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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Federal Home Loan Bank Board

Effective upon publication in the FEDERAL REGISTER, paragraph (e) of § 6.357 is amended as set out below.

§ 6.357 Federal Home Loan Bank Board.

(e) Two secretaries to the Chairman of the Board.

(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. 61-8036; Filed, Aug. 21, 1961;
8:48 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

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

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Corn Loan and Purchase Agreement Program

Correction

In F.R. Doc. 61-7645, appearing at page 7248 of the issue for Friday, August 11, 1961, the numeral "9" in the last line of the table of § 421.240(b) should read "0", so that the line reads as follows: "Above 21.0—No loan."

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Soybeans]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Soybean Loan and Purchase Agreement Program

Correction

In F.R. Doc. 61-7648 appearing at page 7252 of the issue for Friday, August 11, 1961, the table appearing in paragraph (a) of § 421.537 is corrected as follows:
1. Under "Illinois", the county presently reading "Yake" is corrected to read "Lake".

2. Under "Minnesota" the "Rate per bushel" for Carver County presently reading "\$2.32" is corrected to read "\$2.23".

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER H—DETERMINATION OF WAGE RATES

[Sugar Determination 863.13]

PART 863—SUGARCANE; FLORIDA

Fair and Reasonable Wage Rates for Persons Employed in Production, Cultivation, or Harvesting

Pursuant to the provisions of section 301(c) (1) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation and consideration of the evidence obtained at the public hearing held in Clewiston, Florida on May 10, 1961, the following determination is hereby issued:

§ 863.13 Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Florida.

(a) *Requirements.* A producer of sugarcane in Florida shall be deemed to have complied with the wage provisions of the act if all persons employed on the farm in production, cultivation, or harvesting work shall have been paid in accordance with the following:

(1) *Wage rates.* All such persons shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the worker but not less than the following:

(i) *For work performed on a time basis.*

	Rate per hour
(a) Tractor drivers and operators of mechanical harvesting or loading equipment	\$1.00
(b) All other workers	0.90

(ii) *For work performed on a piecework basis.* The piecework rate for any operation shall be as agreed upon between the producer and the worker: *Provided*, That the hourly rate of earnings of each worker employed on piecework during each pay period (such pay period not to be in excess of two weeks) shall average for the time involved not less than the applicable hourly rate prescribed in subdivision (i) of this subparagraph.

(2) *Compensable working time.* For work performed under subparagraph (1) of this paragraph, compensable working time includes all time which the worker spends in the performance of his duties except time taken out for meals during

the work day. Compensable working time commences at the time the worker is required to start work and ends upon completion of work in the field. However, if the producer requires the operator of mechanical equipment, driver of animals or any other class of worker to report to a place other than the field, such as an assembly point or tractor shed, located on the farm, the time spent in transit from such place to the field and from the field to such place is compensable working time. Any time spent in performing work directly related to the principal work performed by the workers, such as servicing equipment, is compensable working time. Time of the worker while being transported from a central recruiting point or labor camp to the farm is not compensable working time.

(3) *Equipment necessary to perform work assignment.* The producer shall furnish without cost to the worker any equipment required in the performance of any work assignment. However, the worker may be charged for the cost of such equipment in the event of its loss or destruction through negligence of the worker. Equipment includes, but is not limited to, hand and mechanical tools and special wearing apparel, such as boots and raincoats, required to discharge the work assignment.

(b) *Workers not covered.* The requirements of this determination are not applicable to workers performing services which are indirectly connected with production, cultivation, or harvesting of sugarcane, including but not limited to mechanics, welders, and other maintenance workers and repairmen.

(c) *Proof of compliance.* The producer shall furnish, upon request, to the appropriate Agricultural Stabilization and Conservation County Committee acceptable and adequate proof which satisfies the Committee that all workers have been paid in accordance with the requirements of this determination.

(d) *Subterfuge.* The producer shall not reduce the wage rates to workers below those determined in accordance with the requirements of this section through any subterfuge or device whatsoever.

(e) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this determination may file a wage claim with the local County Agricultural Stabilization and Conservation Committee against the producer on whose farm the work was performed. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed. Detailed instructions and wage claim forms are available at the local County ASCS office. Upon receipt of a wage claim the County office shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker. The County ASC Committee

shall arrange for such investigation as it deems necessary and the producer and worker shall be notified in writing of its recommendation for settlement of the claim. If either party is not satisfied with the recommended settlement, an appeal may be made to the State Agricultural Stabilization and Conservation Committee, 412 Northeast 16th Avenue, Gainesville, Florida, which shall likewise consider the facts and notify the producer and worker in writing of its recommendation for settlement of the claim. If the recommendation of the State ASC Committee is not acceptable, either party may file an appeal with the Director of the Sugar Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington 25, D.C. All such appeals shall be filed within 15 days after receipt of the recommended settlement from the respective committee, otherwise such recommended settlements will be applied in making payments under the act. If a claim is appealed to the Director of the Sugar Division, his decision shall be binding on all parties insofar as payments under the act are concerned.

(f) *Effective period.* The provisions of this section supersede Sugar Determination 863.12 (24 F.R. 5364) and shall become effective on the date of publication in the FEDERAL REGISTER and shall remain in effect until amended, superseded, or terminated.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination provides fair and reasonable wage rates to be paid for work performed by persons employed on the farm in the production, cultivation, or harvesting of sugarcane in Florida as one of the conditions with which producers must comply to be eligible for payments under the act.

(b) *Requirements of the act and standards employed.* Section 301(c) (1) of the act requires that all persons employed on the farm in the production, cultivation, or harvesting of sugarcane with respect to which an application for payment is made, shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determinations the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended (i.e., cost of living, prices of sugar and by-products, income from sugarcane, and cost of production), and the differences in conditions among various sugar-producing areas.

(c) *Wage determination.* This determination differs from the prior determination in that the minimum time wage rates for all classes of workers are increased 10 cents per hour. This results in rates for tractor drivers and operators of mechanical harvesting or loading equipment of \$1.00 per hour and for all other workers 90 cents per hour.

A public hearing was held in Clewiston, Florida, on May 10, 1961, at which inter-

ested persons were afforded the opportunity to present testimony as to whether the minimum wage rates, which became effective July 2, 1959, should be continued under existing circumstances, or whether the determination should be amended. Representatives of producers recommended that the minimum wage rates be continued. The representative of one producer also recommended that a producer be deemed to be in compliance with the minimum hourly guarantee requirements, if 90 percent of the workers employed on a piecework basis for any kind of work earn not less than the minimum hourly rate. The witness testified that during the last few years the margin between the determination hourly rate and average piecework earnings of workers had fallen from 29.4 to 18.1 cents per hour, and that there was some evidence of decreased worker efficiency as a result of this decline in the ratio of time versus incentive basis earnings; that about 85 percent of the fieldworkers employed by his company were brought in from foreign areas; that most workers are employed on a piecework basis for cutting sugarcane; and that the minimum rates for sugarcane work are above the prevailing rates for other crops in the area. The witness pointed out that fringe benefits (insurance and retirement plan) are made available to sugarcane workers at a cost to the company of about 13 percent of each worker's hourly earnings. Another producer representative stated that all sugarcane cutters employed by his company were from the British West Indies and the hourly earnings averaged 92.4 cents per hour for an average work day of 5½ hours which is shorter than has been customary; that operators of mechanical equipment were mostly domestic workers; that tractor drivers earned from 90 cents to \$1.28 per hour while cane loader operators averaged about \$1.57 per hour including bonus pay; and that the minimum hourly wage has reached a level that causes the worker to lose interest in the piecework basis. An independent producer testified that unless piecework rates are increased proportionately to hourly rates, workers will be reluctant to work on a piecework basis or to do much work during the day since he is protected by the minimum hourly guarantee; that during recent years wage rates have increased greatly in comparison to the price of sugar; and that he paid tractor drivers 90 cents per hour and cane loaders 90 cents per hour plus a bonus. Another independent producer stated that production costs have continually increased while the price of sugar has been stable; that he employed tractor drivers and operators of cane loaders at 90 cents to \$1.00 per hour; and that cane cutters employed on a piecework (row) basis worked about 6 hours per day while cultivation workers on a time basis of 80 cents per hour worked 10 hours per day. No testimony was presented on behalf of sugarcane fieldworkers.

Consideration has been given to the recommendations made at the hearing, to the returns, costs, and profits of producing sugarcane obtained by field sur-

vvey in a prior year and recast to reflect prospective conditions for the 1961 crop, and to other pertinent factors. Analysis of these data indicate that the wage rates established in this determination are within the producers' ability to pay.

The cutting of sugarcane is on a piecework basis and the earnings of most of these workers averaged from about 92 cents to 98 cents per hour during the 1960-61 season as compared to the minimum rate of 80 cents per hour. The hourly rates for tractor drivers ranged from 90 cents to \$1.28 per hour and the earnings, including bonus payment, of cane loader operators ranged up to \$1.85 per hour. Cultivation workers were employed on a time basis at the minimum hourly rate of 80 cents or on a task basis where the rate of pay was directly related to such minimum hourly rate. Continued favorable yields of sugarcane with high sugar content, improvements in production practices and in labor productivity have maintained a favorable economic position for producers for a number of years.

Producer representatives recommended that producers be deemed to be in compliance if 90 percent of the workers employed on a piecework basis earned not less than the minimum hourly rate specified for the applicable operation. In view of the requirements of the Act that all persons be paid in full at rates not less than those determined to be fair and reasonable, this recommendation has not been adopted.

This determination will continue in effect until it is amended, superseded, or terminated. However, the Department will reappraise the economic position of producers and workers as additional information becomes available and will hold public hearings at such times as conditions may warrant. A public hearing may also be held upon request of producers or of workers or their representatives, accompanied by a statement of justification or need for such a hearing. Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948, as amended.

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

Signed at Washington, D.C., on August 16, 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-8013; Filed, Aug. 21, 1961; 8:46 a.m.]

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

PART 900—GENERAL REGULATIONS

Miscellaneous Amendments

By virtue of the authority vested in the Secretary of Agriculture by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et

seq.), and by Executive Order No. 10199, December 22, 1950 (15 F.R. 9217), the following amendments to the general regulations issued thereunder (7 CFR 900.1 et seq.), as amended, are hereby promulgated:

1. The term "Deputy Administrator" is deleted wherever it appears in these regulations and the term "Administrator" is substituted in lieu thereof.

2. Sections 900.2(e), 900.51(e), and 900.200(e) are each amended to read as follows:

(e) The term "Administrator" means:

(1) As to programs relating to milk and tobacco and their products, the Administrator of the Agricultural Stabilization and Conservation Service and as to programs and proceedings relating to fruits, vegetables, hops and tree nuts, the Director of the Fruit and Vegetable Division of the Agricultural Marketing Service (with power to redelegate) or any officer or employee of the Department to whom authority has been delegated or may hereafter be delegated to act in their stead.

(2) As to programs and proceedings relating to all other commodities and their products, the powers, duties and responsibilities specified in this subpart for the Administrator are reserved to the Secretary, and the term "Administrator" shall mean the Secretary with respect thereto.

3. Sections 900.2(f), 900.51(f), and 900.200(f) are each hereby revoked.

4. Sections 900.101 (e), (f), and (g) are amended to read as follows:

(e) The term "Administrator" means the Administrator of the Agricultural Stabilization and Conservation Service (with power to redelegate) or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated to act in his stead.

(f) The term "Service" means the Agricultural Stabilization and Conservation Service of the Department.

(g) The term "Division" means the Milk Marketing Orders Division of the Service.

Done at Washington, D.C., this 16th day of August 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-8035; Filed, Aug. 21, 1961; 8:48 a.m.]

[Lemon Reg. 912, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

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

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

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

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.1019 (Lemon Regulation 912, 26 F.R. 7327) are hereby amended to read as follows:

(ii) District 2: 395,250 cartons.

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

Dated: August 17, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Agricultural Mar-
keting Service.

[F.R. Doc. 61-8010; Filed, Aug. 21, 1961; 8:46 a.m.]

PART 1026—CENTRAL CALIFORNIA GRAPES FOR CRUSHING

Order Regulating Handling

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AUTHORITY: §§ 1026.0 to 1026.85 issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

§ 1026.0 Findings and determinations.

(a) **Findings upon the basis of the hearing record.** Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and the applicable rules of practice and procedure, as amended (7 CFR Part 900), a public hearing was held at Fresno, California, May 22-24, 27, and 29-31, 1961, on a proposed marketing agreement and order regulating the handling of Central California grapes for crushing. On the basis of the evidence adduced at the hearing, 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 regulates 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, the marketing agreement and order upon which a hearing has been held;

(3) The said order is limited in its application to the smallest regional pro-

duction area which is practicable, consistently with carrying out the declared policy of the act and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of grapes for crushing in the area covered by the 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.

(b) *Additional findings.* It is hereby found on the basis hereinafter indicated that good cause exists for making the provisions of this order effective not later than the time hereinafter specified rather than postponing the effective time until 30 days after publication (5 U.S.C. 1001-1011). Since the 1961-62 marketing season for grapes for crushing has already begun, it will be necessary, upon the order becoming effective, for the Grape Crush Advisory Board, the Grape Crush Administrative Committee, and the Secretary to act promptly on organizational, marketing policy, and regulatory matters. However, action on these matters cannot be taken until the order becomes effective. Only a relatively small quantity of grapes for crushing from the 1961 production has been received and used to date by handlers but such handling will increase greatly in the near future. If a relatively large quantity of the 1961 production were received and used by handlers before order regulations could be applied to the handling thereof, effective control of any surplus of grapes for crushing that may be determined for the initial crop year of this regulatory program would not necessarily be assured. This would not be in the public interest as there would be impairment of opportunity to derive, in such year, orderly marketing benefits from volume regulation applied to grapes for crushing in both fresh and dried form. Hence, to afford opportunity for deriving beneficial results in the initial crop year, the order must become effective at the time hereinafter specified to permit taking the aforesaid actions promptly and to be applicable to the handling of substantially all of the grapes for crushing during such year. The public hearing in connection with the order was held at Fresno, California, May 22-24, 27, and 29-31, 1961, the recommended decision was published in the FEDERAL REGISTER on July 7, 1961 (26 F.R. 6085), and the final decision on August 3, 1961 (26 F.R. 6984). Copies of this order have been made available to all known interested persons. Thus the provisions of this order are well known to handlers of grapes for crushing. Accordingly, handlers need no further advance notice to prepare for compliance with the provisions of this order.

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

(1) A marketing agreement regulating the handling of Central California

grapes for crushing, upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping grapes for crushing or products thereof covered by this order) who, during the period July 1, 1960, through June 30, 1961, handled not less than 50 percent of the volume of grapes for crushing covered by this order; and

(2) The issuance of this order is favored or approved by at least two-thirds of the producers, as such term is defined in the order, who participated in a referendum on the question of its approval and who, during the period July 1, 1960, through June 30, 1961 (which has been determined to be a representative period), have been engaged, within the production area, in the production for market (production and use or sale) of grapes for crushing.

It is, therefore, ordered, That, on and after the effective time hereof the handling of Central California grapes for crushing shall be in conformity to and in compliance with the terms and conditions of this order, and such terms and conditions are as follows:

DEFINITIONS

§ 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 use or 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 estab-

lished 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 selected 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 set-aside items may be allocated if appropriate, in whole or in part, to funds obtained from set-aside 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 quali-

fications 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, or in the initial crop year as soon as practicable, 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, other than those resulting from Federal gallonage tax provisions, 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 set aside 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 un-

earned 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 han-

dler 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 disposing 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 sec-

tion 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 con-

currence 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.

Issued at Washington D.C. August 17, 1961, to become effective August 26, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61-8039; Filed, Aug. 21, 1961;
8:48 a.m.]

PART 1030—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREGON

Expenses and Fixing of Rate of Assessment for Fiscal Period 1961-62

Pursuant to the marketing agreement and Order No. 130 (7 CFR Part 1030), regulating the handling of fresh prunes grown in designated counties in Idaho and in Malheur County, Oregon, 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 proposals submitted by the Idaho-Malheur County, Oregon Fresh Prune Marketing Committee (established pursuant to said

marketing agreement and order), it is hereby found and determined that:

§ 1030.202 Expenses and rate of assessment for the fiscal period 1961-62.

(a) *Expenses:* The expenses that are reasonable and likely to be incurred by the Idaho-Malheur County, Oregon Fresh Prune Marketing Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal period beginning June 1, 1961, and ending May 31, 1962, will amount to \$3,750.

(b) *Rate of assessment:* The rate of assessment, which each handler who first handles prunes shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said marketing agreement and order is hereby fixed at one-fourth cent (\$0.0025) per one-half bushel of prunes so handled by such handler during such fiscal period.

(c) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, and engage in public rule-making procedure, and good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (1) the relevant provisions of said amended marketing agreement and this part require that rates of assessment fixed for a particular marketing year shall be applicable to all assessable prunes from the beginning of such year; (2) the current marketing year began June 1, 1961, and the rate of assessment herein fixed will automatically apply to all assessable prunes beginning with such date; and (3) shipments of prunes are now being made.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

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

Dated: August 17, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Agricultural Mar-
keting Service.

[F.R. Doc. 61-8032; Filed, Aug. 21, 1961;
8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-WA-141]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

The purpose of these amendments to §§ 600.6025 and 600.6458 of the regulations of the Administrator is to modify low altitude VOR Federal airway No. 458

between the Coyote, Calif., intersection and the El Centro, Calif., VOR, and to modify low altitude VOR Federal airway No. 25 east alternate between the Al-bacore, Calif., and Hermosa, Calif., inter-sections southeast of Los Angeles, Calif.

Victor airway No. 25 east alternate is designated from the intersection of the Los Angeles VOR 139° and the Long Beach, Calif., VORTAC 186° radials (Al-bacore intersection) to the intersection of the Long Beach VORTAC 287° and the Los Angeles VOR 139° radials (Hermosa intersection) via the Long Beach VORTAC excluding the portion below 2,000 feet outside the United States. Victor airway No. 458 is designated in part from the intersection of the Julian, Calif., VOR 130° and the El Centro VOR 271° radials to the El Centro VOR, and coincides with Victor airway No. 66 between these points.

The above mentioned airway segments are based upon the present location of the Mission Bay, Calif., VOR. The Mis-sion Bay VOR is scheduled to be re-located to Lat. 32°46'57" N., Long. 117°13'29" W., effective September 21, 1961. Therefore, Victor 25 east alternate is being redesignated from the intersection of the Los Angeles VOR 138° and the Long Beach VORTAC 186° radials to the intersection of the Long Beach VORTAC 287° and the Los Angeles VOR 138° radials via the Long Beach VORTAC, excluding the portion below 2,000 out-side the United States. Victor 458 is being redesignated in part from the inter-section of the Julian VOR 130° and the El Centro 272° radials to the El Centro VORTAC. Other airways based upon the Mission Bay VOR will be slightly affected by this relocation. However, these airways are designated direct, sta-tion to station, and no change in their descriptions will be necessary.

Since these amendments are minor in nature and involve a change in airway alignment of only one degree, notice and public procedure hereon are unnecessary. However, since it is necessary that suffi-cient time be allowed to permit appro-priate changes to be made on aeronau-tical charts, these amendments will be-come effective on September 21, 1961.

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

§ 600.6025 [Amendment]

1. In § 600.6025 (14 CFR 600.6025, 26 F.R. 2221, 4052) "From the Mission Bay, Calif., VOR via the Los Angeles, Calif., VOR, including an E alternate from the INT of the Los Angeles VOR 139° and the Long Beach, Calif., VORTAC 186° radials to the INT of the Long Beach VORTAC 286° and the Los Angeles VOR 139° radials via the Long Beach VORTAC," is deleted and "From the Mission Bay, Calif., VOR via the Los An-geles, Calif., VOR, including an E alter-nate from the INT of the Los Angeles VOR 138° and the Long Beach, Calif., VORTAC 186° radials to the INT of the Long Beach VORTAC 287° and the Los Angeles VOR 138° radials via the Long Beach VORTAC," is substituted therefor.

2. Section 600.6458 (14 CFR 600.6458) is amended to read:

§ 600.6458 VOR Federal airway No. 458 (Julian, Calif., to El Centro, Calif.).

From the Julian, Calif., VOR via the INT of the Julian VOR 130° and the El Centro, Calif., VORTAC 272° radials; to the El Centro VORTAC.

These amendments shall become effec-tive 0001, e.s.t., September 21, 1961.

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

Issued in Washington, D.C., on August 16, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-8002; Filed, Aug. 21, 1961;
8:45 a.m.]

[Airspace Docket No. 60-KC-49]

PART 601—DESIGNATION OF CON-TROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CON-TROL AREAS

Alteration of Control Area Extension

On December 24, 1960, a notice of pro-posed rule making was published in the FEDERAL REGISTER (25 F.R. 13725) stating that the Federal Aviation Agency pro-posed to alter the Minot, N. Dak., control area extension.

No adverse comments were received regarding the proposed amendment.

Since publication of this notice, the Federal Aviation Agency has published Civil Air Regulations, Part 60, Air Traffic Rules, Amendment 60-21 (26 F.R. 570), effective February 21, 1961, which pro-vides, in part, for the designation of transition areas in lieu of control area extensions to extend upward from 1,200 feet or higher above the surface when designated to complement control zones. However, before this provision can be applied at Minot, considerable coordina-tion will be required to effect the pro-cedural revisions necessary to permit the designation of a higher controlled air-space floor in this area. Because of the immediate need for the controlled air-space proposed in the Notice, action is taken herein to alter the Minot control area extension as proposed. Upon com-pletion of the Amendment 60-21 im-plementation review of controlled airspace requirements in the Minot area, appro-priate airspace action will be initiated to convert the Minot control area extension to a transition area.

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

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

Section 601.1103 is amended to read:

§ 601.1103 Control area extension (Minot, N. Dak.).

Within a 35-mile radius of Minot AFB (Lat. 48°25'18" N., Long. 101°22'08" W.), and within a 35-mile radius of the Minot VOR extending clockwise from the

091° radial to the 147° radial of the VOR. The portion of this control area exten-sion that coincides with R-5403 shall be used only after obtaining prior approval from the appropriate authority.

These amendments shall become effec-tive 0001, e.s.t., September 21, 1961.

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

Issued in Washington, D.C., on Au-gust 15, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-8000; Filed, Aug. 21, 1961;
8:45 a.m.]

[Airspace Docket No. 60-NY-147]

PART 601—DESIGNATION OF CON-TROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CON-TROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2015 of the regulations of the Ad-ministrator is to alter the Philadelphia, Pa. (International Airport) control zone.

The Philadelphia control zone is desig-nated, in part, within 2 miles either side of the west course of the Philadelphia radio range extending to the Boothwyn fan marker. This control zone extension is designated for the dual purpose of protecting aircraft executing prescribed low frequency range and ILS instru-ment approach procedures.

Effective August 24, 1961, the Federal Aviation Agency is cancelling the low frequency range instrument approach procedure. Since the ILS procedures re-quire the continued designation of air-space beyond the 5-mile radius control zone, this extension cannot be revoked but can be materially reduced. There-fore, action is taken herein to redesign-ate the Philadelphia control zone, in part, within 2 miles either side of the Philadelphia ILS localizer west course extending from the 5-mile radius zone to the outer marker.

Since the change effected by this amendment imposes no additional bur-den on the public, notice and public procedure hereon are unnecessary. However, since it is necessary that suffi-cient time be allowed to permit appro-priate changes to be made on aeronau-tical charts, this amendment will become effective more than 30 days after publi-cation.

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

Section 601.2015 (14 CFR 601.2015) is amended to read:

§ 601.2015 Philadelphia, Pa. (Internat-ional Airport), control zone.

Within a 5-mile radius of the Phila-delphia International Airport (Lat. 39°52'31" N., Long. 75°14'20" W.), and within 2 miles either side of the Phila-delphia ILS localizer W course extending from the 5-mile radius zone to the OM.

This amendment shall become effective 0001, e.s.t., October 19, 1961.

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

Issued in Washington, D.C., on August 15, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-8001; Filed, Aug. 21, 1961;
8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission [Docket 8182 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Scott & Fetzer Co.

Subpart—Advertising falsely or misleadingly: § 13.105 *Individual's special selection or situation*; § 13.150 *Premiums and prizes*; § 13.150-35 *Prizes*; § 13.155 *Prices*; § 13.155-40 *Exaggerated as regular and customary*; § 13.155-100 *Usual as reduced, special, etc.*; § 13.205 *Scientific or other relevant facts*; § 13.240 *Special or limited offers*. Subpart—Misrepresenting oneself and goods—PRICES: § 13.1810 *Fictitious marking*; § 13.1817 *Reductions for prospect referrals*. Subpart—Securing agents or representatives by misrepresentation: § 13.2130 *Earnings*.

(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, The Scott & Fetzer Company, Cleveland, Ohio, Docket 8182, July 25, 1961.]

Consent order requiring the Cleveland, Ohio, manufacturer of "Kirby" vacuum cleaners to cease using fictitious pricing claims, scare tactics, and other unfair practices to sell its vacuum cleaners; and to cease representing falsely, in newspaper "Want-Ads", through its distributors, and otherwise, that salaried positions and guaranteed minimum compensation were available for qualified applicants.

The order to cease and desist is as follows:

It is ordered, That respondent, The Scott & Fetzer Company, a corporation, its officers, agents, representatives and employees, directly, or through distributors of its products, or through any corporate or other device, in connection with the offering for sale, sale, or distribution of vacuum cleaners, accessories, and attachments, or any other merchandise, whether sold under the name "Kirby", "Kirby Home Sanitation System", "Kirby System", or any other name, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, when soliciting appointments with prospective purchasers, that the appointment is sought only to obtain the prospect's opinion of the

"Kirby", and concealing, or attempting to conceal, that the actual purpose for which the appointment is sought is to sell the prospect a "Kirby".

2. Advising, as a device or stratagem, to obtain an appointment in the home of a prospective purchaser, that the prospect has won a "prize" or "gift".

3. Representing, through the use of tickets with fictitious and exaggerated retail prices thereon, to prospects with whom appointments are sought, or have been made, that the item (known as a "door opener") offered or given to such prospects has a value far in excess of the actual and true retail value of such item.

4. Representing, in seeking an appointment in the home of a prospective purchaser, and thereafter during such appointment, that the appointment is sought and the presentation of the "Kirby" is made as part of or in connection with, an advertising program, when such is not the fact.

5. Representing, during appointments in the homes of prospective purchasers, that the "Kirby" salesman keeping the appointment is an advertising representative, or advertising dealer, or demonstrator, or the like, or a member of the Advertising Department, and is not a salesman, and that he is engaged primarily in the advertising and promotion of "Kirby" vacuum cleaners rather than in the sale of them, when such is not the fact.

6. Representing, during appointments with prospective purchasers, that the "Kirby" representative is there to get such prospective purchaser's opinion of the "Kirby" rather than to sell a "Kirby".

7. Representing that the purpose of the "Kirby Advertisers Club" referral program by which purchasers of "Kirby" vacuum cleaners are paid for sending in names of prospects, provided such prospects agree to permit the "Kirby" representative to "demonstrate" a vacuum cleaner to them, is only to advertise the "Kirby" and that any resulting sales are incidental to this.

8. Representing that the prospective purchaser in whose home an appointment has been made has been "selected" for such appointment, when such is not the fact.

9. Stating or emphasizing that the rugs and mattresses in prospective purchasers' homes are disease causing and are highly dangerous to prospective purchasers and their families and that "Kirby" will correct this condition.

10. Representing that purchasers can earn all or a large part of the purchase price of the "Kirby" vacuum cleaner by sending in names of other prospective purchasers pursuant to the so-called referral or "Kirby Advertisers Club" plan, when such is not the fact.

11. Representing to prospective purchasers that any amount is the usual and regular price for the "Kirby" when it is in excess of the price at which said product is usually and regularly sold in the regular course of business. Respondent is not precluded, however, from

representing that a trade-in allowance is deducted from its regular price, if such is the fact.

12. Representing to prospective purchasers of "Kirby" vacuum cleaners that they are being granted a special price lower than the usual and regular price of "Kirby" vacuum cleaners, accessories and attachments, when such is not the fact.

13. Representing to prospective purchasers of "Kirby" vacuum cleaners that they are being granted a special price lower than the usual and regular price of "Kirby" vacuum cleaners, accessories and attachments, that such special price is available for a limited time only, and that the prospective purchaser must take advantage of it and buy a "Kirby" at that time or forego indefinitely such special price, when such is not the fact.

14. Representing to prospective purchasers of "Kirby" vacuum cleaners that they are being offered or granted a special advertising allowance, or special trade-in allowance, or the like, not made available generally to prospective purchasers, and that the usual and regular price of the "Kirby" is being reduced by the amount of such special allowance, when such is not the fact.

15. Representing that participation in the "Kirby Advertisers Club" is not offered to every prospective purchaser of a "Kirby" but is limited only to those prospects who have a "wide circle of friends" among whom to advertise the "Kirby", when such is not the fact.

16. Representing to prospective purchasers that they are being granted a special price lower than the usual and regular price of a "Kirby" because of an unusual impending circumstance such as the participation of the "Kirby" salesman in a contest, or the like, when such is not the fact.

17. Representing that the "Sani-Em-Tor" attachment, as such, of the "Kirby" vacuum cleaner is patented.

18. Representing, by means of advertisements in newspapers, or other advertising media, or otherwise, that salaries, positions or jobs, or jobs with a guarantee of minimum earnings or compensation are available for qualified applicants with distributors and subdistributors unless in truth and in fact qualified applicants for such jobs or positions are offered a salary, or a guarantee of minimum earnings or compensation.

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

It is ordered, That the respondent herein 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: July 25, 1961.

By the Commission.

[SEAL]

JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61-8004; Filed, Aug. 21, 1961;
8:45 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Civil and Defense Mobilization

[EPO 1, EPO 2, EPO 6, EPO 7, EPO 8]

EPO NO. 1—ASSIGNING CERTAIN CIVIL DEFENSE AND DEFENSE MO- BILIZATION FUNCTIONS TO THE SECRETARY OF AGRICULTURE

EPO NO. 2—ASSIGNING CERTAIN CIVIL DEFENSE AND DEFENSE MO- BILIZATION FUNCTIONS TO THE SECRETARY OF COMMERCE

EPO NO. 6—ASSIGNING CERTAIN CIVIL DEFENSE AND DEFENSE MO- BILIZATION FUNCTIONS CONCERN- ING HOUSING TO THE HOUSING AND HOME FINANCE ADMINIS- TRATOR

EPO NO. 7—ASSIGNING CERTAIN CIVIL DEFENSE AND DEFENSE MO- BILIZATION FUNCTIONS TO THE SECRETARY OF THE INTERIOR

EPO NO. 8—ASSIGNING CERTAIN CIVIL DEFENSE AND DEFENSE MO- BILIZATION FUNCTIONS TO THE SECRETARY OF LABOR

Miscellaneous Amendments

The above-identified Emergency Preparedness Orders are hereby amended as indicated below.

1. Emergency Preparedness Order No. 1 (26 F.R. 652, Jan. 24, 1961) is amended by correcting section 18 to read as follows:

Sec. 18. Cancellations.

This order cancels and supersedes Federal Civil Defense Administration Delegation No. 2, effective September 8, 1954 (19 F.R. 5921, Sept. 11, 1954) and Defense Mobilization Order I-9, dated February 25, 1954 (19 F.R. 1118, Feb. 27, 1954).

2. Emergency Preparedness Order No. 2 (26 F.R. 653, Jan. 24, 1961) is amended by correcting section 14 to read as follows:

Sec. 14. Cancellations.

This order cancels and supersedes Federal Civil Defense Administration Delegation No. 2, effective September 8, 1954 (19 F.R. 5921, Sept. 11, 1954); Federal Civil Defense Administration Delegation No. 3, effective August 13, 1955 (20 F.R. 5957, Aug. 16, 1955); and Defense Mobilization Order I-8, dated February 10, 1954 (19 F.R. 875, Feb. 16, 1954).

3. Emergency Preparedness Order No. 6 (26 F.R. 658, Jan. 24, 1961) is amended by correcting section 7 to read as follows:

Sec. 7. Cancellations.

This order cancels and supersedes Federal Civil Defense Administration Delegation No. 2, effective September 8, 1954 (19 F.R. 5921, Sept. 11, 1954), and Defense Mobilization Order I-14, dated

November 26, 1954 (19 F.R. 7724, Nov. 30, 1954).

4. Emergency Preparedness Order No. 7 (26 F.R. 659, Jan. 24, 1961) is amended by correcting section 8 to read as follows:

Sec. 8. Cancellations.

This order cancels and supersedes Federal Civil Defense Administration Delegation No. 3, effective August 13, 1955 (20 F.R. 5957, Aug. 16, 1955); Federal Civil Defense Administration Delegation No. 4, effective November 22, 1955 (20 F.R. 8733, Nov. 26, 1955); and Defense Mobilization Order I-13, dated November 12, 1954 (19 F.R. 7348, Nov. 13, 1954).

5. Emergency Preparedness Order No. 8 (26 F.R. 660, Jan. 24, 1961) is amended by correcting section 7 to read as follows:

Sec. 7. Cancellations.

This order cancels and supersedes Federal Civil Defense Administration Delegation No. 2, effective September 8, 1954 (19 F.R. 5921, Sept. 11, 1954), and Defense Mobilization Order I-10, revised November 13, 1956 (21 F.R. 8919, Nov. 16, 1956).

Dated: August 14, 1961.

FRANK B. ELLIS,
Director.

[F.R. Doc. 61-7947; Filed, Aug. 21, 1961;
8:45 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 5—General Services Administration

PART 5-1—GENERAL

Subpart 5-1.53—Procurement Au- thority and Responsibility

Subpart 5-1.53 is added, to read as follows:

Sec.	
5-1.5301	General.
5-1.5302	Designation of contracting officers.
5-1.5303	General authority of contracting officers.
5-1.5304	General responsibility of contracting officers.
5-1.5305	Contracting officers' representatives.
5-1.5306	Responsibility for assuring the availability of funds.
5-1.5307	Standards of conduct.

AUTHORITY: §§ 5-1.5301 to 5-1.5307 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

§ 5-1.5301 General.

(a) This subpart deals with the authority to designate contracting officers and sets forth the general authorities and responsibilities of such officers.

(b) An employee ordinarily binds the Government only when his actions are in accordance with authority actually granted to him. Contracting officers are agents of the Government and shall act in accordance with law, regulations including FPR and GSPR, other pertinent directives, and sound judgment, and within the limits of their prescribed duties and authorities.

§ 5-1.5302 Designation of contracting officers.

(a) Contracting officers, as defined in § 1-1.207, shall be those employees in whom contracting authority is vested by the Administrator or his designees by means of appropriate delegations of authority and by redelegations of authority. The authority of such contracting officers shall be in accordance with the applicable delegations or redelegations of authority and with this Subpart 5-1.53.

(b) Delegations and redelegations of authority are generally directive on specific positions, rather than specific individuals. When a specific position carries delegated or redelegated contracting authority, an individual appointed to such a position is, therefore, a contracting officer. Such appointments are normally made by means of administrative personnel actions. When an individual is designated as a contracting officer by an instrument other than a personnel action, a copy of the designating instrument shall be forwarded to the appropriate personnel office for inclusion in the file of the individual affected. Designations shall be rescinded in the same manner upon termination of the assignment (but special assignments may be self-rescinding, as, for example, an assignment made in terms of the life of a specific contract, in which case a separate rescission instrument would not be required).

(c) In view of the high degree of individual responsibility and authority vested in contracting officers, care shall be exercised to insure that only well qualified individuals are appointed or designated and retained in such positions. Accordingly, the performance of their duties as contracting officers is subject to continuing review and evaluation.

§ 5-1.5303 General authority of contracting officers.

A contracting officer is authorized to enter into, modify, and take other appropriate action with respect to contracts, within the limits of his prescribed duties and authority.

§ 5-5304 General responsibility of contracting officers.

(a) Contracting officers are primarily responsible for assurance that contracts are authorized by law, for the execution and administration of contracts, for safeguarding the interest of the United States in contractual relationships, and for determining the facts under contracts.

(b) Contracting officers shall personally sign all contracts and modifications entered into by them. The signing of original contractual documents shall not be accomplished by facsimile stamps or by proxy. However, the use of reproduced signatures on reproduced copies after the contracting officers have manually signed the master and other originals, is acceptable.

(c) Contracting officers are responsible for the legal, technical, and administrative sufficiency of the contracts they make. To this end, they shall secure

necessary legal, technical, and financial advice within GSA.

(d) Contracting officers are responsible for assuring contract compliance on the part of the contractor.

§ 5-1.5305 Contracting officers' representatives.

(a) Any properly qualified Government employee or group of employees, or a firm or individual under contract to the Government for this purpose, may be designated to act as the authorized representative of a contracting officer. Such designation shall be in writing and shall define the scope and limitations of the authorized representative's authority.

(b) A designation authorized by this § 5-1.5305 may be made by instructions referring to particular contractual instruments or categories of instruments and may empower the authorized representative to take any or all action thereunder which could lawfully be taken by the contracting officer to the extent not specifically prohibited by the terms of the contractual instrument involved or this § 5-1.5305. In no event shall an authorized representative, by virtue only of his designation as such, be empowered to execute or agree to any contract or modification thereof; such powers must be specifically included as a part of, or supplemental to, the designation.

(1) A contracting officer may empower his authorized representative, without redelegation of contracting authority, to issue change orders within the general scope of the contract although such change orders should not ordinarily involve a change in unit price, total contract price, quantity, quality, or delivery schedule.

(2) A contracting officer may assign administration of a specific contractual instrument to another contracting officer, provided the assignee contracting officer's delegated authority permits, and the contractor shall be so notified. Such an assignment shall define the extent to which part or all of the original contracting officer's authority is transferred but shall not pass on to the successor any authorities which would exceed the limitations imposed on the successor by existing directives.

§ 5-1.5306 Responsibility for assuring the availability of funds.

Prior to the incurrence of an obligation, contracting officers shall assure themselves that adequate funds are available.

§ 5-1.5307 Standards of conduct.

All personnel engaged in procurement and related activities shall conduct business in a manner above reproach in every respect. Transactions relating to expenditure of public funds require the highest degree of public trust to protect the interests of the Government. While many Federal laws and regulations place restrictions on the actions of governmental personnel, the latter's official conduct must, in addition, be such that

the individual would have no reticence about making a full public disclosure thereof.

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

Dated: August 16, 1961.

JOHN L. MOORE,
Administrator.

[F.R. Doc. 61-8037; Filed, August 21, 1961;
8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 10—MIGRATORY BIRDS

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds

Section 3 of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 704), authorizes and directs the Secretary of the Interior, from time to time, having due regard for the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory birds, to determine when, to what extent, and by what means, such birds or any part, nest, or egg thereof, may be taken, captured, killed, possessed, sold, purchased, shipped, carried or transported.

By notice of proposed rule making published on April 29, 1961 (26 F.R. 3713), the public was invited to submit views, data, or arguments, in writing to the Director, Bureau of Sport Fisheries and Wildlife and thus participate in the preparation of amendments to Part 10, Title 50, Code of Federal Regulations.

The primary purposes of these amendments are to specify open seasons, certain closed seasons, means of hunting, shooting hours, and daily bag and possession limits for migratory game birds.

Accordingly, after giving due consideration to data obtained by investigation and to all other relevant matters presented, it has been determined that the hunting season dates for the taking of Wilson's snipe in Arkansas, the shooting hours for taking Wilson's snipe and gallinules in the Pacific Flyway States, and the limits on migratory game birds imported from Canada, Mexico, or other foreign country, shall be amended as indicated below.

The following amendments will permit the importation of migratory game birds legally taken and possessed in foreign countries where the hunting seasons begin as early as September 1. Because of this fact and since these amendments will not be published at a date early enough to allow the usual 30-day period of publication afforded by the Administrative Procedure Act of June 11, 1946 (60 Stat. 238), and if the public is to be properly informed in advance, it is clearly impracticable to authorize such period of publication. Accordingly, since it is not in the public interest to afford the usual period of publication, the provisions of the exceptions provided in section 4(c) of the Administrative Procedure Act are hereby invoked and the amendments shall become effective September 1, 1961.

1. The introductory paragraph and the table in paragraph (a) of § 10.7 are revised to read as follows:

§ 10.7 Importations from Canada, Mexico, or other foreign country.

During and after the open seasons where taken, any person, without a permit, may enter and transport in any State, migratory game birds lawfully taken and possessed in and exported from a foreign country, subject to the conditions and restrictions specified in this section.

* * * * *

From—	Not to exceed—
Provinces of Alberta, Manitoba, and Saskatchewan, Canada.	10 ducks and 10 geese per season.
Province of British Columbia, Canada.	12 ducks and 10 geese per season.
Province of Ontario, Canada.	10 ducks and 10 geese per calendar week.
Any other Province of Canada.	12 ducks and 10 geese per calendar week (beginning Sunday).
Mexico or any other foreign country (except Canada) or subdivision thereof.	10 ducks and 5 geese per calendar week.
Any foreign country or subdivision thereof:	
Band-tailed pigeons.	6 per calendar week.
Brant	6 per calendar week.
Coots	25 per calendar week.
Doves, mourning or white-winged.	25, singly or in the aggregate of both kinds, per calendar week.
Rails (except sora and coots) and gallinules.	30, singly or in the aggregate of both kinds, per calendar week.
Sora	25 per calendar week.
Wilson's snipe	8 per calendar week.
Woodcock	8 per calendar week.

§ 10.46 [Amendment]

2. The hunting season dates for taking Wilson's snipe in Arkansas in the table in paragraph (b) and the shooting hours

for taking gallinules and Wilson's snipe in the table in paragraph (d) of § 10.46 are amended to read as follows:

(b) *Mississippi Flyway States.*

	Gallinules and rails (except coots)		Woodcock	Wilson's snipe
	Sora rail	Other rails and gallinules (singly or in the aggregate)		
Daily bag limit.....	25	15	4	8
Possession limit.....	25	15	8	8
Shooting hours ¹	Sunrise until sunset (Standard time) on all species.			
Seasons in: *** Arkansas..... ***	Sept. 1-Oct. 20.....		Dec. 1-Jan. 9.....	Dec. 17-Jan. 15.

(d) *Pacific Flyway States.*

	Gallinules	Wilson's snipe
Daily bag limit....	1 25	8
Possession limit....	1 25	8
Shooting hours....	One-half hour before sunrise until sunset (Standard time) on all species.	
***	***	***

(Sec. 3, 40 Stat. 755, as amended; 16 U.S.C. 704; E.O. 10250, 16 F.R. 5385, 3 CFR, 1949-1953 Comp., p. 757)

JAMES K. CARR,

Acting Secretary of the Interior.

AUGUST 16, 1961.

[F.R. Doc. 61-8008; Filed, Aug. 21, 1961; 8:46 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 13—ADDRESSES

Mailing List Services

The regulations of the Post Office Department in § 13.5 are amended by revising the section heading to read "Mailing list services," and by adding a new paragraph (c) thereto to provide for arranging address cards of volume mailers in the sequence of carrier route delivery and to authorize city delivery offices to furnish "deliveries possible" for total delivery area or for particular carrier routes. As so amended the section heading and paragraph (c) read as follows:

§ 13.5 Mailing list services.

(c) Address cards arranged in sequence of carrier delivery. Address cards may be arranged in sequence of carrier route delivery without charge. The cards must be the size and quality of a postal card, one address to a card. The list owner's name must appear in the upper left corner of the card. Cards bearing incorrect, nonexistent, or other undeliverable addresses will be withdrawn and corrected at the charges provided in subparagraph (4) of paragraph (a) of this section. Mailers may submit address plates or stencils instead of cards when satisfactory arrangements can be made to handle them. Postmasters must check to see that mailers whose lists have been arranged in sequence prepare bundles for each route with the individual pieces in address sequence. This service shall not be provided to mailers who do not make the required premailing preparation, and it must not be provided as a substitute for the list correction service provided by paragraph (a) of this section. Postmasters at city delivery post offices may furnish volume mailers upon request the number of "possible deliveries" within his total delivery area or on particular carrier routes.

NOTE: The corresponding Postal Manual section is 123.5.

(R.S. 161 as amended; 5 U.S.C. 22, 39 U.S.C. 501)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 61-8016; Filed, Aug. 21, 1961; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 19]

MOZZARELLA AND SCAMORZA CHEESE; PART-SKIM MOZZARELLA AND PART-SKIM SCAMORZA CHEESE

Definitions and Standards of Identity; Extension of Time for Filing Views and Comments

A request has been received for an extension of time for filing views and comments upon the proposed findings of fact and tentative order for mozzarella cheese, scamorza cheese, part-skim mozzarella cheese, and part-skim scamorza cheese which was published in the FEDERAL REGISTER of July 22, 1961 (26 F.R. 6599).

Pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 21 U.S.C. 341, 371), and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the time for filing views and comments in the above-referenced matter is extended to October 20, 1961.

Dated: August 15, 1961.

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

[F.R. Doc. 61-8028; Filed, Aug. 21, 1961; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 909]

ALMONDS GROWN IN CALIFORNIA

Expenses of Almond Control Board and Rate of Assessment for the 1961-62 Crop Year

Notice is hereby given that there is under consideration a proposal regarding expenses of the Almond Control Board and a rate of assessment for the 1961-62 crop year which began July 1, 1961. The proposal, which is based on the recommendation of the Almond Control Board and other available information, would be established pursuant to Marketing Agreement No. 119, as amended, and Order No. 9, as amended (7 CFR Part 909), regulating the handling of almonds grown in California, effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

No. 161—3

Consideration will be given to written data, views, or arguments pertaining to the proposal, which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than ten days after publication of this notice in the FEDERAL REGISTER.

The quantity of assessable almonds for the 1961-62 crop year is presently estimated at 70 million pounds (kernel-weight). On this basis, an assessment rate of 0.13 cent per pound of almond kernels would assure the availability of sufficient funds to meet the expenses of the Almond Control Board for the 1961-62 crop year.

The proposal is as follows:

§ 909.311 Budget of expenses of the Almond Control Board and rate of assessment for the 1961-62 crop year.

(a) *Budget of expenses.* The budget of expenses of the Almond Control Board for the crop year beginning July 1, 1961, shall be in the total amount of \$68,500, such amount being reasonable and likely to be incurred for the maintenance and functioning of the Board, and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The assessment required to be paid by each handler in accordance with § 909.81 is established for said year at the rate of 0.13 cent per pound of almonds (kernel weight basis).

Dated: August 17, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Agricultural Mar-
keting Service.

[F.R. Doc. 61-8031; Filed, Aug. 21, 1961; 8:48 a.m.]

[7 CFR Part 934]

HANDLING OF FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Carryover of Unexpended Funds and Establishment of Reserve

Consideration is being given to the following proposal submitted by the Washington Fresh Peach Marketing Committee, established under Marketing Agreement No. 138 and Order No. 34 (7 CFR Part 934), regulating the handling of fresh peaches grown in designated counties in Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(1) That the Secretary of Agriculture approve the establishment of an operating monetary reserve, which reserve

shall not exceed approximately one fiscal year's operational expenses, as appropriate for the maintenance and functioning of the said committee under the aforesaid marketing agreement and order; and

(2) That the Secretary of Agriculture determine that it is appropriate for the maintenance and functioning of the committee that unexpended assessment funds in the amount of \$813.88, which are in excess of expenses incurred during the fiscal period ended March 31, 1961, shall be placed in said reserve, and may be used, in accordance with the provisions of § 934.42 of the said marketing agreement and order.

Consideration will be given to written data, views, or arguments pertaining to the aforesaid proposal which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D.C., not later than the 10th day after publication of this notice in the FEDERAL REGISTER.

Terms used herein 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: August 16, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Agricultural Mar-
keting Service.

[F.R. Doc. 61-8012; Filed, Aug. 21, 1961; 8:46 a.m.]

[7 CFR Part 1020]

HANDLING OF APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Amount in Reserve Fund

Notice is hereby given that the Secretary of Agriculture is considering the following proposals submitted by the Washington Apricot Marketing Committee, established under the marketing agreement and Order No. 120 (7 CFR Part 1020), regulating the handling of apricots grown in designated counties in Washington under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof: (1) That the Secretary of Agriculture find that to increase the amount of the reserve fund (§ 1020.205) to an amount not greater than an amount equal to approximately one fiscal year's operational expenses as authorized by § 1020.42 of the marketing agreement and order is appropriate for the maintenance and functioning of the said committee; and (2) that excess assessment funds from the fiscal year ended

March 31, 1961, in the amount of \$787.61 be placed in said reserve fund.

A reserve fund was established on August 18, 1960, in the amount of \$5,765.09 (§ 1020.205; 25 F.R. 8097), and the proposed action contemplates an increase in this fund to an unspecified amount which amount shall not exceed approximately one fiscal year's operational expenses.

Consideration will be given to written data, views, or arguments pertaining to the aforesaid proposals which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D.C., not later than the 10th day after the publication of this notice in the FEDERAL REGISTER.

Terms used herein shall have the same meaning as given to the respective terms in said amended marketing agreement and order.

Dated: August 16, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Agricultural Mar-
keting Service.

[F.R. Doc. 61-8011; Filed, Aug. 21, 1961;
8:46 a.m.]

[7 CFR Part 1029]

HANDLING OF FRESH PRUNES GROWN IN DESIGNATED COUN- TIES IN WASHINGTON AND IN UMATILLA COUNTY, OREGON

Carryover of Unexpended Funds and Establishment of Reserve

Consideration is being given to the following proposal submitted by the Washington-Oregon Fresh Prune Marketing Committee, established under Marketing Agreement No. 139 and Order No. 129 (7 CFR Part 1029), regulating the handling of fresh prunes grown in designated counties in Washington and in Umatilla County, Oregon, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(1) That the Secretary of Agriculture approve the establishment of an operating monetary reserve, which reserve shall not exceed approximately one fiscal year's operational expenses, as appropriate for the maintenance and functioning of the said committee under the aforesaid marketing agreement and order; and

(2) That the Secretary of Agriculture determine that it is appropriate for the

maintenance and functioning of the committee that unexpended assessment funds in the amount of \$4,863.46, which are in excess of expenses incurred during the fiscal period ended March 31, 1961, shall be placed in said reserve, and may be used, in accordance with the provisions of § 1029.42 of the said marketing agreement and order.

Consideration will be given to written data, views, or arguments pertaining to the aforesaid proposal which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D.C., not later than the 10th day after publication of this notice in the FEDERAL REGISTER.

Terms used herein 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: August 17, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Agricultural Mar-
keting Service.

[F.R. Doc. 61-8033; Filed, Aug. 21, 1961;
8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 55451]

RETURNING RESIDENTS

Exemptions

AUGUST 14, 1961.

Public Law 87-132, 87th Congress, approved August 10, 1961, further amended paragraph 1798(c) (2), Tariff Act of 1930, and is effective as to persons arriving in the United States on or after September 9, 1961, and before July 1, 1963. It reduces the basic \$200 exemption to \$100, except with respect to the Virgin Islands of the United States, and suspends the application of the additional \$300 exemption during the period indicated. It makes no change in the provision that the basic exemption of \$100 (\$200 in the case of the Virgin Islands) may be claimed not more than once every 30 days. No change is made respecting the limitations on alcoholic beverages and cigars.

A resident returning directly or indirectly from the Virgin Islands of the United States is still entitled to \$200 exemption, but not more than \$100 of the exemption shall be applied to articles acquired elsewhere than in the Virgin Islands of the United States. Articles acquired by the resident in the Virgin Islands of the United States up to the amount allowed are also exempt, during the specified period, from the 48-hour absence requirement.

Detailed regulations concerning the application of the reduced exemption will be issued at an early date.

[SEAL]

PHILIP NICHOLS, Jr.,
Commissioner of Customs.

[F.R. Doc. 61-8017; Filed, Aug. 21, 1961;
8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

MONTANA

Small Tract Classification; Partial Revocation and Order Providing for Opening of Public Lands

AUGUST 14, 1961.

1. Pursuant to authority delegated to the Montana State Director, Bureau of Land Management, by Bureau Order No. 541, as amended, and further redelegated to me effective June 28, 1961 (26 F.R. No. 129, July 9, 1961), I hereby revoke the Small Tract Classification appearing on page 6900 of the August 7, 1957, issue of the FEDERAL REGISTER (F.R. Doc. 57-7003) as to the following described lands:

T. 5 N., R. 12 W., P.M.M.
Sec. 22: Lots 25, 26, 28, and 36.

Containing 17.61 acres.

2. The lands are located one quarter mile north of both Warm Springs Creek and U.S. Highway No. 10, Alternate, and approximately 7 miles west of Anaconda, Montana. The topography is level to rolling and steep. Ungraded auto trails traverse the area. The surface soils are shallow to medium in depth. They are comprised of gravelly sandy loams with some rocks and some rock outcropping. The native vegetation consists of bunch grass, sagebrush and an occasional patch of aspen and lodgepole pine. There is no evidence of metallic or non-metallic minerals.

3. Water for culinary purposes is very difficult and expensive to develop and the lands are considered unsuitable for small tract development.

4. The public lands affected by this order are hereby restored as of 10:00 a.m., on September 19, 1961, to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, rules and regulations.

5. The lands have been opened to applications and offers under the mineral leasing laws. They will be open to location under the U.S. Mining Laws beginning at 10:00 a.m., on September 19, 1961. Locations made prior thereto shall be invalid.

6. Inquiries shall be addressed to the Manager, Land Office, 1245 North 29th Street, Billings, Montana.

ROBERT A. JONES,
Chief, Division of

Lands and Minerals Management.

[F.R. Doc. 61-8005; Filed, Aug. 21, 1961;
8:45 a.m.]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 14, 1961.

The U.S. Army Corps of Engineers has filed an application, Serial Number NM 088292 for the withdrawal of the lands described below, from all forms of appropriation, as described below. The applicant desires the land for the Two Rivers Reservoir Project, Roswell, New Mexico.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 1251, Santa Fe, New Mexico.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

T. 12 S., R. 22 E.,
Sec. 3, Lot 1, W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 4, Lot 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 9, NE $\frac{1}{4}$, S $\frac{1}{2}$;
Sec. 10, W $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 15, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$,
N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$
SW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 21, N $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$.
T. 11 S., R. 22 E.,
Sec. 34, W $\frac{1}{2}$ SW $\frac{1}{4}$.

The area described above aggregates 1356.55 acres.

The lands described above are to be withdrawn from all forms of appropriation, including general mining and mineral leasing.

The following described lands are to be withdrawn from all forms of appropriation except grazing, mineral leasing and general mining:

NEW MEXICO PRINCIPAL MERIDIAN

T. 12 S., R. 22 E.,
Sec. 7, S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 8, W $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$,
S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 17, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 18, Lot 2, E $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 19, Lot 1, NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$
SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$
SW $\frac{1}{4}$;
Sec. 20, N $\frac{1}{2}$;
Sec. 21, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$.

The area described above aggregates 1253.19 acres.

CHESLEY P. SEELY,
State Director.

[F.R. Doc. 61-8006; Filed, Aug. 21, 1961;
8:45 a.m.]

[W-0146198]

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 15, 1961.

The Forest Service, Department of Agriculture, has filed an application, Serial No. Wyoming 0146198, for withdrawal of the lands described below from location and entry under the general mining laws of the United States.

The applicant desires the lands for roadside zones.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the State Director of the Bureau of Land Management, Department of the Interior, P.O. Box 929, Cheyenne, Wyoming.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, WYOMING

BIG HORN NATIONAL FOREST

U.S. Highway No. 14, Roadside Zone

A strip of land 200 feet on each side of the center line of U.S. Highway No. 14 through the following legal subdivisions:

- T. 56 N., R. 87 W.,
 Sec. 15, E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 21, Lot 4, SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 22, S $\frac{1}{2}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 26, NW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 27, N $\frac{1}{2}$ N $\frac{1}{2}$;
 Sec. 28, NW $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 32, N $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$.
 T. 54 N., R. 88 W.,
 Sec. 5, Lot 4, SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 6, Lot 1;
 Sec. 7, E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 8, W $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 18, E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$; E $\frac{1}{2}$ NE $\frac{1}{4}$;
 Sec. 19, W $\frac{1}{2}$ E $\frac{1}{2}$;
 Sec. 30, Lot 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$;
 Sec. 31, Lot 1.
 T. 55 N., R. 88 W.,
 Sec. 3, Lots 1, 2, SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$;
 Sec. 4, Lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 5, Lot 1;
 Sec. 6, Lot 4;
 Sec. 7, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 9, N $\frac{1}{2}$ NE $\frac{1}{4}$;
 Sec. 10, N $\frac{1}{2}$ N $\frac{1}{2}$;
 Sec. 18, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 19, W $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 30, E $\frac{1}{2}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 31, E $\frac{1}{2}$ E $\frac{1}{2}$.
 T. 56 N., R. 88 W.,
 Sec. 26, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 31, S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 32, W $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$.
 Sec. 33, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$;
 Sec. 35, E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$;
 Sec. 36, NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$.
 T. 53 N., R. 89 W. (unsurveyed),
 Sec. 2, SW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 7, S $\frac{1}{2}$ N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 8, N $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 10, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 11, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$;
 Sec. 14, NW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 15, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 16, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 17, NE $\frac{1}{4}$ NE $\frac{1}{4}$.
 T. 54 N., R. 89 W.,
 Sec. 35, NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 36, S $\frac{1}{2}$ N $\frac{1}{2}$.
 T. 55 N., R. 89 W.,
 Sec. 1, Lots 5, 6, 7, W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 12, Lot 1.
 T. 53 N., R. 90 W. (unsurveyed),
 Sec. 9, S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 10, S $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 11, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 12, N $\frac{1}{2}$ S $\frac{1}{2}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 16, NW $\frac{1}{4}$.
 Wyoming Highway No. 14 Roadside Zone
 A strip of land 200 feet on each side of the center line of Wyoming Highway No. 14 through the following subdivisions:
 T. 55 N., R. 89 W.,
 Sec. 1, W $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 2, S $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 3, SW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 7, Lots 2, 3;
 Sec. 8, S $\frac{1}{2}$ N $\frac{1}{2}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 9, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$;
 Sec. 10, N $\frac{1}{2}$ N $\frac{1}{2}$;
 Sec. 11, N $\frac{1}{2}$ N $\frac{1}{2}$;
 Sec. 12, NW $\frac{1}{4}$ NW $\frac{1}{4}$.

- T. 55 N., R. 90 W.,
 Sec. 7, Lots 2, 3, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 8, SW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 12, SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 13, W $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 14, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 15, SW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 16, E $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$;
 Sec. 17, N $\frac{1}{2}$ NE $\frac{1}{4}$;
 Sec. 22, N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 23, NW $\frac{1}{4}$ NW $\frac{1}{4}$.
 T. 55 N., R. 91 W.,
 Sec. 3, Lot 3, W $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 10, NE $\frac{1}{4}$;
 Sec. 11, S $\frac{1}{2}$ N $\frac{1}{2}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 12, Lots 1, 2, 3, 4, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$.
 T. 56 N., R. 91 W.,
 Sec. 28, S $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 29, SE $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$, S $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 30, Lots 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 33, N $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 34, S $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$.
 T. 56 N., R. 92 W.,
 Sec. 19, E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 20, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$;
 Sec. 23, SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 24, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 25, Lots 1, 2, W $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 26, W $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 27, S $\frac{1}{2}$ N $\frac{1}{2}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 28, SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 29, N $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$.
 Total area 15,463.28 acres, more or less.

EDWARD W. STUEBING,
 Acting Land Office Manager.

[F.R. Doc. 61-8007; Filed, Aug. 21, 1961;
 8:46 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. 911; Agreement No. 8086]

ATLANTIC AND GULF AMERICAN-FLAG BERTH OPERATORS

Notice of Supplemental Order

On August 10, 1961, the Federal Maritime Board entered the following Order:

Whereas, on June 20, 1960, the Federal Maritime Board entered an order instituting an investigation to determine whether Agreement No. 8086 as filed with and approved by the Board is the true and complete agreement of the parties thereto; and

Whereas, information has come before the Board indicating that said agreement may be unjustly discriminatory or unfair as between carriers, or may operate to the detriment of the commerce of the United States, or may otherwise be in violation of the Shipping Act, 1916.

Now therefore, it is ordered, That pursuant to sections 15 and 22 of the Shipping Act, 1916, as amended (46 U.S.C. 814) this investigation is hereby expanded to determine whether Agreement No. 8086 and the activities of the parties carried out pursuant to said agreement may be unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports or between

exporters from the United States and their foreign competitors, or to operate to the detriment of the commerce of the United States, or to be in violation of this Act, and to determine whether approval of said agreement in its present form should be continued or whether said agreement should be modified or disapproved.

It is further ordered, That a copy of this order be served on each of the Respondents and published in the FEDERAL REGISTER.

Dated: August 17, 1961.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
 Assistant Secretary.

[F.R. Doc. 61-8029; Filed, Aug. 21, 1961;
 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

CHIEF OF RATES AND REGISTRATIONS BRANCH, PACKERS AND STOCK- YARDS DIVISION

Delegation of Authority

Pursuant to authority (25 F.R. 436; 25 F.R. 6218) delegated to the Director of the Packers and Stockyards Division, the Chief of the Rates and Registrations Branch of the Packers and Stockyards Division is hereby delegated authority, by virtue of the provisions of section 402 of the Packers and Stockyards Act, 1921 (7 U.S.C. 222), to issue general and special orders pursuant to the provisions of section 6(b) of the Federal Trade Commission Act (15 U.S.C. 46(b)) and to issue notices of default provided for in section 10 of the Federal Trade Commission Act (15 U.S.C. 50).

No delegation made herein shall preclude the Director of the Packers and Stockyards Division from performing any of the duties or exercising any of the functions or powers delegated hereby. The delegations made hereby are subject at all times to withdrawal or amendment by the Director.

Done at Washington, D.C., this 16th day of August 1961.

CLARENCE H. GIRARD,
 Director, Packers and Stock-
 yards Division, Agricultural
 Marketing Service.

[F.R. Doc. 61-8030; Filed, Aug. 21, 1961;
 8:48 a.m.]

Agricultural Stabilization and Conservation Service

DEPUTY ADMINISTRATOR FOR PRICE AND PRODUCTION

Delegation of Authority

Pursuant to authority delegated to the undersigned under the General Regulations issued under the Agricultural Marketing Agreement Act of 1937, as amended, authority is hereby delegated to the Deputy Administrator for Price

and Production, Agricultural Stabilization and Conservation Service, to perform the duties and to exercise all the functions and powers vested in the Administrator of such Service by such Regulations, as amended, including the power of redelegation.

Done at Washington, D.C., this 17th day of August 1961.

LIONEL C. HOLM,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-8034; Filed, Aug. 21, 1961; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 61-FW-59]

PROPOSED RADIO ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

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 safe and efficient utilization of airspace: The Southern Bell Telephone and Telegraph Company, Atlanta, Georgia, proposes to construct a radio antenna structure near Houma, Louisiana at latitude 29°34'26" north, longitude 90°42'30" west. The overall height of the structure would be 255 feet above mean sea level (250 feet above ground).

No aeronautical objections were made in response to the circularization. The structure would be located 2.66 miles west of the Houma Municipal Airport, and would exceed the criteria contained in Section B.2 of this Agency's TSO-N18, and the inner conical surface criteria of the Joint Industry/Government Tall Structures Committee, as applied to this airport, by 74 feet and 72 feet, respectively. However, the Agency study revealed that these factors would have no adverse effect upon aeronautical operations at the Houma Municipal Airport.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33; 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation, provided that the structure be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

This finding is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 (26 F.R. 5292) is granted. Unless otherwise revised or terminated a final determination hereunder will expire 18 months after its

effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on August 14, 1961.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 61-7998; Filed, Aug. 21, 1961; 8:45 a.m.]

[OE Docket No. 61-NY-16]

PROPOSED TELEVISION ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

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 safe and efficient utilization of airspace: The Community Telecasting Service, Bangor, Maine, proposes to construct a television antenna tower near Calais, Maine at latitude 45°09'31" north, longitude 67°16'43" west. The overall height of the structure would be 825 feet above mean sea level (440 feet above ground).

No objections were made in response to the circularization. The structure would be located approximately 1.8 miles north northeast of the St. Croix Airport, Baring, Maine, and would exceed the inner conical surface criteria of the Joint Industry/Government Tall Structures Committee, as applied to this airport, by 517 feet. However, the Agency study disclosed that this factor would have no adverse effect upon aeronautical operations at this airport.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33; 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation, provided that the structure be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 (26 F.R. 5292) is granted. Unless otherwise revised or terminated a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on August 14, 1961.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 61-7999; Filed, Aug. 21, 1961; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 11801]

ROANOKE SERVICE BY AMERICAN AIRLINES, INC.

Notice of Postponement of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding now assigned to be held on September 6, 1961, is postponed to September 13, 1961, at 10:00 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., August 17, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61-8026; Filed, Aug. 21, 1961; 8:47 a.m.]

[Docket 5132 etc.]

REOPENED LARGE IRREGULAR AIR CARRIER INVESTIGATION

Notice of Postponement of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding now assigned for September 13, 1961, is postponed to October 4, 1961, at 10:00 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., August 17, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61-8027; Filed, Aug. 21, 1961; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP61-341]

MISSISSIPPI RIVER FUEL CORP. AND MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Application and Date of Hearing

AUGUST 15, 1961.

Take notice that on June 27, 1961, as supplemented on July 10, 1961, Mississippi River Fuel Corporation (Fuel), 9900 Clayton Road, St. Louis 24, Missouri, and Mississippi River Transmission Corporation (Transmission), 9900 Clayton Road, St. Louis 24, Missouri, filed in Docket No. CP61-341 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas and the construction and operation of a proposed new interconnection between the facilities of Fuel and Transmission at

the point where the 24-inch pipeline of Fuel intersects the 18-inch pipeline of Transmission near Nameoki in Madison County, Illinois, all as more fully set forth in the application and supplement which are on file with the Commission and open to public inspection.

Applicants state that the proposed construction and exchange of natural gas will provide added flexibility of operation and continuity of service.

Fuel estimates that its share of the construction will cost approximately \$24,950; and Transmission estimates that its share of the construction will cost approximately \$13,550. Both will be financed by the respective companies from cash on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 19, 1961, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such joint applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 6, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-8003; Filed, Aug. 21, 1961;
8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF-2890]

AMERICAN ORBITRONICS CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

AUGUST 16, 1961.

I. American Orbitronics Corporation, a Delaware corporation, with its principal office located at 1730 K Street NW., Washington, D.C., and its production facilities at Hawthorne, California, filed

with the Commission on June 1, 1961 a notification on Form 1-A and an offering circular relating to the sale of 100,000 shares of its \$.01 par value common stock at \$3. per share for an aggregate offering of \$300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, under Regulation A.

II. The Commission has reason to believe that:

A. The exemption under Regulation A is unavailable to the issuer in that sales have been made in violation of section 5 of the Securities Act of 1933 which, by the operation of Rule 254(a)(3), will cause the aggregate offering price of securities to exceed the \$300,000 limitation under Rule 254 of the regulation.

B. The terms and conditions of Regulation A have not been complied with in that:

1. The notification and exhibits filed by the issuer contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

(a) The failure to list Landaria Corporation as an affiliate in Item 2 of the notification.

(b) The failure to name L. A. Nikolic, counsel for the issuer, as a promoter in Item 3 of the notification.

(c) The failure to disclose in Item 9 of the notification the names of all persons who had purchased unregistered securities of the issuers within the year prior to the date of filing.

(d) The number of shares purchased by non-corporate persons listed in Item 9 of the notification and with respect to the consideration paid by such persons.

(e) The statement in Item 9 of the notification as to the 75,000 shares taken by Mr. Harold Derber, 519 West 121st Street, New York, N.Y.

(f) The statement as to the intention of the persons who purchased the 285,545 shares mentioned in Item 9 of the notification to hold such shares for investment.

(g) The statement in Item 9 that purchasers of unregistered securities had not been solicited by the issuer.

2. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

(a) The failure to disclose a prior public offering and sale of the issuer's unregistered securities in violation of sections 5 and 17 of the Securities Act and at prices below the price in the proposed public offering under Regulation A.

(b) The failure to disclose: the effect of the prior public offering upon shares offered under Regulation A; the application of proceeds from sales of unregistered securities for purposes not related to the issuer's business; the contingent liability of the issuer for sales of its shares in violation of sections 5 and 17 of the Securities Act.

(c) The misleading nature of the company's name and the failure to disclose that the company's business was not, as the name implied, related to orbiting of missiles or electronic devices.

(d) The failure to disclose that an officer and the counsel of the issuer had made oral and written misrepresentations as to the company's prospects and had distributed to purchasers of unregistered securities certain false and misleading information, including false financial statements, describing the company's prospects and the value of the company's securities.

(e) The failure to disclose material transactions regarding the offer of unregistered securities by the issuer's officers and counsel to representatives of companies with whom the issuer had business dealings.

(f) The failure to disclose that a public relations firm had been hired to arrange for publicity on the company's operations timed to assist in the sale of stock.

C. The offering and sale of the issuer's securities would violate section 17 of the Securities Act of 1933 in that:

1. The issuer failed to disclose that money had been obtained in a prior public offering by the company's officers and counsel at prices substantially below the price in the proposed public offering under Regulation A.

2. The issuer deliberately filed false and misleading information in its notification on Form 1-A with respect to the sale or issuance of unregistered securities within one year prior to the filing of the notification.

3. The issuer failed to disclose that an officer and the counsel of the issuer had made oral and written misrepresentations as to the company's prospects and had distributed to purchasers of unregistered securities certain false and misleading information, including false financial statements, describing the company's prospects and the value of the company's securities.

III. *It is ordered*, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and

place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 61-8020; Filed, Aug. 21, 1961;
8:47 a.m.]

[File No. 70-3982]

GENERAL PUBLIC UTILITIES CORP.

Notice of Proposed Contribution of Capital by Parent to Subsidiary Company

AUGUST 15, 1961.

Notice is hereby given that General Public Utilities Corporation ("GPU"), 80 Pine St., New York 5, N.Y., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating section 12(b) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transaction.

All interested persons are referred to the declaration on file at the office of the Commission for a statement of the transaction therein proposed which is summarized as follows:

GPU proposes to make a cash capital contribution to its public-utility subsidiary company, Pennsylvania Electric Company ("Penelec"). The aggregate amount of such capital contribution will be equal to the amount by which the proposed consideration to be paid by Penelec for certain properties of Carpenter Light and Power Company ("Carpenter"), a non-affiliate, exceeds the estimated net original cost of the Carpenter properties to be acquired pursuant to an agreement between Penelec and Pennsylvania Power Company, as Purchaser, and Carpenter, as Seller, and an Apportionment Agreement between Penelec and Pennsylvania Power Company. The declaration states that Penelec estimates such excess as of April 30, 1961 to be \$379,689. The final determination of the amount of such excess will be affected by the closing date under the agreements and other matters. The declaration states that the acquisition by Penelec of the utility assets of Carpenter is subject to the approval of the Pennsylvania Public Utility Commission and the Federal Power Commission.

The capital contribution by GPU will be used by Penelec to write off such excess against the capital surplus resulting from such capital contribution in order that the properties may be carried on the books of Penelec at the net original cost to be determined by the Pennsylvania Public Utility Commission and the Federal Power Commission.

The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the capital contribution herein proposed.

It is estimated that the expenses of GPU in connection with the proposed transaction will be approximately \$1,000.

Notice is further given that any interested person may, not later than September 5, 1961, request in writing that a

hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if person being served is located more than 500 miles from the point of mailing) upon declarant and proof of service (by affidavit, or in case of an attorney-at-law by certificate) filed contemporaneously with the request. At any time after such date, the declaration may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 61-8021; Filed, Aug. 21, 1961;
8:47 a.m.]

[File No. 24NY-4751]

NORTHEAST TELECOMMUNICATIONS, INC.

Notice and Order for Hearing

AUGUST 16, 1961.

I. Northeast Telecommunications, Inc. (issuer), a Delaware corporation, 122 East 42nd Street, New York, New York, filed with the Commission on October 20, 1958, a notification on Form 1-A, an offering circular, and other exhibits relating to a proposed public offering of 300,000 shares of its 10 cent par value common stock at \$1 per share for an aggregate public offering of \$300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A.

II. The Commission, on July 18, 1961, issued an order pursuant to Rule 261 of the General Rules and Regulations under the Securities Act of 1933, as amended, which temporarily suspended the issuer's exemption under Regulation A and afforded to any person having any interest therein an opportunity to request a hearing. A written request for a hearing has been received by the Commission.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension order or enter an order of permanent suspension in this matter.

It is hereby ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at 10:00 a.m., e.d.s.t., on September 27, 1961, at the main office of the Commission, 425 Second Street NW., Washington, D.C., before a hearing officer hereafter to be designated, with respect to the follow-

ing matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the issuer has complied with the terms and conditions of Regulation A, in that:

1. The issuer failed to meet the requirements of Rule 253(c) in that the securities issued to controlling persons were not included in computing the amount of securities to be offered to the public under Regulation A;

2. Sales of securities were made in jurisdictions other than those specified in the notification; and

3. The issuer filed a false and misleading report of sales on Form 2-A, particularly with respect to the statement that the offering was completed on February 10, 1959, when, in fact, sales continued to be made after that date.

B. Whether Regulation A is unavailable to the issuer in that the aggregate amount of the securities offered to the public, computed in accordance with Rules 253 and 254, exceeded \$300,000.

C. Whether the offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to disclose adequately and accurately the actual educational background and business experience of Richmond Lisle-Cannon, officer, director, principal stockholder and promoter of the issuer;

2. The failure to set forth adequately and accurately the proposed use of proceeds from the sale of the securities; and

3. The failure to disclose accurately the consideration given by officers and directors of the issuer for outstanding stock of the issuer in that the shares were not issued for the amount of cash stated in the offering circular.

D. Whether shares granted to the underwriter were distributed in violation of the commitment expressed in the underwriting agreement and in the offering circular.

E. Whether the offering was made in violation of section 17(a) of the Securities Act of 1933, as amended.

III. It is further ordered, That Sidney Gross, or any officer or officers of the Commission designated by it for that purpose, shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the powers granted to the Commission under section 19(b), 21 and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail to Northeast Telecommunications, Inc., that notice of the entering of this order shall be given to all other persons by a general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard, or otherwise wishes to participate in the hearing,

shall file with the Secretary of the Commission on or before September 25, 1961, a written request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 61-8022; Filed, Aug. 21, 1961;
8:47 a.m.]

[File No. 24NY-5338]

TELESCRIPT-CSP, INC.

Notice and Order for Hearing

AUGUST 16, 1961.

I. Telescript-CSP, Inc., of 155 West 72nd Street, New York, N.Y., filed with the Commission a notification on Form 1-A and an offering circular in connection with a proposed offering of 60,000 shares of common stock at \$5 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of Regulation A, promulgated under section 3(b) of the Act.

II. The Commission, on July 12, 1961, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the issuer's exemption under Regulation A, and affording to any person having any interest in the matter an opportunity to request a hearing. A written request for a hearing has been received by the Commission.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension order or enter an order of permanent suspension in this matter.

It is hereby ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at 10:00 a.m., e.d.s.t., on Monday, October 2, 1961, at the New York Regional Office of the Commission at 225 Broadway, New York 7, New York, before a hearing officer hereafter to be designated, with respect to the following matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the terms and conditions of Regulation A have been complied with, in that the issuer failed to disclose in the notification an affiliate of the issuer.

B. Whether the offering circular contains untrue statements of material facts and omits to state material facts necessary to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to disclose that Federman, Stonehill & Co. exercised a controlling interest in the issuer and Mangrow Industrial Corporation, an affiliated issuer, owning fifty percent of the stock of Telescript at the time of the offering;

2. The statement that 16 named individuals may be deemed to be in control of Mangrow Industrial Corporation when only certain individuals in the group exercised control;

3. The failure to disclose a previous material transaction under which the voting rights of the shareholders in Mangrow Industrial Corporation had been changed;

4. The failure to disclose that Michael Rosen, Joseph Michalover, David Dawn, Harold Sporn and Stephen Hofman (5 of the 16 individuals named as being in common control of Mangrow) were limited partners of Federman, Stonehill & Co., whose general partner, Hyman Federman, had been controlling stockholder in Mangrow and a director of Telescript.

C. Whether the offering and sale of the issuer's securities violated section 17(a) of the Securities Act of 1933.

III. *It is further ordered*, That Sidney Gross, or any officer or officers of the Commission designated by it for that purpose, shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the powers granted to the Commission under sections 19(b), 21 and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail to Telescript-CSP, Inc., that notice of the entering of this order shall be given to all other persons by a general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard, or otherwise wishes to participate in the hearing, shall file with the Secretary of the Commission on or before September 29, 1961, a written request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 61-8023; Filed, Aug. 21, 1961;
8:47 a.m.]

[File No. 70-3984]

UNION ELECTRIC CO.

Notice of Proposed Exchange of Utility Assets With Non-Affiliate

AUGUST 15, 1961.

Notice is hereby given that Union Electric Company ("Union"), 315 North Twelfth Boulevard, St. Louis 66, Missouri, a registered holding company and a public-utility company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9(a) and 10 of the Act as applicable to the proposed transaction.

All interested persons are referred to the application, on file at the office of the Commission, for a statement of the transaction therein proposed which is summarized as follows:

Union proposes to acquire from Iowa Electric Light and Power Company ("Iowa Company") all of the electric distribution facilities owned and operated by Iowa Company within the corporate limits of the Town of Stockport, Iowa, in exchange for electric distribution facilities owned and operated by Union located west of the Town of Stockport and the sum of \$7,000, pursuant to the terms of an agreement between Union and Iowa Company. The bases of the proposed exchange, resulting from arm's-length negotiations between the parties, were a purchase price of \$26,000 on the facilities of Iowa Company to be acquired by Union and a sales price of \$19,000 on the facilities of Union to be transferred to Iowa Company. Original cost of facilities to be acquired by Union from Iowa Company is \$22,644, and original cost less estimated depreciation is \$18,115. Original cost of facilities of Union to be transferred to Iowa Company is \$44,305, and original cost less estimated depreciation is \$19,051.

It is stated that the proposed exchange of facilities will consolidate facilities for both parties, eliminate the need for expenditures estimated at \$45,000 to integrate certain of the facilities into the Union system, and eliminate service call trips of 18 miles each way by the Union service representative at Stockport, an estimated expense of \$1,200 per year. Revenues will remain approximately the same as at present.

The application states that only nominal expenses are expected to be incurred in carrying out the proposed exchange and that no State or Federal commission, other than this Commission, has jurisdiction over Union's participation in the transaction.

Notice is further given that any interested person may, not later than August 30, 1961, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as filed or as amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 61-8024; Filed, Aug. 21, 1961;
8:47 a.m.]

[File No. 812-1420]

VIRGINIA CAPITAL CORP.

Notice of Filing of Application Regarding Investment Arrangement by Registered Company and Affiliates

AUGUST 14, 1961.

Notice is hereby given that Virginia Capital Corporation ("Virginia Capital"), a Virginia corporation, and a closed-end, non-diversified investment company registered under the Investment Company Act of 1940 ("Act") which company is also a small business investment company licensed as such under the Small Business Investment Act of 1959 ("SBIC") has filed an application pursuant to section 17(d) of the Act and Rule 17d-1 of the general rules and regulations thereunder ("Rules") for an order granting said application in respect of a proposed arrangement for the purchase of securities by Virginia Capital on a basis which will not be different from or less advantageous than that of certain affiliated persons of Virginia Capital who will also purchase some of such securities.

The application states that Virginia Capital plans to purchase from Riverton Lime and Stone Co., Inc. ("Riverton") \$100,000 principal amount, out of a total issue of \$300,000, of Riverton 7 percent Subordinated Sinking Fund Convertible Notes due May 31, 1969 at the price of 100 percent of principal amount. In addition to the 7 percent Notes, a total of 30,000 shares of common stock is being offered. Certain persons affiliated with Virginia Capital, including L. Gordon Miller, Jr., William A. Stevens, F. Carlyle Tiller, Mrs. Whitley H. Wheat, W. Gibson Harris and Jane Hardy Harris, trustees, and the Berco Corporation are participating in the purchase of stock and Notes. The application also states that all purchases of Notes by affiliates of Virginia Capital will be on a basis which shall not be different from or more advantageous to the purchaser than that on which Virginia Capital will purchase the Notes.

Riverton was organized as a Virginia Corporation on May 25, 1961 for the purpose of acquiring substantially all of the assets of the Riverton Division of Chadbourn-Gotham, Inc. ("Chadbourn") and engaging in the manufacture of masonry mortar, quarrying and processing aplite and processing and selling stone and related mineral products.

The plan for financing the acquisition calls for \$500,000 in bank loans, \$400,000 in 4 percent Notes accepted by Chadbourn as part payment, 10,000 shares of \$50 par preferred stock accepted by Chadbourn as part payment and \$300,000 in 7 percent subordinated Notes and 30,000 shares of \$10 par common stock to be sold to the organizers, Virginia Capital and other persons.

J. C. Wheat & Co. ("Wheat") privately placed at par \$100,000 in 7 percent Notes and 17,400 shares of common stock (the purchasers include the affiliates of Virginia Capital referred to above) for which Wheat will receive a broker's fee of 3 percent on the Notes and 4 percent

on the stock. The application states that Wheat did not and will not receive any commission on the remaining \$200,000 in 7 percent Notes, including the \$100,000 principal amount being purchased by Virginia Capital or on the 12,600 shares of common stock purchased at par by William H. Wilson and other employees of Riverton.

The application states that L. Gordon Miller, William A. Stevens and F. Carlyle Tiller own 21,300 shares, and the partners of Wheat own, in the aggregate, 86,500 shares of the 140,000 outstanding shares of Southeastern Investment Company ("Southeastern"). W. Gibson Harris and Robert Haskins own 4,000 shares and 10,500 shares, respectively, of Southeastern which in turn owns 19 percent of the outstanding shares of Virginia Capital. The Berco Corporation is a closely held corporation. All partners or limited partners of Wheat are substantial stockholders of the Berco Corporation.

The purchasers L. Gordon Miller, Jr., William A. Stevens and F. Carlyle Tiller are partners of Wheat & Co. Mrs. Whitley H. Wheat is the wife of the senior partner of Wheat & Co. W. Gibson Harris is a director of Virginia Capital and he and his wife will participate in the purchase of stock as trustees for the estate of minor children.

The application does not indicate that any affiliate of Virginia Capital will participate in the business of Riverton, or in any financing of Riverton except as stated above.

Section 17(d) of the Act and Rule 17d-1 taken together provide, among other things, that it shall be unlawful, with certain exceptions not applicable here, for an affiliated person of a registered investment company or any affiliated person of such a person, acting as principal, to participate in, or effect any transaction in connection with any joint arrangement in which any such registered company is a participant unless an application regarding such arrangement has been granted by the Commission, and that, in passing upon such an application, the Commission will consider whether the participation of such registered company in such arrangement is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Since affiliated persons of Virginia Capital will participate in the financing of Riverton in the manner noted above, the arrangement is subject to the provisions of Section 17(d) and Rule 17d-1.

Notice is further given that any interested person may, not later than August 29, 1961, at 5:30 p.m., e.d.s.t., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission,

Washington 25, D.C. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 61-8025; Filed, Aug. 21, 1961; 8:47 a.m.]

**INTERSTATE COMMERCE
COMMISSION**

**FOURTH SECTION APPLICATION
FOR RELIEF**

AUGUST 17, 1961.

Protests to the granting of application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37310: *Bituminous fine coal to Waverly, Iowa.* Filed by Illinois Freight Association, Agent (No. 147), for interested rail carriers. Rates on bituminous fine coal, in carloads, from mines in Illinois, Indiana, and western Kentucky, to Waverly, Iowa.

Grounds for relief: Natural gas competition.

Tariff: Supplement 30 to Baltimore and Ohio Railroad tariff I.C.C. C&C 3040 and other schedules named in the application.

By the Commission.

[SEAL]

HAROLD D. McCoy,
Secretary.

[F.R. Doc. 61-8014; Filed, Aug. 21, 1961; 8:46 a.m.]

[Notice 536]

**MOTOR CARRIER TRANSFER
PROCEEDINGS**

AUGUST 17, 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 64136. By order of August 15, 1961, The Transfer Board

approved the transfer to Pratt Transportation Co., Inc., Topeka, Kans. of a portion of Certificate No. MC 106194 Sub 4, issued June 28, 1960, to Horn Transportation, Inc., Kansas City, Mo., authorizing the transportation of: Petroleum products, in bulk, in tank vehicles, between points in Missouri located in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, as defined by the Commission, and points in Kansas, on the one hand, and, on the other, points in that part of Nebraska on and south of the Platte and North Platte Rivers; points in that part of Colorado on and east of a line beginning at the Wyoming-Colorado State line and extending along U.S. Highway 87 to Wel-

lington, Colo., thence along Colorado Highway 1 (formerly unnumbered highway) to junction U.S. Highway 287, thence along U.S. Highway 287 to Denver, Colo., thence along U.S. Highway 85 to junction U.S. Highway 87, and thence along U.S. Highway 87 to the Colorado-New Mexico State line; and points in that part of Oklahoma on and north of a line beginning at the Oklahoma-New Mexico State line and extending along U.S. Highway 64 to Guymon, Okla., thence along Oklahoma Highway 3 to junction U.S. Highway 270, thence along U.S. Highway 270 to junction Oklahoma Highway 51, thence along Oklahoma Highway 51 to junction U.S. Highway 77, thence along U.S. Highway

77 to Perry, Okla., thence along U.S. Highway 64 to Cleveland, Okla., thence along U.S. Highway 99 to Pawhuska, Okla., thence along U.S. Highway 60 to Bartlesville, Okla., and on and west of U.S. Highway 75 to Bartlesville to the Oklahoma-Kansas State line, including points on the indicated portions of the highways specified. W. W. Shaw, 302 Capitol Federal Bldg., Topeka, Kans., W. E. Griffin, 1012 Baltimore, Kansas City 5, Mo.

[SEAL]

HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-8015; Filed, Aug. 21, 1961;
8:46 a.m.]

CUMULATIVE CODIFICATION GUIDE—AUGUST

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