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FEDERAL REGISTER

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Washington, Thursday, October 26, 1961

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FEDERAL REGISTER

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of State

Effective upon publication in the FEDERAL REGISTER, paragraph (f)(5) of § 6.302 is revoked and subparagraph (6) is added as set out below.

§ 6.302 **Department of State.**

* * * * *

(f) *Bureau of Intelligence and Research.* * * *

(6) Two staff assistants.

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

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WARREN B. IRONS,
Executive Director.

[F.R. Doc. 61-10204; Filed, Oct. 25, 1961; 8:50 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

SUBCHAPTER A—GENERAL REGULATIONS

PART 300—ADMINISTRATIVE PROVISIONS

Miscellaneous Amendments

The title of Part 300, Title 6, Code of Federal Regulations (24 F.R. 7719), is redesignated as "Administrative Provisions"; §§ 300.1 to 300.5 are renumbered §§ 300.11 to 300.15, respectively, and redesignated as "Subpart B—Delegations of Authority"; and a new Subpart A entitled "Effective Date of Consolidated Farmers Home Administration Act of 1961" is added to read as follows:

Subpart A—Effective Date of the Consolidated Farmers Home Administration Act of 1961

§ 300.1 **Effective date.**

The Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1921), is hereby made effective on October 15, 1961, except (a) as to its authorizations to make and sell insured loans with 4½ percent yield to the lender and a three-year repurchase agreement which was made effective by regulations issued on September 13, 1961 (26 F.R. 9307), pursuant to assignment of functions contained in 26 F.R. 7888, and (b) that the provision of Title IV of the Bankhead-Jones Farm Tenant Act which requires mineral reservations in lands disposed of under Title III of that Act shall not become effective until December 7, 1961.

(Sec. 341, 75 Stat. 318; Orders of Sec. of Agr., 19 F.R. 74, 22 F.R. 8188, 26 F.R. 7888, 8403)

Dated: October 15, 1961.

HOWARD BERTSCH,
Administrator,
Farmers Home Administration.

[F.R. Doc. 61-10197; Filed, Oct. 25, 1961; 8:49 a.m.]

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

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

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Corn Loan and Purchase Agreement Program

SUPPORT RATES

The 1961 C.C.C. Grain Price Support Bulletin 1 (26 F.R. 2106), issued by the Commodity Credit Corporation, containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1961, was supplemented by 1961 C.C.C. Grain Price Support Bulletin 1, Supplement 1, Corn (26 F.R. 7248), containing specific requirements applicable to price support operations on the 1961 crop. These regulations are further supplemented as follows:

§ 421.247 **Support rates.**

(a) *County support rates.* (1) Basic county support rates for corn placed under loans and for corn delivered under purchase agreements are set forth in this paragraph. Farm-storage and warehouse-storage loans and purchases under purchase agreements will be made at the support rate established for the county in which the corn is produced.

(2) Basic county support rates per bushel for corn grading No. 3, except for moisture, or No. 4 on the factor of test weight only but otherwise grading No. 3 or better, except for moisture, are set forth below:

ALABAMA

County	Rate per bushel
All counties	$1.27

ARIZONA

All counties	$1.34

ARKANSAS

All counties	$1.25

CALIFORNIA

All counties	$1.34

COLORADO

County	Rate per bushel	County	Rate per bushel
Adams	$1.23	Larimer	$1.23
Alamosa	1.26	Las Animas	1.25
Arapahoe	1.24	Lincoln	1.24
Archuleta	1.29	Logan	1.22
Baca	1.25	Mesa	1.31
Bent	1.25	Moffat	1.31
Boulder	1.24	Montezuma	1.33
Cheyenne	1.23	Montrose	1.31
Conejos	1.27	Morgan	1.22
Costilla	1.25	Otero	1.25
Crowley	1.25	Ouray	1.33
Custer	1.25	Phillips	1.22
Delta	1.31	Pitkin	1.29
Dolores	1.33	Prowers	1.24
Douglas	1.25	Pueblo	1.25
Elbert	1.24	Rio Blanco	1.31
El Paso	1.25	Rio Grande	1.29
Fremont	1.25	Routt	1.29
Garfield	1.31	Saquache	1.27
Grand	1.27	San Miguel	1.33
Huerfano	1.25	Sedgwick	1.22
Jefferson	1.25	Washington	1.22
Kiowa	1.24	Weld	1.22
Kit Carson	1.22	Yuma	1.22
La Plata	1.31		

CONNECTICUT

All counties	$1.36

DELAWARE

All counties	$1.31

FLORIDA

All counties	$1.27

GEORGIA

All counties	$1.27

IDAHO

All counties	$1.29

ILLINOIS

County	Rate per bushel	County	Rate per bushel
Adams	$1.20	Jackson	$1.23
Alexander	1.23	Jasper	1.22
Bond	1.22	Jefferson	1.22
Boone	1.21	Jersey	1.22
Brown	1.21	Jo Daviess	1.19
Bureau	1.21	Johnson	1.23
Calhoun	1.21	Kane	1.22
Carroll	1.19	Kankakee	1.21
Cass	1.22	Kendall	1.21
Champaign	1.20	Knox	1.21
Christian	1.22	Lake	1.22
Clark	1.21	La Salle	1.21
Clay	1.22	Lawrence	1.23
Clinton	1.22	Lee	1.21
Coles	1.20	Livingston	1.21
Cook	1.22	Logan	1.22
Crawford	1.22	McDonough	1.20
Cumberland	1.21	McHenry	1.21
De Kalb	1.21	McLean	1.21
De Witt	1.21	Macon	1.21
Douglas	1.20	Macoupin	1.22
Du Page	1.22	Madison	1.22
Edgar	1.20	Marion	1.22
Edwards	1.23	Marshall	1.22
Effingham	1.22	Mason	1.22
Fayette	1.22	Massac	1.23
Ford	1.20	Menard	1.22
Franklin	1.23	Mercer	1.19
Fulton	1.21	Monroe	1.23
Gallatin	1.23	Montgomery	1.22
Greene	1.22	Morgan	1.22
Grundy	1.21	Moultrie	1.20
Hamilton	1.23	Ogle	1.20
Hancock	1.20	Peoria	1.21
Hardin	1.24	Perry	1.23
Henderson	1.19	Piatt	1.20
Henry	1.20	Pike	1.21
Iroquois	1.21	Pope	1.23

ILLINOIS—Continued

County	Rate per bushel	County	Rate per bushel
Pulaski	$1.23	Tazewell	$1.22
Putnam	1.21	Union	1.23
Randolph	1.23	Vermilion	1.20
Richland	1.23	Wabash	1.23
Rock Island	1.19	Warren	1.20
St. Clair	1.23	Washington	1.23
Saline	1.23	Wayne	1.22
Sangamon	1.22	White	1.23
Schuyler	1.21	Whiteside	1.19
Scott	1.22	Will	1.22
Shelby	1.21	Williamson	1.23
Stark	1.21	Winnebago	1.20
Stephenson	1.20	Woodford	1.22

INDIANA

Adams	$1.21	Lawrence	$1.22
Allen	1.21	Madison	1.21
Bartholomew	1.22	Marion	1.21
Benton	1.21	Marshall	1.21
Blackford	1.21	Martin	1.22
Boone	1.21	Miami	1.21
Brown	1.21	Monroe	1.21
Carroll	1.21	Montgomery	1.20
Cass	1.21	Morgan	1.21
Clark	1.23	Newton	1.21
Clay	1.20	Noble	1.21
Clinton	1.21	Ohio	1.23
Crawford	1.23	Orange	1.22
Daviess	1.22	Owen	1.20
Dearborn	1.23	Parke	1.20
Decatur	1.22	Perry	1.23
De Kalb	1.21	Pike	1.22
Delaware	1.21	Porter	1.21
Dubois	1.22	Posey	1.23
Elkhart	1.21	Pulaski	1.21
Fayette	1.21	Putnam	1.21
Floyd	1.23	Randolph	1.21
Fountain	1.20	Ripley	1.22
Franklin	1.22	Rush	1.21
Fulton	1.21	St. Joseph	1.21
Gibson	1.23	Scott	1.23
Grant	1.21	Shelby	1.21
Greene	1.21	Spencer	1.23
Hamilton	1.21	Starke	1.21
Hancock	1.21	Steuben	1.21
Harrison	1.23	Sullivan	1.22
Hendricks	1.21	Switzerland	1.23
Henry	1.21	Tippecanoe	1.20
Howard	1.21	Tipton	1.21
Huntington	1.21	Union	1.21
Jackson	1.22	Vanderburgh	1.23
Jasper	1.21	Vermillion	1.20
Jay	1.21	Vigo	1.20
Jefferson	1.23	Wabash	1.21
Jennings	1.22	Warren	1.20
Johnson	1.21	Warrick	1.23
Knox	1.22	Washington	1.23
Kosciusko	1.21	Wayne	1.21
LaGrange	1.21	Wells	1.21
Lake	1.21	White	1.21
La Porte	1.21	Whitley	1.21

IOWA

Adair	$1.16	Dallas	$1.15
Adams	1.17	Davis	1.18
Allamakee	1.15	Decatur	1.17
Appanoose	1.18	Delaware	1.17
Audubon	1.15	Des Moines	1.19
Benton	1.17	Dickinson	1.11
Black Hawk	1.15	Dubuque	1.18
Boone	1.14	Emmet	1.11
Bremer	1.14	Fayette	1.16
Buchanan	1.16	Floyd	1.13
Buena Vista	1.12	Franklin	1.13
Butler	1.14	Fremont	1.17
Calhoun	1.13	Greene	1.14
Carroll	1.14	Grundy	1.14
Cass	1.16	Guthrie	1.15
Cedar	1.19	Hamilton	1.13
Cerro Gordo	1.12	Hancock	1.12
Cherokee	1.13	Hardin	1.14
Chickasaw	1.14	Harrison	1.16
Clarke	1.17	Henry	1.19
Clay	1.12	Howard	1.14
Clayton	1.16	Humboldt	1.12
Clinton	1.19	Ida	1.13
Crawford	1.14	Iowa	1.17

IOWA—Continued

County	Rate per bushel	County	Rate per bushel
Jackson	$1.19	Plymouth	$1.13
Jasper	1.15	Pocahontas	1.12
Jefferson	1.18	Polk	1.15
Johnson	1.18	Pottawattamie	1.17
Jones	1.18	Poweshiek	1.15
Keokuk	1.17	Ringgold	1.17
Kossuth	1.12	Sac	1.13
Lee	1.19	Scott	1.19
Linn	1.17	Shelby	1.15
Louisa	1.19	Sioux	1.12
Lucas	1.17	Story	1.14
Lyon	1.11	Tama	1.15
Madison	1.16	Taylor	1.17
Mahaska	1.15	Union	1.17
Marion	1.16	Van Buren	1.18
Marshall	1.14	Wapello	1.17
Mills	1.17	Warren	1.16
Mitchell	1.12	Washington	1.18
Monona	1.15	Wayne	1.17
Monroe	1.17	Webster	1.13
Montgomery	1.17	Winnebago	1.12
Muscatine	1.19	Winneshiek	1.15
O'Brien	1.12	Woodbury	1.13
Osceola	1.11	Worth	1.12
Page	1.17	Wright	1.12
Palo Alto	1.11		

KANSAS

Allen	$1.22	Linn	$1.22
Anderson	1.21	Logan	1.22
Atchison	1.20	Lyon	1.20
Barber	1.24	McPherson	1.20
Barton	1.21	Marion	1.20
Bourbon	1.22	Marshall	1.17
Brown	1.18	Meade	1.24
Butler	1.22	Miami	1.21
Chase	1.20	Mitchell	1.18
Chautauqua	1.24	Montgomery	1.24
Cherokee	1.24	Morris	1.20
Cheyenne	1.20	Morton	1.24
Clark	1.24	Nemaha	1.18
Clay	1.17	Neosho	1.23
Cloud	1.17	Ness	1.23
Coffey	1.21	Norton	1.18
Comanche	1.24	Osage	1.20
Cowley	1.24	Osborne	1.18
Crawford	1.23	Ottawa	1.18
Decatur	1.19	Pawnee	1.22
Dickinson	1.19	Phillips	1.17
Doniphan	1.19	Pottawatomie	1.18
Douglas	1.20	Pratt	1.23
Edwards	1.22	Rawlins	1.20
Elk	1.24	Reno	1.22
Ellis	1.20	Republic	1.16
Ellsworth	1.20	Rice	1.21
Finney	1.23	Riley	1.17
Ford	1.23	Rooks	1.19
Franklin	1.21	Rush	1.21
Geary	1.19	Russell	1.19
Gove	1.22	Saline	1.19
Graham	1.19	Scott	1.23
Grant	1.23	Sedgwick	1.23
Gray	1.23	Seward	1.24
Greeley	1.23	Shawnee	1.19
Greenwood	1.22	Sheridan	1.19
Hamilton	1.23	Sherman	1.21
Harper	1.24	Smith	1.16
Harvey	1.22	Stafford	1.22
Haskell	1.23	Stanton	1.23
Hodgeman	1.23	Stevens	1.24
Jackson	1.19	Sumner	1.24
Jefferson	1.20	Thomas	1.21
Jewell	1.16	Trego	1.22
Johnson	1.21	Wabaunsee	1.19
Kearny	1.23	Wallace	1.22
Kingman	1.23	Washington	1.17
Kiowa	1.23	Wichita	1.23
Labette	1.24	Wilson	1.23
Lane	1.23	Woodson	1.22
Leavenworth	1.21	Wyandotte	1.21
Lincoln	1.19		

KENTUCKY

Adair	$1.28	Bath	$1.29
Allen	1.28	Bell	1.29
Anderson	1.27	Boone	1.24
Ballard	1.24	Bourbon	1.28
Barren	1.27	Boyd	1.28

KENTUCKY—Continued

County	Rate per bushel	County	Rate per bushel
Boyle	$1.28	Leslie	$1.29
Bracken	1.26	Letcher	1.29
Breathitt	1.29	Lewis	1.26
Breckenridge	1.24	Lincoln	1.29
Bullitt	1.25	Livingston	1.24
Butler	1.26	Logan	1.27
Caldwell	1.26	Lyon	1.26
Calloway	1.25	McCracken	1.24
Campbell	1.24	McCreary	1.29
Carlisle	1.24	McLean	1.25
Carroll	1.24	Madison	1.29
Carter	1.28	Magoffin	1.29
Casey	1.28	Marion	1.27
Christian	1.27	Marshall	1.25
Clark	1.29	Martin	1.29
Clay	1.29	Mason	1.26
Clinton	1.29	Meade	1.24
Crittenden	1.24	Menifee	1.29
Cumberland	1.28	Mercer	1.28
Daviess	1.24	Metcalfe	1.28
Edmonson	1.26	Monroe	1.28
Elliott	1.29	Montgomery	1.29
Estill	1.29	Morgan	1.29
Fayette	1.28	Muhlenburg	1.26
Fleming	1.27	Nelson	1.26
Floyd	1.29	Nicholas	1.28
Franklin	1.26	Ohio	1.25
Fulton	1.24	Oldham	1.24
Gallatin	1.24	Owen	1.25
Garrard	1.29	Owsley	1.29
Grant	1.25	Pendleton	1.25
Graves	1.24	Perry	1.29
Grayson	1.25	Pike	1.29
Green	1.28	Powell	1.29
Greenup	1.27	Pulaski	1.29
Hancock	1.24	Robertson	1.27
Hardin	1.25	Rockcastle	1.29
Harlan	1.29	Rowan	1.29
Harrison	1.27	Russell	1.29
Hart	1.27	Scott	1.27
Henderson	1.24	Shelby	1.25
Henry	1.25	Simpson	1.28
Hickman	1.24	Spencer	1.25
Hopkins	1.26	Taylor	1.27
Jackson	1.29	Todd	1.27
Jefferson	1.24	Trigg	1.27
Jessamine	1.29	Trimble	1.24
Johnson	1.29	Union	1.24
Kenton	1.24	Warren	1.27
Knott	1.29	Washington	1.27
Knox	1.29	Wayne	1.29
Larue	1.26	Webster	1.25
Laurel	1.29	Whitley	1.29
Lawrence	1.29	Wolfe	1.29
Lee	1.29	Woodford	1.28

LOUISIANA

All counties $1.25

MAINE

All counties $1.36

MARYLAND

All counties $1.31

MASSACHUSETTS

All counties $1.36

MICHIGAN

County	Rate per bushel	County	Rate per bushel
Allegan	$1.22	Livingston	$1.23
Barry	1.22	Macomb	1.23
Berrien	1.21	Mecosta	1.23
Branch	1.22	Midland	1.23
Calhoun	1.22	Monroe	1.23
Cass	1.21	Montcalm	1.23
Clinton	1.23	Oakland	1.23
Eaton	1.23	Saginaw	1.23
Genesee	1.23	St. Clair	1.23
Gratiot	1.23	St. Joseph	1.21
Hillsdale	1.22	Sanilac	1.23
Ingham	1.23	Shiawassee	1.23
Ionia	1.23	Tuscola	1.23
Isabella	1.23	Van Buren	1.21
Jackson	1.23	Washtenaw	1.23
Kalamazoo	1.22	Wayne	1.23
Kent	1.23	All other counties	1.24
Lapeer	1.23		
Lenawee	1.23		

Minnesota

County	Rate per bushel	County	Rate per bushel
Aitkin	$1.12	Marshall	$1.09
Anoka	1.14	Martin	1.10
Becker	1.10	Meeker	1.13
Beltrami	1.10	Mille Lacs	1.13
Benton	1.13	Morrison	1.11
Big Stone	1.09	Mower	1.12
Blue Earth	1.12	Murray	1.10
Brown	1.12	Nicollet	1.13
Carlton	1.12	Nobles	1.10
Carver	1.14	Norman	1.09
Cass	1.11	Olmsted	1.12
Chippewa	1.10	Otter Tail	1.10
Chisago	1.13	Pennington	1.09
Clay	1.09	Pine	1.12
Clearwater	1.10	Pipestone	1.10
Cook	1.12	Polk	1.09
Cottonwood	1.11	Pope	1.11
Crow Wing	1.11	Ramsey	1.14
Dakota	1.13	Red Lake	1.09
Dodge	1.12	Redwood	1.11
Douglas	1.11	Renville	1.12
Faribault	1.10	Rice	1.13
Fillmore	1.12	Rock	1.10
Freeborn	1.12	Roseau	1.09
Goodhue	1.13	St. Louis	1.12
Grant	1.10	Scott	1.13
Hennepin	1.14	Sherburne	1.13
Houston	1.13	Sibley	1.13
Hubbard	1.10	Stearns	1.13
Isanti	1.13	Steele	1.12
Itasca	1.12	Stevens	1.10
Jackson	1.10	Swift	1.11
Kanabec	1.13	Todd	1.11
Kandiyohi	1.12	Traverse	1.09
Kittson	1.09	Wabasha	1.13
Koochiching	1.12	Wadena	1.11
Lac Qui Parle	1.09	Waseca	1.12
Lake	1.12	Washington	1.14
Lake of the Woods	1.10	Watonwan	1.11
Le Sueur	1.13	Wilkin	1.09
Lincoln	1.09	Winona	1.13
Lyon	1.10	Wright	1.13
McLeod	1.13	Yellow Medicine	1.10
Mahnomen	1.09		

Mississippi

All counties $1.25

Missouri

County	Rate per bushel	County	Rate per bushel
Adair	$1.20	Franklin	$1.23
Andrew	1.19	Gasconade	1.23
Atchison	1.18	Gentry	1.19
Audrain	1.22	Greene	1.24
Barry	1.24	Grundy	1.20
Barton	1.24	Harrison	1.19
Bates	1.22	Henry	1.22
Benton	1.22	Hickory	1.23
Bollinger	1.24	Holt	1.19
Boone	1.22	Howard	1.22
Buchanan	1.21	Howell	1.24
Butler	1.24	Iron	1.24
Caldwell	1.22	Jackson	1.22
Calloway	1.22	Jasper	1.24
Camden	1.24	Jefferson	1.23
Cape Girardeau	1.24	Johnson	1.22
Carroll	1.22	Knox	1.20
Carter	1.24	Laclede	1.24
Cass	1.22	Lafayette	1.22
Cedar	1.23	Lawrence	1.24
Chariton	1.22	Lewis	1.20
Christian	1.24	Lincoln	1.22
Clark	1.20	Linn	$1.21
Clay	1.22	Livingston	1.21
Clinton	1.22	McDonald	1.24
Cole	1.23	Macon	1.22
Cooper	1.22	Madison	1.24
Crawford	1.24	Maries	1.24
Dade	1.24	Marion	1.20
Dallas	1.24	Mercer	1.18
Daviess	1.20	Miller	1.24
De Kalb	1.20	Mississippi	1.24
Dent	1.24	Moniteau	1.23
Douglas	1.24	Monroe	1.22
Dunklin	1.24	Montgomery	1.22
		Morgan	1.23

Missouri—Continued

County	Rate per bushel	County	Rate per bushel
New Madrid	$1.24	St. Francois	$1.24
Newton	1.24	St. Louis	1.23
Nodaway	1.18	Ste. Genevieve	1.23
Oregon	1.24	Saline	1.22
Osage	1.23	Schuyler	1.19
Ozark	1.24	Scotland	1.20
Pemiscot	1.24	Scott	1.24
Perry	1.24	Shannon	1.24
Pettis	1.22	Shelby	1.21
Phelps	1.24	Stoddard	1.24
Pike	1.21	Stone	1.24
Platte	1.22	Sullivan	1.20
Polk	1.24	Taney	1.24
Pulaski	1.24	Texas	1.24
Putnam	1.19	Vernon	1.23
Ralls	1.21	Warren	1.22
Randolph	1.22	Washington	1.24
Ray	1.22	Wayne	1.24
Reynolds	1.24	Webster	1.24
Ripley	1.24	Worth	1.18
St. Charles	1.22	Wright	1.24
St. Clair	1.23		

Montana

All counties $1.22

Nebraska

County	Rate per bushel	County	Rate per bushel
Adams	$1.15	Jefferson	$1.16
Antelope	1.13	Johnson	1.17
Arthur	1.18	Kearney	1.15
Banner	1.20	Keith	1.19
Blaine	1.15	Keyapaha	1.14
Boone	1.14	Kimball	1.20
Box Butte	1.19	Knox	1.13
Boyd	1.13	Lancaster	1.15
Brown	1.14	Lincoln	1.17
Buffalo	1.15	Logan	1.17
Burt	1.15	Loup	1.15
Butler	1.15	McPherson	1.17
Cass	1.16	Madison	1.14
Cedar	1.13	Merrick	1.15
Chase	1.19	Morrill	1.20
Cherry	1.16	Nance	1.15
Cheyenne	1.20	Nemaha	1.17
Clay	1.15	Nuckolls	1.15
Colfax	1.15	Otoe	1.16
Cuming	1.14	Pawnee	1.17
Custer	1.16	Perkins	1.19
Dakota	1.13	Phelps	1.16
Dawes	1.19	Pierce	1.13
Dawson	1.16	Platte	1.15
Deuel	1.20	Polk	1.15
Dixon	1.13	Red Willow	1.18
Dodge	1.15	Richardson	1.17
Douglas	1.16	Rock	1.14
Dundy	1.19	Saline	1.16
Fillmore	1.15	Sarpy	1.16
Franklin	1.15	Saunders	1.15
Frontier	1.17	Scotts Bluff	1.20
Furnas	1.17	Seward	1.15
Gage	1.16	Sheridan	1.18
Garden	1.19	Sherman	1.16
Garfield	1.15	Sioux	1.20
Gosper	1.17	Stanton	1.14
Grant	1.17	Thayer	1.15
Greeley	1.15	Thomas	1.16
Hall	1.15	Thurston	1.13
Hamilton	1.15	Valley	1.15
Harlan	1.16	Washington	1.16
Hayes	1.19	Wayne	1.13
Hitchcock	1.19	Webster	1.15
Holt	1.13	Wheeler	1.15
Hooker	1.16	York	1.15
Howard	1.15		

Nevada

All counties $1.35

New Hampshire

All counties $1.36

New Jersey

All counties $1.33

New Mexico

All counties $1.31

New York

All counties $1.32

North Carolina

County	Rate per bushel
All counties	$1.29

North Dakota

All counties $1.08

Ohio

County	Rate per bushel	County	Rate per bushel
Adams	$1.25	Licking	$1.25
Allen	1.22	Logan	1.23
Ashland	1.26	Lorain	1.27
Ashtabula	1.29	Lucas	1.24
Athens	1.27	Madison	1.24
Auglaize	1.22	Mahoning	1.29
Belmont	1.29	Marion	1.24
Brown	1.25	Medina	1.27
Butler	1.22	Meigs	1.27
Carroll	1.29	Mercer	1.22
Champaign	1.23	Miami	1.22
Clark	1.23	Monroe	1.29
Clermont	1.24	Montgomery	1.22
Clinton	1.23	Morgan	1.27
Columbiana	1.29	Morrow	1.25
Coshocton	1.27	Muskingum	1.27
Crawford	1.24	Noble	1.28
Cuyahoga	1.28	Ottawa	1.25
Darke	1.22	Paulding	1.22
Defiance	1.22	Perry	1.26
Delaware	1.24	Pickaway	1.24
Erie	1.26	Pike	1.25
Fairfield	1.25	Portage	1.29
Fayette	1.24	Preble	1.22
Franklin	1.24	Putnam	1.23
Fulton	1.23	Richland	1.25
Gallia	1.27	Ross	1.25
Geauga	1.29	Sandusky	1.25
Greene	1.23	Scioto	1.25
Guernsey	1.28	Seneca	1.24
Hamilton	1.23	Shelby	1.22
Hancock	1.23	Stark	1.28
Hardin	1.23	Summit	1.28
Harrison	1.29	Trumbull	1.29
Henry	1.23	Tuscarawas	1.28
Highland	1.24	Union	1.23
Hocking	1.26	Van Wert	1.22
Holmes	1.27	Vinton	1.26
Huron	1.26	Warren	1.23
Jackson	1.26	Washington	1.28
Jefferson	1.29	Wayne	1.27
Knox	1.25	Williams	1.22
Lake	1.29	Wood	1.24
Lawrence	1.26	Wyandot	1.24

Oklahoma

All counties $1.26

Oregon

All counties $1.31

Pennsylvania

All counties $1.32

Rhode Island

All counties $1.36

South Carolina

All counties $1.28

South Dakota

County	Rate per bushel	County	Rate per bushel
Armstrong	$1.12	Dewey	$1.12
Aurora	1.09	Douglas	1.09
Beadle	1.09	Edmunds	1.09
Bennett	1.14	Fall River	1.18
Bon Homme	1.09	Faulk	1.10
Brookings	1.09	Grant	1.09
Brown	1.09	Gregory	1.09
Brule	1.09	Haakon	1.12
Buffalo	1.09	Hamlin	1.09
Butte	1.14	Hand	1.09
Campbell	1.10	Hanson	1.09
Charles Mix	1.09	Harding	1.14
Clark	1.09	Hughes	1.10
Clay	1.09	Hutchinson	1.09
Codington	1.09	Hyde	1.10
Corson	1.12	Jackson	1.13
Custer	1.17	Jerauld	1.09
Davison	1.09	Jones	1.12
Day	1.09	Kingsbury	1.09
Deuel	1.09	Lake	1.09

SOUTH DAKOTA—Continued

County	Rate per bushel	County	Rate per bushel
Lawrence	$1.14	Sanborn	$1.09
Lincoln	1.09	Shannon	1.16
Lyman	1.10	Spink	1.09
McCook	1.09	Stanley	1.12
McPherson	1.09	Sully	1.10
Marshall	1.09	Todd	1.12
Meade	1.13	Tripp	1.10
Mellette	1.12	Turner	1.09
Miner	1.09	Union	1.09
Minnehaha	1.09	Walworth	1.11
Moody	1.09	Washabaugh	1.13
Pennington	1.14	Washington	1.15
Perkins	1.13	Yankton	1.09
Potter	1.11	Ziebach	1.13
Roberts	1.09		

TENNESSEE

Anderson	$1.29	Lauderdale	$1.25
Bedford	1.28	Lawrence	1.27
Benton	1.27	Lewis	1.27
Bledsoe	1.29	Lincoln	1.27
Blount	1.29	Loudon	1.29
Bradley	1.29	McMinn	1.29
Campbell	1.29	McNairy	1.27
Cannon	1.29	Macon	1.28
Carroll	1.26	Madison	1.26
Carter	1.29	Marion	1.28
Cheatham	1.27	Marshall	1.29
Chester	1.26	Maury	1.27
Claiborne	1.29	Meigs	1.29
Clay	1.29	Monroe	1.29
Cocke	1.29	Montgomery	1.27
Coffee	1.28	Moore	1.29
Crockett	1.26	Morgan	1.29
Cumberland	1.29	Obion	1.25
Davidson	1.28	Overton	1.29
Decatur	1.27	Perry	1.27
De Kalb	1.29	Picket	1.29
Dickson	1.27	Polk	1.29
Dyer	1.25	Putnam	1.29
Fayette	1.26	Rhea	1.29
Fentress	1.29	Roane	1.29
Franklin	1.27	Robertson	1.27
Gibson	1.25	Rutherford	1.28
Giles	1.27	Scott	1.29
Grainger	1.29	Sequatchie	1.29
Greene	1.29	Sevier	1.29
Grundy	1.29	Shelby	1.25
Hamblen	1.29	Smith	1.28
Hamilton	1.29	Stewart	1.27
Hancock	1.29	Sullivan	1.29
Hardeman	1.26	Sumner	1.28
Hardin	1.27	Tipton	1.25
Hawkins	1.29	Trousdale	1.28
Haywood	1.26	Unicoi	1.29
Henderson	1.26	Union	1.29
Henry	1.26	Van Buren	1.29
Hickman	1.27	Warren	1.29
Houston	1.27	Washington	1.29
Humphreys	1.27	Wayne	1.27
Jackson	1.29	Weakley	1.25
Jefferson	1.29	White	1.29
Johnson	1.29	Williamson	1.28
Knox	1.29	Wilson	1.28
Lake	1.25		

TEXAS

All counties	$1.27

UTAH

All counties	$1.34

VERMONT

All counties	$1.36

VIRGINIA

All counties	$1.31

WASHINGTON

All counties	$1.29

WEST VIRGINIA

All counties	$1.31

WISCONSIN

County	Rate per bushel	County	Rate per bushel
Adams	$1.20	Brown	$1.22
Ashland	1.20	Buffalo	1.18
Barron	1.18	Burnett	1.18
Bayfield	1.19	Calumet	1.22

WISCONSIN—Continued

County	Rate per bushel	County	Rate per bushel
Chippewa	$1.19	Monroe	$1.19
Clark	1.20	Oconto	1.22
Columbia	1.21	Oneida	1.22
Crawford	1.18	Outagamie	1.21
Dane	1.21	Ozaukee	1.22
Dodge	1.21	Pepin	1.18
Door	1.23	Pierce	1.18
Douglas	1.18	Polk	1.18
Dunn	1.18	Portage	1.21
Eau Claire	1.19	Price	1.20
Florence	1.22	Racine	1.22
Fond du Lac	1.21	Richland	1.19
Forest	1.22	Rock	1.21
Grant	1.18	Rusk	1.19
Green	1.20	St. Croix	1.18
Green Lake	1.21	Sauk	1.20
Iowa	1.20	Sawyer	1.19
Iron	1.21	Shawano	1.22
Jackson	1.19	Sheboygan	1.22
Jefferson	1.21	Taylor	1.20
Juneau	1.20	Trempealeau	1.18
Kenosha	1.22	Vernon	1.18
Kewaunee	1.23	Vilas	1.22
La Crosse	1.18	Walworth	1.21
Lafayette	1.20	Washburn	1.18
Langlade	1.22	Washington	1.21
Lincoln	1.21	Waukesha	1.21
Manitowoc	1.23	Waupaca	1.22
Marathon	1.21	Waushara	1.21
Marinette	1.22	Winnebago	1.22
Marquette	1.21	Wood	1.20
Milwaukee	1.22		

WYOMING

All counties	$1.22

(b) *Premiums and discounts.*—(1) *Farm storage.* In the case of corn grading No. 3 or better, or No. 4 on the factor of test weight only but otherwise grading No. 3 or better and containing not in excess of 14 percent moisture, delivered from farm storage under purchase agreements, and in the case of farm-storage loans on corn of such grades, the applicable premiums and discounts shown in the schedule in subparagraph (3) of this paragraph shall be applied to the basic rate at the time of settlement, except in the case of corn grading "Mixed," the discount shall be applied to the basic rate at the time the loan is completed.

(2) *Warehouse storage.* In the case of warehouse-storage loans the applicable premiums and discounts for corn, shown in the schedule in subparagraph (3) of this paragraph, shall be applied to the basic support rate at the time the loan is completed for corn grading No. 3 or better or No. 4 on the factor of test weight only, but otherwise grading No. 3 or better and containing not in excess of 14 percent moisture. In the case of corn of the above grades represented by warehouse receipts tendered to CCC under a purchase agreement, the applicable premiums and discounts shall be applied to the basic support rate at the time of settlement. The discount for Weevily is not applicable since corn stored in an approved warehouse is not eligible for price support if it grades Weevily.

(3) *Schedule of premiums and discounts.*

	Cents per bushel
Premiums:	
Grade No. 2 or better	1
Broken corn and foreign material (percent) 2.0 or less	1
Moisture content (percent) 14.0 or less	1
Discounts:	
Weevily	2
Mixed	2

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, 1054, as amended, 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Effective upon publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on October 20, 1961.

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

[F.R. Doc. 61-10168; Filed, Oct. 25, 1961; 8:45 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER K—FEDERAL SEED ACT

PART 201—FEDERAL SEED ACT REGULATIONS

Miscellaneous Amendments

On May 13, 1961, there was published in the FEDERAL REGISTER (26 F.R. 4169) a notice of rule-making and hearings with respect to proposed amendments to the regulations (7 CFR Part 201, as amended) under the Federal Seed Act, as amended (7 U.S.C. 1551 et seq.). After consideration of all relevant matters presented at the hearings and in writing, pursuant to said notice, and under authority of section 402 of the Federal Seed Act, the amendments to the regulations as so published are hereby adopted, subject to the changes set forth below:

1. In § 201.60(a)(1), "blue panicgrass" is deleted.

2. The proposed amendments of §§ 201.2(h), 201.31a, 201.34(a), and 201.58a referred to respectively in proposals 1, 5, 6, and 19 of the notice are not adopted but will be given further consideration.

3. The proposed amendments of §§ 201.210, 201.211, 201.212, 201.215, 201.221a, 201.222, 201.225, 201.226, 201.228, and 201.230 and proposed new § 201.228a are for issuance by the Secretary of the Treasury and the Secretary of Agriculture jointly and therefore are not adopted at this time.

The only substantial change in the amendments hereby adopted from the proposals in the notice is that relating to blue panicgrass. It does not appear that further notice of rule-making or other public procedure on this change would make additional information available to this Department, and therefore under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) it is found upon good cause that further notice of rule-making and other public procedure on the amendments are unnecessary.

The amendments shall become effective on November 25, 1961.

Done at Washington, D.C., this 23d day of October 1961.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

§ 201.2 [Amendment]

1. Amend § 201.2(h) by adding to the list of agricultural seeds in proper alphabetical order the following:

Bluegrass, glaucantha—Poa glaucantha Gaud.
Clover, Kenya—Trifolium semipilosum Fresn.
Fescue, hard—Festuca ovina var. duriuscula (L.) Koch.
Panicgrass, green—Panicum maximum var. trichoglume Eyles.
Ryegrass, Wimmera—Lolium rigidum Gaud.
Wheatgrass, beardless—Agropyron inerme (Schribn. & Smith) Rydb.
Wheatgrass, Siberian—Agropyron sibiricum (Willd.) Beauv.

2. Amend § 201.2(i) by adding to the list of vegetable seeds in proper alphabetical order the following:

Burdock, great—Arctium lappa L.
Cabbage, tronchuda—Brassica oleracea var. tronchuda Bailey.
Chives—Allium schoenophrasum L.

§ 201.31 [Amendment]

3. In § 201.31 amend the list of vegetable seeds and percentages of germination pertaining thereto as follows:

a. Insert in alphabetical order "Cabbage, tronchuda ____ 75";

b. Following Cress, garden, delete "60" and insert "75";

c. Following Dandelion, delete "45" and insert "60";

d. Following Sorrel, delete "60" and insert "65".

§ 201.34 [Amendment]

4. Amend § 201.34(e) by inserting in proper alphabetical order in the subparagraphs indicated the following variety names:

a. In subparagraph (1) *Beans (vegetable snapbeans)*

Tendercrop.
Mountaineer.
Wadex.

b. In subparagraph (2) *Cabbage*

All Year.
Badger Shipper.
Canadian Acre.
Early Marvel.
Eastern States Ballhead.
Florida Danish.
Reed's Improved Glory.

c. In subparagraph (3) *Onions, hybrid*

Mohawk.

d. In subparagraph (4) *Soybeans*

Crest.
Henry.
Madison.
Merit.
Ross.

§ 201.36b [Amendment]

5. Amend § 201.36b(c) to read as follows:

(c) Terms descriptive of quality or origin and terms descriptive of the basis for representations made may be associated with the name of the kind or variety of seed, and terms taken from trademarks may be associated with the name of the kind or variety of seed as an indication of source, provided the terms are clearly identified as being other than part of the name of the kind or variety; for example, Fancy quality redtop, Idaho origin alfalfa, Grower's affidavit of variety Atlas sorghum, and Ox brand Golden Cross corn.

§ 201.39 [Amendment]

6. Amend § 201.39(a) by adding at the end of the paragraph the following wording: "When more than one trierful of seed is drawn from a bag, different paths shall be followed. When more than one handful is taken from a bag, the handfuls shall be taken from well-separated points."

§ 201.40 [Amendment]

7. Amend § 201.40 by adding at the end of the paragraph the following wording: "At least as many trierfuls or handfuls shall be taken as the minimum which would be required for the same quantity of seed or screenings in bags of a size customarily used for such seed or screenings."

§ 201.41 [Amendment]

8. Amend § 201.41(a) by deleting the existing wording and substituting therefor the following:

(a) For lots of six bags or less, each bag shall be sampled. A total of at least five trierfuls shall be taken.

9. Amend § 201.41(b) by deleting the existing wording and substituting therefor the following:

(b) For lots of more than six bags, five bags plus at least 10 percent of the number of bags in the lot shall be sampled. (Round off numbers with decimals to the nearest whole number, raising 0.5 to the next whole number.) Regardless of the lot size it is not necessary that more than 30 bags be sampled.

§ 201.46 [Amendment]

10. Amend § 201.46 by adding in columns 1 to 4 respectively of table 1, in proper alphabetical order, the following:

a. Under "Agricultural Seed":

Bluegrass, glaucantha—Poa glaucantha	1	25	--
Clover, Kenya—Trifolium semipilosum	2	35	--
Fescue, hard—Festuca ovina var. duriuscula	2	35	--
Panicgrass, green—Panicum maximum var. trichoglume	5	50	--
Ryegrass, Wimmera—Lolium rigidum	5	50	--
Wheatgrass, beardless—Agropyron inerme	10	50	--
Wheatgrass, Siberian—Agropyron sibiricum	10	50	--

b. Under "Vegetable Seed":

Burdock, great—Arctium lappa	15	100	--
Cabbage, tronchuda—Brassica oleracea var. tronchuda	10	50	--
Chives—Allium schoenophrasum	10	50	--

§ 201.48 [Amendment]

11. Amend § 201.48(f) to read as follows:

(f) All seed units of grasses in which a caryopsis with some degree of endosperm development can be detected either by slight pressure or by reflected light.

§ 201.56–2 [Amendment]

12. Amend § 201.56–2 by adding in alphabetical order to the listing of kinds of seed immediately following the heading "Sunflower family (Compositae)" and in the first sentence of subparagraph (b) the words "great burdock".

§ 201.56–7 [Amendment]

13. Amend § 201.56–7 by adding in alphabetical order to the listing of kinds of seed immediately following the heading "Lily family (Liliaceae)" and in the heading of subparagraph (a) the word "chives".

14. Amend § 201.57a to read as follows:

§ 201.57a Dormant seeds: firm ungerminated seeds.

Dormant seeds means seeds, other than hard seeds, which are alive and fail to germinate when provided the specific germination conditions for the kind of seed in question. Firm ungerminated seeds means seeds, other than hard seeds, which neither germinate nor decay during the prescribed test period and under the prescribed test conditions. Firm ungerminated seeds may be either alive or dead.

§ 201.58 [Amendment]

15. Amend § 201.58(c) by adding in the appropriate columns of table 2, in proper alphabetical order, the following kinds and information pertaining thereto:

a. Under "Agricultural Seed":

Bluegrass, glaucantha—Poa glaucantha	P	15–30	10	28	Light; KNO_3	10–30° C; KNO_3.
Clover, Kenya—Trifolium semipilosum	B, T, S	20	3	7	-----	
Fescue, hard—Festuca ovina var. duriuscula (alternate method).	P	15–25	7	21	-----	
	P	20–30	7	28	Light	
Panicgrass, green—Panicum maximum var. trichoglume.	P	20–30	10	28	do	
Ryegrass, Wimmera—Lolium rigidum	P, TB	20–30; 10–30	5	14	Light; see par. (b) (10) for fluorescence test.	KNO_3 and prechill at 5° C. for 5 days; see par. (a)(2).
Wheatgrass, beardless—Agropyron inerme	P, TB	15–25	7	14	Light; KNO_3	
Wheatgrass, Siberian—Agropyron sibiricum	P, TB	15–25	7	14	do	

b. Under "Vegetable Seed":

Burdock, great—Arctium lappa	B, T	20–30	7	21	-----	
Cabbage, tronchuda—Brassica oleracea var. tronchuda.	B, P	20–30	3	10	Photos 19551, 19552	Prechill at 5° or 10° C. for 3 days; KNO_3 and light.
Chives—Allium schoenophrasum	B, T	20	6	14	-----	

16. Amend § 201.60 by deleting the existing wording and substituting therefor the following:

§ 201.60 Purity percentages.

(a) (1) The tolerance for a given percentage of the purity components is the same whether for pure seed, other crop seed, weed seed, or inert matter. Wider tolerances are provided when more than 33 percent of the sample is composed of seed plus empty florets and/or empty spikelets of the following chaffy kinds: Agropyron spp., Agrostis spp., Andropogon spp., bermudagrass, Bouteloua spp., Bromus spp., buffalograss, buffelgrass, carpetgrass, dallisgrass, Elymus spp., Festuca spp., green panicgrass, guineagrass, Indian ricegrass, meadow foxtail, molassesgrass, orchardgrass, Poa spp., rhodesgrass, sweet vernalgrass, tall oatgrass, vaseygrass, veldtgrass, velvetgrass, and yellow indiangrass. The wider tolerances do not apply to seed devoid of hulls.

(2) To determine the tolerance for any purity percentage found in the administration of the act, the percentage found is averaged (i) with that claimed or shown on a label or (ii) with a specified standard. The tolerance is found from this average. If more than one test is made, all except any test obviously in error shall be averaged and the result treated as a single percentage.

(b) The tolerances found in columns C and D for the respective purity percentages shown in columns A and B of table No. 3 shall be used for (1) unmixed seed and (2) mixtures in which the particle-weight ratio is 1:1 to 1.49:1, inclusive. Tolerances for intermediate percentages not shown in table 3 shall be obtained by interpolation.

TABLE 3—TOLERANCES FOR ANY COMPONENT OF A PURITY ANALYSIS FOR (1) UNMIXED SEED OR (2) MIXED SEED IN WHICH THE PARTICLE-WEIGHT RATIO IS 1 : 1 TO 1.49 : 1, INCLUSIVE

Average analysis		Nonchaffy seeds	Chaffy seeds
A	B	C	D
99.95–100.00	0.00– 0.04	0.13	0.16
99.90– 99.94	.05– .09	.20	.23
99.85– 99.89	.10– .14	.24	.29
99.80– 99.84	.15– .19	.28	.34
99.75– 99.79	.20– .24	.32	.37
99.70– 99.74	.25– .29	.35	.41
99.65– 99.69	.30– .34	.37	.45
99.60– 99.64	.35– .39	.40	.48
99.55– 99.59	.40– .44	.42	.50
99.50– 99.54	.45– .49	.44	.53
99.40– 99.49	.50– .59	.47	.57
99.30– 99.39	.60– .69	.51	.60
99.20– 99.29	.70– .79	.54	.64
99.10– 99.19	.80– .89	.57	.66
99.00– 99.09	.90– .99	.59	.70
98.75– 98.99	1.00– 1.24	.64	.75
98.50– 98.74	1.25– 1.49	.71	.82
98.25– 98.49	1.50– 1.74	.76	.89
98.00– 98.24	1.75– 1.99	.82	.95
97.75– 97.99	2.00– 2.24	.87	1.01
97.50– 97.74	2.25– 2.49	.92	1.07
97.25– 97.49	2.50– 2.74	.96	1.12
97.00– 97.24	2.75– 2.99	1.00	1.17
96.50– 96.99	3.00– 3.49	1.06	1.24
96.00– 96.49	3.50– 3.99	1.14	1.34
95.50– 95.99	4.00– 4.49	1.21	1.41
95.00– 95.49	4.50– 4.99	1.27	1.49
94.00– 94.99	5.00– 5.99	1.36	1.60
93.00– 93.99	6.00– 6.99	1.47	1.73
92.00– 92.99	7.00– 7.99	1.58	1.85
91.00– 91.99	8.00– 8.99	1.67	1.96
90.00– 90.99	9.00– 9.99	1.75	2.06
88.00– 89.99	10.00–11.99	1.87	2.19
86.00– 87.99	12.00–13.99	2.01	2.36
84.00– 85.99	14.00–15.99	2.14	2.51
82.00– 83.99	16.00–17.99	2.24	2.64
80.00– 81.99	18.00–19.99	2.35	2.76
78.00– 79.99	20.00–21.99	2.44	2.86
76.00– 77.99	22.00–23.99	2.52	2.96
74.00– 75.99	24.00–25.99	2.59	3.04
72.00– 73.99	26.00–27.99	2.65	3.12
70.00– 71.99	28.00–29.99	2.71	3.19
65.00– 69.99	30.00–34.99	2.80	3.29
60.00– 64.99	35.00–39.99	2.89	3.40
50.00– 59.99	40.00–49.99	2.96	3.48

(c) Tolerances calculated by the following formula shall be used for either chaffy or nonchaffy mixtures when the average particle-weight ratio is 1.5:1 to 20:1 and beyond:

$$T=A-\frac{100R[(100A/R)/(B+A/R)-T_1]}{[(100B)/(B+A/R)+T]+R[(100A/R)/(B+A/R)-T_1]}$$

The symbols used in the above formula are as follows:

T = tolerance being calculated.
A = percent which the weight of the component with the heavier average particle weight is of the weight of both components.
B = percent which the weight of the component with the lighter average particle weight is of the weight of both components.
H = average particle weight for the component with the heavier average particle weight.
L = average particle weight for the component with the lighter average particle weight.
R = ratio of the average particle weight for the component with the heavier average particle weight to the average particle weight for the component with the lighter average particle weight. $R=H/L$.
T_1 = regular tolerance for the kind of seed (chaffy or nonchaffy) and for $(100B)/(B+A/R)$.

In determining the values for A and B in the above formula, the sample shall be regarded as composed of two parts: (1) the kind, type, or variety under consideration and (2) all other components. Values for H and L shall be obtained from the last column of table 1, § 201.46, or by laboratory tests for inert matter, weed seeds, or crop seeds where such values are not obtainable from table 1. In computing tolerances for nonchaffy kinds the values for T_1 are taken from column C of table 3, and for chaffy kinds the values for T_1 are taken from column D of table 3.

§ 201.65 [Amendment]

17. Amend § 201.65 as follows:

a. In the first sentence delete the words "The following".

b. In the second sentence delete the words and numerals "columns 2 and 4" and substitute therefor "columns 1 and 3"; in the same sentence delete the words and numerals "columns 1 and 3" and substitute therefor "columns 2 and 4".

c. Delete the last sectence of the section and the table and substitute therefor the following: Applicable tolerances are calculated by the formula, $Y=X+1+1.96\sqrt{X}$, where X is the number labeled or represented and Y is the maximum number within tolerance. Some tolerances are listed below. For numbers of seeds greater than those in the table and in case of additional or more extensive analyses, a tolerance based on a degree of certainty of 5 percent ($P=0.05$) will be recognized.

Number labeled or represented X	Maximum number within tolerances Y	Number labeled or represented X	Maximum number within tolerances Y
0	2	16	24
1	4	17	25
2	6	18	27
3	8	19	28
4	9	20	29
5	11	21	30
6	12	22	32
7	13	23	33
8	14	24	34
9	16	25	35
10	17	26	37
11	18	27	38
12	20	28	39
13	21	29	41
14	22	30	42
15	23		

§ 201.101 [Amendment]

18. Amend § 201.101 as follows:

a. Delete the words "Austrian Winter" from the listing "Pea, Austrian winter".

b. Change the name "Proso" to "Millet, proso" and place in proper alphabetical order.

§ 201.102 [Amendment]

19. Amend § 201.102 by adding in alphabetical order to the list of kinds of seeds the following:

Burdock, great	60
Chives	50

§ 201.106 [Amendment]

20. Amend § 201.106 by deleting the sentence specifying the salary rate and inserting the following: "Travel and per diem or subsistence expenses shall be reimbursed at the rate allowed for employees of the United States in accordance with Standardized Government Travel Regulations. Salary shall be reimbursed at the average rate paid to employees engaged in supervision activities plus average related costs.

§ 201.107 [Amendment]

21. Amend § 201.107(b) by adding to the list of kinds of seed in alphabetical order "Sweet vernalgrass—Anthoxanthum odoratum L." and "Burdock, great—Arctium lappa."

(Sec. 402, 53 Stat. 1285, 7 U.S.C. 1592)

[F.R. Doc. 61–10222; Filed, Oct. 25, 1961; 8:53 a.m.]

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 21]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

WHEAT; IDAHO

The above-identified regulations are amended for wheat crop insurance, effective beginning with the 1962 crop year as follows:

1. The portion of the table following paragraph (a) of § 401.3 of this chapter, under the heading "wheat" and pertaining to "Idaho" is amended effective beginning with the 1962 crop year to read as follows:

Idaho:
Idaho County and all Idaho counties lying north thereof: October 31.
All Idaho counties lying south of Idaho County, except Bingham, Gooding, Jerome, Lincoln, Minidoka, and Twin Falls counties: September 15.
Bingham, Gooding, Jerome, Lincoln, Minidoka, and Twin Falls counties: March 31.

2. In subsection 8(a) of the wheat endorsement shown in § 401.32 of this chapter, the table at the end thereof is amended effective beginning with the 1962 crop year by amending the portion of the table pertaining to Idaho to read as follows:

State and county	Cancellation date	Termination date for indebtedness
Idaho:		
Idaho County and all Idaho counties lying north thereof	Mar. 15	Oct. 31
All Idaho counties lying south of Idaho County except Bingham, Gooding, Jerome, Lincoln, Minidoka, and Twin Falls Counties	Mar. 15	Sept. 15
Bingham, Gooding, Jerome, Lincoln, Minidoka, and Twin Falls Counties	Dec. 31	Mar. 31

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on October 18, 1961.

[SEAL] EARLL H. NIKKEL,
Secretary,
Federal Crop Insurance Corporation.

Approved: October 23, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61-10227; Filed, Oct. 25, 1961; 8:54 a.m.]

[Amdt. 23]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

Miscellaneous Amendments

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1963 crop year in the following respects:

1. Section 4 of the policy shown in § 401.11 of this chapter is amended effective beginning with the 1963 crop year to read as follows:

4. *Annual premium.* (a) The annual premium for an insured crop shall be earned and payable when the insured crop is planted.

(b) The insured's annual premium for an insured crop shall be reduced 5 percent if he has had three consecutive years of insurance on such crop immediately preceding the current crop year (eliminating any year in which a premium was not earned) without a loss for which an indemnity was paid. For each such additional consecutive year of insurance on such crop without a loss for which an indemnity was paid, the insured's annual premium shall be reduced an additional 5 percent, except that the total reduction shall not exceed 25 percent. If an insured has a loss on a crop for which an indemnity is paid, the number of such consecutive years of insurance on such crop without a loss for which an indemnity was paid shall be reduced by 3 years: *Provided,* That, where the insured has 7 or more such years, a reduction to 4 shall be made and where the insured has 3 or less such years, a reduction to zero shall be made.

(c) Any unpaid amount due the Corporation by the insured may be deducted from an indemnity payable to the insured by the Corporation, or from any loan or payment to the insured under any act of Congress or program administered by the United States Department of Agriculture, when not prohibited by law.

2. Section F of the Application for Insurance shown in § 401.3(e) of this chapter is amended, effective beginning with the 1963 crop year to read as follows:

F. PREMIUM NOTE—The applicant(s) promises to pay to the order of the Corporation each crop year during which the contract is in effect the amount of premium due for all insured crops.

3. Section 401.17 *The barley endorsement,* § 401.18 *The dry edible bean endorsement,* § 401.22 *The flax endorsement,* § 401.23 *The grain sorghum endorsement, under which insurance is not limited to the irrigated practice,* § 401.24 *The oat endorsement,* § 401.27 *The rice endorsement,* § 401.28 *The rye endorsement,* and § 401.29 *The soybean endorsement,* all of this chapter, are amended effective beginning with the 1963 crop year, by deleting subsection (b) of each section 7 in each such endorsement and by changing the title of each such section to read as follows:

7. *Cancellation and termination for indebtedness dates.*

4. Section 7 of the combined crop endorsement shown in § 401.19 of this chapter is amended effective beginning with the 1963 crop year to read as follows:

7. *Cancellation and termination for indebtedness dates.* For each crop year of the contract in any county, the cancellation date, and the termination date for indebtedness, for a contract shall be respectively the earliest applicable cancellation date, and termination date, for that county shown in the individual crop endorsements for any crop for which coverages and premium rates are shown on the actuarial table for that county for combined crop insurance: *Provided, however,* That in counties in North Dakota and South Dakota, where rye is an insurable crop under combined crop insurance, the cancellation date and the termination date for indebtedness for rye shall be disregarded in determining the cancellation date and the termination date for indebtedness for combined crop insurance.

5. Section 8 of the corn endorsement shown in § 401.20 of this chapter is amended effective beginning with the 1963 crop year by deleting subsection 8(b) and by changing the title of that section to read as follows:

8. *Cancellation and termination for indebtedness dates.*

6. Section 9 of the cotton endorsement shown in § 401.21 of this chapter is amended effective beginning with the 1963 crop year by deleting subsection 9(c) and by changing the title of that section to read as follows:

9. *Cancellation and termination for indebtedness dates.*

7. Section 12 of the orange endorsement shown in § 401.25 of this chapter is amended effective beginning with the 1963 crop year by deleting subsection 12(b) and changing the title of that section to read as follows:

12. *Cancellation and termination for indebtedness dates.*

8. Section 5 of the citrus endorsement shown in § 401.33 of this chapter is amended effective beginning with the 1963 crop year to read as follows:

5. *Annual premium.* In lieu of subsection 4(a) of the policy, the annual premium for citrus crop insurance shall be considered as earned on the date insurance attaches and is due and payable prior to that date.

9. The wheat endorsement shown in § 401.32 of this chapter is amended effective beginning with the 1963 crop year in the following respects. The reference to section 4(c) appearing in subsection 3(b) of the wheat endorsement is changed to 4(b). Subsection 8(b) is deleted and the title of section 8 is changed to read as follows:

8. *Cancellation and termination for indebtedness dates.*

10. The Texas citrus endorsement shown in § 401.34 of this chapter is amended effective beginning with the 1963 crop year by deleting subsections 5(b) and 12(b).

11. The irrigated grain sorghum endorsement which provides for a guaranteed production and an amount of insurance on an irrigated basis only shown in § 401.35 of this section, is amended effective beginning with the 1963 crop year in the following respects. Section 3 is amended by deleting subsection 3(b) and by redesignating subsection 3(c) as subsection 3(b). Subsection 8(b) is deleted and the title of section 8 is changed to read as follows:

8. *Cancellation and termination for indebtedness dates.*

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on October 18, 1961.

[SEAL] EARL H. NIKKEL,
Secretary, Federal
Crop Insurance Corporation.

Approved: October 23, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61-10198; Filed, Oct. 25, 1961; 8:49 a.m.]

[Amdt. 22]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

Miscellaneous Amendments

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1962 crop year in the following respects.

1. Section 1 of the citrus endorsement shown in § 401.33 of this chapter is amended effective beginning with the 1962 crop year to read as follows:

1. *Causes of loss insured against.* The insurance provided is against unavoidable loss of production of the insured citrus fruit due to freeze, hail, hurricane, and tornado occurring during the insurance period specified in section 7 of this endorsement subject, however, to any exceptions, exclusions or limitations with respect to such causes of loss that are set forth in the county actuarial table. No insurance is provided against loss of production due to damage to blossoms.

2. Section 2 of the citrus endorsement shown in § 401.33 of this chapter is amended effective beginning with the 1962 crop year to read as follows:

2. *Insured crop.* In lieu of all of section 1 of the policy, except the first sentence thereof, the following shall apply:

(a) Application for citrus crop insurance may be made only with respect to types of citrus as follows: both types (1) and (2), or all of types (1), (2) and (3). The insured acreage for each crop year shall be all of that acreage in the county of any types of citrus fruit for which the insured has applied for insurance, which is shown as insurable acreage on the county actuarial table, and in which the insured has an interest on the date insurance attaches: *Provided, however,* That acreage having a potential production for any crop year of less than 100 standard citrus field picking boxes per acre as determined by the Corporation is uninsurable for that crop year. The interest insured shall be the interest of the insured in such acreage on the date insurance attaches, as reported by the insured, or as determined by the Corporation, whichever the Corporation shall elect. For the purpose of determining the amount of indemnity the interest insured shall not exceed the insured's actual interest at the time of damage.

(b) For each crop year of the contract, insurance shall cover only citrus fruit which normally matures in the crop year.

3. Section 8 of the citrus endorsement shown in § 401.33 of this chapter is amended effective beginning with the 1962 crop year to read as follows:

8. *Notice of loss.* In lieu of section 8 of the policy, if during the insurance period the citrus on any insurance unit is damaged by a cause of loss insured against, the insured with respect to each such damage shall, within 7 days after any such damage becomes apparent, give written notice to the county office of the Corporation of the date, cause and estimated extent of damage. The Corporation reserves the right to reject any claim for loss if notice is not so given if the Corporation determines that it has been prejudiced by the failure to give such notice.

4. Subsection 10(a) of the citrus endorsement shown in § 401.33 of this chapter is amended effective beginning with the 1962 crop year to read as follows:

10. *Claims for loss.* (a) In lieu of section 10 and subsection 11(a) of the policy, any claim for indemnity shall be submitted to the Corporation, on a form prescribed by the Corporation, promptly after the amount of any damage or loss can be determined but not later than the earlier of (1) 90 days after the time of damage, or (2) the July 31 following the crop year in which the loss occurred.

5. Subsection 13(a) of the citrus endorsement shown in § 401.33 of this chapter is amended effective beginning with the 1962 crop year to read as follows:

(a) "Citrus", "citrus fruit" or "citrus crop" except for the purposes of paragraph (e) of this section means only types of citrus 1 and 2 inclusive or types of citrus 1, 2 and 3 inclusive whichever is designated on the application by the insured in applying for insurance thereon.

6. Subsection 13(f) of the citrus endorsement shown in § 401.33 of this chapter is amended effective beginning with the 1962 crop year to read as follows:

(f) "Types of citrus" means the three types as follows: Type (1), all varieties of early and mid-season oranges including temple oranges and tangelos, and all varieties of tangerines, Type (2), all varieties of late oranges and Type (3), all varieties of grapefruit.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on October 18, 1961.

[SEAL] EARLL H. NIKKEL,
Secretary,
Federal Crop Insurance Corporation.

Approved: October 23, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61-10228; Filed, Oct. 25, 1961; 8:54 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER A—AGRICULTURAL CONSERVATION PROGRAMS

[ACP-1961-Hawaii, Supp. 3]

PART 705—AGRICULTURAL CONSERVATION; HAWAII

Subpart—1961

MISCELLANEOUS AMENDMENTS

§ 705.1008 [Amendment]

1. The first sentence is revised to read as follows: "Except as provided in the wording of practices F-3B and F-4B (§§ 705.1081 and 705.1082), costs will be shared only for those practices, or components of practices, for which cost-sharing is requested by the farmer or rancher before performance thereof is started."

§ 705.1079 [Amendment]

2. The maximum Federal cost-share paragraph is amended by deleting the words "but not over $0.40 per cubic yard of earth material moved."

3. A new § 705.1082 is added as follows:

§ 705.1082 Practice F-3B: Conservation measures to meet new conservation problems.

(a) *General provisions.* (1) This practice is applicable only in Hawaii Disaster District No. 1, which includes the Hamakua Coast area of Hawaii County only.

(2) Costs for this practice will be shared only for eligible measures carried out on or after April 1, 1961, and only if requested by the farm operator within 30 days after the practice is publicly announced for use in Disaster District No. 1, or before the date on which performance of the eligible measures is started, whichever is the later.

(3) Responsibility for the technical phases of this practice is assigned to the Soil Conservation Service. This responsibility shall include (i) a finding that the practice is needed and practicable on the farm, (ii) necessary site selection, other preliminary work, and layout work of the practice, (iii) necessary supervision of the installation, and (iv) certification of performance for all requirements of the practice, except those for which a certification by the farmer or rancher is to be accepted in accordance with instructions issued by the Deputy Administrator, Conservation, ASCS.

(4) This practice applies only on land which immediately prior to the flood was in cultivated crops or pasture.

(5) Federal cost-sharing will be allowed under this practice only for restoration or replacement needed to solve conservation problems arising from the floods of April 1-3, 1961.

(b) *Eligible conservation measures.* The eligible conservation measures, specifications, and maximum Federal cost-share rates are the same as those specified in paragraph (b) of practice F-4B (§ 705.1081).

(Sec. 4, 49 Stat. 164, secs. 7-17, 49 Stat. 1148, as amended, 74 Stat. 232; 16 U.S.C. 590d, 590g-590q)

Signed at Washington, D.C., on October 23, 1961.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 61-10224; Filed, Oct. 25, 1961; 8:53 a.m.]

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

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 820, Amdt. 4]

PART 820—REQUIREMENTS RELATING TO NON-QUOTA PURCHASE SUGAR FOR THE CALENDAR YEAR 1961

Miscellaneous Amendments

1. Paragraph (b) of § 820.3 of Part 820 is hereby amended to read as follows:

§ 820.3 Non-quota purchases of sugar authorized.

* * * * *

(b) Pursuant to section 408(b) of the Act, the President by Proclamation No. 3401 established the amount of the quotas for sugar and for liquid sugar for Cuba for the calendar year 1961 at zero. At a level of consumption requirements for consumers in the United States of 10,000,000 short tons, raw value of sugar for 1961, the amount of the quotas that otherwise would have been provided for Cuba under the terms of Title II of the Act for the calendar year 1961 are 3,297,195 short tons, raw value of sugar and 7,970,558 wine gallons of liquid sugar, 72 per centum total sugar content, which represent the quantities that may be caused or permitted to be brought or imported into or marketed in the United States during the calendar year 1961 pursuant to section 408(b) of the Act. Sugar Regulation 819, effective for the period January 1, 1961, through March 31, 1961, permitted the importation of 824,299 short tons, raw value, of non-quota sugar pursuant to section 408 (b) of the Act. Thus, the amounts available for allocation to foreign countries pursuant to section 408(b) of the Act for the period April 1, 1961 through December 31, 1961, are 2,472,896 short tons, raw value of sugar and 7,970,558 wine gallons of liquid sugar. By Sugar Regulation 820, effective April 19, 1961, in § 820.4, a total of 1,263,776 short tons, raw value of non-quota purchase sugar was authorized for purchase and importation during the period April–December 1961. Amendment 1 to Part 820, effective June 6, 1961, revised § 820.4 to provide for allocations and authorizations for purchase of non-quota sugar for the period April–December 1961 in the following respects: A total of 2,272,896 short tons, raw value was authorized for purchase during the period April–December 1961. The authorization for the purchase of 977,095 short tons, raw value of this total was based upon a proration in accordance with section 408(b)(2) of the Act to foreign countries with which the United States is in diplomatic relations and for which quotas have been established pursuant to section 202 of the Act, to the extent of their ability to supply sugar, except for Canada and the United Kingdom as provided in paragraph (c) of § 820.1. At the time Amendment 1 to Part 820 was issued, several countries that receive quotas under section 202 of the Act were found to be unable to supply portions of the prorations of non-quota purchase sugar as follows: Mexico 175,090 tons; Nicaragua 95,122 tons; Peru 400,520 tons; and the Philippines 150,000 tons. These quantities totaling 820,732 tons plus the prorations for Canada and the United Kingdom totaling 6,895 tons and 468,174 tons of the Dominican Republic's proration under section 408(b)(2)(iii) of the Act or a total of 1,295,801 short tons, raw value, was authorized for purchase from foreign countries in accordance with the proviso in section 408(b)(2)(iii) of the Act. In Amendment 2 to Part 820, the quantity of non-quota sugar authorized for purchase from the Republic of the Philippines was increased by 150,000 tons to 368,048 short tons, raw value, which was the full proration under section 408(b)(2)(ii) of the Act for that country. The allocations and authorizations for purchase of 1,295,801 short tons, raw value, in accordance with the proviso in section 408(b)(2)(iii) remained unchanged. However, the 1,295,801 tons so allocated and authorized consisted of the prorations for Canada and the United Kingdom totaling 6,895 tons; 618,174 tons of the Dominican Republic proration under section 408(b)(2)(iii); and 670,732 tons which was the sum of the following portions of the prorations which the named countries having quotas under section 202 of the Act were unable to supply: Mexico 175,090 tons; Nicaragua, 95,122 tons; and, Peru 400,520 tons. In authorizing the purchase of the 1,295,801 short tons, raw value, from Brazil, Federation of the West Indies and British Guiana, Colombia, Costa Rica, Ecuador, El Salvador, French West Indies, Guatemala, Haiti, Formosa, India, Paraguay, and Australia, special consideration was given to countries of the Western Hemisphere and to those countries purchasing United States agricultural commodities. In Amendment 3 to Part 820 the quantity of non-quota sugar authorized for purchase from Peru was decreased 30,000 tons to 299,870 short tons, raw value, and the 30,000 tons was not reallocated to other countries. In § 820.4 as herein amended, the quantity of non-quota sugar authorized for purchase from three foreign countries in accordance with the provision in section 408(b)(2)(iii) of the Act is decreased a total of 100,000 short tons, raw value. The quantity authorized for purchase from India is reduced by 50,000 tons to 175,000 short tons, raw value. The quantity authorized for purchase from Brazil is reduced by 30,000 tons to 295,000 short tons, raw value. The quantity authorized for purchase from China (Formosa) is reduced by 20,000 tons to 154,543 short tons, raw value. Accordingly, the quantity of non-quota purchase sugar not authorized at this time totals 180,000 short tons, raw value. Also, the 7,970,558 wine gallons of liquid sugar are not allocated or authorized for purchase at this time.

§ 820.4 [Amendment]

2. Paragraph (a) of § 820.4 of Part 820 is hereby amended by decreasing the quantities shown in the table therein for India from 225,000 short tons, raw value to 175,000 short tons, raw value, for Brazil from 325,000 short tons, raw value, to 295,000 short tons, raw value, and for China (Formosa) from 174,543 short tons, raw value, to 154,543 short tons, raw value.

STATEMENT OF BASES AND CONSIDERATIONS

Although the average price for raw sugar at New York for the year to date is about the same as the annual average price in 1960 and higher than that of earlier years, raw sugar prices in recent months have been well below average and are below a desirable level for this period of the year.

In view of geographical and other relevant circumstances affecting raw sugar supplies, it would be appropriate for inventories in the hands of refiners to be larger at the end of 1961 than those held at the end of recent years. Nevertheless, to encourage the purchase of raw sugar at prices which will equitably maintain and protect the welfare of the domestic sugar industry, it appears necessary to reduce the supplies of offshore raw sugar.

Consistent with the terms of section 408(b) of the Act, Sugar Regulation 820, which authorized non-quota purchase sugar allocations also provided that the quantity of sugar authorized for purchase from any country or countries could be increased or decreased as market circumstances dictate. Among the countries for which non-quota sugar was authorized for purchase in accordance with the proviso in section 408(b)(2)(iii) Brazil, China, and India have relatively large quantities remaining in their allocations which these countries would be unable to deliver until late November or December. Since the supplies of sugar which could arrive only in late November and December appear to be large in relation to refiners needs at prices which are fair to the domestic sugar industry, the total quantity of non-quota sugar authorized for purchase is herein reduced by 100,000 short tons, raw value, by reducing the authorized allocations for Brazil by 30,000 tons, China (Formosa) by 20,000 tons and India by 50,000 tons.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 101, 408; 61 Stat. 922, as amended, 933, as amended; 7 U.S.C. 1101, 1158; Pub. Law 87–15, approved March 31, 1961. Presidential Proclamation 3401 (26 F.R. 2849))

Effective date. To permit such non-quota purchase sugar to be marketed in an orderly manner and to assure that no more than the authorized quantity of such sugar is imported, it is essential that the amendments made herein be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable, and contrary to the public interest, and this amendment to the regulations shall become effective when filed for public inspection in the Office of the Federal Register.

Done at Washington, D.C., this 23d day of October 1961.

CHARLES S. MURPHY,
Acting Secretary.

Concurred in for the Secretary of State by:

PHILIP H. TREZISE,
Acting Assistant Secretary of State for Economic Affairs.

[F.R. Doc. 61–10205; Filed, Oct. 24, 1961; 12:38 p.m.]

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

[Milk Order 11]

PART 911—MILK IN TEXAS PANHANDLE MARKETING AREA

Order Amending Order

§ 911.0 Findings and determinations.

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

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

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

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

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

(b) *Additional findings.* It is necessary in the public interests to make this order amending the order effective upon publication in the FEDERAL REGISTER. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision was issued September 22, 1961, and the decision containing all amendment provisions of this order was issued October 13, 1961. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective upon publication in the FEDERAL REGISTER and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

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

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

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

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

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

1. Add a new § 911.55 immediately following § 911.54 to read as follows:

§ 911.55 Cheddar cheese credit.

On and after the effective date hereof through February 1962, any milk used to produce Cheddar cheese or transferred in the form of milk from a pool plant to a nonpool plant and there used to produce Cheddar cheese shall be assigned to such use by the market administrator and shall be subject to a credit computed as follows: Multiply the rate by which the per hundredweight Class II price for milk containing 4.0 percent butterfat exceeds the amount (rounded to the nearest tenth of a cent) obtained by multiplying by 9.0 the average of the daily prices paid per pound of cheese at Wisconsin Primary markets ("Cheddars" f.o.b. Wisconsin assembling points, cars or truckloads) as reported by the Department during the month, by the hundredweight of Class II milk not in excess of the combined volume of skim milk and butterfat remaining after the computation specified in § 911.46(a)(7) and the corresponding step of § 911.46 (b) less any overage deducted pursuant to § 911.46(a)(9) and the corresponding step of § 911.46(b), which was either used to produce Cheddar cheese or transferred in the form of milk from a pool plant to a nonpool plant and there used to produce Cheddar cheese: *Provided,* That in the event the plant at which the Cheddar cheese was produced also received milk to be classified and priced under some other Federal order(s) on the basis of its specific use in Cheddar cheese and the volume of milk so used in such plant was less than the combined volume of milk to be so classified and priced under this and such other order(s), then the hundredweight of milk to which this paragraph is applicable shall be a pro rata share of such use determined by computing the percentage that the volume of milk for which Cheddar cheese use is claimed under this order is of the total volume of Federal order milk for which such use is claimed and applying that percentage to the volume of milk so used in such plant.

§ 911.70 [Amendment]

2. Add a new paragraph (e) at the end of § 911.70 to read as follows:

(e) Deduct the amount of any credits computed for such handler pursuant to § 911.55.

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

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 23, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61–10223; Filed, Oct. 25, 1961; 8:53 a.m.]

[Grapefruit Reg. 17]

PART 1031—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Limitation of Shipments

§ 1031.332 Grapefruit Regulation 17.

(a) *Findings.* (1) Pursuant to the marketing agreement, and Order No. 131 (7 CFR Part 1031), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, effective September 22, 1960, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Texas Valley Citrus Committee established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for

making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades, pack, marking, and sizes, pursuant to the marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Texas Valley Citrus Committee on October 17, 1961, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective terms in said marketing agreement and order; and terms relating to grade, diameter, and pack (including standard pack), when used herein, shall have the same meaning as is given to the respective terms in the United States Standards for Grapefruit (Texas and States other than Florida, California, and Arizona) (§§ 51.620–51.658 of this title) for grapefruit packed in a 1⅗ bushel box.

(2) Grapefruit Regulation No. 16, as amended (§ 1031.329; 26 F.R. 8248; 8665) is hereby terminated at 12:01 a.m., c.s.t., October 29, 1961.

(3) During the period beginning at 12:01 a.m., c.s.t., October 29, 1961, and ending at 12:01 a.m., c.s.t., January 8, 1962, no handler shall, except as otherwise provided, handle:

(i) Any container of grapefruit of any variety, grown in the production area, unless such grapefruit meet the requirements of one of the following grades:

(*a*) U.S. Fancy;

(*b*) U.S. No. 1 Bright;

(*c*) U.S. No. 1 with not more than one-third of the surface, in the aggregate, affected by discoloration;

(*d*) U.S. Combination with not less than 80 percent, by count, of the grapefruit meeting the requirements of (*c*) of this subdivision and the remainder of such grapefruit meeting the requirements of (*e*) of this subdivision;

(*e*) U.S. No. 2 with not more than one-half of the surface, in the aggregate, affected by discoloration; or

(*f*) U.S. No. 2 Russet.

(ii) Any seedless grapefruit, grown as aforesaid, which are of a size smaller than 3$^{9}/_{16}$ inches in diameter, except that not more than 10 percent, by count, of such grapefruit in any lot of containers, and not more than 15 percent, by count, of such grapefruit in any individual container in such lot, may be of a size smaller than 3$^{9}/_{16}$ inches in diameter: *Provided,* That none of such grapefruit may be smaller than 3$^{6}/_{16}$ inches in diameter;

(iii) Any seeded grapefruit, grown as aforesaid, which are of a size smaller than 3$^{13}/_{16}$ inches in diameter, except that not more than ten (10) percent, by count, of such seeded grapefruit in any lot of containers may be of a size smaller than 3$^{13}/_{16}$ inches in diameter, but not more than fifteen (15) percent, by count, of such seeded grapefruit in any individual container in any lot may be of a size smaller than 3$^{13}/_{16}$ inches in diameter.

(iv) Any grapefruit of any variety, grown as aforesaid, in any box or carton having inside dimensions other than those specified in subdivision (v) of this subparagraph unless (*a*) the grapefruit are packed in accordance with the requirements of standard pack; or (*b*) are of a diameter within the diameter limits specified for one of the following pack sizes except that not more than 10 percent, by count, of the grapefruit in such container may be outside of such diameter limits:

Pack size:	*Diameter limits in inches*	
	Minimum	*Maximum*
46	4$^{5}/_{16}$	5

(v) Any grapefruit of any variety, grown as aforesaid, in a container having inside dimensions of 19¾ x 13½ x 13½ inches unless such container is packed in accordance with one of the following pack sizes and contains the applicable number of grapefruit that are within the diameter limits specified for the particular pack size, except that not more than 10 percent, by count, of such grapefruit in such container may be outside such diameter limits:

Pack size:	*Number of grapefruit*
46	48
54 or 56	56
64	64
70 or 72	72
80	80
96	96

(vi) Any grapefruit of any variety, grown as aforesaid, unless such grapefruit is handled within 48 hours after being inspected and certified in accordance with the requirements of § 1031.45.

(vii) The provisions of subdivisions (iv) and (v) of this subparagraph shall not apply to the grapefruit in any gift package of fruit.

All grapefruit of any variety, grown as aforesaid, handled during the period specified in this section are subject to all applicable container regulations which are in effect pursuant to the aforesaid marketing agreement and order during such period.

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

Dated: October 20, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–10195; Filed, Oct. 25, 1961; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2523]

[Nevada 055774]

NEVADA

Revoking Stock Driveway Withdrawal No. 123 (Nevada No. 44)

By virtue of the authority vested in the Secretary of the Interior by section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

1. The departmental order of January 17, 1920, reserving lands for use by the general public as a stock driveway, is hereby revoked. The following lands are affected by this order:

MOUNT DIABLO MERIDIAN

T. 37 N., R. 63 E.,
Sec. 6.
T. 38 N., R. 63 E.,
Sec. 8, SE¼NE¼, NE¼SE¼, and S½SE¼;
Sec. 16, W½;
Sec. 20, E½;
Sec. 28, NW¼;
Sec. 32.
T. 39 N., R. 63 E.,
Secs. 12, 14, 22, and 28;
Sec. 32, N½, NE¼SW¼, N½SE¼, SE¼SE¼.
T. 39 N., R. 64 E.,
Sec. 6.
T. 40 N., R. 64 E.,
Secs. 4 and 8;
Sec. 20, W½, SE¼, and E½NE¼;
Sec. 32, W½NE¼, and W½.
T. 41 N., R. 64 E.,
Sec. 12,
Sec. 24, N½, SW¼, and N½SE¼;
Sec. 34, W½, W½E½, and SE¼SE¼;
Sec. 36.
T. 41 N., R. 65 E.,
Sec. 2, NW¼, and N½SW¼;
Secs. 4 and 8.
T. 42 N., R. 65 E.,
Sec. 22, E½;
Secs. 23 and 24;
Sec. 26, W½;
Sec. 27, E½;
Sec. 34, E½;
Sec. 35, W½.
T. 42 N., R. 66 E.,
Sec. 5, 6, 7, and 18;
Sec. 19, N½NE¼, SW¼NE¼, W½, and NW¼SE¼.
T. 43 N., R. 66 E.,
Secs. 4, 9, 16, 21, 28, 32, and 33.
T. 44 N., R. 66 E.,
Sec. 3, W½;
Sec. 4, E½;
Sec. 9, E½;
Sec. 10, W½;
Sec. 15, W½;
Sec. 16, E½;
Sec. 21, E½;
Sec. 22, W½;
Sec. 27, W½;
Sec. 28, E½;
Sec. 33, E½;
Sec. 34, W½.
T. 45 N., R. 66 E.,
Sec. 4, W½;
Secs. 5 and 6;
Sec. 8, E½NE¼, and NE¼SE¼;
Sec. 9, W½E½, and W½;
Sec. 16, NW¼NE¼, NW¼, and S½;
Sec. 21;

Sec. 27, SW¼;
Sec. 28;
Sec. 33, E½, and N½NW¼;
Sec. 34, W½.
T. 46 N., R. 66 E.,
Sec. 4, NW¼, and N½SW¼;
Sec. 5, N½, SW¼, N½SE¼, and SW¼SE¼;
Secs. 6, 7, 18, 19, 30, and 31.
T. 47 N., R. 66 E.,
Sec. 3, lots 1, 2, 3, and S½;
Secs. 10, 15, and 16;
Sec. 17, E½;
Sec. 20, E½;
Sec. 21, W½;
Sec. 28, W½;
Sec. 29, E½;
Sec. 32, E½;
Sec. 33, W½.

The areas described aggregate 40,442.96 acres.

2. A 20-acre parcel in the E½NE¼SE¼ of section 8, T. 38 N., R. 63 E., is reserved for the Nevada Highway Department as a materials site.

3. The lands comprise an interrupted strip, aligned north-south, and extending from the Nevada-Idaho boundary to the vicinity of Wells, Nevada, roughly parallel to and eastward from U.S. Highway 93. Topography varies between valley floor, basalt capped mesa land, and rough and mountainous. Vegetation is predominantly northern desert shrubs with interspersed areas of cheat and perennial grasses.

4. The public lands released from withdrawal by this order shall at 10:00 a.m. on January 20, 1962, be restored to operation of the public land laws, subject to valid existing rights, the requirements of applicable law, rules, and regulations, and the provisions of any existing withdrawals.

5. The lands have been open to applicants and offers under the mineral leasing laws, and to location under the United States mining laws subject to the regulations in 43 CFR 185.35–185.36.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nevada.

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

OCTOBER 20, 1961.

[F.R. Doc. 61–10180; Filed, Oct. 25, 1961; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 746; Amdt. 25–1]

PART 25—PARACHUTE RIGGER CERTIFICATES

Operating Rules for the Packing, Repair, Maintenance, Alteration, and Inspection of Parachutes

The Federal Aviation Agency published as a notice of proposed rule making (26 F.R. 4289) and circulated as Civil Air Regulations Draft Release No. 61–8 on May 17, 1961, a proposal to amend Part 25 of the Civil Air Regulations to alleviate the burden imposed upon those persons engaged in activities where personnel-carrying parachutes are used exclusively for intentional jumping. In this respect, the Agency is aware that there are numerous parachute clubs throughout the country organized for the purpose of making sport parachuting a safe recreational activity. To accomplish this, these self-governing clubs have established safety rules to strictly control all sport jumping activities of their members. Among other things, experienced club approved safety officers monitor the condition and packing of parachute equipment used by the sport parachutist.

The effectiveness of these parachute clubs in achieving a high degree of safety in parachuting activities has been well demonstrated since 1959 under the provisions of exemptions granted by the Agency, whereby, about 90 percent of all parachute club members have been permitted to pack the main parachute used exclusively by them for sport jumping.

This amendment to Part 25 provides that a noncertificated individual may pack the main parachute of a dual paracute pack to be used exclusively by him for intentional jumping. Additionally, it authorizes an appropriately certificated rigger to deviate from the provisions of §§ 25.81 through 25.85 when performing services in connection with the main parachute of a dual parachute pack used for intentional jumping. However, this amendment requires that personnel-carrying parachutes intended for emergency use, including the auxiliary parachute of a dual parachute pack, must be packed, repaired, maintained, altered, and inspected in an approved manner by appropriately certificated and rated riggers.

Interested person have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matters presented.

In consideration of the foregoing, Part 25 of the Civil Air Regulations (14 CFR Part 25, as amended) is hereby amended as follows, effective November 27, 1961:

1. By amending § 25.0 to read as follows:

§ 25.0 Applicability of this part.

This part establishes the requirements for the issuance of parachute rigger and master parachute rigger certificates and ratings, provides for the privileges of such certificates, and establishes basic operating rules for the packing, repair, maintenance, alteration, and inspection of personnel-carrying parachutes for use in connection with civil aircraft of the United States.

2. By amending § 25.80 to read as follows:

§ 25.80 General.

(a) *Personnel-carrying parachutes for emergency use.* No individual shall pack, repair, maintain, alter, or inspect any parachute intended for emergency use by an individual, including the auxiliary parachute of a dual parachute pack to be used for intentional jumping, unless he is an appropriately certificated parachute rigger or master parachute rigger, and complies with the provisions of §§ 25.81 through 25.85.

(b) *Personnel-carrying parachutes for nonemergency use.* No individual shall pack, repair, maintain, alter, or inspect any main parachute of a dual parachute pack to be used by an individual for intentional jumping, unless he is an appropriately certificated parachute rigger or master parachute rigger: *Provided,* That an individual who does not hold a parachute rigger or master parachute rigger certificate may pack the main parachute of a dual parachute pack which will be used exclusively by him for intentional jumping: *And provided further,* That a certificated parachute rigger or master parachute rigger need not comply with the provisions of §§ 25.81 through 25.85 when engaged in packing, repairing, maintaining, altering, or inspecting the main parachute of a dual parachute pack to be used for intentional jumping.

(Secs. 313(a), 601, 602; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1422)

Issued in Washington, D.C., on October 20, 1961.

N. E. HALABY,
Administrator.

[F.R. Doc. 61–10174; Filed, Oct. 25, 1961; 8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Reg. Docket No. 899; Amdt. 240]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
TM-LFR	GRF RBn	Direct	2000	T-dn	300-1	300-1	200-½
OLM-VOR	GRF RBn	Direct	2000	C-dn	600-1	600-1	600-1½
Burton Int	GRF RBn	Direct	2000	S-dn*	500-1	500-1	500-1
Shelton Int	GRF RBn	Direct	2000	A-dn	800-2	800-2	800-2
Rosedale Int	GRF RBn	Direct	2000				
Vashon Int	GRF RBn	Direct	2000				

Radar transitions and vectoring utilizing McChord RAPCON Radar or Gray AAF Radar authorized in accordance with approved Radar patterns.
Procedure turn W side of crs, 324° Outbnd, 144° Inbnd, 2000′ within 10 mi. NA beyond 10 mi.
Minimum altitude over GRF RBn on final approach crs, 1500′; over MM, 850′.
Crs and distance, GRF RBn to airport, 144°—3.9 mi; MM to airport, 144°—0.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing GRF, RBn, turn right, climb to 2000′ on crs 270° to Shelton RBn or, when directed by ATC, turn right, climb to 3000′ on crs 270° to R-020 OLM-VOR, thence direct to OLM-VOR.
NOTE: Prior arrangement for landing required for civil aircraft not on official business.
CAUTION: Restricted area 6.8 mi North of airport. 524′ MSL tower located 0.9 mi from approach end of Runway 14, 550′ MSL trees 0.8 mi from approach end of Runway 14, 385′ MSL tower 0.1 mi East of Runway 14/32.
Major change: Deletes transition from SHN RBn.
*If MM not received, straight-in minima NA.

City, Fort Lewis; State, Wash.; Airport Name, Gray AAF; Elev., 301′; Fac. Class., MH; Ident, GRF; Procedure No. 1, Amdt. 2; Eff. Date, 28 Oct. 61; Sup. Amdt. No. 1; Dated, 17 June 61

Reno VOR	RO "H"	Direct	9000	T-dn	1000-2	1000-2	1000-2
Pyramid Int	RO "H"	Direct	9000	C-dn	2000-2	2000-2	2000-2
Mustang Int	RO "H"	Direct	9000	A-dn	2500-3	2500-3	2500-3
Churchill Int	RO "H"	Direct	9000				
Verdi Int	RO "H"	Direct	9000				

Procedure turn E side crs, 341° Outbnd, 161° Inbnd, 8700′ within 10 miles. (Nonstandard, due to terrain.)
Minimum altitude over facility on final approach crs, 6800′.
Crs and distance, facility to airport, 161°—2.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 mi. make immediate right turn and climb to 8700 on crs of 341° of RO "H" within 15 miles.
AIR CARRIER NOTE: No reductions in visibility minimums authorized.
CAUTION: High terrain surrounding airport.

City, Reno; State, Nev.; Airport Name, Municipal; Elev., 4411′; Fac. Class., HB; Ident., RO; Procedure No. 1, Amdt. Orig. or upon com. of "H" fac.; Eff. Date, 28 Oct. 61

VRB-VOR	VRB RBn	Direct	1200	T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn South side of crs, 291° Outbnd, 111° Inbnd, 1200′ within 10 mi.
Minimum altitude over facility on final approach crs, 600′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mi, turn left and climb to 1200′ on crs of 291° from VRB RBn within 20 mi.
CAUTION: Warning area 7.6 miles East of airport.

City, Vero Beach; State, Fla.; Airport Name, Vero Beach Municipal; Elev., 24′; Fac. Class., BMH; Ident., VRB; Procedure No. 1, Amdt. 10; Eff. Date, 28 Oct. 61; Sup. Amdt. No. 9; Dated, 12 Nov. 1954

2. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
XX-LFR	BLI-VOR	Dircet	2000	T-dn	300-1	300-1	200-½
Maple Ridge Int	BLI-VOR	Direct	2000	C-dn	700-1	700-1	700-1½
White Rock Int	BLI-VOR	Direct	2000	S-dn*	400-1	400-1	400-1
BG-LFR	BLI-VOR	Direct	2000	A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 326° Outbnd, 146° Inbnd, 2000′ within 10 mi. NA beyond 10 mi.
Minimum altitude over facility on final approach crs, 1500′; over Ferndale Int, 900′.
Crs and distance, BLI-VOR to airport, 146°—8.9 mi; Ferndale Int to airport, 146°—2.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.4 mi after passing Ferndale Int, turn right and return to BLI-VOR climbing to 2000′.
*Descent below 900′ MSL NA until passed Ferndale Int.

City, Bellingham; State, Wash.; Airport Name, Bellingham Municipal; Elev., 158′; Fac. Class., L-BVOR; Ident., BLI; Procedure No. 1, Amdt. 3; Eff. Date, 28 Oct. 61; Sup. Amdt. No. 2; Dated, 27 Oct. 56

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Lisbon Int	CID VOR R-087 (Final)	200°—1.6	2200	T-dn	300-1	300-1	200-½
Solon Int	CID VOR R-087 (Final)	340°—1.8	2200	C-dn	400-1	500-1	500-1½
CID VOR	Ely Int*	Direct	2200	S-dn-26	400-1	400-1	400-1
IOW VOR	Ely Int*	Direct	2200	A-dn	800-2	800-2	800-2

Procedure turn N side crs, 087° Outbnd, 267° Inbnd, 2200′ within 10 miles of Ely Int*.
Minimum altitude over Ely Int* on final approach crs, 1600′.
Crs and distance, Ely Int* to airport, 267°—4.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 mi after passing Ely Int*, climb to 2100′ on R-267 CID VOR within 20 mi or, when directed by ATC, climb on R-087 to CID VOR, reverse crs and return to Ely Int* at 2200′.
*Ely Int: CID VOR R-087 and IOW VOR R-355.

City, Cedar Rapids; State, Iowa; Airport Name, Municipal; Elev., 863′; Fac. Class., BVORTAC; Ident., CID; Procedure No. 2, Amdt. Orig.; Eff. Date, 28 Oct. 61

LCH RBn	LCH VOR	Direct	1300	T-dn	300-1	300-1	200-½
Radar vectoring position	LCH VOR (Final)	327—5.0	1000	C-dn	500-1	500-1	500-1½
				S-dn-33	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar Terminal Area transition altitude 1500′ within 25 miles. Radar may be used to position aircraft for a final approach, within 5 miles of LCH VOR, with the elimination of a procedure turn.
Procedure turn E side of crs, 147° Outbnd, 327° Inbnd, 1300′ within 10 miles. Beyond 10 miles NA.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 327—3.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 mi, climb to 1500′ on R-327 within 20 miles, or when directed by ATC, turn right, climb to 1500′ on R-015 within 20 miles.

City, Lake Charles; State, La.; Airport Name, Chennault AFB/Municipal; Elev., 19′; Fac. Class., BVOR; Ident., LCH; Procedure No. 1, Amdt. 4; Eff. Date, 28 Oct. 61; Sup. Amdt. No. 3; Dated, 2 Jan. 60

Phoenix LFR	PHX VOR	Direct	4000	T-dn	300-1	300-1	200-½
Four Peaks Int	Apache Int	Direct	4500	C-dn	600-1	600-1	600-1½
Apache Int	PHX VOR (Final)	Direct	2500	A-dn	800-2	800-2	800-2

Procedure turn teardrop, 058° outbnd, turn right, 256° inbnd, 4000′ within 10 mi.
Minimum altitude over VOR on final approach crs, 2500′.
Crs and distance, VOR to airport, 256°—5.5 mi.
Minimum altitude abeam LFR/Z, 1900′.
Crs and distance, abeam LFR/Z to airport, 256°—1.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 mi, climb to 4000′ on R-258 within 20 mi or, when directed by ATC, climb to 3000′ on R-258, make a right climbing turn and return to VOR at 4000′.
NOTE: Descend to authorized landing minimums only after passing PHX LFR or "Z" marker.
CAUTION: Hills and tower 2987′ 6 mi SSW of airport; 3312′ terrain 15 mi ENE.
Other changes: Deletes transition from Santan Int.

City, Phoenix; State, Ariz.; Airport Name, Sky Harbor Municipal; Elev., 1122′; Fac. Class., BVORTAC; Ident., PHX; Procedure No. 1, Amdt. 9; Eff. Date, 28 Oct. 61; Sup. Amdt. No. 8; Dated, 14 Mar. 59

Perryville FM/Int	Int PHX R-256 and CZG R-326	Direct	3000	T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn not authorized.
Minimum altitude over Int PHX R-256 and CZG R-326 on final approach crs, 3000′.
Crs and distance, Int PHX R-256 and CZG R-326 to airport, 076°—5.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.9 mi of Int PHX R-256 and CZG R-326, climb to 4000′ on R-076 PHX VOR within 10 mi of VOR.
Other changes: Deletes straight-in minima. Deletes transition from PX LFR. Deletes Caution note.

City, Phoenix; State, Ariz.; Airport Name, Sky Harbor Municipal; Elev., 1122′; Fac. Class., BVORTAC; Ident., PHX; Procedure No. 2, Amdt. 3; Eff. Date, 28 Oct. 61; Sup. Amdt. No. 2; Dated, 3 Sept. 60

SJU HH	SJU VOR	Direct	1500	T-dn	300-1	300-1	200-½
SJP RBn	SJU VOR	Direct	1500	C-dn	*500-1	*500-1	*500-1½
				S-dn-7	*500-1	*500-1	*500-1
				A-dn	*800-2	*800-2	*800-2

Procedure turn N side of crs, 260° Outbnd, 080° Inbnd, 1500′ within 10 mi. Beyond 10 mi, NA.
Minimum altitude over Antenna Int# on final approach crs, 1000′.
Crs and distance, Antenna Int# to Airport, 080°—4.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles after passing Antenna Int#, turn right and climb to 3600′ on R-095 within 20 miles of SJU VOR.
NOTE: Procedure turn non-standard due high terrain South of area.
*If Antenna Int# not identified on final, descent below 1000′ MSL NA.
#Antenna Int—Int SJU VOR R-260 and 350° brng from SJP RBn.

City, San Juan; State, P.R.; Airport Name, Puerto Rico International; Elev., 9′; Fac. Class., BVOR; Ident., SJU; Procedure No. 4, Amdt. Orig.; Eff. Date, 28 Oct. 61

3. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
PWE–VOR	BIE–VOR	Direct	2700	T–dn	300–1		
O'Dell Int*	BIE–VOR	Direct	2700	C–dn	500–1		
				S–dn–13	500–1		
				A–dn	NA		

Procedure turn West side of crs, 310° Outbnd, 130° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, breakoff point to Runway 14, 133°—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, execute climbing left turn to 2600′. Return to BIE–VOR. Hold on R–310, one-minute pattern, all turns to the right.
CAUTION: 1688′ MSL tower 5.5 mi NE of airport. 1590′ MSL tower 3.2 mi SSW of airport. 1585′ MSL tower 3.5 mi SE of airport. 1508′ MSL tower 3.0 mi SSW of airport.
NOTE: Facility monitored Category III 2100 to 0600.
*Int R–180 RAY–VOR and R–247 PWE–VOR.

City, Beatrice; State, Nebr.; Airport Name, Municipal; Elev., 1318′; Fac. Class., VOR (State-owned); Ident., BIE; Procedure No. TerVOR–13, Amdt. 1; Eff. Date, 28 Oct. 61; Sup. Amdt. No. Orig.; Dated, 29 Apr. 61

Rosedale Int	OLM–VOR	Direct	2000	T–d	300–1	300–1	200–½
Bayside Int	OLM–VOR	Direct	2000	C–dn	900–1	900–1	900–1½
				A–dn	900–2	900–2	900–2

Procedure turn W side of crs, 345 Outbnd, 165 Inbnd, 2000 within 10 miles.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, breakoff point to app end rny 17, 168—0.5, OLM VOR on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb to 2000′ on R–172 within 10 miles; or, when directed by ATC, turn left, climb to 2000′ on R–352 within 20 miles.
CAUTION: Restricted area 4.7 mi E of airport.
Major change: Deletes transition from Shelton RBn.

City, Olympia; State, Wash.; Airport Name, Olympia Municipal; Elev., 205′; Fac. Class., L–BVOR–DME; Ident., OLM; Procedure No. TerVOR–17, Amdt. 2; Eff. Date, 28 Oct. 61; Sup. Amdt. No. 1; Dated, 30 Sept. 61

Rosedale Int	OLM–VOR	Direct	2000	T–dn	300–1	300–1	200–½
Bayside Int	OLM–VOR	Direct	2000	C–dn	700–1	700–1	700–1½
				A–dn	800–2	800–2	800–2

Procedure turn W side of crs, 172 Outbnd, 352 Inbnd, 2000 within 10 miles.
Minimum altitude over facility on final approach crs, 900′.
Crs and distance, breakoff point to app end rny 35, 348—0.8, OLM VOR on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb to 2000′ on R–345 within 10 miles; or when directed by ATC, turn right, climb to 2000′ on R–165 within 10 miles.
CAUTION: Restricted area 4.7 mi E of airport.
Major change: Deletes transition from Shelton RBn.

City, Olympia; State, Wash.; Airport Name, Olympia Municipal; Elev., 205′; Fac. Class., L–BVOR–DME; Ident., OLM; Procedure No. TerVOR–35, Amdt. 2; Eff. Date, 28 Oct. 61; Sup. Amdt. No. 1; Dated, 30 Sept. 61

Lamar Int	VOR	Direct	1800	T–dn*	300–1	300–1	200–½
Int EVV R–077 and OWB R–352	VOR	Direct	1800	C–dn	500–1	700–1½	700–1½
Int CCT R–321 and OWB R–219	VOR	Direct	1800	S–dn–5	500–1	500–1	500–1
Int CCT R–076 and OWB R–181	VOR	Direct	1800	A–dn**	NA	NA	NA
EVV VOR	VOR	Direct	2000				
CCT VOR	VOR	Direct	1800				

Procedure turn S side of crs 219° Outbnd, 039° Inbnd, 1800′ within 10 mi.
Minimum altitude over facility on final approach crs ,900′.
Crs and distance, breakoff point to end of runway, 049°—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mi, climb to 1800′ on crs of 039° within 10 mi and return to VOR.
CAUTION: 803′ twr 1.5 mi N 827′ twr 2.2 mi E.
NOTE: All approaches controlled by Evansville Approach Control. All aircraft except scheduled Air Carriers obtain Evansville weather prior to IFR approach.
*When WX below 1000–3, take-offs Rnwy 5 climb to 1500′ on runway heading prior to making turn; take-offs Rnwy 35 climb to 1500′ on 340° course before turning right.
**AIR CARRIER NOTE: Alternate minimums of 800–2 apply for those Air Carriers with weather reporting service.

City, Owensboro; State, Ky.; Airport Name, Owensboro-Daviess County; Elev., 407′; Fac. Class., L–BVOR; Ident., OWB; Procedure No. TerVOR–5, Amdt. 1; Eff. Date, 28 Oct. 61; Sup. Amdt. No. Orig.; Dated, 9 Sept. 61

Lamar Int	VOR	Direct	1800	T–dn*	300–1	300–1	200–½
Int EVV R–077 and OWB R–352	VOR	Direct	1800	C–dn	500–1	700–1½	700–1½
Int CCT R–321 and OWB R–219	VOR	Direct	1800	S–dn–35	500–1	500–1	500–1
Int CCT R–076 and OWB R–181	VOR	Direct	1800	A–dn**	NA	NA	NA
EVV VOR	VOR	Direct	2000				
CCT VOR	VOR	Direct	1800				

Procedure turn E side of crs, 181° Outbnd, 001° Inbnd, 1800′ within 10 mi.
Minimum altitude over facility on final approach crs, 900′.
Crs and distance, breakoff point to end of runway 35, 354°—0.25 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mi, climb to 1800′ on crs 001° within 10 mi and return to VOR.
NOTE: All approaches controlled by Evansville Approach Control. All aircraft except scheduled Air Carriers obtain Evansville weather prior to IFR approach.
CAUTION: 803′ twr 1.5 mi N 827′ twr 2.2 mi E.
*When WX below 1000–3, takeoffs Rnwy 5 climb to 1500′ on runway heading prior to making turn; takeoffs Rnwy 35 climb to 1500′ on 340° crs before turning right.
**AIR CARRIER NOTE: Alternate minimums of 800–2 apply for those Air Carriers with weather reporting service.

City, Owensboro; State, Ky.; Airport Name, Owensboro-Daviess County; Elev., 407′; Fac. Class., L–BVOR; Ident., OWB; Procedure No. TerVOR–35, Amdt. 1; Eff. Date, 28 Oct. 61; Sup. Amdt. No. Orig.; Dated, 9 Sept. 61

4. The very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 609.300 are amended to read in part:

VOR-DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
18 mile fix	8 mile fix	Via R-087	1600	T-dn	300-1	300-1	200-½
8 mile fix	3.9 mile fix	Via R-087	1300	C-dn	400-1	500-1	500-1½
				S-dn-26	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of final approach crs, 087° Outbnd, 267° Inbnd, 2200′ between 8 mi and 18 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2100′ on R-267 within 20 mi.

NOTE: When authorized by ATC, DME may be used to position aircraft for final approach at 2200′ between radials 060 clockwise to 160 within 18 mi with the elimination of procedure turn.

City, Cedar Rapids; State, Iowa; Airport Name, Municipal; Elev., 863′; Fac. Class., BVORTAC; Ident., CID; Procedure No. VOR/DME-26, Amdt. Orig.; Eff. Date, 28 Oct. 61

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
CS-LFR	LOM	Direct	7500	T-dn	300-1	300-1	200-½
Silver Crown VHF Int	LOM	Direct	8800	C-dn	500-1	500-1	500-1½
CYS VOR	LOM	Direct	7500	S-dn-ry 26	200-½	200-½	200-½
Albin Int	LOM	Direct	7500	A-dn	600-2	600-2	600-2
Egbert VHF Int	LOM (Final)	Direct	7500				
Carpenter Int	LOM	Direct	7500				

Procedure turn S side E crs, 081° Outbnd, 261° Inbnd, 7500′ within 10 miles of LOM.

Minimum altitude at G.S. int inbnd, 7500′.

Altitude of G.S. and distance to appr end of rny at OM 7500—5.1, at MM 6312—0.6.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 7600′ on S crs CS-LFR or, when directed by ATC, climb to 7500′ on N crs CS-LFR within 20 mi or to 7500′ on R-348 CYS VOR within 20 miles.

City, Cheyenne; State, Wyo.; Airport Name, Municipal; Elev., 6156′; Fac. Class., ILS; Ident., I-CYS; Procedure No. ILS-26, Amdt. 17; Eff. Date, 28 Oct. 61; Sup. Amdt. No. 16; Dated, 26 Aug. 61

Salt Lake City LFR	LMM	Direct	6000	T-dn#%	300-1	300-1	200-½
Salt Lake City VOR	LMM	Direct	6000	C-dn	500-1	600-1	600-1½
Provo VOR	LOM	Direct	*10,000	S-dn-34L**	200-½	200-½	200-½
Riverton FM	LOM (Final)	Direct	6000	S-dn-34R	400-1	400-1	400-1
				A-dn	600-2	600-2	600-2

Radar transitions and vectoring utilizing Salt Lake City Radar are authorized in accordance with approved radar patterns.

Procedure turn East side of crs, 158° Outbnd, 338° Inbnd, 6100′ within 10 miles of LMM. Beyond 10 miles NA. Altitude of glide slope and distance to approach end of runway at Riverton FM, 9340′—14.9 mi; at LOM##, 6028′—5.5 mi; at LMM, 4457′—0.6 mi.

Crs and distance, LOM to Runway 34R, 343°—5.4 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make a climbing left turn, climb to 9000′ on R-248 SLC-VOR or W crs SC-LFR within 20 miles or, when directed by ATC, climb to 10,000′ in a right-hand one-minute holding pattern on R-329 or N crs SC-LFR within 12 miles.

NOTES: (1) Aircraft executing missed approach shall not climb above 6500′ until past SLC-VOR or SC-LFR. (2) Narrow localizer course 4 degrees.

CAUTION: Terrain 11,253′ m.s.l. approximately 8 mi E of localizer crs at Riverton FM.

#500-2 required for takeoff Runway 7. Takeoff of aircraft of more than 65 knots NA on Rnwy 7/25.

##Descent below 6000′ NA unless established on glide slope at LOM.

*Start descent at glide slope int. Glide slope must be operative for this transition.

**Runway Visual Range 2600′ authorized for landing on Runway 34L; provided that all components of the ILS, high intensity runway lights, approach lights, condenser discharge flashers, middle and outer compass locators, and all related airborne equipment are in satisfactory operating condition. Descent below 4426′ MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

%Runway Visual Range 2600′ also authorized for takeoff on Runway 34L in lieu of 200-½ when 200-½ authorized, providing high-intensity runway lights are operational.

City, Salt Lake City; State, Utah; Airport Name, Salt Lake City No. 1; Elev., 4226′; Fac. Class, ILS; Ident., I-SLC; Procedure No. ILS-34L, Amdt. 19; Eff. Date, 28 Oct. 61; Sup. Amdt. No. 18; Dated, 14 Oct. 61

SPS-VOR	LOM	114—8.2	3000	T-dn	300-1	300-1	200-½
Henrietta Int	LOM	Direct	2100	C-dn	500-1	500-1	500-1½
				S-dn-33	300-1	300-1	300-1
				A-dn	600-2	600-2	600-2

Procedure turn E side of crs, 148° Outbnd, 328° Inbnd, 2300′ within 10 miles. Nonstandard due obstructions West. Altitude of glide slope and distance to approach end of Rnwy at OM, 2100′—3.8 mi; at MM, 1194′—0.6 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 3000′ on NW crs ILS within 20 miles or, when directed by ATC, turn right, climb to 3000′ on crs 060° within 20 miles.

NOTE: Glide slope unusable under 1315′ msl.

City, Wichita Falls; State, Tex.; Airport Name, Sheppard AFB/Mun.; Elev., 1015′; Fac. Class., ILS; Ident., I-SPS; Procedure No. ILS-33, Amdt. 3; Eff. Date, 28 Oct. 61; Sup. Amdt. No. 2; Dated, 26 Aug. 60

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
300	100	Within 25 mi	1900	Surveillance approach			
100	180	Within 25 mi	1600				
180	300	Within 10 mi	1600	T–dn	300–1	300–1	200–½
180	300	Within 10–15 mi	1700	C–dn	500–1	500–1	500–1½
180	300	Within 15–25 mi	2700	S–dn–5, 23, 13	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2

All bearings and distances are from radar site on Robins Air Force Base with sector azimuths progressing clockwise.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
Runway 5: Climb to 1800′ on R–055 of MCN VOR within 20 mi.
Runway 23: Climb to 1600′ on R–227 of MCN VOR within 20 mi.
Runway 13: Turn right, climb to 1600′ on R–227 of MCN VOR within 20 mi

City, Macon; State, Ga.; Airport Name, Macon Municipal (Cochran Field); Elev., 354′; Fac. Class, Macon; Ident., Radar; Procedure No. 1, Amdt. Orig.; Eff. Date, 28 Oct. 61

These procedures shall become effective on the dates specified therein.

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

Issued in Washington, D.C., on September 22, 1961.

GEORGE C. PRILL,
Director, Flight Standards Service.

[F.R. Doc. 61–9266; Filed, Oct. 25, 1961; 8:45 a.m.]

[Reg. Docket No. 910; Amdt. 241]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in acordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELLED, EFFECTIVE NOVEMBER 4, 1961, OR UPON DECOMMISSIONING OF TRI-LFR.

City, Bristol, Johnson City, Kingsport; State, Tenn.; Airport Name, Tri-City; Elev., 1524′; Fac. Class., SBRAZ; Ident., TRI; Procedure No. 1, Amdt. 13; Eff. Date, 22 Dec. 56; Sup. Amdt. No. 12; Dated, 10 Mar. 56

PROCEDURE CANCELLED, EFFECTIVE NOVEMBER 4, 1961, OR UPON DECOMMISSIONING OF LFR.

City, Meridian; State, Miss.; Airport Name, Key Field; Elev., 297′; Fac. Class., SBMRAZ; Ident., MEI; Procedure No. 1, Amdt. 7; Eff. Date, 7 Nov. 59; Sup. Amdt. No. 6; Dated, 26 Jan. 57

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-17	400–1	400–1	400–1
				A-dn	NA	NA	NA

Procedure turn E side N crs, 354° Outbnd, 174° Inbnd, 1700′ within 10 mi.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 174°—3.9.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 3.9 mi, turn left, climb to 1700 on N crs within 20 mi.
NOTE: Procedure not approved for ADF approach. No communications or weather service available.
Other change: Deletes Air Carrier Note.

City, Stuttgart; State, Ark.; Airport Name, Municipal; Elev., 224′; Fac. Class., MRLWZ; Ident., SGT; Procedure No. 1, Amdt. 3; Eff. Date, 4 Nov. 61; Sup Amdt. No. 2; Dated, 8 Jan. 55

PROCEDURE CANCELLED, EFFECTIVE NOVEMBER 4, 1961, OR UPON DECOMMISSIONING OF TAD-LFR (TO BE CONVERTED TO "H" TWB FACILITY).

City, Trinidad; State, Colo.; Airport Name, Municipal; Elev., 5761′; Fac. Class., SBMRAZ; Ident., TAD; Procedure No. 1, Amdt. 3; Eff. Date, 15 July 54; Sup. Amdt. No. 2; Dated, 19 May 52

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
BR LFR	LOM	Direct	1200	T-dn	300–1	300–1	200–½
BTR VOR	LOM	Direct	1500	C-dn	400–1	500–1	500–1½
Morganza Int	LOM	Direct	1200	S-dn-13	400–1	400–1	400–1
Woodville Int	LOM	Direct	1900	A-dn	800–2	800–2	800–2

Procedure turn W side of NW crs, 306° Outbnd, 126° Inbnd, 1300′ within 10 miles. Beyond 10 miles NA.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, facility to airport, 126°—3.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 mi after passing LOM, climb to 1500′ on crs of 126° within 20 miles, or when directed by ATC, turn left, climb to 1500′ on NE crs BR LFR within 20 miles.
NOTE: Approach lights not installed.

City, Baton Rouge; State, La.; Airport Name, Ryan; Elev., 70′; Fac. Class., LOM; Ident., BT; Procedure No. 1, Amdt. 7; Eff Date, 4 Nov. 61, Sup. Amdt. No. 6; Dated, 21 Feb. 59

GJT-VOR	GJT RBn	Direct	8100	T-dn	400–1	400–1	300–1
Loma Int*	GJT RBn (Final)	Direct	8000	C-d#	700–1	700–1	700–1½
Int GJT-VOR R-047 and 290° brng GJT RBn.	GJT RBn	Direct	8000	C-n#	700–2	700–2	700–2
				A-dn	1000–2	1000–2	1000–2
Whitewater Int	GJT RBn	Direct	10000				

Shuttle to 8000′ in a standard right hand holding pattern at GJT-RBn, 110° Inbnd, 290° Outbnd.
Procedure turn South side crs, 290° Outbnd, 110° Inbnd, 8000′ within 10 miles.
Minimum altitude over facility on final approach crs, 7500′.
Crs and distance, facility to airport, 110°—9.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.6 miles of GJT RBn, make a right climbing turn, proceed direct to GJT RBn, climb to 8000′ on 290° brng from RBn within 10 mi.
*Loma Int: Int GJT-VOR R-341 and 110° brng GJT RBn.
#All maneuvering to south of airport, high terrain north.

City, Grand Junction; State, Colo.; Airport Name, Walker Field; Elev., 4858′; Fac. Class., MHW; Ident., GJT; Procedure No. 1, Amdt. 1; Eff. Date, 4 Nov. 61; Sup. Amdt. No. Orig.; Dated, 24 June 61

Myrtle Beach VOR	MYR-MH	Direct	1200	T-dn	300–1	300–1	200–½
				C-dn	700–1	700–1	700–1½
				A-dn	800–2	800–2	800–2

Procedure turn W side of crs 350° Outbnd, 170° Inbnd, 1200′ within 10 mi.
Minimum altitude over facility on final approach, 700′
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb to 1500′ on crs 230 within 20 mi.

City. Myrtle Beach; State, S.C.; Airport Name, Myrtle Beach AFB/Mun.; Elev., 25′; Fac. Class., BMH; Ident., MYR; Procedure No. 2, Amdt. 1; Eff. Date, 4 Nov. 61; Sup. Amdt. No. Orig.; Dated, 20 July 57

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
TPA–LFR	PI LOM	Direct	1500	T–dn	300–1	300–1	200–½
PIE–VOR	PI LOM	Direct	1300	C–dn	600–1	600–1	600–1½
Radar Terminal Area Trans Alt Radar Site.		Within 25 mi	#1500	S–dn–17	600–1	600–1	600–1
				A–dn	800–2	800–2	800–2

Procedure turn W side of crs, 350° Outbnd, 170° Inbnd, 1300′ within 10 mi.
Minimum altitude over facility on final approach crs, 800′.
Crs and distance, facility to airport, 170°—4.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 mi, turn right, climbing to 1500′ on course of 270°, intercept and proceed out 220° brng from PI LOM within 20 miles.
Other change: Deletes reference to Harbor FM.
#Radar control must provide 1000′ clearance when within 3 miles or 500′ clearance when between 3–5 miles of radio towers 861′ MSL 19.5 mi ESE and 1135′ MSL 23 mi ESE of airport.

City, St. Petersburg; State, Fla.; Airport Name, St. Petersburg-Clearwater International; Elev., 10′; Fac. Class., LOM; Ident., PI; Procedure No. 1, Amdt. 4; Eff. Date, 4 Nov. 61, or on decom. of Harbor FM; Sup. Amdt. No. 3; Dated, 5 Aug. 61

EVE–LFR	SZI–RBn	Direct	2000	T–dn	300–1	300–1	200–½
Hobart FM	SZI–RBn	Direct	4000	C–dn	800–2	800–2	800–2
Black Diamond Int	SZI–RBn	Direct	3000	A–dn	800–2	800–2	800–2
SJ–LFR	SZI–RBn	Direct	2000				
SEA–VOR	SZI–RBn	Direct	2000				
Burton Int	SZI–RBn	Direct	2000				
Vashon Int	SZI–RBn	Direct	2000				
Port Gamble Int	SZI–RBn	Direct	2000				
Lofall Int	SZI–RBn	Direct	2000				

Radar transitions and vectoring using Seattle-Tacoma Radar authorized in accordance with approved radar patterns.
Procedure turn S side of crs, 114° Outbnd, 294° Inbnd, 2000′ within 10 mi. NA beyond 10 mi.
Minimum altitude over SJ–LFR/Z on final approach crs, 1400′.
Crs and distance, SJ–LFR/Z to airport, 294°—2.1 mi. SZI–RBn on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles after passing SJ–LFR/Z, climb to 2000′ on crs 291° within 10 mi of SZI–RBn.
CAUTION: 606′ MSL tank 3 miles W, 578′ MSL tower 3½ miles NW, and 556′ MSL tank 2.3 miles E of airport.

City, Seattle; State, Wash.; Airport Name, King County (Boeing Field); Elev., 17′; Fac. Class., MHW; Ident., SZI; Procedure No. 1, Amdt. 1; Eff. Date, 4 Nov. 61; Sup. Amdt. No. Formerly numbered Proc. 3, Orig.; Dated, 10 June 61

PROCEDURE CANCELLED, EFFECTIVE NOVEMBER 4, 1961.

City, Seattle; State, Wash.; Airport Name, Boeing Field; Elev., 17′; Fac. Class., SBRAZ; Ident., SJ; Procedure No. 1, Amdt. 1; Eff. Date, 5 May 56; Sup. Amdt. No. Orig.; Dated, 26 Nov. 55

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Berea Int	STG–VOR	Direct	2300	T–dn	300–1	300–1	200–½
Cleveland LFR	STG–VOR	Direct	2300	C–dn	400–1	500–1	500–1½
Cleveland VOR	STG–VOR	Direct	2300	S–dn–36	400–1	400–1	400–1
Medina Int	STG–VOR	Direct	2300	A–dn	800–2	800–2	800–2
Brunswick Int#	STG–VOR (Final)	Direct	1700				

Radar transition and vectoring authorized in accordance with approved radar patterns. Radar may be used to position aircraft on final approach course 015° Inbnd within 5 mi of Brunswick Int at 2500′ MSL, with elimination of procedure turn.
Procedure turn East side of crs, 195° Outbnd, 015° Inbnd, 2300′ within 10 mi.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 015°—4.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles, make left climbing turn direct to CLE–VOR at 2000′, hold South on R–249 one minute, right turns.
CAUTION: 1971′ tower 7.5 mi ENE and 1585′ tower 5.5 mi E of Strongville VOR.
#Brunswick Int: Int R–123 CLE–VOR and R–195 STG–VOR.

City, Cleveland; State, Ohio; Airport Name, Cleveland-Hopkins; Elev., 789′; Fac. Class., BVOR; Ident., STG; Procedure No. 1, Amdt. 1; Eff. Date, 4 Nov. 61; Sup. Amdt. No. Orig.; Dated, 15 July 61

				T–dn	300–1	300–1	300–1
				C–d*	900–1	900–1	900–1½
				C–n*	900–2	900–2	900–2
				A–dn	900–2	900–2	900–2

Procedure turn E side of crs, 157° Outbnd, 337° Inbnd, 2000′ within 10 mi.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 038°—8.4.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.4 mi, turn right, climb to 2000′ direct to HQM VOR.
CAUTION: 600′ hills N and NE of airport.
*All circling and maneuvering will be executed south of Runway 6/24.

City, Hoquiam; State, Wash.; Airport Name, Bowerman; Elev., 14′; Fac Class., BVOR; Ident., HQM; Procedure No. 1, Amdt. 1; Eff. Date, 4 Nov. 61; Sup. Amdt. No. Orig.; Dated, 24 Sept. 55

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-29	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn N side crs, 108° Outbnd, 288° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 288°—5.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.9 mi, climb to 2000′, turn left and return to MSL-VOR or, when directed by ATC, climb to 2000′ on R-293 of MSL-VOR within 10 mi.
CAUTION: Transmission line poles 654′ MSL located 1.5 mi E of approach end of Runway 29.

City, Muscle Shoals; State, Ala.; Airport Name, Muscle Shoals; Elev., 548′; Fac. Class., BVOR; Ident., MSL; Procedure No. 1, Amdt. 11; Eff. Date, 4 Nov. 61; Sup. Amdt. No. 10; Dated, 27 Feb. 60

SAT-VOR	SSF-VOR	Direct	2200	T-dn	300–1	300–1	NA
McCoy Int	SSF-VOR	Direct	2100	C-dn#	400–1	500–1	NA
Losoya Int	SSF-VOR	Direct	2100	S-dn-32#	400–1	400–1	NA
				A-dn	800–2	800–2	NA

Procedure turn East side of crs, 157° Outbnd, 337° Inbnd, 2100′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 337°—4.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles, turn left, climb to 2200′ on the SAT-VOR R-174 to Losoya Int. (Losoya holding pattern—hold south on the SAT-VOR R-174, left turns, 2 minutes, 2200′).
NOTE: Night operations authorized Runway 14–32 only.
CAUTION: 2049′ TV tower 11 mi ESE of Stinson Field.
#Descent below 1200′ MSL and ceiling less than 500′ NA unless position over the (1) LVR R-240, or (2) SOT R-057 is identified on final approach.

City, San Antonio; State, Tex.; Airport Name, Stinson Field; Elev., 567′; Fac. Class., VORW; Ident., SSF; Procedure No. 1, Amdt. Orig.; Eff. Date, 4 Nov. 61, or on com of facility

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
TPA-LFR	PIE-VOR	Direct	1500	T-dn	300–1	300–1	200–½
Radar terminal area transition altitudes:	Radar site	Within 25 mi	#1500	C-dn	700–1	700–1	700–1½
				S-dn-17	700–1	700–1	700–1
				A-dn	800–2	800–2	800–2

Procedure turn W side of crs, 342° Outbnd, 162° Inbnd, 1300′ within 10 mi.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, breakoff point to app end Runway 17, 170°—0.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mi after passing PIE-VOR turn right, climb to 1500′ on R-270 within 20 mi or, when directed by ATC, turn right, climb to 1500′ on R-225 within 20 mi.
Other change: Deletes reference to Harbor FM.
#Radar control must provide 1000′ clearance when within 3 miles or 500′ clearance when between 3–5 miles of radio towers 861′ MSL 19.5 miles ESE and 1135′ MSL 23 miles ESE of airport.

City, St. Petersburg; State, Fla.; Airport Name, St. Petersburg-Clearwater International; Elev., 10′; Fac. Class., BVORTAC; Ident., PIE; Procedure No. Ter VOR-17, Amdt. 5; Eff. Date, 4 Nov. 61, or on decom. of Harbor FM; Sup Amdt. No. 4; Dated, 5 Aug. 61

5. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
All directions	Radar site	Within 20 mi	2000	Surveillance Approach			
				T-dn*	300–1	300–1	200–½
				C-dn*	400–1	500–1	500–1½
				S-dn*	400–1	400–1	400–1
				A-dn*	800–2	800–2	800–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb immediately to 2500' on runway heading then proceed direct to Richmond LOM.

*Rnwy 02, 06, 15, 20, 24, and 33.

City, Richmond; State, Va.; Airport Name, Byrd Field; Elev., 167'; Fac. Class., Richmond; Ident., Radar; Procedure No. 1, Amdt. Orig.; Eff. Date, 4 Nov. 61

These procedures shall become effective on the dates specified therein.

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

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

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

[F.R. Doc. 61–9556; Filed, Oct. 25, 1961; 8:45 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.472]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Miscellaneous Amendments

Parts 41 and 42, Chapter I, Title 22 of the Code of Federal Regulations are hereby amended in the following respects:

1. Sections 41.91(a)(9) and 41.91(a)(10)(i) are amended to read as follows:

§ 41.91 Aliens ineligible to receive visas.

(a) *Aliens ineligible under the provisions of section 212(a) of the Act.* * * *

(9) *Crime involving moral turpitude.* (i) A determination that a crime involves moral turpitude shall be based upon the moral standards generally prevailing in the United States. Before a finding of ineligibility under section 212(a)(9) of the Act may be made because of an admission of the commission of acts which constitute the essential elements of a crime involving moral turpitude, it must first be established that the acts constitute a crime under the criminal law of the jurisdiction where they occurred.

(ii) An alien who has been convicted of a crime involving moral turpitude or who admits the commission of acts which constitute the essential elements of such a crime and who has committed an additional crime involving moral turpitude is ineligible to receive a visa under the provisions of section 212(a)(9) of the Act although the crimes were committed while the alien was under the age of eighteen years.

(iii) An alien shall not be ineligible to receive a visa under section 212(a)(9) of the Act by reason of having been tried and treated as a juvenile by a juvenile court for the commission of an offense involving moral turpitude provided the alien was under the age of eighteen years at the time the offense was committed. An alien convicted as an adult of a crime involving moral turpitude shall be subject to the provisions of section 212(a)(9) of the Act regardless of whether juvenile courts existed within the jurisdiction at the time of the conviction and regardless of whether he was under the age of eighteen years at the time the offense was committed.

(iv) A conviction *in absentia* of a crime involving moral turpitude shall not constitute a conviction within the meaning of section 212(a)(9) of the Act.

(v) An alien shall not be considered ineligible to receive a visa under section 212(a)(9) of the Act by reason of a conviction of a crime involving moral turpitude for which a full and unconditional pardon has been granted by the President of the United States, by the Governor of a State of the United States, by the former High Commissioner for Germany acting pursuant to Executive Order 10062, or by the United States Ambassador to the Federal Republic of Germany acting pursuant to Executive Order 10608. A legislative pardon or a pardon, amnesty, expungement of penal record or any other act of clemency granted by a foreign state shall not serve to remove a ground of ineligibility under section 212(a)(9) of the Act.

(vi) The term "purely political offense" as used in section 212(a)(9) of the Act shall include offenses which resulted in convictions obviously based on trumped-up charges or predicated upon repressive measures against racial, religious or political minorities.

(10) *Conviction of two or more offenses.* (i) An alien shall not be ineligible to receive a visa under section 212(a)(10) of the Act by reason of having been tried and treated as a juvenile by a juvenile court for the commission of two or more offenses regardless of the period of confinement imposed by the sentence provided the alien was under the age of eighteen years at the time the offenses were committed. An alien convicted as an adult of two or more offenses for which the aggregate sentences to confinement actually imposed were five years or more shall be subject to the provisions of section 212(a)(10) of the Act regardless of whether juvenile courts existed within the jurisdiction at the time of conviction and regardless of whether he was under the age of eighteen years at the time the offenses were committed.

2. Section 41.115 is amended to read as follows:

§ 41.115 Application forms.

(a) *Aliens required to execute applications.* Every alien applying for a nonimmigrant visa shall make application therefor on Form FS–257 (Application for Nonimmigrant Visa and Alien Registration) unless personal appearance is

waived under § 41.114. If personal appearance is waived, the application form shall be completed by the consular officer from available information. In the case of an alien under sixteen years of age, or one physically incapable of making an application, the application may be made by the alien's parent or guardian, or if the alien has no parent or guardian, by any person having legal custody of or a legitimate interest in the alien.

(b) *Additional information as part of application.* In any case in which the consular officer believes that the information provided in Form FS–257 is inadequate to determine the alien's eligibility to receive a nonimmigrant visa he may require the submission of such additional information as may be necessary or interrogate the alien on any matter which is deemed material. Any additional statements made by the alien shall become a part of the visa application. All documents required under the authority of § 41.111(a) shall be considered papers submitted with the alien's application within the meaning of section 221(g)(1) of the Act.

(Sec. 222, 66 Stat. 193, 75 Stat. 653; 8 U.S.C. 1202)

3. Section 42.12(a) is amended to read as follows:

§ 42.12 Classification symbols.

* * * * *

(a) The following symbols shall be used in the cases of nonquota immigrants:

Class	Section of the law	Symbol to be inserted in visa
Eligible orphan adopted abroad	4(b)(2)(A), Act of 9–11–57, as amended.	K–1
Eligible orphan to be adopted	4(b)(2)(B), Act of 9–11–57, as amended.	K–2
Spouse or child of adjusted first preference immigrant	9, Act of 9–11–57, as amended.	K–3
Beneficiary of first preference petition approved prior to July 1, 1958	12A, Act of 9–11–57, as amended.	K–4
Spouse or child of beneficiary of first preference petition approved prior to July 1, 1958.	do	K–5
Beneficiary of second preference petition approved prior to July 1, 1957	12, Act of 9–11–57, as amended.	K–6
Beneficiary of third preference petition approved prior to July 1, 1957	do	K–7
German expellee	15(a)(1), Act of 9–11–57, as amended.	K–8
Netherlands refugee or relative	15(a)(2), Act of 9–11–57, as amended.	K–9
Refugee-escapee	15(a)(3), Act of 9–11–57, as amended.	K–10
Azores natural calamity victim	1(A), Act of 9–2–58, as amended.	K–11
Accompanying spouse or unmarried minor son or daughter of alien classified K–11.	1, Act of 9–2–58, as amended.	K–12
Netherlands national displaced from Indonesia	1(B), Act of 9–2–58, as amended.	K–13
Accompanying spouse or unmarried minor son or daughter of alien classified K–13.	1, Act of 9–2–58, as amended.	K–14
Parent of United States citizen registered prior to Dec. 31, 1953	4, Act of 9–22–59	K–15
Spouse or child of alien resident registered prior to Dec. 31, 1953	do	K–16
Brother, sister, son or daughter of United States citizen registered prior to Dec. 31, 1953.	do	K–17
Spouse or child of alien classified K–15, K–16, or K–17	do	K–18
Parent of United States citizen admitted as alien under Refugee Relief Act of 1953.	6, Act of 9–22–59	K–19
Spouse or child of alien admitted under Refugee Relief Act of 1953	do	K–20
Beneficiary of second preference petition filed prior to July 1, 1961	25(a), Act of 9–26–61	K–21
Beneficiary of third preference petition filed prior to July 1, 1961	do	K–22
Spouse of United States citizen	101(a)(27)(A) of the Act	M–1
Child of United States citizen	do	M–2
Eligible orphan adopted abroad	do	M–3
Eligible orphan to be adopted	do	M–4
Returning resident	101(a)(27)(B) of the Act	N
Native of certain Western Hemisphere countries	101(a)(27)(C) of the Act	O–1
Spouse of alien classified O–1 (unless O–1 in own right)	do	O–2
Child of alien classified O–1 (unless O–1 in own right)	do	O–3
Person who lost United States citizenship by marriage	101(a)(27)(D) and 324(a) of the Act.	P–1
Person who lost United States citizenship by serving in foreign armed forces.	101(a)(27)(D) and 327 of the Act.	P–2
Minister of religion	101(a)(27)(F) of the Act	Q–1
Spouse of alien classified Q–1	do	Q–2
Child of alien classified Q–1	do	Q–3
Certain employees or former employees of United States Government abroad.	101(a)(27)(G) of the Act	R–1
Accompanying spouse of alien classified R–1	do	R–2
Accompanying child of alien classified R–1	do	R–3

4. Section 42.27 is amended to add the following paragraph.

§ 42.27 Classes created by special legislation.

* * * * *

(g) An alien shall be classifiable as a nonquota immigrant if he establishes to the satisfaction of the consular officer by the presentation of appropriate evidence that he qualifies under section 25(a) of the Act of September 26, 1961. Valid petitions according second or third preference quota status which were filed with the Attorney General prior to July 1, 1961 shall be considered to confer nonquota status upon the beneficiary under this section if the alien is found to have retained his relationship to the petitioner, and status, as established in the approved petition.

(Sec. 25(a), Pub. Law 87–301, 75 Stat. 657)

5. Section 42.64(b) is amended to read as follows:

§ 42.64 Procedure in registering quota immigrants.

* * * * *

(b) *Application for registration.* Except as provided in § 42.62(b), the registration of a quota immigrant may be effected upon the basis of an application for registration properly executed by the immigrant and received in the consular office from such immigrant, or by any clear indication of the immigrant's intention to immigrate into the United States which was contemporaneously recorded in the files of a United States consular office abroad or for the Department, or of the Immigration and Naturalization Service of the Department of Justice. When an application for registration is received at a consular office the date, as well as the hour and minute wherever practicable, of the receipt of such registration application form shall be noted thereon and shall constitute the registration priority under which the applicant's name shall be registered in the proper category on the appropriate waiting list.

6. Sections 42.91(a)(1–6)(ii), 42.91(a)(9), 42.91(a)(10)(i), 42.91(a)(10)(ii), 42.91(a)(12)(iv), and 42.91(a)(19)(iv) are amended to read as follows:

§ 42.91 Aliens ineligible to receive visas.

(a) *Aliens ineligible under the provisions of section 212(a) of the Act.* * * *

(1–6) *Medical grounds of ineligibility.* * * *

(ii) The benefits of section 212(f) of the Act as added by the Act of September 26, 1961 shall be available to an alien afflicted with tuberculosis who (*a*) is the spouse, unmarried son or daughter, or the minor unmarried lawfully adopted child, of a United States citizen, or of an alien lawfully admitted for permanent residence, or of an alien who has been issued an immigrant visa, or (*b*) has a son or daughter who is a United States citizen, or an alien lawfully admitted for permanent residence, or an alien who has been issued an immigrant visa.

(Sec. 212(f), 75 Stat. 654; 8 U.S.C. 1182c)

* * * * *

(9) *Crime involving moral turpitude.* (i) A determination that a crime involves moral turpitude shall be based upon the moral standards generally prevailing in the United States. Before a finding of ineligibility under section 212(a)(9) of the Act may be made because of an admission of the commission of acts which constitute the essential elements of a crime involving moral turpitude, it must first be established that the acts constitute a crime under the criminal law of the jurisdiction where they occurred.

(ii) An alien who has been convicted of a crime involving moral turpitude or who admits the commission of acts which constitute the essential elements of such a crime and who has committed an additional crime involving moral turpitude is ineligible to receive a visa under the provisions of section 212(a)(9) of the Act although the crimes were committed while the alien was under the age of eighteen years.

(iii) An alien who is ineligible to receive a visa under section 212(a)(9) of the Act but who qualifies for the benefits of section 212(g) of the Act shall be advised of the procedure for applying to the Immigration and Naturalization

Service for relief under that provision of law. A visa shall not be issued to such an alien until the consular officer has received notification from the Immigration and Naturalization Service of the approval of the alien's application for the benefits of that section.

(Sec. 212(g), 75 Stat. 655)

(iv) An alien shall not be ineligible to receive a visa under section 212(a)(9) of the Act by reason of having been tried and treated as a juvenile by a juvenile court for the commission of an offense involving moral turpitude provided the alien was under the age of eighteen years at the time the offense was committed. An alien convicted as an adult of a crime involving moral turpitude shall be subject to the provisions of section 212(a)(9) of the Act regardless of whether juvenile courts existed within the jurisdiction at the time of the conviction and regardless of whether he was under the age of eighteen years at the time the offense was committed.

(v) A conviction *in absentia* of a crime involving moral turpitude shall not constitute a conviction within the meaning of section 212(a)(9) of the Act.

(vi) An alien shall not be considered ineligible to receive a visa under section 212(a)(9) of the Act by reason of a conviction of a crime involving moral turpitude for which a full and unconditional pardon has been granted by the President of the United States, by the Governor of a State of the United States, by the former High Commissioner for Germany acting pursuant to Executive Order 10062, or by the United States Ambassador to the Federal Republic of Germany acting pursuant to Executive Order 10608. A legislative pardon or a pardon, amnesty, expungement of penal record or any other act of clemency granted by a foreign state shall not serve to remove a ground of ineligibility under section 212(a)(9) of the Act.

(vii) The term *"purely political offense"*, as used in section 212(a)(9) of the Act, shall include offenses which resulted in convictions obviously based on trumped-up charges or predicated upon repressive measures against racial, religious or political minorities.

(10) *Conviction of two or more offenses.* (i) An alien who is ineligible to receive a visa under section 212(a)(10) of the Act but who qualifies for the benefits of section 212(g) of the Act shall be advised of the procedure for applying to the Immigration and Naturalization Service for relief under that provision of law. A visa shall not be issued to such an alien until the consular officer has received notification from the Immigration and Naturalization Service of the approval of the alien's application for the benefits of that section.

(Sec. 212(g), 75 Stat. 655)

(ii) An alien shall not be ineligible to receive a visa under section 212(a)(10) of the Act by reason of having been tried and treated as a juvenile by a juvenile court for the commission of two or more offenses regardless of the period of confinement imposed by the sentence provided the alien was under the age of eighteen years at the time the offenses were committed. An alien convicted as an adult of two or more offenses for which the aggregate sentences to confinement actually imposed were five years or more shall be subject to the provisions of section 212(a)(10) of the Act regardless of whether juvenile courts existed within the jurisdiction at the time of the conviction and regardless of whether he was under the age of eighteen years at the time the offenses were committed.

* * * * *

(12) *Prostitution, procuring and related activities.* * * *

(iv) An alien who is ineligible to receive a visa under section 212(a)(12) of the Act but who qualifies for the benefits of section 212(g) of the Act shall be advised of the procedure for applying to the Immigration and Naturalization Service for relief under that provision of law. A visa shall not be issued to such an alien until the consular officer has received notification from the Immigration and Naturalization Service of the approval of the alien's application for the benefits of that section.

(Sec. 212(g), 75 Stat. 655)

* * * * *

(19) *Fraud and misrepresentation.* * * *

(iv) An alien who is ineligible to receive a visa under section 212(a)(19) of the Act but who qualifies for the benefits of section 212(h) of the Act shall be advised of the procedure for applying to the Immigration and Naturalization Service for relief under that provision of law. A visa may not be issued to such an alien until the consular officer has received notification from the Immigration and Naturalization Service of the approval of the alien's application for the benefits of that section.

(Sec. 212(h), 75 Stat. 655)

7. Section 42.115 is amended to read as follows:

§ 42.115 Application forms.

(a) *Preliminary questionnaire.* An alien may be required in the discretion of the consular officer to complete Form FS–497 (Questionnaire to Determine Quota or Nonquota Status and Application for Quota Registration) for the purpose of assisting in the determination of the alien's classification and quota chargeability.

(b) *Aliens required to execute applications.* Every alien applying for an immigrant visa shall make separate application therefor on Form FS–510 (Application for Immigrant Visa and Alien Registration) in duplicate. An alien under fourteen years of age, or one physically incapable of executing an application, may have his application for an immigrant visa executed in his behalf by a parent or guardian. If the alien has no parent or guardian, the application may be executed by any person having lawful custody of, or a legitimate interest in, such alien.

(c) *Additional information as part of application.* In any case in which the consular officer believes that the information provided in Form FS–510 is inadequate to determine the alien's eligibility to receive an immigrant visa he may require the submission of such additional information as may be necessary or interrogate the alien on any matter which is deemed material. Any additional statements made by the alien shall become a part of the visa application. All documents required under the authority of § 42.111 shall be considered papers submitted with the alien's application within the meaning of section 221(g)(1) of the Act.

(Sec. 222, 66 Stat. 193, 75 Stat. 63; 8 U.S.C. 1202)

8. Section 42.122(a) is amended to read as follows:

§ 42.122 Validity of visas.

(a) The period of validity of a quota or nonquota visa shall not exceed four months, beginning with the date of issuance, except that any visa issued to a child lawfully adopted by a United States citizen and spouse while such citizen is serving abroad in the United States armed forces, or is employed abroad by the United States Government, or is temporarily abroad on business, shall be valid until such time, for a period not to exceed three years, as the adoptive citizen parent returns to the United States in due course of his service, employment, or business.

(Sec. 221(c), 66 Stat. 191, 75 Stat. 651; 8 U.S.C. 1201)

Effective date: Except for the provisions of paragraphs 1 and 5 of this order, which shall become effective upon publication in the FEDERAL REGISTER, this order shall be considered effective as of September 26, 1961, in that the regulations prescribed herein, with the exception of paragraphs 1 and 5, are necessary for carrying out the provisions of Public Law 87–301, which was approved on that date.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 1003) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

S. A. BONTEMPO,
Administrator, Bureau of Security and Consular Affairs.

OCTOBER 20, 1961.

[F.R. Doc. 61–10194; Filed, Oct. 25, 1961; 8:48 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER A—BUREAU OF ACCOUNTS

PART 281—FOREIGN EXCHANGE OPERATIONS

Part 281, Subchapter A, Chapter II, Title 31, of the Code of Federal Regulations of the United States of America (appearing also as Treasury Department

Circular No. 930, as amended), is hereby revised to read as entitled above and as follows:

Sec.
281.1 Authority.
281.2 [Reserved]
281.3 Collections.
281.4 Guaranty funds.
281.5 Depositaries.
281.6 Withdrawals for Treasury accounts.
281.7 Limitations.
281.8 Reporting and accounting.
281.9 General provisions.

AUTHORITY: §§ 281.1 to 281.9 issued under sec. 114, 64 Stat. 836, sec. 613, 75 Stat. 443; 31 U.S.C. 66b; E.O. 10488, 18 F.R. 5699, 3 CFR, 1949–1953 Comp.; E.O. 10900, 26 F.R. 143.

§ 281.1 Authority.

By virtue of the authority vested in the Secretary of the Treasury by section 114 of the Budget and Accounting Procedures Act of 1950, 64 Stat. 836, 31 U.S.C. 66b; section 613 of the Act of September 4, 1961, 75 Stat. 443; Executive Order No. 10488, 18 F.R. 5699, 3 CFR 1949–1953 Comp.; and Executive Order No. 10900, 26 F.R. 143, the following regulations are prescribed for administration of the purchase, custody, deposit, transfer, sale and reporting of foreign exchange (including credits and currencies) by executive departments and agencies (hereinafter referred to as agencies).

§ 281.2 [Reserved]

§ 281.3 Collections.

Foreign exchange collected by agencies shall be delivered promptly into the custody of accountable officers for credit to accounts of the Secretary of the Treasury (hereinafter referred to as the Secretary) unless otherwise directed by the Secretary. The term "collections," for the purpose of these regulations in this part, does not include foreign exchange acquired by the United States by purchase with dollars. The accountable officer shall maintain records showing the collections, by source, and indicating the miscellaneous receipt accounts or other accounts in the Treasury to be credited with dollar proceeds from sale of the foreign exchange, and such further classifications as may be needed to indicate exchange which can be used only for restricted purposes. Accountable officers shall be advised by the collecting agencies of the source of collections and any restrictions on the use of the foreign exchange in order that the foregoing records may be maintained.

§ 281.4 Guaranty funds.

The regulations in this part are applicable to all foreign exchange acquired by the United States under guaranty provisions of section 1011 of the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1442), except that receipts of such foreign exchange shall be deposited in the foreign exchange accounts of the Treasurer of the United States referred to in § 281.5(c).

§ 281.5 Depositaries.

(a) Except as provided in paragraph (b) of this section, foreign exchange which is held by accountable officers for account of the Secretary and foreign exchange acquired by accountable officers by purchase or otherwise, which is not immediately disbursed but is held by such officers for their own account or for the account of any agency, shall be maintained only in depositaries designated by the Secretary. Unless otherwise directed by the Secretary, accountable officers are not required to have separate depositary accounts for foreign exchange held for the Secretary's account.

(b) Accountable officers may carry foreign exchange as cash outside depositaries only pursuant to authority granted in accordance with Treasury Department Circular No. 1030 dated July 24, 1959, as amended.

(c) Deposits in and withdrawals from foreign exchange accounts maintained with depositaries in the name of the Treasurer of the United States will be made only as directed by the Secretary.

§ 281.6 Withdrawals from Treasury accounts.

Foreign exchange shall be withdrawn from accounts of the Secretary on the books of accountable officers or from the foreign exchange accounts carried with depositaries in the name of the Treasurer of the United States, only for the purpose of (a) sale for dollars or (b) transfer to agencies for authorized purposes, without reimbursement to the Treasury, as provided by or pursuant to law. Such transfers, as well as transfers between foreign exchange accounts of the Secretary and between foreign exchange accounts in the name of the Treasurer of the United States, shall be made only by direction of the Secretary. An agency requiring foreign exchange from the Treasury Department shall make request of the Secretary, indicating the amount of exchange required, in units of foreign currency, and the name and location of the accountable officer to receive the exchange. To the extent practicable and desirable, standing authorizations will be given for withdrawals from accounts of the Secretary. The following conditions apply to the sale of foreign exchange and to the requisition of foreign exchange without dollar payment:

(1) *Sales.* The dollar proceeds realized from the sale of exchange shall be credited to the appropriate miscellaneous receipt account or other account in the Treasury. With respect to the sale of foreign exchange by the Treasury Department, the payment in dollars shall be calculated at the rate of exchange that would otherwise be available to the United States for the acquisition of the foreign exchange for its official disbursements. When such rate is not readily ascertainable, the Treasury will determine the rate in consultation with the agencies concerned. The dollar payment for foreign exchange purchased shall not be charged as an appropriation expenditure until the foreign exchange is disbursed.

(2) *Transfers without reimbursement.* When foreign exchange is to be obtained from the Treasury Department without payment of dollars, the agency concerned shall furnish written certification that the exchange may be used without reimbursement to the Treasury, citing the relevant legal authority. In cases where international agreements or Bureau of the Budget allocations specify the programs for which foreign exchange may be used, the Secretary may transfer exchange to agencies without requiring a certification.

§ 281.7 Limitations.

The following limitations apply to the purchase and holding of foreign exchange:

(a) Unless otherwise authorized by the Secretary, no agency or accountable officer shall purchase, or direct the purchase of, foreign exchange from any source outside the Government of the United States, except when exchange for the purpose intended is not available for purchase from within the Government.

(b) All foreign exchange acquired by agencies by transfer from the Treasury Department, without payment of dollars, for the purpose of making authorized expenditures, shall be placed with accountable officers for account of the agencies concerned.

(c) Unless otherwise authorized by the Secretary, no accountable officer shall purchase foreign exchange which, together with the balance on hand at the time of purchase, would exceed estimated requirements for a thirty-day period.

(d) Agencies shall return promptly to accountable officers, for credit to accounts of the Secretary, any amounts of foreign exchange obtained without purchange with dollars, which the agencies determine to be in excess of their needs.

§ 281.8 Reporting and accounting.

The Treasury Department will maintain a system of central accounting and reporting for the purpose of providing information on foreign exchange operations to the President, the Congress, and the public. The Treasury Department will also prescribe rules to enhance consistency in the reporting of foreign exchange operations by all agencies. Agencies shall furnish such reports and information as may be required for the administration of the provisions of this circular.

§ 281.9 General provisions.

(a) Nothing contained in this part shall be construed as having the effect of superseding or amending the provisions of any regulations issued or approved by the Secretary pursuant to the Act of December 23, 1944, as amended (67 Stat. 61).

(b) The Secretary may waive, withdraw, or amend at any time or from time to time any or all of the provisions of the regulations of this part.

(c) Implementing regulations within the framework of this circular will be issued by the Fiscal Assistant Secretary of the Treasury. All communications pertaining to the administration of the provisions of this part shall be directed to the Fiscal Assistant Secretary.

Dated: October 20, 1961.

[SEAL] ROBERT V. ROOSA,
Under Secretary for Monetary Affairs.

[F.R. Doc. 61–10199; Filed, Oct. 25, 1961; 8:49 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14140 (RM–47); FCC 61–1215]

PART 11—INDUSTRIAL RADIO SERVICES

Petroleum Radio Service

1. Tone and impulse signaling in the Petroleum Radio Service, for alarm purposes, is authorized by reason of rules changes ordered in this document.

2. This proceeding began on June 1st, 1961, when the Commission adopted a notice of proposed rule making (26 F.R. 5158, June 8, 1961), containing the following proposal: Addition of new rules which would allow the transmission, on a secondary basis, of audio tones and impulses on mobile service frequencies above 25 Mc, for purposes of automatically alarming of actual or impending equipment or apparatus failures.

Comments upon this proposal were invited; and they were received. The time within which both Comments and Reply Comments might be filed has now expired.

3. The General Electric Company, Motorola, Inc., Colorado Interstate Gas Company, and the Central Committee on Radio Facilities of the American Petroleum Institute (hereinafter API) all commented. With the exception of the API, all favored adoption of the Rules changes proposed, and in the form proposed. The API, while in general agreement with our proposal, has suggested a modification which, in its view, would be more conducive to orderly and efficient tone signaling operations.

4. The API desires that tone or impulse signaling in the Petroleum Radio Service be confined to "* * * an area within the normal service range of an established mobile system on the same frequency and operated by the same licensee." Inclusion of this restrictive language, at the suggestion of those persons "to be regulated", poses no problem to the Commission except insofar as we may be called upon, at some future time, to settle controversies relating to the nature and limits of "normal service ranges" of Petroleum Service mobile systems. But, as the ultimate determinative of interference problems, we direct attention to, and re-affirm the premise articulated in paragraph 5 of our notice in this proceeding—that tone signaling will be authorized only on a basis secondary to that of normal voice communications, and that any controversy which may arise over the use of tones and impulses will be resolved in favor of maintaining or re-establishing the integrity of voice communications on mobile service frequencies. In this context the modification suggested by the API will be reflected in the rules amendments ordered herein.

5. In view of the foregoing, the Commission finds that the public interest, convenience, and necessity will be served by the amendments ordered herein. Therefore, pursuant to authority contained in sections 4(i), 303 (f) and (r) of the Communications Act of 1934, as amended: *It is ordered*, That effective December 1, 1961, § 11.302, and 11.303, Part 11, of the Commission's rules governing the Petroleum Radio Service are amended in the manner set forth below; and the proceedings in this Docket No. 14140 are hereby terminated.

(Sec. 4, 48 Stat. 1068, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: October 18, 1961.

Released: October 23, 1961.

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

1. Section 11.302 is amended by the addition of new paragraphs (c) and (d).

§ 11.302 Availability and use of Service.

* * * * *

(c) Fixed operations in the Petroleum Service are authorized primarily for voice as well as tone and impulse signaling. Mobile operations in the Petroleum Service are authorized primarily for voice communications and such tone or impulse signaling as may be necessary to establish or maintain voice communication.

(d) Tone or impulse signaling, for purposes other than to establish or maintain voice communications may be secondarily used to the extent provided in this Subpart on mobile service frequencies above 25 Mc in the Petroleum Radio Service subject to the condition that harmful interference is not caused to the primary operations of any other licensee on the particular frequency. All such secondary tone or impulse signaling shall be subject to the following limitations.

(1) The only purposes for which such secondary signaling may be used are:

(i) Automatic indication of failure of equipment or service in the production, collection, refining, or transporting facilities of the licensee.

(ii) Automatic indication of an abnormal condition in the producton, collection, refining, or transporting facilities of the licensee, which if not promptly corrected would result in failure of the equipment affected.

(2) Any one alarm or warning utilizing secondary tone or impulse signaling shall be limited to not more than five transmissions, not to exceed six seconds each, and no two transmissions shall commence in the same sixty-second period.

(3) The bandwidth utilized for secondary tone or impulse signaling shall not exceed that authorized to the licensee for voice emission on the frequency concerned.

(4) Frequency loading resulting from the use of secondary tone or impulse signaling will not be considered in whole or in part as a justification for authorizing additional frequencies in the licensee's mobile service system.

(5) A mobile service frequency may not be used exclusively for secondary tone or impulse signaling.

2. Section 11.303 is amended by the addition of a new paragraph (b).

§ 11.303 Station limitations.

* * * * *

(b) Operational fixed stations may be authorized in this service on any frequency above 25 Mc which is being used by the applicant for mobile operations, subject to the conditions and for the purposes set forth in § 11.302(d) and further subject to the following limitations and exemptions:

(1) Only those operational fixed stations which are automatically activated and which are located within the area normally covered by the licensees mobile system will be authorized under the provisions of this paragraph. The use of such operational fixed stations shall cause no harmful interference to any station operating in the mobile service on the same frequency.

(2) The plate power input to the final radio frequency stage of any transmitter shall not exceed 50 watts.

(3) Only A1, A2, F1, or F2 emissions will be authorized for such operational fixed stations.

(4) Operational fixed stations licensed under the provisions of this paragraph are exempt from the requirements of §§ 11.54(e)(2), 11.107(c), and 11.152.

(5) Any operational fixed station authorized under the provisions of this paragraph shall be equipped with a device which will automatically de-activate the transmitter, and require manual reset in the event the carrier of such transmitter remains on for a period in excess of three minutes.

[F.R. Doc. 61–10206; Filed, Oct. 25, 1961; 8:50 a.m.]

Title 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

Appendix—Canal Zone Orders

[Canal Zone Order 57]

CONDITIONS OF EMPLOYMENT IN THE SERVICE OF THE CANAL ZONE GOVERNMENT ON THE ISTHMUS OF PANAMA

Amendment of Leave Provisions

By virtue of the authority vested in the President of the United States by section 81 of title 2 of the Canal Zone Code, as amended by section 3 of the Act of July 9, 1937 (50 Stat. 487), and delegated to me by Executive Order No. 9746 of July 1, 1946 (11 F.R. 7329), as amended by Executive Order No. 10595 of February 7, 1955 (20 F.R. 819); the Executive Order No. 1888 of February 2, 1914, as amended, relating to conditions of employment in the service of the Canal Zone Government on the Isthmus of Panama, is hereby further amended as follows:

SECTION 1. The last sentence of section 20 of the said Executive Order No. 1888, as last amended by Canal Zone Order No. 51 of February 17, 1959, 24 F.R. 1462, is amended to read as follows:

20. *What employees entitled to leave privileges under sections 20 to 35.* * * * "The term 'employees' as used in this section shall mean full-time employees

and part-time employees for whom there has been established in advance a reguglar tour of duty during each administrative work week."

SEC. 2. The second sentence of section 22 of Executive Order No. 1888 is amended to read as follows:

22. *Accrual of leave.* * * * "A full-time employee shall be entitled to 324 hours of annual leave each leave year, which shall accrue at the rate of 12½ hours for each of the first 25 full, biweekly pay periods in the leave year, and 11½ hours for the 26th pay period in such year; and a part-time employee shall be entitled to such annual leave on a pro rata basis: *Provided,* That leave shall accrue to an employee only while in a pay status."

SEC. 3. The first sentence of section 29 of Executive Order No. 1888 is amended by changing the first word to "A" and inserting after it the word "full-time".

SEC. 4. This order shall take effect on the first day of the second biweekly pay period that commences after the date of its promulgation.

ELVIS J. STAHR, Jr.,
Secretary of the Army.

OCTOBER 19, 1961.

[F.R. Doc. 61-10182; Filed, Oct. 25, 1961; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Fort Peck Game Range, Montana

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

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

MONTANA

FORT PECK GAME RANGE

Public hunting of big game on the Fort Peck Game Range, Montana, is permitted only on the area designated by signs as open to hunting. This open area, comprising 386,000 acres or 40 per cent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 N. E. Holladay, Portland 8, Oregon. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Elk.

(b) Open season: October 29 through November 12, 1961.

(c) Bag limits: State Area 62, Phillip County, Timber Creek to Fourchette Creek: 1 elk either sex. State Area 62, Phillip County, Fourchette Creek west to Manning Corral Road: 1 antlered elk. State Area 63, Valley County: 1 Elk either sex. The limit shall be 1 elk per hunter per season.

(d) Methods of hunting: 1. Weapons: As prescribed by State regulations.

(e) Other provisions:

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

2. Special permits, which will specify sex of animal and area in which the elk may be taken, will be issued by the State Fish and Game Department on October 28, 1961, at Malta and Glasgow, Montana. Applicant must be present when drawings are made.

3. A Federal permit is not required to enter the public hunting area, but hunters must report at such checking stations as may be established when entering or leaving the area.

4. The provisions of this special regulation are effective to November 13, 1961.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 20, 1961.

[F.R. Doc. 61-10177; Filed, Oct. 25, 1961; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

GREENHOUSE TOMATOES

Proposed United States Standards for Grades [1]

Notice is hereby given that the United States Department of Agriculture is considering the revision of United States Standards for Greenhouse Tomatoes pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

Statement of considerations leading to the proposed revision. The proposed revision is designed to make the standards more applicable to current cultural and marketing practices.

Industry members and inspection service personnel have requested the revision to bring the standards more in line with present commercial operations.

The proposed revision would include changes in all grades reflecting more precise definitions of "injury", "damage" and "serious damage". The proposal does not reflect any intention to tighten or loosen the scoring of any specific defect of the various grades, but more accurately defines the defects which affect the particular grade. This should assist materially in providing more uniformly graded classes of tomatoes to the markets.

The existing standards require in all grades that fruit show externally at least a "slightly turning pink or red color". Due to improved cultural practices and newly developed varieties larger percentages of mature fruits show pink or red color internally with no signs of external color. A new definition of "mature" would permit fruit to show either an external or internal break in color from green.

A number of other minor changes in phraseology are also proposed in the interest of clarity.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D.C., not later than November 30, 1961.

The proposed standards, as revised, are as follows:

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State Laws and regulations.

GRADES

Sec.
51.3345 U.S. Fancy.
51.3346 U.S. No. 1.
51.3347 U.S. No. 2.

UNCLASSIFIED

51.3348 Unclassified.

TOLERANCES

51.3349 Tolerances.

APPLICATION OF TOLERANCES

51.3350 Application of tolerances.

SIZE CLASSIFICATION

51.3351 Size classification.

STANDARD PACK

51.3352 Standard pack.

DEFINITIONS

51.3353 Similar varietal characteristics.
51.3354 Mature.
51.3355 Soft.
51.3356 Fairly well formed.
51.3357 Fairly smooth.
51.3358 Injury.
51.3359 Badly misshapen.
51.3360 Damage.
51.3361 Serious damage.

AUTHORITY: §§ 51.3345 to 51.3361 issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

GRADES

§ 51.3345 U.S. Fancy.

"U.S. Fancy" consists of tomatoes of similar varietal characteristics, which are mature but not overripe or soft, fairly well formed, fairly smooth and free from decay, freezing injury, cuts, shriveling, injury caused by bruises, sunscald, scars and catfaces, and damage caused by puffiness, growth cracks, disease, insects, mechanical or other means. (See tolerances § 51.3349.)

§ 51.3346 U.S. No. 1.

"U.S. No. 1" consists of tomatoes of similar varietal characteristics, which are mature but not overripe or soft, not badly misshapen, free from decay, freezing injury, and damage caused by bruises,, cuts, shriveling, sunscald, puffiness, catfaces, growth cracks, scars, disease, insects, mechanical or other means. (See tolerances § 51.3349.)

§ 51.3347 U.S. No. 2.

"U.S. No. 2" consists of tomatoes of similar varietal characteristics, which are mature but not overripe or soft, free from decay, unhealed cuts, freezing injury, and serious damage caused by shriveling, sunscald, puffiness, catfaces, growth cracks, scars, disease, insects, mechanical or other means. (See tolerances § 51.3349.)

UNCLASSIFIED

§ 51.3348 Unclassified.

"Unclassified" consists of tomatoes which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES

§ 51.3349 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by weight, are provided as specified:

(a) *U.S. Fancy and U.S. No. 1 grades.* 10 percent of the tomatoes in any lot may fail to meet the requirements of the grade, but not more than one-half of this amount, or 5 percent, shall be allowed for serious damage, including in this latter amount not more than 1 percent for tomatoes which are soft or affected by decay.

(b) *U.S. No. 2.* 10 percent of the tomatoes in any lot may fail to meet the requirements of the grade, but not more than one-tenth of this amount or 1 percent shall be allowed for tomatoes which are soft or affected by decay.

(c) *For off-size.* 15 percent of the tomatoes in any lot may vary from the specified size, including therein not more than 5 percent for tomatoes which fail to meet any specified minimum size.

APPLICATION OF TOLERANCES

§ 51.3350 Application of tolerances.

The contents of individual packages are subject to the following limitations: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade:

(a) For a tolerance of 10 percent or more, individual packages in any lot shall have not more than one and one-half times the tolerance specified, except that when the package contains 15 specimens or less, any individual package shall have not more than double the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any package; and,

(b) For a tolerance of less than 10 percent, individual packages in any lot shall have not more than double the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any package.

SIZE CLASSIFICATION

§ 51.3351 Size classification.

The size of tomatoes may be specified in accordance with one of the following classifications:

(a) Small under 3 ounces;
(b) Medium from 3 to 8 ounces; and,
(c) Large over 8 ounces.

§ 51.3352 Standard pack.

Tomatoes shall be fairly uniform in size when packed in containers.

(a) "Fairly uniform in size" means that not more than 10 percent, by weight, of the tomatoes in any container may vary more than the following from the applicable size classification:

(b) 4 ounces for "Medium", "Small to Medium" or "Medium to Large" and,

(c) 6 ounces for "Large" size.

DEFINITIONS

§ 51.3353 Similar varietal characteristics.

"Similar varietal characteristics" means that the tomatoes are alike as to character of color (bright red varieties shall not be mixed with varieties having a purplish tinge).

§ 51.3354 Mature.

"Mature" means that the contents of two or more seed cavities have developed a jelly-like consistency and the seeds are well developed. External or internal color shows at least a definite break from green to buff-yellow or pink.

§ 51.3355 Soft.

"Soft" means that the tomato yields readily to slight pressure.

§ 51.3356 Fairly well formed.

"Fairly smooth" means that the tomato is not decidedly kidney-shaped, lop-sided, elongated, angular or otherwise decidedly deformed.

§ 51.3357 Fairly smooth.

"Fairly smoth" means that the tomato is not conspicuously ridged or rough.

§ 51.3358 Badly misshapen.

"Badly misshapen" means that the tomato is decidedly kidney-shaped, lop-sided, elongated, angular or otherwise decidedly deformed, but the shape is not affected to an extent that the appearance or the edible quality of the tomato is seriously affected.

§ 51.3359 Injury.

"Injury" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which slightly detracts from the appearance, or the edible or shipping quality of the tomato. The following specific defects shall be considered as injury.

(a) Catfaces when scars are rough or deep, when channels are very deep or wide, when channels extend into a locule, or when the appearance of the tomato is affected to a greater extent than that of a tomato 5 ounces in weight having a fairly smooth catface with an area equivalent to that of a circle three-eights inch in diameter.

§ 51.3360 Damage.

"Damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or shipping quality of the tomato. The following specific defects shall be considered as damage:

(a) Puffiness when the open space in one or more locules materially detracts from the appearance of the tomato when cut through the center at right angles to a line running from the stem to the blossom end;

(b) Catfaces when scars are rough or deep, when channels are very deep or wide, when channels extend into a locule, or when the appearance of the tomato is affected to a greater extent than that of a small size tomato with a fairly smooth catface on an area equivalent to that of a circle three-eighths inch in diameter; a medium size tomato with one-half inch area; or a large size tomato with three-fourths inch area.

(c) Growth cracks (radiating from or concentric to the stem scar) when not well healed, when more than one-eighth inch in depth, or when affecting the appearance or shipping quality of the tomato to a greater extent than that of a tomato 5 ounces in weight having any individual radial crack one-half inch in length, or having more than a one inch aggregate length of all radial cracks measured from the edge of the stem scar;

(d) Scars (other than catfaces) when the appearance of the tomato is affected to a greater extent than that of a tomato 5 ounces in weight having a scar with no depth which has an area equivalent to that of a circle three-eighths inch in diameter; and,

(e) Cuts, not well healed, not shallow, or which affect the appearance or shipping quality of the tomato to a greater extent than that of a tomato 5 ounces in weight having a cut one-half inch in length.

§ 51.3361 Serious damage.

"Serious damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which seriously detracts from the appearance or the edible or shipping quality of the tomato. The following specific defects shall be considered as serious damage:

(a) Puffiness when the open space in one or more locules seriously detracts from the appearance of the tomato when cut through the center at right angles to a line running from the stem to the blossom end;

(b) Catfaces when channels extend into the locule, when the wall has been weakened to the extent that slight pressure will cause the tomato to leak, or when the appearance of the tomato is affected to a greater extent than that of a tomato 5 ounces in weight having a fairly smooth catface with an area equivalent to that of a circle 1 inch in diameter;

(c) Growth cracks (radiating from or concentric to the stem scar) when not well healed, when more than one-fourth inch in depth, or when affecting the appearance or shipping quality of the tomato to a greater extent than that of a tomato 5 ounces in weight having individual radial cracks 1 inch in length, or having more than 2½ inch aggregate length of all radial cracks, measured from the edge of the stem scar;

(d) Scars (other than catfaces) when the appearance of the tomato is affected to a greater extent than that of a tomato 5 ounces in weight having a scar with no depth which has an area equivalent to that of a circle 1 inch in diameter; and,

(e) Cuts, not well healed, not shallow, or which affect the appearance or shipping quality of the tomato to a greater extent than that of a tomato 5 ounces in weight having a cut one inch in length.

Dated: October 23, 1961.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 61-10220; Filed, Oct. 25, 1961; 8:52 a.m.]

[7 CFR Part 938]

[Docket No. AO-294-A1]

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

Decision With Respect to Proposed Amendments to Marketing Agreement and Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing 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), upon proposed amendments to Marketing Agreement No. 135 and Marketing Order No. 38, regulating the handling of Irish potatoes grown in certain designated counties of North Dakota and Minnesota.

On the basis of the evidence introduced at the aforesaid hearing, and the record thereof, a recommended decision was filed on September 9, 1961, with the Hearing Clerk, United States Department of Agriculture. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published September 22, 1961, in the FEDERAL REGISTER (26 F.R. 8947).

No exceptions were filed.

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 oppor-

tunity 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.

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

Order, as Amended,[1] *Regulating the Handling of Irish Potatoes Grown in the Red River Valley of North Dakota and Minnesota*

Sec.

938.0 Findings and determinations.

DEFINITIONS

938.1 Secretary.
938.2 Act.
938.3 Person.
938.4 Production area.
938.5 Potatoes.
938.6 Handle or ship.
938.7 Handler.
938.8 Producer.
938.9 Grading.
938.10 Grade and size.
938.11 Maturity.
938.12 Varieties.
938.13 Seed potatoes.
938.14 Tablestock potatoes.
938.15 Washed potatoes.
938.16 Pack.
938.17 Container.
938.18 Committee.
938.19 District.
938.20 Fiscal period.
938.21 Export.
938.22 Label.

COMMITTEE

938.25 Establishment and membership.
938.26 Selection.
938.27 Term of office.
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§ 938.0 Findings and determinations.

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

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held in Grand Forks, North Dakota, on June 28, 1961, upon proposed amendments to Marketing Agreement No. 135 and Order No. 38 (7 CFR Part 938), regulating the handling of Irish potatoes grown in the Red River Valley of North Dakota and Minnesota. Upon the basis of evidence introduced at such hearing, and the record thereof, it is found that:

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

[1] This order, as amended, shall not become effective unless and until the requirements of § 900.14 (7 CFR 900.14) of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

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 said order, as hereby amended, authorizes regulation of the handling of potatoes grown in the production area in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activities specified in a marketing order upon which a hearing has been held;

(3) The said order, as hereby amended, is 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 order, as hereby amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the difference in the production and marketing of potatoes grown in the production area; and

(5) All handling of potatoes grown in the production area, as defined in the order, as amended, is in the current of interstate or foreign commerce, or directly burdens, obstructs or affects such commerce.

Order relative to handling. It is, therefore, ordered, that, on and after the effective time hereof, the handling of Irish potatoes grown in the production area as defined herein shall be in conformity to, and in compliance with, the terms and conditions of this order, as amended, and such terms and conditions are as follows:

DEFINITIONS

§ 938.1 Secretary.

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

§ 938.2 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.; 68 Stat. 906, 1047).

§ 938.3 Person.

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

§ 938.4 Production area.

"Production area" means all territory included within the boundaries of the Counties of Pembina, Walsh, Cavalier, Towner, Grand Forks, Nelson, Steele, Traill, Cass, Richland, and Ramsey of the State of North Dakota, and of Kittson, Marshall, Red Lake, Pennington, Polk, Norman, Mahnomen, Wilken, Otter Tail, Becker, and Clay of the State of Minnesota.

§ 938.5 Potatoes.

"Potatoes" means all varieties of Irish potatoes grown within the production area.

§ 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.

§ 938.7 Handler.

"Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of potatoes owned by another person) who handles potatoes.

§ 938.8 Producer.

"Producer" means any person engaged in the production of potatoes for market.

§ 938.9 Grading.

"Grading" is synonymous with "prepare for market" which means the sorting or separating of potatoes into grades and sizes for market purposes.

§ 938.10 Grade and size.

"Grade" means any of the officially established grades of potatoes, and "size" means any of the officially established sizes of potatoes, as defined and set forth in:

(a) The United States Standards for Potatoes issued by the United States Department of Agriculture (§§ 51.1540 to 51.1559, inclusive of this title), or amendments thereto, or modifications thereof, or variations based thereon;

(b) United States Consumer Standards for Potatoes as issued by the United States Department of Agriculture (§§ 51.1575 to 51.1587, inclusive of this title), or amendments thereto, or modifications thereof, or variations based thereon; and

(c) State standards for potatoes issued by the State in which the potatoes are shipped, or amendments thereto, or modifications thereof, or variations based thereon.

§ 938.11 Maturity.

"Maturity" means the stage of development or condition of the outer skin (epidermis) of the potato determined according to skinning classifications defined by the United States Standards for Potatoes (§§ 51.1540 to 51.1559, inclusive of this title).

§ 938.12 Varieties.

"Varieties" means all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 938.13 Seed potatoes.

"Seed potatoes" or "seed" means all potatoes officially certified and tagged, marked, or otherwise appropriately identified under the supervision of the official seed potato certifying agency of the State in which the potatoes were grown.

§ 938.14 Table stock potatoes.

"Table stock potatoes" or "table stock" means all potatoes not included within the definition of "seed potatoes."

§ 938.15 Washed potatoes.

"Washed potatoes" means potatoes cleaned by water that meet standards of cleanness established by the Secretary pursuant to committee recommendations. The United States Standards for Potatoes (§§ 15.1540 to 15.1559, inclusive of this title) shall be the basis for standards of cleanness and determinations and certification of cleanness shall be by the Federal, or the Federal-State, Inspection Service.

§ 938.16 Pack.

"Pack" means a quantity of potatoes in any type of container and which falls within specific weight limits or within specific grade limits, or both, recommended by the committee and approved by the Secretary.

§ 938.17 Container.

"Container" means a sack, bag, crate, box, basket, barrel, or bulk load or any other receptacle used in the packaging, transportation, or sale of potatoes.

§ 938.18 Committee.

"Committee" means the Red River Valley Potato Committee, established pursuant to § 938.25.

§ 938.19 District.

"District" means each of the geographical divisions of the production area established pursuant to § 938.32.

§ 938.20 Fiscal period.

"Fiscal period" means the period beginning and ending on the dates approved by the Secretary pursuant to recommendations by the committee.

§ 938.21 Export.

"Export" means shipment of potatoes beyond the boundaries of continental United States.

§ 938.22 Label.

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

COMMITTEE

§ 938.25 Establishment and membership.

(a) The Red River Valley Potato Committee consisting of fourteen members, all of whom shall be producers, is hereby established.

(b) Each person selected as a committee member or alternate shall be a producer or an officer or employee of a producer in the district for which selected and each such person shall be a resident of the production area.

(c) For each member of the committee there shall be an alternate who shall have the same qualifications as the member. An alternate member of the com-

mittee shall act in the place and stead of the member for whom he is an alternate during such member's absence. In the event of the death, removal, resignation, or disqualification of a member his alternate shall act for him until a successor for such member is selected and has qualified.

§ 938.26 Selection.

(a) Committee members and alternates shall be selected by the Secretary on the basis of districts as established pursuant to § 938.32. One member and one alternate member shall be selected from each district.

(b) Any person selected by the Secretary as a committee member or as an alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 938.27 Term of office.

(a) The term of office of committee members and alternates shall be two years beginning July 1 and ending June 30, except that of the initial fourteen members selected, six shall serve for a term ending on the second June 30 following their selection and eight shall serve for a term ending on the first June 30 following their selection. Each of the initial fourteen alternate members shall be selected to serve for the same term of office as the respective member from each district. No member shall serve for more than three consecutive terms.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during the current term of office and continuing until the end thereof, and until their successors are selected and have qualified.

§ 938.28 Procedure.

(a) Ten members of the committee shall be necessary to constitute a quorum and ten concurring votes shall be required to pass any motion or approve any committee action.

(b) The committee may provide for meeting by telephone, telegraph, or other means of communication. Any vote cast at such meeting shall be confirmed promptly in writing. If any assembled meeting is held, all votes shall be cast in person.

§ 938.29 Powers.

The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

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

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

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

§ 938.30 Duties.

The committee shall have the following duties.

(a) Meet and organize as soon as practical after the beginning of each term of office, select a chairman and such other officers as may be necessary, select subcommittees and adopt such rules and procedures for the conduct of its business as it may deem advisable.

(b) Act as intermediary between the Secretary and any producer or handler.

(c) Appoint such employees, agents, and representatives as it may deem necessary and determine the salaries and define the duties of each.

(d) Keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee, and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative.

(e) Furnish the Secretary promptly with copies of the minutes of each committee meeting, and the annual report of the committee's operations for the preceding fiscal period, and such other reports or information as may be requested by the Secretary.

(f) To make available to producers and handlers the committee voting record on recommended regulations and on other matters of policy.

(g) Subject to § 938.75(b), consult, cooperate, and exchange information with other marketing agreement committees and other agencies or individuals in connection with proper committee activities and objectives.

(h) Take any proper action necessary to carry out the provisions of this subpart.

(i) To establish and pay the expenses of advisory committees for the purpose of consulting with Federal, State, or other appropriate agencies with respect to marketing research and development projects pursuant to § 938.47.

(j) To receive and consider complaints and petitions from growers with respect to marketing problems arising in connection with operations of this part and to initiate consideration by the committee within five days following receipt of appropriate presentations to the committee. A request or petition for consideration by 50 percent of the producers of a variety in a producing section, as determined by the committee, or 30 producers, whichever is smaller, shall be deemed adequate for invoking this duty.

§ 938.31 Members' expenses.

Committee members and their respective alternates when acting on committee business may be reimbursed for expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this part.

§ 938.32 Districts.

(a) For the purpose of selecting committee members and alternates, the following districts of the production area are hereby initially established:

North Dakota District No. 1—Pembina County.

North Dakota District No. 2—Walsh County, that portion east of Highway 18.

North Dakota District No. 3—Towner and Cavalier Counties.

North Dakota District No. 4—Grand Forks and Nelson Counties.

North Dakota District No. 5—Traill and Steele Counties.

North Dakota District No. 6—Cass and Richland Counties.

North Dakota District No. 7—Ramsey and Walsh (that portion west of Highway 18) Counties.

Minnesota District No. 1—Kittson County.

Minnesota District No. 2—Marshall County.

Minnesota District No. 3—Pennington and Red Lake Counties.

Minnesota District No. 4—Polk County.

Minnesota District No. 5—Mahnomen and Norman Counties.

Minnesota District No. 6—Otter Tail and Wilken Counties.

Minnesota District No. 7—Clay and Becker Counties.

(b) The Secretary, upon the recommendation of the committee, may reestablish districts within the production area. In recommending any such changes in districts, the committee shall give consideration to (1) the relative importance of new areas of production, (2) changes in the relative positions of existing districts with respect to production, (3) the geographic location of areas of production as they would affect the efficiency of administering this part and (4) other relevant factors: *Provided*, That there shall be no change in the total number of districts. No change in districting may become effective within less than 30 days prior to the date on which terms of office begin each year and no recommendations for such redistricting may be made within less than six months prior to such date.

§ 938.33 Nominations.

The Secretary may select the members of the Red River Valley Potato Committee and their respective alternates from nominations which may be made in the following manner, or from other eligible persons:

(a) Nominations for members and alternates of the committee may be submitted by producers, or groups thereof, on an elective basis or otherwise.

(b) In order to provide nominations for committee members and alternates:

(1) The committee shall hold or cause to be held prior to May 1 of each year, after the effective date of this subpart, a meeting or meetings of producers in each district in which the term of office of a committee member and alternate will commence the following July 1;

(2) In arranging for such meetings, the committee may, if it deems desirable, utilize the services and facilities of existing organizations and agencies;

(3) At each such meeting at least one nominee shall be designated for each position as member and for each position as alternate member on the committee which is vacant, or which is to become vacant the following June 30;

(4) Nominations for committee members and alternate members shall be supplied to the Secretary, in such manner and form as he may prescribe, not later than May 31 of each year;

(5) Only producers who reside within the production area may participate in designating nominees for committee members and their alternates;

(6) Regardless of the number of districts in which a person handles or produces potatoes, each such person is entitled to cast only one vote on behalf

of himself, his agents, subsidiaries, affiliates, and representatives, in designating nominees for committee members and alternates. In the event a person is engaged in producing potatoes in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees. An eligible voter's privilege of casting only one vote, as aforesaid, shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

(c) If nominations are not made within the time and in the manner specified by the Secretary pursuant to paragraph (b) of this section, the Secretary may, without regard to nominations, select the committee members and alternates on the basis of the representation provided for in this part.

§ 938.34 Vacancies.

To fill any vacancy occasioned by the failure of any person selected as a committee member or as an alternate to qualify or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term may be selected by the Secretary from nominations made in the manner specified in § 938.33, or from previously unselected nominees on the current nominee list from the district involved or from other eligible persons. If the names of nominees to fill any vacancy are not made available to the Secretary within 30 days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of the representation provided for in this part.

EXPENSES AND ASSESSMENTS

§ 938.40 Budget.

At the beginning of each fiscal period and as may be necessary thereafter, the committee shall prepare a budget of estimated income and expenditures necessary for the administration of this part. The committee may recommend to the Secretary a rate or rates of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

§ 938.41 Expenses.

The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred by it during each fiscal period for its maintenance and functioning and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part. The funds to cover such expenses shall be acquired by the levying of assessments upon handlers as provided in this part.

§ 938.42 Assessments.

(a) Handlers shall share expenses on the basis of each fiscal period. Each handler who first handles potatoes shall pay assessments to the committee upon demand, which assessment shall be in payment of such handler's pro rata share of the committee's expenses. Each handler's share of such expense shall be proportionate to the ratio between the total quantity of potatoes handled by him as the first handler thereof during a fiscal period and the total quantity of potatoes handled by all handlers as first handlers thereof during such fiscal period.

(b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of the committee's recommendations or other available information. Such rates may be applied equitably to each pack or unit.

(c) At any time during or subsequent to a given fiscal period the committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendations, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all potatoes which were handled by the first handler thereof during such fiscal period.

(d) The committee, with the approval of the Secretary, may provide for collection of assessments through the Potato Control Boards of the Red River Valley areas of Minnesota and North Dakota.

§ 938.43 Fiscal reports.

The books of the committee shall be audited by a competent accountant at the end of each fiscal period and at such other time as the committee may deem necessary or as the Secretary may request. Copies of each audit report shall be furnished the Secretary and a copy shall be made available at the principal office of the committee for inspection by producers and handlers.

§ 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.

RESEARCH AND DEVELOPMENT

§ 938.47 Research and development.

The committee, with the approval of the Secretary, may provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of potatoes and may make available committee information and data to any person, or to any employee of an agency or its agent, authorized by the committee as its agent with the approval of the Secretary, to conduct such projects.

REGULATION

§ 938.50 Marketing policy.

Each season prior to or at the same time as initial recommendations are made pursuant to § 938.51, the committee shall submit to the Secretary a report setting forth the marketing policy it deems desirable for the industry to follow in shipping potatoes from the production area during the ensuing season. Additional reports shall be submitted from time to time if it is deemed advisable by the committee to adopt a new marketing policy because of changes in the demand and supply situation with respect to potatoes. The committee shall publicly announce the submission of each such marketing policy report and copies thereof shall be available at the committee's office for inspection by any producer or any handler. In determining each such marketing policy the committee shall give due consideration to the following:

(a) Market prices for potatoes, including prices by grade, size, and quality in different packs, or in different containers;

(b) Supply of potatoes by grade, size, quality, and maturity in the production area and in other potato producing areas;

(c) The trend and level of consumer income;

(d) Establishing and maintaining orderly marketing conditions for potatoes;

(e) Orderly marketing of potatoes as will be in the public interest; and

(f) Other relevant factors.

§ 938.51 Recommendations for regulations.

The committee, upon complying with the requirements of § 938.50, may recommend regulations to the Secretary whenever it finds that such regulations as provided for in this subpart will tend to effectuate the declared policies of the act.

§ 938.52 Issuance of regulations.

(a) The Secretary shall limit the shipment of potatoes whenever he finds from the recommendations and information submitted by the committee, or from

other available information, that such regulations would tend to effectuate the declared policy of the act. Such limitation may:

(1) Regulate in any or all portions of the production area, the handling of particular grades, sizes, qualities, or maturities of any or all varieties of table stock or of seed potatoes, or any combination of the foregoing during any period;

(2) Regulate the handling of particular grades, sizes, qualities, or maturities of potatoes differently, for different varieties, for washed and unwashed table stock for seed, for different sizes and types of containers, for different portions of the production area, for different packs, or for any combination of the foregoing, during any period.

(3) Provide a method through rules and regulations issued pursuant to this part for fixing the size, capacity, weight, dimensions, or pack of the container, or containers, which may be used in the packaging or handling of potatoes, or both.

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

(5) Establish in terms of grades, sizes, or both, minimum standards of quality and maturity.

(b) No regulation applicable to seed shall modify or impair the official seed certification specification and requirements established by the official seed certification agency of the State in which the potatoes were grown.

(c) The Secretary may amend or modify any regulation issued under this subpart whenever he finds from the recommendations of the committee or other available information that such regulation as amended or modified would tend to effectuate the declared policy of the act. In like manner, the Secretary may also terminate or suspend any regulation whenever he finds that such regulation obstructs or no longer tends to effectuate the declared policy of the act.

(d) The Secretary shall notify the committee of each regulation issued pursuant to this section and the committee shall give reasonable notice thereof to handlers.

§ 938.53 Minimum quantities.

The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which shipments of potatoes will be free from requirements in effect pursuant to § 938.42 or § 938.60, or both.

§ 938.54 Handling for special purposes.

Upon the basis of recommendations and information submitted by the committee, or other available information, the Secretary, whenever he finds that it will tend to effectuate the declared policy of the act, shall modify, suspend, or terminate requirements in effect pursuant to §§ 938.42 to 938.60, inclusive, in order to facilitate handling of the following special shipments of potatoes:

(a) Shipments of potatoes for export;

(b) Shipments of potatoes for distribution by relief agencies, or for charitable institutions;

(c) Shipments of potatoes for manufacture or conversion into specified products;

(d) Shipments of potatoes for livestock feed;

(e) Other shipments which the Secretary may specify.

§ 938.55 Safeguards.

(a) The committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent potatoes handled pursuant to § 938.54, or seed handled pursuant to § 938.52, from entering channels of trade for other than the specific authorizations therefor, and the rules governing the issuance and the contents of Certificates of Privilege, if such certificates are prescribed as safeguards by the committee. Such safeguards may include requirements that:

(1) Handlers shall file applications with the committee to handle potatoes pursuant to § 938.54.

(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.

(3) Handlers shall obtain inspection required by § 938.60, or pay the assessment levied pursuant to § 938.42, or both, in connection with shipments made under § 938.54.

(4) Handlers shall obtain Certificates of Privilege from the committee for handling of potatoes affected or to be affected under the provisions of § 938.54.

(b) The committee may rescind or deny Certificate of Privilege to any handler if proof is obtained that potatoes handled by him for the purposes stated in § 938.54 were handled contrary to the provisions of this part. The right to be informed promptly of the basis for rescinding or denying a Certificate of Privilege shall be preserved to the holder thereof or applicant therefor. In addition, the right of appeal to the committee and in turn to the Secretary from any action rescinding or denying such certificate shall be preserved to the holder thereof, or applicant therefor.

(c) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

(d) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of potatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of potatoes handled under duly issued certificates, and such other information as may be requested.

Inspection

§ 938.60 Inspection and certification.

(a) During any period in which the handling of potatoes is regulated pursuant to § 938.52 or § 938.54, or both, no handler shall handle potatoes unless such potatoes are inspected by an authorized representative of the Federal or Federal-State Inspection Service and are covered by a valid inspection certificate, except when relieved from such requirements pursuant to §938.53 or § 938.54, or both.

(b) Regarding, resorting, or repacking any lot of potatoes shall invalidate any prior inspection certificates insofar as the requirements of this section are concerned. No handler shall handle potatoes after they have been regraded, resorted, repacked, or in any way further prepared for market, unless such potatoes are inspected by an authorized representative of the Federal, or Federal-State Inspection Service. Such inspection requirements on regraded, resorted, or repacked potatoes may be modified, suspended, or terminated upon recommendation by the committee, and approval by the Secretary.

(c) Upon recommendation of the committee, and approval of the Secretary, all potatoes so inspected and certified shall be identified by appropriate seals, stamps, or tags to be affixed to the containers by the handler under the direction and supervision of the Federal, or Federal-State, inspector or the committee. Master containers may bear the identification instead of the individual containers within said master container.

(d) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary.

(e) When potatoes are inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available to the committee by the inspection service.

(f) The committee may recommend and the Secretary may require that no handler shall transport or cause the transportation of potatoes by motor vehicle or by other means unless such shipment is accompanied by a copy of the inspection certificate issued thereon, which certificate shall be surrendered to such authority as may be designated.

Exemptions

§ 938.65 Policy.

(a) Any producer whose potatoes have been adversely affected by acts beyond his control or by acts beyond reasonable expectation and who, by reason of any regulation issued pursuant to § 936.52, is or will be prevented from shipping or having shipped during the then current marketing season, or a specific portion thereof, as large a proportion of his potato crop as the average proportion shipped or to be shipped during comparable portions of the season by all producers in his immediate area of production may apply to the committee for exemptions from such regulations for the purpose of obtaining equitable treatment under such regulations.

(b) Any handler who has storage holdings of ungraded potatoes acquired during or immediately following the digging season that have been adversely affected by acts beyond the handler's control or by acts beyond reasonable expectation and who, by reason of any regulation issued pursuant to § 938.52, is prevented from shipping during the then current marketing season as large a proportion of his storage holdings of ungraded po-

tatoes as the average proportion of ungraded storage holdings shipped by all handlers in said handler's immediate shipping area, may apply to the committee for exemptions from such regulations for the purpose of obtaining equitable treatment under such regulations.

§ 938.66 Rules and procedures.

The committee may adopt, with approval of the Secretary, the rules and procedures for handling exemptions. Such rules and procedures shall provide for processing applications for exemptions, for issuing certificates of exemption, for committee determinations with respect to areas and averages (as required by § 938.65), and for such other procedures as may be necessary to carry out the provisions in this section and § 938.65.

§ 938.67 Granting exemptions.

The committee shall issue certificates of exemption to any qualified applicant who furnished adequate evidence to such committee:

(a) That the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation:

(b) That by reason of regulations issued pursuant to § 938.52, in case of an applicant who is a producer, he will be prevented from shipping or having shipped as large a proportion of his production as the average proportion of production shipped by all producers in said applicant's immediate area of production during the season, or a specific portion thereof;

(c) That by reason of regulations issued pursuant to § 938.52, in case of an applicant who is a handler who has acquired during or immediately following the digging season, he will be prevented from shipping as large a proportion of such storage holdings as the average proportion of similar storage holding shipped by all handlers in said applicant's immediate shipping area during the season;

(d) Each certificate shall permit the person identified therein to ship or have shipped the potatoes described thereon, and evidence of such certificates shall be made available to subsequent handlers thereof.

§ 938.68 Investigation.

The committee shall be permitted at any time to make a thorough investigation of any applicant's claim pertaining to exemptions.

§ 938.69 Appeal.

If any applicant for exemption certificates is dissatisfied with the determination by the committee with respect to his application, said applicant may file an appeal with the committee. Such an appeal must be taken within 7 days after the determination by the committee from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application within 14 days after receipt of such application. The committee shall notify the appellant of the final determination and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

REPORTS

§ 938.75 Reports.

Upon the request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee in such manner and at such time as it may prescribe, reports and other information as may be necessary for the committee to perform its duties under this part. In this connection:

(a) Such reports may include, but are not necessarily limited to, the following:

(1) The quantities of potatoes received and disposed of by types of outlets during specific periods;

(2) Sales records including dates, car or truck numbers, and inspection certificate numbers;

(3) Record of shipments handled under exemption certificates including number of such certificates;

(4) Record of all potatoes handled pursuant to § 938.53 and § 938.54 including Certificates of Privilege and inspection certificate numbers, if any.

(b) All such reports shall be held under appropriate protective classification in custody by the committee, or duly authorized individuals or agencies thereof, so that the competitive position of any handler in relation to other handlers will not be disclosed. Compilation of general reports from data submitted by handlers is authorized, subject to prohibition of disclosure of individual handler's identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the potatoes received and disposed of by such handler as may be necessary to verify the reports he submits to the committee pursuant to this section.

COMPLIANCE

§ 938.76 Compliance.

No handler shall handle potatoes except in conformance with the provisions of this subpart and the rules and regulations issued thereunder.

MISCELLANEOUS PROVISIONS

§ 938.77 Amendments.

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

§ 938.78 Right of the Secretary.

Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States. The members of the committee (including successors and alternates), and any agent or employee, shall be subject to removal by the Secretary at any time. Each and every act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 938.79 Effective time.

The provisions of this subpart shall become effective at such time as the Secretary may declare above his signature attached to this subpart, and shall continue in force until terminated in one of the ways specified in this subpart.

§ 938.80 Termination.

(a) The Secretary may at any time terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal period, have been engaged in the production for market of potatoes: *Provided,* That such majority has, during such period, produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced at least 30 days prior to the end of the then current fiscal period.

(d) The provisions of this subpart shall in any event terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 938.81 Proceedings when terminated, suspended, or inactive.

(a) Upon the termination of the provisions of this subpart the then functioning members of the committee shall continue as joint trustees for the purpose of settling the affairs of the committee by liquidating all funds and property then in possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary and shall proceed pursuant to directions of the Secretary's liquidation order.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

(d) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods when regulations are not in effect and, if the Secretary determines such action appropriate, he may direct that such person

or persons shall act as trustee or trustees for the committee.

§ 938.82 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not: (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or of any regulation issued under this subpart;

(b) Release or extinguish any violation of this subpart or of any regulation issued under this subpart; or

(c) Affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 938.83 Agents.

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

§ 938.84 Personal liability.

(a) No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any handler or any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

(b) The Secretary may at any time require the committee, its members and alternates, employees, agents, and all other persons to account for all receipts and disbursements, funds, property, or records for which they are responsible. Whenever any person ceases to be a member or alternate of the committee he shall account for all receipts, disbursements, funds, and property (including but not being limited to books and other records) pertaining to such committee's activities for which he is responsible and deliver all such property and funds in his hands to such successor, agency, or person as may be designated by the Secretary, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in the designated successor, agency, or person the right to all such property and funds and all claims vested in such member or alternate.

§ 938.85 Duration of immunities.

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

§ 938.86 Separability.

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

Referendum order. Pursuant to the applicable 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), it is hereby directed that a referendum be conducted among the producers who, during the period from July 1, 1960, through June 30, 1961, (which is hereby determined to be a representative period for the purpose of such referendum), were engaged in the Counties of Pembina, Walsh, Cavalier, Towner, Grand Forks, Nelson, Steele, Traill, Cass, Richland, and Ramsey of North Dakota, and Kittson, Marshall, Red Lake, Pennington, Polk, Norman, Mahnomen, Wilken, Otter Tail, Becker, and Clay of Minnesota in the production of potatoes for market to ascertain whether such producers favor the issuance of the annexed amended order.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except Those Applicable to Milk and its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F.R. 5176). The ballots used in the referendum shall contain a summary describing the proposed amendments to the order.

Robert B. Case and Kenneth W. Schaible of the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, are hereby designated as agents of the Secretary of Agriculture, to conduct such referendum jointly or severally. Said agents may appoint any person or persons to assist them in performing their functions hereunder.

Copies of the text of the aforesaid annexed order may be examined in the office of the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington, D.C., and at those places in the production area announced by the referendum agents.

Ballots to be cast in the referendum and copies of the text of the said amended order may be obtained from any referendum agent or any appointee hereunder.

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

Dated: October 23, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61–10221; Filed, Oct. 25, 1961; 8:53 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 902]

[Docket No. AO–293–A5]

MILK IN WASHINGTON, D.C., MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Washington, D.C., on August 7, 1961, pursuant to notice thereof issued on July 27, 1961 (26 F.R. 6854).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Secretary, United States Department of Agriculture, on October 5, 1961 (26 F.R. 9588); F.R. Doc. 61–9737), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

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

1. Modification of "producer" and "pool plant" definitions in connection with handling of market reserve milk.

2. Classification and allocation of milk with respect to:

(a) Accounting for reconstituted or fortified products;

(b) Classification of bulk milk for use in soup, candy, bakery or similar products;

(c) Classification of transfers to nonpool plants;

(d) Allocation of packaged fluid milk products priced under another order;

3. Miscellaneous clarifying and conforming changes.

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

1. *Producer and pool plant definitions.* The definition of "producer" should be modified to permit the diversion of producer milk on a percentage basis. Section 902.9(c) of the pool plant definition should be deleted. The producer definition should not be modified to exclude dairy farmers who qualify during the month as producers under another order.

A handler proposed the modification of § 902.9(c) of the pool plant definition to permit such a plant to qualify if it receives milk from dairy farmers who, during the month, qualify as producers under another Federal order, or if it receives milk from other farmers who fall within the definition of "dairy farmer for other markets" as set forth in the order. In conjunction with this proposal, proponent asked also that the

producer definition be modified to exclude dairy farmers whose milk is received at pool plants yet who qualify as producers under another order.

Section 902.9(c) permits the handler's plant at Frederick, Maryland, to qualify as a pool plant on the basis that it makes shipment of Class I products to a pool distributing plant in the market and that all milk received at such plant from dairy farmers is from members of a cooperative association of which 70 percent or more of the members are qualified producers whose milk is regularly received at other pool plants qualified pursuant to § 902.9(a) as distributing or supply plants.

Section 902.9(c) was added to the pool plant definition effective November 1, 1959, to enable the proponent's plant at Frederick to qualify as a pool plant. At the time of the amendment, the supply of milk received at this plant was from producer members of a cooperative association as described. Milk received there was separated, and a major portion of the cream was shipped to a pool distributing plant in Washington, D.C., operated by the same handler. The skim milk and the remainder of the cream was processed into creamed cottage cheese at the Frederick plant.

Official notice is taken of the decision by the Assistant Secretary of Agriculture issued October 23, 1959, and published in the FEDERAL REGISTER October 28, 1959 (24 F.R. 8739), in which this provision was adopted. The findings of this decision state that "The desirability of giving pool status to the plant at Frederick rests upon the circumstances that it is being used to supply the handler's Class I requirements for fluid cream, that the milk supply is already part of the reserve supply for which a cooperative association is responsible as part of its function in assuring an adequate supply and balancing supplies within the market, and that pool status will permit a flexibility of handling operations in the interest of the most efficient arrangements . . ."

Under this provision the Frederick plant qualified as a pool plant every month until May 1961. In May, June, and July 1961, the plant was a nonpool plant. During these months substantially the same group of dairy farmers who normally have supplied the plant continued to supply this plant and qualify as producers under the diversion provisions of the order. The plant has continued to supply cream for fluid use to the city pool plant regularly during periods of both pool and nonpool status. For the month of July 1961, the plant shipped 129,000 pounds of 40 percent cream to the handler's pool distributing plant in Washington, D.C. This shipment of fluid cream is approximately 3 percent of the quantity of producer milk regularly delivered to the Frederick plant.

The evidence presented in the August 1961 hearing shows that the plant is primarily engaged in the manufacture of cottage cheese, nonfat dry milk, and condensed milk. A large part of the output of cream and condensed milk goes to other plants for the manufacture of ice cream and other dairy products. Half or more of the milk received at the plant in May, June, and July 1961 was from farmers whose milk was priced under Order No. 61 (Philadelphia) and Order No. 127 (Upper Chesapeake Bay). The milk of these farmers was diverted to the plant by handlers under these other orders.

The handler's proposal to modify the pool plant standards would permit the plant to maintain pool status while receiving milk from farmers who are producers under other orders, providing such milk is diverted to this plant by handlers under the other orders. The milk handling operations contemplated by the proponent to be carried on in an Order No. 2 pool plant thus would involve reserve milk of other Federal order markets as well as reserve milk of this market.

A counter proposal, made by a cooperative association of producers, was presented as an alternative method of dealing with the problems presented by the handler with respect to the handling of reserve milk for this or other markets. The proposal would add another diversion provision to the producer definition so as to allow diversion on a percentage basis. This provision would allow, during any of the months of October through February, diversion of 10 percent of the milk of the entire producer membership of a cooperative association, and similarly allow diversion of 10 percent of total nonmember milk at any pool plant. This proposal contemplated that the Frederick plant would operate as a nonpool plant receiving milk diverted from plants fully regulated under this or other orders.

The present definition of "producer" in the order includes dairy farmers whose milk is approved by a health authority for fluid consumption and which is received at a pool plant, or is diverted by a handler to a nonpool plant during any month of March through September or during any of the remaining months of the year on not more than 8 days (4 days in the case of every-other-day delivery) during the month.

Under the terms of the proposal made by the cooperative association, milk of a cooperative association's members might be diverted during any month of the October–February period by both the association and other handlers, and in both instances count against the 10 percent limitation. The application of a percentage diversion limitation would be facilitated, however, if all member milk within such limitation is diverted for the account of the cooperative association. All nonmember milk which is diverted would be diverted, of course, by the operator of a pool plant. Thus, there would be a clear responsibility for each cooperative association and proprietary pool plant operator with respect to meeting the applicable percentage limitations. It would be incumbent upon a handler receiving membership milk to ascertain, prior to diverting any of such milk, the basis on which the cooperative is accounting for milk it is diverting to nonpool plants during the month. If the cooperative association is using the percentage basis for diversion, no other handler could account for milk of its members under any diversion provision. It is conceivable, of course, that the physical arrangements for diversion of member milk might be made by a handler other than the cooperative association under agreement with the association that such diversion will be reported by the association as diversion for its account. If the cooperative association is not using the percentage diversion provision, association member milk might be diverted by either the association or another handler under the 8-day limitation which applies in the October–February period.

The proposed 10 percent diversion allowance would be less than the percentage of a producer's milk which could be diverted under the present terms of the order if diverted for 8 days in a month as allowed during the months of October through February. The percentage provision would allow, in some circumstances, greater flexibility and economy than the 8-day provision with respect to the movement of reserve milk to manufacturing facilities. Such proposed diversion allowance would be adequate to cover the quantity of reserve milk which ordinarily is moved to the Frederick plant. The proposed percentage diversion allowance would have broader application in the market than would the other proposals considered herein with respect to handling of reserve milk. It is concluded that the proposed diversion provision is a suitable alternative which may be used in lieu of the 8-day provision, and is preferable to the handler proposals dealing with the same problems. The 8-day diversion provision should be retained in the order to accommodate the handling of reserve milk in situations to which it may be best suited.

With the adoption of the proposed percentage diversion allowance, the functions of the plant at Frederick with respect to the Washington, D.C., fluid milk market can be served as well in non-pool status as in pool status. Further, in nonpool status, the sources from which the plant may receive milk will be unrestricted. With respect to the regular shipments of cream from the plant to a pool plant, the accounting provisions of the order recognize the extent to which such shipments may originate from producer milk and provide appropriate credit under the compensatory payment provisions.

In view of the above, the proposed modification of the pool plant provisions appear unnecessary. Similarly, § 902.9(c) will no longer be needed to facilitate the handling of market reserve milk and should be deleted from the order.

The handler proposal to exclude from the producer definition dairy farmers who qualify during the month as producers under another order was offered in conjunction with the handler's proposed modification of § 902.9(c) of the pool plant provision. The change in the producer definition was intended to allow receipt at such a pool plant of milk from other-order producers for manu-

facturing use without including such utilization in the Order No. 2 pool. Inasmuch as it has been concluded that the proposed change in the pool plant provision should not be adopted, it follows that the associated reasons for modification of the producer definition are immaterial. No other material reasons were offered on the record for adoption of such proposal. Dairy farmers whose milk might be so received at an Order No. 2 pool plant while maintaining status as producers under another order were not represented at the hearing. In view of the foregoing considerations, it is concluded that the proposed modification of producer definition is unnecessary.

As a conforming change in connection with deletion of § 902.9(c) of the pool plant definition the related part of the producer definition, § 902.15(b), should also be deleted. The order language should also be clear that diversion does not contemplate movement to a plant regulated under another order.

2(a) *Accounting for reconstituted or fortified products.* Fluid milk products fortified by the addition of nonfat milk solids should be Class I milk to the extent of the weight of a like volume of milk, skim milk or cream of the same butterfat content. Reconstituted milk and skim milk should continue to be classified as Class I milk including all water originally associated with the milk solids used.

A handler proposed a change in the classification of milk products so that with respect to fortified skim milk the handler would not be charged for Class I milk for the quantity of water originally associated with the nonfat solids used to fortify. Fortified fluid milk products prepared by the addition of nonfat solids to lowfat milk products are sold in the Washington, D.C., market. In support of his proposal, the handler stated that the nonfat milk solids are added to make a more palatable product and that the marketing of such fortified products does not displace in the market producer milk to the extent of the water originally associated with the added solids. The proponent handler acknowledged, however, that in the case of nonfat milk solids used to reconstitute a fluid milk product (by the addition of water to nonfat dry milk, condensed milk or condensed skim milk) the fluid equivalent of the skim milk from which such solids are derived should continue to be accounted for as Class I milk.

Reconstituted fluid milk products compete for the same Class I sales as whole milk or skim milk and, if made from other source milk (including such items as condensed skim milk and nonfat dry milk), could displace producer milk which is available for the same purpose. Therefore, accounting for reconstituted products on the basis of original volume, including all water originally associated with the solids, is necessary to return to producers a value commensurate with the Class I utilization of the handler and availability of producer milk for such uses.

Fluid milk products fortified with added nonfat milk solids should be classified as Class I milk to the extent of the weight of a like quantity of milk, skim milk or cream of the same butterfat content. To maintain proper accounting for such items, the nonfat milk solids added to such fortified items should be converted to their skim milk equivalent and an amount equal to the difference between the skim milk equivalent of the fortified product and the weight to be accounted for as Class I milk should be classified as Class II milk. The skim milk equivalent of such nonfat solids would be considered a receipt of other source milk by the handler. It is concluded that such accounting and classification of fortified milk will properly reflect the availability and normal use of fresh fluid milk for such products.

2(b) *Classification of bulk milk for use in soup, candy and bakery products.* Skim milk and butterfat disposed of in bulk fluid form for use in the manufacture of soup, candy, bakery products and other nondairy commercial food products should, subject to certain limitations, be classified as Class II milk.

A handler proposed this change in the classification provisions on the basis that handlers in the Washington, D.C., market, under the present terms of the order are at a disadvantage in competing for sales to manufacturers of these products. Such manufacturers may use nonfat dry milk or other concentrated milk products, but prefer fluid skim milk. Milk so disposed of under present terms of the order would be classified as Class I milk.

The final product of fluid milk or skim milk utilized in such manufacturing establishments is essentially nondairy and does not compete with regular fluid milk disposition. Accordingly the fluid disposition by milk handlers for such use should be Class II milk. In order to assure that fluid milk products disposed of by handlers to such processors will not become used in dispositions which would otherwise be considered as Class I disposition, the proposed classification should be limited to fluid milk products in bulk form moved to manufacturing establishments which use the fluid milk products on the premises in the manufacture of nondairy commercial food products as described, but do not make any disposition on or off the premises of milk in fluid form.

2(c) *Transfers.* Handlers should be permitted Class II classification on bulk cream which is transferred or diverted for nonfluid use to a nonpool plant, other than an approved plant, located 300 miles or more from Washington, D.C.

Prior to a suspension order issued by the Secretary June 16 and published in the FEDERAL REGISTER and made effective June 22, 1961 (26 F.R. 5564; official notice taken herewith), the transfer provisions of the order provided that skim milk and butterfat transferred or diverted in the form of milk, skim milk or cream to a nonpool plant (other than an approved plant) located 300 miles or more from zero milestone in Washington, D.C., would be Class I milk. Also, milk, skim milk or cream transferred or diverted to such a plant located within such 300 mile distance would be Class I milk unless the following conditions, as set forth under § 902.44(d) of the order, are met: The transferor handler reports such milk, skim milk or cream utilized as Class II, books and records are made available to the market administrator by the operator of the transferee plant for verification of such use, and an equivalent amount of skim milk and butterfat is actually utilized in such reported use in the transferee's plant during the month.

The suspension order, effective June 22, 1961, and for subsequent months until such time when the order could be amended on the basis of a public hearing, suspended a portion of the transfer provisions so as to relieve a problem in the disposal of market surplus. The proponent cooperative association proposed at the August 1961 hearing that the provisions of the suspension order be continued, citing as their reason the desire to move cream for nonfluid use to the several Florida outlets. This proposal, in effect, would remove the automatic Class I classification of any bulk transfers or diversions of milk, skim milk or cream to a nonpool unapproved plant located beyond the 300 mile distance and permit Class II classification on such milk to the extent that the conditions set forth in § 902.44(d) are met.

The 300 mile limitation serves to obviate the necessity for the market administrator to travel great distances to verify the Class II utilization of milk, skim milk or cream for which adequate outlets exist within the specified distance.

The circumstances presented by proponent do not justify the elimination of the 300 mile limit except for cream shipments for manufacturing use as described by the proponent. Class II classification may be allowed on bulk shipments of cream beyond the 300 mile distance where it can be determined by the market administrator prior to shipment that such cream is intended for manufacturing use. If the cream is moved without Grade A certification, if each container bears a tag or label stating that the contents are for manufacturing use only and if the cream is invoiced as suitable only for manufacturing use, such cream could be classified as Class II provided the market administrator is given sufficient notification so that he may physically verify that these requirements are complied with. Compliance with such conditions, however, would not preclude reclassification if in any case it were proved that the cream was finally disposed of in a Class I use.

2(d) *Allocation of packaged fluid milk products.* A proposal that pool plant receipts of packaged fluid milk products priced as Class I milk under another Federal order be allocated under this order to Class I milk is denied.

A handler proposed that packaged fluid milk products priced under another Federal order and received at a Washington, D.C., order pool plant be allocated to Class I disposition. The handler gave as a reason for this proposal that it would allow pricing and accounting for such products comparable to that which applies in the case of direct distribution in the Washington, D.C., marketing area

by a plant regulated under another Federal order. He pointed out that handlers regulated under Order No. 127 for the Upper Chesapeake Bay market are distributing packaged Class I products on routes in the Washington, D.C., marketing area, and Order No. 2 handlers are likewise distributing packaged products in the Order No. 127 marketing area.

Present provisions of the Washington, D.C., order give priority to producer milk in assignment of plant receipts to Class I utilization.

There were no instances cited of receipt at pool plants of packaged Class I products from other Federal order markets, nor were any specific plans for such receipt mentioned. Since no specific need or circumstance was cited by the handler for such packaged receipts, it is unnecessary that the proposed amendment to the order be adopted.

3. *Miscellaneous changes.* The reference to "Maryland State Highway 507" in the marketing area definition should be changed to "Stoakley Road". This is a correction to reflect the current designation of this highway by the Maryland State Highway Department and does not involve any change in the marketing area.

A correction should be made in § 902.22(j)(2) of the order by inserting the reference "or § 902.72" immediately following the words "pursuant to § 902.71". These references are to the provisions covering computations of uniform prices, including base and excess prices, for the months indicated in each of these sections. A typographical error in F.R. Doc. 59-3837, page 3650 of the May 6, 1959 FEDERAL REGISTER, in the proviso of § 902.52, results in an incorrect reference shown as "§ 92.46(b)" which should be corrected to read "§ 902.46(b)".

No substantive changes in the order are effected by these corrections.

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

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

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

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

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

Rulings on exceptions. Exceptions were not filed on behalf of any interested party.

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

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

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

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

CHARLES S. MURPHY,
Under Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Washington, D.C., Marketing Area

§ 902.0 Findings and determinations.

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

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

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

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

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

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

§ 902.6 [Amendment]

1. Replace "Maryland State Highway 507" with "Stoakley Road".

§ 902.9 [Amendment]

2. Delete all of § 902.9(c).

3. Replace § 902.15 with the following:

§ 902.15 Producer.

"Producer" means any dairy farmer, except a producer-handler or dairy farmer for other markets, who produces milk which is approved by a duly constituted health authority for fluid disposition and which is received at a pool plant or is diverted to a nonpool plant (except a plant fully subject to the pricing provision of another Federal order) during any month(s) of March through September or, during any month(s) of October through February, is diverted

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

to such nonpool plant pursuant to any of the paragraphs (a), (b), or (c) of this section: *Provided,* That if a handler diverts during the month a quantity of milk in excess of the applicable limits set forth in paragraphs (b) and (c) of this section, all milk diverted by the handler shall be subject to the limit of the number of days of diversion pursuant to paragraph (a) of this section: *Provided further,* That the milk so diverted shall be deemed to have been received by the handler for whose account it is diverted at a pool plant at the location from which it was diverted: *And provided also,* That the criterion for determination of qualification under this paragraph for a dairy farmer delivering milk to a pool plant qualified under § 902.9(b) shall be the holding of a valid farm inspection permit issued by the applicable health authority having jurisdiction in the marketing area:

(a) Diverted to a nonpool plant(s) on not more than 8 days (4 days in the case of every-other-day delivery) during the month: *Provided,* That the definition of producer pursuant to this paragraph shall not include any dairy farmer with respect to the milk of such farmer which is, during any month of the October–February period: (1) Diverted on days in excess of the number of days specified in this paragraph; (2) diverted as the milk of a member of a cooperative association during any such month such association diverts the milk of any of its dairy farmer members pursuant to paragraph (b) of this section; or (3) diverted as the milk of a nonmember dairy farmer by a handler who, during the same month, diverts the milk of any nonmember dairy farmer pursuant to paragraph (c) of this section;

(b) Diverted to a nonpool plant(s) as the milk of a member of a cooperative association for the account of such association: *Provided,* That the quantity of milk so diverted by the cooperative association does not exceed ten percent of the total of such quantity and other milk from members of such cooperative association which meets the health requirements pursuant to this section and is received at pool plants; or

(c) Diverted to a nonpool plant(s) as the milk of a dairy farmer who is not a member of a cooperative association by a handler in his capacity as the operator of a pool plant from which the quantity of nonmember milk so diverted does not exceed 10 percent of the total of such quantity and other nonmember milk which meets the health requirements pursuant to this section and is received at the pool plant.

§ 902.22 [Amendment]

4. In § 902.22(j)(2) insert after the reference § 902.71 the reference "or § 902.72".

5. Replace § 902.40 and § 902.41(a) with the following:

§ 902.40 Skim milk and butterfat to be classified.

All skim milk and butterfat received within the month at pool plants which is required to be reported pursant to § 902.30 shall be classified by the market administrator in accordance with the provisions of §§ 902.41 through 902.46. If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product plus all the water originally associated with such solids.

§ 902.41 Classes of utilization.

Subject to the conditions set forth in §§ 902.42 through 902.46 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of (other than in hermetically sealed containers) in fluid form (or as frozen concentrated milk) for human consumption as milk, flavored milk, skim milk, flavored skim milk, cultured skim milk, buttermilk, concentrated milk, reconstituted milk or skim milk, fortified milk or skim milk (except that any products which have been fortified by the addition of nonfat milk solids shall be Class I milk in an amount equal only to the weight of an equal volume of milk, skim milk or cream of the same butterfat content); cream (except aerated cream and sour cream) including any mixture of cream and milk or skim milk (except eggnog) disposed of for consumption in fluid form; and

(2) Not specifically accounted for as Class II milk.

§ 902.41 [Amendment]

6. In § 902.41(b) delete the word "and" prior to subparagraph (6), change the period at the end thereof to a semicolon and add the following: "(7) disposed of in bulk to any commercial food establishment for use on the premises in the manufacture of soup, candy, bakery products, or any other nondairy commercial food product: *Provided,* That such establishment does not dispose of any product designated as Class I milk pursuant to § 902.41(a) (1); and (8) the weight of skim milk in fortified fluid milk products which is excepted from Class I milk pursuant to paragraph (a) (1) of this section."

§ 902.44 [Amendment]

7. Replace § 902.44(e) with the following:

(e) As Class I milk (except that contained in cream which is moved to a nonpool plant and classified as Class II milk pursuant to paragraph (f) of this section) if transferred or diverted in bulk in the form of milk, skim milk or cream, to a nonpool plant, other than an approved plant, located 300 miles or more from the zero milestone in Washington, D.C.

(f) As Class I milk if transferred or diverted in bulk form as cream to a nonpool plant, other than an approved plant, located 300 miles or more from the zero milestone in Washington, D.C., unless the transferor-handler:

(1) Claims classification as Class II milk;

(2) Establishes that (i) such cream was transferred without Grade A certification, (ii) each container was tagged or labeled to show that the contents were for manufacturing use only, and (iii) the shipment was invoiced accordingly, and

(3) Gives sufficient notice to the market administrator to allow him to verify the conditions of shipment.

§ 902.52 [Correction]

8. In F.R. Doc. 59–3837, appearing at page 3650 of the issue for Wednesday, May 6, 1959, the reference in the proviso under § 902.52 should read "§ 902.46(b)" instead of "§ 92.46(b)".

[F.R. Doc. 61–10196; Filed, Oct. 25, 1961; 8:48 a.m.]

[7 CFR Part 1019]

[Docket No. AO–305–A4]

MILK IN CONNECTICUT MARKETING AREA

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

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Connecticut marketing area, which was issued October 5, 1961 (26 F.R. 9591), is hereby extended to October 31, 1961.

Signed at Washington, D.C., on October 23, 1961.

H. C. FEDDERSEN,
Acting Director, Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61–10225; Filed, Oct. 25, 1961; 8:53 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 474) has been filed by A. Gusmer, Inc., Barron Avenue, Woodbridge, New Jersey, proposing the issuance of a regulation to provide for the safe use of ceresin wax (ozocerite), montan wax, and substances included in those described under § 121.2514(b) in the prepa-

ration of coatings for metallic, wooden, concrete, and glass containers for food.

Dated: October 20, 1961.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61-10200; Filed, Oct. 25, 1961; 8:49 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 620) has been filed by Shell Chemical Company, 110 West Fifty-first Street, New York 20, New York, proposing the amendment of § 121.2505 (26 F.R. 8974) of the food additive regulations to provide for the use of acrolein and acetone in the preparation of slimicides used in the manufacture of food-packaging paper and paperboard.

Dated: October 19, 1961.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61-10201; Filed, Oct. 25, 1961; 8:49 a.m.]

Public Health Service

[42 CFR Part 73]

BIOLOGIC PRODUCTS; STERILITY STANDARDS

Notice of Proposed Rule Making

Notice is hereby given of proposed rule making pursuant to section 351 of the Public Health Service Act, as amended (58 Stat. 702; 42 U.S.C. 262). The proposed amendments to the sterility provisions of Part 73 of the Public Health Service regulations relate to time of examination of cultures in Sabouraud's medium, addition of Fibrinogen (Human) to the list of products for which test sample final containers may contain less than full volume, specification of the volume of test material for human immune globulin preparations, and include minor clarifications and a correction.

Notice is also given that it is proposed to make any amendments that are adopted effective 30 days after their publication in the FEDERAL REGISTER.

Inquiries may be addressed, and data, views and arguments may be presented by interested parties, in writing, in triplicate, to the Surgeon General, Public Health Service, Washington 25, D.C. All relevant material received not later than 30 days after publication of this notice in the FEDERAL REGISTER will be considered.

A. Amend § 73.73 in the following respects:

1. Amend paragraph (a) by deleting the comma in each of the three instances where a comma precedes the word "fourth" and insert in lieu thereof the word "or". As thus amended the phrase in each instance shall read "on the third or fourth or fifth day".

2. Amend paragraph (a)(2)(iii) by adding the words "or twelfth" between the word "eleventh" and the word "day" and as thus amended subdivision (iii) shall read as follows:

(iii) The period of incubation shall be no less than ten days and an examination shall be made on the tenth or eleventh or twelfth day in lieu of an examination on the seventh or eighth day.

3. Amend paragraph (c) by inserting "(2) or (b)(3), whichever is applicable" after the letter (b) where it appears in the last sentence, and as thus amended the last sentence shall read as follows: "If repeat tests are performed, the lot meets the test requirements if no growth appears in the tests prescribed in paragraph (b)(2) or (b)(3) of this section whichever is applicable."

4. Amend paragraph (d) (1) and (2) by deleting the parenthetical sentence at the end of each paragraph and substituting therefor in each instance the following: "(Note exceptions in paragraph (f))".

5. Amend paragraph (f)(8) by inserting the words "Fibrinogen (Human)" before the word "when" where it appears in the first sentence and as thus amended paragraph (8) shall read as follows:

(8) *Samples—large volume of product in final containers.* For Normal Serum Albumin (Human), Normal Human Plasma, Antihemophilic Plasma (Human) and Plasma Protein Solution (Human), Fibrinogen (Human), when the volume of product in the final container is 50 ml. or more, the final containers selected as the test sample may contain less than the full volume of product in the final containers of the filling from which the sample is taken: *Provided,* That the containers and closures of the sample are identical with those used for the filling to which the test applies and the sample represents all stages of that filling.

6. Amend paragraph (f) by adding a new subparagraph (10) to read as follows:

(10) *Human immune globulin preparations.* For human immune globulin preparations, the test samples from the bulk material and from each final container need be no more than two ml.

B. In § 73.304(b) change the word "inoculum" to the word "medium" where it appears in the third sentence and as changed the third sentence will read as follows: "The test sample shall be inoculated into one or more test vessels in a ratio of blood to medium of 1 to 10 for each vessel, mixed thoroughly, incubated for seven to nine days at a temperature of 30° to 32° C., and examined for evidence of growth of microorganisms every workday throughout the test period."

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Interpret or apply sec. 351, 58 Stat. 702; 42 U.S.C. 262)

Dated: October 10, 1961.

[SEAL] LUTHER L. TERRY,
Surgeon General.

Approved: October 20, 1961.

WILBUR J. COHEN,
Acting Secretary.

[F.R. Doc. 61-10202; Filed, Oct. 25, 1961; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 601]

[Airspace Docket No. 61-WA-179]

CONTROLLED AIRSPACE

Proposed Alteration of Control Area Extensions

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 601.1138 and 601.1325 of the regulations of the Administrator, the substance of which is stated below.

Effective January 1, 1962, new aircraft holding pattern procedures will be implemented by the Federal Aviation Agency. These procedures have been developed to accommodate the increasing variety of aircraft speeds and operating altitudes in the IFR environment. In addition, the procedures will provide for the containment of aircraft holding maneuvers within the holding pattern areas designed for such operation. However, it is recognized that a number of these holding pattern areas will require the designation of additional controlled airspace to encompass the increased dimensions of such areas. Thus, with the designation of additional controlled airspace, the pilot need only adhere to the standardized operating procedures and limitations for his type aircraft to remain within controlled airspace.

To fulfill additional controlled airspace requirements for the implementation of these procedures in the Miami, Fla., Air Route Traffic Control Center area, the FAA is considering the following airspace actions:

1. Orlando, Fla., control area extension (§ 601.1138) would be altered to add the airspace west of Vero Beach, Fla., bounded on the north by latitude 27°45'00", on the northeast by low altitude VOR Federal airway No. 295, on the southeast by low altitude VOR Federal airway No. 225 and on the west by low altitude VOR Federal airway No. 267. This would provide additional airspace for the protection of aircraft in holding patterns at the Vero Beach Fla., VOR, and the Dixie Ranch, Intersection (intersection of the Vero Beach VOR 224° and the Pahokee, Fla., VOR 342° True radials).

2. The Tampa, Fla., control area extension (§ 601.1325) would be altered to add the airspace north of La Belle, Fla.,

bounded on the northeast by low altitude VOR Federal airway No. 267, on the southeast by low altitude VOR Federal airway No. 225, on the southwest by low altitude VOR Federal airway No. 157; and on the northwest by a line extending from latitude 27°14'10'' N., longitude 81°31'00'' W., to latitude 27°22'00'' N., longitude 81°08'00'' W., thence to latitude 27°45'00'' N., longitude 81°08'00'' W. This would provide additional airspace for the protection of aircraft in holding patterns at the La Belle VOR, Brighton Intersection (intersection of the La Belle VOR 043° and the Lakeland, Fla., VOR 139° True radials) and the Dixie Ranch Intersection.

Because of the time limitations imposed by the effective date of the revised holding pattern procedures, implementation of the provisions of Amendment 60–21 to the Civil Air Regulations, Part 60, Air Traffic Rules is being deferred in certain instances, and the alteration of control area extensions is being proposed. Upon completion of the review of the controlled airspace requirements presently being conducted attendant to these provisions, separate airspace action will be initiated to convert the control area extensions to transition areas with appropriate controlled airspace floor assignments.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within thirty 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 sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on October 20, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–10175; Filed, Oct. 25, 1961; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 13860 (RM–199, 225, 243)
FCC 61–1229]

TELEVISION BROADCAST STATIONS

Proposed Table of Assignments for Certain States

1. Notice is hereby given of further rule making in the above-captioned matter proposing changes in the Television Table of Assignments, as discussed below:

STATUS OF THE PROCEEDING

2. This rule making, as inaugurated by the December 5, 1960, notice of proposed rule making and as amplified by the February 13, 1961, Further Notice, has been directed to the question of what use shall be made of the available VHF television channels in the State of Nebraska. On the one hand we were urged to assign Channels 4 and 8 for commercial use at Superior and Albion, Nebraska, respectively, where one petitioner—Bi-States Company, licensee of KHOL–TV, Kearney, Nebraska—plans to apply for and operate commercial television stations. On the other hand the Nebraska Council for Educational Television, Inc., has requested that we provide the basis for a state-wide educational network by assigning Channels 4 and 8 to Kearney and Albion, Nebraska, and reserving them for non-commercial educational use, in addition to reserving Channel 9 at North Platte, Nebraska, Channel 13 at Alliance, Nebraska, and by assigning and reserving Channel 3 at Bassett, Nebraska. Comments and reply comments discussing these proposals have been filed by interested parties, but we are unable to reach our decision as proposals filed by Terry Carpenter, Inc., and the Kansas Legislative Council, as well as other counter proposals, require the reevaluation of the Nebraska Council for Educational Television and Bi-States' requests to take account of the suggested alternative (and to some extent mutually exclusive) assignments of these and other channels.

3. Specifically, the Commission now has before it for consideration the following matters:

(a) The comments and reply comments filed in response to the notice of proposed rule making (FCC 60–1426) released December 5, 1960, and the further notice of proposed rule making (FCC 61–175), released February 13, 1961, in this docket.

(b) The counter proposal of the Committee on Education of the Legislative Council, State of Kansas, opposing the assignment of Channels 3 and 4 to Bassett and Kearney, Nebraska, respectively, and suggesting alternative assignments to effectuate a Nebraska state-wide educational network which will not conflict with a proposed Kansas educational network.

(c) The petition of Terry Carpenter, Inc., requesting the institution of rule making so as to effectuate the addition of a VHF channel to Terrytown, Nebraska (or alternative allocations to Terrytown-Scottsbluff-Gering, Nebraska, or any combination thereof).

(d) Oppositions to the Terry Carpenter petition filed by the National Educational Television and Radio Center (NET) and the Nebraska Council on Educational Television (NCET).

(e) A Response and Counter Proposal to the Terry Carpenter petition filed by Frontier Broadcasting Company (licensee of KSTF, Scottsbluff, Nebraska, and KFBC–TV, Cheyenne, Wyoming) opposing the assignment of another VHF channel to the Scottsbluff area and requesting the institution of rule making so as to add VHF Channel 11 to Julesberg, Colorado;

(f) The reply of Terry Carpenter to the oppositions and counter proposal.

The Terry Carpenter Request

4. Terrytown is located in the western panhandle of Nebraska, between the towns of Scottsbluff and Gering in Scottsbluff County, and approximately 20 miles from the Wyoming border. The town of Terrytown has a population of only 164, but the adjoining cities of Scottsbluff and Gering contain populations of 13,377 and 4,585, respectively (1960 Census); and the County of Scottsbluff had a 1960 population of 33,809. Nebraska counties adjacent to Scottsbluff County had a 1960 population totalling 22, 589.

5. KSTF is presently operating on Channel 10 in Scottsbluff and duplicates the programming of Station KFBC–TV, Cheyenne, Wyoming, although some local programming is also broadcast by KSTF. There is no other local television service in the Scottsbluff area and Terry Carpenter, Inc., avers that "the area is underserved and its local needs cannot be met by the existing operation of KSTF." Petitioner intends to apply for a commercial station and provide "a much needed first local service" should an additional VHF assignment be made to the area. To accomplish the assignment of an additional VHF channel Terry Carpenter, Inc., has proposed three alternative plans.

Carpenter Alternative No. 1

6. The first proposal would remove Channel 13 from Alliance, Nebraska, and reassign it to Terrytown. Channel 13 is not in use or applied for at Alliance but the Nebraska Council on Educational Television has requested that the channel be reserved for non-commercial educational use in Alliance. This alternative makes no provision for the request of the Nebraska educators to reserve a VHF channel at Alliance, as set out in the Further Notice of Proposed Rule Making released February 13, 1961, but it effectuates the addition of a VHF channel to the Scottsbluff area in a simple manner and the Commission is of the view that rule making should be instituted on this alternative. The Commis-

sion also requests comments on the desirability of deleting Channel 9 at North Platte and assigning it to Lakeside, Nebraska, for educational use; and assigning Channel 12 to North Platte for education. This proposal would also permit the assignment of Channel 9 to the Superior, Nebraska area.

Carpenter Alternative No. 2

7. The second plan of Terry Carpenter, Inc., would shift Channel 8 from Laramie, Wyoming, where it is now reserved for non-commercial educational use, but unused, to Terrytown. This plan can also be accomplished without a complicated amendment of the Table of Assignments but the Commission is of the view that the public interest would not be served by assigning Channel 8 to Terrytown without making provision for a substitute VHF educational reservation in Laramie. This may be accomplished by assigning Channel 11 to Laramie and reserving it for educational use. The following changes in the Table of Assignments would be required:

City	Channel	
	Add	Delete
Scottsbluff-Gering-Terrytown, Nebr	8+	----
Laramie, Wyo	*11−	*8+
Rock Springs, Wyo	8−	13
Rawlins, Wyo	13−	11−

When an application is tendered for 11 in Laramie, Wyoming, however, the transmitter site specified must meet the minimum co-channel separation of 190 miles between the proposed station and KKTV, Channel 11, Colorado Springs-Pueblo, Colorado. The Commission is of the view that rule making should be instituted on this proposal to elicit relevant data and the views of interested parties.

Carpenter Alternative No. 3

8. Terry Carpenter, Inc.'s third suggestion would assign Channel 11 to Terrytown by making the following changes in the Television Table of Assignments:

City	Channel	
	Add	Delete
Terrytown, Nebr	11+	----
Scottsbluff, Nebr	13−	10−
Alliance, Nebr	9+	13−
North Platte, Nebr	12+	9+
Rawlins, Wyo	3+	11−
Vernal, Utah	8	3+

This proposal would satisfy the prior requests of the Nebraska Council on Educational Television by making VHF channels available for reservation at Alliance and North Platte, Nebraska, but it would require KSTF, Scottsbluff, to shift from Channel 10 to 13, and, in addition, is in conflict with the proposed assignment of Channel 11 to Julesberg, Colorado. KSTF has stated that it would not consent to a modification of its license without a hearing and the Commission is of the opinion that further rule making which would unduly complicate and lengthen these proceedings is not warranted, particularly when other methods to accomplish the assignment of a VHF channel to Terrytown are available. We therefore deny the request of Terry Carpenter, Inc., to institute rule making on Alternative No. 3.

Counter Proposal of Frontier

9. The assignment of Channel 11 to Laramie on a reserved basis (with the concomitant assignment of Channel 8 to Terrytown), as set out in paragraph 7, would conflict with the counter proposal and petition for rule making by Frontier Broadcasting Company. Frontier suggests that Channel 11 be assigned to Julesberg, Colorado (which is located in the extreme northeastern corner of Colorado) and if such an assignment is made, it would "apply for a construction permit for a station on that channel, and, if it received a permit, * * * proceed to build and operate a station there."

10. There is no present channel assignment in Julesberg, although it is the county seat of Sedgewick County and, according to Frontier, a center of population in the area. Frontier claims that while Julesberg only had a population of 1,840 in 1960, a station operating from there would serve 5,024 square miles in which 34,997 persons reside, and "28,538 persons would for the first time be within the Grade B contour of a television broadcast station."

11. The assignment of Channel 11 to Julesberg may be made without any other changes in the Table of Assignments and in conformity with the Commission's Rules and mileage separation requirements. The Commission is of the opinion that rule making should be instituted on the assignment of Channel 11 to Julesberg so as to gather relevant data and the views of interested persons on the counter proposal and on the conflicting proposal to assign Channel 11 to Laramie, Wyoming, as set out in paragraph 7.

The Kansas Educational Network Proposal

12. After a Survey and Report prepared for the Committee on Education of the Legislative Council of the State of Kansas, a plan was recommended for a state-wide system of educational television. The Committee urges that Channel *8 be deleted from Manhattan, Kansas and assigned and reserved at Hutchinson; that Channel *11 be transferred from Lawrence to Topeka; that Channel 16 be deleted from Wichita and reserved at Chanute; that Channels 3 and 4 be assigned and reserved at Lakin (or Satanta) and Grainfield, Kansas, respectively; and that Channel 9 be assigned and reserved at Lincoln upon deletion of the channel from Garden City, Kansas.[1]

13. The Committee states that the proposed assignments would make it technically feasible to provide 82 percent of the area of Kansas with an educational television service and would reach 93.5 percent of the population. The Committee has recommended to the Kansas Legislature that an educational television system should be organized forthwith and the requested reservations are sought as the first step towards that goal.

14. The proposed assignment of Channel 4 to Grainfield, Kansas conflicts directly with either the use of Channel 4 for education at Kearney, Nebraska or its commercial use at Superior, Nebraska, as suggested by the Bi-States Company. The Kansas Committee opposes the assignment of 4 to Superior, but in order to remove the conflict as to Kearney, they urge that Channel 3 be assigned and reserved at Oxford, Nebraska, and Channel 7 assigned and reserved at Bassett. This proposal is similar to that of Bi-States Company which urges that Channel 3 be used by the educators at Lexington, Nebraska and Channel 7 at Bassett, thus freeing Channel 4 for commercial use at Superior.

15. The Commission is of the opinion that rule making should be conducted on the proposals discussed herein, and interested parties are invited to submit their views and relevant data on the various combinations of channel shifts which are proposed. Argument and data already presented on the proposals contained in the notice of proposed rule making and further notice need not be repeated in comments filed hereafter as prior pleadings filed herein will be considered by the Commission before a final decision is reached.

16. In view of the foregoing, the alternative request No. 3 of Terry Carpenter, Inc., for rule making is hereby denied; and rule making is herein instituted on the following changes in the Television Table of Assignments:

Group 1

A

City	Channel	
	Add	Delete
Scottsbluff-Gering-Terrytown, Nebr	13−	----
Lakeside, Nebr	*9+	----
Alliance, Nebr	----	13−
North Platte, Nebr	*12+	9
Superior, Nebr	9−	----

B

Scottsbluff-Gering-Terrytown, Nebr	8+	----
Laramie, Wyo	*11−	*8+
Rock Springs, Wyo	8−	13−
Rawlins, Wyo	13−	11−

C

Julesberg, Colo	[1] 11+	----

Group 2

A

Bassett, Nebr	[2] *3+	----
Kearney, Nebr	*4	----
Alliance, Nebr	*13−	13−
North Platte, Nebr	*9+	9+
Albion, Nebr	*8+	----

See footnote at end of table.

[1] Wichita Television Corporation and KAKE–TV and Radio, Inc., have filed mutually exclusive applications for construction permits on Channel 9 at Garden City. Kansas State College holds a construction permit for Channel 8 in Manhattan and the University of Kansas has an application on file for Channel 11 at Lawrence, Kansas.

GROUP 2—Continued

B

City	Channel	
	Add	Delete
Superior, Nebr.	4+	
Albion, Nebr.	8+	
Bassett, Nebr.	*7−	
Lexington or Oxford, Nebr.	*3+	

GROUP 3

Manhattan, Kans.		*8
Hutchinson, Kans.	*8	
Lawrence, Kans.		*11
Topeka, Kans.	*11	
Wichita, Kans.		16−
Chanute, Kans.	*16−	
Grainfield, Kans.	*4+	
Garden City, Kans.		9
Lincoln, Kans.	*9	
Lakin (or Satanta), Kans.	*3	

[1] This is the best arrangement without any other changes in offset designations. Comments are invited on any possible better arrangements.

[2] This would require Sterling, Colorado, to change from even to minus and Rapid City, South Dakota, from plus to even.

17. For the convenience of the Commission and commenting parties we have grouped the various proposals. The Commission will not be limited, however, in making its decision to the adoption of a plan contained solely within a group. The Channel reassignments which are finally made may be selected piecemeal from the various proposals or related suggestions. Interested parties are invited to direct their comments not only to the group proposals but also to individual channel assignments within a group which may accomplish the reservation of sufficient channels for Nebraska and Kansas educational networks as well as the assignment of channels for commercial purposes.

18. Authority for the adoption of the amendments proposed and the action taken herein is contained in sections 4 (i) and (j), 303 and 307(b) of the Communications Act of 1934, as amended.

19. Pursuant to applicable procedures set out in § 1.213 of the Commission rules, interested persons may file comments on or before November 30, 1961, and reply comments on or before December 18, 1961. In reaching its decision on the rule changes which are proposed herein, the Commission will not be limited to consideration of comments of record, but will take into account all relevant information obtained in any manner from informed sources.

20. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

Adopted: October 18, 1961.

Released: October 23, 1961.

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

[F.R. Doc. 61–10207; Filed, Oct. 25, 1961; 8:50 a.m.]

[47 CFR Part 3]

[Docket No. 12859; FCC 61–1251]

RADIO BROADCAST SERVICE

Proposed Option Time and Station's Right to Reject Network Programs; Procedural Dates

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 20th day of October 1961;

Columbia Broadcasting System, Inc., alleging that the comments of certain other parties are addresed to matters not before the Commission in this proceeding, requests in its motion filed October 16, 1961 that: certain portions of the comments of Times-Mirror Broadcasting Company, Ziv-United Artists, Station Representatives Association, NBC Television Affiliates, and Westinghouse Broadcasting Company, Inc. be stricken because they go to collateral matters involved in the network-affiliate relationship and are not on the narrow option time issue specified in the further notice of proposed rule making; if the foregoing relief is deemed inappropriate, the parties be given the opportunity to submit replies on such matter; four weeks' time be afforded for the filing of such replies; and, if replies are permitted, the oral argument be postponed to a date not less than four weeks after the reply comments are filed.

It appearing that it is desirable to have a full presentation before the Commission and that it is inappropriate at this stage in the proceeding to strike the comments objected to by CBS; that, under the circumstances, the proceeding may be expedited by permitting CBS and other parties an opportunity to file reply comments prior to oral argument; that 15 days is, under the circumstance, a reasonable period of time for the preparation and filing of such replies; and that considerations of orderly procedure dictate that reasonable opportunity be afforded thereafter for preparation for argument;

It is ordered, That the motion to strike is denied; That the motion to afford those who filed comments the right to submit reply comments is granted; That such reply comments shall be filed on or before November 6, 1961, and that an original and 14 copies of such reply comments shall be furnished to the Commission in accordance with § 1.54 of the Commission's rules.

It is further ordered, That Oral Argument is continued until November 17, 1961, and that such Oral Argument will commence in Washington, D.C. at 9:30 a.m. The parties (all of whom filed comments and notices of intention to participate in argument) will be heard consecutively, in the following order:

American Broadcasting Co.
Columbia Broadcasting System, Inc.
National Broadcasting Company, Inc.
Select Committee of Affiliates, ABC Television Network.
CBS Television Affiliates; Special Committee.
NBC Television Affiliates.
WBEN, Inc.
Westinghouse Broadcasting Co., Inc.
Station Representatives Association.
Times-Mirror Broadcasting Company (KTTV).
Ziv-United Artists, Inc.

Each party will be limited to 30 minutes for its presentation.

Released: October 20, 1961.

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

[F.R. Doc. 61–10208; Filed, Oct. 25, 1961; 8:51 a.m.]

[47 CFR Parts 7, 11, 16]

[Docket No. 14311; FCC 61–1213]

CERTAIN SAFETY AND SPECIAL RADIO SERVICES

Proposed Eligibility Rules for Authorizations

1. Notice is hereby given in the above-captioned matter.

2. The Commission proposes to amend its rules governing eligibility for station authorizations in the Power, Petroleum, Forest Products, Motion Picture, Relay Press, Motor Carrier, and Railroad Radio Services, and also for Limited Coast stations using telegraphy, Limited Coast stations using telephony, and Fixed stations associated with the Maritime Mobile Service. The specific Sections of the Rules to be amended are: §§ 7.203, 7.351, 7.451, 11.251, 11.301, 11.351, 11.401, 11.451, 16.251 and 16.351. The purpose of the proposed amendments is to extend the eligibility for such authorizations to a subsidiary corporation proposing to furnish a non-profit radiocommunications service to its parent corporation or to a sister subsidiary where the party to be served is engaged in one or more of the activities which establish the basic eligibility in the particular radio service. Also, as a correlative to the proposed amendments of §§ 16.251 and 16.351, we propose to amend § 16.3 to impose upon applicants and licensees under the proposed parent-subsidiary arrangement requirements similar to those contained now in § 16.3(c).

3. The parent-subsidiary arrangement is now in the eligibility rules of the Special Industrial, Business, Telephone Maintenance Radio, and Citizens Radio Services, and has been found to be useful in that it enables a corporate family having similar radio communication needs to meet these needs by operating one radio system. The Commission is of the view that the same opportunity should be made available also to corporate radio users eligible in the radio services mentioned in paragraph (2) hereof.

4. The Commission also proposes to delete from § 7.203 and 7.351 of the rules the provisions contained in paragraphs (a) (2) of these sections which make eligible for authorizations an organization of which all persons who are members or stockholders are themselves eligible under the respective sections. It is felt that adoption of the proposed

amendments described in paragraph (2) above will make this provision unnecessary.

5. Authority for the proposed amendments is contained in Sections 303 and 4(i) of the Communications Act of 1934, as amended.

6. Pursuant to applicable procedures set forth in § 1.213 of the Commission's rules, interested persons may file comments on or before November 15, 1961, and reply comments on or before November 25, 1961. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

7. In accordance with the provisions of § 1.54 of the Commission's rules an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: October 18, 1961.

Released: October 23, 1961.

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

[F.R. Doc. 61-10209; Filed, Oct. 25, 1961; 8:51 a.m.]

[47 CFR Part 9]

[Docket No. 14312 (RM-275); FCC 61-1214]

SURVIVAL CRAFT STATIONS

Availability of Certain Frequency for Communications and Radiobeacon Purposes

Notice is hereby given of proposed rule-making in the above-entitled matter.

1. The Commission has under consideration a petition filed on July 28, 1961, by Aeronautical Radio, Inc. and Air Transport Association of America, requesting amendment of Part 9 to facilitate use by survival craft stations of the frequency 121.5 Mc/s for radiobeacon purposes aboard air carrier aircraft operated pursuant to Civil Air Regulations (CAR), Parts 40, 41 and 42.

2. The petition seeks amendment of § 9.312(e) to include the phrase "* * * and by survival craft stations for communications and radiobeacon purposes * * *".

3. The Commission's Rules do not define survival craft stations; however, petitioners support the definitions of "survival craft station" developed and adopted by the ITU Administrative Radio Conference, Geneva—1959 which is included in an outstanding Notice of Proposed Rule Making to amend Part 2 (Docket No. 13928). Survival craft station is defined as follows:

> A mobile station in the maritime or aeronautical mobile service intended solely for survival purposes and located on any lifeboat, life-raft or other survival equipment.

4. The ITU Radio Regulations, Geneva—1959 specifies five frequencies for survival craft use, namely, 500 kc/s, 2182 kc/s, 8364 kc/s, 121.5 Mc/s, and 243 Mc/s. Petitioners feel that such a large number of frequencies is not in the best interest of the public in the event survival craft radio equipment needs to be activated. They advocate that as a long range goal a single frequency for survival craft equipment should be adopted for world-wide operations in civil aviation. In this connection, petitioners represent that the air transport industry has already proposed to the Federal Aviation Agency that the Civil Air Regulations pertinent to air carrier operations for over-water operations (CAR's 40.206, 41.23c and 42.24b) be amended so that the minimum requirement for survival craft equipment be for the carriage of a portable survival craft (tone-modulated) radiobeacon operating on a single frequency of 121.5 Mc/s, designed to require minimum manipulation by passengers.

5. Petitioners considered the five frequencies above and determined that the most suitable frequency was 121.5 Mc/s. The petition analyzes the frequencies as follows:

(a) *500 kc/s and 8364 kc/s.* These frequencies are currently available in equipment which is commonly known as the "Gibson Girl." The Gibson Girl equipment has been carried by air transport aircraft for many years. This equipment weighs approximately 36 pounds and is not fully effective for the purpose intended: the kite-flown antenna is difficult to use; the effective range is often less than line-of-sight under conditions favorable to MF/HF communications. This equipment has been the subject of study and criticism for several years.

(b) *2182 kc/s.* This is a maritime service frequency, not generally implemented in the maritime service and not generally available aboard aircraft, and for the most part, is not guarded in the ocean areas, other than coastal waters.

(c) *243 Mc/s.* Although designated by ITU as available for use by survival craft stations and equipment used for survival purposes, this frequency under FCC existing and proposed rules is exclusively available for only Government stations, and under present arrangements, is therefore totally unavailable for non-Government aircraft, even survival aircraft stations. This frequency is not available in receivers installed aboard civil air transport aircraft, although it is available in most U.S. Government aircraft. Due to the multiple factors involved in procurement and installation of equipment capable of satisfactory reception of 243 Mc/s aboard civil air transport aircraft, it is not proposed the frequency 243 Mc/s be installed in survival craft equipment routinely carried aboard air transport aircraft. In view thereof, the air transport industry would not support amendment of the FCC Rules to reallocate 243 Mc/s, with appropriate guard bands, for Government and non-Government use as the specific frequency for aeronautical mobile, emergency and distress communications.

(d) *121.5 Mc/s.* ITU and FCC Part 2 allocates 121.5 Mc/s as the "aeronautical emergency frequency." FCC Public Notice of 24 August 1951 (Mimeo 67586) describes 121.5 Mc/s as the "universal emergency and distress frequency." 121.5 Mc/s is available in receiving equipment installed aboard civil air transport aircraft.

6. In addition to the above, petitioners presented a more extensive comparison concerning the use of the frequencies 121.5 and 243 Mc/s. The comparison, as presented in the Petition, is as follows:

(a) If 243 Mc/s were chosen, a number of military search and rescue aircraft could utilize the survival craft transmitter emissions; however, airlines or other civil aircraft would not be able to assist with their own airborne communications equipment to search for their own, or other civil aircraft. This shortcoming is viewed as a major obstacle which will, for the foreseeable future, block universal acceptance and implementation of the frequency 243 Mc/s. It was noted that 243 Mc/s is not available under FCC Rules for this purpose.

(b) If 121.5 Mc/s were chosen, certain military aircraft would not be able to use their airborne communications and location equipment to aid in the search for civil aircraft; however, an airline aircraft could utilize emissions from its own survival craft without the necessity of installation of special equipment; and aircraft of other airlines as well as civil SAR aircraft could also join in the search efforts with maximum effectiveness. There are no major obstacles which will block world acceptance and eventual implementation of the frequency 121.5 Mc/s as the single frequency for survival craft equipment utilized in civil air operations. Approached in this manner, it is apparent that the advantages to the public interest accruing from use of 121.5 Mc/s far exceed the advantages of use of 243 Mc/s.

(c) In addition, Annex 12, Search and Rescue, to the Convention on International Civil Aviation which has established world-wide procedures and standards for the search and rescue of aircraft is directed toward civil operations.

7. The Federal Aviation Agency has expressed the hope that the subject petition will receive favorable consideration by the Commission. The Commission heretofore has taken a position of supporting the use of 243 Mc/s as the VHF frequency to be used for automatic survival beacons. Reasons for this position may be summarized as follows: the United States Coast Guard is equipped for homing on both 121.5 Mc/s and 243 Mc/s, the United States Air Force which is responsible for U.S. continental search and rescue missions is equipped for direction finding on 243 Mc/s but has only limited capability for 121.5 Mc/s. In addition, there are large areas of the

world in which 243 Mc/s rather than 121.5 Mc/s is used for SAR operations. These considerations lead to the conclusion that operation of automatic survival beacons on 121.5 Mc/s would have a limited utility and, in addition, there is a possibility that such operation could cause harmful interference to emergency and distress voice communications.

8. The Petition is directed primarily at survival craft stations which will be carried aboard air carrier aircraft operating on long overwater air routes; however, the requested rule amendment is not so limited and would include survival craft stations aboard private aircraft and air carrier aircraft operating in the Domestic U.S. In view of the above and the possible use by other aviation interest, the Commission is particularly desirous of comments directed toward (a) the need for domestic survival craft stations, (b) the possibility of interference to voice communications caused by automatic beacons, (c) the proposition of one frequency versus several frequencies for survival craft stations and (d) the frequency or frequencies which would best be utilized by survival craft stations.

9. The proposed amendment to Part 9 of the rules, as set forth below, is issued pursuant to the authority contained in section 4(i), 303(b), (c), (f) and (r) of the Communications Act of 1934, as amended.

10. Pursuant to applicable procedures set forth in § 1.213 of the Commission's rules, interested persons may file comments on or before November 27, 1961, and reply comments on or before December 8, 1961. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it in addition to the specific comments invited by this notice.

11. In accordance with the provision of § 1.54 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: October 18, 1961.

Released: October 23, 1961.

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

1. Section 9.3 is amended to include the following definition:

§ 9.3 Definition of terms.

* * * * *

Survival craft station. A mobile station in the maritime or aeronautical mobile service intended solely for survival purposes and located on any lifeboat, liferaft or other survival equipment.

2. The Table contained in § 9.181(b)(1) is amended to read as follows:

§ 9.181 Types of emission.

* * * * *

(b)(1) * * *

Class of emission	Emission designator	Authorized bandwidth	
		Below 50 Mc	Above 50 Mc
		Kilocycles	*Kilocycles*
A1	0.1A1	0.25	
A2	2.1A2	2.724	50
A3	6A3	8.0	50
A3a[2]	3A3a[2]	4.0	
F1	1.7F1	1.7	
F1	2.5F1	2.5	
P	(1)	(1)	

[1] To be specified on the authorization.
[2] For the purposes of this Part A3a includes single sideband full carrier and single sideband with carrier suppressed; however, operation with carrier suppressed more than 6 db below peak envelope power will be authorized only on a developmental basis except for stations operating in the aeronautical fixed service. A3a emission will be authorized only below 25,000 kc.

3. The headnote for Subpart G is amended to read as follows:

Subpart G—Aircraft Radio Stations, Radionavigation Stations Aboard Aircraft and Survival Craft Stations

4. Paragraph (e) of § 9.312 is amended to read as follows:

§ 9.312 Frequencies available.

* * * * *

(e) 121.5 megacycles: This is a universal simplex emergency and distress frequency and will not be assigned to aircraft unless other frequencies are assigned and available for use to accommodate the normal communication needs of the aircraft. This frequency may be used by radio stations aboard aircraft for emergency direction finding purposes; to establish air-ground communications in emergencies; and for search and rescue operations by aircraft not equipped to transmit on 121.6 Mc. In addition, this frequency may be used by survival craft stations for radiobeacon purposes (Emission A2) and communications.

[F.R. Doc. 61-10210; Filed, Oct. 25, 1961; 8:51 a.m.]

[47 CFR Part 31]

[Docket No. 14310 (RM-220); FCC 61-1212]

UNIFORM SYSTEM OF ACCOUNTS FOR CLASS A AND CLASS B TELEPHONE COMPANIES

Notice of Proposed Rule Making

In the matter of amendment of Part 31 (Uniform System of Accounts for Class A and Class B Telephone Companies) of the Commission's rules and regulations to establish a new revenue account to include revenues from wide area toll service; amendment of Schedule 34 of telephone Annual Report Form M to insert certain new revenue classifications and substitution in this Schedule of a requirement that interstate revenues be shown for the present requirement that telegraph revenues be shown; and amendment of telephone monthly report Form 901 to provide for the new revenue account, Docket No. 14310 (RM-220).

1. The American Telephone and Telegraph Company (AT&T), on behalf of itself and its associated Bell telephone operating companies, by letter dated December 19, 1960, has requested that the Commission amend Part 31 (Uniform System of Accounts for Class A and Class B Telephone Companies) of its rules and regulations to establish a new revenue account to include revenues from wide area service, a new type of service. Wide Area Telephone Service is for customers who make many long distance calls to many points. For a fixed flat charge per month, the customer obtains a special "access" line that is connected to the nationwide dialing network; over this line he can make as many outgoing calls as he likes to all the telephones of participating companies within a selected wide area. There is no charge per individual call. Under the existing interstate tariff offerings, the customer may choose full-time service, 24 hours a day, or for a lower monthly rate he may buy 15 hours of usage a month, with additional use charged by the hour. Either of the foregoing services is available for service to all the telephones of participating companies within any one of six wholly interstate "wide" areas or zones, the widest of which covers the entire United States, except Alaska and Hawaii. It is our understanding that similar services are being made available in various States for wholly intrastate service.

2. AT&T states that the new service is basically different from previously existing services; that the revenues from this service should be segregated from revenues from other services; that this segregation could be accomplished by the establishment of a new subaccount, but the title of none of the present primary accounts is appropriate for the new service; and that in many Bell System reports it is not customary to show the revenues by subaccounts.

3. AT&T states that the wide area service is a toll service under section 3(s) of the Communications Act of 1934, as amended, which states that " 'Telephone toll service' means telephone service between stations in different exchange areas for which there is made a separate charge not included in contracts with subscribers for exchange service." However, revenues from wide area service, AT&T believes, could not be classified appropriately under either account 510, "Message tolls," or account 512, "Toll private line services." While measured time service is offered as well as full time service, wide area service is not a message service since the charge is not applied on a per message basis and it is not a private line service since it is not an "exclusive" service as referred to in the text of account 512 but can reach all customers of participating companies available through the general toll switching network.

4. For the foregoing reasons AT&T requests that the Commission establish a new account 511, "Wide area service," to include the revenues from this new service. The following text for the account is suggested by AT&T:

§ 31.511 Wide area service.

This account shall include revenues from the transmission of communications between different service areas under service arrangements providing access to the general toll switching network, either full time or at a measured time rate, including (a) revenues from services involving only the use of the company's own lines, and (b) amounts representing divisions of wide area service revenues when such service involves the use of lines of other companies.

5. In its letter of December 19, 1960, AT & T stated that, pending establishment of a new account, it planned to include revenues from wide area service in a special subaccount of account 512, "Toll private line services." However, in a letter of January 13, 1961, AT & T stated that, after further consideration of this accounting, it has decided to avail itself, with the consent of the Commission, of the provisions of § 31.01–2(d)(3) of Part 31 of the Commission's rules providing for the establishment of temporary accounts and has established account 511, "Wide area service," for the use of Bell System companies as a temporary account for the inclusion of revenues from wide area service. All other telephone companies subject to the provisions of Part 31 who wish to do so may likewise open similar accounts on a temporary basis until a final order is issued in this matter. If such an account is not opened, it is believed appropriate that any revenue from "wide area service" should be included during rule making procedure in account 516, "Other toll service revenues."

6. The Commission believes that somewhat more extensive changes in the language of the revenue accounts than is proposed by AT & T might be desirable if changes are to be made. For one thing, with respect to proposed new account 511 it is understood that there is being offered, or at least that there may be offered, a type of flat rate toll service particularly for social calls under which unlimited calling is permitted during specified off-peak hours. The inclusion of revenues from such a service, as well as revenues from Wide Area Telephone Service (WATS) and Wide Area Data Service (WADS), in proposed new account 511 is provided for in the language presented below. There has been added to the text of account 510 the clause, "charged for on a per-message basis," with the thought that such an addition will make more clear what is includible in that account. Inasmuch as Note B to account 512 calls attention to the fact that certain toll service revenues are includible in account 510, it is proposed that reference also be made in that note to account 511 as an account designed to include certain other toll service revenues. Accordingly, the Commission proposes the following texts for paragraph (a) of account 510, new account 511, and Note B to account 512:

§ 31.510 Message tolls.

(a) This account shall include toll service revenues from the transmission of messages charged for on a per-message basis, including such revenues from messages transmitted entirely over the company's own lines, and amounts representing divisions of toll service revenues received (1) from messages transmitted partly over the company's lines and partly over lines of other companies, (2) as compensation for originating or terminating toll messages of other companies, and (3) as compensation for switching toll messages between lines of other companies.

§ 31.511 Wide area toll services.

This account shall include toll service revenues from the transmission of communications over the general toll switching network charged for on either a flat or measured rate basis without regard to the number of communications, including (a) revenues from services involving only the use of the company's own lines, and (b) amounts representing divisions of wide area toll service revenues when such service involves the use of lines of other companies.

§ 31.512 Toll private line services.

* * * * *

NOTE B: Toll service revenues from the transmission of messages charged for on a per-message basis shall be included in account 510. Certain other toll service revenues from the transmission of communications shall be included in account 511.

7. As a corollary of the proposed amendment of Part 31 of the rules, the Commission proposes to amend Schedule 34, Operating Revenues, of telephone Annual Report Form M by inserting new lines for showing the revenues included in proposed new account 511 separated among Wide Area Telephone Service (WATS), Wide Area Data Service (WADS), and Other Wide Area Services. The Commission also proposes to insert new lines in this schedule under accounts 504, "Local private line services," and 512, "Toll private line services," for reporting revenues received from the new TELPAK services and channels. The Commission also proposes on its own motion an unrelated amendment of Schedule 34 of Form M which would delete present column (d), which requires showing amounts of revenues assignable to telegraph service, and substitute therefor a new column (d) in which to report the amounts of interstate revenues included in column (b). An analysis of reports filed has revealed that in practically every instance when amounts assignable to telegraph service are shown in present column (d) they are identical with amounts shown in column (b) and each of the line captions for such lines are descriptive of a type of telegraph service. Therefore, the retention of present column (d) serves no useful purpose while the proposed reporting requirement would provide useful information to this and other regulatory commissions with whom copies of the annual reports are filed. It is also proposed that telephone monthly report Form 901 will be amended to include a new line for proposed new account 511. At the same time it is proposed to remove line 26 relating to Federal excess profits taxes from Form 901 as being obsolete, and to make certain minor editorial changes.

8. In Part 33 (Uniform System of Accounts for Class C Telephone Companies) of the Commission's rules and regulations, account 3030, "Toll service revenues," now includes all toll service revenues and the Commission sees no reason why that account should not also include revenue from wide area service. Accordingly, the Commission does not propose to amend Part 33 to provide a new account for revenues from wide area service. However, any comments will be considered with respect to whether such an account should be provided in Part 33.

9. The issuance of this notice of proposed rule making in this matter is without prejudice to any actions the Commission may take with respect to Docket No. 13914, In the Matter of American Telephone and Telegraph Company Regulations and Charges for Wide Area Telephone Service (WATS); Docket No. 14154, In the Matter of American Telephone and Telegraph Company Regulations and Charges for Developmental Line Switched Service; and Docket No. 14251, In the Matter of American Telephone and Telegraph Company Regulations and Charges for TELPAK Services and Channels.

10. The Commission proposes to make any Part 31 rule amendments adopted as a result of this proceeding effective not less than six months after the issuance of a final order with respect to this docket, as required by section 220(g) of the Communications Act, with the option that those telephone companies which desire to do so may place any amendments which may be adopted in this proceeding into effect at any earlier date, including retroactive to January 1, 1961. The changes in Schedule 34 of Annual Report Form M would be made effective for the 1962 reports, and the changes in Form 901 monthly report would be made effective beginning with the reports for January, 1963.

11. This notice of proposed rule making is issued under authority of sections 4(i), 219 and 220 of the Communications Act of 1934, as amended.

12. Pursuant to applicable procedures set forth in § 1.213 of the Commission's rules, interested persons may file comments on or before November 24, 1961, and reply comments on or before December 8, 1961. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision on the rules of general applicability which are proposed herein, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

13. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and fourteen copies of all statements or briefs filed shall be furnished to the Commission.

Adopted: October 18, 1961.

Released: October 23, 1961.

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

[F.R. Doc. 61–10211; Filed, Oct. 25, 1961; 8:51 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Dept. Order 193–1]

DIRECTOR, OFFICE OF DOMESTIC GOLD AND SILVER OPERATIONS

Authorization of Signature and Issuance of Certain Documents

The Director, Office of Domestic Gold and Silver Operations, is authorized to sign and issue under his official title, any documents, licenses and other papers which are appropriate to the performance of the responsibilities and functions imposed upon the Under Secretary for Monetary Affairs by Parts 54, 80 and 92 of Title 31 of the Code of Federal Regulations.

Dated: October 20, 1961.

[SEAL] ROBERT V. ROOSA,
Under Secretary of the Treasury for Monetary Affairs.

[F.R. Doc. 61–10215; Filed, Oct. 24, 1961; 10:02 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Bureau Order No. 684]

LAND AND RESOURCES

Redelegation of Authority

Correction

In F.R. Doc. 61–8351 appearing at page 8216 of the issue for Thursday, August 31, 1961, section 1.6 *Minerals* appearing on page 8217 is corrected by changing the nineteenth line of paragraph (a) to read: "cooperative agreements, communization."

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 16, 1961.

The Forest Service, United States Department of Agriculture has filed an application, Serial Number Sacramento 068129 for the withdrawal of the lands described below, from location and entry under the general mining laws, subject to existing valid claims. The applicant desires the land for an administrative site.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 1000, California Fruit Building, 4th and J Streets, Sacramento 14, California.

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

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

The lands involved in the application are:

CALIFORNIA

MOUNT DIABLO MERIDIAN NEAR THE MODOC NATIONAL FOREST

Tulelake Administrative Site

T. 48 N., R. 4 E.,
Sec. 35: Lot 1, Block 40, Tulelake Townsite.

The area described above aggregates 4.04 acres.

[SEAL] WALTER E. BECK,
Manager, Land Office, Sacramento.

[F.R. Doc. 61–10178; Filed, Oct. 25, 1961; 8:45 a.m.]

UTAH

Notice of Delegation of Purchasing Authority; Amendment

OCTOBER 18, 1961.

Notice of Delegation of Purchasing Authority dated September 28, 1961, and published in the FEDERAL REGISTER October 5, 1961, is hereby amended by omitting "And Land Office" from the title and the content of the notice.

R. D. NIELSON,
State Director.

[F.R. Doc. 61–10179; Filed, Oct. 25, 1961; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 1]

SALES OF CERTAIN COMMODITIES

October 1961 Monthly Sales List

Pursuant to the policy of the Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669) and subject to the conditions stated therein, the CCC Monthly Sales List for October 1961 is amended as set forth below:

The entire section relating to "Available" under "Corn," bulk, "Domestic, Storable," A. *General Sales* is deleted and replaced with the following:

Available: At bin sites through ASCS County Offices and at other locations through the Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.

The entire section relating to "Available" under "Corn," bulk, "Domestic, Storable," B. *Redemption of 1961 Feed Grain Program Certificates* is deleted and replaced with the following:

As Available: At bin sites through ASCS County Offices and at other locations through the Evanston, Dallas, Kansas City, and Minneapolis ASCS Commodity Offices.

The following section is added to the October 1961 Sales List:

Peanuts, unshelled, farmers stock (as available)—

Domestic for crushing or export: Competitive bid under CCC Peanut Announcement 1 (revised Feb. 16, 1959), as amended.

(Sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U.S.C. 1427)

Signed at Washington, D.C., on October 23, 1961.

ROBERT G. LEWIS,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 61–10226; Filed, Oct. 25, 1961; 8:54 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14283, 14284; FCC 61M–1673]

CHAMPION ELECTRONICS AND EDWIN A. NIEHAY

Order Scheduling Hearing

In re applications of John M. Bryan and William K. Bowes, Jr., d/b as Champion Electronics, joint venture, Provo, Utah, Docket No. 14283, File No. BP–13912; Edwin A. Niehay, Provo, Utah, Docket No. 14284, File No. BP–13990; for construction permits.

It is ordered, This 19th day of October 1961, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 21, 1961, in Washington, D.C.: *And it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Friday, November 17, 1961.

Released: October 20, 1961.

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

[F.R. Doc. 61–10212; Filed, Oct. 25, 1961; 8:51 a.m.]

[Docket No. 14166 etc.; FCC 61M–1671]

EASTERN BROADCASTING SYSTEM, INC., ET AL.

Order Continuing Hearing

In re applications of Eastern Broadcasting System, Inc., Brookfield, Connecticut, Docket No. 14166, File No. BP–13017; Blair A. Walliser, tr/as Colonial Broadcasting Company, New Milford, Connecticut, Docket No. 14167, File No.

BP–13673; George F. O'Brien, New Milford, Connecticut, Docket No. 14168, File No. BP–14040; Ubiquitous Corporation, Hyde Park, New York, Docket No. 14169, File No. BP–14138; Ray S. Whittles, Paul E. Josephson, Carleton A. Soderholm and Royal V. Carley, a partnership, d/b as Fairfield Broadcasting Company, Easton, Connecticut, Docket No. 14171, File No. BP–14142; for construction permits.

The Hearing Examiner having under consideration the joint petition for continuance of procedural dates filed herein on October 17, 1961;

It appearing that all parties, except Eastern Broadcasting System, Inc., have consented formally to immediate consideration and grant of the said petition, and Eastern Broadcasting System, Inc. has advised the Hearing Examiner orally that it also consents to immediate consideration and grant of the said petition;

It further appearing that good cause for grant of the said petition is shown in that, as a consequence of the informal exchange of engineering exhibits on September 22, 1961, numerous differences in the engineering showings were disclosed which resulted in an informal engineering conference arranged and held by the parties on October 13, 1961 in an effort to resolve, insofar as possible, such differences;

It further appearing that the parties are continuing their efforts to resolve these differences and additional time is required for this purpose;

It is ordered, This 19th day of October 1961 that the said petition is granted, except insofar as it requests that hearing be scheduled to commence on November 29, 1961;

It is further ordered, That the date for the formal exchange of all exhibits herein is continued from October 20, 1961, to November 20, 1961; that the further prehearing conference presently scheduled to be held on October 23, 1961 is continued to November 24, 1961 and, on the Hearing Examiner's own motion, the date for commencement of hearing is continued from October 30, 1961 to December 4, 1961.

Released: October 20, 1961.

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

[F.R. Doc. 61–10213; Filed, Oct. 25, 1961; 8:51 a.m.]

[Docket No. 14076 etc., FCC 61–1219]

KENT–RAVENNA BROADCASTING CO. ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of Kent-Ravenna Broadcasting Co., Kent, Ohio, Docket No. 14076, File No. BP–13749; Petty Durwood Johnson, tr/as Radio Trumbull, Niles, Ohio, Docket No. 14081, File No. BP–13836; Carnegie Broadcasting Corporation, Pittsburgh, Pennsylvania, Docket No. 14087, File No. BP–13850; et al.; for construction permits.

1. The Commission has before it for consideration a petition to enlarge issues, filed July 10, 1961, by Carnegie Broadcasting Corporation, together with pleadings filed in response thereto.

2. The petition is patently untimely pursuant to 47 CFR 1.141, and will be denied. However, the pleadings before us raise certain factual questions which must be resolved before the Commission could find that a grant of Johnson's application would be in the public interest.

3. The Commission records disclose that Johnson has commitments in addition to the subject application which will require cash expenditures. One commitment is to purchase $33,000 worth of property from his brother (BP–13573). The other is to expend $22,706 for the construction of another broadcast facility (BP–13739). If these commitments are fulfilled, it would appear that Johnson's cash resources will be reduced to an amount insufficient to meet the needs of his proposed station.[1] While Johnson's net worth exceeds the total of his commitments,[2] there is some question as to the liquidity of his assets. Therefore, a financial issue will be added.

4. The Commission records also indicate that Johnson has made substantially similar program proposals in three independent applications: Spring Valley, New York (BP–13778); Orange, Texas (BP–13739); and the instant proposal at Niles, Ohio. Such similarity raises a question as to whether Johnson has, in fact, made appropriate investigation of the separate needs of the individual communities which he proposes to serve. Therefore, an issue will be added under which pertinent facts can be ascertained.

Accordingly, it is ordered, This 18th day of October 1961, that the petition to enlarge, filed by Carnegie Broadcasting Corporation is denied; and

It is further ordered, On the Commission's own motion, that the designation order released April 25, 1961 (FCC 61–533) is amended by renumbering Issue 16 as 18, and adding the following issues:

16. To determine whether Petty Durwood Johnson is financially qualified to construct his proposal herein, taking into consideration his existing financial status and such capital commitments as he may have undertaken.

17. To determine what efforts have been made by Petty Durwood Johnson to ascertain the programming needs and interests of the area he proposes to serve, and the manner in which he proposes to meet such needs and interests.

Released: October 23, 1961.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–10214; Filed, Oct. 25, 1961; 8:51 a.m.]

[1] Johnson has stated that he will require $26,056 for construction and initial operation of his proposed station, and that he has $56,780 cash.

[2] Johnson claims a net worth of $231,824. While the Bureau disputes the accuracy of this figure, even if the Bureau's calculations are accepted as correct, Johnson's commitments are less than his net worth.

[3] Concurring statement of Commissioner Bartley in which Chairman Minow joined, filed as part of original document.

[Docket No. 14308]

HYDIE R. PETERSON

Order to Show Cause

In the matter of Hydie R. Peterson, P.O. Box 196, Fernandina Beach, Florida, Docket No. 14308; order to show cause why there should not be revoked the license for Radio Station WK–8260 aboard the vessel "Little Derek."

The Commission, by the Chief, Safety and Special Radio Services Bureau under delegated authority having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows: Official Notice of Violation mailed on June 27, 1961, alleging that on June 3, 1961, radio station WK–8260 had been used for the exchange of communications with another vessel for a period in excess of 3 minutes duration, in violation of § 8.366(f)(1) of the Commission's rules; and

It further appearing that, the above-named licensee, received said Official Notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated July 27, 1961, and sent by Certified Mail—Return Receipt Requested (Cert. No. 1–21378), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the licensee's agent, Gerry Peterson, on July 28, 1961, to a Post Office Department return receipt; and

It further appearing that, although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing that, in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules;

It is ordered, This 18th day of October 1961, pursuant to section 312 (a)(4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by Certi-

fied Mail (Air Mail)—Return Receipt Requested to the above-named licensee.

Released: October 23, 1961.

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

[F.R. Doc. 61–10216; Filed, Oct. 25, 1961; 8:52 a.m.]

[Docket No. 14309]

OWEN ROBERT TANKERSLEY

Order To Show Cause

In the matter of Owen Robert Tankersley, Pine Bluff, Arkansas, Docket No. 14309; order to show cause why there should not be revoked the license for Radio Station 8W2303 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau under delegated authority, having under consideration the matter of an alleged violation of the Commission's Rules in connection with the operation of the captioned radio station;

It appearing that on or about July 11, 1961, the above-named licensee purported to transfer the authorization for the captioned Citizens radio station to 720 Auto Parts, 720 Main Street, Pine Bluff, Arkansas, without the consent of this Commission, in violation of section 310(b) of the Communications Act of 1934, as amended, and § 19.92 of the Commission's rules; and

It further appearing that at the time of the above-mentioned violation the above-named licensee sought to conceal such violation by inducing the employees of 720 Auto Parts to claim that the radio apparatus being operated by them under the licensee's call sign was the property of such licensee, whereas such radio apparatus was not the property of such licensee; and

It further appearing that, in view of the foregoing, the above-named licensee has willfully violated section 310(b) of the Communications Act of 1934, as amended, and § 19.92 of the Commission's rules;

It is ordered, This 18th day of October 1961, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b) (8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order: and

It is further ordered, That the Acting Secretary send a copy of this order by Certified Mail (Air Mail)—Return Receipt Requested to Owen Robert Tankersley, 610 West Third Street, Pine Bluff, Arkansas.

Released: October 23, 1961.

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

[F.R. Doc. 61–10217; Filed, Oct. 25, 1961; 8:52 a.m.]

[Docket No. 14313; FCC 61–1222]

WFYC, INC. (WFYC)

Order Designating Application for Hearing on Stated Issues

In re application of WFYC, Incorporated (WFYC), Alma, Michigan, Docket No. 14313, File No. BP–13807; Has: 1280kc, 1kw, Day, Req: 1280kc, 5kw, DA, Day; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 18th day of October 1961;

It appearing, that except for matters involved in the issues set forth below, the applicant possesses the requisite qualifications to construct and operate its proposal; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below: 1. Studies indicate interference to Stations WONW, Defiance, Ohio, and WXYZ, Detroit, Michigan. The licensee of WXYZ has objected to a grant of the subject proposal.

It further appearing that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

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

1. To determine the areas and population which may be expected to gain or lose primary service from the proposed operation of Station WFYC and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of WFYC would cause objectionable interference to Stations WONW, Defiance, Ohio, and WXYZ, Detroit, Michigan or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing isues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That WXYZ, Inc., and Tri-State Broadcasting Company, licensees of Station WXYZ and WONW, respectively, are made parties to the proceeding.

It is further ordered, That in the event of a grant of the subject application, the construction permit shall contain a condition that before program tests are authorized, permittee shall submit information to establish that an approved transmitter has been installed.

It is further ordered, That, to avail themselves of the opportuniy to be heard, the applicant and parties respondent herein, pursuant to § 1.140 of the Commission 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 applicant 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, 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.

Released: October 23, 1961.

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

[F.R. Doc. 61–10218; Filed, Oct. 25, 1961; 8:52 a.m.]

[Docket No. 14024, FCC 61–1249]

AUTHORIZATION OF COMMERCIALLY OPERABLE SPACE COMMUNICATIONS SYSTEMS

Order Extending Time To File Comments

In the matter of an inquiry into the administrative and regulatory problems relating to the authorization of commercially operable space communications systems, Docket No. 14024.

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

The Commission having under consideration:

(a) Its supplemental notice of inquiry herein (1) establishing an Ad Hoc Committee of international communications carriers for purposes set forth in such suplemental notice; (2) requiring a report to be filed by the Committee no later than October 13, 1961, with service on all respondents herein; and (3) authorizing each respondent to file written comments on such report within 15 days after service of the report;

(b) A petition filed October 18, 1961 by General Telephone & Electronics, a respondent herein, requesting that an additional 30 days be allowed for the filing of comments on the report, and alleging in support thereof that analysis of and the preparation of meaningful comments on the report would be practically impossible within the time period set forth in the supplemental notice;

It appearing that the matters contained in the report filed by the committee are sufficiently complex to reasonably require more than 15 days for the preparation of comments;

It further appearing that a period of 30 days rather than 45 days should provide ample time in which to prepare such comments;

It further appearing that no person would be prejudiced and that the public interest would be served by such extension;

It is ordered, That the time set forth in the supplemental notice of inquiry

herein for the filing of comments by respondents on the report submitted to the Commission by the Ad Hoc Committee established pursuant to the supplemental notice is hereby extended to November 13, 1961.

Released: October 20, 1961.

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

[F.R. Doc. 61-10219; Filed, Oct. 25, 1961; 8:52 a.m.]

FEDERAL TRADE COMMISSION

[File No. 21-371]

WALLPAPER INDUSTRY

Notice of Trade Practice Conference

A trade practice conference for the Wall Paper Industry will be held under the auspices of the Federal Trade Commission commencing at 10 a.m., e.s.t., on Friday, November 10, 1961, in the Biltmore Hotel, Forty-Third Street and Madison Avenue, New York, New York.

The conference will be held under the general supervision of the Honorable Sigurd Anderson, Federal Trade Commissioner, and will constitute the first step in proceedings authorized by the Commission to revise the trade practice rules for the industry.

Members of this industry are persons, firms, corporations, and organizations engaged in the manufacture and sale of wall coverings, which are applied with an adhesive to produce a permanent or semipermanent bond to the surface to which it has been applied, and also those engaged in the distribution and sale of such products although the same are manufactured by others. The wall coverings may be composed of basic materials such as, but not limited to ,paper, cloth, plastics, glass, or combinations thereof.

The purpose of the conference is to afford all members of this industry an opportunity to consider, and propose for establishment, subject to the Commission's approval, rules designed to eliminate and prevent unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses violative of laws administered by the Commission. Any industry member may submit suggested trade practice rules for consideration at the conference and take part in the consideration and discussion of proposals or suggestions presented by others.

Among the subjects for rules which have been suggested for consideration at the conference are: Misrepresentation as to character of business; misrepresenting products as conforming to standard; guarantees, warranties, etc.; substitution of products; deceptive use or limitation or simulation of trade or corporate names, trademarks, etc.; deceptive invoicing, etc.; defamation of competitors or false disparagement of their products; deception (general); tie-in sales; use of the word "free"; and prohibited discrimination.

After the conference on November 10, 1961, and before any rules are finally approved by the Commission, a draft of proposed rules in appropriate form will be made available to all affected or interested parties including consumers and consumer organizations, upon public notice affording them opportunity to present their views, criticisms, and suggestions regarding the proposed rules and to be heard at a public hearing in the matter to be announced by the Commission.

Issued: October 25, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61-10253; Filed, Oct. 25, 1961; 8:55 a.m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

CERTAIN OFFICIALS

Delegation of Final Authority

Section II *Delegation of final authority,* is amended as follows:

1. The list of officials delegated to act in the absence of both the Commissioner and the Deputy Commissioner in paragraph B is amended as follows:

General Counsel.
Assistant Commissioner for Management.
Assistant Commissioner for Administration.

Approved: October 18, 1961.

[SEAL] MARIE C. McGUIRE,
Commissioner.

[F.R. Doc. 61-10176; Filed, Oct. 25, 1961; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3842]

BLACK BEAR INDUSTRIES, INC.

Order Summarily Suspending Trading

OCTOBER 20, 1961.

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

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

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

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, October 21, 1961 to October 30, 1961, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 61-10183; Filed, Oct. 25, 1961; 8:46 a.m.]

[File Nos. 54-232, 59-107]

NEW ORLEANS PUBLIC SERVICE, INC., AND MIDDLE SOUTH UTILITIES, INC.

Order Directing Elimination of a Publicly-Held Stock Interest and Approving Plan

OCTOBER 19, 1961.

In the matters of New Orleans Public Service, Inc., Middle South Utilities, Inc., File No. 59-107; Middle South Utilities, Inc., File No. 54-232.

The Commission having by Notice and Order dated May 1, 1961, instituted a proceeding under section 11(b)(2) of the Public Utility Holding Company Act of 1935 ("Act") with respect to Middle South Utilities, Inc. ("Middle South"), a registered holding company, and its subsidiary company, New Orleans Public Service Inc. ("New Orleans"); and the Commission having consolidated with the proceeding under section 11(b)(2) a proceeding with respect to a plan, as amended ("Plan"), filed by Middle South pursuant to section 11(e) of the Act for the purpose of eliminating the publicly-held common stock interest in New Orleans;

Middle South having requested that, if the Commission approves the section 11(e) Plan, the Commission's order contain the findings and recitals necessary to meet the requirements of sections 1081-1083 and 4382 of the Internal Revenue Code of 1954, as amended, and any other sections thereof providing exemptions or benefits with respect to transactions in obedience to or in compliance with orders of the Commission;

A public hearing having been held, after appropriate notice, with respect to the consolidated proceeding, at which hearing all interested persons were afforded an opportunity to be heard;

Middle South having, pursuant to section 11(e) of the Act, requested that the Commission apply to an appropriate United States District Court to enforce and carry out the terms and provisions of the Plan; and

The Commission having considered the entire record and having this day filed

its Findings and Opinion; on the basis of such Findings and Opinion:

It is ordered, That, pursuant to section 11(b)(2) of the Act, Middle South and New Orleans be, and each hereby is, directed to take appropriate action to effect the elimination of the publicly-held stock interest in New Orleans.

It is further ordered, Pursuant to section 11(e) of the Act, that the Plan filed by Middle South be, and hereby is, approved, subject to the terms and conditions contained in Rule 24 promulgated under the Act and to the following additional terms and conditions:

(1) This order shall not be operative to authorize any transaction proposed in the Plan until an appropriate United States District Court shall, upon application thereto, enter an order approving and enforcing the Plan;

(2) Only such fees and expenses in connection with the Plan and the proceedings incident thereto, as the Commission may approve on appropriate application made to it, shall be paid by Middle South and New Orleans, jurisdiction being specifically reserved to determine the reasonableness of all such fees and expenses and all other remuneration incurred or to be incurred by Middle South and New Orleans in connection with the Plan, the transactions incident thereto, and all proceedings on or related thereto; and

(3) Jurisdiction is specifically reserved with respect to the entering of such further orders and the taking of such further action as the Commission may deem necessary or appropriate to effectuate the requirements of Section 11(b) of the Act.

It is further ordered and recited, That all steps and transactions involved in the consummation of the Plan, including particularly the issuances, transfers, exchanges, expenditures, investments, distributions, and sales hereinafter described and recited in subparagraphs I and II set forth below, are necessary or appropriate to effect a simplification of the Middle South holding-company system and are necessary or appropriate to effectuate the provisions of section 11(b) of the Act and are hereby authorized, approved, and directed; the stock and securities and other property which are ordered to be issued, exchanged, acquired, transferred, received, and sold upon such transactions, and the investments which are to be made, being specified and itemized as follows:

I. Middle South will issue and deliver 124,299.375 common shares of Middle South to New Orleans stockholders (other than Middle South) at the rate of 2¾ common shares of Middle South for each share of common stock of New Orleans, and in exchange therefor such New Orleans stockholders will transfer and deliver to Middle South their certificates for New Orleans common stock aggregating 45,199.78 shares including 6.258 shares not represented by certificates for common stock but which are represented by voting trust certificates issued pursuant to an instrument entitled Voting Trust Agreement, Common Stock of New Orleans Public Service Inc., date October 14, 1922.

II. No certificates for fractional share interests in common stock of Middle South will be issued or distributed. Persons entitled to fractional interests shall either sell the same or purchase additional fractional interests through the Exchange Agent under the Plan to make up the next higher number of full shares.

By the Commission.

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

[F.R. Doc. 61-10184; Filed, Oct. 25, 1961; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-X-25]

MANAGER, DISASTER FIELD OFFICE, LAFAYETTE, LOUISIANA

Delegation Relating to Financial Assistance and Administrative Functions

I. Pursuant to the authority delegated to the Deputy Regional Director by Delegation of Authority No. 30-X-19, dated March 28, 1960 (25 F.R. 4939), there is hereby redelegated to the Manager, Disaster Field Office, Small Business Administration, Lafayette, Louisiana, the authority:

A. *Financial assistance.* (1) To approve or decline direct and participation disaster loans in the amount not to exceed $20,000.

(2) To disburse approved loans.

(3) To execute disaster loan authorizations for Washington approved disaster loans and for disaster loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator.*
By ----------,
(Name)
Manager, Disaster Field Office.

(4) To cancel, reinstate, modify, and amend authorizations or undisbursed portions of disaster loans.

(5) To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

B. *Administration.* (1) To administer oaths of office.

(2) To approve annual and sick leave, except advanced annual and sick leave, for employees under his supervision.

(3) To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or services rendered.

II. The authority delegated in I.A. and I.B. may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Manager, Disaster Field Office.

Effective date: September 18, 1961.

JAMES R. WOODALL,
Deputy Regional Director,
Dallas Regional Office.

[F.R. Doc. 61-10185; Filed, Oct. 25, 1961; 8:47 a.m.]

[Delegation of Authority 30-X-26]

MANAGER, DISASTER FIELD OFFICE, CAMERON, LOUISIANA

Delegation Relating to Financial Assistance and Administrative Functions

I. Pursuant to the authority delegated to the Deputy Regional Director by Delegation of Authority No. 30-X-19, dated March 28, 1960 (25 F.R. 4939), there is hereby redelegated to the Manager, Disaster Field Office, Small Business Administration, Cameron, Louisiana, the authority:

A. *Financial assistance.* (1) To approve or decline direct and participation disaster loans in the amount not to exceed $20,000.

(2) To disburse approved loans.

(3) To execute disaster loan authorizations for Washington approved disaster loans and for disaster loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator.*
By ----------,
(Name)
Manager, Disaster Field Office.

(4) To cancel, reinstate, modify, and amend authorizations or undisbursed portions of disaster loans.

(5) To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

B. *Administration.* (1) To administer oaths of office.

(2) To approve annual and sick leave, except advanced annual and sick leave, for employees under his supervision.

(3) To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or services rendered.

II. The authority delegated in I.A. and I.B. may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Manager, Disaster Field Office.

Effective date: September 18, 1961.

JAMES R. WOODALL,
Deputy Regional Director,
Dallas Regional Office.

[F.R. Doc. 61-10186; Filed, Oct. 25, 1961; 8:47 a.m.]

[Delegation of Authority 30-X-27]

MANAGER, DISASTER FIELD OFFICE, PORT ARTHUR, TEXAS

Delegation Relating to Financial Assistance and Administrative Functions

I. Pursuant to the authority delegated to the Deputy Regional Director by Delegation of Authority No. 30-X-19, dated March 28, 1960 (25 F.R. 4939), there is hereby redelegated to the Manager, Disaster Field Office, Small Business Administration, Port Arthur, Texas, the authority:

A. *Financial assistance.* (1) To approve or decline direct and participation disaster loans in the amount not to exceed $20,000.

(2) To disburse approved loans.

(3) To execute disaster loan authorizations for Washington approved disaster loans and for disaster loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator.*
By ----------,
(Name)
Manager, Disaster Field Office.

(4) To cancel, reinstate, modify, and amend authorizations or undisbursed portions of disaster loans.

(5) To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

B. *Administration.* (1) To administer oaths of office.

(2) To approve annual and sick leave, except advanced annual and sick leave, for employees under his supervision.

(3) To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or services rendered.

II. The authority delegated in I.A. and I.B. may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Manager, Disaster Field Office.

Effective date: September 18, 1961.

JAMES R. WOODALL,
Deputy Regional Director,
Dallas Regional Office.

[F.R. Doc. 61-10187; Filed, Oct. 25, 1961; 8:47 a.m.]

[Delegation of Authority 30-X-28]

MANAGER, DISASTER FIELD OFFICE, GALVESTON, TEXAS

Delegation Relating to Financial Assistance and Administrative Functions

I. Pursuant to the authority delegated to the Deputy Regional Director by Delegation of Authority No. 30-X-19, dated March 28, 1960 (25 F.R. 4939), there is hereby redelegated to the Manager, Disaster Field Office, Small Business Administration, Galveston, Texas, the authority:

A. *Financial assistance.* (1) To approve or decline direct and participation disaster loans in the amount not to exceed $20,000.

(2) To disburse approved loans.

(3) To execute disaster loan authorizations for Washington approved disaster loans and for disaster loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator.*
By ----------,
(Name)
Manager, Disaster Field Office.

(4) To cancel, reinstate, modify, and amend authorizations or undisbursed portions of disaster loans.

(5) To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

B. *Administration.* (1) To administer oaths of office.

(2) To approve annual and sick leave, except advanced annual and sick leave, for employees under his supervision.

(3) To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or services rendered.

II. The authority delegated in I.A. and I.B. may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Manager, Disaster Field Office.

Effective date: September 18, 1961.

JAMES R. WOODALL,
Deputy Regional Director,
Dallas Regional Office.

[F.R. Doc. 61-10188; Filed, Oct. 25, 1961; 8:47 a.m.]

[Delegation of Authority 30-X-29]

MANAGER, DISASTER FIELD OFFICE, BAY CITY, TEXAS

Delegation Relating to Financial Assistance and Administrative Functions

I. Pursuant to the authority delegated to the Deputy Regional Director by Delegation of Authority No. 30-X-19, dated March 28, 1960 (25 F.R. 4939), there is hereby redelegated to the Manager, Disaster Field Office, Small Business Administration, Bay City, Texas, the authority:

A. *Financial assistance.* (1) To approve or decline direct and participation disaster loans in the amount not to exceed $20,000.

(2) To disburse approved loans.

(3) To execute disaster loan authorizations for Washington approved disaster loans and for disaster loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator.*
By ----------,
(Name)
Manager, Disaster Field Office.

(4) To cancel, reinstate, modify, and amend authorizations or undisbursed portions of disaster loans.

(5) To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

B. *Administration.* (1) To administer oaths of office.

(2) To approve annual and sick leave, except advanced annual and sick leave, for employees under his supervision.

(3) To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or services rendered.

II. The authority delegated in I.A. and I.B. may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Manager, Disaster Field Office.

Effective date: September 18, 1961.

JAMES R. WOODALL,
Deputy Regional Director,
Dallas Regional Office.

[F.R. Doc. 61-10189; Filed, Oct. 25, 1961; 8:47 a.m.]

[Delegation of Authority 30-X-30]

MANAGER, DISASTER FIELD OFFICE, PORT LAVACA, TEXAS

Delegation Relating to Financial Assistance and Administrative Functions

I. Pursuant to the authority delegated to the Deputy Regional Director by Delegation of Authority No. 30-X-19, dated March 28, 1960 (25 F.R. 4939), there is hereby redelegated to the Manager, Disaster Field Office, Small Business Administration, Port Lavaca, Texas, the authority:

A. *Financial assistance.* (1) To approve or decline direct and participation disaster loans in the amount not to exceed $20,000.

(2) To disburse approved loans.

(3) To execute disaster loan authorizations for Washington approved disaster loans and for disaster loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator.*
By ----------,
(Name)
Manager, Disaster Field Office.

(4) To cancel, reinstate, modify, and amend authorizations or undisbursed portions of disaster loans.

(5) To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

B. *Administration.* (1) To administer oaths of office.

(2) To approve annual and sick leave, except advanced annual and sick leave, for employees under his supervision.

(3) To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or services rendered.

II. The authority delegated in I.A. and I.B. may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Manager, Disaster Field Office.

Effective date: September 18, 1961.

JAMES R. WOODALL,
Deputy Regional Director,
Dallas Regional Office.

[F.R. Doc. 61-10190; Filed, Oct. 25, 1961; 8:47 a.m.]

[Delegation of Authority 30-X-31]

MANAGER, DISASTER FIELD OFFICE, CORPUS CHRISTI, TEXAS

Delegation Relating to Financial Assistance and Administrative Functions

1. Pursuant to the authority delegated to the Deputy Regional Director by Delegation of Authority No. 30-X-19, dated March 28, 1960 (25 F.R. 4939), there is hereby redelegated to the Manager, Disaster Field Office, Small Business Administration, Corpus Christi, Texas, the authority:

A. *Financial assistance.* (1) To approve or decline direct and participation disaster loans in the amount not to exceed $20,000.

(2) To disburse approved loans.

(3) To execute disaster loan authorizations for Washington approved disaster loans and for disaster loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator.*
By ----------,
(Name)
Manager, Disaster Field Office.

(4) To cancel, reinstate, modify, and amend authorizations or undisbursed portions of disaster loans.

(5) To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

B. *Administration.* (1) To administer oaths of office.

(2) To approve annual and sick leave, except advanced annual and sick leave, for employees under his supervision.

(3) To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or services rendered.

II. The authority delegated in I.A. and I.B. may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Manager, Disaster Field Office.

Effective date: September 18, 1961.

JAMES R. WOODALL,
Deputy Regional Director,
Dallas Regional Office.

[F.R. Doc. 61-10191; Filed, Oct. 25, 1961; 8:47 a.m.]

[Delegation of Authority 30-X-32]

MANAGER, DISASTER FIELD OFFICE, PORT ISABEL, TEXAS

Delegation Relating to Financial Assistance and Administrative Functions

I. Pursuant to the authority delegated to the Deputy Regional Director by Delegation of Authority No. 30-X-19, dated March 28, 1960 (25 F.R. 4939), there is hereby redelegated to the Manager, Disaster Field Office, Small Business Administration, Port Isabel, Texas, the authority:

A. *Financial assistance.* (1) To approve or decline direct and participation disaster loans in the amount not to exceed $20,000.

(2) To disburse approved loans.

(3) To execute disaster loan authorizations for Washington approved disaster loans and for disaster loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator.*
By ----------,
(Name)
Manager, Disaster Field Office.

(4) To cancel, reinstate, modify, and amend authorizations or undisbursed portions of disaster loans.

(5) To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

B. *Administration.* (1) To administer oaths of office.

(2) To approve annual and sick leave, except advanced annual and sick leave, for employees under his supervision.

(3) To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or services rendered.

II. The authority delegated in I.A. and I.B. may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Manager, Disaster Field Office.

Effective date: September 18, 1961.

JAMES R. WOODALL,
Deputy Regional Director,
Dallas Regional Office.

[F.R. Doc. 61-10192; Filed, Oct. 25, 1961; 8:47 a.m.]

[Delegation of Authority 30-X-33]

MANAGER, DISASTER FIELD OFFICE, HOUSTON, TEXAS

Delegation Relating to Financial Assistance and Administrative Functions

I. Pursuant to the authority delegated to the Deputy Regional Director by Delegation of Authority No. 30-X-19, dated March 28, 1960 (25 F.R. 4939), there is hereby redelegated to the Manager, Disaster Field Office, Small Business Administration, Houston, Texas, the authority:

A. *Financial assistance.* (1) To approve or decline direct and participation disaster loans in the amount not to exceed $20,000.

(2) To disburse approved loans.

(3) To execute disaster loan authorizations for Washington approved disaster loans and for disaster loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator.*
By ----------,
(Name)
Manager, Disaster Field Office.

(4) To cancel, reinstate, modify, and amend authorizations or undisbursed portions of disaster loans.

(5) To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

B. *Administration.* (1) To administer oaths of office.

(2) To approve annual and sick leave, except advanced annual and sick leave, for employees under his supervision.

(3) To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or services rendered.

II. The authority delegated in I.A. and I.B. may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Manager, Disaster Field Office.

Effective date: September 18, 1961.

JAMES R. WOODALL,
Deputy Regional Director,
Dallas Regional Office.

[F.R. Doc. 61-10193; Filed, Oct. 25, 1961; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 558]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 23, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64082. By order of October 19, 1961, the Transfer Board approved the transfer to Comet Fast Freight, Inc., Harrisonburg, Va., of a portion of Certificate No. MC 30631, issued November 3, 1948, to Sanders Motor Freight, Inc., Baltimore, Md., authorizing the transportation of: Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, equipment, materials, and supplies used in the conduct of such business, between points in West Virginia, except points in West Virginia within 10 miles of Oakland, Md. James E. Wilson, 1111 E Street, NW., Washington, D.C., attorney for applicants.

No. MC-FC 64402. By order of October 18, 1961, The Transfer Board approved the transfer to Edgar W. Foss, Chase's Mills, East Machias, Maine, of Certificate No. MC 96225, issued October 20, 1949, to Arnold Emerson, RFD, Addison, Maine, authorizing the transportation of general commodities, excluding household goods and commodities in bulk, between Jonesport, Maine, and Columbia Falls, Maine; and service is authorized to and from all intermediate points; and the off-route point of Addison, Maine.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-10203; Filed, Oct. 25, 1961; 8:50 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative

Order No. 524 (24 F.R. 9274) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of ten percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Allen Garment Co., Franklin, Ky.; effective 10–12–61 to 10–11–62 (men's and boys' sport shirts).

Michael Berkowitz Co., Inc., Berton Mill Road, Uniontown, Pa.; effective 10–28–61 to 10–27–62 (men's, ladies', and children's pajamas).

Blount Manufacturing Co., Blountsville, Ala.; effective 10–21–61 to 10–20–62 (children's apparel).

Blue Bell, Inc., Comer, Ga.; effective 10–13–61 to 10–12–62 (men's, boys', kiddies' dungarees and western jackets).

Blue Bell, Inc., Commerce, Ga.; effective 10–11–61 to 10–10–62 (blanket lined coats and cossack jackets).

The Carthage Corp., Carthage, Miss.; effective 11–1–61 to 10–31–62 (men's pants).

Crystal Springs Shirt Corp., Crystal Springs, Miss.; effective 10–21–61 to 10–20–62 (boys' shirts).

The Formfit Co., Monmouth, Ill.; effective 10–15–61 to 10–14–62 (bras and girdles).

The Formfit Co., Beatrice, Nebr.; effective 10–15–61 to 10–14–62 (bras and girdles).

The Formfit Co., Crete, Nebr.; effective 10–15–61 to 10–14–62 (bras and girdles).

Granby Manufacturing Co., Inc., Granby, Mo.; effective 10–10–61 to 10–9–62 (trousers).

Heavy Duty Manufacturing Co., Gainesboro, Tenn.; effective 10–28–61 to 10–27–62 (men's and boys' sport shirts).

Hicks-Ponder Co., Del Rio, Tex.; effective 10–21–61 to 10–20–62 (work clothing and wash slacks).

Key Work Clothes, Inc., Fort Scott, Kans.; effective 10–31–61 to 10–30–62 (bib overalls and overall jackets).

Lebanon Garment Co., East Market Street, Lebanon, Tenn.; effective 10–15–61 to 10–14–62 (men's and boys' trousers).

Mauston Manufacturing Co., Mauston, Wis.; effective 10–12–61 to 4–11–62; 10 percent of the workers used in the production of women's and children's dresses.

Rob Roy Co., Inc., Ridgely, Md.; effective 10–14–61 to 10–13–62. Learners may not be employed at special minimum wage rates in the production of swim suits (boys' shirts).

School-Timer Frocks, Inc., 5806 Campbell Street, North Charleston, S.C.; effective 10–11–61 to 4–10–62 (children's dresses and playwear).

Standard Romper Co., Inc., Verney Building, Brunswick, Maine; effective 10–11–61 to 10–10–62 (children's pants).

Troymake Corp., 80–90 Second Avenue, Troy, N.Y.; effective 10–13–61 to 4–12–62 (men's sport jackets).

Tom and Huck Togs, Inc., Amory, Miss.; effective 10–15–61 to 10–14–62 (men's and boys' play slacks).

Walhalla Garment Co., Inc., Walhalla, S.C.; effective 11–1–61 to 10–31–62 (women's dresses).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Athens Garment Co., 208 North Marion Street, Athens, Ala.; effective 10–24–61 to 10–23–62; 10 learners (work shirts).

Dillsburg Dress Co., Dillsburg, Pa.; effective 10–11–61 to 10–10–62; 4 learners (dresses).

Jeanette's Originals, 4815 Central Avenue NE., Albuquerque, N. Mex.; effective 10–13–61 to 10–12–62; two learners (ladies' and children's dresses).

Lacy Manufacturing Co., Inc., 901 Adele Street, Martinsville, Va.; effective 10–13–61 to 10–12–62; 10 learners (sport jackets).

Mize Manufacturing Co., Mize, Miss.; effective 10–16–61 to 10–15–62; 10 learners (rainwear).

Wimbledon Fashions, 1004 Eilzabeth Avenue, Elizabeth, N.J.; effective 10–13–61 to 10–12–62; 10 learners (children's cotton playwear and sportswear).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

Lambert Manufacturing Co., Kirksville, Mo.; effective 10–17–61 to 10–16–62; 10 learners for normal labor turnover purposes (cotton and leather palm work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Elder Hosiery Mills, Inc., 230 Hawkins Street, Burlington, N.C.; effective 10–16–61 to 10–15–62; two learners for normal labor turnover purposes (seamless).

Kayser-Roth Hosiery Co., Concord Full-Fashioned Knitting, Concord Seamless Knitting, Concord Finishing Divisions, Concord, N.C.; effective 10–31–61 to 10–30–62; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Kayser-Roth Hosiery Co., Inc., Hickory Knitting Division, Hickory, N.C.; effective 10–11–61 to 10–10–62; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's half-hose knitting).

Ridgeview Hosiery Mill Co., Newton, N.C.; effective 10–24–61 to 10–23–62; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned and seamless).

Waldensian Hosiery Mills, Inc., Ladies' Seamless Plant, Lenoir, N.C.; effective 10–12–61 to 10–11–62; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Waldensian Hosiery Mills, Inc., Finishing Plant, Valdese, N.C.; effective 10–12–61 to 10–11–62; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Waldensian Hosiery Mills, Inc., Pauline Plant, Valdese, N.C.; effective 10–12–61 to 10–11–62; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's socks).

C. A. Wanner, Inc., 100 South Richmond Street, Fleetwood, Pa.; effective 10–12–61 to 10–11–62; five learners for normal labor turnover purposes (seamless).

Wyatt Knitting Co., 1006 Goldsboro Avenue, Sanford, N.C.; effective 10–15–61 to 10–14–62; five learners for normal labor turnover purposes (full-fashioned and seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Devon Knitting Mills, Bechtelsville, R.D. No. 1, Eshback, Pa.; effective 10–11–61 to 4–10–62; five learners for normal labor turnover purposes (men's athletic T-shirts and briefs).

Lacy Manufacturing Co., Inc., 901 Adele Street, Martinsville, Va.; effective 10–13–61 to 10–12–62; 5 percent of the total number of factory production workers engaged in the production of swim trunks for normal labor turnover purposes (swim trunks).

Lawrence Corp., Moulton, Ala.; effective 10–13–61 to 4–12–62; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's nightgowns, peignoirs, slips, etc.)

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Beatrice Needle Craft, Inc., Malecon Road, Plant, Mayaguez, P.R.; effective 9–20–61 to 3–19–62; 40 learners for plant expansion purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 70 cents an hour for the first 320 hours and 78 cents an hour for the remaining 160 hours (brassieres).

Billfold Corp. of America, Gurabo, P.R.; effective 9–1–61 to 2–28–62; 37 learners for plant expansion purposes in the occupations of: (1) Stitching machine operators for a learning period of 320 hours at the rates of 48 cents an hour for the first 160 hours and 56 cents an hour for the remaining 160 hours; (2) die and clicker machine operators (cutting), creasing machine operators, skiving machine operators, framing machine operators, assembly, each for a learning period of 160 hours at the rate of 48 cents an hour (billfolds and purses).

Billfold Corp. of America, Gurabo, P.R.; effective 9–1–61 to 8–31–62; 11 learners for normal labor turnover purposes in the occupations of: (1) Stitching machine operators for a learning period of 320 hours at the rates of 48 cents an hour for the first 160 hours and 56 cents an hour for the remaining 160 hours; (2) die and clicker machine operators (cutting), creasing machine operators, skiving machine operators, framing machine operators, assembly, each for a learning period of 160 hours at the rate of 48 cents an hour (billfolds and purses).

Bonita, Inc., Cayey, P.R.; effective 9–15–61 to 3–14–62; 10 learners for plant expansion purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 70 cents an hour for the first 320 hours and 78 cents for the remaining 160 hours (brassieres).

Bra-Glo Manufacturing Co., Inc., Carolina, P.R.; effective 10–2–61 to 4–1–62; nine learners for plant expansion purposes in the occupations of: (1) Sewing machine operators for a learning period of 480 hours at the rates of 70 cents an hour for the first 320 hours and 78 cents an hour for the remaining 160 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 70 cents an hour (corsets).

Bra-Glo Manufacturing Co., Inc., Carolina, P.R.; effective 10–2–61 to 10–1–62; 33 learners for normal labor turnover purposes in the occupations of: (1) Sewing machine operators for a learning period of 480 hours at

the rates of 70 cents an hour for the first 320 hours and 78 cents an hour for the remaining 160 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 70 cents an hour (brassieres).

Caguas Robacco and Processing Corp., Caguas, P.R.; effective 10–2–61 to 10–1–62; 26 learners for normal labor turnover purposes in the occupations of: (1) Machine stripping for a learning period of 160 hours at the rate of 70 cents an hour; (2) sorting (selecting half leaves) for a learning period of 160 hours at the rate of 63 cents an hour (machine stripping process and selection of half leaves of wrappers).

Debmar Corp., Canóvanas, P.R., effective 10–2–61 to 4–1–62; 31 learners for plant expansion purposes in the occupations of: (1) Sewing machine operators for a learning period of 480 hours at the rates of 70 cents an hour for the first 320 hours and 78 cents an hour for the remaining 160 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 70 cents an hour (brassieres).

Debmar Corp., Canóvanas, P.R., effective 10–2–61 to 10–1–62; 16 learners for normal labor turnover purposes in the occupations of: (1) Sewing machine operators for a learning period of 480 hours at the rates of 70 cents an hour for the first 320 hours and 78 cents an hour for the remaining 160 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 70 cents an hour (brassieres).

Euphonics Acoustics, Inc., Rio Piedras, P.R.; effective 8–14–61 to 2–13–62; 50 learners for plant expansion purposes in the single occupation of basic hand and/or machine production operations: machine operation, cable preparation, soldering, assembly, testing, inspection for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 85 cents an hour for the remaining 240 hours (microphones) (replacement certificate).

La Torre Co., Inc., Aibonito, P.R.; effective 8–1–61 to 7–31–62; 34 learners for normal labor turnover purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 60 cents an hour for the first 240 hours and 70 cents an hour for the remaining 240 hours (ladies' underwear, sleepwear and shoulder straps).

Linda Uniforms, Inc., Cidra, P.R.; effective 9–25–61 to 3–24–62; 70 learners for plant expansion purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 63 cents an hour for the first 240 hours and 73 cents an hour for the remaining 240 hours (ladies' dresses).

Marcat, Inc., El Comandante Industrial Development, Rio Piedras, P.R.; effective 10–2–61 to 4–1–62; 20 learners for plant expansion purposes in the occupations of assembler of gun mounts and inspector each for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 90 cents an hour for the remaining 240 hours (assembly of television gun mounts).

Marcat, Inc., El Comandante Industrial Development, Rio Piedras, P.R.; effective 10–2–61 to 10–1–62; 5 learners for normal labor turnover purposes in the occupations of assembler of gun mounts and inspector each for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 90 cents an hour for the remaining 240 hours (assembly of television gun mounts).

Princetta Lingerie, Inc., Luquillo, P.R.; effective 9–1–61 to 2–28–62; 25 learners for plant expansion purposes in the occupations of: (1) Sewing machine operators for a learning period of 480 hours at the rates of 60 cents an hour for the first 240 hours and 70 cents an hour for the remaining 240 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 60 cents an hour (panties).

Puerto Rico Pin Co., Caztambide Industrial Division, Catano, P.R.; effective 9–18–61 to 3–17–62; 12 learners for plant expansion purposes in the occupations of grinding machine tender, safety pin machine tender, and cut-off machine tender each for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours (safety pins).

Rio Grande Manufacturing Corp., Rio Grande, P.R.; effective 9–28–61 to 3–27–62; 22 learners for plant expansion purposes in the occupations of sewing machine operators and final pressers each for a learning period of 480 hours at the rates of 57 cents an hour for the first 240 hours and 66 cents an hour for the remaining 240 hours (men's shorts).

Rio Grande Manufacturing Corp., Rio Grande, P.R.; effective 9–28–61 to 9–27–62; 10 learners for normal labor turnover purposes in the occupations of sewing machine operators, and final pressers each for a learning period of 480 hours at the rates of 57 cents an hour for the first 240 hours and 66 cents an hour for the remaining 240 hours (men's shorts).

Superior Embroidery Co., Inc., No. 33 Dr. Félix Tió Street, Sábana Grande, P.R.; effective 8–28–61 to 8–27–62; 10 learners for normal labor turnover purposes in the occupations of: (1) Sewing machine operating for a learning period of 480 hours at the rates of 60 cents an hour for the first 240 hours and 70 cents an hour for the remaining 240 hours; (2) hand cutting of applique on embroidery panels for a learning period of 240 hours at the rates of 60 cents an hour for the first 160 hours and 70 cents an hour for the remaining 80 hours (applique embroidery on panels and hand cutters of applique on women's underwear).

Superior Embroidery Co., Inc., No. 33 Dr. Félix Tió Street, Sábana Grande, P.R.; effective 8–28–61 to 2–27–62; 10 learners for plant expansion purposes in the occupations of: (1) Sewing machine operating for a learning period of 480 hours at the rates of 60 cents an hour for the first 240 hours and 70 cents an hour for the remaining 240 hours; (2) hand cutting or applique on embroidery panels for a learning period of 240 hours at the rates of 60 cents an hour for the first 160 hours and 70 cents an hour for the remaining 80 hours (applique embroidery on panels and hand cutters of applique on women's underwear).

Tedros Corp., Carolina, P.R.; effective 10–2–61 to 4–1–62; 38 learners for plant expansion purposes in the occupations of: (1) Sewing machine operators for a learning period of 480 hours at the rates of 70 cents an hour for the first 320 hours and 78 cents an hour for the remaining 160 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 70 cents an hour (brassieres).

Tedros Corp., Carolina, P.R.; effective 10–2–61 to 10–1–62; 12 learners for normal labor turnover purposes in the occupations of: (1) Sewing machine operators for a learning period of 480 hours at the rates of 70 cents an hour for the first 320 hours and 78 cents an hour for the remaining 160 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 70 cents an hour (brassieres).

United Corp., Cabo Rojo, P.R.; effective 8–31–61 to 2–28–62; 38 learners for plant expansion purposes in the occupations of: (1) Machine stitchers and layers off each for a learning period of 480 hours at the rates of 62 cents an hour for the first 240 hours and 72 cents an hour for the remaining 240 hours; (2) die and clicker machine operators for a learning period of 160 hours at the rate of 62 cents an hour (leather gloves).

Valley Sportswear Inc., Coamo, P.R.; effective 9–18–61 to 9–17–62; five learners for normal labor turnover purposes in the occupations of: (1) Sewing machine operators and final pressers each for a learning period of 480 hours at the rates of 63 cents an hour for the first 240 hours and 73 cents an hour for the remaining 240 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 63 cents an hour (skirts).

Valley Sportswear Inc., Coamo, P.R.; effective 9–18–61 to 3–17–62; 10 learners for plant expansion purposes in the occupations of: (1) Sewing machine operators and final pressers each for a learning period of 480 hours at the rates of 63 cents an hour for the first 240 hours and 73 cents an hour for the remaining 240 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 63 cents an hour (skirts).

Wilida, Inc., Juana Diaz, P.R.; effective 9–11–61 to 2–10–62; 40 learners for plant expansion purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 63 cents an hour for the first 240 hours and 73 cents an hour for the remaining 240 hours (swim suits).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Part 527 of the Regulations issued thereunder (29 CFR Part 527) a special certificate authorizing the employment of student-workers at hourly wage rates lower than the minimum wage rates applicable under Section 6 of the Act has been issued to the firm listed below. Effective and expiration dates, occupations, and learning periods for the certificate issued under Part 527 are as indicated below.

Regulations Applicable to the Employment of Student-Workers (29 CFR 527.1 to 527.9).

Campbellsville College, Campbellsville, Ky.; effective 9–26–61 to 8–31–62; authorizing the employment of: (1) 15 student-workers in the furniture and novelty manufacturing industry in the occupations of woodworking machine operator, veneer machine operator, including glue reel worker, assembler, furniture finisher and related skilled and semi-skilled occupations for a learning period of 600 hours at the rates of $1.00 an hour for the first 300 hours and $1.05 an hour for the remaining 300 hours; (2) 15 student-workers in the metal fabricating industry in the occupations of machine tools operator, lathe operator, milling machine operator, drill press operator and related skilled and semi-skilled occupations for a learning period of 850 hours at the rates of $1.00 an hour for the first 425 hours and $1.05 an hour for the remaining 425 hours.

This student-worker certificate was issued upon the applicant's representations and supporting material fulfilling the statutory requirements for the issuance of such certificate, as interpreted and applied by Part 527.

Signed at Washington, D.C., this 20th day of October, 1961.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 61-10181; Filed, Oct. 25, 1961; 8:46 a.m.]

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