100° True radial and the 272° True radial of a VOR to be installed approximately June 27, 1961, near Cambridge, N.Y., at latitude 42°59'40'' N., longitude 73°20'39'' W., thence as a 16-mile wide airway to the Cambridge VOR; thence as a 10-mile wide airway to the Manchester VOR.

The redesignation of this segment of Victor 1502 via the Cambridge VOR would permit enroute intermediate altitude air traffic to by-pass the Albany terminal area to the north. The reduced airway width from 16 miles to 10 miles east of the Cambridge VOR would provide separation from routes utilized by aircraft departing the Westover, Mass., AFB.

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

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

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

Issued in Washington, D.C., on June 30, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–6332; Filed, July 6, 1961; 8:47 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 61–WA–94]

FEDERAL AIRWAY

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 § 600.1508 of the regulations of the Administrator, the substance of which is stated below.

Intermediate altitude VOR Federal airway No. 1508 is designated in part from the Rock River, Wyo., VOR as a 16-mile wide airway direct to the Sidney, Nebr., VOR. The Federal Aviation Agency has under consideration alteration of this segment of Victor 1508. It is proposed to redesignate this segment of Victor 1508 from the Rock River VOR as a 16-mile airway via the intersection of the Rock River VOR 105° and the Sidney VOR 294° True radials; to the Sidney VOR. This alteration would align the airway segment to provide lateral separation with jet aircraft penetration procedures in the vicinity of Cheyenne, Wyo.

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

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

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

Issued in Washington, D.C., on June 30, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–6330; Filed, July 6, 1961; 8:47 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 61–WA–85]

FEDERAL AIRWAYS

Designation and 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 amendments to Part 600 and § 600.1536 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency is considering the designation of intermediate altitude VOR Federal airway No. 1761 from the Gila Bend, Ariz., VOR, as a 10-mile wide airway to the intersection of the Gila Bend VOR 346° and the Phoenix, Ariz., VOR 272° True radials. Victor 1761 as proposed would permit air traffic en route between Blythe, Calif., and Tucson, Ariz., to by-pass the heavy concentration of military jet aircraft traffic in the vicinity of Luke Air Force Base, Ariz.

Intermediate altitude VOR Federal airway No. 1536 is designated in part from the Blythe VOR as a 16-mile wide airway via the intersection of the Phoenix VOR 275° and the Gila Bend VOR 346° True radials; thence as a 10-mile wide airway via the Phoenix VOR to the intersection of the Phoenix VOR 066° and Casa Grande, Ariz., VOR 031° True radials; thence as a 16-mile airway via the St. Johns, Ariz., VOR and the intersection of the St. Johns VOR 089° and the Albuquerque, N. Mex., VOR 198° True radials; thence as a 10-mile wide airway to the Corona, N. Mex., VOR. The Federal Aviation Agency is considering the redesignation of this segment of Victor 1536 from the Blythe VOR as a 16-mile wide airway via the intersection of the Blythe VOR 096° and the Phoenix VOR 272° True radials; intersection of the Phoenix VOR 272° and the Gila Bend VOR 346° True radials; thence as a 10-mile wide airway via the Phoenix VOR to the intersection of the Phoenix VOR 066° and the Casa Grande, Ariz., VOR 031° True radials; thence as a 16-mile wide airway via the St. Johns VOR, intersection of the Socorro, N. Mex., VOR 273° and the Albuquerque VOR 229° True radials; thence as a 10-mile wide airway via the Socorro VOR; to the Corona, N. Mex., VOR. The realignment of the segment of Victor 1536 west of Phoenix together with the airway width reduction from 16 to 10 miles would provide adequate lateral separation from the heavy concentration of military jet aircraft traffic in the vicinity of Luke Air Force Base, Ariz. The realignment of the segment of Victor

1536 east of St. Johns together with the airway width reduction from 16 to 10 miles would provide adequate separation from the heavy concentration of military jet aircraft traffic in the vicinity of Albuquerque and would also provide for adequate clearance from the White Sands, N. Mex., Restricted Areas R–5107, R–5108, and R–5109. Realignment of Victor 1536 via the Socorro VOR would provide for better navigational guidance along this airway segment.

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

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

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

Issued in Washington, D.C., on June 30, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–6334; Filed, July 6, 1961; 8:47 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 61–WA–86]

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 amendments to §§ 600.1607, 600.1609 and 600.1634 of the regulations of the Administrator, the substance of which is stated below.

Intermediate altitude VOR Federal airway No. 1607 is designated from Gaviota, Calif., to Point Reyes, Calif. The Federal Aviation Agency has under consideration the extension of this airway southeastward from the Gaviota VOR as a 10-mile wide airway via the intersection of the Gaviota VOR 143° and the Fillmore, Calif., VOR 268° True radials; to the intersection of the Santa Barbara, Calif., VOR 109° and the Fillmore VOR 268° True radials. This extension to Victor 1607 would provide for transition from the low altitude to the intermediate altitude airway structure and also provide a single numbered route for air traffic departing the Los Angeles terminal area for points north and west. The reduction in airway width from 16 to 10 miles would provide separation from intermediate altitude VOR Federal airway No. 1634 and from Restricted Area/Military Climb Corridor R–2527. It would not be necessary to designate associated control areas for the portion of this airway which extends beyond the continental United States since this portion would be within the control areas associated with the offshore portion of low altitude VOR Federal airway No. 27.

Intermediate altitude VOR Federal airway No. 1609 is designated from Santa Barbara, Calif., to Ellensburg, Wash. It is proposed to extend this airway southeastward from the Santa Barbara VOR; as a 10-mile wide airway to the intersection of the Santa Barbara VOR 109° and the Fillmore VOR 268° True radials. This extension to Victor 1609 would provide for transition from the low altitude to the intermediate altitude structure and also provide a single numbered route for air traffic departing the Los Angeles terminal area for points north. The reduction in airway width would provide separation from Victor 1607 and Victor 1634.

Intermediate altitude VOR Federal airway No. 1634 is designated in part from the Santa Barbara VOR; as a 10-mile wide airway via the Santa Barbara VOR 091° and the Fillmore VOR 284° True radials; to the Fillmore VOR. It is proposed to realign this airway from the Santa Barbara VOR; as a 10-mile wide airway via the intersection of the Santa Barbara VOR 091° and the Fillmore VOR 310° True radials; to the Fillmore VOR. This realignment of Victor 1634 would provide for transition from the intermediate altitude to the low altitude airway structure for air traffic destined for the Los Angeles terminal area. This realignment of Victor 1634 together with the reduced airway width would provide separation from Victor 1607 and Victor 1609.

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

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

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

Issued in Washington, D.C., on June 30, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–6331; Filed, July 6, 1961; 8:47 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60–WA–154]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Alteration; Amendment

In a notice of proposed rule making published in the FEDERAL REGISTER as Airspace Docket No. 60–WA–154 on March 29, 1961 (26 F.R. 2649), it was stated that the Federal Aviation Agency proposed to designate an east alternate to VOR Federal airway No. 42 from Flint, Mich., to Windsor, Ontario, via the intersection of the Flint VOR 122° and the Windsor VOR 344° True radials. In addition, it was proposed to designate the control area associated with this east alternate to extend upwards from 1200 feet above the surface, but to exclude the airspace within the United States between the east alternate and the main airway segment between Flint and Windsor.

Subsequent to publication of the Notice, it has been determined that the application of Amendment 60–21 to Part 60 of the Civil Air Regulations to the control area associated with the proposed Victor 42 east alternate should be deferred until such time as Amendment 60–21 can be applied to all control areas associated with airways in the vicinity of and adjacent to the proposed east alternate. Accordingly, action is hereby taken to alter the original notice by proposing that the control area associated with Victor 42 east alternate within the United States between Flint, Mich., and Windsor, Ontario, extend upwards from 700 feet above the surface to the base of the continental control area.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material will be extended to July 22, 1961.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), I hereby give notice that the time within which comments will be received for consideration on Airspace Docket No. 60–WA–154 is extended to July 22, 1961. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo.

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

Issued in Washington, D.C., on June 30, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–6338; Filed, July 6, 1961; 8:48 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61–FW–5]

FEDERAL AIRWAYS, CONTROLLED AIRSPACE AND REPORTING POINTS

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

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Parts 600 and 601 and § 601.1293 of the regulations of the Administrator, the substance of which is stated below.

Blue Federal airway No. 13 extends from the Texarkana, Ark., radio range to the Fort Smith, Ark., non-directional radio beacon excluding the portion which overlaps the Fort Chaffee, Ark., Restricted Area R–2401.

The Federal Aviation Agency has under consideration the revocation of Blue 13. It is the policy of this Agency to revoke L/MF airways wherever adequate VOR airways are available, and it appears that this route is adequately served by VOR Federal airways Nos. 13 and 289. Therefore, it appears that the retention of this airway is unjustified as an assignment of airspace. Accordingly, the Federal Aviation Agency proposes to revoke Blue 13 and its associated control areas and reporting points. Adoption of this proposal would not necessarily result in discontinuance of the low frequency navigational aids associated with Blue 13. Any proposals to discontinue one or more of these aids would be processed in accordance with current Agency procedures. These procedures afford interested persons an opportunity to comment on such actions. In addition, VOR Federal airway No. 13 would be substituted for Blue 13 in the description of the Fort Smith, Ark., control area extension (§ 601.1293).

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

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

Issued in Washington, D.C., on June 30, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–6339; Filed, July 6, 1961; 8:48 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61–FW–11]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Alteration

In a notice of proposed rule making published in the FEDERAL REGISTER as Airspace Docket No. 61–FW–11 on March 10, 1961 (26 F.R. 2092), it was stated that the Federal Aviation Agency proposed to alter low altitude VOR Federal airway No. 7, including the west alternate, from Cross City, Fla., to Dothan, Ala. In addition, it was proposed to alter the control area associated with these segments of Victor 7 to extend upwards from 1200 feet above the surface.

Subsequent to the publication of the notice, it has been determined that the application of Amendment 60–21 to Part 60 of the Civil Air Regulations to the control area associated with Victor 7 and Victor 7 west should be deferred until such time as Amendment 60–21 can be applied to all control areas associated with airways in the vicinity of Cross City and Dothan. Accordingly, action is hereby taken to alter the original Notice by proposing that the control area associated with Victor 7 and Victor 7 west between Cross City and Dothan extend upwards from 700 feet above the surface, excluding the airspace between the main airway and its west alternate between the Cross City VOR and the Dothan VOR.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material will be extended to July 22, 1961.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), I hereby give notice that the time within which comments will be received for consideration on Airspace Docket No. 61–FW–11 is extended to July 22, 1961. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex.

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 30, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–6337; Filed, July 6, 1961; 8:48 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61–LA–2]

FEDERAL AIRWAYS AND CONTROL AREAS

Alteration of Federal Airways and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.6120 and 601.6120 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 120 extends in part from the Great Falls, Mont., VOR to the Lewistown, Mont., VOR. The Federal Aviation Agency is considering the designation of a north alternate to this segment of Victor 120 via the intersection of the Great Falls VOR 074° and the Lewistown VOR 308° True radials (Shonkin Intersection). The control areas associated with this proposed airway segment would extend upward from 700 feet above the surface to the base of the continental control area. Separate actions will be initiated on an area basis to implement Amendment 60–21 to Part 60 of the Civil Air Regulations.

The proposed north alternate airway would improve air traffic management by providing an alternate routing between Great Falls and Lewistown. It would also provide a numbered airway from Great Falls to the Shonkin Intersection, the standard departure route for aircraft enroute from Great Falls to Glasgow, Mont.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All com-

munications 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 30, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–6333; Filed, July 6, 1961; 8:47 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61–FW–1]

CONTROLLED AIRSPACE

Alteration of Control Zone

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Part 601 and § 601.1984 of the regulations of the Administrator, the substance of which is stated below.

The Mobile, Ala., Brookley Air Force Base control zone is presently designated within a 5-mile radius of Brookley AFB (latitude 30°37′40″ N., longitude 88° 04′15″ W.). (The control zone as presently disignated was incorrectly published under the name of Brooklyn AFB.) The Federal Aviation Agency has under consideration a proposal by the Department of the Air Force to alter this control zone by designating an extension within 2 miles either side of the 145° True radial of the Brookley AFB VOR (latitude 30°37′47″ N., longitude 88° 04′22″ W.) extending from the 5-mile radius zone to 12 miles southeast of the VOR. This would provide protection for aircraft executing the prescribed instrument approach procedures at Brookley AFB based on the Brookley VOR, TACAN and radio beacon.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

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

Issued in Washington, D.C. on June 30, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–6326; Filed, July 6, 1961; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61–NY–20]

CONTROLLED AIRSPACE

Alteration of Control Zone

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2129 of the regulations of the Administrator, the substance of which is stated below.

The Bowling Green, Ky., control zone is presently designated within a 5-mile radius of the Bowling Green Municipal Airport extending 2 miles either side of the southeast course of the Bowling Green radio range to a point 10 miles southeast of the radio range station, and extending 2 miles either side of the 203° True radial of the Bowling Green VOR to a point 10 miles southwest of the VOR.

The Federal Aviation Agency has under consideration the following alterations to the Bowling Green control zone:

1. Revoke the control zone extension based on the southeast course of the Bowling Green radio range. This extension would no longer be required for the protection of aircraft as the Bowling Green radio range is scheduled to be decommissioned in the near future in accordance with the Federal Aviation Agency L/MF decommissioning program. Non-rule making procedures proposing discontinuance of the Bowling Green range will be initiated in accordance with current Agency practice. These procedures afford interested persons an opportunity to comment on such action. The prescribed instrument approach based on the Bowling Green range would be cancelled concurrently with the discontinuance of this facility. The Bowling Green VOR, a more modern navigational facility, is available to provide adequate navigational aid to terminal traffic.

2. Alter the control zone extension based on the Bowling Green VOR 203° True radial by basing it on the Bowling Green VOR 206° True radial and extending it to 12 miles southwest of the VOR. These alterations would align the control zone extension with the VOR approach procedure final approach course and would provide protection for aircraft executing the prescribed VOR instrument approach procedure.

If these actions are taken, the Bowling Green, Ky., control zone would be designated within a 5-mile radius of the Bowling Green-Warren County Airport (latitude 36°57′55″ N., longitude 86°25′-10″ W.) and within 2 miles either side of the 206° True radial of the Bowling Green VOR extending from the 5-mile radius zone to 12 miles southwest of the VOR.

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

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

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

Issued in Washington, D.C., on June 30, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–6327; Filed, July 6, 1961; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61–FW–42]

CONTROLLED AIRSPACE

Alteration of Control Zone

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2137 of the regulations of the Administrator, the substance of which is stated below.

The Columbia, S.C., control zone is presently designated within a 5-mile radius of the Columbia Airport, within 2 miles either side of the east and west courses of the Columbia radio range extending from the airport to a point 5 miles east of the radio range, within 2 miles either side of the 325° True and 145° True radials of the Columbia VOR extending from the 5-mile radius zone to a point 10 miles southeast of the VOR, and within a 5-mile radius of Owens Field, Columbia, S.C., and 2 miles either side of the southeast course of the Columbia radio range extending from the radio range to a point 10 miles southeast.

The Federal Aviation Agency has under consideration the alteration of the Columbia, S.C., control zone as follows:

1. Revoke the portion of this control zone based on Owens Field. The Columbia combined station/tower does not have adequate two-way radio communications with aircraft on Owens Field and weather reporting service is not available at the airport.

2. Revoke the control zone extensions based on the east, southeast, and west courses of the Columbia radio range. The control zone extensions based on the radio range would no longer be required for the protection of aircraft as the Columbia radio range is scheduled to be decommissioned in the near future in accordance with the Federal Aviation Agency L/MF decommissioning program. Non-rule making procedures proposing discontinuance of the Columbia range will be initiated in accordance with current Agency practice. These procedures afford interested persons an opportunity to comment on such action. The prescribed instrument approach procedures based on the Columbia range would be cancelled concurrently with the discontinuance of this facility. The Columbia VOR, a more modern navigational facility, is available to provide adequate navigational aid to terminal traffic.

3. Revoke the portion of the southeast control zone extension based on the 145° True radial of the Columbia VOR. The prescribed VOR instrument approach procedure is being revised to eliminate requirement for the portion of the control zone extension southeast of the VOR.

4. Alter the southeast control zone extension based on the Columbia VOR 325° True radial by basing it on the Columbia VOR 326° True radial. This alteration would align the control zone extension with the VOR approach procedure final approach course.

5. Designate a control zone extension 2 miles either side of the ILS localizer course extending from the 5-mile radius zone to 7 miles southwest of the ILS outer marker. This control zone extension would provide protection for aircraft executing the prescribed ILS instrument approach procedure.

If these actions are taken, the Columbia, S.C., control zone would be designated within a 5-mile radius of the Columbia Airport, latitude 33°56′25″ N., longitude 81°06′55″ W., within 2 miles either side of the Columbia VOR 326° True radial extending from the 5-mile radius zone to the VOR, and within 2 miles either side of the ILS localizer course extending from the 5-mile radius zone to 7 miles southwest of the ILS outer marker.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

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

Issued in Washington, D.C., on June 30, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–6329; Filed, July 6, 1961; 8:47 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61–FW–27]

CONTROLLED AIRSPACE

Alteration of Control Zone

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2342 of the regulations of the Administrator, the substance of which is stated below.

The Ardmore, Okla., control zone is designated within a 5-mile radius of Ardmore AFB and within a 5-mile radius of Ardmore Airport, within 2 miles either side of the 044° and 224° True radials of the Ardmore VOR extending from the AFB 5-mile radius zone to a point 10 miles southwest of the VOR, and within 2 miles either side of the 001° and 181° True radials of the VOR extending to 10 miles south of the VOR, and within 2 miles either side of a 256° bearing extending from the Ardmore radio beacon to 10 miles west of the radio beacon.

The Federal Aviation Agency is considering the redesignation of this control zone within a 5-mile radius of the Ardmore Municipal Airport (latitude 34° 18′ 00″ N. longitude 97° 00′ 50″ W.), within 2 miles either side of the 053° True radial of the Ardmore VOR extending from the 5-mile radius zone to the VOR and within 2 miles either side of the 085° True bearing from the Ardmore radio beacon extending from the 5-mile radius zone to the radio beacon. The Ardmore Airport referred to in the description of the existing control zone has been abandoned and the former Ardmore AFB has become the Ardmore Municipal Airport. The instrument approach procedures to the old Ardmore Municipal Airport have been cancelled. Redesignation of the Ardmore control zone would provide protection for aircraft executing the prescribed instrument approach procedures at the relocated Ardmore Municipal Airport.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

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

Issued in Washington, D.C., on June 30, 1961.

CHARLES W. CARMODY,
Chief,
Airspace Utilization Division.

[F.R. Doc. 61–6325; Filed, July 6, 1961; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61–NY–33]

CONTROLLED AIRSPACE

Alteration of Control Zone

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2426 of the regulations of the Administrator, the substance of which is stated below.

The Lynchburg, Va., control zone is designated within a 5-mile radius of Preston Glenn Airport, Lynchburg, Va., within 2 miles either side of the 021° and 201° True radials of the Lynchburg VOR extending from the 5-mile radius zone to a point 10 miles southwest of the VOR and within 2 miles either side of the southeast course of the Lynchburg radio range extending from the radio range station to a point 10 miles southeast of the Oak Grove fan marker.

The Federal Aviation Agency has under consideration the following alterations to this control zone:

1. Revoke the control zone extension based on the southeast course of the radio range. This control zone extension would no longer be required for the protection of aircraft as the Lynchburg radio range is scheduled to be decommissioned in the near future in accordance with the Federal Aviation Agency L/MF decommissioning program. Non-rule making procedures proposing discontinuance of the Lynchburg range will be initiated in accordance with current agency practice. These procedures afford interested persons an opportunity to comment on such action. The prescribed instrument approach based on the Lynchburg range would be cancelled concurrently with the discontinuance of this facility. The Lynchburg VOR, a more modern navigational facility, is available to provide adequate navigational aid to terminal traffic.

2. Alter the control zone extension based on the 021° and 201° True radials of the Lynchburg VOR by extending it from the 5-mile radius zone to 12 miles southwest of the VOR. This would provide protection for aircraft while executing the procedure turn portion of the prescribed VOR approach procedure which is authorized within 10 nautical miles of the VOR.

If these actions are taken, the Lynchburg, Va., control zone would be designated within a 5-mile radius of Preston Glenn Airport (latitude 37°19′40″ N., longitude 79°12′05″ W.), and within 2 miles either side of the 021° and the 201° True radials of the Lynchburg VOR extending from the 5-mile radius zone to 12 miles southwest of the VOR.

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

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

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

Issued in Washington, D.C., on June 30, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–6328; Filed, July 6, 1961; 8:47 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 61–WA–113]

CODED JET ROUTE

Revocation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 602 of the regulations of the Administrator, the substance of which is stated below.

VOR/VORTAC jet route No. 18 is designated from Seattle, Wash., to Duluth, Minn. The Federal Aviation Agency has under consideration revocation of this coded jet route. A Federal Aviation Agency IFR peak-day airway traffic survey for the period July 1, 1959, through June 30, 1960, shows a maximum of four aircraft movements on this route. In addition the route from Seattle to Duluth is adequately served by a combination of VOR/VORTAC jet route No. 70 and VOR/VORTAC jet route No. 32 which closely parallel Jet Route 18V. Therefore, it appears that the retention of Jet Route 18V is unjustified as a route assignment within the continental control area. Accordingly, the Federal Aviation Agency proposes to revoke Jet Route 18V.

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

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

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

Issued in Washington, D.C., on June 30, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–6322; Filed, July 6, 1961; 8:46 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 61–WA–114]

CODED JET ROUTE

Revocation of a Segment

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 602.519 of the regulations of the Administrator, the substance of which is stated below.

VOR/VORTAC jet route No. 19 is designated in part from Lake Charles, La., via Dallas, Tex., and Wichita Falls, Tex., to Garden City, Kans. A Federal Aviation Agency IFR peak-day airway traffic survey for the period July 1, 1959, through June 30, 1960, shows a maximum of four aircraft movements on this segment of Jet Route 19V. Therefore, it appears that the retention of this segment of Jet Route 19V is unjustified as a route assignment within the continental control area. Accordingly, the Federal Aviation Agency proposes to revoke the segment of Jet Route 19V from Lake Charles to Garden City.

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

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

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

Issued in Washington, D.C., on June 30, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–6324; Filed, July 6, 1961; 8:46 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 61–WA–115]

CODED JET ROUTE

Revocation of a Segment

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 602.528 of the regulations of the Administrator, the substance of which is stated below.

VOR/VORTAC jet route No. 28 is designated in part, from Hector, Calif., via Farmington, N. Mex., to Pueblo, Colo. A Federal Aviation Agency IFR peak-day airway traffic survey for the period July 1, 1959, through June 30, 1960, shows a maximum of three aircraft movements on this segment of Jet Route No. 28V between Farmington and Pueblo. In addition, the route from Hector to Pueblo is duplicated by VOR/VORTAC jet route No. 64 which overlies or parallels Jet Route 28V. Therefore, it appears that the retention of this segment of Jet Route 28V is unjustified as a route assignment within the continental control area. Accordingly, the Federal Aviation Agency proposes to revoke the segment of Jet Route 28V from Hector to Pueblo.

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

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

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

Issued in Washington, D.C., on June 30, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–6323; Filed, July 6, 1961; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Bureau Order 681]

VARIOUS OFFICIALS

Delegation of Authority To Dispose of and To Transfer Personal Property

JUNE 30, 1961.

SECTION 1. *Delegation of authority.* Pursuant to the authority contained in DM 200.3.2 the Assistant Director—Administration, Chief, Division of Administrative Services, Field Administrative Officers and State Directors are authorized to dispose of and to transfer personal property excess to the needs of the Department of the Interior, including the authority to donate and to execute transfers and deliveries of donable property in accordance with the Federal Property and Administrative Services Act of 1949, as amended, and regulations issued thereunder by the General Services Administration.

SEC. 2. *Redelegation.* The Field Administrative Officers and the State Directors are authorized to redelegate the authority herein contained to any qualified employees within their jurisdiction. Such redelegation shall be published in the FEDERAL REGISTER.

SEC. 3. *Revocation.* Bureau Order No. 583 of February 4, 1955 is hereby revoked.

H. R. HOCHMUTH,
Associate Director.

[F.R. Doc. 61–6351; Filed, July 6, 1961; 8:50 a.m.]

[Document No. 244; Classification No. 67]

ARIZONA

Small Tract Opening

1. Pursuant to authority delegated to me by Bureau Order No. 541, Amendment No. 17, dated April 21, 1961 (26 F.R. 3653), Classification Order No. 67 opened certain lands to bid and sale at public auction. Said classification order was published in the FEDERAL REGISTER on June 21, 1961 (26 F.R. 5532).

2. The number of the lot following Lot 95 is changed to Lot 96. The acreage of Lot 122 is changed to 5.00.

Dated: June 28, 1961.

RAYMOND C. CLEGHORN,
Acting State Director.

[F.R. Doc. 61–6380; Filed, July 6, 1961; 8:55 a.m.]

MONTANA

Chief, Division of Lands and Minerals Management; Redelegation of Authority

JUNE 28, 1961.

In accordance with section 2.1(a)(1) of Bureau of Land Management Order No. 541 (19 F.R. No. 82, April 28, 1954), as amended, I hereby authorize the Chief, Division of Lands and Minerals Management, Billings, Montana, to perform all functions listed in section 2.5 of the above cited order, which are delegated to me.

E. I. ROWLAND,
State Director.

[F.R. Doc. 61–6381; Filed, July 6, 1961; 8:55 a.m.]

Geological Survey

UTAH

Classification

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described land, insofar as title thereto remains in the United States, is hereby classified as nonphosphate land:

SALT LAKE MERIDIAN, UTAH

T. 10 N., R. 1 E.,
Sec. 12, SW¼NE¼, S½NW¼, S½;
Sec. 13, N½, N½S½, SE¼SW¼, S½SE¼;
Sec. 24, NE¼, E½NW¼, E½SE¼;
Sec. 25, E½NE¼, SE¼;
Sec. 36, NE¼, N½SE¼.
T. 9 N., R. 2 E.,
Sec. 4, Lots 3, 4, SW¼NW¼;
Sec. 5;
Sec. 6, Lots 1, 2, 3, 4, S½NE¼, SE¼NW¼, N½SE¼, SE¼SE¼;
Sec. 8, N½, E½SW¼, N½SE¼, SW¼SE¼.
T. 10 N., R. 2 E.,
Sec. 7, Lots 3, 4, E½SW¼, SE¼;
Sec. 8, NE¼SW¼, S½SW¼, SE¼;
Sec. 9, S½SW¼, SE¼;
Sec. 10, SW¼SW¼;
Sec. 15, W½W½;
Secs. 16, 17, 18, 19, 20;
Sec. 21, N½, N½S½, S½SW¼, SW¼SE¼;
Sec. 22, W½NW¼;
Sec. 28, W½NE¼, W½, NW¼SE¼;
Secs. 29, 30, 31, 32;
Sec. 33, W½.

The area described aggregates 11,583.18 acres.

ARTHUR A. BAKER,
Acting Director.

JUNE 29, 1961.

[F.R. Doc. 61–6349; Filed, July 6, 1961; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 12429]

SOUTHERN AIRWAYS, INC.

"Use It or Lose It" Investigation; Notice of Prehearing Conference

Notice is hereby given, pursuant to Order E–16814, that a prehearing conference in the above-entitled investigation is assigned to be held on July 31, 1961, at 10 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner James S. Keith.

In order to facilitate the conduct of the conference, motions to expand or modify the proceeding and statements of issues in the case should be transmitted to Examiner Keith and served on parties on or before July 24, 1961.

Dated at Washington, D.C., June 30, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61–6389; Filed, July 6, 1961; 8:56 a.m.]

[Docket No. 12039; Order No. E–17077]

ROBERT DOLLAR CO. OF CALIFORNIA ET AL.

Application for Approval of Control and Interlocking Relationships; Order of Tentative Approval

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of June 1961.

In the matter of the application of The Robert Dollar Co. of California, Dollar Lines, Ltd., Dollar Associates, Inc., South Pacific Air Lines, Inc., R. Stanley Dollar, Jr., Gregory A. Harrison, Jr., and R. P. Seeley, Docket 12039; for approval of control and interlocking relationships under sections 408 and 409 of the Federal Aviation Act of 1958.

By application filed January 11, 1961, and amended February 9, 1961, the Robert Dollar Co. of California (RDCO), Dollar Associates, Inc. (Associates), and Dollar Lines, Ltd. (Lines) request the Board to approve, pursuant to section 408 of the Federal Aviation Act of 1958 (the Act), the acquisition of control of Hangar Four Corp. (Hangar Four).[1] South Pacific Air Lines, Inc. (SPAL) and the above-named individual applicants also request approval, under section 409 of the Act, of proposed interlocking relationships with Hangar Four, as indicated below:

[1] RDCO owns 81 percent of the stock of Associates; Associates owns 100 percent of the stock of the 1880 Corporation (1880 Corp.) and 95 percent of the stock of Lines; Lines owns 81 percent of the stock of SPAL. The control of SPAL, an air carrier, by the Dollar system of affiliated and subsidiary companies was last approved by Order E–12982, dated September 17, 1958 (Docket 8698, et al.). Such approval was made subject, inter alia, to conditions that transactions between any of the companies and SPAL exceeding $50,000 shall not be effected without prior Board approval; that the books of the companies show the nature and amount of intercompany transactions; that the approval shall not be deemed a determination of reasonableness of the financial arrangements for rate-making purposes; that the approval shall not extend to relationships with Pacific Mail Streamship Co. should that company be reactivated as a common carrier; and that jurisdiction under 408 and 409 be retained. The interlocking relationships of the individual applicants herein with the Dollar companies, other than Hangar Four, were approved by Orders E–12982 and E–15699.

	Hangar Four	SPAL
R. Stanley Dollar, Jr.	President and Director.	Chairman of Board.
Gregory A. Harrison, Jr.	Director	Treasurer.
R. P. Seeley	Secretary	Secretary.

The application states that Hangar Four presently operates as a division of 1880 Corp. and is engaged in aircraft maintenance work at Oakland, Calif., principally in connection with an aircraft owned by 1880 Corp. and leased to another air carrier.[2] Hangar Four, according to applicants, does no work at the present time on aircraft operated by SPAL but it conceivably may do so in the future. In that event, applicants state that the charges for such services will be the same as those to others.

The authorized stock of Hangar Four will consist of 100,000 shares of no par value, of which 20,000 shares will be issued as follows: 5,000 shares (25 percent) to 1880 Corp., 11,366 shares (56.8 percent), to RDCO, and 3,634 shares (18.2 percent) to Lines. The establishment of Hangar Four as a separate corporate entity is desirable, according to applicants, primarily because of dissimilarity between its operations and the aircraft leasing activities of 1880 Corp., and the possible future advantages of performing the services through a separate company should it become desirable to dispose of Hangar Four.

No objections to the transaction have been received.

As indicated below, the Board has previously found that the control and interlocking relationships between SPAL, 1880 Corp. and other companies within the Dollar system were not adverse to the public interest. It does not appear that the activities of 1880 Corp. have changed in any significant manner since that time or that the transfer of certain functions of 1880 Corp. to a new corporation, i.e., Hangar Four, presents any substantive issues not earlier considered by the Board. Accordingly, in consideration of the foregoing facts and conclusions, the Board finds that Hangar Four is a person engaged in a phase of aeronautics within the meaning of sections 408 and 409 of the Act, and that, insofar as section 408 is concerned, the establishment and control of Hangar Four as a separate corporation is not adverse to the public interest, will not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation and will not create a monopoly or tend to restrain competition, and that no person disclosing a substantial interest is currently requesting a hearing. The Board also finds that a due showing has been made under section 409 that the above-described interlocking relationships of R. Stanley Dollar, Jr., Gregory A. Harrison, Jr., and R. P. Seeley with Hangar Four and SPAL are not adverse to the public interest. Approval of all such relationships therefore appears warranted if made subject to the conditions contained in ordering paragraph 3 of Order E–12982 dated September 17, 1958.

In view of the foregoing, the Board tentatively finds that the control relationships involved herein should be approved and intends to approve them under section 408 without a hearing pursuant to the provisions of section 408(b). In accordance therewith, this order constituting notice of such intention will be published in the FEDERAL REGISTER, and interested persons will be afforded an opportunity to comment on the Board's tentative decision.[3]

Therefore, it is ordered:

1. That this order be published in the FEDERAL REGISTER;

2. That the Attorney General be furnished a copy of this order within one day of its publication; and

3. That interested persons are afforded a period of fifteen days within which to file comments with respect to the Board's proposed action herein.[4]

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 61–6390; Filed, July 6, 1961; 8:56 a.m.]

[Docket No. 11022; Order No. E–17073]

CALIFORNIA FLORAL TRAFFIC CONFERENCE ET AL.

Complaint Against Certain Tariff Liability Rules; Order of Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 30th day of June 1961.

A complaint was filed with the Board on December 1, 1959, on behalf of the California Floral Traffic Conference, J. A. Axell, Inc., Golden Gate Wholesale Florists, Inc., Buford W. Hall Wholesale Florists, Lee Brothers Wholesale Florists, Inc., Mt. Eden Nursery, Santa Barbara Flower Growers, Inc., Dominic Tassano, United Wholesale Florists of California, Inc., and Vinson & Fortiner. The complaint alleged that the members of the Conference and the other complainants are shippers of flowers in interstate air commerce and that certain tariff rules[1] are unjust and unreasonable and subject certain descriptions of traffic in air transportation to unjust discrimination and to undue and unreasonable prejudice and disadvantage, in violation of section 404 of the Federal Aviation Act of 1958.

An answer to the complaint was filed on behalf of American Airlines, Inc., Braniff Airways, Inc., Capital Airlines, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., The Flying Tiger Line Inc., Mohawk Airlines, Inc., National Airlines, Inc., New York Airways, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Trans-Texas Airways, Inc., Trans World Airlines, Inc., and Western Air Lines, Inc. Other answers to the complaint were filed on behalf of Aaxico Airlines, Inc., Eastern Air Lines, Inc., Riddle Airlines, Inc., Slick Airways, Inc., and United Air Lines, Inc. The respondents moved to dismiss the complaint, contending that the subject rules are just, reasonable, justly discriminatory, protective of the shipper's interest, and that complainants did not support their complaint with a "full factual analysis" as required by Rule 502 of the Board's rules of practice.[2]

The Board has long been of the view that restrictive rules beyond those found in the common law present significant questions of lawfulness without an adequate showing that such restrictions are necessary because of conditions peculiar to air transportation.[3] Indeed, numerous rules complained of herein were included in Docket 4059, In the matter of the investigation of Tariff Liability Rules, the original investigation instituted in 1949.[4] Litigation in State and Federal courts[5] in recent years indicates that such rules are sometimes used to defeat claims for loss, damage, or delay to goods shipped in interstate air commerce. The instant complaint is an indication of the concern of a segment of the shipping public as to carrier liability rules; in this context the facts stated in the complaint are sufficiently clear to grant the prayer for investigation. Accordingly, the Board believes that it is appropriate that an investigation as requested by complainants[6] should go forward at this time and thus provide both complainants and respondents with the opportunity to

[2] The acquisition of 1880 Corp. by Associates was approved by Order E–11505, dated June 28, 1957 (Docket 8789). Subsequently, by Order E–12982 issued September 17, 1958, the Board approved the transfer of such interest from Associates to Lines. Thereafter, by Order E–14608, dated November 3, 1959 (Docket 10531), the Board approved the acquisition by Lines of all of the assets of 1880 Corp. However, the applicants herein state that it has been decided, "for the present", not to liquidate the 1880 Corp. as was earlier planned.

[1] Contained in Agent B. H. Smith's Official Air Freight Rules Tariff C.A.B. No. 13, in Airborne Freight Corporation Rules Tariff C.A.B. No. 3, and in Shulman, Inc. Air Freight Forwarder Rules Tariff C.A.B. No. 9.

[3] Further action on the interlocking relationships under section 409 will be deferred pending final resolution of the control relationships which are subject to section 408.

[4] Such comments shall in all respects conform to the requirements of the Board's rules of practice for the filing of documents.

[2] 14 CFR 302.502. Aaxico Airlines, Inc. moved to dismiss the complaint as to it on the basis that it has never engaged in this traffic and has suspended operation of its route. In that Aaxico is still listed as a participating carrier in B. H. Smith's Rules Tariff C.A.B. No. 13, however, Aaxico's motion will be denied.

[3] Pan American World Airways et al., Conditions of Carriage, 24 C.A.B. 575 (1957).

[4] Order E–3183, August 26, 1949.

[5] E.g., Rosch v. United Air Lines, 146 F. Supp. 266 (U.S.D.C.S.D.N.Y., 1956); Killian v. Frontier Airlines, 150 F. Supp. 17 (U.S.D.C. D.Wyo., 1957); Alco-Gravure Div. of Pub. Corp. v. American Airlines, 173 F. Supp. 752 (U.S.D.C.D.Md., 1959); Modern Whsle. Florist v. Braniff Int. Airways, Inc., 342 S.W. 2d 225 (Tex. Ct. Civ. App., 1960).

[6] The investigation instituted herewith embraces those rules specifically mentioned in the complaint and similar rules of respondents Airborne Freight Corporation and Shulman, Inc. Rules formerly maintained by respondents, The Flying Tiger Line Inc. and Slick Airways, Inc. cited in paragraph XII of the complaint were canceled prior to the date of the complaint and are not separately enumerated herein.

provide the Board with a full factual record upon which to consider the issues herein.

Therefore, pursuant to the provisions of the Federal Aviation Act of 1958, particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the tariff rules, or any of them, as enumerated in the appendix set forth below, together with revisions and reissues thereof, and the practices in interstate and overseas air transportation of the air carriers under such rule or rules, are, or will be, unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and, if found to be so, to determine and prescribe the lawful rule, rules, and practices.

2. This investigation will be set for hearing before an Examiner of the Board at a time and place hereafter to be designated.

3. The motions to dismiss the complaint are denied.

4. A copy of this order shall be served upon complainants California Floral Traffic Conference, and J. A. Axell, Inc., Golden Gate Wholesale Florists, Inc., Buford W. Hall Wholesale Florists, Lee Brothers Wholesale Florists, Inc., Mt. Eden Nursery, Santa Barbara Flower Growers, Inc., Dominic Tassano, United Wholesale Florists of California, Inc., and Vinson & Fortiner and upon the following air carriers, who are made parties to this proceeding:

Aaxico Airlines, Inc.
Alaska Airlines, Inc.
Allegheny Airlines, Inc.
American Airlines, Inc.
Bonanza Air Lines, Inc.
Braniff Airways, Inc.
Central Airlines, Inc.
Continental Air Lines, Inc.
Delta Air Lines, Inc.
Eastern Air Lines, Inc.
The Flying Tiger Line Inc.
Frontier Airlines, Inc.
Lake Central Airlines, Inc.
Mohawk Airlines, Inc.
National Airlines, Inc.
New York Airways, Inc.
North Central Airlines, Inc.
Northeast Airlines, Inc.
Northwest Airlines, Inc.
Ozark Air Lines, Inc.
Pacific Air Lines, Inc.
Pacific Northern Airlines, Inc.
Piedmont Aviation, Inc.
Riddle Airlines, Inc.
Slick Airways, Inc.
Southern Airways, Inc.
Trans-Texas Airways, Inc.
Trans World Airlines, Inc.
United Air Lines, Inc.
West Coast Airlines, Inc.
Western Air Lines, Inc.
Airborne Freight Corp.
Shulman, Inc.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board

[SEAL] HAROLD R. SANDERSON,
Secretary.

APPENDIX

1. Rules appearing in Agent B. H. Smith's Official Air Freight Tariff C.A.B. No. 13:

Rule	*Appearing on*
2.6(b)	3d Rev. p. 13.
3.2(b)	13th Rev. p. 15.
3.3(a)	16th Rev. p. 16.
4.3(a)–5	15th Rev. p. 20.
3.7 (a), (c)	4th Rev. p. 17.
3.10	3d Rev. p. 18.
6.2(a)	11th Rev. p. 26.

2. Rules appearing in Airborne Freight Corporation (Airborne Flower & Freight Traffic, Inc. Series) Official Airfreight Forwarder Rules Tariff C.A.B. No. 3:

Rule	*Appearing on*
3.1(a) 1–4, 6, 8, 9	2d Rev. p. 13.
3.1 (a) 11, (b), (d)	5th Rev. p. 14.
3.3, 3.4, 3.6	2d Rev. p. 15.
3.7	1st Rev. p. 17.
3.8(c)	1st Rev. p. 17.
3.8(d)	2d Rev. p. 18.
5.2	12th Rev. p. 20. 15th Rev. p. 21.
Notes A and B	6th Rev. p. 21–A. 2d Rev. p. 21–B.
7.1(c)	4th Rev. p. 27.
7.1(g)	4th Rev. p. 28.

3. Rules appearing in Shulman, Inc.'s Air Freight Forwarder Rules Tariff C.A.B. No. 9:

Rule	*Appearing on*
3.2	Orig. p. 8.
4.4	8th Rev. p. 10.
5.1	Orig. p. 11.

[F.R. Doc. 61–6391; Filed, July 6, 1961; 8:56 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 61–FW–39]

PROPOSED RADIO ANTENNA STRUCTURE

Notice of No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted an aeronautical study to determine its effect upon the utilization of airspace: Mr. Rogers L. Dennis of Dennis 2-Way Radio, Abilene, Texas, proposes to construct a radio antenna structure near Trent, Texas, at latitude 32°26'45" north, longitude 100°11'18" west. The overall height of the structure would be 2,930 feet above mean sea level (400 feet above ground).

No aeronautical objections were made in response to circularization. The aeronautical study by this Agency revealed that the structure would require an increase from 3,800 feet MSL to 3,900 feet MSL in the Instrument Flight Rules minimum en route altitude on the segment of VOR Federal airway No. 16 between the Big Spring, Texas, VOR and the Abilene, Texas, VOR, and an increase from 3,600 feet MSL to 3,900 feet MSL in the IFR minimum obstruction clearance altitude on the segment of VOR Federal airways Nos. 16 south and 66 between the Lazy X, Texas, intersection and the Abilene VOR. The Agency study further disclosed that these factors would have no substantial adverse effect upon aeronautical operations.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

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 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 29, 1961.

LEE E. WARREN,
Acting Director,
Bureau of Air Traffic Management.

[F.R. Doc. 61–6315; Filed, July 6, 1961; 8:45 a.m.]

[OE Docket No. 61–FW–44]

PROPOSED RADIO ANTENNA STRUCTURE

Notice of No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the utilization of airspace: Talquin Electric Cooperative, Inc., Quincy, Florida, proposes to erect a radio antenna structure near Quincy, Florida, at latitude 30°34'34" north, longitude 84°36'02" west. The overall height of the structure would be 535 feet above mean sea level (310 feet above ground).

No aeronautical objections were made in response to the circularization. The proposed structure would be located 3.1 miles southwest of the center of the Quincy Airport, Quincy, Florida, and would penetrate the inner conical surface of the Joint Industry/Government Tall Structures Committee criteria by 80 feet, as applied to this airport. However, the Agency study revealed that this factor would not adversely affect air traffic operations at the Quincy Airport. Additionally, the proposed structure would require an increase from 1300 feet above mean sea level to 1500 feet above mean sea level in the procedure turn altitude for the low frequency range standard instrument approach procedure for the Tallahassee Municipal Airport. The study further disclosed that this increase in procedure turn altitude would not require aircraft executing this approach to exceed a safe rate of descent.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

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 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 30, 1961.

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

[F.R. Doc. 61-6316; Filed, July 6, 1961; 8:45 a.m.]

[OE Docket No. 61-FW-48]

PROPOSED RADIO ANTENNA STRUCTURE

Notice of No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the utilization of airspace: Radio Station WAAA, Winston-Salem, North Carolina, proposes to construct a radio antenna structure near Winston-Salem, North Carolina at latitude 36°09'15" north, longitude 80°-16'36" west. The overall height of the antenna structure would be 1186 feet above mean sea level (256 feet above ground).

No objections were made in response to the circularization. The aeronautical study by this Agency disclosed that the structure would be located approximately 3 miles west/northwest of the Smith-Reynolds Airport, Winston-Salem, North Carolina, and would penetrate the Agency's criteria outlined in TSO-N18, paragraph B.2, as applied to this airport, by 47 feet. There is an existing tower 1193 feet above MSL between the proposed site and the Smith-Reynolds airport. Therefore, the proposed structure would, in effect, be shielded with respect to the airport by an existing structure of a permanent and substantial character, and the penetration of the above criteria would not adversely affect air traffic operations at the Smith-Reynolds Airport.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, I find that the proposed structure, at the location and mean sea level elevation specified herein, would have no 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 obstruction marked and lighted in accordance with applicable standards.

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

Issued in Washington, D.C., on June 30, 1961.

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

[F.R. Doc. 61-6317; Filed, July 6, 1961; 8:45 a.m.]

[OE Docket No. 61-KC-48]

PROPOSED RADIO ANTENNA STRUCTURE

Notice of No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the utilization of airspace: The Department of Conservation, State of Indiana, Indianapolis, Indiana, proposes to construct a radio antenna structure near North Vernon, Indiana, at latitude 38°59'50" north, longitude 85° 37'03" west. The overall height of the structure would be 1,060 feet above mean sea level (315 feet above ground).

No aeronautical objections were made in response to the circularization. The proposed structure would be located 3.3 miles south of the center of the St. Anne Airport, North Vernon, Indiana. The aeronautical study by this Agency disclosed that the structure would exceed this Agency's TSO-N18 criteria and would penetrate the inner conical surface of the Joint Industry/Government Tall Structures Committee criteria by 55 feet as applied to this airport. However, the study also revealed that these factors would not adversely affect aeronautical operations at the St. Anne Airport.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

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

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

Issued in Washington, D.C., on June 30, 1961.

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

[F.R. Doc. 61-6318; Filed, July 6, 1961; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

CENTRAL WISCONSIN BANKSHARES, INC.

Order Approving Application

In the matter of the application of Central Wisconsin Bankshares, Inc., for prior approval of action to become a bank holding company under section 3(a)(1) of the Bank Holding Company Act of 1956.

There having come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) and section 4(a)(1) of the Board's Regulation Y (12 CFR 222.4(a)(1)), an application by Central Wisconsin Bankshares, Inc., a Wisconsin corporation with its principal office in Wausau, Wisconsin, for the Board's prior approval of action whereby Applicant would become a bank holding company through the acquisition of 80 percent or more of the outstanding voting shares of First American State Bank and Wisconsin Valley Trust Company, both of which are located in Wausau; a notice of receipt of application having been published in the FEDERAL REGISTER on February 8, 1961 (26 F.R. 1135), which notice provided for the filing of comments and views regarding the proposed acquisition; the time provided by the notice of filing comments and views having expired and no comments or views having been filed; and the Board having considered fully the record in this matter;

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that the said application be, and hereby is, granted, and the acquisition by Central Wisconsin Bankshares, Inc., of 80 percent or more of the outstanding voting shares of First American State Bank and Wisconsin Valley Trust Company is hereby approved, provided that such acquisition is completed within three months from the date hereof.

Dated at Washington, D.C., this 28th day of June 1961.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 61-6364; Filed, July 6, 1961; 8:52 a.m.]

MARINE CORP.

Order Denying Application

In the matter of the application of The Marine Corporation for prior approval of acquisition of voting shares of Wisconsin State Bank, Milwaukee, Wisconsin.

There having come before the Board of Governors pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) and section 4(a)(2) of the Board's Regulation Y (12 CFR 222.4(a)(2)), an application by The Marine Corporation for the Board's prior approval of the acquisition of 80 percent or more of the 22,500 outstanding voting shares of Wisconsin State Bank, Milwaukee, Wisconsin; a Notice of Receipt

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Chicago. Dissenting statement of Governor Robertson also filed as part of the original document and available upon request.

of Application having been published on August 17, 1960 (25 Federal Register 7898), affording interested persons an opportunity to submit comments and views regarding the proposed acquisition; and a Statement in Opposition to the approval of this application having been filed by the United States Department of Justice and considered by the Board;

It is hereby ordered, For the reasons set forth in the Board's Statement [1] of this date, that the said application be and hereby is denied.

Dated at Washington, D.C., this 29th day of June 1961.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 61-6363; Filed, July 6, 1961; 8:52 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3842]

BLACK BEAR INDUSTRIES, INC.

Order Summarily Suspending Trading

JUNE 30, 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, July 3, 1961, to July 12, 1961, both dates inclusive.

By the Commission.

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

[F.R. Doc. 1-6382; Filed, July 6, 1961; 8:55 a.m.]

[1] Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Chicago. Dissenting statement of Governor Mills, in which Governor King joins, also filed as part of the original document and available upon request.

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 398]

POSTMASTER GENERAL

Authority To Perform Certain Building Operation, Maintenance, and Protection Functions

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, authority is hereby delegated to the Postmaster General to perform the functions of building operation, maintenance, and protection of the Federal Building in Beaver, Pennsylvania.

2. The authority hereby delegated shall be exercised in accordance with all applicable laws, and regulations of the General Services Administration in effect on the date of such exercise.

3. The authority herein delegated may be redelegated to any officer or employee of the Post Office Department.

4. This delegation of authority shall be effective as of November 1, 1960.

BERNARD L. BOUTIN, *Acting Administrator.*

JUNE 28, 1961.

[F.R. Doc. 61-6378; Filed, July 6, 1961; 8:54 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 3, 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. 37233: *Substituted service—Rail carrier service for motor carrier service.* Filed by Middlewest Motor Freight Bureau, Agent (No. 320), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between points in middlewest territory (including Alaska and Canada); between points in middlewest territory (including Alaska and Canada), on the one hand, and points in central states and southwestern territories, on the other; and between points in southwestern territory, on the one hand, and points in central states territory, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Middlewest Motor Freight Bureau tariff MF-I.C.C. 353 and supplement 8 thereto.

FSA No. 37234: *Silica sand from Illinois points to New Orleans, La.* Filed by Illinois Freight Association, Agent (No. 146), for interested rail carriers. Rates on silica sand, as described in the application, in carloads, from Ottawa, Utica and Wedron, Ill., to New Orleans, La.

Grounds for relief: Market competition.

Tariff: Supplement 9 to Illinois Freight Association tariff I.C.C. 921.

By the Commission.

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

[F.R. Doc. 61-6354; Filed, July 6, 1961; 8:50 a.m.]

[Notice 517]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 3, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 35361. By order of June 28, 1961, the Transfer Board approved the lease to Ral Food Products Corp., Kearny, N.J., of Permit No. MC 59692, issued August 6, 1958, to Emery Csap, doing business as Madison Trucking Company, Garfield, N.J., authorization of: Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, equipment, materials and supplies used in the conduct of such business, between points in Pennsylvania, New Jersey and New York within a specified territory, and between points in the Pennsylvania, New Jersey and New York territory on the one hand, and, on the other, points in Bronx, Kings, Queens, Nassau, New York, and Richmond Counties, N.Y., and those in Hudson, Bergen, and Essex Counties, N.J.; and fruits, vegetables, farm products, poultry and sea food, from points in the grape-producing district of Ulster County, N.Y., and the fruit-producing district of Hunterdon County, N.J., to points in the above-specified territory. Emanuel Thebner, 51 Chambers Street, New York 7, N.Y., attorney for applicants.

No. MC–FC 64018. By order of June 28, 1961, the Transfer Board approved the transfer to Crockett's Van & Storage, Inc., 522 B Street, San Rafael, Calif., of Certificate in No. MC 96236, issued November 28, 1956, to Marshall H. Keyes, doing business as Crockett's Van and Storage, 522 B Street, San Rafael, Calif., authorizing the transportation of: household goods, between San Rafael, Calif., on the one hand, and, on the other, points within 50 miles of San Rafael.

No. MC–FC 64020. By order of June 28, 1961, the Transfer Board approved the transfer to William Hawthorne and Mary H. Wiegand, a partnership, doing business as Hawthorne & Co., Philadelphia, Pa., of Certificate in No. MC 69038, issued August 16, 1950 to Walter Rasmussen, doing business and C. Rasmussen & Sons, Fords, N.J., authorizing the transportation of: machinery, building contractors' supplies, and stacks, between points in New Jersey, on the one hand, and, on the other, points in that part of New York and Pennsylvania, within 150 miles of Fords, N.J., and Tanks, between New York, N.Y., and points in Westchester County, N.Y., on the one hand, and, on the other, points in New Jersey. Jacob Polin, 426 Barclay Building, Bala-Cynwyd, Pa., representative for applicants.

No. MC–FC 64022. By order of June 28, 1961, the Transfer Board approved the transfer to Charles Chrin and Nicholas Chrin, doing business as Chrin Bros., Easton, Pa., of Certificate No. MC 2053, issued May 2, 1955, to Henry B. Shober, Easton, Pa., authorizing the transportation of: Loose bulk commodities, in dump trucks, between points in New Jersey and Pennsylvania within 25 miles of Easton, Pa., including Easton; and household goods, between Easton, Pa., and points within 25 miles of Easton, on the one hand, and, on the other, points in New York, New Jersey, Delaware, Maryland, Pennsylvania, Massachusetts, Connecticut, Rhode Island, Virginia, and the District of Columbia, and between Easton, Pa., and points within 25 miles of Easton, on the one hand, and, on the other, points in Massachusetts, Rhode Island, Connecticut, New York, Ohio, New Jersey, Delaware, Maryland, Virginia and the District of Columbia. Andrew L. Herster, Jr., 304 Northampton Natl. Bank Building, Easton, Pa., attorney for applicants.

No. MC–FC 64085. By order of June 28, 1961, the Transfer Board approved the transfer to Walter Adlam, doing business as Venango Trucking Company, Jenkintown, Pa., of Permit in No. MC 107723, issued January 16, 1947, to Walter Adlam and J. Kenneth Adlam, a partnership, doing business as Venango Trucking Company, Jenkintown, Pa., authorizing the transportation of: Steel bars, straight and fabricated rods, in coils and fabricated, structural steel, plain and fabricated, sheet piling, column forms and fittings, wire, in coils and fabricated, wire rope, and wire fittings, strand and guy rope, wire rope reels, guard rail cable, steel joists, fabricated, bolts, nuts, and nails, from Philadelphia Pa., to Wilmington, Del., and points in New Jersey; and, Column forms and fittings, wire rope reels, and rejected articles, from Wilmington, Del., and points in New Jersey, to Philadelphia. W. Alan Baird, 1600 Three Penn Center Plaza, Philadelphia 2, Pa., attorney at applicants.

No. MC–FC 64112. By order of June 28, 1961, the Transfer Board approved the transfer to M. Savino Express Incorporated, 21 St. Benedict Circle, Stamford, Conn., of Certificates Nos. MC 69130 and MC 69130 Sub 1 issued March 22, 1941 and March 23, 1949 to Frank J. Schanz, 1476 Hope Street, Stamford, Conn., authorizing the transportation, over irregular routes, of household goods, between Old Greenwich, Conn., and points in Connecticut within 10 miles of Old Greenwich, on the one hand, and, on the other, points in New York.

No. MC–FC 64237. By order of June 28, 1961, the Transfer Board approved the transfer to Bond Transfer and Storage Company, Inc., Columbus, Miss., of Certificate in No. MC 77572, issued June 30, 1937, to A. N. Gault, Columbus, Miss., authorizing the transportation of: Household goods, farm products, and livestock, over irregular routes, between points in Lowndes County, Miss., on the one hand, and, points in Alabama, on the other. Dudley R. Carr, Box 234, Tupelo, Miss., attorney for applicants.

No. MC–FC 64255. By order of June 28, 1961, the Transfer Board, approved the transfer to Harry P. Engelke, doing business as Panama Moving & Storage, 1254 S. Brand Blvd., Glendale, Calif., of Certificate No. MC 62124 issued September 3, 1940, to Harry W. Engelke, doing business as Panama Transfer Co., 1254 S. Brand Blvd., Glendale, Calif., authorizing the transportation, over irregular routes, of household goods, between Los Angeles and Los Angeles Harbor, Calif., on the one hand, and, on the other, Glendale, Calif., and points in California within 10 miles of Glendale.

No. MC–FC 64258. By order of June 28, 1961, the Transfer Board approved the transfer to Bloomsdale Transport, Inc., Bloomsdale, Mo., of Certificate in No. MC 119775, issued April 4, 1961, to Bloomsdale Excavating Company, Incorporated, Bloomsdale, Mo., authorizing the transportation of: Lime and lime products, in bulk, from Mosher and Ste. Genevieve, Mo., to points in Arkansas, Indiana, and Tennessee; lime and lime products, in bags, from Mosher and Ste. Genevieve, Mo., to Chicago, Ill., and points in Arkansas, Indiana, Iowa, Kentucky, and Tennessee (except Memphis, Tenn.). Herman W. Huber, 101 East High Street, Jefferson City, Mo., attorney for Applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 61–6355; Filed, July 6, 1961; 8:51 a.m.]

CUMULATIVE CODIFICATION GUIDE—JULY

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during July.