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FEDERAL REGISTER

VOLUME 26 NUMBER 183

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3431

CARRYING OUT AGREEMENT GRANTING CONCESSION TO COMPENSATE IN PART FOR ESCAPE-CLAUSE ACTION ON SPRING CLOTHESPINS

By the President of the United States of America

A Proclamation

1. WHEREAS, pursuant to the authority vested in him by the Constitution and the statutes, including section 350 of the Tariff Act of 1930, as amended (48 Stat. (pt. 1) 943, 57 Stat. (pt. 1) 125, 59 Stat. (pt. 1) 410), the President, on October 30, 1947, entered into a trade agreement with certain foreign countries, which consists of the General Agreement on Tariffs and Trade (hereinafter referred to as the General Agreement), including a Schedule of United States Concessions and the Protocol of Provisional Application of the General Agreement, together with a Final Act (61 Stat. (pts. 5 and 6) A7, A11, and A2051);

2. WHEREAS by Proclamation No. 2761A of December 16, 1947 (61 Stat. (pt. 2) 1103), the President proclaimed such modifications of existing duties and other import restrictions of the United States of America and such continuance of existing customs or excise treatment of articles imported into the United States of America as were then found to be required or appropriate to carry out the trade agreement specified in the first recital of this proclamation on and after January 1, 1948, which proclamation has been supplemented and amended by subsequent proclamations;

3. WHEREAS, the period for the exercise of the authority to enter into foreign-trade agreements pursuant to section 350 of the Tariff Act of 1930, as amended, having been extended (63 Stat. (pt. 1) 697), the President, on October 10, 1949, entered into a trade agreement with certain foreign countries providing for the accession to the General Agreement of these foreign countries, which trade agreement for accession consists of the Annecy Protocol of Terms of Accession to the General Agreement (hereinafter referred to as "Annecy-1949"), including the annexes thereto (64 Stat. (pt. 3) B141);

4. WHEREAS, by Proclamation No. 2867 of December 22, 1949 (64 Stat. (pt. 2) A380), the President proclaimed such modifications of existing duties and the other import restrictions of the United States of America and such continuance of existing customs or excise treatment of articles imported into the United States of America as were then found to be required or appropriate to carry out the trade agreement for accession on and after January 1, 1950, which proclamation has been supplemented and amended by subsequent proclamations, including Proclamation No. 2884 of April 27, 1950 (64 Stat. (pt. 2) A399);

5. WHEREAS, acting under and by virtue of the authority vested in him by section 350 of the Tariff Act of 1930, as amended (48 Stat. (pt. 1) 943, 57 Stat. (pt. 1) 125, 59 Stat. (pt. 1) 410, 63 Stat. (pt. 1) 698, 69 Stat. 162), and by section 7(c) of the Trade Agreements Extension Act of 1951 (65 Stat. 74), and in accordance with Article XIX of the General Agreement, the President, by Proclamation No. 3211 of November 9, 1957, proclaimed the withdrawal of the duty concession granted by the United States with respect to spring clothespins described in the first item 412 in Part I of Schedule XX (Annecy-1949), effective after the close of business December 9, 1957;

6. WHEREAS Article XIX of the General Agreement provides for consultation with those other contracting parties having a substantial interest as exporters of products with respect to which action has been taken under that Article with a view to agreement being reached among all interested contracting parties;

7. WHEREAS reasonable public notice of the intention to conduct trade-agreement negotiations with the Government of Sweden, which is a contracting party to the General Agreement having a substantial interest as an exporter, was given, the views presented by persons interested in such negotiations were received and considered, and information and advice with respect to such negotiations were sought and obtained from the Departments of State, Agriculture, Commerce, and Defense, and from other sources;

8. WHEREAS, pursuant to section 3 (a) of the Trade Agreements Extension Act of 1951, as amended (19 U.S.C. § 1360 (a)), the President transmitted to the United States Tariff Commission for investigation and report a list of all articles imported into the United States of America to be considered for possible modification of duties and other import restrictions, imposition of additional import restrictions, or continuance of existing customs or excise treatment in the trade-agreement negotiations with the Government of Sweden, and the Tariff Commission made an investigation in accordance with section 3 of the said Trade Agreements Extension Act of 1951, as amended, and thereafter reported to him its determinations made pursuant to such section within the period specified therein;

9. WHEREAS I have found as a fact that, in the circumstances recited above, existing duties or other import restrictions of the United States of America are unduly burdening and restricting the foreign trade of the United States of America;

10. WHEREAS, the period for the exercise of the authority of the President to enter into foreign-trade agreements under section 350 of the Tariff Act of 1930, as amended, having been extended by section 2 of the Trade Agreements Extension Act of 1958 (72 Stat. 673) until the close of June 30, 1962, as a result of the findings set forth in the ninth recital of this proclamation and for the purpose of restoring the general level of reciprocal and mutually advantageous concessions in the General Agreement by the replacement therein of other concessions, I, through my duly authorized representative, on September 15, 1961, entered into a foreign trade agreement consisting of an agreement, including a schedule, between the Kingdom of Sweden and the United States of America supplementary to the General Agreement, a copy of which supplementary agreement is annexed to this proclamation;

11. WHEREAS the agreement specified in the tenth recital of this proclamation provides that the treatment provided for in the schedule annexed thereto shall be applied by the United States of America on and after October 18, 1961;

12. WHEREAS I find that the compensatory modifications provided for in the trade agreement specified in the tenth recital of this proclamation constitute an appropriate action toward maintaining the general level of reciprocal and mutually advantageous concessions in the General Agreement, that the purpose set forth in the said section 350, as amended, will be promoted by such compensatory modifiactions of existing duties and other import restrictions and continuance of existing customs or excise treatment as are set forth and provided for in the trade agreement specified in the tenth recital of this proclamation and that such modifications of existing duties and other import restrictions and such continuance of existing customs or excise treatment of articles as are hereinafter proclaimed in this proclamation will be required or appropriate, on and after the date hereinafter specified, to carry out that trade agreement:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and the statutes, including section 350 of the Tariff Act of 1930, as amended, to the end that the foreign-trade agreement supplementary to the General Agreement, specified in the tenth recital of this proclamation, may be carried out, do hereby proclaim that such modifications of existing duties and other import restrictions of the United States of America and such continuance of existing customs or excise treatment of articles imported into the United States as are specified and pro-

vided for in that trade agreement, including the schedule annexed thereto, shall, subject to the provisions of that trade agreement, be applied as though such modifications and continuance were specified and provided for in Part I of Schedule XX (Annecy-1949), as follows:

(1) The rates of duty specified in column A at the right of the description of products in the said schedule annexed to the said trade agreement supplementary to the General Agreement, on and after October 18, 1961.

(2) The rates of duty specified in column B at the right of the description of products, on and after the date determined in accordance with the provisions of the Note at the end of the schedule annexed to the said trade agreement.

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

DONE at the City of Washington this 18th day of September in the year of our Lord nineteen hundred and [SEAL] sixty-one and of the Independence of the United States of America the one hundred and eighty-sixth.

JOHN F. KENNEDY

By the President:

CHESTER BOWLES,
Acting Secretary of State.

FOOTNOTE: The English text of this agreement is contained in Department of State Press Release No. 636, September 15, 1961. The portions of the agreement to be applied by the United States will be printed in Treasury Decisions, and the complete agreement will be printed first separately in Treaties and Other International Acts Series and subsequently in the bound volumes of United States Treaties and Other International Agreements.

[F.R. Doc. 61-9195; Filed, Sept. 21, 1961; 11:26 a.m.]

Executive Order 10964

AMENDMENT OF EXECUTIVE ORDER NO. 10501,[1] ENTITLED "SAFEGUARDING OFFICIAL INFORMATION IN THE INTERESTS OF THE DEFENSE OF THE UNITED STATES"

By virtue of the authority vested in me by the Constitution and statutes of the United States, and deeming such action necessary in the best interest of the national security, it is ordered that Executive Order No. 10501 of November 5, 1953, as amended, be, and it is hereby, further amended as follows:

1. Section 4 is amended—

(A) By substituting for the first paragraph thereof the following:

"SEC. 4. *Declassification, Downgrading, or Upgrading.* When classified information or material no longer requires its present level of protection in the defense interest, it shall be downgraded or declassified in order to preserve the effectiveness and integrity of the classification system and to eliminate classifications of information or material which no longer require classification protection. Heads of departments or agencies originating classified information or material shall designate persons to be responsible for continuing review of such classified information or material on a document-by-document, category, project, program, or other systematic basis, for the purpose of declassifying or downgrading whenever national defense considerations permit, and for receiving requests for such review from all sources. However, Restricted Data and material formerly designated as Restricted Data shall be handled only in accordance with subparagraph 4(a)(1) below and section 13 of this order. The following special rules shall be observed with respect to changes of classification of defense information or material, including information or material heretofore classified:"

(B) By deleting paragraphs (a), (e), (g), (h), and (i) and inserting in lieu thereof the following:

"(a) *Automatic Changes.* In order to insure uniform procedures for automatic changes, heads of departments and agencies having authority for original classification of information or material, as set forth in section 2, shall categorize such classified information or material into the following groups:

"(1) *Group 1.* Information or material originated by foreign governments or international organizations and over which the United States Government has no jurisdiction, information or material provided for by statutes such as the Atomic Energy Act, and information or material requiring special handling, such as intelligence and cryptography. This information and material is excluded from automatic downgrading or declassification.

"(2) *Group 2.* Extremely sensitive information or material which the head of the agency or his designees exempt, on an individual basis, from automatic downgrading and declassification.

"(3) *Group 3.* Information or material which warrants some degree of classification for an indefinite period. Such information or material shall become automatically downgraded at 12-year intervals until the lowest classification is reached, but shall not become automatically declassified.

"(4) *Group 4.* Information or material which does not qualify for, or is not assigned to, one of the first three groups. Such information or material shall become automatically downgraded at three-year intervals until the lowest classification is reached, and shall be automatically declassified twelve years after date of issuance.

"To the fullest extent practicable, the classifying authority shall indicate on the information or material at the time of original classification if it can be downgraded or declassified at an earlier date, or if it can be downgraded or declassified after a specified event, or upon the removal of classified attachments or enclosures. The heads, or their designees, of departments and agencies in possession of defense information or material classified pursuant to this order, but not bearing markings for automatic downgrading or declassification, are hereby authorized to mark or designate for automatic downgrading or declassification such information or material in accordance with the rules or regulations established by the department or agency that originally classified such information or material."

"(e) *Information or Material Transmitted by Electrical Means.* The downgrading or declassification of classified information or material transmitted by electrical means shall be accomplished in accordance with the procedures described above unless specifically prohibited by the originating department or agency. Unclassified information or material which is transmitted in encrypted form shall be safeguarded and handled in accordance with the regulations of the originating department or agency."

"(g) *Upgrading.* If the recipient of unclassified information or material believes that it should be classified, or if the recipient of classified information or material believes that its classification is not sufficiently protective, it shall be safeguarded in accordance with the classification deemed appropriate and a request made to the reviewing official, who may classify the information or material or upgrade the classification after obtaining the consent of the appropriate classifying authority. The date of this action shall constitute a new date of origin insofar as the downgrading or declassification schedule (paragraph (a) above) is concerned."

"(h) *Departments and Agencies Which Do Not Have Authority for Original Classification.* The provisions of this section relating to the declassification of defense information or material shall apply to departments or agencies which do not, under the terms of this order, have authority for original classification of information or material, but which have formerly classified information or material pursuant to Executive Order No. 10290 of September 24, 1951."

"(i) *Notification of Change in Classification.* In all cases in which action is taken by the reviewing official to downgrade or declassify earlier than called for by the automatic downgrading-declassification stamp, the reviewing official shall promptly notify all addressees to whom the information or material was originally transmitted. Recipients of original information or material, upon receipt of notification of change in classification, shall notify addressees to whom they have transmitted the classified information or material."

2. Section 5 is amended—

(A) By adding a new paragraph (a) thereto, as follows:

"(a) *Downgrading-Declassification Markings.* At the time of origination, all classified information or material shall be marked to indicate the downgrading-declassification schedule to be followed in accordance with paragraph (a) of section 4 of this order."

(B) By relettering the present paragraphs (a) through (i) as (b) through (j), respectively.

[1] 18 F.R. 7049; 3 CFR, 1949-1953 Comp., p. 979.

3. Section 6 is amended—

(A) By deleting from the second sentence of the first paragraph the words "physical or mechanical."

(B) By deleting paragraphs (a) and (b) and by inserting in lieu thereof the following:

"(a) *Storage of Top Secret Information and Material.* As a minimum, Top Secret defense information and material shall be stored in a safe or safe-type steel file container having a three-position dial-type combination lock, and being of such weight, size, construction, or installation as to minimize the possibility of unauthorized access to, or the physical theft of, such information and material. The head of a department or agency may approve other storage facilities which afford equal protection, such as an alarmed area, a vault, a vault-type room, or an area under continuous surveillance.

"(b) *Storage of Secret and Confidential Information and Material.* As a minimum, Secret and Confidential defense information and material may be stored in a manner authorized for Top Secret information and material, or in steel file cabinets equipped with steel lockbar and a changeable three-combination dial-type padlock or in other storage facilities which afford equal protection and which are authorized by the head of the department or agency.

"(c) *Storage or Protection Equipment.* Whenever new security storage equipment is procured, it should, to the maximum extent practicable, be of the type designated as security filing cabinets on the Federal Supply Schedule of the General Services Administration."

(C) By relettering the paragraphs (c) through (g) as (d) through (h), respectively.

4. Paragraphs (c) and (d) of section 8 are amended to read as follows:

"(c) *Transmitting Secret Information and Material.* Secret information and material shall be transmitted within and between the forty-eight contiguous States and the District of Columbia, or wholly within Alaska, Hawaii, the Commonwealth of Puerto Rico, or a United States possession, by one of the means established for Top Secret information and material, by authorized courier, by United States registered mail, or by the use of protective services provided by commercial carriers, air or surface, under such conditions as may be prescribed by the head of the department or agency concerned. Secret information and material may be transmitted outside those areas by one of the means established for Top Secret information and material, by commanders or masters of vessels of United States registry, or by the United States registered mail through Army, Navy, Air Force, or United States civil postal facilities; provided that the information or material does not at any time pass out of United States Government control and does not pass through a foreign postal system. For the purposes of this section registered mail in the custody of a transporting agency of the United States Post Office is considered within United States Government control unless the transporting agent is foreign controlled or operated. Secret information and material may, however, be transmitted between United States Government or Canadian Government installations, or both, in the forty-eight contiguous States, the District of Columbia, Alaska, and Canada by United States and Canadian registered mail with registered mail receipt. Secret information and material may also be transmitted over communications circuits in accordance with regulations promulgated for such purpose by the Secretary of Defense.

"(d) *Transmitting Confidential Information and Material.* Confidential information and material shall be transmitted within the forty-eight contiguous States and the District of Columbia, or wholly within Alaska, Hawaii, the Commonwealth of Puerto Rico, or a United States possession, by one of the means established for higher classifications, or by certified or first-class mail. Outside those areas Confidential information and material shall be transmitted in the same manner as authorized for higher classifications."

5. Section 13 is amended to read as follows:

"SEC. 13. *'Restricted Data,' Material Formerly Designated as 'Restricted Data,' Communications Intelligence and Cryptography.* (a) Nothing in this order shall supersede any requirements made by or under the Atomic Energy Act of August 30, 1954, as amended. 'Restricted Data,' and material formerly designated as 'Restricted Data,' shall be handled, protected, classified, downgraded, and declassified in conformity with the provisions of the Atomic Energy Act of 1954, as amended, and the regulations of the Atomic Energy Commission.

"(b) Nothing in this order shall prohibit any special requirements that the originating agency or other appropriate authority may impose as to communications intelligence, cryptography, and matters related thereto."

6. A new section 19 is added reading as follows:

"SEC. 19. *Unauthorized Disclosure by Government Personnel.* The head of each department and agency is directed to take prompt and stringent administrative action against any officer or employee of the United States, at any level of employment, determined to have been knowingly responsible for any release or disclosure of classified defense information or material except in the manner authorized by this order, and where a violation of criminal statutes may be involved, to refer promptly to the Department of Justice any such case."

7. Sections 19 and 20 are renumbered as sections 20 and 21, respectively.

JOHN F. KENNEDY

THE WHITE HOUSE,
September 20, 1961.

[F.R. Doc. 61-9164; Filed, Sept. 20, 1961; 4:41 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Agriculture

Effective upon publication in the FEDERAL REGISTER, subparagraph (3) of paragraph (e) of § 6.111 is amended as set out below.

§ 6.111 Department of Agriculture.

* * * * *

(e) *Agricultural Stabilization and Conservation Service.* * * *

(3) State Executive Directors.

(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. 61-9059; Filed, Sept. 21, 1961; 8:45 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER A—COMMODITY STANDARDS AND STANDARD CONTAINER REGULATIONS

PART 35—EXPORT GRAPES AND PLUMS

Notice is hereby given of the issuance of the regulations (7 CFR Part 35), applicable to Emperor variety grapes, pursuant to the provisions of the Export Grape and Plum Act, as amended (74 Stat. 734; 75 Stat. 220; 7 U.S.C. 591–599), and to the authority set forth in section 7, 74 Stat. 734; 7 U.S.C. 597, for carrying out the provisions of said Act. Notice with respect to the proposed regulations was given in the FEDERAL REGISTER issue of August 23, 1961 (26 F.R. 7834).

After consideration of all relevant matters presented, including the proposal set forth in such notice, it is hereby found that the said regulations, as hereinafter set forth, are in accordance with the provisions of and will tend to effectuate the declared purposes of the Export Grape and Plum Act.

It it hereby further found that good cause exists for not postponing the effective date of this regulation beyond that hereinafter set forth (5 U.S.C. 1001–1011) in that the 1961–62 shipping season for Emperor variety grapes will begin on or about such effective date, and to be of maximum benefit it is essential that such regulation apply to as many export shipments of Emperor grapes as possible during such season. Section 2 of the Act provides that grapes may be shipped in fulfillment of contracts made prior to the effective date hereof providing such grapes are shipped within 2 months of the date of the contract. Opportunity is thus provided for exporters to fulfill prior obligations and compliance with the provisions hereof will not require advance preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

The regulations are as follows:

DEFINITIONS

REGULATIONS

EXEMPTIONS

WITHHOLDING CERTIFICATES

AUTHORITY: §§ 35.1 to 35.17 issued under 74 Stat. 734; 75 Stat. 220; 7 U.S.C. 591–599.

DEFINITIONS

§ 35.1 Act.

"Act" or "Export Grape and Plum Act" means "An Act to promote the foreign trade of the United States in grapes and plums, to protect the reputation of American-grown grapes and plums in foreign markets, to prevent deception or misrepresentation as to the quality of such products moving in foreign commerce, to provide for the commercial inspection of such products entering such commerce, and for other purposes" (74 Stat. 734; 75 Stat. 220; 7 U.S.C. 591–599).

§ 35.2 Person.

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

§ 35.3 Secretary.

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

§ 35.4 Carrier.

"Carrier" means any common or private carrier, including, but not being limited to, trucks, rail, airplanes, vessels, tramp or chartered steamers, whether carrying for hire or otherwise.

§ 35.5 Package.

"Package" means any container of Emperor variety grapes.

§ 35.6 Shipment.

"Shipment" means one or more lots of Emperor variety grapes shipped or offered for shipment by any one person in a single conveyance to a foreign country regardless of the number of consignees, receivers, or ports of destination in that country.

§ 35.7 Certificate.

"Certificate" or "Certificate of Inspection" means any of the official forms of inspection certificate, bearing the statement "meets Export Grape and Plum Act," issued by the Federal or Federal-State Inspection Service in accordance with regulations governing the inspection of fresh fruits, vegetables, and other products (7 CFR Part 51).

§ 35.8 Date of export.

"Date of export" means the date of loading on board the exporting carrier on which movement of the grapes from the United States is effected. The date of the on board bill of lading (or loading tally sheet) shall be considered to be the date the grapes were loaded on board, unless an "on board" date is shown.

REGULATIONS

§ 35.11 Minimum requirements.

No person shall ship, or offer for shipment, and no carrier shall transport, or receive for transportation, any shipment of Emperor variety grapes to any foreign destination unless:

(a) Such grapes in sawdust packs meet each minimum requirement of the U.S. No. 1 Sawdust Pack Grape Grade as specified in the U.S. Standards for Sawdust Grapes (European or Vinifera Type) (§§ 51.2150–51.2178 of this title).

(b) Such grapes in other than sawdust packs meet each applicable minimum requirement of the U.S. No. 1 Table Grape Grade as specified in the United States Standards for Grades of Table Grapes (European or Vinifera Type) (§§ 51.880–51.912 of this title; 26 F.R. 8002).

(c) Each package of such grapes, other than consumer sized packages of five pounds or less in master containers, is marked plainly and conspicuously with (1) the name and address of the grower or packer; (2) the variety; and (3) the name of the U.S. grade, as "U.S. No. 1 Sawdust Pack Grapes" or "U.S. No. 1 Table Grapes" or higher grade, if the

fruit meets each applicable minimum requirement of such grade.

§ 35.12 Inspection and certification.

(a) Each person shipping, or offering for shipment, Emperor variety grapes to any foreign destination shall cause them to be inspected within 14 days prior to date of export by the Federal or Federal-State Inspection Service in accordance with regulations governing the inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this chapter) and certified as meeting the requirements of the Act and this part.

(b) The Federal or Federal-State certificate of inspection shall include the following statement "Meets Export Grape and Plum Act." No carrier shall transport or receive for transportation Emperor variety grapes to any foreign destination unless a copy of the certificate of inspection issued thereon is surrendered to such carrier when such grapes are so received. The shipper shall deliver a copy of such certificate covering the shipment to the export carrier. Such grapes may be inspected at points other than port of exportation. Whenever such grapes are inspected and certified at any point other than port of exportation, the shipper shall deliver a copy of such certificate to the agent of the first carrier that thereafter transports such grapes and such agent shall deliver such copy to the proper official of the carrier on which the grapes are to be exported.

(c) A copy of the Certificate of Inspection shall be filed by the export carrier for a period of not less than three (3) years following date of export.

(d) Persons exporting grapes under the provisions of section 2 of the Act shall first submit to the Federal or Federal-State Inspection Service a certification in duplicate stating the names and addresses of the contracting parties, the date of contract, the quantity of grapes to be delivered, the U.S. grade specified, the expected date of shipment, and the name and address of the export carrier. The certificate of inspection shall indicate that the grapes are eligible for export under section 2 of the Act.

(e) If the inspector has reason to believe that samples of a lot of Emperor variety grapes have been obtained for a determination as to compliance with tolerance for spray residue, established under the Federal Food, Drug and Cosmetic Act, as amended (52 Stat. 1040; 21 U.S.C. 301 et seq.), he shall not issue a certificate on the lot unless it complies with such tolerances.

EXEMPTIONS

§ 35.13 Minimum quantity.

Any person may, without regard to the provisions of this part, ship or offer for shipment, and any carrier may, without regard to the provisions of this part, transport or receive for transportation to any foreign destination, a shipment of 25 packages or less of Emperor variety grapes, not exceeding 1,250 pounds gross weight.

WITHHOLDING CERTIFICATES

§ 35.14 Notice.

If the Secretary is considering withholding the issuance of certificates under the Act for a period of not exceeding 90 days to any person who ships, or offers for shipment, Emperor variety grapes to any foreign destination in violation of any provisions of the Act or this part, he shall cause notice to be given to the person accused of the nature of the charges against him and of the specific instances in which violation of the Act or the regulations in this part is charged.

§ 35.15 Opportunity for hearing.

The person accused shall be entitled to a hearing, provided he makes written request therefor and files a written responsive answer to the charges made not later than 10 days after service of such notice upon him. The right to hearing shall be restricted to matters in issue. At such hearing, he shall have the right to be present in person or by counsel and to submit evidence and argument in his behalf. Failure to request a hearing within the specified time or failure to appear at the hearing when scheduled shall be deemed a waiver of the right to hearing. Such person may, in lieu of requesting an oral hearing, file a sworn written statement with the Secretary not later than 10 days after service of such notice upon him.

§ 35.16 Suspension of inspection.

Any order to withhold the issuance of a certificate, as provided in section 6 of the Act. will be effective from the date specified in the order but no earlier than the date of its service upon the person found to have been guilty. Such order will state the inclusive dates during which it is to remain in effect, and during this period no inspector employed or licensed by the Secretary shall issue any Certificate of Inspection to such person.

§ 35.17 Service of notice or order.

Service of any notice or order required by the Act or prescribed by the regulations in this part shall be deemed sufficient if made personally upon the person served, by registered mail, or by leaving a copy of such notice or order with an employee or agent at such person's usual place of business or abode or with any member of his immediate family at his place of abode. If the person named is a partnership, association, or corporation, service may similarly be made by service on any member of the partnership or any officer, employee, or agent of the association or corporation.

Dated: September 19, 1961, to become effective October 9, 1961.

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

[F.R. Doc. 61-9103; Filed, Sept. 21, 1961; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 534; Amdt. 340]

PART 507—AIRWORTHINESS DIRECTIVES

Vickers Viscount 745D and 810 Series Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive applying to inspection and retirement of Vickers Viscount 745D and 810 Series aircraft fuselage components was published in 26 F.R. 169.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Comments were received from operators concerning cabin pressure provisions of the Preliminary Technical Leaflet and calculation of previous flight pressures stated in paragraph (f)(1) of the proposal. The proposed directive was based on PTL's 221 and 94 which were not designated as Issue 1. Subsequent to issuance of the proposed directive in the FEDERAL REGISTER, Issue 2 of the PTL's was published providing certain revised procedures for maintaining and evaluating cabin differential pressure operating records as a basis for determining safe life of fuselage components. Accordingly, the reference statement of the directive is being changed to incorporate the later issues which embody the provisions submitted by the airlines for consideration.

It has been determined since issuance of the proposed directive that the allowance of 180 days after the effective date of the directive for accomplishment of the modifications required in paragraphs (f) (1) and (2) thereof would lead to over-extending the allowable fuselage safe life and jeopardize airworthiness. Therefore, it has been found necessary in the interest of safety to reduce the compliance period with respect to the modifications required in paragraphs (f) (1) and (2) to 30 days after the effective date of this directive.

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

VICKERS. Applies to all Viscount Model 745D and 810 Series aircraft.

Compliance required as indicated, unless already accomplished.

Vickers-Armstrongs has issued PTL's No. 221 Issue 2 (700 Series) and No. 94 Issue 2 (800/810 Series) to make available in single documents the respective approved life of Viscount fuselage components and the inspections and modifications necessary on the fuselage to attain the approved life. Compliance with the provisions of PTL 221 June 2 (for Model 745D) and PTL 94 Issue 2 (for Model 810) aircraft is required as outlined below.

This AD consolidates information previously contained in AD's 57–16–5, 57–18–2, 58–1–8, 58–5–2(c), 58–5–2(e), 58–7–4, and 58–10–5. In addition, certain new fuselage areas, paragraphs (a)(1), (d)(1), (e) (2) through (6), (f) (1) and (2), and (g) are subject to inspection and possible modification in accordance with the noted sections of the applicable PTL's.

(a) *Cockpit Pressure Floor—Section 2.*

(1) Floor Beam at Station 47—Incorporation of Mod. D. 2733 (745D aircraft) or Mod. FG. 1231 (810 aircraft) required as indicated in PTL's 221 Issue 2 and 94 Issue 2 respectively.

(2) Catenary Floor—Compliance required as indicated in PTL 221 Issue 2 or 94 Issue 2, as applicable, with initial inspection required no later than 30 days after the effective date of this AD.

(3) Stiffener Attachment—Compliance required as indicated in PTL 221 Issue 2 or 94 Issue 2, as applicable, with initial inspection required no later than 30 days after the effective date of this AD.

(4) Flooring Forward of Station 20—Compliance required as indicated in PTL 221 Issue 2 or 94 Issue 2, as applicable, with initial inspection required no later than 30 days after the effective date of this AD for aircraft having accumulated 3,000 or more flights.

(b) *Pressure Bulkheads—Section 3.*

(1) Front Bulkhead, Station 24—Compliance required as indicated in PTL 221 Issue 2 or 94 Issue 2, as applicable, with initial inspection required no later than 30 days after the effective date of this AD for aircraft having accumulated 8,000 or more flights.

(2) Rear Bulkhead, Station 761—Compliance required as indicated in PTL 221 Issue 2.

(c) *Entrance Door—Section 4 (745D aircraft).*

(1) Front and Rear, Inner Angle—Compliance required as indicated in PTL 221 Issue 2 with initial inspection required no later than 30 days after the effective date of this AD for aircraft having accumulated 2,000 or more flights.

(2) Shear Cleat Attachment to Fuselage Skin, Station 132—Same as (c)(1).

(3) Front and Rear, Main Surround Members—Compliance required as indicated in PTL 221 Issue 2.

(d) *Freight Doors—Section 5 (745D) or Section 4 (810).*

(1) Surround Structure—Compliance required as indicated in PTL 221 Issue 2 or 94 Issue 2, as applicable, with initial inspection required no later than 30 days after the effective date of this AD for aircraft having accumulated 9,000 or more flights.

(e) *Frames—Section 6 (745D) or Section 5 (810).*

(1) Fuselage Spar Frame, Station 414—Compliance required as indicated in PTL 221 Issue 2, with initial inspection required no later than 30 days after the effective date of this AD. Incorporation of Modifications D. 1947(a) and D.2103 required no later than 90 days after the effective date of this AD for aircraft having accumulated 2,000 or more flights.

(2) Trailing Edge Frame, Station 455—Compliance required as indicated in PTL 221 Issue 2 with initial inspection required no later than 30 days after the effective date of this AD for aircraft having accumulated 9,000 or more flights.

(3) Fuselage Spar Frame, Station 460—Compliance required as indicated in PTL 94 Issue 2, with initial inspection required no later than 30 days after the effective date of this AD. Incorporation of Modifications F.178 and F.366 required no later than 90 days after the effective date of this AD for aircraft having accumulated 2,000 or more flights.

(4) Trailing Edge Frame, Station 501–234—Compliance required as indicated in PTL 94 Issue 2, with initial inspection required no later than 30 days after the effective date of this AD for aircraft having accumulated 3,000 or more flights.

(5) Underfloor Freight Hold, Port Side Frames—Compliance required as indicated in PTL 94 Issue 2, with initial inspection required no later than 30 days after the effective date of this AD for aircraft having accumulated 2,000 or more flights.

(6) Sledge Type Cleat Fitted Frames—Incorporation of Modification FG.869 required as indicated in PTL 94 Issue 2.

(f) *Skin-Section 7 (745D) or Section 6 (810).*

(1) Fuselage Skin Seam Joints—Compliance required as indicated in PTL 221 Issue 2 or 94 Issue 2, as applicable, with incorporation of Modification D.2597 (a), (b), and (c) (745D aircraft) or Modifications FG.1005 and FG.1454 (810 aircraft) required no later than 30 days after the effective date of this AD for aircraft having accumulated 12,500 or more flights at 6.5 p.s.i., or 19,000 or more flights at 5.5 p.s.i. or 35,000 or more flights at 4.5 p.s.i.

(2) Fuselage Skin Overlap Joints—Compliance required as indicated in PTL 221 Issue 2 or 94 Issue 2, as applicable, with incorporation of Modification D.2990 (a) or (b) (745D aircraft) or Modification FG.1783 (810 aircraft) required no later than 30 days after the effective date of this AD for aircraft having accumulated 11,000 or more flights at 6.5 p.s.i., or 16,000 or more flights at 5.5 p.s.i., or 30,000 or more flights at 4.5 p.s.i.

(g) *Miscellaneous Skin Cutouts—Section 8 (745D) or Section 7 (810).*

Compliance required as indicated in PTL 221 Issue 2 or 94 Issue 2, as applicable, with initial inspection required no later than 30 days after the effective date of this AD for aircraft having accumulated 9,000 or more flights.

(Vickers-Armstrongs PTL 221 Issue 2 (700 Series) and PTL 94 Issue 2 (800/810 Series) cover this subject.)

This supersedes AD's 57–16–5 and 57–18–2 Amendment 3, 23 F.R. 438; 58–1–8 Amendment 4, 23 F.R. 1109; 58–5–2 C. Amendment 6, 23 F.R. 2568 as revised by Amendment 11, 23 F.R. 7482; 58–5–2 E. Amendment 6, 23 F.R. 2568; 58–7–4 Amendment 7, 23 F.R. 3586; and 58–10–5 Amendment 8, 23 F.R. 4725 as revised by Amendment 13, 23 F.R. 9632.

This amendment shall become effective October 24, 1961.

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

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

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 61–9060; Filed, Sept. 21, 1961; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket 61–WA–104]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

On June 29, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 5835), stating that the Federal Aviation Agency proposed extension of intermediate altitude VOR Federal airway No. 1692 from Burley, Idaho, to Pocatello, Idaho.

No adverse comments were received regarding the proposed amendment.

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

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, § 600.1692 (26 F.R. 1079) is amended to read:

§ 600.1692 VOR Federal airway No. 1692 (Medford, Oreg., to Pocatello, Idaho).

From the Medford, Oreg., VOR; 8 mile wide airway via the Klamath Falls, Oreg., VOR; thence via Lakeview, Oreg., VOR; Rome, Oreg., VOR; INT of the Rome VOR 099° and the Burley, Idaho, VOR 261° radials; Burley VOR; to the Pocatello, Idaho, VOR.

This amendment shall become effective 0001, e.s.t., November 16, 1961.

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

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

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

[F.R. Doc. 61–9064; Filed, Sept. 21, 1961; 8:45 a.m.]

[Airspace Docket No. 61–WA–105]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

On July 1, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 5959), stating that the Federal Aviation Agency proposed to alter the segment of intermediate altitude VOR Federal airway No. 1709 from Kiowa, Colo., to Cheyenne, Wyo.

No adverse comments were received regarding the proposed amendment.

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

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

In the text of § 600.1709 (26 F.R. 1079) "From the Kiowa, Colo., VOR via the INT of the Kiowa VOR 001° and the Cheyenne, Wyo., VOR 131° radials;" is deleted and "From the Kiowa, Colo., VOR via the INT of the Kiowa VOR 005° and the Cheyenne, Wyo., VOR 131° radials;" is substituted therefor.

This amendment shall become effective 0001, e.s.t., November 16, 1961.

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

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

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

[F.R. Doc. 61–9065; Filed, Sept. 21, 1961; 8:46 a.m.]

[Airspace Docket No. 61–FW–31]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

On April 28, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 3650), stating that the Federal Aviation Agency proposed to alter low altitude VOR Federal airway No. 18 between Augusta, Ga., and Allendale, S.C. and to designate the control areas associated with this segment of Victor 18 to extend upward from at least 1,200 feet above the surface or, if appropriate, 500 feet below the minimum IFR en route altitude, when established, to the base of the continental control area.

On July 22, 1961, a supplemental notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 6602), amending the original notice. The supplemental notice proposed that the control areas associated with this segment of Victor 18 extend upward from 700 feet above the surface to the base of the continental control area until such time as Amendment 60–21 to Part 60 of the Civil Air Regulations could be applied to the control areas associated with the other airways in the vicinity of Augusta and Allendale.

The Air Transport Association of America objected to the extent of the control areas as proposed in the notice; however, they concurred in the proposal set forth in the amended notice. The Department of the Army offered no objection to the proposal set forth in the amended notice. No other comments were received on the proposals.

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

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

In § 600.6018 (14 CFR 600.6018) the following change is made: In the text "INT of the Augusta VOR 157° and the Allendale VOR 261° radials;" is deleted and "INT of the Augusta VOR 157° and the Allendale VOR 262° radials;" is substituted therefor.

This amendment shall become effective 0001, e.s.t., November 16, 1961.

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

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

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

[F.R. Doc. 61–9066; Filed, Sept. 21, 1961; 8:46 a.m.]

[Airspace Docket No. 61–NY–30]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

On July 7, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 6104), stating that the Federal Aviation Agency proposed to alter the segment of intermediate altitude VOR Federal airway No. 1502 from Syracuse, N.Y., to Manchester, N.H.

No adverse comments were received regarding the proposed amendment.

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 matters presented.

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

In the text of § 600.1502 (26 F.R. 1079) "thence 10 mile wide airway to the INT of the Syracuse VOR 100° and the Albany, N.Y., VOR 286° radials; thence 12 mile wide airway via the Albany VOR; INT of the Albany VOR 075° and the Manchester, N.H., VOR 276° radials; Manchester VOR;" is deleted and "thence 10 mile wide airway to the INT of the Syracuse VOR 100° and the Cambridge, N.Y., VOR 272° radials; thence 16 mile wide airway to the Cambridge VOR; thence 10 mile wide airway to the Manchester, N.H., VOR;" is substituted therefor.

This amendment shall become effective 0001, e.s.t., November 16, 1961.

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

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

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

[F.R. Doc. 61–9067; Filed, Sept. 21, 1961; 8:46 a.m.]

[Airspace Docket No. 61–WA–84]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Las Vegas, Nev., to Prescott, Ariz.

On June 29, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 5836), stating that the Federal Aviation Agency proposed to designate intermediate altitude VOR Federal airway No. 1748 from Las Vegas, Nev., to Prescott, Ariz.

No adverse comments were received regarding the proposed amendment.

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

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, Part 600 (14 CFR Part 600) is amended by adding the following section:

§ 600.1748 VOR Federal airway No. 1748 (Las Vegas, Nev., to Prescott, Ariz.).

From the Las Vegas, Nev., VOR to the Prescott, Ariz., VOR.

This amendment shall become effective 0001, e.s.t., November 16, 1961.

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

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

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

[F.R. Doc. 61–9068; Filed, Sept. 21, 1961; 8:46 a.m.]

[Airspace Docket No. 60–NY–143]

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

Alteration of Control Zone

On June 23, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 5630), stating that the Federal Aviation Agency proposed to alter the Lexington, Ky., control zone.

No adverse comments were received regarding the proposed amendment.

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

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

Section 601.2242 (14 CFR 601.2242) Lexington, Ky., control zone is amended to read:

§ 601.2242 Lexington, Ky., control zone.

Within a 5-mile radius of the Lexington Blue Grass Airport (latitude 38°-02'10" N., longitude 84°36'15" W.); within 2 miles either side of the 304° radial of the Lexington VORTAC extending from the 5-mile radius zone to the VORTAC; and within 2 miles either side of the Lexington Blue Grass ILS localizer NE course extending from the 5-mile radius zone to the INT of the localizer NE course with the 340° radial of the Lexington VORTAC.

This amendment shall become effective 0001, e.s.t., November 16, 1961.

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

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

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

8:45 a.m.]

[F.R. Doc. 61–9061; Filed, Sept. 21, 1961;

[Airspace Docket No. 61–FW–27]

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

Alteration of Control Zone

On July 7, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 6108), stating that the Federal Aviation Agency proposed to redesignate the Ardmore, Okla., control zone.

No adverse comments were received regarding the proposed amendment.

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

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, § 601.2342 (14 CFR 601.2342) is amended to read:

§ 601.2342 Ardmore, Okla., control zone.

Within a 5-mile radius of the Ardmore Municipal Airport (latitude 34°18′00″ N., longitude 97°00′50″ W.), within 2 miles either side of the 053° radial of the Ardmore VOR extending from the 5-mile radius zone to the VOR and within 2 miles either side of the 085° bearing from the Ardmore RBN extending from the 5-mile radius zone to the RBN.

This amendment shall become effective 0001, e.s.t., November 16, 1961.

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

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

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

[F.R. Doc. 61–9062; Filed, Sept. 21, 1961; 8:45 a.m.]

[Airspace Docket No. 61–FW–7]

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

Designation of Control Zone

On July 1, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 5960), stating that the Federal Aviation Agency proposed to designate a control zone at Fulton County Airport, Atlanta, Ga.

No adverse comments were received regarding the proposed amendment.

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

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

Part 601 (14 CFR Part 601) is amended by adding the following section:

§ 601.2490 Atlanta, Ga. (Fulton County Airport), control zone.

Within a 5-mile radius of the Fulton County Airport, Atlanta, Ga. (latitude 33°46′47″ N., longitude 84°31′20″ W.), within 2 miles either side of the 276° radial of the Fulton County Airport VOR extending from the 5-mile radius zone to 11 miles west of the VOR, excluding that portion which coincides with the Atlanta, Ga., control zone (§ 601.2283).

This amendment shall become effective 0001, e.s.t., November 16, 1961.

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

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

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

[F.R. Doc. 61–9063; Filed, Sept. 21, 1961; 8:45 p.m.]

[Airspace Docket No. 61–KC–22]

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

Designation of Transition Area

On June 21, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 5529), stating that the Federal Aviation Agency proposed to designate a transition area at Rhinelander, Wis.

No adverse comments were received regarding the proposed amendment.

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

Part 601 (14 CFR Part 601) is amended by adding the following section:

§ 601.10409 Rhinelander, Wis., transition area.

That airspace extending upward from 700 feet above the surface within a 12-mile radius of the Rhinelander VOR, and within a 5-mile radius of the Drott Airport (latitude 45°30′45″ N., longitude 89°33′35″ W.).

This amendment shall become effective 0001, e.s.t., November 16, 1961.

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

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

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

[F.R. Doc. 61–9071; Filed, Sept. 21, 1961; 8:46 a.m.]

[Airspace Docket No. 61–WA–149]

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to § 608.23 of the regulations of the Administrator is to alter the Ajo, Ariz., Restricted Area R–2301.

The Department of the Air Force concurs with the Federal Aviation Agency proposal for alteration of this restricted area to provide additional airspace for aircraft operating on VOR/VORTAC jet route No. 2 between Yuma and Phoenix, Ariz., by moving six miles of the northern boundary of R–2301 approximately one-half mile south.

Since this amendment reduces a burden on the public, notice and public procedure hereon are unnecessary and it may be made effective immediately.

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

In the text of § 608.23 Ariz., Restricted Area R–2301 (26 F.R. 7189) is amended to read:

R–2301 Ajo, Ariz.

Boundaries. Beginning at latitude 32°-50′25″ N., longitude 112°49′00″ W.; to latitude 32°11′30″ N., longitude 112°56′45″ W.; to latitude 32°11′30″ N., longitude 113°-05′30″ W.; to latitude 31°58′00″ N., longitude 113°05′30″ W.; along the United States/Mexican border to latitude 32°23′45″ N., longitude 114°28′30″ W.; to latitude 32°-30′00″ N., longitude 114°28′30″ W.; to latitude 32°30′00″ N., longitude 114°31′00″ W.; to latitude 32°35′00″ N., longitude 114°-31′00″ W.; to latitude 32°35′00″ N., longitude 114°28′30″ W.; to latitude 32°39′40″ N., longitude 114°28′30″ W.; to latitude 32°-40′45″ N., longitude 114°18′29″ W.; along the Southern Pacific Railroad and U.S. Highway No. 80 to latitude 32°44′15″ N., longitude 113°41′05″ W.; to latitude 32°45′50″ N., longitude 113°34′30″ W.; to the point of beginning.

Designated altitudes. Surface to flight level 400.

Time of designation. Continuous.

Using agency. Commander, Luke AFB, Ariz.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

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

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

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

[F.R. Doc. 61–9069; Filed, Sept. 21, 1961; 8:46 a.m.]

[Airspace Docket No. 61-NY-56]

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to § 608.41 of the regulations of the Administrator is to change the time of designation of the North Eastham, Mass., Restricted Area R-4106.

The Department of the Navy has concurred in the reduction of the time of designation of R-4106 from "Continuous" to "0800 to 2400 EST". Therefore, action is taken herein to reflect this change.

Since this amendment reduces a burden on the public, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken: In § 608.41 Massachusetts, the North Eastham, Mass., Restricted Area R-4106 (26 F.R. 7196) is amended by deleting "Time of designation. Continuous." and substituting therefor "Time of designation. 0800 to 2400 EST."

This amendment shall become effective upon date of publication in the FEDERAL REGISTER.

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

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

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

[F.R. Doc. 61-9070; Filed, Sept. 21, 1961; 8:46 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Reg. Docket No. 891; Amdt. 79]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

Miscellaneous Amendments

This amendment is being adopted to insure the safety of IFR operations by establishing the minimum en route IFR altitudes for the route or portions thereof contained herein, and the altitudes which assure navigational coverage that is adequate and free of frequency interference for such routes or portions thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice, public procedure and effective date provisions of the Administrative Procedure Act would be impracticable.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 610 is hereby amended as follows:

Section 610.101 *Amber Federal airway 1* is amended to read in part:

From Fresno, Calif., LFR; to Sacramento, Calif., LFR; MEA 5,000.

Section 610.208 *Red Federal airway 8* is amended to read in part:

From Williamsport, Pa., LFR; to Crystal Lake, Pa., LF/RBN; MEA 4,000.

Section 610.220 *Red Federal airway 20* is amended to read in part:

From *Mt. Pleasant INT, Pa.; to INT SE crs, Pittsburgh, Pa., LFR and NW crs, Washington, D.C., LFR; MEA 4,500. *4,000—MCA Mt. Pleasant INT, eastbound.

Section 610.277 *Red Federal airway 77* is amended to delete:

From Dover (AFB), Del., LF/RBN; to Atlantic City, N.J., LFR; MEA 1,500.

Section 610.619 *Blue Federal airway 19* is amended to read in part:

From Key West, Fla., LFR; to Perrine, Fla., LF/RBN; MEA 1,600.

Section 610.626 *Blue Federal airway 26* is amended to read in part:

From *Wolf INT, Alaska; to Beaver INT, Alaska; MEA 3,000. *6,000—MCA Wolf INT, southbound.

From Beaver INT, Alaska; to Fairbanks, Alaska, LFR; MEA 2,000.

Section 610.1001 *Direct routes—U.S.* is amended by adding:

From Baton Rouge, La., VOR; to Welcome Int, La., via BTR 126 MR; MEA 2,000.

From Tallahassee, Fla., VOR; to Marianna, Fla., VOR, via TLH VOR 301R/MAI VOR 106R; MEA 2,000.

From Gainesville, Fla., VOR; to INT Gainesville, 230 M rad and Cross City VOR 169 M rad; MEA 1,100.

Section 610.6003 *VOR Federal airway 3* is amended to read in part:

From Stuart INT, Fla., via E alter.; to *Viking INT, Fla., via E alter.; MEA 1,200. *3,000—MRA.

From Rancho INT, Fla.; to Gary INT, Fla.; MEA 1,600.

Section 610.6005 *VOR Federal airway 5* is amended to read in part:

From Kennesaw INT, Ga.; to *Dalton INT Ga.; MEA 4,000. *4,000—MRA.

From *Cottontown INT, Tenn.; to Bowling Green, Ky., MEA 2,300. *4,000—MRA.

Section 610.6007 *VOR Federal airway 7* is amended to read in part:

From Bethel INT, Ala., via E alter.; to Graham, Tenn., VOR, via E alter.; MEA *3,000. *2,300—MOCA.

Section 610.6007 *VOR Federal airway 7* is amended to delete:

From Tallahassee, Fla., VOR; to Blountstown INT, Fla.; MEA 1,500.

From Blountstown INT, Fla.; to Marianna, Fla., VOR; MEA *1,500. *1,300—MOCA.

From Marianna, Fla., VOR; to *Malone INT, Fla.; MEA 2,000. *3,000—MRA.

From Malone INT, Fla.; to Dothan, Ala., VOR; MEA 2,000.

Section 610.6007 *VOR Federal airway 7* is amended by adding:

From Tallahassee, Fla., VOR; to Dothan, Ala., VOR; MEA 2,500.

From Marianna, Fla., VOR via W alter.; to *Malone INT, Fla., via W alter.; MEA 2,500. *3,000—MRA.

From Malone INT, Fla., via W alter.; to Dothan, Ala., VOR via W alter.; MEA 2,500.

Section 610.6008 *VOR Federal airway 8* is amended to delete:

From *Mormon Mesa, Utah, VOR via N alter.; to **Gunlock INT, Utah, via N alter.; MEA 10,000. *7,700—MCA Mormon Mesa VOR, northeastbound. **15,000—MRA.

From Gunlock INT, Utah, via N alter.; to Bryce Canyon, Utah, VOR via N alter.; MEA *15,000. *13,000—MOCA.

From Kremmling, Colo., VOR via N alter.; to Ward INT, Colo., via N alter.; MEA 16,000.

From Ward INT, Colo., via N alter.; to *Denver, Colo., VOR via N alter.; MEA 16,000. *12,500—MCA Denver VOR, westbound.

From Kremmling, Colo., VOR; to Pinecliffe INT, Colo.; MEA *16,000. *14,900—MOCA.

From Pinecliffe INT, Colo.; to Superior INT, Colo.; MEA *16,000. *13,000—MOCA.

Section 610.6009 *VOR Federal airway 9* is amended to read in part:

From McComb, Miss., VOR via W alter.; to Jackson, Miss., VOR via W alter.; MEA 3,000.

Section 610.6010 *VOR Federal airway 10* is amended to read in part:

From *Pomona INT, Kans., to Kansas City, Mo., VOR; MEA 2,500. *2,800—MRA.

Section 610.6012 *VOR Federal airway 12* is amended to read in part:

From Pomona INT, Kans.; to *Shawnee INT, Kans.; MEA 2,500. *3,000—MCA Shawnee INT, eastbound.

From Newcomerstown, Ohio, VOR; to Adena INT, Ohio; MEA 2,500.

From Adena INT, Ohio; to Wheeling, W. Va., VOR; MEA 2,600.

Section 610.6013 *VOR Federal airway 13* is amended by adding:

From *Duluth, Minn., VOR; to U.S.-Canadian Border; MEA **3,700. *3,000—MCA Duluth VOR, northeastbound. **3,000—MOCA.

Section 610.6015 *VOR Federal airway 15* is amended to read in part:

From St. Joseph, Mo., VOR; to *Skidmore INT, Mo.; MEA 2,500. *2,700—MRA.

From Skidmore INT, Mo.; to Neola, Iowa, VOR; MEA 2,500.

Section 610.6016 *VOR Federal airway 16* is amended to read in part:

From Bolivar INT, Tenn., via S alter.; to Selmer INT, Tenn., via S alter.; MEA *3,000. *1,700—MOCA.

From *Liberty INT, Tenn.; to Crossville, Tenn., VOR; MEA 5,000. *4,000—MRA.

From Del Rio INT, Tenn., via S alter.; to Afton INT, Tenn., via S alter.; MEA 6,900.

From Afton INT, Tenn., via S alter.; to Tri-City, Tenn., VOR via S alter.; MEA 6,000.

Section 610.6020 *VOR Federal airway 20* is amended to read in part:

From Lafayette, La., VOR; to New Orleans, La., VOR; MEA 1,500.

Section 610.6021 *VOR Federal airway 21* is amended to read in part:

From *Mormon Mesa, Nev., VOR; to Milford, Utah, VOR; MEA 10,000. *7,700—MCA Mormon Mesa VOR, northeastbound.

Section 610.6022 *VOR Federal airway 22* is amended to read in part:

From Pensacola (NAS), Fla., VOR; to Crestview, Fla., VOR; MEA *2,000. *1,500—MOCA.

Section 610.6023 *VOR Federal airway 23* is amended to read in part:

From *Talent INT, Oreg.; to **Medford, Oreg., VOR; northbound, MEA 8,000; southbound, MEA 10,000. *10,500—MRA. **8,000—MCA Medford VOR, southbound.

From Klamath Junction INT, Oreg., via E alter.; to *Medford, Oreg., VOR via E alter.; northwestbound, MEA 8,000; southeastbound, MEA 10,000. *8,000—MCA Medford VOR, southeastbound.

From Medford, Oreg., VOR; to Milo INT, Oreg.; southbound, MEA 6,500; northbound, MEA 8,000.
From Milo INT, Oreg.; to Curtin INT, Oreg.; MEA 8,000.
From Curtin INT, Oreg.; to Eugene, Oreg., VOR; northbound, MEA 4,000; southbound, MEA 8,000.

Section 610.6025 *VOR Federal airway 25* is amended to read in part:

From *Red Bluff, Calif., VOR; to Lava INT, Calif.; MEA **11,000. *5,000—MCA Red Bluff VOR, southbound. **9,200—MOCA.
From Lava INT, Calif.; to Klamath Falls, Oreg., VOR; northbound, MEA 9,000; southbound, MEA 11,000.

Section 610.6034 *VOR Federal airway 34* is amended to read in part:

From Ithaca, N.Y., VOR; to Hancock, N.Y., VOR; MEA 4,000.
From Hancock, N.Y., VOR; to Bullville INT, N.Y.; MEA 4,400.
From Bullville INT, N.Y.; to Wilton, Conn., VOR; MEA 3,000.

Section 610.6035 *VOR Federal airway 35* is amended to read in part:

From *Hartsfield INT, Ga., via E alter.; to Albany, Ga., VOR via E alter.; MEA 1,600. *2,000—MRA.
From *Chester INT, Fla.; to **Pine INT, Fla.; MEA 1,100. *2,800—MRA. **2,300—MRA.

Section 610.6037 *VOR Federal airway 37* is amended to read in part:

From *Mooresville INT, S.C.; to Statesville INT, N.C.; MEA 3,000. *2,700—MRA.
From Statesville INT, N.C.; to Burch INT, N.C.; MEA *5,000. *3,000—MOCA.

Section 610.6042 *VOR Federal airway 42* is amended by adding:

From Flint, Mich., VOR via E alter.; to Windsor, Ontario, Canada, VOR via E alter.; MEA *2,400. *For that airspace over U.S. territory.

Section 610.6045 *VOR Federal airway 45* is amended to read in part:

From Lansing, Mich., VOR; to St. Johns INT, Mich.; MEA 2,200.
From St. Johns INT, Mich.; to Saginaw, Mich., VOR; MEA 2,000.

Section 610.6051 *VOR Federal airway 51* is amended to read in part:

From Rancho INT, Fla.; to Gary INT, Fla.; MEA 1,600.
From Crabapple INT, Ga., via E alter.; to Nelson INT, Ga., via E alter.; MEA *4,000. *3,500—MOCA.
From Nelson INT, Ga., via E alter.; to Blue Ridge INT, Ga., via E alter.; MEA *7,000. *5,300—MOCA.
From Blue Ridge INT, Ga., via E alter.; to Murphy INT, Tenn., via E alter.; MEA *8,000. *5,300—MOCA.
From Murphy INT, Tenn., via E alter.; to Crossville, Tenn., VOR, via E alter.; MEA 5,500.
From Kennesaw INT, Ga.; to *Dalton INT, Ga.; MEA 4,000. *4,000—MRA.

Section 610.6054 *VOR Federal airway 54* is amended to read in part:

From Bolivar INT, Tenn., via N alter.; to Selmer INT, Tenn., via N alter.; MEA *3,000. *1,700—MOCA.
From Rossville INT, Tenn.; to Muscle Shoals, Ala.; VOR; MEA *3,000. *2,000—MOCA.
From Lanoke INT., Ark., via N alter.; to *Round Pond INT, Ark., via N alter., MEA **2,500. *4,000—MRA. **1,600—MOCA.

Section 610.6056 *VOR Federal airway 56* is amended to read in part:

From Kent INT, Ala.; to Columbus, Ga., VOR; MEA *2,500. *2,300—MOCA.
From Macon, Ga., VOR; to Augusta, Ga., VOR; MEA *2,000. *1,800—MOCA.

Section 610.6066 *VOR Federal airway 66* is amended to read in part:

From Penwell INT, Tex.; to Midland, Tex., VOR; MEA *5,000. *4,900—MOCA.

Section 610.6068 *VOR Federal airway 68* is amended to read in part:

From Albuquerque, N. Mex., VOR via S. alter.; to South INT, N. Mex., via S alter.; MEA 8,000.
From South INT, N. Mex., via S alter.; to Corona, N. Mex., VOR via S alter.; MEA 9,500.

Section 610.6081 *VOR Federal airway 81* is amended to read in part:

From Dalhart, Tex., VOR via W alter.; to Clayton, N. Mex., VOR via W alter.; MEA *7,000. *6,500—MOCA.

Section 610.6094 *VOR Federal airway 94* is amended to read in part:

From *Carlsbad, N. Mex., VOR; to Hobbs, N. Mex., VOR; MEA 5,300. *7,000—MCA Carlsbad VOR, southwestbound.
From Lucien INT, La.; to Barksdale AFB, La., TVOR; MEA 1,500.
From Barksdale AFB, La., TVOR; to Jamestown INT, La.; MEA 1,500.
From Jamestown INT, La.; to Bryceland INT, La.; MEA *2,000. *1,500—MOCA.
From Bryceland INT, La.; to Monroe, La., VOR; MEA 1,800.

Section 610.6097 *VOR Federal airway 97* is amended to read in part:

From Atlanta, Ga., VOR; to Crabapple INT, Ga.; MEA 3,000.
From Crabapple INT, Ga.; to Nelson INT, Ga.; MEA *4,000. *3,500—MOCA.
From Nelson INT, Ga.; to Blue Ridge INT, Ga.; MEA *7,000. *5,300—MOCA.
From Blue Ridge INT, Ga.; to Murphy INT, Tenn.; MEA *8,000. *5,300—MOCA.
From Murphy INT, Tenn.; to Howard INT, Tenn.; MEA 8,000.
From Howard INT, Tenn.; to Tallassee INT, Tenn.; MEA *5,000. *4,500—MOCA.
From Tallassee INT, Tenn.; to Knoxville, Tenn., VOR; MEA 3,000.

Section 610.6112 *VOR Federal airway 112* is amended to read in part:

From *Portland, Oreg., VOR; to Groves INT, Wash.; eastbound, MEA 7,000; westbound, MEA 6,000. *4,700—MCA Portland VOR, eastbound.
From Groves INT, Wash.; to The Dalles, Oreg., VOR; MEA 7,000.

Section 610.6115 *VOR Federal airway 115* is amended to read in part:

From Crestview, Fla., VOR; to *Andalusia INT, Ala.; MEA 1,500. *2,100—MRA.

Section 610.6120 *VOR Federal airway 120* is amended to read in part:

From Sioux Falls, S. Dak., VOR; to Mason City, Iowa, VOR; MEA *6,000. *2,900—MOCA.

Section 610.6122 *VOR Federal airway 122* is amended to read in part:

From Klamath Junction INT, Oreg.; to Pinehurst INT, Oreg.; MEA *10,000. *9,500—MOCA.

Section 610.6134 *VOR Federal airway 134* is amended to read in part:

From Tuskegee, Ala., VOR; to Big Spring INT, Ga.; MEA 2,200.

Section 610.6140 *VOR Federal airway 140* is amended to read in part:

From *Bradford INT, Tenn.; to Burns INT, Tenn.; MEA **3,000. *4,000—MRA. **2,000—MOCA.

Section 610.6143 *VOR Federal airway 143* is amended to read in part:

From Leaksville INT, N.C.; to Sandy River INT, N.C.; MEA 3,000.
From Sandy River INT, N.C.; to Lynchburg, Va., VOR; MEA 4,000.

Section 610.6153 *VOR Federal airway 153* is amended to read in part:

From Orlando, Fla., VOR via N alter.; to Benson INT, Fla., via N alter.; MEA 1,300.
From Benson INT, Fla., via N alter.; to Woodruff INT, Fla., via N alter.; MEA 2,000.

Section 610.6154 *VOR Federal airway 154* is amended to read in part:

From Meridian, Miss., VOR; to York INT, Ala.; MEA 2,000.

Section 610.6159 *VOR Federal airway 159* is amended to read in part:

From Vero Beach, Fla., VOR; to Deer Park INT, Fla.; MEA 1,200.

Section 610.6176 *VOR Federal airway 176* is amended to read in part:

From Memphis, Tenn., VOR; to Holly Springs, Miss., VOR; MEA 1,700.

Section 610.6182 *VOR Federal airway 182* is amended to read in part:

From *Portland, Oreg., VOR; to Groves INT, Wash.; eastbound, MEA 7,000; westbound, MEA 6,000. *4,700—MCA Portland VOR, eastbound.
From Groves INT, Wash.; to The Dalles, Oreg., VOR; MEA 7,000.

Section 610.6194 *VOR Federal airway 194* is amended to read in part:

From McComb, Miss., VOR; to *Rose Hill INT, Miss.; MEA **2,000. *3,000—MRA. **1,800—MOCA.
From Rose Hill INT, Miss.; to Meridian, Miss., VOR; MEA *2,000. *1,800—MOCA.
From Franklinton INT, N.C., via N alter.; to Rocky Mount, N.C., VOR via N alter; MEA *3,000. *1,600—MOCA.

Section 610.6205 *VOR Federal airway 205* is amended to read in part:

From St. Joseph, Mo., VOR; to *Skidmore INT, Mo.; MEA 2,500. *2,700—MRA.
From Skidmore INT, Mo.; to Omaha, Nebr., VOR; MEA 2,500.

Section 610.6209 *VOR Federal airway 209* is amended to read in part:

From York INT, Ala.; to Tuscaloosa, Ala., VOR; MEA *2,000. *1,800—MOCA.

Section 610.6213 *VOR Federal airway 213* is amended to read in part:

From Bolton INT, N.C.; to *Kenansville INT, N.C.; MEA **3,000. *2,000—MRA. **1,400—MOCA.
From Myrtle Beach, S.C., VOR; to *Longwood INT, S.C.; MEA **1,800. *2,700—MRA. **1,200—MOCA.
From Longwood INT, S.C.; to *Dock INT, S.C.; MEA **1,800. *2,000—MRA. **1,200—MOCA.
From Dock INT, S.C.; to Bolton INT, N.C.; MEA *1,800. *1,200—MOCA.

Section 610.6222 *VOR Federal airway 222* is amended to read in part:

From Hickory, N.C., VOR; to Henry INT, Va.; MEA 5,000.

Section 610.6233 *VOR Federal airway 233* is amended to read in part:

From Cordova, Ill., VOR; to *Big Rock INT, Ill.; MEA **2,200. *3,500—MRA. **2,000—MOCA.

Section 610.6243 *VOR Federal airway 243* is amended to read in part:

From Vienna, Ga., VOR via W alter.; to Montezuma INT, Ga., via W alter.; MEA *2,000. *1,500—MOCA.

From Kennesaw INT, Ga.; to *Dalton INT, Ga.; MEA 4,000. *4,000—MRA.

Section 610.6273 *VOR Federal airway 273* is amended to read:

From Huguenot, N.Y., VOR; to Hancock, N.Y., VOR; MEA 4,000.

From Hancock, N.Y., VOR; to Georgetown, N.Y., VOR; MEA 4,000.

From Georgetown, N.Y., VOR; to Syracuse, N.Y., VOR; MEA 3,500.

Section 610.6278 *VOR Federal airway 278* is amended to read in part:

From *Millport INT, Ala., via S alter.; to Tuscaloosa, Ala., VOR via S alter.; MEA 1,700. *2,000—MRA.

From Flat Creek INT, Ala.; to Birmingham, Ala., VOR; MEA 1,800.

Section 610.6425 *VOR Federal airway 425* is amended to read in part:

From Brookley, Ala., VOR; to Axis INT, Ala.; MEA 1,500.

Section 610.6440 *VOR Federal airway 440* is amended to read in part:

From Biorka Island, Alaska, VOR; to *Harbor Point INT, Alaska; MEA **9,500. *16,000—MRA. **5,300—MOCA.

From Harbor Point INT, Alaska; to Yakutat, Alaska, VOR; MEA *9,500. *5,300—MOCA.

From Yakutat, Alaska, VOR; to Middleton Island, Alaska, VOR; MEA 4,500.

From Anchorage, Alaska, VOR; to *Alexander INT, Alaska; MEA 1,500. *5,000—MCA Alexander INT, northwestbound.

Section 610.6455 *VOR Federal airway 455* is amended by adding:

From New Orleans, La., VOR via W alter.; to Madison INT, La., via W alter.; MEA 1,400.

From Madison INT, La., via W alter.; to Boga INT, La., via W alter.; MEA *3,100. *1,200—MOCA.

From Boga INT, La., via W alter.; to Hattiesburg, Miss., VOR via W alter.; MEA 1,400.

Section 610.6809 *VOR Federal airway 809* is amended to read in part:

From *Medford, Oreg., VOR; to **Talent INT, Oreg.; northbound, MEA 8,000; southbound, MEA 10,000. *8,000—MCA Medford VOR, southbound. **10,500—MRA.

Section 610.6839 *VOR Federal airway 839* is added to read:

From Miami, Fla., VOR; to *Cypress INT, Fla.; MEA 1,100. *1,400—MRA.

From Cypress INT, Fla.; to La Belle, Fla., VOR; MEA *1,200. *1,100—MOCA.

From La Belle, Fla., VOR; to Venus INT, Fla.; MEA 1,200.

From Venus INT, Fla.; to Bartow INT, Fla.; MEA 1,400.

From Bartow INT, Fla.; to Lakeland, Fla., VOR; MEA 1,500.

From Lakeland, Fla., VOR; to Larkin INT, Fla.; MEA 1,300.

From Larkin INT, Fla.; to Webster INT, Fla., MEA 1,200.

From Webster INT, Fla.; to *Bushnell INT, Fla.; MEA **1,500. *2,000—MRA. **1,200—MOCA.

From Bushnell INT, Fla.; to Ocala, Fla., VOR; MEA *1,500. *1,200—MOCA.

From Ocala, Fla., VOR; to Gainesville, Fla., VOR; MEA 1,300.

From Gainesville, Fla., VOR; to Taylor, Fla., VOR; MEA 1,700.

From Taylor, Fla., VOR; to Alma, Ga., VOR; MEA *2,000. *1,300—MOCA.

From Alma, Ga., VOR; to *Baxley INT, Ga.; MEA **2,000. *6,000—MRA. **1,600—MOCA.

From Baxley INT, Ga.; to Lotts INT, Ga.; MEA *2,000. *1,600—MOCA.

From Lotts INT, Ga.; to *Dover INT, Ga.; MEA 1,600. *2,000—MRA.

From Dover INT, Ga.; to Allendale, S.C., VOR; MEA 1,600.

From Allendale, S.C., VOR; to *North INT, S.C.; MEA 1,700. *2,000—MRA.

From North INT, S.C.; to Columbia, S.C., VOR; MEA 1,700.

From Columbia, S.C., VOR; to Fort Mill, N.C., VOR; MEA 2,000.

From Fort Mill, N.C., VOR; to *Mount Holly INT, N.C.; MEA 2,400. *2,600—MRA.

From Mount Holly INT, N.C.; to *Mooresville INT, S.C.; MEA 2,400. *2,700—MRA.

From Mooresville INT, N.C.; to Statesville INT, N.C.; MEA *3,000. *2,000—MOCA.

From Statesville INT, N.C.; to Burch INT, N.C.; MEA *5,000. *2,400—MOCA.

From Burch INT, N.C.; to Pulaski, Va., VOR; MEA 5,600.

From Pulaski, Va., VOR; to Beckley, W. Va.; VOR; MEA 6,000.

From Beckley, W. Va., VOR; to Ivydale INT, W. Va.; MEA 5,000.

From Ivydale INT, W. Va.; to Parkersburg, W. Va., VOR; MEA 3,000.

From Parkersburg, W. Va., VOR; to Newcomerstown, Ohio, VOR; MEA 2,600.

From Newcomerstown, Ohio, VOR; to Navarre, Ohio, VOR; MEA 2,600.

From Navarre, Ohio, VOR; to Kent INT, Ohio; MEA 2,500.

From Kent INT, Ohio; to Cleveland, Ohio, VOR; MEA 3,000.

Section 610.6843 *VOR Federal airway 843* is amended to read in part:

From *Dalton INT, Ga.; to Kennesaw INT, Ga.; MEA 4,000. *4,000—MRA.

From *Copeland INT, Fla.; to **Pine INT, Fla.; MEA ***1,200. *2,500—MRA. **2,300—MRA. ***1,100—MOCA.

Section 610.6875 *VOR Federal airway 875* is amended to read in part:

From Meridian, Miss., VOR; to Hattiesburg, Miss., VOR; MEA 1,800.

From Hattiesburg, Miss., VOR; to Madison INT, La.; MEA 1,400.

Section 610.6880 *VOR Federal airway 880* is amended to read in part:

From Kirksville, Mo., VOR; to Lawson INT, Mo.; MEA *3,000. *2,400—MOCA.

Section 610.6881 *VOR Federal airway 881* is added to read:

From Cleveland, Ohio, VOR; to Tiverton, Ohio, VOR; MEA 2,500.

From Tiverton, Ohio, VOR; to Zanesville, Ohio, VOR; MEA 2,500.

From Zanesville, Ohio, VOR; to Charleston, W. Va., VOR; MEA 2,500.

From Charleston, W. Va., VOR; to Paynesville INT, Va.; MEA 4,500.

From Paynesville INT, Va.; to Blackford, Va., VOR; MEA 6,200.

From Blackford, Va., VOR; to Tri-City, Tenn., VOR; MEA 6,000.

From Tri-City, Tenn., VOR; to Roan Mt. INT, N.C.; MEA 6,000.

From *Roan Mt. INT, N.C.; to Mitchell INT, N.C.; MEA 8,500. *7,000—MCA Roan Mt. INT, southbound.

From *Mitchell INT, N.C.; to Asheville, N.C., VOR; MEA 7,000. *8,500—MCA Mitchell INT, northbound.

From Asheville, N.C., VOR; to Spartanburg, S.C., VOR; MEA 6,000.

From Spartanburg, S.C., VOR; to *Woodruff INT, S.C.; MEA 2,300. *3,500—MRA.

From Woodruff INT, S.C.; to *Laurens INT, S.C.; MEA 2,300. *3,000—MRA.

From Laurens INT, S.C.; to Augusta, Ga., VOR; MEA 2,000.

From Augusta, Ga., VOR; to Sardis INT, Ga.; MEA 1,800.

From Sardis INT, Ga.; to *Dover INT, Ga.; MEA **2,000. *2,000—MRA. **1,500—MOCA.

From Dover INT, Ga.; to Lotts INT, Ga.; MEA 1,600.

From Lotts INT, Ga.; to *Baxley INT, Ga.; MEA **2,000. *6,000—MRA. **1,600—MOCA.

From Baxley INT, Ga.; to Alma, Ga., VOR; MEA *2,000. *1,600—MOCA.

From Alma, Ga., VOR; to Taylor, Fla., VOR; MEA *2,000. *1,300—MOCA.

From Taylor, Fla., VOR; to Gainesville, Fla., VOR; MEA 1,700.

From Gainesville, Fla., VOR; to Ocala, Fla., VOR; MEA 1,300.

From Ocala, Fla., VOR; to *Bushnell INT, Fla.; MEA **1,500. *2,000—MRA. **1,200—MOCA.

From Bushnell INT, Fla.; to Webster INT, Fla.; MEA *1,500. *1,200—MOCA.

From Webster INT, Fla.; to Larkin INT, Fla.; MEA 1,200.

From Larkin INT, Fla.; to Lakeland, Fla., VOR; MEA 1,300.

From Lakeland, Fla., VOR; to Brewster INT, Fla.; MEA 1,300.

From Brewster INT, Fla.; to Arcadia INT, Fla.; MEA *1,300. *1,100—MOCA.

From Arcadia INT, Fla.; to Fort Myers, Fla., VOR; MEA 1,300.

From Fort Myers, Fla., VOR; to Hickory INT, Fla.; MEA 1,400.

From Hickory INT, Fla.; to *Copeland INT, Fla.; MEA **2,500. *2,500—MRA. **1,100—MOCA.

From Copeland INT, Fla.; to *Pine INT, Fla.; MEA **1,200. *2,500—MRA. **1,100—MOCA.

From Pine INT, Fla.; to *Chester INT, Fla.; MEA 1,100. *2,800—MRA.

From Chester INT, Fla.; to Miami, Fla., VOR; MEA 1,100.

Section 610.1503 *VOR Federal airway 1503* is amended by adding:

From Presque Isle, Maine, VOR; to U.S.-Canadian border; MEA 14,500; MAA 24,000.

Section 610.1530 *VOR Federal airway 1530* is amended to read in part:

From Montebello, Va., VOR; to Gordonsville, Va., VOR; MEA 14,500; MAA 24,000.

From Gordonsville, Va., VOR; to Herndon, Va., VOR; MEA 14,500; MAA 24,000.

Section 610.1629 *VOR Federal airway 1629* is amended to read in part:

From Boysen Reservoir, Wyo., VOR; to Billings, Mont., VOR; MEA 14,500; MAA 24,000.

Section 610.1645 *VOR Federal airway 1645* is amended by adding:

From Socorro, N. Mex., VOR; to Las Vegas, N. Mex., VOR; MEA 14,500; MAA 24,000.

Section 610.1652 *VOR Federal airway 1652* is amended to read in part:

From Hayes Center, Nebr., VOR; to Wolbach, Nebr., VOR; MEA 14,500; MAA 24,000.

Section 610.1695 *VOR Federal airway 1695* is amended to delete:

From Bangor, Maine, VOR; to Millinocket, Maine, VOR; MEA 14,500; MAA 24,000.
From Millinocket, Maine, VOR; to Presque Isle, Maine, VOR; MEA 14,500; MAA 24,000.

Section 610.1695 *VOR Federal airway 1695* is amended by adding:

From Bangor, Maine, VOR; to U.S.-Canadian border; MEA 14,500; MAA 24,000.

Section 610.1697 *VOR Federal airway 1697* is amended to read in part:

From Manchester, N.H., VOR; to Concord, N.H., VOR; MEA 14,500; MAA 24,000.

Section 610.1729 *VOR Federal airway 1729* is amended by adding:

From Erie, Pa., VOR; to U.S.-Canadian border; MEA 14,500; MAA 24,000.

Section 610.1730 *VOR Federal airway 1730* is amended to read in part:

From Taos, N. Mex., VOR; to *India INT, Colo.; MEA 14,700; MAA 24,000. *17,000—MRA.
From India INT, Colo.; to Tobe, Colo., VOR; MEA 14,700; MAA 24,000.

Section 610.1747 *VOR Federal airway 1747* is added to read:

From Indianapolis, Ind., VOR; to Peotone, Ill., VOR; MEA 14,500; MAA 24,000.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

These rules shall become effective October 19, 1961.

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

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 61-9001; Filed, Sept. 21, 1961; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8324 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Byron Clothing Mfg. Co., Inc., et al.

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

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Byron Clothing Mfg. Company, Inc., et al., Somerville, Mass., Docket 8324, Aug. 29, 1961]

In the Matter of Byron Clothing Mfg. Company, Inc., a Corporation, and John S. Dasho and Aram H. Boyadjian

Consent order requiring manufacturers in Somerville, Mass., to cease violating the Wool Products Labeling Act by labeling as "100 percent wool—except decoration" and as "all wool", men's woolen topcoats and zip-lined coats which contained substantially less than 100 percent wool, and by failing in other respects to comply with labeling requirements.

The order to cease and desist is as follows:

It is ordered, That the respondents Byron Clothing Mfg. Company, Inc., a corporation, and its officers, and John S. Dasho and Aram H. Boyadjian, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act, of wool products, as "wool products" are defined in and subject to the Wool Products Labeling Act, do forthwith cease and desist from misbranding such products by:

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

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

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

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

Issued: August 29, 1961.

By the Commission.

[SEAL] JOSEPH N. KUZEW,
Acting Secretary.

[F.R. Doc. 61-9075; Filed, Sept. 21, 1961; 8:47 a.m.]

[Docket 8356 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Davidson Brothers, Inc.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* § 13.30–30 *Fur Products Labeling Act.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185–30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Davidson Brothers, Inc., Detroit, Mich., Docket 8356, Aug. 24, 1961]

Consent order requiring a Detroit furrier to cease violating the Fur Products Labeling Act by setting forth on labels and invoices and in advertising the names of animals other than those producing the fur, and by failing in other respects to comply with labeling and invoicing requirements.

The order to cease and desist is as follows:

It is ordered, That respondent Davidson Brothers, Inc., a corporation, and its officers and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act;

B. Setting forth on labels affixed to fur products the name or names of any animal or animals other than the name or names provided for in section 4(2)(A) of the Fur Products Labeling Act;

C. Affixing to fur products labels that do not comply with the minimum size requirements of one and three-quarter inches by two and three-quarter inches;

D. Setting forth on labels affixed to fur products information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder mingled with non-required information;

E. Failing to set forth the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in the required sequence;

F. Failing to set forth required item numbers on labels as required by Rule 40 of said rules and regulations;

2. Falsely or deceptively invoicing fur products by:

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

B. Setting forth on invoices pertaining to fur products the name or names of any animal or animals other than the name or names provided for in section 5(b)(1)(A) of the Fur Products Labeling Act;

3. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or in-

directly, in the sale, or offering for sale of fur products and which:

A. Sets forth the name or names of any animal or animals other than the name or names provided for in section 5(a)(1) of the Fur Products Labeling Act.

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

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

Issued: August 24, 1961.

By the Commission.

[SEAL] JOSEPH N. KUZEW, *Acting Secretary.*

[F.R. Doc. 61-9076; Filed, Sept. 21, 1961; 8:47 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 45—CITY DELIVERY

Apartment House Mail Receptacles

A notice of proposed changes in the regulations with respect to apartment house mail receptacles was published in the FEDERAL REGISTER of July 22, 1961, at pages 6584 and 6585. Interested persons were given thirty days in which to submit written comments.

No adverse comments were received by the Department with respect to the proposed regulations.

Therefore, the Department has reached the conclusion to adopt the proposal as so published subject to the following changes:

(1) Minor editorial amendments were made to state more clearly the existing regulations therein.

(2) Dura Steel Products Co., 1744 East 21st St., Los Angeles, Calif., was added to the list of approved manufacturers and distributors of vertical-type apartment house mail receptacles in § 45.6(f).

(3) Current amendments to § 45.6 which were published in the FEDERAL REGISTER at 26 F.R. 1856 and 26 F.R. 5455 were incorporated in the proposed regulations.

Accordingly, the regulations in § 45.6, as so amended, are hereby adopted to read as follows:

§ 45.6 Apartment house receptacles.

(a) *Conditions requiring installation of receptacles.* (1) The delivery of mail in apartment houses, family hotels, residential flats, and business flats in residential areas, containing three or more apartments having a common street entrance, shall be contingent on the installation and maintenance of United States Post Office approved mail receptacles, one for each apartment, including resident manager and janitor, unless the management has arranged for the mail to be delivered at the office or desk for distribution by its employees. The cost of receptacles and their installation are paid for by the owner of the building.

(2) Owners and managers of apartment houses, family hotels, and flats, equipped with old-type apartment house mail receptacles are urged to install up-to-date and approved receptacles to assure more adequate protection to the mail of occupants. When these buildings are remodeled to provide additional apartments or when a material change in the location of boxes is made, they shall be equipped with approved receptacles.

(3) When new apartments are being erected or existing ones are remodeled, postmasters will inform builders and owners of the requirements of this section and will provide for a suitable inspection to see that receptacles of safe and durable construction are installed in conformity with this section.

(b) *Specifications for construction of receptacles*—(1) *Materials.* The receptacles shall be manufactured of material of such strength and thickness as to provide reasonable safety to the mail deposited.

(2) *Capacity.* Both horizontal and vertical-type receptacles must be of sufficient capacity to receive long-letter mail 4½ inches in width and certain large and bulky magazines, unrolled as well as rolled, and must be so constructed and of such height or length and capacity that magazines 14¼ inches in length and 2½ inches in diameter, if rolled, may be deposited and removed with facility.

(3) *Individual doors and locks.* (i) Each individual receptacle must be equipped with a door through which the mail may be removed by the tenant. The doors of the several receptacles shall be secured by key locks or combination keyless locks. If key locks are installed, manufacturers must provide a sufficient number of key changes to prevent the opening of receptacles by the use of a key to any other receptacle in the same house or in the immediate locality. These locks must be securely fastened to the door. Each lock should be clearly numbered on the back so that if a key is lost, a duplicate may be ordered by number. The lock number should also be clearly shown on the inside of the master door directly above the individual box to which it is attached.

(ii) Apartment house managers must maintain a record of the number of keys supplied by manufacturers and jobbers, relating the key number to the receptacle number, so that, when necessary, new keys may be ordered. Key numbers shall not be placed on the barrels of the locks, as this would make it possible for unauthorized persons to get keys and gain access to the boxes. Apartment house managers must keep a record of the combinations of keyless locks so that new tenants may be given the combination. These records of key numbers and combinations must be kept in the custody of the manager or a trusted employee. The record of key numbers must be kept until the lock has been changed, when it may be destroyed. The record of combinations to the keyless locks must be maintained until the combination is changed, when it may be destroyed.

(iii) The dimensions of the clear opening of the door frame of each horizontal-type receptacle must be identical to the cross-sectional measurements of the receptacle itself.

(4) *Master doors and locks.* (i) Each group of front-loading receptacles must be equipped with a master door which, when open, makes the entire group of boxes accessible for the deposit of mail by the carrier. The master door shall be machined to accomodate an inside Arrow lock furnished by the local postmaster for use so long as mail is delivered by letter carriers, the key for which shall be in the custody of postal employees. Master doors for horizontal-type receptacles shall be hinged on the side only and shall be not wider than 30 inches.

(ii) The master lock must be attached to the group of receptacles by the owner or builder of the apartment house, or by his direction, under the supervision of the postmaster's representative who will see that they are securely attached. The plate to which the master lock will be fastened should be riveted to the face of the box.

(5) *Slot.* In the face of each receptacle there must be provided a slot 2 inches in length and one-eighth inch wide for the deposit of carrier and special-delivery notices.

(6) *Backs of front-loading receptacles.* These units must have solid backs.

(7) *Numbers and name cards.* (i) Mail receptacles must be satisfactorily numbered or lettered in numerical or alphabetical sequence from left to right so as to enable the carrier to expeditiously deliver the mail.

(ii) Each receptacle must be equipped with a clasp or holder to accommodate a name card for identifying the patron or patrons using that box. Preferably, this holder or clasp should be on the frame above each receptacle, but it may be located inside at the rear of the box where the patron's name will be easily visible to the carrier when the master door is open. The holder must be large enough to take a name card at least ¾ x 2½ inches in vertical-type installations; and in horizontal-type installations, as large as space permits.

(c) *Installation*—(1) *Arrangement and location.* (i) Receptacles in apartment houses shall be located at points reasonably near the entrance in vestibules, halls, or lobbies, adequately lighted, so as to afford the best protection to the mail and enable carriers to read addresses on mail and names on boxes without undue strain on their eyes and without interference from swinging or opening doors. In vertical-type installations the receptacles must be placed so that the center of the barrel of the master lock of the upper tier will be not more than 5½ feet from the floor, and the center of the barrel of the master lock of the lower-tier will be not less than 30 inches from the floor. In horizontal-type installations, the distance from the finished floor to the tenant locks on the top tier of boxes must be no more than 66 inches; and to the bottom of the lowest

tier of boxes, not less than 30 inches. Where a group of vertical receptacles tilts away from the wall to allow deposit of mail through the tops of the boxes, the distance from the finished floor to the center of the barrel of the master lock of the upper tier shall be no more than 56 inches.

(ii) No more than two tiers of vertical-loaded boxes may be installed. They should be arranged so as to permit the installation of the largest number of boxes with the smallest number of master locks. The minimum number of boxes to which one master lock may be attached is three.

(iii) Vertical-type receptacles must be arranged in groups, as many in each group as is consistent with safety, but never less than eight in a group, except where the number of apartments is less than eight or where the number of boxes cannot be evenly divided into multiples of eight or where telephone units are installed with the receptacles.

(2) *Access to rear loading of horizontal-type receptacles.* Access to rear loading installations shall be provided by a door fitted with an inside Arrow lock opening into a room having at least 3 feet of unobstructed work space from the rear of the units to the wall. The room must be adequately ventilated and lighted. The rear of the unit must have a screen or cover of plywood or other suitable material to prevent the removal of mail from adjacent boxes and to prevent mail from falling out the back. This cover must be securely fastened and easily opened by the carrier.

(3) *Installation with telephone units.* (i) Where necessary or desirable to install mail receptacles in conjunction with a telephone unit of a standard size, the vertical-type receptacles may be placed in two tiers, or they may be installed in groups or batteries of less than eight if required for the proper arrangement of the groups in the two tiers. This does not apply to cases where the telephone unit is installed independently of mail receptacles. Although there is no objection to combining these two services, the mail receptacles must be separated from the telephone or electrical unit. Electric push buttons may be placed in the frame of the installation, connecting with wires outside the mail receptacles, provided the pushbuttons can be removed from the outside and the wire connection with such pushbuttons can be repaired without removal of the receptacles.

(ii) Telephone units combined with mail receptacle units must be constructed so that access to the telephone unit is not dependent on entering the mail receptacle, and the latter must not be accessible when the telephone unit is opened.

(d) *Directories.* (1) In all apartment houses where there are 25 or more receptacles, a complete directory of all persons receiving mail must be maintained. Where an apartment house is divided into units with separate entrances and 25 or more receptacles are installed to the unit, a separate directory must be provided for each unit. In addition, where mail is not generally addressed to specific units, a directory must be kept at the main unit of the building, listing all persons receiving mail in the various units.

(2) Directories must be alphabetical by surname and must be maintained and kept corrected to date. The receptacle number and apartment number should always be the same, and the apartment number should appear on the right of the name on the directory. If, for any cause, the apartment number is different from the number of the receptacle, the receptacle number should appear on the left of the name in the directory. The same arrangement shall be followed where the apartments and receptacles are either lettered or lettered and numbered.

(3) The directory must be of legible type, in a suitable frame for protection purposes, and attached to the wall immediately above or to the side of the mail receptacles where it can be easily read. If an attendant, such as telephone operator, doorman, or elevator conductor, is on duty between the hours of 7 a.m., and 11 p.m., and mail is delivered either to apartment house receptacles or in bulk for distribution by employees of the building, the directory may be kept in the custody of the employee on duty in the building so that it may be available to the carrier or special-delivery messenger on request.

(e) *Maintenance and repair.* (1) The owners or managers of buildings must keep receptacles in good repair. When an inside letterbox Arrow lock is no longer needed, the building management must immediately notify the postmaster so that a postal employee can be detailed to supervise removal of the lock from the master door for return to the post office. Owners and managers of buildings must return to the postmaster any inside letter-box arrow locks that become defective or that are no longer needed.

(2) Carriers will report on Form 3521, "Carrier's Report on Condition of House Numbers and Mail Receptacles", all apartment houses that are being remodeled and all mail boxes that are not locked or are out of repair. Delivering employees and postmasters will see that all inside letter-box arrow locks are recovered when buildings are torn down or remodeled.

(3) Upon receipt of a report of lack of repair or irregularity in the operation of apartment house mail receptacles, postmasters will have prompt investigation made and direct what repairs must be made by and at the expense of the owners or managers. So that there will be no question as to the disposition or treatment of mail, repairs must be made only when a representative of the post office is present. It is unlawful for other than postal employees to open receptacles and expose mail.

(4) Failure to keep boxes locked or in proper repair as directed by postmasters is sufficient justification for withholding delivery of mail therein and requiring the occupants of the apartments to call for their mail at the post office or carrier delivery unit serving the area if this action is believed advisable for safety reasons. When such action is contemplated, a reasonable notice of approximately 30 days will be given in writing to the patrons and the owner or manager of the apartment building.

(5) When mail, deposited by a carrier in an apartment house mail receptacle, is reported lost or stolen or when there is indication that the mail has been wilfully or maliciously damaged, defaced, or destroyed, the postmaster shall immediately report the circumstances to the local postal inspector or the postal inspector in charge.

(6) The United States Penal Code prescribes for the wrongful possession of mail locks and the wilful or malicious injury or destruction of letter boxes and the theft of mail therefrom. Manufacturers are authorized to place on each installation of apartment houses mail receptacles the words "U.S. Mail" and a warning notice of these provisions of law. Manufacturers are also authorized to place inconspicuously on each installation their name and words "Approved by the Postmaster General", when the designs have been approved by the Post Office Department.

(f) *Manufacturers and distributors.* The following is a list of manufacturers and distributors of one or more designs of apartment house mail receptacles approved by the Post Office Department, with trade names of boxes:

(1) *Vertical-type.*

Auth Electric Co., Inc., 34–20 45th St., Long Island City 1, N.Y.
Bommer Spring Hinge Co., Inc., Landrum, S.C. (Keilson).
S. H. Couch Co., Inc., Boston 71, Mass. (Nos. 73 and 73–F).
Dura Steel Products Co., 1744 East 21st St., Los Angeles, Calif.
Florence Manufacturing Co., Inc., 8908–18 South State St., Chicago 19, Ill. (Pry-Proof, 13–F).
Jensen Industries, 159 South Anderson St., Los Angeles 33, Calif.
Mail Safe Manufacturing Division, of Ekholm Manufacturing Co., 622 Watson Ave., Saint Paul 2, Minn.
Perma-Bilt Steel Products Co., 8324 Graham Ave., Los Angeles 1, Calif.

(2) *Horizontal-type.*

The American Hardware Corp., Corbin Wood Products Div., New Britain, Conn.

NOTE: The corresponding Postal Manual section is 155.6.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 6001, 6003)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 61–9094; Filed, Sept. 21, 1961; 8:49 a.m.]

PART 168—DIRECTORY OF INTERNATIONAL MAIL

International Mail Regulations

The regulations of the Post Office Department in § 168.5 *Individual country regulations*, as published in the FEDERAL REGISTER of September 19, 1961, at pages 8725–8805, are amended as follows to reflect new mailing regulations adopted by the various countries.

I. In the country "Cameroun", under Postal Union Mail, amend the item *Prohibitions* to read as follows:

Prohibitions. Coins, platinum, gold and silver, manufactured or not; pre-

cious stones, jewelry, and other precious articles.

II. In the country "Canada", under Parcel Post, add a new paragraph immediately following the last paragraph of the item *Prohibitions* to read as follows:

Prohibitions. * * *

Oleomargarine and other butter substitutes including altered or renovated butter.

III. In the country "Fernando Po", make the following changes:

A. Under Postal Union Mail, amend the item *Prohibition* to read as follows:

Prohibitions. Same as for Spain, except that tobacco is admitted if the addressee has a permit.

B. Under Parcel Post amend the item *Prohibitions and import restrictions* to read as follows:

Prohibitions and import restrictions. Same as for Spain, except that tobacco is admitted if the addressee has a permit.

IV. In the country "Germany" make the following changes:

A. Under Postal Union Mail, amend the item *Prohibitions* to read as follows:

Prohibitions.

Western Germany only: Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Eastern Germany only: Postcards and envelopes bearing illustrations constituting pro-fascist or subversive propaganda.

Britane gas lighters.

Means of payment issued by the Deutsche Notenbank (coins, banknotes, letters of exchange, checks, letters of credit, payment orders, etc.); also values, securities, deposit books of banks and postal savings, etc., issued in Eastern Germany. Currency and other values issued in other countries are admitted, provided the addressee offers them to the Deutsche Notenbank for purchase within 15 days.

Postage stamps, cancelled or not, stamped paper and stamps in bulk, unless addressed to the Deutsche Buch-Export und-Import GmbH, Leipzig C 1, or sent as exchange material to members of the East German philatelic organization under special conditions prescribed by the customs authorities.

Advertising material must be addressed to organizations of the East German government or representatives of foreign commercial interests.

Newspapers and periodicals must be approved for sale in Eastern Germany, even if sent by individuals and not for sale. Mailers should ascertain in advance from the addresses that the publications which they desire to mail will be admitted.

B. Under Parcel Post in the item *Observations* strike out the first six paragraphs which precede the paragraph headed "East Germany" and insert in lieu thereof the following:

Observations. Western Germany (including the western sector of Berlin). Parcels may be addressed "Federal Republic of Germany" or "Berlin (Western Sector)".

Each commercial parcel exceeding 200 DM ($48) in value must have enclosed an invoice in duplicate showing the value of the contents.

C. Under Parcel Post amend the item *Prohibitions* to read as follows:

Prohibitions. Western Germany only: Firearms which can be folded, shortened or dismantled rapidly, or are not in the usual form of hunting or sporting guns; silencers and guns equipped with them. Other firearms require permission of the German authorities which the addressees must obtain to import them.

Playing cards, except in complete decks properly wrapped.

Artificial sweetening substances unless sent for experimental purposes.

Cigars and other products containing tobacco substitutes.

Live bees.

Eastern Germany only. Articles prohibited in the postal union mail are prohibited in either gift or commercial parcels.

See "Observations" concerning certain articles prohibited in gift parcels.

V. In the country "Iceland", under Parcel Post, amend the items *Observations* and *Prohibitions* to read as follows:

Observations. All merchandise imported by mail must be accompanied by an invoice in duplicate signed by the seller in case of a sales transaction, otherwise by the mailer. The invoice must describe the merchandise and give the selling price of each type of goods. The addressee is required to present the invoice with other documents in order to effect customs clearance of his parcel. Used clothing requires a certificate of disinfection.

Parcels are subject to collection on delivery of a small postal charge.

Prohibitions. For sanitary reasons: Toys made of lead.

State monopolies: Wireless receivers and their accessories, parts, or batteries. Tobacco products.

VI. In the country "Paraguay" make the following changes:

A. Under Postal Union Mail, amend the item *Observations* to read as follows:

Observations. Consular and commercial invoices as prescribed under Parcel Post, are required for shipments by Postal Union mail.

B. Under Parcel Post, amend the first two paragraphs of the item *Observations* to read as follows:

Observations. For shipments valued at $70 or more, five copies of a consular invoice and four copies of a commercial invoice must be prepared by the sender and be certified. Consular invoice forms and information as to certification can be obtained from Paraguayan consular offices, located in the following cities:

Dallas, Tex.	New Orleans, La.
Houston, Tex.	New York, N.Y.
Los Angeles, Calif.	San Francisco, Calif.
Miami, Fla.	

For shipments valued under $70, two copies of the commercial invoice only are required, and need not be certified.

VII. In the country "Rio Muni", amend the item *Prohibitions and import restrictions* where it appears under Postal Union Mail and Parcel Post to read as follows:

Prohibitions and import restrictions. Same as for Spain, except that tobacco is admitted if the addressee has a permit.

VIII. In the country "Spain" make the following changes:

A. Under Postal Union mail, delete "Tobacco" where it appears in the item *Prohibitions and import restrictions.*

B. Under Parcel Post, amend the item *Prohibitions* to read as follows:

Prohibitions. Tobacco (admitted only to the Canary Island, Ceuta and Meilla), Cigarette lighters, military arms, airguns and blowguns. Playing cards.

IX. In the country "Trinidad and Tobago", under Parcel Post, add a new paragraph to the item *Prohibitions* to read as follows:

Prohibitions. * * *

Coins exceeding £5 ($14) in value except old coins intended as ornaments.

X. In the country of "Union of Soviet Socialist Republics", under Postal Union Mail, amend the second paragraph of the item *Prohibitions and import restrictions* to read as follows:

Prohibitions and import restrictions. * * *

Currency, bonds and coupons of the Union of Soviet Socialist Republics. Currency of other countries is handed over by the postal service to branches of the State Bank of the U.S.S.R., by whom payment is made to the addressee.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 61-9095; Filed, Sept. 21, 1961; 8:50 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 50—Division of Public Contracts, Department of Labor

PART 50-203—RULES OF PRACTICE

Subpart C—Minimum Wage Determinations Under the Walsh-Healey Public Contracts Act

DECISIONS

Pursuant to section 4 of the Walsh-Healey Public Contracts Act (49 Stat. 2038; 41 U.S.C. 38), 41 CFR 50-203.21 is hereby amended in the manner indicated below in order to provided new periods of time for the filing of documents in post-hearing proceedings and to make minor changes in such proceedings which are essentially editorial. As these amendments constitute only changes in procedural rules, neither public participation in their promulgation nor delay in

their effective date are required under section 4 of the Administrative Procedure Act. They shall become effective upon publication in the FEDERAL REGISTER.

As amended, 41 CFR 50–203.21 reads as follows:

§ 50–203.21 Decisions.

(a) Within 30 days after the close of the hearing, each interested person appearing at the hearing may file with the Presiding Officer an original and four copies of a statement containing proposed findings of fact and conclusions of law, together with reasons for such proposals. Whenever the Presiding Officer is a duly assigned Hearing Examiner, he shall, immediately following the termination of the thirty-day period provided for the filing of proposed findings and conclusions, certify the complete record to the Secretary.

(b) Upon the basis, and after consideration, of the whole record, the Secretary may issue a tentative decision. The tentative decision shall become part of the record, and shall include: (1) A statement of findings and conclusions, with the reasons and bases therefor, upon all material issues of fact, law, or discretion presented on the record, and (2) any proposed wage determination. Any tentative decision shall be published in the FEDERAL REGISTER.

(c) Within twenty-one days following the publication of any tentative decision in the FEDERAL REGISTER, any interested person may file an original and four copies of a statement containing exceptions to the tentative decision, together with supporting reasons.

(d) Thereafter, the Secretary may issue a final decision ruling upon each exception filed and including any appropriate wage determination. Any final decision shall be published in the FEDERAL REGISTER.

Signed at Washington, D.C., this 18th day of September 1961.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 61–9078; Filed, Sept. 21, 1961; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 938]

[AO–294–A1]

IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN NORTH DAKOTA AND MINNESOTA

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

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk, United States Department of Agriculture, of this recommended decision with respect to proposed amendements to Marketing Agreement No. 135 and Order No. 38 (7 CFR Part 938), regulating the handling of Irish potatoes grown in certain designated counties of North Dakota and Minnesota, to be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674) hereinafter called the "Act."

Interested persons may file exceptions to this recommended decision with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., not later than the close of business on the 15th day after its publication in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing, on the record of which the proposed amendments to the marketing agreement and to the order were formulated, was held at Grand Forks, North Dakota, on June 28, 1961, pursuant to notice thereof which was published June 22, 1961, in the FEDERAL REGISTER (26 F.R. 5577). Such notice sets forth the proposed amendments.

To facilitate reference to the specific documents mentioned in this proceeding, Marketing Agreement No. 135 and Order No. 38 are hereinafter referred to as the "present order," and the proposed amendments thereto are hereinafter referred to as the "proposed order."

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

(1) The amendment of § 938.6 *Handle or ship* to extend its applicability to the shipment of potatoes between points outside the production area and to the definition of § 938.7 *Handler;*

(2) The addition of a new § 938.22 to define "label";

(3) The amendment of § 938.52 *Issuance of regulations* to authorize labeling regulations;

(4) The amendment of § 938.55 *Safeguards* to provide for the registration of handlers of special purpose shipments;

(5) The amendment of § 938.44 *Refunds* to authorize establishment of operating reserves;

(6) The advantages of conducting fiscal operations of Federal marketing order and State marketing programs under single management with payment of expenses from funds collected under State programs; and

(7) Other changes necessary to conform the proposed order to the amendments.

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

(1) The term "handle," as defined in the present order, is synonymous with "ship" and means to sell or transport potates, or cause the sale or transportation of potatoes, in the current of the commerce between the production area and any point outside thereof.

When the order was issued this definition included most handler activities deemed sufficient for effective administration. However, experience indicates the definition should be clarified and supplemented, the better to ensure inclusion of particular activities of persons marketing potatoes in the current of the commerce between points of origin within the production area and their final destination in receiving markets. Also, in view of the proposed amendments to authorize labeling regulations, as hereinafter set forth, the definition of "handle" is reviewed and supplemented sufficiently to effectuate this provision.

Under the terms of the present order, and according to the evidence presented at the hearing for the proposed order, the movement or transportation within the production area of potatoes destined to points outside the production area is a part of the current of the commerce by and through which Red River Valley potatoes are marketed. They are thereby a handling activity, subject to the order and regulations issued thereunder.

Experienced persons can readily obtain evidence on whether potatoes being transported in motor vehicles within the production area are or are not moving to destinations outside the production area. Substantial, pertinent evidence on the relationship of particular shipments to interstate movement can be ascertained from the type of packaging, by the type of truck, from the truck license, from the driver, bills of lading, manifests, and other related information. Movement or transportation of potatoes to points within the area usually is in readily identifiable trucks that are distinguishable from "over the road" vehicles marketing the finished or fully graded commodity in terminal or adjacent markets.

Shipments of Red River Valley potatoes to ultimate destinations outside the production areas, but with stopover at other points outside the production area prior to arrival at final destination, make up a common marketing practice that has been going on for a long time in that area. Under this practice potatoes are in the stream of the commerce between the production area and points outside thereof until the potatoes reach their final destination in the receiving markets.

When Red River Valley potatoes are in the stream of the commerce to receiving markets but they are temporarily stopped "in transit" for processing, or other regrading at points outside the production area, they nevertheless continue in the current of interstate commerce, or directly burden or obstruct interstate commerce until coming to rest at final destination. Potato shipments of this type also continue subject to the order and regulations issued thereunder, until they reach their final destination in the receiving markets.

Production area potatoes move out of the production area for processing or other regrading at points in Minnesota, Iowa, Nebraska, and Kansas in bulk, pallet boxes, used 100 pound bags, and other containers. They are accorded "storage in transit" or "stopover in transit" privileges by the carriers with attendant savings in freight costs. These points and additional preparation for market, grading, packaging and other handling activities at such points are well known to the industry and to the committee.

In order to qualify for special consideration or special treatment under the proposed order, handlers at intermediate points outside the production area who process and repack production area potatoes, as previously described on an "in-transit" basis, should be allowed to register with the committee to assure the committee they will comply with grade, size, quality, and container regulations, including labeling requirements, then in effect under the order.

Since Red River Valley potatoes packed within the production area are in direct competition with Red River Valley potatoes packed at intermediate points outside the production area, authority to regulate Red River Valley potatoes packed or processed at commercial establishments outside the production area is essential to promotion of orderly marketing of the crop, including labeling requirements. To permit production area potatoes packed outside the production area to move unlabeled in competition with potatoes packed in the production area under labeling requirements would be contrary to the purpose of the regulatory provisions of the order and the policy of the act.

Special consideration with respect to the impact of regulations on potatoes shipped to intermediate points outside the production area for processing may be accorded, with proper safeguards, under the proposed order.

Therefore, the definition of "handle" should be revised in the proposed order as hereinafter set forth.

(2) Label, as defined in the proposed order means the same as it does in common use in the potato trade, namely to mark, brand, or otherwise designate on containers the grade or size, or both, of the potatoes contained therein.

(3) It is a common practice in the Red River Valley and in other commercial potato producing areas in the United States for most handlers to label containers with the grade and size of the potatoes contained therein. Some states, including Minnesota, have enacted legislation requiring grade labeling of potatoes.

Most handlers in the production area label only better quality packs, such as U.S. No. 1, Size A; while some handlers label practically all of their potatoes, including U.S. Commercial quality, and the U.S. No. 2 grades, as established in United States Standards for Potatoes. Size is not as frequently designated on the containers as is the grade under present commercial practice, because a minimum size is specified in each grade standard, unless otherwise specified. However, some industry spokesmen claim a need for authority to require size marking also in promoting orderly marketing of certain packs.

The practice of labeling only better quality but not labeling lower quality potatoes has had detrimental effects on prices received for better quality potatoes which constitute the bulk of the Red River Valley Crop. Orderly marketing of Red River Valley potatoes has been disrupted by substituting or offers to substitute lower grade, unlabeled potatoes for better quality labeled potatoes, so that prices of better grades are adversely affected. Also, this practice has resulted in consumer dissatisfaction with a resultant loss of customers.

Lack of labeling leads to irregular competition in that some concerns advertise low grade potatoes, not labeled as to grade, and sell them or try to sell them as top quality, either by misrepresentation or by implication, in direct competition with U.S. No. 1 grade potatoes. In some cases sellers of unlabeled No. 2's or commercials often price them without mentioning the grade or quality of the potatoes to undersell their competitors, who are selling U.S. No. 1's. Competing handlers with labeled potatoes are often forced to cut prices of potatoes labeled U.S. No. 1 in order to meet competition from unlabeled number 2 or commercial quality potatoes of lower value, with an eventual decrease in returns to growers for the U.S. No. 1 potatoes.

A housewife who purchases a bag of unlabeled potatoes may assume she is buying good quality. If, however, in using the potatoes she finds they are poor quality, dissatisfaction with Red River Valley potatoes follows and she may be discouraged from buying them again.

Data show the Red River Valley's potato crop turnout averages about 85 percent U.S. No. 1 quality, with only about 5 percent of No. 2's and the residual 10 percent would be U.S. Commercial and pickouts. By allowing such a small percentage of the crop, comprised of the lower grades to be marketed without proper labeling, to adversely affect prices of U.S. No. 1's, which constitute the bulk of the crop, orderly marketing conditions are not promoted and farmers prices for potatoes are thereby depressed.

Marketing U.S. No. 2 or Commercial grade potatoes, if they are labeled as such, does not necessarily have an adverse effect upon better quality potatoes, since a limited demand prevails for this type of merchandise. Authority to require labeling, upon committee recommendations, of containers for Red River Valley potatoes and to establish this as a standard Red River Valley trade practice would help to promote orderly marketing in that the retail stores and the consuming public would have opportunity to know better what they are purchasing and the potatoes of each quality or size would sell for what they are worth. If the lower grades are sold for what they are worth, the better grades would stand on their own, so they can command prices which would be reflected directly back to the growers.

If a different designation for U.S. No. 2 grade is devised, such as the term "Utility Grade" which is being used and is acceptable in another area, authority to use it should be included in the proposed order. Also, if the industry should wish to develop a special or superior pack of potatoes to be labeled as such, as has been done in other potato producing areas, authority to do so should also be provided. The terms "Chef's Special" and "Super Spuds" were mentioned as examples of designations for superior packs. Testimony also referred to the designation "Red River Valley" which might also be included on the label for production area potatoes as a merchandising feature.

Labeling authority in the proposed order should be adequate to provide for future needs of the industry. Certain processing outlets require potatoes with different quality characteristics than those required for fresh table stock. Internal quality and solids content are more important for certain types of processing than such factors as shape and outward appearance which are important for fresh table stock. Should the industry and the committee determine that labeling of potatoes for certain processing outlets (other than for canning or freezing) will promote orderly marketing of their crop, authority to use labeling for those purposes should be available in the proposed order.

Labeling authority in the proposed order is incidental to, not inconsistent with, and necessary to effectuate its grade, size, and quality regulations. Such authority is not inconsistent with the other provisions of the order. Authority in the proposed order should be flexible enough to permit the committee, with approval of the Secretary after careful study, to issue such labeling regulations as would be beneficial to producers and handlers of production area potatoes. It is concluded that the labeling provision, as hereinafter set forth, should be authorized in the proposed order.

(4) Section 938.55 *Safeguards,* of the present order provides a method for assuring that potatoes handled for special purpose outlets pursuant to § 938.54, and seed potatoes handled pursuant to § 938.52, are not diverted into fresh table stock channels. Three years of experience in operating under this section have proved its provisions to be administratively sound.

Using the provisions of this section the committee has developed a method of safeguards for shipments of potatoes for chipping which is effective and practical. It is now desired that this method be incorporated in the provisions of § 938.55 *Safeguards,* so that it may apply to all special purpose shipments.

In buying Red River potatoes for chipping, frequently, if not usually, they are inspected before they are stored in conditioning rooms. While being conditioned potatoes lose moisture and often become soft, so they become unacceptable as table stock potatoes. As a practical solution to the administrative problem of determining that potatoes conditioned for chipping do not enter table stock channels, the committee developed rules for registering handlers who have facilities for such conditioning of potatoes in storage. These registered handlers are then permitted to handle potatoes out of conditioned storage and to use the same inspection certificate applicable to such potatoes which was issued when the potatoes first moved into storage.

Insomuch as the method of registering handlers for conditioning potatoes for chipping has proved to be a practical solution to the handling of potatoes for chipping and such method could be extended with beneficial results to all special purpose shipments, it is concluded that the provisions of § 938.55 *Safeguards,* should incorporate this type of administrative authority and they should be revised in the proposed order as hereinafter set forth.

(5) Section 938.44 *Refunds,* of the present order provides methods for disposing of any excess funds of the Red River Valley Potato Committee remaining after each fiscal year's expenses have been met. These methods include the crediting of each handler's account with his share of the refund, or by payment to him if demanded. Authority is also included in the present order to set aside some of the excess funds as a reserve for possible liquidation.

The proposed amendment of this section modernizes the order and provides flexible fiscal operations in the event assessments levied and collected under the Federal marketing order are in excess of expenses. In this connection see paragraph (6) below.

Good business practice requires provision for contingencies. The committee

should be authorized to set aside some of the funds remaining at the end of each fiscal year, after expenses for the period have been met, to be carried over into following periods as reserves for operations and for possible liquidation of the affairs of the committee. Also, funds may be set aside as a reserve for marketing research and development projects.

The reserve for operation and liquidation could be built up over a period of years provided it does not exceed approximately one year's operating expenses. This reserve could be used for several purposes. It could be used to allow the committee to function at the beginning of each season prior to the time assessment income is available to cover any deficits during a fiscal period in which assessment income falls short of expenses; or to pay expenses during any period when any or all of the provisions of the order are suspended or are inoperative.

A reserve fund would be especially needed in the event of termination, to pay the expenses of winding up committee affairs. Any balance remaining after liquidation should be prorated, to the extent practical, to the persons from whom such funds were collected.

It is concluded, that the revision of § 938.44, authorizing operating reserves, as hereinafter set forth, should be incorporated in the proposed order.

(6) The Red River Valley potato industry has marketed potatoes in the past three seasons (1958–59 through 1960–61) under joint, cooperative administration of State and Federal potato marketing orders. Coordinated operation and administration of State and Federal marketing order programs were anticipated and provided for in Federal Marketing Order No. 38, as based on record evidence at a public hearing May 20–22, 1957, and additional proceedings promulgating Order No. 38. On the basis of that record and supplementary evidence in the record of the hearing on June 28, 1961, the following findings are made:

(a) Assessments of one-cent per hundredweight have been levied on potatoes handled by Red River Valley shippers since the inception in 1954 of the States' marketing orders and assessment regulations issued pursuant thereto.

(b) Assessments under authority of the States' marketing orders have continued through the seasons 1958 to 1960, inclusive.

(c) Administration of the States' marketing orders and the Federal Marketing Order No. 38, as anticipated and intended, has been joint and coordinated, including, in practice during the past three seasons, the collection of assessments authorized under the States' marketing orders and the payment of all expenses incurred for joint Federal and State regulatory operations from funds so collected.

(d) Cooperation with and coordination of States' marketing orders with Federal or other marketing order programs are authorized by statutes of both North Dakota and Minnesota.

(e) The administrative officials for the States' marketing orders and for the Red River Valley Potato Committee, based on direct, intimate knowledge and experience, find that no useful purpose is served by requiring notice and publication of a budget and assessments under the Federal marketing order when, in fact, all revenues and disbursements of funds to cover expenses are States marketing order's funds.

It is concluded, therefore, that the current practice of financing administration of both State and Federal marketing orders from state funds may be continued as long as practicable. If, however, financial arrangements of this kind become impracticable or unacceptable because of lack of state marketing order funds, or cessation of state marketing orders, or for other reasons, assessments may be levied under the Federal marketing order. To this end, all of the provisions of the Federal marketing order relating to expenses and assessments (including the proposed amendment of § 938.44 referred to above) remain in full force and effect. However, unless assessments under the Federal marketing order are found necessary and collections of such assessments are made, requirements as to budgets and accounting for expenses of operating the regulatory features of Federal Marketing Order No. 38 may be appropriately handled by agreement between the United States Department of Agriculture and appropriate officials of the North Dakota Department of Agriculture and the Minnesota Department of Agriculture operating jointly through officially designated delegations. Also, it is concluded that administration of the programs along the general coordinated, cooperative principles of the past three seasons should be continued with special efforts directed toward promoting efficiency of operations, elimination of unnecessary expenses, and effectiveness of administration.

(7) Minor changes and modifications in drafting some provisions, including changes in reference numbers and cross-references between sections, are necessary to conform the present order with the proposed amendments. These changes are made and the proposed order conforms with them.

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

(1) The marketing agreement and the order, as both are hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act with respect to potatoes produced in the production area, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such potatoes above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such potatoes as will be in the public interest;

(2) The marketing agreement and the order, as both are hereby proposed to be amended, regulate the handling of potatoes grown in the production area in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing order upon which hearings have been held;

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

(4) The said marketing agreement and the order, as both are hereby proposed to be amended, prescribe, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of potatoes grown in the production area; and

(5) All handling of potatoes as defined in this part is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended amendments to the marketing agreement and order. The following proposed amendments to the marketing agreement and the order are recommended as the detailed means by which the aforesaid findings and conclusions may be carried out:

1. Section 938.6 is amended as follows:

§ 938.6 Handle or ship.

"Handle" or "ship" means to sell or transport potatoes, or cause the sale or transportation of potatoes in the current of the commerce between the production area and any one or more points outside thereof.

2. Section 938.22 *Label,* is added:

§ 938.22 Label.

"Label" means to mark, brand, or otherwise designate on containers the grade or size, or both, of potatoes therein.

§ 938.52 [Amendment]

3. In § 938.52 *Issuance of regulations,* renumber paragraph (a)(4) as (5) and add a new subparagraph (4) to read as follows:

(4) Require that containers for potatoes handled hereunder shall be labeled to show grade or size or both, thereof;

§ 938.55 [Amendment]

4. In § 938.55 *Safeguards,* renumber subparagraph (2) paragraph (a) as subparagraph (3) and renumber each subparagraph thereafter, and insert subparagraph (2) as follows:

(2) Handlers of potatoes marketed in special outlets or handlers offering particular services in the course of distribution may be required to register with the committee indicating their special type of business or services.

5. Section 938.44 is rewritten as follows:

§ 938.44 Refunds.

At the end of each fiscal period, if assessments collected are in excess of expenses incurred such excess shall be accounted for as follows:

(a) Except as provided in paragraphs (b) and (c) of this section, each person entitled to a proportionate refund of any excess assessment shall be credited with such refund against the operation of the following fiscal period unless such person demands repayment thereof, in which event it shall be paid to him: *Provided,* That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal period may be applied by the committee at the end of such fiscal period to any outstanding obligations due the committee from such person.

(b) The committee, with the approval of the Secretary; may establish and maintain during one or more fiscal years an operating monetary reserve in an amount not to exceed approximately one fiscal year's operational expenses. Upon approval of the Secretary, funds in such reserve shall be available for use by the committee for any purpose authorized pursuant to this part.

(c) Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided,* That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

Copies of this notice of recommended decision may be procured from the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D.C., or may be there inspected.

Dated: September 19, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61-9102; Filed, Sept. 21. 1961; 8:51 a.m.]

[7 CFR Part 997]

FILBERTS GROWN IN OREGON AND WASHINGTON

Free and Restricted Percentages for 1961–62 Fiscal Year

Notice is hereby given that there is under consideration the proposed establishment of a free percentage of 57 percent and restricted percentage of 43 percent for Oregon and Washington filberts during the 1961–62 fiscal year which began on August 1, 1961. The proposed percentages, which are based upon recommendations of the Filbert Control Board and other information, would be established in accordance with applicable provisions of Marketing Agreement No. 115, as amended, and Order No. 97, as amended (7 CFR Part 997), regulating the handling of filberts grown in Oregon and Washington. Said marketing agreement and order are 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).

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 seven days after publication of this notice in the FEDERAL REGISTER.

The proposed percentages are based on the following estimates (inshell weight basis) for the 1961–62 fiscal year; (a) total requirements for 1961 crop merchantable filberts of 9,728,000 pounds which is the sum of an inshell trade demand of 10,000,000 pounds and the provisions for inshell handler carryover on July 31, 1962, of 1,000,000 pounds, less the inshell handler carryover on August 1, 1961, of 1,272,000 pounds not subject to regulation; and (b) a total supply of merchantable filberts subject to regulation of 17,191,000 pounds, which is the sum of the estimated production of merchantable filberts of 16,842,000 pounds and inshell handler carryover on August 1, 1961, subject to regulation of 349,000 pounds.

The proposal is as follows:

§ 997.211 Free and restricted percentages for merchantable filberts during the 1961–62 fiscal year.

Free and restricted percentages for merchantable filberts during the fiscal year beginning August 1, 1961, shall be as follows:

Free percentage—57 percent.
Restricted percentage—43 percent.

Dated: September 18, 1961.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 61-9084; Filed, Sept. 21, 1961; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 401) has been filed by C. H. Dexter and Sons, Inc., Windsor Locks, Connecticut, proposing the issuance of a regulation to provide for the safe use of the following substances as components of paper used for packaging food:

Cellulose, regenerated.
Melamine-formaldehyde resin.
Rayon.
Vinyl acetate and vinyl chloride, copolymerized.

Dated: September 15, 1961.

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

[F.R. Doc. 61-9080; Filed, Sept. 21, 1961; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Withdrawal of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)) the following notice is issued:

A petition was filed by the Dow Chemical Company, Midland, Michigan, proposing the issuance of a regulation to provide for the safe use of calcium disodium EDTA as a preservative in certain foods, including pineapple chunks, at a level of 75 parts per million. Notice of filing of this petition was published in the FEDERAL REGISTER of April 14, 1960 (25 F.R. 3214). Samples were later requested as provided in § 121.51(j) of the food additive regulations. This section further provides that if a sample is requested within a reasonable time in advance of the 180-day limit but is not submitted within such 180 days after filing of the petition, the petition will be considered withdrawn without prejudice.

The requested sample has not been received, and therefore the above-identified petition is regarded as having been withdrawn insofar as the use of the additive on pineapple chunks is concerned. That part of the petition is considered withdrawn without prejudice to a future filing.

Dated: September 15, 1961.

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

[F.R. Doc. 61-9081; Filed, Sept. 21, 1961; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 543) has been filed by W. R. Grace and Company, 62 Whittemore Avenue, Cambridge 40, Massachusetts, proposing the issuance of a regulation to provide for the safe use of di-*n*-hexyl azelate as a plasticizer in polymeric resins intended for use in packing, handling, storing, or transporting food, pro-

vided that the amount of di-*n*-hexyl azelate added to the polymeric resin does not exceed 15 percent by weight of the finished article.

Dated: September 15, 1961.

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

[F.R. Doc. 61-9082; Filed, Sept. 21, 1961; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 540) has been filed by W. R. Grace and Company, Dewey and Almy Chemical Division, Cambridge 40, Massachusetts, proposing the issuance of a regulation to provide for the safe use of a high vinylidene chloride content copolymer latex coating for food-packaging paper and paperboard.

Dated: September 15, 1961.

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

[F.R. Doc. 61-9083; Filed, Sept. 21, 1961; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-NY-140]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Withdrawal of Proposal to Alter Federal Airways and Associated Control Areas

In a notice of proposed rule making published in the FEDERAL REGISTER as Airspace Docket No. 60-NY-140 on May 19, 1961 (26 F.R. 4366), it was stated that the Federal Aviation Agency proposed to alter low altitude VOR Federal airway No. 140 from the Casanova, Va., VOR to the Washington, D.C., VOR via the intersection of the Casanova VOR 079° and the Washington VOR 187° True radials, excluding the portion of this airway which would coincide with the Quantico, Va., Restricted Area (R-6608). It was also stated that the Federal Aviation Agency proposed to extend low altitude VOR Federal airway No. 155 from the Casanova VOR to the Washington VOR via the intersection of the Casanova VOR 066° and the Washington VOR 317° True radials, excluding the portion of this airway which would coincide with the Washington Prohibited Area (P-56).

Subsequent to publication of the notice, the Washington terminal area air traffic control procedures have been revised. To implement these procedures, it will be necessary to revise the entire Washington terminal airway structure of which Victor 140 and Victor 155 are a part. Accordingly, Victor 140 and Victor 155 will be considered for alteration in a subsequent Notice of Proposed Rule Making, together with the balance of the low altitude airways in the Washington terminal area.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the proposal contained in Airspace Docket No. 60-NY-140 is withdrawn.

Section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

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

H. B. HELSTROM,
Acting Chief, Airspace Utilization Division.

[F.R. Doc. 61-9073; Filed, Sept. 21, 1961; 8:47 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-FW-72]

CONTROLLED AIRSPACE

Designation of Transition Area

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

The Federal Aviation Agency has under consideration the designation of a transition area north of Meridian (NAAS Meridian), Miss., extending upward from 1,200 feet above the surface within an area bounded on the southwest by a line between latitude 32°37'25" N., longitude 88°40'30" W. and latitude 33°05'40" N., longitude 88°52'40" W.; on the north by the Columbus control area extension (§ 601.1107); on the southeast by low altitude VOR Federal airway No. 18 north alternate; and within the area southeast of the Meridian NAAS bounded on the north by low altitude VOR Federal airway No. 18, on the east by low altitude VOR Federal airway No. 209, and on the south by low altitude VOR Federal airway No. 154.

This proposed transition area would provide protection for aircraft executing jet penetration approach procedures in the area northwest of the Naval Air Station preparatory to the completion of TACAN, surveillance and precision radar approaches. These penetration procedures would specify that descent be accomplished in an area well clear of the intermediate and low altitude airway systems. The area southeast of the Meridian NAAS would provide protection for aircraft executing departure, missed approach and ground controlled approach procedures.

It is expected that this transition area may ultimately be combined with the controlled airspace associated with the Meridian control area extension (§ 601.1018). This control area extension will be proposed for conversion to a transition area upon completion of the evaluation presently being conducted on an area basis relating to the implementation of Amendment 60-21 to Civil Air Regulations, Part 60, Air Traffic Rules.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Manager, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

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

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

H. B. HELSTROM,
Acting Chief, Airspace Utilization Division.

[F.R. Doc. 61-9072; Filed, Sept. 21, 1961; 8:46 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 61-NY-22]

SPECIAL USE AIRSPACE

Alteration of Restricted Area

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.37 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration a request by the Department of the Army to expand the southern boundary of the Camp Breckinridge, Ky., Restricted Area R-3701 to abut State Highway 56. Additionally, the time of designation of this restricted area would be altered to 0400 to 2400 c.s.t., daily, June 1 through August 31.

R-3701 was modified, with the concurrence of the Army, in Airspace Docket No. 59-NY-57 (25 F.R. 12934) effective December 17, 1960. This action reduced the size of R-3701 by approximately 50 percent.

In correspondence dated May 18, 1961, the Army stated that its concurrence in the realignment of the southern boundary of R–3701, as published in 59–NY–57, was in error. This error resulted in the exclusion of 21 artillery positions from the restricted area. These artillery positions are considered necessary to meet the training requirements for Camp Breckinridge.

The Federal Aviation Agency is considering the redesignation of R–3701 as follows:

Boundaries. Beginning at latitude 37° 42′45″ N., longitude 87°47′30″ W.; to latitude 37°38′35″ N., longitude 87°42′00″ W.; to latitude 37°36′10″ N., longitude 87°42′00″ W.; along State Highway 56 to latitude 37°38′30″ N., longitude 87°52′20″ W.; to latitude 37° 39′20″ N., longitude 87°52′20″ W.; to latitude 37°40′20″ N., longitude 87°51′10″ W.; to latitude 37°40′20″ N., longitude 87°49′40″ W.; to latitude 37°42′20″ N., longitude 87°49′ 40″ W.; to the point of beginning.

Designated altitudes. Surface to 20,000 feet MSL.

Time of designation. 0400 to 2400 c.s.t., June 1 through August 31.

Using Agency. Commanding General, U.S. Army Armor Center, Fort Knox, Ky.

This proposed alteration of R–3701 would enlarge the size of the restricted area by approximately 10 square miles in order to encompass the artillery positions which are now excluded from the restricted area.

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

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

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

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

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 61–9074; Filed, Sept. 21, 1961; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Foreign Assets Control

IMPORTATION OF KID FUR SKINS, DRESSED OR OTHERWISE PROCESSED

Available Certification by the Government of the United Kingdom

Notice is hereby given that certificates of origin issued by the Customs and Excise of the Government of the United Kingdom under procedures agreed upon between that Government and the Foreign Assets Control are now available with respect to the importation of kid fur skins, dressed or otherwise processed, into the United States directly, or on a through bill of lading, from the United Kingdom.

[SEAL] MARGARET W. SCHWARTZ,
Acting Director,
Foreign Assets Control.

[F.R. Doc. 61-9049; Filed, Sept. 21, 1961; 8:45 a.m.]

IMPORTATION OF PAINTINGS AND SCROLLS, CHINESE TYPE, DIRECTLY FROM HONG KONG

Available Certifications by the Government of Hong Kong

Notice is hereby given that certificates of origin issued by the Department of Commerce and Industry of the Government of Hong Kong under procedures agreed upon between that Government and the Foreign Assets Control are available with respect to the importation into the United States directly, or on a through bill of lading, from Hong Kong of the following additional commodity:

Paintings and scrolls, Chinese type.

Notice is also given that certificates of origin are now available for ceramics, including both colored and white. This notice supersedes the previous notice of the availability of certificates of origin for white ceramics only which was published in the FEDERAL REGISTER on December 1, 1960.

[SEAL] MARGARET W. SCHWARTZ,
Acting Director,
Foreign Assets Control.

[F.R. Doc. 61-9050; Filed, Sept. 21, 1961; 8:45 a.m.]

Office of the Secretary

[Treasury Dept. Order No. 150-56]

INTERNAL REVENUE SERVICE

Change in Office Designation and Establishment of New Office

1. *Establishment of new office.* There is hereby established in the National Office of the Internal Revenue Service the office of Assistant Commissioner (Data Processing).

2. *Change in designation of office.* The office designated as Assistant Commissioner (Operations) by Treasury Department Order No. 150-5, July 29, 1952, is hereby designated Assistant Commissioner (Compliance).

Dated: September 15, 1961.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 61-9093; Filed, Sept. 21, 1961; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Bureau Order 551; Amdt. 73]

CERTAIN LAND TRANSFERS

Redelegation of Authority

SEPTEMBER 15, 1961.

Order 551, as amended, is further amended by the addition of a new section 367 under the heading "Functions Relating to Specific Legislation," to read as follows:

SEC. 367. *Authority under Act of July 31, 1959 (Pub. Law 86-121; 73 Stat. 267).* The taking of action with respect to those matters contained in section 1 of said act which relates to the transfer to the Surgeon General of interest and rights in federally owned lands under the jurisdiction of the Department of the Interior and in Indian-owned lands that either are held by the United States in trust for Indians or are subject to a restriction against alienation imposed by the United States, including appurtenances and improvements thereto.

JOHN O. CROW,
Acting Commissioner.

[F.R. Doc. 61-9077; Filed, Sept. 21, 1961; 8:47 a.m.]

Office of the Secretary

[Order 2823, Amdt. 1]

ALASKA

Land Districts and Land Offices

SEPTEMBER 21, 1961.

Sections 1 and 2 of Order No. 2823 dated August 1, 1957, are revoked and new sections are added as follows to become effective upon publication in the FEDERAL REGISTER:

SECTION 1. *Consolidation of Land Offices.* The Land Office at Juneau, Alaska, is hereby discontinued and the business and necessary archives of that office shall be transferred and consolidated with the Land Office at Anchorage, Alaska.

SEC. 2. *Land district boundaries.* The land district boundaries established by Order No. 2823 of August 1, 1957, are modified to add to the Anchorage land district those lands formerly within the Juneau land district.

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

[F.R. Doc. 61-9192; Filed, Sept. 21, 1961; 11:01 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

WILBUR F. DUERINGER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: None.
B. Additions: None.

This statement is made as of September 12, 1961.

WILBUR F. DUERINGER.

SEPTEMBER 12, 1961.

[F.R. Doc. 61-9090; Filed, Sept. 21, 1961; 8:49 a.m.]

LOUIS F. FRAZZA

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: Chrysler Corp. stock, Emerson Radio stock.
B. Additions: Consolidated Edison of New York stock.

This statement is made as of September 5, 1961.

LOUIS F. FRAZZA.

SEPTEMBER 5, 1961.

[F.R. Doc. 61-9091; Filed, Sept. 21, 1961; 8:49 a.m.]

HAROLD J. VORZIMER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as re-

ported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of September 12, 1961.

HAROLD J. VORZIMER.

SEPTEMBER 12, 1961.

[F.R. Doc. 61-9092; Filed, Sept. 21, 1961; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14269, 14270; FCC 61-1112]

HERSHEY BROADCASTING CO., INC., AND READING RADIO, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Hershey Broadcasting Company, Inc., Hershey, Pennsylvania, Docket No. 14269, File No. BPH-3246, Requests: 92.9 Mc, No. 225, 20 kw; 190 ft.; Reading Radio, Inc., Reading, Pennsylvania, Docket No. 14270, File No. BPH-3322, Requests: 92.9 Mc, No. 225; 20 kw; 500 ft.; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 13th day of September 1961;

The Commission having under consideration the above-captioned and described applications;

It appearing that except as indicated by the issues specified below, the instant applicants are legally, technically, financially, and otherwise qualified to construct and operate the proposed stations, but that the proposed operations would involve mutually destructive interference and that the proposal of Reading Radio, may cause interference to Station WIFI, Philadelphia, Pennsylvania; and

It further appearing that after consideration of the foregoing, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the area and population within the 1 mv/m contours, the area and population therein which would be served by the proposed stations, and the availability of other FM services (at least 1 mv/m) to such proposed service areas.

2. To determine whether the proposal of Reading Radio, Inc., would involve objectionable interference with Station WIFI, Philadelphia, Pennsylvania, or any other existing FM broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other FM service of at least 1 mv/m to such areas and populations.

3. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the instant applications should be granted.

It is further ordered, That the High Fidelity Broadcasting Corporation, licensee of Station WIFI, Philadelphia, Pennsylvania, is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That, the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(c) of the rules.

It is further ordered, That the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: September 19, 1961.

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

[F.R. Doc. 61-9096; Filed, Sept. 21, 1961; 8:50 a.m.]

[Docket No. 13245; FCC 61-1100]

RADIO AMERICANA, INC.

Memorandum Opinion and Order Remanding Proceeding

In re application of Radio Americana, Inc., Baltimore, Maryland, Docket No. 13245, File No. BP-12962; for construction permit.

1. The Commission has before it for consideration (1) a Petition for Reconsideration and Comparative Consideration, filed February 8, 1961, by Lebanon Valley Broadcasting Co., the responsive pleadings of Radio Americana, Inc., and of the Commission's Broadcast Bureau, and a reply to these responses filed by Lebanon Valley; (2) a Motion to Strike, filed March 6, 1961, by Radio Americana, Inc., to which oppositions were filed by Lebanon Valley and the Broadcast Bureau; and (3) a Supplement to Response, filed April 21, 1961, by Radio Americana, Inc., and an opposition thereto filed by Lebanon Valley.

2. Petitioner Lebanon Valley Broadcasting Co. was an applicant for a new standard broadcast station in Lebanon, Pennsylvania, proposing to operate on 940 kc, 250 watts, Day. On November 23, 1959, its application was dismissed because it was mutually exclusive with the application (File No. BP-13110) of Rossmoyne Corporation for the same frequency in Lebanon, and was not filed in time to be considered with the latter application. By memorandum opinion and order released May 2, 1960 (FCC 60-450), the Commission denied the petitioner's request for reconsideration of the dismissal of its application.

3. Rossmoyne's application was mutually exclusive with two other applications with which it had been designated for hearing in a consolidated proceeding—the application (Docket No. 13245, File No. BP-12962) of Caba Broadcasting Corporation for Baltimore, Maryland, and the application (Docket No. 13250, File No. BP-13150) of Catonsville Broadcasting Company for Catonsville, Maryland. Caba subsequently entered into an agreement with Catonsville whereby Caba agreed to reimburse Catonsville for its expenses incurred in the prosecution of its application if the Cantonsville application were dismissed. By order of the Chief Hearing Examiner released August 4, 1960 (FCC 60M-1345), the application of Catonsville was dismissed. Caba then entered into a merger agreement with Rossmoyne, whereby a new corporation, viz., Radio Americana, Inc., would be substituted for Caba and the Rossmoyne application would be dismissed; under the terms of the agreement, the principals of Rossmoyne would have a controlling interest in Radio Americana. By order released August 25, 1960 (FCC 60M-1440), the Hearing Examiner permitted Caba to amend its application by substituting Radio Americana for itself, and in that same order the Hearing Examiner stated that the petition by Rossmoyne to dismiss its application would be considered in the Initial Decision, as provided by § 1.363(b) of the rules as it then read. On August 30, 1960, Radio Americana filed an unopposed petition for reconsideration and grant without further hearing. By memorandum opinion and order released January 9, 1961 (FCC 61-12), the Commission approved this merger between Rossmoyne and Caba; dismissed the application of Rossmoyne with prejudice; severed the application of Radio Americana from the other applications in the

proceeding;[1] and granted without hearing the application of Radio Americana.

4. The petitioner does not now contend that the Commission erred in dismissing its application or in refusing to reconsider its dismissal. Instead, it urges that as a consequence of the subsequent merger of Rossmoyne and Caba, petitioner has a right to have its application reinstated and granted consolidation with the Radio Americana application. Petitioner submits that the instant merger comes within the purview of § 1.354 of the Commission's rules; cites § 1.354(h)(2), which provides that "a new file number will be assigned to an application for a new station when it is amended to specify a change in ownership as a result of which one or more parties with an ownership interest in the original application do not have, on a collective basis, a 50 percent or more ownership interest in the amended application;" contends that when the principals of Rossmoyne and Caba merged into the Caba application and this application was amended to Radio Americana, Inc., Radio Americana became, in effect, a "new applicant"; and that to deny petitioner reinstatement of its application and a consolidated hearing with Radio Americana would therefore be a denial of its Ashbacker rights.[2] Petitioner maintains, alternatively, that if its rights to a comparative hearing did not accrue at the time of the merger, this right materialized when the Commission severed and granted Americana's application. Petitioner attempts to support this argument on the basis of § 1.354(g) of the rules which provides that when an application "has been removed from the hearing docket" it is to be "returned to its proper position in the processing line." If Americana's application is returned to the processing line, argues petitioner, § 1.354(h) would require that the application receive a new file number; that the application would, in legal effect, be a new one filed after petitioner's application; and that petitioner is, therefore, entitled to a comparative consideration of its application with the "new" application of Radio Americana.

5. Section 1.354(h) is a prehearing rule which relates to the method and order of processing applications, and is not by its terms appilcable to applications in hearing. Albuquerque Broadcasting Co., 16 RR 755, 761 (1958). Its purpose, as was explained in Bangor Broadcasting Corp. (WGUY), 17 RR 398 (1958), is to prevent "positions in the awaiting-study file to be traded as salable commodities with older positions commanding premium prices." Applications which have been consolidated for hearing, on the other hand, are considered together, and hence their merger does not present the problem to which § 1.354(h) is directed. While the petitioner contends that an amendment which changes more than 50 percent of the ownership of an applicant necessarily results in a "new application", this view has been rejected by the Commission in a number of cases, and we have held that the question of whether the application is to be returned to the processing line is governed by §§ 1.311(b) and 1.363 of the rules, and not by § 1 354(h). Enterprise Broadcasting Co., 15 RR 401 (1957); L & B Broadcasting Co , 17 RR 809, 811 (1958); Albuquerque Broadcasting Co. (KOB), 16 RR 755 (1958); Jefferson Radio Co., 17 RR 808a (1959); Continental Broadcasting Corp., 18 RR 877 (1959).

6. Section 1.311 of our rules sets forth the conditions under which an application may be amended. Paragraph (a) of that section provides that prior to designation an application may be amended as a matter of right, subject, however, to the provisions of § 1.354(h) of the rules. Paragraph (b) of § 1.311—and it was under this subsection that the application in question was amended—provides that after it has been designated for hearing, an application may be amended upon a showing of good cause and upon a showing that the conditions specified in that subsection have been met. Paragraph (c) provides that after designation an application may be amended even in the absence of a showing of good cause, but in that event the application will be returned to the processing line. It is thus clear that there is no requirement in § 1.311 that an application which has been amended for good cause be returned to the processing line.

7. Section 1.363 of the rules, as it read at the time the amendment in question was allowed, expressly provided that an amendment to reflect a merger would be retained in hearing,[3] and it did not provide that such amended application be returned to the processing line. As subsequently amended, effective February 20, 1961, § 1.363 of the rules does not require that an application which has been amended to reflect a merger shall be returned to the processing line. On the contrary, except for engineering amendments, subsection (b)(1) thereof provides that where the amendment eliminates the necessity of a hearing on issues other than those arising out of the agreement, the Chief Hearing Examiner should "terminate the proceeding and make appropriate disposition of all applications."[4] In view of our action herein, infra, setting aside the grant of Radio Americana's application, petitioner's argument that the grant without hearing entitles it to comparative consideration has become moot. But, even if the grant to Radio Americana were permitted to stand, it does not follow that the petitioner would be entitled to comparative consideration. The mere fact that the Commission, in response to a petition for reconsideration and grant filed by the applicant whose application was amended to reflect a merger, telescopes the procedure provided for in § 1.363(b) of the rules by granting the application without further hearing, does not affect the ultimate objective of our Rules, viz., to permit the grant of an amended application without returning it to the processing line where the amendment reflects a merger and eliminates the need for a hearing on the designated issues.

8. It is thus clear that under our rules the amendment of the application for Baltimore did not alter its status vis-a-vis petitioner, and the same considerations underlying the dismissal of petitioner's application, and the denial of petitioner's request for reconsideration of such dismissal, require a denial of the petitioner's request that it be granted comparative consideration with Radio Americana. However, upon further consideration of the Memorandum Opinion and Order to which the petition for reconsideration is directed, and of the pleadings before us, the Commission has determined to set aside the grant of the Radio Americana application. As a consequence of the events summarized in paragraph 3 above, the applications for Lebanon and Catonsville have been eliminated, of the three originally mutually exclusive applications only that for Baltimore remains, and the principals of the Lebanon application acquired control of the proposed Baltimore station. In view of the elemination of the applications for smaller communities, such as Lebanon, which now has only one station, and Catonsville, which has no station, in favor of Baltimore, which has many stations, it is the Commission's view that an evidentiary hearing should be had to determine whether the grant of the Radio Americana application would be in the public interest. Pertinent to this determination is the question of whether the applicants, in seeking to obtain a station in a larger community with the accompanying prospects of greater profit, did so in the bona fide belief that there was a lesser likelihood of a grant of the dismissed applications than of the Baltimore application, or whether their action was dictated solely

[1] The proceeding from which the Radio Americana application was severed consisted of the applications of Radio Americana; WPET, Incorporated, for Greensboro, North Carolina (Docket No. 13225, File No. BP-11742); Seven Locks Broadcasting Company, for Potomac-Cabin John, Maryland (Docket No. 13227, File No. BP-11877); The Tidewater Broadcasting Company, Inc., for Smithfield, Virginia (Docket No. 13248, File No. BP-13114); and Mary Cobb and Richard S. Cobb, d/b as Tenth District Broadcasting Company, for McLean, Virginia (Docket No. 13251, File No. BP-13153). The application of WPET, Incorporated, was subsequently severed from this proceeding by order released March 10, 1961 (FCC 61M-405). By the same order, the applications for Smithfield, Virginia, and Newport News, Virginia, on the one hand, and the applications for Potomac-Cabin John and McLean, on the other, were severed fnto separate proceedings.

[2] Ashbacker Radio Corporation v. FCC, 326 U.S. 327 (1945).

[3] Section 1.363(b) of the rules in effect at the time petitioner filed its request stated as follows: "(b) Where the applicants in a consolidated hearing for a broadcast facility by option, merger, or like arrangement effect a consolidation of their respective interests, the application which is to be prosecuted should be amended to reflect the arrangements between or among the applicants, and as amended will be retained in hearing along with the other application, which will be dismissed by the hearing examiner's initial decision."

[4] It has been the practice of the Chief Hearing Examiner to refer the matter to the Hearing Examiner to whom the case was assigned, and the Hearing Examiner, in turn, issues an Initial Decision. S & W Enterprises, Inc. (FCC 61M-731), released April 15, 1961.

by considerations of personal gain to the exclusion of the needs of the respective communities. Also presented is a question as to whether the public interest is served by the elimination of the Rossmoyne and Catonsville applications in favor of Radio Americana without a prior determination having been made under section 307(b) of the Communications Act that Baltimore has a greater need than Lebanon or Catonsville for a new service.

9. Radio Americana contends that the Commission cannot on its own motion set aside the grant of its application because more than thirty days have elapsed since the date of the grant; for the same reason, it moved to strike the Broadcast Bureau's pleading in which action on the Commission's own motion was recommended. In support of its contention, Radio Americana argues that the petitioner lacked standing to file its petition for reconsideration, and that a petition filed by a person without standing does not serve to toll the running of the thirty-day period in which the Commission may reconsider its actions. Radio Americana does not cite any court decision in support of its contention.

10. It is the Commission's view that a petition for reconsideration serves to toll the running of the thirty-day period even though it is ultimately determined that the petitioner is without standing. See Old Belt Broadcasting Corp., 19 RR 568 (1959); Boyertown Broadcasting Co., 20 RR 57 (1960); cf. Albertson v. FCC, 182 F. 2d 397; 6 RR 2019 (C.A.D.C., 1950). The net effect of a contrary view is that the Commission, as a practical matter, would in many instances be unable to reconsider its action in the light of public interest considerations, such as those advanced by petitioner herein, or in the light of new facts alleged in the petition. A petition for reconsideration may be filed within thirty days after the effective date of the action to which it is directed; the instant petition was filed on the thirtieth day. Under Radio Americana's view, it would be essential that the Commission consider the petition before the thirty-day period has elapsed to determine (a) whether the petitioner has standing, and (b) if it is determined that he does not have standing, to decide what action, if any, should be taken on the Commission's own motion in the light of the public interest considerations or new facts alleged in the petition. Where, as here, the petition is not filed until the thirtieth day, it is apparent that administrative realities would foreclose the Commission from making these determinations before the thirty-day period has elapsed. Moreover, not in all instances is it evident on the face of the petition that a question as to petitioner's standing is involved; in the instant proceeding, this question was not raised until Radio Americana filed its opposition on the thirty-ninth day following the effective date of the Commission action to which the petition is directed, and the pleadings before us evidence a sharp disagreement on this question. In many instances the question of standing and the merits of the petition are interdependent; thus, in the case before us, had it been determined that petitioner is entitled to have its application reinstated and granted comparative consideration, it would follow that the petitioner has standing to file the petition. In our view, fairness to the other parties to the proceeding, in this case Radio Americana, requires that they be afforded a reasonable opportunity to present their views before the Commission acts on the petition; the position advocated by Radio Americana, however, would require action by the Commission without affording it an opportunity to respond. For these reasons, Radio Americana's view that the Commission is without jurisdiction to act on its own motion must be rejected. We do not, of course, mean to imply that a party without standing is entitled to have its petition for reconsideration considered on the merits; it is, however, our view that the filing of a petition for reconsideration tolls the running of the thirty-day period irrespective of the standing of the petitioner to file its petition, and that the Commission retains jurisdiction over the proceeding for such further action as it determines to be appropriate.

11. In view of our decision herein not to grant the petitioner comparative consideration with Radio Americana, it is not necessary at this time to rule on Radio Americana's suggestion that in the event the Commission is disposed to grant petitioner comparative consideration, the dismissal of the Catonsville application and the amendment of the Caba application be set aside, and that the Rossmoyne, Caba, and Catonsville applications be heard on the applicable designated issues. If, following the evidentiary hearing ordered herein, this suggestion is renewed, further consideration will be given to it in the light of the facts developed at the hearing and other matters of record. Because of the suggestion made by Radio Americana, we have, however, stayed the effective date of the Initial Decision (FCC 61D–102) in Tidewater Broadcasting Company, Incorporated, Docket Nos. 13243, et al., because of the interference problems between the two applications in that proceeding and the original Catonsville proposal.[5]

12. It is recognized that some of the information called for under the hearing issues specified below has been submitted in Radio Americana's petition for reconsideration and grant of August 30, 1960. Nonetheless, because of the highly unusual facts of this case[6] and the legal and policy questions that may be involved, the Commission feels that consistent with § 1.363 of our rules as then in effect, the application of Radio Americana should be retained in hearing and the information developed on a hearing record. For the same reasons the Commission deems it appropriate to specify those further issues on which evidence should be adduced and consideration given by the examiner in his initial decision.

Accordingly, it is ordered, This 13th day of September 1961, that the petition for reconsideration, filed February 8, 1961, by Lebanon Valley Broadcasting Company, is denied;

It is further ordered, That the motion to strike, filed March 6, 1961, by Radio Americana, Inc., is denied;

It is further ordered, That the grant of the application of Radio Americana be set aside, and the application retained in hearing status;

It is further ordered, That the proceeding be remanded to the examiner for hearing on the following issues:

1. To determine the facts and circumstances surrounding the merger agreement between the Rossmoyne and Caba applications, including but not limited to such matters as the following: The exact nature of any consideration promised or paid, the party initiating the negotiations, a history of the negotiations, and the reasons why the applicants believe that abandonment of their original proposals in favor of the merger will serve the public interest.

2. To determine in the light of the foregoing whether any abuse of the procedures of the Commission has occurred or been attempted.

3. To determine in light of all the relevant facts whether a grant of the Radio Americana application is consistent with section 307(b) of the Communications Act of 1934.

4. To determine whether a grant of the application of Radio Americana, Inc., is in the public interest.

Released: September 19, 1961.

FEDERAL COMMUNICATIONS COMMISSION,[7]

[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 61–9097; Filed, Sept. 21, 1961; 8:50 a.m.]

[Docket No. 13965 etc., FCC 61M–1517]

ROCKFORD BROADCASTERS, INC., (WROK), ET AL.

Memorandum of Rulings

In re applications of Rockford Broadcasters, Incorporated (WROK), Rockford, Illinois, Docket No. 13965, File No. BP–13422; Quincy Broadcasting Com-

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[5] Order released August 3, 1961, in Tidewater Broadcasting Company, Incorporated (FCC 61–935). The interference between the proposals for Lebanon, Catonsville, and Baltimore, on the one hand, and for McLean (File No. BP–13153) and Potomac-Cabin John (File No. BP–11877), on the other, is not of decisional significance to any of the applications in either of the two groups, and it is not, therefore, necessary to stay the effective date of the Initial Decision (FCC 61D–108) released July 17, 1961, with respect to the proposals for McLean and Potomac-Cabin John; the interference outside the areas subject to interference from existing stations would affect less than 1 percent of the populations proposed to be served by any of these proposals.

[6] The Broadcast Bureau asserts that it is familiar with no other merger situation wherein the dismissing applicant for one community would acquire a controlling interest in an application for an entirely different community.

[7] Commissioners Hyde, Lee, and Cross dissenting.

pany (WGEM), Quincy, Illinois, Docket No. 13966, File No. BP–14225; Robert W. Sudbrink and Margareta S. Sudbrink d/b as McLean County Broadcasting Co., Normal, Illinois, Docket No. 13967, File No. BP–14401; for construction permits.

1. On August 15, 1961, applicant Quincy, and on August 17, 1961, applicant Rockford filed petitions for leave to amend their respective applications and tendered the proposed amendments. On August 30 the Broadcast Bureau filed comments with respect to the Quincy and an opposition to the Rockford petition. Oral argument in which counsel for Rockford, Quincy, McLean County, WCMY, and the Broadcast Bureau participated, was held on September 15.

2. After counsel for Rockford orally amended its petition to comply with Rule 1.311(c) and request that the application as amended be removed from the hearing docket and returned to the processing line, the following actions were taken, as will appear in the transcript of the oral argument:

a. The petitions for leave to amend their respective applications, filed by Quincy Broadcasting Company (WGEM) on August 15, 1961, and by Rockford Broadcasters, Incorporated (WROK) on August 17, 1961, were granted, the proposed amendments accepted, and the applications as amended (Dockets Nos. 13965 and 13966) were removed from the hearing docket and returned to the processing line.

b. Hearing on the remaining McLean County Broadcasting Co. application (Docket No. 13967) was rescheduled from October 9 to Monday, September 25, 1961, at 4 p.m., in the offices of the Commission, Washington, D.C.

Dated: September 18, 1961.

Released: September 19, 1961.

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

[F.R. Doc. 61–9098; Filed, Sept. 21, 1961; 8:50 a.m.]

[Docket No. 11314; FCC 61M–1512]

SPARTAN RADIOCASTING CO. (WSPA–TV)

Order Continuing Hearing

In re application of The Spartan Radiocasting Company (WSPA–TV), Spartanburg, South Carolina, Docket No. 11314, File No. BMPCT–2042; for modification of construction permit.

It is ordered, This 18th day of September 1961, that further hearing in the above-entitled proceeding which was scheduled to commence September 20, 1961, is hereby continued to November 1, 1961.

Released: September 18, 1961.

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

[F.R. Doc. 61–9099; Filed, Sept. 21, 1961; 8:50 a.m.]

[Docket No. 13049; FCC 61M–1519]

TOWN AND COUNTRY BROADCASTING CO., INC. (WREM)

Order Rescheduling Dates

In re application of Town and Country Broadcasting Co., Inc. (WREM), Remsen, New York, Docket No. 13049, File No. BP–13104, for construction permit.

On September 15, 1961, counsel for Town and Country filed a petition for change of certain dates, to which counsel for the Broadcast Bureau has no objection.

Accordingly, it is ordered, This 18th day of September 1961, that the petition is granted and the following dates are rescheduled:

Furnishing proposed affirmative direct written case of applicant; from September 8 to October 30, 1961.

Receipt of notification of witnesses desired for cross-examination, etc.; from September 15 to November 6, 1961.

Hearing; from September 19 to Monday, November 13, 1961, at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: September 19, 1961.

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

[F.R. Doc. 61–9100; Filed, Sept. 21, 1961; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–3988]

SOUTHERN CO. AND GEORGIA POWER CO.

Notice of Filing of Application-Declaration

SEPTEMBER 15, 1961.

In the matter of The Southern Company, 1330 West Peachtree Street NW., Atlanta 9, Georgia; Georgia Power Company, 270 Peachtree Street, Atlanta 3, Georgia; File No. 70–3988.

Notice is hereby given that The Southern Company ("Southern"), a registered holding company and its public-utility subsidiary company, Georgia Power Company ("Georgia") have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6(b), 9(a), 10, and 12(f) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions.

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

Georgia proposes to issue and sell, pursuant to the competitive bidding requirements of rule 50 under the Act, $10,000,000 principal amount of its First Mortgage Bonds, Series due 1991 ("New Bonds") and 70,000 shares of its preferred stock, without par value ("New Preferred Stock"). The interest rate on the New Bonds and the dividend rate on the New Preferred Stock and the price to be paid to Georgia for the New Bonds and New Preferred Stock will be determined by the competitive bidding. The price for the New Bonds will not be less than 99 percent nor more than 102¾ percent of the principal amount thereof, plus accrued interest, and the price for the New Preferred Stock will not be less than $100 per share nor more than $102.75 per share, plus accrued dividends.

The New Bonds will be issued under the Indenture dated as of March 1, 1941, between Georgia and Chemical Bank New York Trust Company, as Trustee, as heretofore supplemented by various indentures supplemental thereto, and as to be further supplemented by a Supplemental Indenture to be dated as of October 1, 1961. The terms of the New Preferred Stock will be established by amendment to the corporate charter of Georgia.

Georgia proposes to issue and sell, and Southern proposes to acquire, 30,000 additional shares of Georgia's no-par value common stock for an aggregate purchase price of $3,000,000.

The declaration states that the proceeds from the sale of the New Bonds, the New Preferred Stock and the additional shares of common stock will be used by Georgia for the construction or acquisition of permanent improvements, extensions and additions of its property estimated to aggregate $54,395,000 for 1961 and for the payment of $5,500,000 of short-term notes to banks made for such purposes.

An application requesting authority to issue and sell the New Bonds, the New Preferred Stock and the additional shares of common stock has been filed with the Georgia Public Service Commission, the State commission of the state in which Georgia is organized and doing business. A copy of such order will be filed with this Commission by amendment. It is stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the issuance and sale of the New Bonds, the New Preferred Stock and the additional shares of common stock; and the acquisition by Southern of the additional shares of common stock.

It is estimated that the fees and expenses in connection with the issuance and sale of the New Bonds will not exceed an aggregate of $55,430, including legal fees of Winthrop, Stimson, Putnam & Roberts of $7,500, and accounting fees of Arthur Andersen & Co. of $7,500. It is also estimated that the fees and expenses in connection with the issuance and sale of the New Preferred Stock will not exceed in the aggregate $36,286, including legal fees of Winthrop, Stimson, Putnam & Roberts of $5,500, and accounting fees of Arthur Andersen & Co. of $7,500. The only expenses to be incurred in connection with the issuance and sale of the additional shares of common stock are taxes in the estimated amount of $958 and miscellaneous expenses estimated at not more

than $200, both payable by Georgia. Fees of Simpson, Thacher & Bartlett, counsel for the underwriters, which are estimated at $4,500 in connection with the sale of the New Bonds and $3,500 in connection with the sale of the New Preferred Stock, will be paid by the successful bidders.

Notice is further given that any interested person may, not later than October 3, 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 joint application-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.

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

[F.R. Doc. 61-9079; Filed, Sept. 21, 1961; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

AUGUST W. KOEHLER

Statement of Financial Interests

Pursuant to subsection 302(b), Part III, Executive Order No. 10647, dated November 28, 1955 (20 F.R. 8769), "Providing for the Appointment of Certain Persons Under the Defense Production Act of 1950, as Amended", I hereby furnish the following information for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER:

(1) The names of each corporation of which I am, or within sixty days preceding my said appointment have been, an officer or director, are as follows:

National Association of Motor Bus Owners, Secretary-Manager, 839 17th Street NW, Washington 6, D.C.

(2) The names of each corporation in which I own, or within sixty days preceding my said appointment have owned, stocks, bonds, or other financial interests, are as follows:

Century Shares Trust, Boston, Mass.
Consumer's Power Co., Jackson, Mich.
Mercantile Trust Co., St. Louis, Mo.
Incorporated Investors, Boston, Mass.
First National Bank of St. Louis, St. Louis, Mo.
Massachusetts Investors Trust, Boston, Mass.
Investment Company of America, Los Angeles, Calif.

(3) The names of each partnership of which I am, or within sixty days preceding my said appointment have been, a partner, are as follows:

None.

(4) The names of other businesses in which I own, or within sixty days preceding my said appointment have owned, any similar interest are as follows:

None.

Dated at Washington, D.C., September 14, 1961.

AUGUST W. KOEHLER.

[F.R. Doc. 61-9085; Filed, Sept. 21, 1961; 8:48 a.m.]

JOHN V. LAWRENCE

Statement of Financial Interests

Pursuant to subsection 302(b), Part III, Executive Order No. 10647, dated November 28, 1955 (20 F.R. 8769), "Providing for the Appointment of Certain Persons Under the Defense Production Act of 1950, as amended", I hereby furnish the following information for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER:

(1) The names of each corporation of which I am, or within sixty days preceding my said appointment have been, an officer or director, are as follows:

Managing Director, American Trucking Associations, Inc., Washington, D.C.
Director, Security Bank, Washington, D.C.

(2) The names of each corporation in which I own, or within sixty days preceding my said appointment have owned, stocks, bonds, or other financial interests, are as follows:

Security Bank Stock.

(3) The names of each partnership of which I am, or within sixty days preceding my said appointment have been, a partner, are as follows:

None.

(4) The names of other businesses in which I own, or within sixty days preceding my said appointment have owned, any similar interest are as follows:

None.

Dated at Washington, D.C., September 14, 1961.

JOHN V. LAWRENCE.

[F.R. Doc. 61-9086; Filed, Sept. 21, 1961; 8:48 a.m.]

ALEXANDER W. WUERKER

Statement of Financial Interests

Pursuant to subsection 302(b), Part III, Executive Order No. 10647, dated November 28, 1955 (20 F.R. 8769), "Providing for the Appointment of Certain Persons Under the Defense Production Act of 1950, as Amended", I hereby furnish the following information for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER:

(1) The names of each corporation of which I am, or within sixty days preceding my said appointment have been, an officer or director, are as follows:

None.

(2) The names of each corporation in which I own, or within sixty days preceding my said appointment have owned, stocks, bonds, or other financial interests, are as follows:

None.

(3) The names of each partnership of which I am, or within sixty days preceding my said appointment have been, a partner, are as follows:

None.

(4) The names of other businesses in which I own, or within sixty days preceding my said appointment have owned, any similar interest are as follows:

None.

Dated at Washington, D.C., September 11, 1961.

ALEXANDER W. WUERKER.

[F.R. Doc. 61-9087; Filed, Sept. 21, 1961; 8:48 a.m.]

[Drouth Order No. 59; Amdt. 3]

DISASTER AREAS

Transportation of Livestock Feed and Hay

In the matter of relief under section 22 of the Interstate Commerce Act.

Present: Rupert L. Murphy, Vice Chairman, to whom the above-entitled matter has been assigned for action thereon.

It appearing that due to the drouth conditions existing in the States of Idaho, Michigan, Minnesota, Montana, Nevada, North Dakota, South Dakota, and Wisconsin the Commission issued its Drouth Order No. 59 and Amendments Nos. 1 and 2 thereto under section 22 of the Interstate Commerce Act authorizing the railroads subject to the Commission's jurisdiction to transport livestock feed and hay to the drouth area at reduced rates until September 18, 1961:

And it further appearing that the United States Department of Agriculture has requested the Commission to enter an order extending such authority until December 31, 1961, and for good cause shown:

It is ordered, That Drouth Order No. 59, as heretofore amended, be, and it is hereby, further amended by substituting the date of December 31, 1961, for the date September 18, 1961, appearing in the first ordering paragraph thereof.

It is further ordered, That reduced rates established pursuant to the authority herein granted shall be published and filed in the manner prescribed in section 6 of the Interstate Commerce Act, except that they may be made effective one day after publication and filing instead of thirty.

And it is further ordered, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association—Eastern Railroads, New York, N.Y., the Chairman of the Southern Freight Association, Atlanta, Ga., the Chairman of the Executive Committee, Western Traffic Association, Chicago, Ill., the Traffic Vice-President of the Association of American Railroads, Washington, D.C., and to the President of the American Short Line Railroad Association, Washington, D.C.

Dated at Washington, D.C., this 15th day of September 1961.

By the Commission, Vice Chairman Murphy.

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

[F.R. Doc. 61-9089; Filed, Sept. 21, 1961; 8:49 a.m.]

CUMULATIVE CODIFICATION GUIDE—SEPTEMBER

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