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Rules and Regulations

Title 7—AGRICULTURE

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

[Milk Order Nos. 4, 90, 96, 99]

PART 904—MILK IN GREATER BOSTON, MASS., MARKETING AREA

PART 990—MILK IN SOUTHEASTERN NEW ENGLAND MARKETING AREA

PART 996—MILK IN SPRINGFIELD, MASS., MARKETING AREA

PART 999—MILK IN WORCESTER, MASS., MARKETING AREA

Order Terminating Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the orders regulating the handling of milk in the Greater Boston, Massachusetts; Southeastern New England; Springfield and Worcester, Massachusetts; marketing areas (7 CFR Parts 904, 990, 996 and 999), it is hereby found and determined that:

(a) The following provision of the orders no longer tends to effectuate the declared policy of the Act: "was received at that plant and" in §§ 904.2(d)(3), 990.2(d)(3), 996.2(d)(3), and 999.2(d)(3) of the respective orders.

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) An important purpose of the amendments to these orders effective September 1, 1960 (25 F.R. 8283) was to facilitate allocation of supplies and other movements of milk among the New England markets through greater uniformity in those provisions (definitions and pooling requirements) of the New England orders which determine the scope of regulation in each of the markets.

The amended orders have brought about greater flexibility in the shifting of plants among markets without interruption to "producer" status for dairy farmers delivering to such plants. However, an unforeseen result of the amended definition "dairy farmer for other markets" is that an entire plant together with the complement of producers delivering to such plant can shift freely from one market to another while individual dairy farmers may not be shifted by a handler so freely if producer status is to be retained.

Conversion to bulk tank delivery in the New England markets is resulting in the closing of some plants at which milk was formerly received in cans. Several handlers have experienced difficulty in their conversion programs because of inability to transfer producers from one

plant to another under the "dairy farmer for other markets" provision.

Retention of the aforesaid provision in the Greater Boston, Southeastern New England, Springfield and Worcester orders would result in unnecessary and uneconomic handling and transportation of milk as between plants regulated under different orders. The provision interferes with the orderly marketing of milk in the New England area and threatens to impede the balance of milk supplies as among markets. Termination of this provision will alleviate the situation faced by handlers and producers and assist in implementing the intent of the September 1, 1960, amendments with beneficial effect on the several markets.

(2) This termination order does not require of persons affected substantial or extensive preparation prior to the effective date.

(3) This termination order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the respective marketing areas.

(4) Interested persons have been afforded opportunity to show cause why such provision should not be terminated from the respective orders in a notice of proposed termination issued on December 30, 1960 (26 F.R. 29). The period for filing written data, views, or arguments on the proposed termination notice expired on January 12, 1961. Such data, views, or arguments as were filed favored the proposed termination.

Therefore, good cause exists for making this order effective February 1, 1961.

It is therefore ordered, That the aforesaid provision of the orders is hereby terminated effective on and after February 1, 1961.

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

Issued at Washington, D.C., this 19th day of January 1961.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 61-682; Filed, Jan. 24, 1961; 8:53 a.m.]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Expenses and Fixing of Rate of Assessment for 1960-61 Fiscal Year

On January 7, 1961, notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 132) regarding the expenses and rate of assessment for the 1960-61 fiscal year under Marketing Agreement No. 117, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective Septem-

ber 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Navel Orange Administrative Committee (established pursuant to the amended marketing agreement and order), it is hereby found and determined that:

§ 914.208 Expenses and rate of assessment for the 1960-61 fiscal year.

(a) *Expenses.* The expenses necessary to be incurred by the Navel Orange Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, for its maintenance and functioning during the period November 1, 1960, through October 31, 1961, will amount to \$160,630.

(b) *Rate of assessment.* The rate of assessment to be paid by each handler who first handles oranges shall be 11 mills (\$0.011) per carton of oranges handled by such handler as the first handler thereof during the 1960-61 fiscal year. Such rate of assessment is hereby fixed as each handler's pro rata share of the aforesaid expenses.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that: (1) the relevant provisions of said amended marketing agreement and this part require that the rate of assessment fixed for a particular fiscal year shall be applicable to all assessable navel oranges from the beginning of such year; and (2) the current fiscal year began on November 1, 1960, and the rate of assessment herein fixed will automatically apply to all assessable navel oranges beginning with such date.

Terms used herein shall have the same meaning as when used in said amended marketing agreement and order.

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

Dated: January 19, 1961.

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

[F.R. Doc. 61-681; Filed, Jan. 24, 1961; 8:53 a.m.]

[Navel Orange Reg. 201, Amdt. 1]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel

oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

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

Order, as amended. The provisions in paragraph (b)(1) (i) and (ii) of § 914.501 (Navel Orange Regulation 201, 26 F.R. 280) are hereby amended to read as follows:

- (i) District 1: 475,000 cartons;
- (ii) District 2: 325,000 cartons.

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

Dated: January 19, 1961.

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

[F.R. Doc. 61-657; Filed, Jan. 24, 1961;
8:50 a.m.]

PART 1033—ONIONS GROWN IN SOUTH TEXAS

Order Regulating Handling

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AUTHORITY: §§ 1033.0 to 1033.92 issued pursuant to secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

§ 1033.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Edinburg, Texas, on June 13-14, 1960, upon a proposed marketing agreement and a proposed marketing order regulating the handling of onions grown in South Texas. On the basis of the evidence introduced at said hearing and the record thereof, it is found that:

(1) The marketing order as herein after set forth, and all of the terms and provisions thereof, will tend to effectuate the declared policy of the Act with respect to onions 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, (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such onions 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 onions as will be in the public interest;

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

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

(4) The marketing order 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 differences in the production and marketing of onions grown in the production area; and

(5) All handling of onions, as defined in the marketing order, is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is hereby found that good cause exists for making the provisions of this order effective not later than the time hereinafter specified so that the South Texas Onion Committee, the administrative agency provided for in the order, can be organized and start to function as soon as possible. Only thereby can regulations be formulated and issued so that onion producers can obtain the benefits of this program on all their 1961 crop.

The provisions of the order are well known to handlers of onions grown in the production area by reason of the following facts:

(1) A public hearing, at which evidence was received from the industry and upon which this order was based, was held in Edinburg, Texas, June 13-14, 1960;

(2) The recommended decision and the final decision were issued on December 5, 1960 (25 F.R. 12606), and December 29, 1960 (26 F.R. 35), respectively;

(3) Copies of the order were made available, to all known parties who may be subject thereto, prior to and during the course of the referendum which was held during the period January 9-15, 1961, to determine whether producers of onions in the production area approved or favored issuance of this order; and

(4) All known handlers in the production area were mailed copies of the marketing agreement, the regulatory provisions of which are the same as those contained in this order.

Compliance with the regulatory provisions of this order will not require advance preparation on the part of persons subject thereto which cannot be completed prior to the effective date of regulations issued pursuant thereto. Therefore, it would be contrary to the public interest to delay the effective date hereof beyond the date hereinafter specified (5 U.S.C. 1001-1011).

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

(1) Handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping onions covered by this order) of more than 50 percent of the volume of onions covered by this order have signed the marketing agreement regulating the handling of onions grown in the production area, and

(2) The issuance of this order is approved or favored (i) by at least two-thirds of the producers of onions who participated in the referendum held during the period January 9-15, 1961, and who, during the determined representative period (January 1 through December 31, 1960), have been engaged within the production area in the production of onions for market, and (ii) by producers who participated in the aforesaid referendum and who, during the aforesaid representative period, produced for market at least two-thirds of the volume of such onions produced for market within the production area specified herein by all producers who participated in the said referendum.

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

DEFINITIONS

§ 1033.1 Secretary.

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

§ 1033.2 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 (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

§ 1033.3 Person.

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

§ 1033.4 Production area.

"Production area" means the counties of Val Verde, Kinney, Uvalde, Medina, Wilson, Karnes, Goliad, Victoria, Calhoun, Maverick, Zavala, Frio, Atascosa, Dimmit, La Salle, McMullen, Live Oak, Bee, Refugio, Webb, Duval, Jim Wells, San Patricio, Nueces, Zapata, Jim Hogg, Brooks, Kleberg, Kenedy, Starr, De Witt, Aransas, Hidalgo, Willacy, and Cameron, in the State of Texas.

§ 1033.5 Onions.

"Onions" means all varieties of *Allium cepa* commonly known as onions grown within the production area and marketed dry.

§ 1033.6 Handler.

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

§ 1033.7 Handle.

"Handle" or "ship" means to package, sell, transport, or in any way to place onions in the current of the commerce between the production area and any point outside thereof. Such term shall not include the transportation, sale, or delivery of onions to a person in the production area who is a registered handler.

§ 1033.8 Registered handler.

"Registered handler" means any person with adequate facilities within the production area for preparing onions for commercial market, who customarily does so, and who is so recorded by the committee, or any person who has access to such facilities within the production area, and has recorded with the committee his ability and willingness to assume customary obligations of preparing onions for commercial market.

§ 1033.9 Producer.

"Producer" means any person engaged in a proprietary capacity in the production of onions for market.

§ 1033.10 Grading.

"Grading" is synonymous with "preparation for market" and means the sorting or separation of onions into grades, sizes, and packs for market purposes.

§ 1033.11 Grade and size.

"Grade" means any of the established grades of onions, and "size" means any of the established sizes of onions as defined and set forth in the United States Standards for Bermuda-Granex Type Onions (§§ 51.3195 to 51.3209 of this title) or any other United States Standards for onions, or amendments thereto,

or modifications thereof, or variations based thereon, recommended by the committee and approved by the Secretary.

§ 1033.12 Pack.

"Pack" means a quantity of onions in any type of container and which falls within specific weight limits, numerical limits, grade limits, size limits or any combination of these, recommended by the committee and approved by the Secretary.

§ 1033.13 Container.

"Container" means a box, bag, crate, hamper, basket, package, or any other receptacle used in the packaging, transportation, sale, shipment or other handling of onions.

§ 1033.14 Varieties.

"Varieties" means and includes all classifications, subdivisions, or types of onions according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture or recommended by the committee and approved by the Secretary.

§ 1033.15 Committee.

"Committee" means the South Texas Onion Committee, established pursuant to § 1033.22.

§ 1033.16 Fiscal period.

"Fiscal period" means the annual period beginning and ending on such dates as may be approved by the Secretary pursuant to recommendations of the committee.

§ 1033.17 District.

"District" means each of the geographic divisions of the production area initially established pursuant to § 1033.24 or as reestablished pursuant to § 1033.25.

§ 1033.18 Export.

"Export" means to ship onions to any destination which is not within the 48 contiguous States, or the District of Columbia, of the United States.

COMMITTEE

§ 1033.22 Establishment and membership.

The South Texas Onion Committee, consisting of seventeen members, ten of whom shall be producers and seven of whom shall be handlers, is hereby established. For each member of the committee there shall be an alternate. Producer members and alternates shall not have a proprietary interest in or be employees of a handler organization.

§ 1033.23 Term of office.

(a) The term of office of committee members and their respective alternates shall be for two years and shall begin as of August 1 and end as of July 31. The terms shall be so determined that about one-half of the total committee membership shall terminate each year.

(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 such term of office and continuing until the end thereof, and until their successors are selected and have qualified.

§ 1033.24 Districts.

To determine a basis for selecting committee members, the following districts of the production area are hereby initially established:

District No. 1: (Coastal Bend) The Counties of Victoria, Calhoun, Goliad, Refugio, Bee, Live Oak, San Patricio, Aransas, Jim Wells, Nueces, Kleberg, Brooks, Kenedy, Duval, and McMullen in the State of Texas.

District No. 2: (Laredo) The Counties of Zapata, Webb, and Jim Hogg in the State of Texas.

District No. 3: (Lower Valley) The Counties of Cameron, Hidalgo, Starr, and Willacy in the State of Texas.

District No. 4: (Wilson-Karnes) The Counties of DeWitt, Wilson, Atascosa, and Karnes in the State of Texas.

District No. 5: (Winter Garden) The Counties of Val Verde, Frio, Kinney, Uvalde, Medina, Maverick, Zavala, Dimmit, and La Salle in the State of Texas.

§ 1033.25 Redistricting.

The committee may recommend, and pursuant thereto, the Secretary may approve, the reapportionment of members among districts, and the reestablishment of districts within the production area. In recommending any such changes, the committee shall give consideration to:

(a) Shifts in onion acreage within the districts and within the production area during recent years;

(b) The importance of new production in its relation to existing districts;

(c) The equitable relationship of committee membership and districts;

(d) Economies to result for producers in promoting efficient administration due to redistricting or reapportionment of members within districts; and

(e) Other relevant factors. No change in districting or in apportionment of members within districts may become effective less than 30 days prior to the date on which terms of office begin each year and no recommendations for such redistricting or reapportionment may be made less than six months prior to such date.

§ 1033.26 Selection.

The Secretary shall select members and respective alternates from districts established pursuant to § 1033.24 or § 1033.25. Initial selections shall be as follows:

District No. 1—3 producer members and alternates; 1 handler member and alternate.

District No. 2—2 producer members and alternates; 1 handler member and alternate.

District No. 3—3 producer members and alternates; 2 handler members and alternates.

District No. 4—1 handler member and alternate.

District No. 5—2 producer members and alternates; 2 handler members and alternates.

§ 1033.27 Nomination.

The Secretary may select the members of the committee and alternates from nominations which may be made in the following manner:

(a) A meeting or meetings of producers and handlers shall be held for each district to nominate members and alternates for the committee. For nominations to the initial committee, the meetings may be sponsored by the United States Department of Agriculture or by any agency or group requested to do so by such department. For nominations for succeeding members and alternates on the committee, the committee shall hold such meetings or cause them to be held prior to June 15 of each year, after the effective date of this subpart;

(b) 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;

(c) Nominations for committee members and alternates shall be supplied to the Secretary in such manner and form as he may prescribe, not later than July 1 of each year;

(d) Only producers may participate in designating producer nominees, and only handlers may participate in naming handler nominees. In the event a person is engaged in producing or handling onions in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees;

(e) Regardless of the number of districts in which a person produces or handles onions, 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. 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.

§ 1033.28 Failure to nominate.

If nominations are not made within the time and in the manner specified in § 1033.27, the Secretary may, without regard to nominations, select the committee members and alternates, which selection shall be on the basis of the representation provided for in §§ 1033.22 through 1033.26.

§ 1033.29 Acceptance.

Any person selected as a committee member or alternate shall qualify by filing a written acceptance within ten days after being notified of such selection.

§ 1033.30 Vacancies.

To fill committee vacancies, the Secretary may select such members or alternates from unselected nominees on the current nominee list from the district involved, or from nominations made in the manner specified in § 1033.27. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, which selection shall be made on the basis of the representation provided for in §§ 1033.24 to 1033.26.

§ 1033.31 Alternate members.

An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence or when designated to do so by the member for whom he is an alternate. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified. The committee may request the attendance of alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members.

§ 1033.32 Procedure.

(a) Eleven members of the committee shall be necessary to constitute a quorum. Nine concurring votes, or two-thirds of the votes cast, whichever is greater, shall be required to pass any motion or approve any committee action. At assembled meetings all votes shall be cast in person.

(b) The committee may meet by telephone, telegraph, or other means of communication and any vote at such a meeting shall be promptly confirmed in writing. On such occasions unanimous vote of committee members voting will be required to approve any action.

§ 1033.33 Expenses and compensation.

Committee members and alternates when acting on committee business shall be reimbursed for reasonable expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this part. In addition they may receive compensation at a rate to be determined by the committee and approved by the Secretary, not to exceed \$10 for each day, or portion thereof, spent in attending to committee business.

§ 1033.34 Powers.

The committee shall have the following powers:

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

(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 part.

§ 1033.35 Duties.

It shall be, among other things, the duty of the committee:

(a) As soon as practicable after the beginning of each term of office, to meet and organize, to select a chairman and such other officers as may be necessary, to select subcommittees of committee members and alternates, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

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

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person, and to protect the handling of committee funds through fidelity bonds for employees;

(e) To investigate from time to time and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to onions;

(f) To prepare a marketing policy;

(g) To recommend marketing regulations to the Secretary;

(h) To recommend rules and procedures for, and to make determinations in connection with, issuance of certificates of privilege;

(i) To 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 by his authorized agent or representative. Minutes of each committee meeting shall be reported promptly to the Secretary;

(j) At the beginning of each fiscal period, to prepare a budget of its expenses for such fiscal period, together with a report thereon;

(k) To cause the books of the committee to be audited by a competent accountant at least once each fiscal period, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part. A copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers, and a copy of each such report shall be furnished the Secretary;

(l) To consult, cooperate, and exchange information with other marketing agreement committees and other individuals or agencies in connection with all proper committee activities and objectives under this part.

EXPENSES AND ASSESSMENTS

§ 1033.40 Expenses.

The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred during each fiscal period for its maintenance and functioning, and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Handlers shall share expenses on the basis of a fiscal period. Each handler's share of such expenses shall be proportionate to the ratio between the total quantity of onions handled by him as the first handler thereof during a fiscal period and the quantity of onions handled by all handlers as first handlers thereof during such fiscal period.

§ 1033.41 Budget.

As soon as practicable after the beginning of each fiscal period and as may be necessary thereafter, the committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The committee may recommend a rate of assess-

ment 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.

§ 1033.42 Assessments.

(a) The funds to cover the committee's expenses shall be acquired by the levying of assessments upon handlers as provided in this subpart. Each handler who first handles onions, which are regulated under this part, shall pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of the committee's expenses.

(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 and other available information. Such rates may be applied to specified containers used in the production area.

(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 onions which were regulated under this part and which were handled by the first handlers thereof during such fiscal period.

(d) The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

§ 1033.43 Accounting.

(a) Assessments collected in excess of expenses incurred shall be accounted for in accordance with one of the following:

(1) Excess funds not retained in a reserve, as provided in subparagraph (2) of this paragraph shall be refunded proportionately to the persons from whom they were collected.

(2) The committee, with the approval of the Secretary, may carry over excess funds into subsequent fiscal periods as reserves: *Provided*, That funds already in reserves do not equal approximately one fiscal period's expenses. Such reserve funds may be used (i) to defray expenses during any fiscal period prior to the time assessment income is sufficient to cover such expenses, (ii) to cover deficits incurred during any fiscal period when assessment income is less than expenses, (iii) to defray expenses incurred during any period when any or all provisions of this part are suspended or are inoperative, (iv) to cover necessary expenses of liquidation in the event of termination of this part. Upon such termination, 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. To the extent practical, such funds shall be returned pro rata to the

persons from whom such funds were collected.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purpose specified in this part and shall be accounted for in the manner provided for in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds in his possession to the committee, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in the committee full title to all of the property, funds, and claims vested in such member pursuant to this part.

(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 of suspension of this subpart, or during any period or 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.

RESEARCH AND DEVELOPMENT

§ 1033.43 Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of onions. The expenses of such projects shall be paid from funds collected pursuant to § 1033.42.

REGULATIONS

§ 1033.50 Marketing policy.

(a) At the beginning of each season, and as the Secretary may require, the committee shall prepare a marketing policy. Such policy shall indicate the data on onion supplies and demand on which the committee bases its judgments and recommendations. It shall indicate also the kind or types of regulations contemplated during the ensuing season, and, to the extent practical, shall include recommendations for specific regulations. Notice of such marketing policy shall be given to producers, handlers, and other interested parties by bulletins, newspapers, or other appropriate media, and copies thereof shall be submitted to the Secretary and shall be available generally.

(b) Marketing policy statements relating to recommendations for regulations shall give appropriate consideration to onion supplies for the season, with special consideration to:

(1) Estimates of total supplies, including grade, size, and quality thereof, in the production area;

(2) Estimates of supplies in the competing areas;

(3) Market prices by grades, sizes, containers, and packs;

- (4) Estimates of supplies of competing commodities;
- (5) Anticipated marketing problems;
- (6) Level and trend of consumer income; and
- (7) Other relevant factors.

§ 1033.51 Recommendations for regulations.

Upon complying with the requirements of § 1033.50 the committee may recommend regulations to the Secretary whenever it finds that such regulations as are provided for in this subpart will tend to effectuate the declared policy of the act.

§ 1033.52 Issuance of regulations.

(a) The Secretary shall limit the handling of onions by regulations specified in this section 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.

(b) Such regulations may:

(1) Limit in any or all portions of the production area the handling of particular grades, sizes, qualities or packs, or any combination thereof, of any or all varieties of onions during any period;

(2) Limit the handling of particular grades, sizes, qualities, or packs of onions differently for different varieties, for different containers, for different portions of the production area, or any combination of the foregoing, during any period;

(3) Limit the handling of onions by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity; or

(4) Fix the size, capacity, weight, dimensions, or pack of the container or containers which may be used in the packaging, transportation, sale, preparation for market, shipment, or other handling of onions.

(c) Regulations issued hereunder may be amended, modified, suspended, or terminated whenever it is determined:

(1) That such action is warranted upon recommendation of the committee or other available information;

(2) That such action is essential to provide relief from inspection, assessment, or regulations under paragraph (b) of this section for minimum quantities less than customary commercial transactions; or

(3) That regulations issued hereunder no longer tend to effectuate the declared policy of the act.

§ 1033.53 Handling for special purposes.

Regulations in effect pursuant to §§ 1033.42, 1033.52, or 1033.60 may be modified, suspended, or terminated to facilitate handling of onions for:

- (a) Relief or charity;
- (b) Experimental purposes;
- (c) Export; and
- (d) Other purposes which may be recommended by the committee and approved by the Secretary.

§ 1033.54 Safeguards.

The committee, with the approval of the Secretary, may establish through

rules such requirements as may be necessary to establish that shipments made pursuant to § 1033.53 were handled and used for the purpose stated.

§ 1033.55 Notification of regulation.

The Secretary shall promptly notify the committee of regulations issued or of any modification, suspension, or termination thereof. The committee shall give reasonable notice thereof to handlers.

INSPECTION

§ 1033.60 Inspection and certification.

(a) Whenever the handling of onions is regulated pursuant to § 1033.52, or at other times when recommended by the committee and approved by the Secretary, no handlers shall handle onions unless they 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 § 1033.52(c) or § 1033.54, or paragraph (b) of this section.

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

(c) Upon recommendation of the committee and approval by the Secretary, any or all onions 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 a Federal or Federal-State Inspector or the Committee. Master containers may bear the identification instead of the individual containers within said master container.

(d) At any time this marketing order is inoperative, compulsory inspection is not required.

(e) 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.

(f) When onions 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.

(g) The committee may recommend and the Secretary may require that no handler shall transport or cause the transportation of onions by motor vehicle or by other means unless such shipment is accompanied by a copy of the inspection certificate issued thereon, or other document authorized by the committee to indicate that such inspection has been performed. Such certificate or document shall be surrendered to such authority as may be designated.

REPORTS

§ 1033.80 Reports.

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

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

- (1) The quantities of onions received by a handler;
- (2) the quantities disposed of by him segregated as to the respective quantities subject to regulation and not subject to regulation;
- (3) the date of each such disposition and the identification of the carrier transporting such onions; and
- (4) identification of the inspection certificates relating to the onions which were handled pursuant to § 1033.52 or § 1033.53, or both.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers is authorized, subject to the prohibition of disclosure of individual handlers' identities or operations.

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

COMPLIANCE

§ 1033.81 Compliance.

Except as provided in this subpart, no handler shall handle onions, the handling of which has been prohibited by the Secretary in accordance with provisions of this subpart, or the rules and regulations thereunder, and no handler shall handle onions except in conformity to the provisions of this subpart.

MISCELLANEOUS PROVISIONS

§ 1033.82 Right of the Secretary.

The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee 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.

§ 1033.83 Effective time.

The provisions of this subpart, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until

terminated in one of the ways specified in this subpart.

§ 1033.84 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 shall 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 a representative period, have been engaged in the production of onions for market: *Provided*, That such majority has, during such representative period, produced for market more than fifty percent of the volume of such onions produced for market.

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

§ 1033.85 Proceeding after termination.

(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 of the funds and property then in the 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; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such persons full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant to this subpart.

(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.

§ 1033.86 Effect of termination or amendments.

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 any regulation issued under this subpart, or (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.

§ 1033.87 Duration of immunities.

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

§ 1033.88 Agents.

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

§ 1033.89 Derogation.

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

§ 1033.90 Personal liability.

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 to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 1033.91 Separability.

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

§ 1033.92 Amendments.

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

Issued at Washington, D.C., this 19th day of January to become effective February 6, 1961.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 61-683; Filed, Jan. 24, 1961; 8:54 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Health, Education and Welfare

Effective upon publication in the FEDERAL REGISTER, subparagraph (5) is added to paragraph (a) of § 6.114 as set out below.

§ 6.114 Department of Health, Education and Welfare.

- (a) *St. Elizabeth's Hospital.* * * *
- (5) Two Psychodrama Interns.

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

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,
Executive Assistant to
the Commissioners.

[F.R. Doc. 61-679; Filed, Jan. 24, 1961; 8:53 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Civil Aeronautics Board

Effective upon publication in the FEDERAL REGISTER, paragraph (i) of § 6.337 is revoked and paragraphs (j) and (k) are amended as set out below.

§ 6.337 Civil Aeronautics Board.

(j) One Special Assistant for Congressional Relations.

(k) One Secretary to the Special Assistant for Congressional Relations.

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

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,
Executive Assistant to
the Commissioners.

[F.R. Doc. 61-677; Filed, Jan. 24, 1961; 8:53 a.m.]

PART 25—FEDERAL EMPLOYEES PAY REGULATIONS

Subpart E—Conversion of Employees Together With Their Positions From Classification Act Schedule to Prevailing Wage System, or From Prevailing Wage System to Classification Act Schedule

Subpart E is revoked.

(Sec. 1101, 63 Stat. 971, sec. 113, 68 Stat. 1108; 5 U.S.C. 1072, 1072(a))

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,
Executive Assistant to
the Commissioners.

[F.R. Doc. 61-678; Filed, Jan. 24, 1961; 8:53 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

PART 18—REINSPECTION AND PREPARATION OF PRODUCTS

Glands and Organs for Certain Uses

On October 15, 1960, there was published in the *FEDERAL REGISTER* (25 F.R. 9901) a notice of proposed amendment to the Meat Inspection Regulations (9 CFR Ch. I, Subchapter A, as amended). After due consideration of all relevant matters submitted in connection with the notice, and pursuant to the authority conferred by the Meat Inspection Act, as amended (21 U.S.C. 71-91), § 18.15 of the aforesaid regulations is hereby amended to read as follows:

§ 18.15 Glands and organs for use in preparing pharmaceutical, organo-therapeutic, or technical products.

(a) (1) Glands and organs for use in preparing pharmaceutical, organo-therapeutic, or technical products and which are not used as food products, such as cotyledons, ovaries, prostate glands, tonsils, spinal cords, and detached lymphatic, pineal, pituitary, parathyroid, suprarenal, pancreatic, and thyroid glands, may be shipped interstate, without restriction under this subchapter, either by establishments operating under inspection or by those which do not operate under inspection: *Provided*, That the containers are plainly marked "For pharmaceutical purposes," "For organo-therapeutic purposes," or "For technical purposes," and no reference is made to inspection.

(2) Glands and organs within the provisions of paragraph (1) may be brought into and stored in edible product departments of inspected establishments or shipped with edible product if packaged in suitable containers so that the presence of such glands and organs will in no way interfere with the maintenance of sanitary conditions or constitute an interference with inspection.

(b) Glands or organs which are regarded as food products, such as livers, testicles, and thymus, may be shipped interstate or brought into official establishments for pharmaceutical, organo-therapeutic, or technical purposes, only if U.S. inspected and passed and so identified.

The foregoing amendment places pancreatic glands in the category of pharmaceutical glands and relieves restrictions with respect thereto. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) the amendment may be made effective less than 30 days after publication.

The amendment shall become effective on January 25, 1961.

Done at Washington, D.C., this 19th day of January 1961.

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

[F.R. Doc. 61-684; Filed, Jan. 24, 1961; 8:54 a.m.]

Chapter II—Agricultural Marketing Service, Department of Agriculture

PART 203—STATEMENT OF GENERAL POLICY UNDER THE PACKERS AND STOCKYARDS ACT

Giving by Meat Packers of Meat and Other Gifts to Government Employees

Pursuant to the authority vested in me by § 201.3 of the regulations (9 CFR 201.3) under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), a statement of general policy with respect to the giving of meat and other gifts by meat packers to Government employees is hereby issued as section 203.2 of Part 203, Title 9, Code of Federal Regulations, to read as follows:

§ 203.2 Statement of general policy with respect to the giving by meat packers of meat and other gifts to Government employees.

(a) In recent months, the Department has received information, confirmed by investigation, that a number of packers subject to the Packers and Stockyards Act have made gifts of meat to Government employees responsible for conducting service activities of the Department. Such gifts have the implications of fraud, even if not made specifically for the purpose of influencing these employees in the performance of their duties.

(b) It is a violation of the Meat Inspection Act for any person, firm, or corporation to give to any employee of the Department performing duties under such act anything of value with intent to influence such employee in the discharge of his duties, or for such employee to receive from any person, firm, or corporation engaged in interstate or foreign commerce any gift given with any intent or purpose whatsoever (21 U.S.C. 90). Under the Federal meat grading regulations, the giving or attempting to give by a packer of anything of value to any employee of the Department authorized to perform any function under such regulations is a basis for the withdrawal of Federal meat grading service (7 CFR 53.13). The receiving by an employee of the Department of any gift from any person for whom grading, inspection, or other service work is performed is specifically prohibited by Departmental regulations.

Upon the basis of the foregoing, it is the view of the Department that it is an unfair and deceptive practice in violation of section 202(a) of the Packers and Stockyards Act (7 U.S.C. 192(a)) for any person subject to the provisions of Title II of said Act to give or offer to give meat,

money, or anything of value to any Government employee who performs inspection, grading, reporting, or regulatory duties directly relating to the purchase or sale of livestock or the preparation or distribution of meats, meat food products, livestock products in unmanufactured form, poultry or poultry products.

The foregoing statement of general policy shall become effective upon its publication in the *FEDERAL REGISTER* (sec. 407, 42 Stat. 169; 7 U.S.C. 228; 9 CFR 201.3).

Done at Washington, D.C., this 19th day of January 1961.

ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 61-685; Filed, Jan. 24, 1961; 8:54 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 630; Amdt. 243]

PART 507—AIRWORTHINESS DIRECTIVES

Douglas DC-8 Aircraft

Satisfactory flight tests of Douglas DC-8 aircraft with fuel dump chutes modified in accordance with Douglas Service Bulletin 28-16 show that the speed restrictions imposed by Amendment 173, 25 F.R. 5826, can be removed without adversely affecting the original level of safety. Accordingly, the 200 knots indicated airspeed restriction required by paragraph (a) of Amendment 173 may be removed from those aircraft which have been reworked in accordance with Service Bulletin 28-16 and the directive is being amended accordingly.

Since this amendment provides a relaxation and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment will become effective upon publication in the *FEDERAL REGISTER*.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is amended as follows:

Amendment 173, Douglas Model DC-8 aircraft, 25 F.R. 5826, is amended by adding the following immediately after paragraph (b):

(c) The 200 knots indicated airspeed restriction may be removed from those aircraft which have been reworked in accordance with Douglas Service Bulletin 28-16, "Fuel-Fuel Dump System and Controls".

This amendment shall become effective January 25, 1961.

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

Issued in Washington, D.C., on January 17, 1961.

GEORGE C. PRILL,
Acting Director, Bureau of
Flight Standards.

[F.R. Doc. 61-611; Filed, Jan. 24, 1961;
8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-WA-201]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification

On January 5, 1961, there were published in the FEDERAL REGISTER (26 F.R. 21) amendments to Part 600 of the regulations of the Administrator. These amendments, to be effective March 9, 1961, designated several 800 series airways (preferred routes) which were intended to coincide with existing VOR Federal airways.

In designating Victor 845, however, the segment between Neosho, Mo., and Okmulgee, Okla., was described as a direct route, whereas it should have been routed from the Neosho VOR via the intersection of the Tulsa, Okla., VORTAC 088° True and the Neosho, Mo., VOR 223° True radials to the Okmulgee VOR, to coincide with VOR Federal airway 15. Therefore, action is taken herein to correct the description of Victor 845.

Since thirty days will elapse from the time of publication of this action to the effective date of the rule as initially adopted, this change is made in compliance with section 4 of the Administrative Procedure Act.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 60-WA-201 is hereby modified as follows:

In § 600.6845 (26 F.R. 21) "Neosho, Mo., VOR," is deleted and "Neosho, Mo., VOR; INT of the Tulsa, Okla., VORTAC 088° True and the Neosho VOR 223° True radials;" is substituted therefor.

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

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

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

[F.R. Doc. 61-630; Filed, Jan. 24, 1961;
8:47 a.m.]

[Airspace Docket No. 59-WA-414]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSI- TIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Modification; Change of Effective Date

On April 30, 1960, there were published in the FEDERAL REGISTER (25 F.R. 3816) amendments to Parts 600 and 601 of the

regulations of the Administrator. These amendments, to be effective February 9, 1961, modified VOR Federal airway No. 91 and its associated control areas, designated VOR Federal airway No. 489 and its associated control areas, and designated a control zone at Poughkeepsie, N.Y., concurrently with the commissioning of a VOR near Clermont, N.Y.

Subsequently, a modification of amendments was published on December 9, 1960, in the FEDERAL REGISTER (25 F.R. 12589) which further modified VOR Federal airway No. 91 and its associated control areas.

The commissioning date of the Clermont VOR has been rescheduled. Therefore, it is necessary to postpone the effective date of the above-mentioned amendments until April 6, 1961.

Since thirty days will elapse from the time of publication of the rule as initially adopted to this new effective date, this change is made in compliance with section 4 of the Administrative Procedure Act.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 59-WA-414 is hereby modified as follows: "effective 0001 e.s.t., February 9, 1961." is deleted and "effective 0001 e.s.t. April 6, 1961." is substituted therefor.

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

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

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

[F.R. Doc. 61-624; Filed, Jan. 24, 1961;
8:47 a.m.]

[Airspace Docket No. 59-WA-331]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSI- TIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Modification

On April 13, 1960, there were published in the FEDERAL REGISTER (25 F.R. 3156) amendments to §§ 600.6091 and 601.6091 of the regulations of the Administrator. These amendments, originally to become effective on January 12, 1961, revoked VOR Federal airway No. 91 east alternate and its associated control areas between Poughkeepsie, N.Y., and Albany, N.Y., concurrently with the commissioning of a VOR near Cambridge, N.Y.

On November 30, 1960, a modification of amendments was published in the FEDERAL REGISTER (25 F.R. 12234) postponing the effective date of the above-mentioned amendments until June 1, 1961, due to a delay in the commissioning of the Cambridge, N.Y., VOR.

In revoking Victor 91 east alternate between Poughkeepsie and Albany in Airspace Docket No. 59-WA-331, reference is made to a west alternate to Victor

91 between these points. This west alternate is being revoked in Airspace Docket No. 59-WA-414 (25 F.R. 3816, and modification of amendments 25 F.R. 12589) effective February 9, 1961. Therefore, action is taken herein to delete all reference to Victor 91 west alternate in Airspace Docket No. 59-WA-331.

Since 30 days will elapse from the time of publication of this action to the effective date of the rule as initially adopted, this change is made in compliance with section 4 of the Administrative Procedure Act.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 59-WA-331 is hereby modified as follows:

1. The amendments to §§ 600.6091 and 601.6091 are deleted and the following are substituted therefor:

(a) Section 600.6091 is amended to read:

§ 600.6091 VOR Federal airway No. 91
(New York, N.Y., to Montreal,
Quebec).

That airspace over U.S. territory from the Idlewild, N.Y., VORTAC via the INT of the Idlewild VORTAC 042° True and the Wilton VOR 185° True radials; Wilton, Conn., VOR; Poughkeepsie, N.Y., VOR; INT of the Poughkeepsie VOR 342° True and the Albany VORTAC 181° True radials; Albany, N.Y., VORTAC; Glens Falls, N.Y., VORTAC; Benson, Vt., VOR; Burlington, Vt., VOR; Plattsburgh, N.Y., VOR; Montreal, Quebec, Canada, VOR; including an east alternate from the Burlington VOR to the Montreal VOR via the INT of the Burlington VOR 353° True and the Montreal VOR 146° True radials.

(b) Section 601.6091 is amended to read:

§ 601.6091 VOR Federal airway No. 91
control areas (New York, N.Y., to
Montreal, Quebec).

All of VOR Federal airway No. 91 including an east alternate.

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

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

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

[F.R. Doc. 61-625; Filed, Jan. 24, 1961;
8:47 a.m.]

[Airspace Docket No. 60-FW-50]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSI- TIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Modification of Federal Airway and Associated Control Areas

On October 19, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 9955) stating

that the Federal Aviation Agency proposed to extend VOR Federal airway No. 22 from New Orleans, La., to Houston, Tex., including a north alternate.

Since this action involves the designation of navigable airspace outside of the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

No adverse comments were received regarding the proposed amendments.

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

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

1. In § 600.6022 (14 CFR 600.6022, 25 F.R. 6266, 8714) the following changes are made:

(a) In the caption "*New Orleans, La.*," is deleted and "*Houston, Tex.*," is substituted therefor.

(b) In the text "From the New Orleans, La., omnirange station via the intersection of the New Orleans omnirange 085° and the Brookley AFB omnirange 238° radials;" is deleted and "From the Houston, Tex., VORTAC via the INT of the Houston VORTAC 090° True and the Sabine Pass, Tex., VOR 265° True radials; Sabine Pass VOR; Tibby, La., VOR; including a N alternate from the INT of the Sabine Pass VOR 090° True and the Lake Charles, La., VOR 218° True radials, Lake Charles VOR, INT of the Lake Charles VOR 119° True and the Tibby VOR 271° True radials; New Orleans, La., VORTAC; INT of the New Orleans VORTAC 085° True and the Brookley AFB TVOR 238° True radials;" is substituted therefor.

2. In the caption of § 601.6022 (25 F.R. 6266) "*New Orleans, La.*," is deleted and "*Houston, Tex.*," is substituted therefor.

These amendments shall become effective 0001 e.s.t., March 9, 1961.

(Sec. 307(a) and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and E.O. 10854, 24 F.R. 9565)

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

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

[F.R. Doc. 61-626; Filed, Jan. 24, 1961; 8:47 a.m.]

[Airspace Docket No. 60-AN-26]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSI- TIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Modification; Change of Effective Date

On November 29, 1960, there were published in the FEDERAL REGISTER (25 F.R.

12172) amendments to Parts 600 and 601 of the regulations of the Administrator. These amendments, to be effective February 9, 1961, designated VOR Federal airway No. 504 from Nenana, Alaska, to Fairbanks, Alaska, and designated the Nenana and Fairbanks VORs as reporting points concurrently with the commissioning of the Fairbanks VOR.

The commissioning date of the Fairbanks VOR has been rescheduled. Therefore, it is necessary to postpone the effective date of the above-mentioned amendments until August 24, 1961.

Since thirty days will elapse from the time of publication of the rule as initially adopted to this new effective date, this change is made in compliance with section 4 of the Administrative Procedure Act.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 60-AN-26 is hereby modified as follows: "effective 0001 e.s.t., February 9, 1961," is deleted and "effective 0001 e.s.t., August 24, 1961," is substituted therefor.

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

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

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

[F.R. Doc. 61-627; Filed, Jan. 24, 1961; 8:47 a.m.]

[Airspace Docket No. 60-NY-98]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSI- TIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Modification of Federal Airway and Designation of Control Area Ex- tensions

On October 22, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 10104) stating that the Federal Aviation Agency proposed to designate control area extensions at Lebanon, N.H., Springfield, Vt., Keene, N.H., and a west alternate to VOR Federal airway No. 151 between Keene and Lebanon.

No adverse comments were received regarding the proposed amendments.

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

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

1. Part 601 (14 CFR Part 601) is amended by adding the following sections:

§ 601.1109 Control area extension (Lebanon, N.H.).

That airspace within 8 miles W and 5 miles E of the 348° True bearing from the Lebanon RBN extending from the RBN to 17 miles N; within 8 miles SE and 5 miles NW of the 050° True radial from the Lebanon VOR extending from the VOR to 17 miles NE.

§ 601.1104 Control area extension (Springfield, Vt.).

That airspace within 8 miles E and 5 miles W of the 185° True bearing from the Springfield RBN extending from the RBN to 17 miles S.

§ 601.1315 Control area extension (Keene, N.H.).

That airspace within 8 miles W and 5 miles E of the 188° True radial of the Keene VOR extending from the VOR to 17 miles S; within 8 miles W and 5 miles E of the 186° True bearing from the Keene RBN extending from the RBN to 17 miles S.

§ 600.6151 [Amendment]

2. In the text of § 600.6151 (25 F.R. 630, 4899) "Lebanon, N.H., VOR," is deleted and "Lebanon, N.H., VOR, including a W alternate via the INT of the Keene VOR 341° True and the Lebanon VOR 211° True radials;" is substituted therefor.

§ 601.6151 [Amendment]

3. In the text of § 601.6151 (25 F.R. 630, 4899), "All of VOR Federal airway No. 151," is deleted and "All of VOR Federal airway No. 151 including a W alternate," is substituted therefor.

These amendments shall become effective 0001 e.s.t., March 9, 1961.

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

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

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

[F.R. Doc. 61-628; Filed, Jan. 24, 1961; 8:47 a.m.]

[Airspace Docket No. 60-NY-107]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSI- TIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Modification of Federal Airway and Associated Control Areas

On November 5, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 10601) stating that the Federal Aviation Agency proposed to extend VOR Federal airway No. 58 and its associated control areas southeastward to the intersection of the Hartford, Conn., VOR 130° True and the Providence, R.I., VOR 212° True radials. No adverse comments were received regarding the proposed amendments.

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

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

1. Section 600.6058 (14 CFR 600.6058; 25 F.R. 634, 1940, 856, 4899) is amended to read:

§ 600.6058 VOR Federal airway No. 58 (Imperial, Pa., to Fishers Island, N.Y.).

From the Imperial, Pa., VORTAC via the INT of the Imperial VORTAC 074° True and the Carrolltown, Pa., VOR 274° True radials; Carrolltown VOR; Tyrone, Pa., VORTAC; Philipsburg, Pa., VORTAC; Williamsport, Pa., VORTAC; INT of the Williamsport VORTAC 079° True and the Thornhurst, Pa., VOR 293° True radials; Wilkes-Barre-Scranton, Pa., VOR; Poughkeepsie, N.Y., VOR; Hartford, Conn., VOR; to the INT of the Hartford VOR 130° True and the Providence, R.I., VOR 212° True radials.

2. Section 601.6058 (14 CFR 601.6058) is amended to read:

§ 601.6058 VOR Federal airway No. 58 control areas (Imperial, Pa., to Fishers Island, N.Y.).

All of VOR Federal airway No. 58.

These amendments shall become effective 0001 e.s.t., March 9, 1961.

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

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

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

[F.R. Doc. 61-629; Filed, Jan. 24, 1961; 8:47 a.m.]

[Airspace Docket No. 60-FW-90]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSI- TIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation of Segment of Federal Airway, Associated Control Areas and Reporting Points

On November 11, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 10774) stating that the Federal Aviation Agency proposed to revoke the segment of Blue Federal airway No. 3, its associated control areas and reporting points, between Miami, Fla., and Tampa, Fla.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the

making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

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

§ 600.603 [Amendment]

1. In § 600.603 (25 F.R. 12734) the following changes are made:

(a) In the caption "*Miami, Fla., to Tampa, Fla.*," is deleted.

(b) In the text "From the Miami, Fla., RBN via the Fort Myers, Fla., RBN to the Tampa, Fla., RR." is deleted.

2. Section 601.603 (25 F.R. 2159, 4450, 12734) is amended to read:

§ 601.603 Blue Federal airway No. 3 control areas (Kokomo, Ind., to Goshen, Ind.).

All of Blue Federal airway No. 3.

3. Section 601.4603 (25 F.R. 4450, 12734) is amended to read:

§ 601.4603 Blue Federal airway No. 3 (Kokomo, Ind., to Goshen, Ind.).

Kokomo, Ind., RBN.

These amendments shall become effective 0001 e.s.t., April 6, 1961.

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

Issued in Washington, D.C., on January 17, 1961.

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

[F.R. Doc. 61-631; Filed, Jan. 24, 1961; 8:47 a.m.]

[Airspace Docket No. 60-FW-78]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSI- TIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Modification of Federal Airway, Asso- ciated Control Areas, Control Area Extension and Reporting Points

On October 22, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 10104) stating that the Federal Aviation Agency (FAA) proposed to revoke the segment of Green Federal airway No. 5, its associated control areas and reporting points, between Columbus, N. Mex., and Fort Worth, Tex., and modify the Midland, Tex., control area extension.

A segment of the Midland control area extension extends from the Midland radio range station to the El Paso, Tex., radio range station, bounded on the north by Green 5 and on the south, southwest and southeast by VOR Federal airway No. 66. Subsequent to publication of the Notice, the FAA has determined that the segment of the control area extension west of VOR Federal airway

No. 79 is no longer required. Therefore, action is taken herein to eliminate this segment from the description of the control area extension. Further, in listing the reporting points to be revoked in the notice, the Big Spring, Tex., radio range station was inadvertently omitted. Since this facility is a reporting point associated with the segment of Green 5 being revoked, it is necessary that it be revoked. The action taken herein will also reflect this change.

No adverse comments were received regarding the proposed amendments.

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

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

§ 600.15 [Amendment]

1. In § 600.15 (14 CFR 600.15; 25 F.R. 4160) the following changes are made:

(a) In the caption "*(Los Angeles, Calif., to Fort Worth, Tex., and Knoxville, Tenn., to Boston, Mass.)*" is deleted and "*(Los Angeles, Calif., to Columbus, N. Mex., and Knoxville, Tenn., to Boston, Mass.)*" is substituted therefor.

(b) In the text "Columbus, N. Mex., radio range station; El Paso, Tex., radio range station, excluding the portion which lies outside the continental United States; Salt Flat, Tex., radio range station; Wink, Tex., radio range station; Big Spring, Tex., radio range station; Abilene, Tex., radio range station; to the Fort Worth, Tex., RR." is deleted and "to the Columbus, N. Mex., RR." is substituted therefor.

2. Section 601.15 (14 CFR 601.15; 25 F.R. 4160) is amended to read:

§ 601.15 Green Federal airway No. 5 control areas (Los Angeles, Calif., to Columbus, N. Mex., and Knoxville, Tenn., to Boston, Mass.).

All of Green Federal airway No. 5.

§ 601.4015 [Amendment]

3. In § 601.4015 (14 CFR 601.4015; 25 F.R. 4160, 7620) the following changes are made:

(a) In the caption "*(Los Angeles, Calif., to Fort Worth, Tex., and Knoxville, Tenn., to Boston, Mass.)*" is deleted and "*(Los Angeles, Calif., to Columbus, N. Mex., and Knoxville, Tenn., to Boston, Mass.)*" is substituted therefor.

(b) In the text "Wink, Tex., radio range station; Big Spring, Tex., radio range station; Abilene, Tex., radio range station; Fort Worth, Tex., radio range station;" is deleted.

4. Section 601.1206 (14 CFR 601.1206) is amended to read:

§ 601.1206 Control area extension (Midland, Tex.).

That airspace within a 25-mile radius of the Midland RR including the air-

space SW bounded on the N by VOR Federal airway No. 16 S alternate, on the SW by VOR Federal airway No. 79 and on the SE by a line 5 miles SE of and parallel to the Midland ILS localizer SW course.

These amendments shall become effective 0001 e.s.t., March 9, 1961.

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

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

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

[F.R. Doc. 61-632; Filed, Jan. 24, 1961;
8:48 a.m.]

[Airspace Docket No. 60-FW-91]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSI- TIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation of Federal Airway, Asso- ciated Control Areas, and Reporting Points

On November 11, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 10773) stating that the Federal Aviation Agency proposed to revoke Blue Federal airway No. 52, its associated control areas and reporting points.

No adverse comments were received regarding the proposed amendments.

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

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, Parts 600 and 601 (14 CFR Parts 600, 601) are amended as follows:

1. Section 600.652 Blue Federal airway No. 52 (Tamiami, Fla., to West Palm Beach, Fla.) is revoked.

2. Section 601.652 Blue Federal airway No. 52 control areas (Tamiami, Fla., to West Palm Beach, Fla.) is revoked.

3. Section 601.4652 Blue Federal airway No. 52 (Tamiami, Fla., to West Palm Beach, Fla.) is revoked.

These amendments shall become effective 0001 e.s.t., April 6, 1961.

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

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

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

[F.R. Doc. 61-634; Filed, Jan. 24, 1961;
8:48 a.m.]

[Airspace Docket No. 59-LA-81]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSI- TIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Modification; Change of Effective Date

On June 21, 1960, there were published in the FEDERAL REGISTER (25 F.R. 5568) amendments to Parts 600 and 601 of the regulations of the Administrator. These amendments, to be effective December 15, 1960, designated VOR Federal airway No. 500 and its associated control areas from Portland, Oreg., to Denver, Colo., concurrently with the commissioning of a VOR near John Day, Oreg.

On November 9, 1960, a modification of amendments changing the effective date of these actions to March 9, 1961, was published in the FEDERAL REGISTER (25 F.R. 10698).

The commissioning date of the John Day VOR has again been rescheduled. Therefore, it is necessary to postpone the effective date of the above-mentioned amendments until August 24, 1961.

Since thirty days will elapse from the time of publication of the rule as initially adopted to this new effective date, this change is made in compliance with section 4, of the Administrative Procedure Act.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 59-LA-81 is hereby modified as follows: "effective 0001 e.s.t., March 9, 1961." is deleted and "effective 0001 e.s.t., August 24, 1961." is substituted therefor.

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

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

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

[F.R. Doc. 61-635; Filed, Jan. 24, 1961;
8:48 a.m.]

[Airspace Docket No. 60-LA-48]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSI- TIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation of Segment of Federal Airway, Associated Control Areas and Reporting Points

On October 29, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 10436) stating that the Federal Aviation Agency proposed to revoke the segment of Amber

Federal airway No. 8, its associated control areas and reporting points, between Redmond, Oreg., and Ellensburg, Wash.

No adverse comments were received regarding the proposed amendments.

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

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

1. In § 600.108 (14 CFR 600.108) the following changes are made:

(a) In the caption "to Ellensburg, Wash." is deleted and "to Redmond, Oreg." is substituted therefor.

(b) In the text "Redmond, Oreg., radio range station; The Dalles, Oreg., radio range station; Yakima, Wash., radio range station; the intersection of the northwest course of the Yakima, Wash., radio range and the south course of the Ellensburg, Wash., radio range to the Ellensburg, Wash., radio range station." is deleted and "to the Redmond RR." is substituted therefor.

2. In the caption of § 601.108 (14 CFR 601.108) "to Ellensburg, Wash." is deleted and "to Redmond, Oreg." is substituted therefor.

3. In § 601.4108 (14 CFR 601.4108) the following changes are made:

(a) In the caption "to Ellensburg, Wash." is deleted and "to Redmond, Oreg." is substituted therefor.

(b) In the text "Redmond, Oreg., radio range station; The Dalles, Oreg., radio range station; Yakima, Wash., radio range station." is deleted and "Redmond, Oreg., RR." is substituted therefor.

These amendments shall become effective 0001 e.s.t., April 6, 1961.

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

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

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

[F.R. Doc. 61-636; Filed, Jan. 24, 1961;
8:48 a.m.]

[Airspace Docket No. 60-FW-88]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSI- TIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation of Federal Airway, Asso- ciated Control Areas and Reporting Points, and Modification of Control Area Extension

On November 11, 1960, a notice of proposed rule making was published in the

FEDERAL REGISTER (25 F.R. 10773) stating that the Federal Aviation Agency proposed to revoke Blue Federal airway No. 1 in its entirety, its associated control areas and reporting points, and modify the Fort Myers, Fla., control area extension.

No adverse comments were received regarding the proposed amendments.

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

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

1. In Parts 600 and 601 (14 CFR Parts 600, 601) the following sections are revoked:

§ 600.601 [Revocation]

(a) Section 600.601 *Blue Federal airway No. 1 (Miami, Fla., to Tampa, Fla.)*.

§ 601.601 [Revocation]

(b) Section 601.601 *Blue Federal airway No. 1 control areas (Miami, Fla., to Tampa, Fla.)*.

§ 601.4601 [Revocation]

(c) Section 601.4601 *Blue Federal airway No. 1 (Miami, Fla., to Tampa, Fla.)*.

2. Section 601.1013 (14 CFR 601.1013) is amended to read:

§ 601.1013 Control area extension (Fort Myers, Fla.).

The airspace within 5 miles either side of the 220° True radial of the Fort Myers VOR extending from the VOR to the E boundary of the Tampa, Fla., control area extension (§ 601.1228).

These amendments shall become effective 0001 e.s.t., April 6, 1961.

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

Issued in Washington, D.C., on January 17, 1961.

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

[F.R. Doc. 61-637; Filed, Jan. 24, 1961; 8:48 a.m.]

[Airspace Docket No. 60-NY-110]

**PART 600—DESIGNATION OF
FEDERAL AIRWAYS**

**PART 601—DESIGNATION OF THE
CONTINENTAL CONTROL AREA,
CONTROL AREAS, CONTROL
ZONES, REPORTING POINTS, POSI-
TIVE CONTROL ROUTE SEGMENTS,
AND POSITIVE CONTROL AREAS**

**Revocation of Segment of Federal
Airway, Associated Control Areas
and Reporting Points**

On November 11, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 10774) stating that the Federal Aviation Agency pro-

posed to revoke the segment of Green Federal airway No. 2 between Dunkirk, N.Y., and Boston, Mass., its associated control areas, and reporting points.

No adverse comments were received regarding the proposed amendments.

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

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

§ 600.12 [Amendment]

1. In § 600.12 (14 CFR 600.12, 25 F.R. 9242) the following changes are made:

(a) In the caption "(Seattle, Wash., to Boston, Mass.)" is deleted and "(Seattle, Wash., to Windsor, Ontario, Canada, and Clear Creek, Ontario, Canada, to Dunkirk, N.Y.)" is substituted therefor.

(b) In the text "From the Clear Creek, Ontario, Canada, nondirectional radio beacon via the Dunkirk, N.Y., nondirectional radio beacon; Buffalo, N.Y., radio range station; the intersection of the east course of the Buffalo, N.Y., radio range and the southwest course of the Rochester, N.Y., radio range; Rochester, N.Y., radio range station; the intersection of the southeast course of the Rochester, N.Y., radio range and the west course of the Syracuse, N.Y., radio range; Syracuse, N.Y., radio range station; Albany, N.Y., radio range station; Hartford, Conn., radio range station; the intersection of the west course of the Providence, R.I., radio range and the southwest course of the Boston, Mass., radio range to the Boston, Mass., radio range station." is deleted and "From the Clear Creek, Ont., Canada, RBN to the Dunkirk, N.Y. RBN." is substituted therefor.

2. Section 601.12 (14 CFR 601.12) is amended to read:

§ 601.12 Green Federal airway No. 2 control areas (Seattle, Wash., to Windsor, Ont., Canada, and Clear Creek, Ont., Canada, to Dunkirk, N.Y.).

All of Green Federal airway No. 2:

§ 601.4012 [Amendment]

3. In § 601.4012 (14 CFR 601.4012, 25 F.R. 9242) the following changes are made:

(a) In the caption "(Seattle, Wash., to Boston, Mass.)" is deleted and "(Seattle, Wash., to Windsor, Ontario, Canada, and Clear Creek, Ontario, Canada, to Dunkirk, N.Y.)" is substituted therefor.

(b) In the text "Detroit, Mich., radio range station; Buffalo, N.Y., radio range station; Syracuse, N.Y., radio range station; Albany, N.Y., radio range station; Boston, Mass., radio range station." is deleted and "Detroit, Mich., RR." is substituted therefor.

These amendments shall become effective 0001 e.s.t., April 6, 1961.

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

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

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

[F.R. Doc. 61-638; Filed, Jan. 24, 1961; 8:48 a.m.]

[Airspace Docket No. 60-LA-109]

**PART 601—DESIGNATION OF THE
CONTINENTAL CONTROL AREA,
CONTROL AREAS, CONTROL
ZONES, REPORTING POINTS, POSI-
TIVE CONTROL ROUTE SEGMENTS,
AND POSITIVE CONTROL AREAS**

Modification of Control Zone

The purpose of this amendment to § 601.2182 of the regulations of the Administrator is to modify the Palmdale, Calif., control zone.

The Palmdale control zone is presently designated within a 5-mile radius of the Palmdale Airport and within 2 miles either side of the northeast course of the Palmdale radio range extending from the radio range station to the Muroc Lake Restricted Area R-279.

The Department of the Air Force has advised that the crossing altitudes on final approach for the JAL-310-VOR and RNG approaches to Palmdale Airport are being amended to 3,549 feet MSL, which is 1,000 feet above the field elevation. This correction permits the reduction of the Palmdale control zone extension to the VOR facility. Such action is taken herein.

Since the change effected by this amendment is less restrictive in nature than the present requirements, and imposes no additional burden on any person, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 601.2182 (14 CFR 601.2182) is amended to read:

§ 601.2182 Palmdale, Calif., control zone.

Within a 5-mile radius of the Palmdale Airport (latitude 34°37'45" N., longitude 118°04'54" W.), and within two miles either side of the 232° True radial of the Palmdale VOR extending from the 5-mile radius zone to the VOR.

This amendment shall become effective 0001 e.s.t., March 9, 1961.

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

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

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

[F.R. Doc. 61-616; Filed, Jan. 24, 1961; 8:46 a.m.]

[Airspace Docket No. 60-FW-16]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Modification of Control Zone

On July 8, 1960, a notice of proposed rule making was published in the *FEDERAL REGISTER* (25 F.R. 6439) stating that the Federal Aviation Agency (FAA) proposed the modification of the Enid, Okla., control zone.

As stated in the notice, the FAA proposed to designate the Enid control zone within a 5-mile radius of the Vance Air Force Base (latitude 36°20'20" N., longitude 97°55'00" W.), within 2 miles either side of the 185° True radial of the Vance AFB TACAN extending from the 5-mile radius zone to 9 miles south of the TACAN and within 2 miles either side of the 134° True radial of the Vance AFB VOR, extending from the 5-mile radius zone to the VOR.

The Air Transport Association of America (ATA) had no objections to the modification of the control zone as described for Vance AFB. However, they offered the following comments which are quoted in part:

* * * the proposal does not provide for the protection of aircraft conducting instrument approaches to the Woodring Airport, Enid, Okla. This airport receives scheduled air carrier service by Central Airlines.

We recommend that the proposed modification of the Enid control zone be amended to encompass Vance AFB and the Woodring Airport to provide protection for IFR operations into both airports. Vance Approach Control currently serves both airports and the FAA TVOR has recently been commissioned to serve the Woodring Airport.

If the FAA has determined that communications facilities are not adequate to place the Woodring Airport within the control zone at this time, then we request that the FAA take action to provide the necessary facilities as soon as possible.

The Aircraft Owners and Pilots Association (AOPA) concurred in the elimination of the northeast control zone extension and the reduction in length of the northwest extension. However, they objected to the designation of a control zone extension to the south. The AOPA supported this objection with the following comments, quoted in part:

With respect to the control zone extension established to the south, we note that the ADF provides for passage over the NDB at 2,000 feet. Since the NDB is 3.8 miles from the end of the runway, it would appear reasonable to require passage over the NDB at 2,307 feet MSL, inasmuch as descent to a landing is authorized under current criteria from 1,000 feet AGL, at a distance of 3.4 miles or more. We recommend that the instrument approach be modified and the control zone extension to the south be eliminated. As for the TACAN approach, it would appear reasonable to limit descent below the altitude to 2,307 feet MSL, or higher, until reaching a point within the 5-mile radius control zone.

As to the first point, the FAA agrees that a control zone or control zone ex-

tension to encompass both airports is most desirable in order that protection for IFR operations at both airports could be provided. However, at the present time, the communication requirement at Woodring Airport cannot be complied with. The FAA is investigating a means to provide the required communications and if this can be accomplished, necessary action will be taken to modify the Enid control zone to include Woodring Airport.

As to the AOPA statement that the ADF approach provides for passage over the radio beacon at 2,000 feet MSL, this is no longer correct. Subsequent to the publication of the Notice, the ADF approach was changed so that the crossing altitude at the radio beacon is 2,300 feet MSL or 1,000 feet above the terrain; therefore, this approach would not require the extension to the south since the beacon is within the 5-mile radius control zone. However, the low and high altitude TACAN approaches require aircraft to descend below 2,300 feet MSL after crossing the 7 nautical mile gate which is less than 1,000 feet above the terrain. The establishment of a 7 nautical mile gate for these TACAN approaches is within the criteria as set forth in the "United States Manual of Criteria for Standard Instrument Approach Procedures". Therefore, a control zone extension to the 7 nautical mile gate is required for the protection of aircraft maneuvering below 1,000 feet above the terrain. Since it is the policy of the FAA to designate control zones and extensions to protect aircraft while maneuvering below 1,000 feet when departing or approaching landing fields under an instrument flight rule clearance, the Enid control zone and extensions are designated herein as proposed with the exception of the south extension which will be reduced from 9 miles to 8 miles (7 nautical miles).

No other comments were received regarding the proposed amendment.

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

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, § 601.2270 (14 CFR 601.2270) is amended to read:

§ 601.2270 Enid, Okla., control zone.

Within a 5-mile radius of the Vance AFB (latitude 36°20'20" N., longitude 97°55'00" W.), within 2 miles either side of the 185° True radial of the Vance AFB TACAN extending from the 5-mile radius zone to 8 miles south of the TACAN and within 2 miles either side of the 134° True radial of the Vance AFB VOR, extending from the 5-mile radius zone to the VOR.

This amendment shall become effective 0001 e.s.t., March 9, 1961.

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

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

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

[F.R. Doc. 61-617; Filed, Jan. 24, 1961; 8:46 a.m.]

[Airspace Docket No. 60-WA-160]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation of Control Area Extension

On August 6, 1960, a notice of proposed rule making was published in the *FEDERAL REGISTER* (25 F.R. 7466) stating that the Federal Aviation Agency proposed to designate a control area extension at Adak, Alaska, extending vertically from 700 feet above the surface to 12,000 feet mean sea level. On November 3, 1960, a modification to the proposal was published in the *FEDERAL REGISTER* (25 F.R. 10552) which proposed raising the upper level of the proposed control area extension to 24,000 feet mean sea level.

Since this action involves the designation of navigable airspace outside of the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

No adverse comments were received regarding the proposed amendment.

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

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, Part 601 (14 CFR Part 601) is amended by adding the following section:

§ 601.1045 Control area extension (Adak, Alaska).

Within a 50-mile radius of the Adak Naval Station (latitude 51°53'00" N., longitude 176°39'00" W.), Adak Island, extending vertically from 700 feet above the surface to 24,000 feet MSL.

This amendment shall become effective 0001 e.s.t., March 9, 1961.

(Sec. 307(a), 1110, 72 Stat. 749, 800; 49 U.S.C. 1348, 1510, and E.O. 10854, 24 F.R. 9565)

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

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

[F.R. Doc. 61-618; Filed, Jan. 24, 1961; 8:46 a.m.]

[Airspace Docket No. 60-WA-67]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS**Designation of Control Zone**

On August 27, 1960, a notice of proposed rule making was published in the *FEDERAL REGISTER* (25 F.R. 8235) stating that the Federal Aviation Agency (FAA) proposed to designate a control zone at Kalamazoo, Mich.

As stated in the notice, a control zone would be designated at Kalamazoo during the period from 0600 hours to 2200 hours Eastern Standard Time, Monday through Saturday and from 0900 hours to 2200 hours Eastern Standard Time Sunday, within a 5-mile radius of the Kalamazoo Airport (latitude 42°14'07" N., longitude 85°33'10" W.), within 2 miles either side of the 039° True radial of the Kalamazoo VOR extending from the 5-mile radius zone to 12 miles north-east of the VOR and within 2 miles either side of the 143° True radial of the Kalamazoo VOR extending from the 5-mile radius zone to 12 miles southeast of the VOR. This designation would provide protection for aircraft executing the prescribed instrument approach procedures based on the VOR during the period that weather reporting service is available.

Three comments were received regarding the proposal. One of these comments was from the Aircraft Owners and Pilots Association (AOPA) which stated in part, "The Aircraft Owners and Pilots Association has considered carefully the effect which this proposed part-time designation of a control zone at Kalamazoo, Michigan, might have on the operation of private and business aircraft. It is believed that pending a thorough evaluation of the part-time control zone which was established on June 11, 1960, at Alpena, Michigan, that further designation of part-time control zones should be held in abeyance." The Air Transport Association of America (ATA) concurred in the proposal and requested the time be extended to 2300 hours local standard time in lieu of 2200 hours as proposed in the notice.

It is the policy of FAA to designate control zones for the protection of aircraft executing instrument approaches at airports where communications and qualified weather observation services are available. The Agency is presently observing the operation of part-time control zones, but, as yet, has accumulated insufficient data to make a comprehensive evaluation of them. However, during the interim period, the part-time control zone concept will provide a degree of safety heretofore not available. Therefore, the FAA is of the opinion that the designation of additional part-time control zones should not be delayed.

Subsequent to publication of the notice, the FAA has been advised that weather observation service is available from 0600 hours to 2300 hours local standard time,

Monday through Saturday, and from 0700 hours to 2300 hours local standard time, Sundays. Therefore, action is taken herein to designate the control zone during these revised times. With this change, traffic control service can be provided for three additional scheduled air carrier flights each day as well as for other segments of aviation desirous of availing themselves of this service.

The Department of the Air Force concurred with the proposal. No other comments were received regarding the proposed amendment.

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

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, Part 601 (14 CFR Part 601) is amended by adding the following section:

§ 601.2319 Kalamazoo, Mich., control zone.

Within a 5-mile radius of the Kalamazoo Airport (latitude 42°14'07" N., longitude 85°33'10" W.), within 2 miles either side of the 039° True radial of the Kalamazoo VOR extending from the 5-mile radius zone to 12 miles NE of the VOR and within 2 miles either side of the 143° True radial of the Kalamazoo VOR extending from the 5-mile radius zone to 12 miles SE of the VOR, during the period from 0600 hours to 2300 hours local standard time, Monday through Saturday and from 0700 hours to 2300 hours local standard time, Sunday.

This amendment shall become effective 0001 e.s.t., March 9, 1961.

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

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

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

[F.R. Doc. 61-619; Filed, Jan. 24, 1961; 8:46 a.m.]

[Airspace Docket No. 60-KC-71]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS**Designation of Control Zone**

On October 13, 1960, a notice of proposed rule making was published in the *FEDERAL REGISTER* (25 F.R. 9814) stating that the Federal Aviation Agency proposed to designate a 3-mile radius control zone at the Milwaukee, Wis., Timmerman Airport.

The Aircraft Owners and Pilots Association objected to the designation of this control zone because the proposal did not indicate that the criteria for the establishment of control zones have been, or would be, met.

The Federal Aviation Agency has established an airport traffic control tower at the Timmerman Airport and the Timmerman Tower personnel will be responsible for weather reporting service at this airport during the time of designation of the control zone. No other adverse comments were received regarding the proposed amendment.

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

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

In the text of § 601.1983 (14 CFR 601.1983) the following is added: "Milwaukee, Wis.: Timmerman Airport (latitude 43°06'40" N, longitude 88°02'05" W.), from 0600 to 2200 hours, local standard time, daily."

This amendment shall become effective 0001 e.s.t., March 9, 1961.

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

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

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

[F.R. Doc. 61-620; Filed, Jan. 24, 1961; 8:46 a.m.]

[Airspace Docket No. 60-FW-104]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS**Modification of Control Zone**

The purpose of this amendment to § 601.2400 of the regulations of the Administrator is to modify the La Grange, Ga., control zone by reducing the extension to the northwest.

The La Grange, Ga., control zone is presently designated within a 5-mile radius of Callaway Airport, La Grange, Ga., and within 2 miles either side of the 110° True and 290° True radials of the La Grange VOR extending from the 5-mile radius zone to 5 miles west of the VOR. The prescribed instrument approach procedure based on the VOR has been revised. The portion of the existing control zone extension northwest of the VOR is no longer required. Therefore, action is taken herein to designate the La Grange control zone within a 5-mile radius of the Callaway Airport, La Grange, and within 2 miles either side of the 110° True radial of the La Grange VOR extending from the 5-mile radius zone to the VOR.

Since this amendment reduces a burden on the public, compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary. However, since it is necessary that sufficient time be allowed to permit

appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 601.2400 (14 CFR 601.2400) is amended to read:

§ 601.2400 La Grange, Ga., control zone.

Within a 5-mile radius of the Callaway Airport, La Grange, Ga. (latitude 33°00'30" N., longitude 85°04'30" W.) within two miles either side of the 110° True radial of the La Grange VOR extending from the 5-mile radius zone to the VOR.

This amendment shall become effective 0001 e.s.t., March 9, 1961.

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

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

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

[F.R. Doc. 61-621; Filed, Jan. 24, 1961;
8:46 a.m.]

[Airspace Docket No. 60-WA-280]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Modification of Control Zone and Control Area Extension

The purpose of these amendments to §§ 601.2227 and 601.1341 of the regulations of the Administrator is to modify the Dover, Del., control zone and control area extension.

A joint use agreement has been consummated for the Milford, Del., Restricted Area (R-12) and the Federal Aviation Agency (FAA) (New York Air Route Traffic Control Center) has been made the controlling agency. Therefore, action is taken herein to designate R-12 as control area so as to permit the clearance of IFR traffic through the area. This will provide the maximum utilization of the airspace within the area.

Since these amendments impose no additional burden on the public, compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary and they may be made effective immediately.

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

1. In the text of § 601.2227 (14 CFR 601.2227) "southeast, excluding the portion which overlaps Restricted Area (R-12)." is deleted and "SE. The portion of this control zone that coincides with R-12 shall be used only after obtaining prior approval from the FAA (New York ARTC Center)." is substituted therefor.

2. In the text of § 601.1341 (25 F.R. 10798) "268, excluding the portion which coincides with the Milford, Del., Restricted Area (R-12)." is deleted and "268. The portion of this control area extension that coincides with R-12 shall be used only after obtaining prior approval from the FAA (New York ARTC Center)." is substituted therefor.

These amendments shall become effective upon the date of publication in the FEDERAL REGISTER.

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

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

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

[F.R. Doc. 61-622; Filed, Jan. 24, 1961;
8:46 a.m.]

[Airspace Docket No. 60-HO-9]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation of Control Area Extension

The purpose of this amendment to Part 601 of the regulations of the Administrator is to revoke the Iwo Jima, Volcano Islands, control area extension.

The Department of the Air Force has stated in correspondence to the Federal Aviation Agency that it has no requirements for the retention of this controlled airspace. The Iwo Jima Air Force Base is available as an alternate airport for aircraft operating between Guam Island and Tokyo, Japan, and between Wake Island and Okinawa. The airport is otherwise on a minimum use basis. The military communications channel between the Guam air route traffic control center and Iwo Jima, previously used for air traffic control purposes, has been discontinued. Therefore, the designation of the Iwo Jima control area extension is no longer required.

Since this action involves the designation of navigable airspace outside of the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), Part 601 (14 CFR Part 601) is amended as follows:

Section 601.1411 *Control area extension (Iwo Jima, Volcano Islands)*, is revoked.

This amendment shall become effective 0001 e.s.t., March 15, 1961.

(Sec. 307(a), 1110, 72 Stat. 749, 800; 49 U.S.C. 1348, 1510, and E.O. 10854, 24 F.R. 9565)

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

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

[F.R. Doc. 61-623; Filed, Jan. 24, 1961;
8:46 a.m.]

[Airspace Docket No. 60-KC-82]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Modification of Control Zone

On November 11, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 10778) stating that the Federal Aviation Agency proposed to modify the Waterloo, Iowa, control zone.

No adverse comments were received regarding the proposed amendment.

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

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, § 601.2147 (14 CFR 601.2147) is amended to read:

§ 601.2147 Waterloo, Iowa, control zone.

Within a 5-mile radius of the Waterloo Municipal Airport (latitude 42°33'22" N., longitude 92°23'59" W.), within 2 miles either side of the 120° True and 314° True radials of the Waterloo VOR extending from the 5-mile radius zone to 12 miles SE and NW of the VOR and within 2 miles either side of the ILS localizer NW course extending from the 5-mile radius zone to the ILS OM.

This amendment shall become effective 0001 e.s.t., April 6, 1961.

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

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

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

[F.R. Doc. 61-633; Filed, Jan. 24, 1961;
8:48 a.m.]

[Airspace Docket No. 60-WA-195]

PART 602—ESTABLISHMENT OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN THE CONTINENTAL CONTROL AREA

Designation of Coded Jet Route

On August 31, 1960, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (25 F.R. 8331) stating

that the Federal Aviation Agency (FAA) proposed to designate that airspace over the United States from Lakehead, Ontario, to Fredericton, New Brunswick, as VOR/VORTAC jet route No. 500. This route will be compatible with Canadian high-level airway No. 500 and will be so indicated in the caption.

The Department of the Air Force expressed concern regarding the segment between Lakehead, Ontario, and Sault Ste. Marie, Mich. They felt this would induce conflict with the terminal jet traffic at K. I. Sawyer and Kincheloe Air Force Bases and attempting to procedurally resolve the conflicts under present control methods would mean further restrictions to instrument operations in the area. The Air Force further stated that radar advisory service over the segments in the United States should be implemented prior to the designation of the route. The Federal Aviation Agency agrees that improved air traffic control capability will be required for this segment of the route. To accomplish this the Agency plans to provide radar advisory service on this segment of J-500-V.

Subsequent to publication of the Proposal, the Department of Transport for Canada requested that the Millinocket, Maine, radio range station be included in the description of the route. This will provide a navigation capability for those aircraft not equipped with VOR equipment. Such action is taken herein to include the Millinocket radio range station in the description of the route. This will not change the alignment of the route as proposed. Moreover, since the Fredericton, N.B., VOR is not commissioned and the western portion of jet route 500-V is required at an early date, J-500-V is described herein as that airspace over the United States territory from the Lakehead radio range station to the intersection of the Millinocket radio range station east course with the United States/Canadian Border. When the Fredericton VOR is commissioned, the description of J-500-V will be amended to reflect the extension of the route to that facility.

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

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, Part 602 (14 CFR Part 602) is amended by adding the following section:

§ 602.5500 VOR/VORTAC jet route No. 500 (Lakehead, Ontario, to Millinocket, Maine) (Joins Canadian high-level airway No. 500).

That airspace over United States territory from the Lakehead, Ontario, RR via the Sault Ste. Marie, Mich., VOR; Gore Bay, Ontario, RR; Killaloe, Ontario, RR; Ottawa, Ontario, VOR; Montreal, Quebec, VOR; Megantic, Quebec, RR; Millinocket, Maine, RR; to the INT of the E course of the Millinocket RR with the United States/Canadian Border.

This amendment shall become effective 0001 e.s.t., March 9, 1961.

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

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

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

[F.R. Doc. 61-612; Filed, Jan. 24, 1961;
8:45 a.m.]

[Airspace Docket No. 60-WA-247]

PART 602—ESTABLISHMENT OF CODED JET ROUTES AND NAVI- GATIONAL AIDS IN THE CON- TINENTAL CONTROL AREA

Designation of Coded Jet Route

On October 29, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 10439) stating that the Federal Aviation Agency (FAA) proposed to designate VOR/VORTAC jet route No. 107 from Los Angeles, Calif., to Kenora, Ontario, Canada.

As stated in the notice, the FAA proposed to designate J-107-V as a transpolar jet route from the Los Angeles VORTAC via Hector, Calif., VORTAC; Las Vegas, Nev., VORTAC; intersection of the Las Vegas VORTAC 044° True and the Bryce Canyon, Utah, VOR 247° True radials; Bryce Canyon VOR; Rock Springs, Wyo., VORTAC; Crazy Woman, Wyo., VOR; Dickinson, N. Dak., VORTAC; Pembina, N. Dak., radio range station; to the Kenora, Ontario, Canada, VOR excluding the portion outside the United States.

The Air Transport Association of America concurred in the proposal. The Department of the Navy objected to any segment of the route that would not have radar advisory service. They further stated that the route introduces conflict with traffic control procedures at several Air Force bases in or adjoining the airspace to be encompassed by the route. The Department of the Air Force stated that they insist that radar advisory service be provided wherever equipment, location and capability permit, any deviation from this policy being objectionable. The Air Force further stated that this route would conflict with two approach procedures at Minot AFB, N. Dak., would pass over a TACAN approach at Grand Forks AFB, N. Dak., and would pass through the northwest part of the Ellsworth AFB, S. Dak., terminal area. They recommended that J-107-V be realigned from Rock Springs, Wyo., to Duluth, Minn., via Sheridan, Wyo.; Dickinson, N. Dak., to Fargo, N. Dak., thus, alleviating any conflicts in the terminal areas of Ellsworth, Minot, and Grand Forks Air Force Bases.

Subsequent to publication of the notice, it has been determined that if the segment that was proposed from Las Vegas to Rock Springs is aligned via Milford, Utah, to Rock Springs, additional radar coverage will be gained. Radar advisory service will then be provided for all of J-107-V with the exception of a segment approximately 125 miles in length between Rock Springs

and Crazy Woman and a segment approximately 75 miles in length in the vicinity of Milford. The FAA plans to provide radar service for these segments in the near future.

The alignment as recommended by the Air Force has been analyzed by the FAA and it is agreed that such an alignment would avoid Minot and Grand Forks AFB. However, this would place the route 300 miles east of the desired routing. With regard to the conflict in traffic mentioned by the Air Force with Ellsworth AFB, this route lies 100 nautical miles northwest of the base. It will not induce any conflict with approach procedures. Of the nine published approach procedures for Ellsworth, only one is from the northwest and this is accomplished within 35 nautical miles of the base. Considering the distance involved, departure procedures should not be affected since normal en route traffic procedures will be utilized. In addition, the segment of the route that departures may cross will have radar advisory service. Insofar as Minot AFB and Grand Forks AFB are concerned, the route lies 50 miles southeast of Minot and 50 miles northwest of Grand Forks. Both Air Force bases have five instrument approach procedures that are begun within 35 miles of the respective bases from 20,000 feet or as assigned by the Air Route Traffic Control Center concerned. In all instances, the FAA considers that any conflict between the proposed route and the Air Force bases concerned is of the enroute type and not terminal. Therefore, normal enroute separation will be provided; that is, standard radar or nonradar separation.

The FAA is mindful of competitive demands for the utilization of navigable airspace occasioned by the ever-increasing amount of air traffic over the United States and is desirous of resolving such demands in the most equitable manner possible. The Agency is of the opinion that the designation of J-107-V is justified in order to more efficiently exercise air traffic management for all segments of aviation, both military and civil. Therefore, J-107-V is designated herein as proposed with the exception of the segment between Bryce Canyon and Rock Springs which is realigned via Milford to Rock Springs.

No other comments were received regarding the proposed amendment.

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

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, Part 602 (14 CFR Part 602) is amended by adding the following section:

§ 602.5107 VOR/VORTAC jet route No. 107 (Los Angeles, Calif., to Kenora, Ontario, Canada).

That airspace over the United States territory from the Los Angeles VOR via the Hector, Calif., VORTAC; Las Vegas, Nev., VORTAC; Milford, Utah,

VORTAC; Rock Springs, Wyo., VORTAC; Crazy Woman, Wyo., VOR; Dickinson, N. Dak., VORTAC; Pembina, N. Dak., RR, to the Kenora, Ontario, Canada, VOR.

This amendment shall become effective 0001 e.s.t., March 9, 1961.

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

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

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

[F.R. Doc. 61-613; Filed Jan. 24, 1961;
8:45 a.m.]

[Airspace Docket No. 60-WA-243]

PART 602—ESTABLISHMENT OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN THE CONTINENTAL CONTROL AREA

Modification of Coded Jet Route

On October 29, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 10438) stating that the Federal Aviation Agency (FAA) proposed to modify VOR/VORTAC jet route No. 32 which presently extends from Elko, Nev., to Duluth, Minn.

As stated in the notice, the FAA proposed to realign J-32-V and extend it westward to Oakland, Calif., and north-eastward to the United States/Canadian Border as follows: From the Oakland, Calif., VORTAC via the Sacramento, Calif., VORTAC; Reno, Nev., VOR; intersection of the Reno VOR 060° and the Elko, Nev., VORTAC 255° True radials; Elko VORTAC; Malad City, Idaho, VORTAC; Crazy Woman, Wyo., VOR; Dupree, S. Dak., VOR; Aberdeen, S. Dak., VOR; intersection of the Aberdeen VOR 067° and the Duluth, Minn., VOR 258° True radials; Duluth VOR; thence via the intersection of the Duluth VOR 051° True radial with the United States/Canadian Border. This will provide a nonstop trans-polar civil turbojet route for operations between San Francisco, Calif., and Europe.

The Air Transport Association of America concurred in the proposal. However, the Department of the Air Force stated that a segment of this route would overlie the northwest TACAN approach at Ellsworth AFB, Rapid City, S. Dak. They further stated that the primary departure area northwest of Ellsworth would be affected by this route, in that departing aircraft would be held down to altitudes below the route structure floor until clear of the route. In addition, they pointed out that since no anticipated traffic movements were included in the notice, it was not possible to determine the degree of impact J-32-V would have on traffic. The Air Force recommended that the segment of the proposed route between Malad City, Idaho, and Duluth be realigned via Sheridan, Wyo., Dickinson, N. Dak., Fargo, N. Dak., thence joining the original route at Duluth. They felt the alignment would free the TACAN approach and would alleviate the north-

west departure problem at Ellsworth AFB.

The FAA has analyzed the Air Force comments and recommendations. The present alignment of J-32-V passes over Hill AFB, Ogden, Utah, and Ellsworth AFB. There are four published instrument approaches for Hill AFB and nine for Ellsworth AFB. The present route alignment conflicts with most of these approaches. The proposed alignment will eliminate any conflict with Hill AFB and bypass Ellsworth AFB approximately 40 miles to the northwest, thus eliminating any conflict with eight of the nine approaches for Ellsworth AFB. Considering that the TACAN approach is a secondary approach, it appears that the proposed alignment is superior to the existing alignment. With regard to the Air Force comments that departures will be held at altitudes below the route structure if conflicting traffic conditions exist, this is not in consonance with air traffic control procedures for the control of IFR traffic. Normally, departing traffic crossing an airway or jet route is cleared at an altitude below pertinent traffic or to cross the route above the traffic. Since radar advisory service will be provided on this segment north of Ellsworth AFB, no delays to departures are anticipated.

With regard to the comment on traffic utilizing this route, an IFR peak day traffic survey for September 16, 1960, showed two flights. During the summer months it is anticipated that eight to ten trans-polar flights will utilize this route daily.

In view of the relatively light volume of traffic anticipated on J-32-V and the minor degree of impact it would have on operations at Ellsworth AFB, it appears that realigning and, as a result, lengthening this nonstop polar route as proposed by the Air Force would be unwarranted.

The Agency is of the opinion that the designation of J-32-V as proposed is justified in order to more efficiently exercise air traffic management for both en-route and terminal traffic in the Ellsworth AFB area. Therefore, the FAA is modifying J-32-V as proposed in the notice.

No other comments were received regarding the proposed amendment.

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

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, § 602.532 (14 CFR 602.532, 25 F.R. 13747) is amended to read:

§ 602.532 VOR/VORTAC jet route No. 32 (Oakland, Calif., to Duluth, Minn.).

From the Oakland, Calif., VORTAC via the Sacramento, Calif., VORTAC; Reno, Nev., VOR; INT of the Reno VOR 060° True and the Elko, Nev., VORTAC 255° True radials; Elko VORTAC; Malad

City, Idaho, VORTAC; Crazy Woman, Wyo., VOR; Dupree, S. Dak., VOR; Aberdeen, S. Dak., VOR; INT of the Aberdeen VOR 067° True and the Duluth, Minn., VOR 258° True radials; Duluth VOR; via the INT of the Duluth VOR 051° True radial with the United States/Canadian Border.

This amendment shall become effective 0002 e.s.t., March 9, 1961.

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

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

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

[F.R. Doc. 61-614; Filed, Jan. 24, 1961;
8:45 a.m.]

[Airspace Docket No. 60-WA-248]

PART 602—ESTABLISHMENT OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN THE CONTINENTAL CONTROL AREA

Modification of Coded Jet Routes

On October 29, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 10439) stating that the Federal Aviation Agency proposed to modify the segments of VOR/VORTAC jet route No. 2 between Yuma, Ariz., and El Paso, Tex., and VOR/VORTAC jet route No. 13 between Truth or Consequences, N. Mex., and El Paso, Tex.

No adverse comments were received regarding the proposed amendments.

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

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

1. In § 602.502 (14 CFR 602.502, 25 F.R. 3067, 12551) "Gila Bend, Ariz., VOR; Tucson, Ariz., VOR," is deleted and "INT of the Yuma VOR 087° True and the Gila Bend, Ariz., VOR 261° True radials; Gila Bend VOR; INT of the Gila Bend VOR 098° True and the San Simon, Ariz., VOR 286° True radials; San Simon VOR;" is substituted therefor.

2. In § 602.513 (14 CFR 602.513) "INT of the El Paso 270° and the Truth or Consequences 162° radials;" is deleted and "INT of the El Paso 282° True and the Truth or Consequences 162° True radials;" is substituted therefor.

These amendments shall become effective 0001 e.s.t., March 9, 1961.

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

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

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

[F.R. Doc. 61-615; Filed, Jan. 24, 1961;
8:46 a.m.]

[Reg. Docket No. 627; Amdt. 70]

**PART 610—MINIMUM EN ROUTE
IFR ALTITUDES****Miscellaneous Alterations**

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Pursuant to authority delegated to me by the Administrator (24 F.R. 5662), I find that a situation exists requiring immediate action in the interest of safety, that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than thirty days notice. Part 610 is amended as follows:

Section 610.12 *Green Federal airway 2* is amended to read in part:

From *Seattle, Wash., LFR; to Selleck INT, Wash.; MEA 8,000. *4,000—MCA Seattle LFR, eastbound.

From Selleck INT, Wash.; to Hobart, Wash., FM; westbound only, MEA 6,000.

From Hobart, Wash., FM; to Seattle, Wash., LFR; westbound only, MEA 5,000.

Section 610.13 *Green Federal airway 3* is amended to delete:

From Goshen, Ind., LFR; to Toledo, Ohio, LFR; MEA 2,300.

From Toledo, Ohio, LFR; to Sandusky INT, Ohio; MEA 2,000.

From Sandusky INT, Ohio; to Cleveland, Ohio, LFR; MEA 1,900.

From Cleveland, Ohio, LFR; to Parkman INT, Ohio; MEA 3,000.

From Brecksville, Ohio, FM; to Parkman INT, Ohio; eastbound only, MEA 2,500.

From Parkman INT, Ohio; to Youngstown, Ohio, LFR; MEA 2,500.

From Youngstown, Ohio, LFR; to Pardoe INT, Pa.; MEA 2,600.

From Pardoe INT, Pa.; to Phillipsburg, Pa., LFR; MEA 4,000.

From Phillipsburg, Pa., LFR; to Selinsgrove, Pa., LF/RBN; MEA 4,000.

From Selinsgrove, Pa., LF/RBN; to Slat-
tington INT, Pa.; MEA 3,500.

From Slatington INT, Pa.; to Allentown, Pa., LFR; MEA 3,000.

From Allentown, Pa., LFR; to Belle Mead INT, N.J.; MEA 2,500.

From Belle Mead INT, N.J.; to New Brun-
swick INT, N.J.; MEA 2,000.

From New Brunswick INT, N.J.; to Flat-
bush INT, N.Y.; MEA 1,500.

From Flatbush INT, N.Y.; to La Guardia,
N.Y., LFR; MEA 2,500.

Section 610.20 *Green Federal airway 10* is amended to read in part:

From *Seattle, Wash., LFR; to Selleck INT, Wash.; MEA 8,000. *4,000—MCA Seattle, LFR; eastbound.

From Selleck INT, Wash.; to Hobart, Wash., FM; westbound only, MEA 6,000.

From Hobart, Wash., FM; to Seattle, Wash., LFR; westbound only, MEA 5,000.

Section 610.104 *Amber Federal airway 4* is amended to delete:

From San Antonio, Tex., LF/RBN; to Cibolo Creek INT, Tex.; MEA 2,400.

From Cibolo Creek INT, Tex.; to Austin, Tex., LF/RBN; MEA 3,000.

From Austin, Tex., LF/RBN; to Belton INT, Tex.; MEA 2,000.

From Belton INT, Tex.; to Waco, Tex., LFR; MEA 2,100.

Section 610.205 *Red Federal airway 5* is deleted:

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

From Lock Haven INT, Pa.; to Williams-
port, Pa., LFR; MEA 3,500.

From Williamsport, Pa.; to Plymouth INT, Pa.; MEA 4,000.

From Plymouth INT, Pa.; to Crystal Lake, Pa., LF/RBN; MEA 3,500.

Section 610.215 *Red Federal airway 15* is deleted:

Section 610.219 *Red Federal airway 19* is amended to delete:

From Traverse City, Mich., LFR; to Glad-
win, Mich., LF/RBN; MEA 2,500.

From Gladwin, Mich., LF/RBN; to Saginaw, Mich., LF/RBN; MEA 2,000.

From Saginaw, Mich., LF/RBN; to Flint, Mich., ILS/LOM; MEA 2,200.

Section 610.220 *Red Federal airway 20* is amended to delete:

From Columbiana INT, Ohio; to Pitts-
burgh, Pa., LFR; MEA 2,600.

From Flint Stone INT, Md.; to Blairton INT, Md.; MEA 4,000.

From Blairton INT, Md.; to Herndon, INT, Va.; MEA 3,000.

From Herndon INT, Va.; to Washington, D.C., LFR; MEA 1,800.

Section 610.220 *Red Federal airway 20* is amended by adding:

From Flint Stone INT, Md.; to Int. SE crs, Pittsburgh, Pa., LFR and NW crs, Wash., D.C., LFR; MEA 4,000.

Section 610.237 *Red Federal airway 37* is deleted.

Section 610.256 *Red Federal airway 56* is deleted.

Section 610.263 *Red Federal airway 63* is deleted.

Section 610.269 *Red Federal airway 69* is deleted.

Section 610.270 *Red Federal airway 70* is deleted.

Section 610.271 *Red Federal airway 71* is deleted.

Section 610.300 *Red Federal airway 100* is deleted.

Section 610.603 *Blue Federal airway 3* is amended to delete:

From Goshen, Ind., LFR; to Union INT, Mich.; MEA 2,200.

From Union INT, Mich.; to Kalamazoo INT, Mich.; MEA 2,300.

From Kalamazoo INT, Mich.; to Grand Rapids, Mich., LFR; MEA 2,200.

Section 610.629 *Blue Federal airway 29* is deleted.

Section 610.667 *Blue Federal airway 67* is deleted.

Section 610.679 *Blue Federal airway 79* is amended to read in part:

From Five Finger, Alaska, LF/RBN; to Coghlan Island, Alaska, LF/RBN; MEA 7,000.

From Coghlan Island, Alaska, LF/RBN; to Haines, Alaska, LF/RBN; MEA 9,000.

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

From Hot Springs, Ark., LF/RBN; to Mal-
vern INT, Ark.; MEA 1,800.

From Hot Springs, Ark., TVOR; to Mal-
vern INT, Ark.; MEA 1,800.

From Miami, Fla., VOR; to West Palm Beach, Fla., VOR; MEA 1,400.

From Midland, Tex., VOR; to Tarzan INT, Tex.; MEA 4,000.

From Moultrie, Ga., VOR; to Valdosta, Ga., VOR; MEA 1,500.

Section 610.1001 *Direct routes—U.S.* is amended to read in part:

From Enid, Okla., VOR (Woodring Field); to Gage, Okla., VOR; MEA 3,700.

From Pinecliff INT, Colo.; to Superior, Colo., FM; eastbound only; MEA 13,000.

From Superior, Colo., FM; to Golden INT, Colo., eastbound only; MEA 10,000.

From Golden INT, Colo.; to Aurora, Colo., LF/RBN; eastbound only; MEA 7,000.

Section 610.6001 *VOR Federal airway 1* is amended to read in part:

From *Crescent INT, S.C.; to **Green INT, S.C.; MEA 1,400. *3,300—MRA. **2,500—MRA.

From Waterloo, Del., VOR; to *Hammon-
ton INT, N.J. (031 MR ATR/245 MR CYN); MEA **2,000. *2,000—MRA. **1,500—MOCA.

From Hammon INT, N.J.; to Coyle, N.J., VOR; MEA 1,500.

Section 610.6002 *VOR Federal airway 2* is amended to read in part:

From Dodge INT, Wis., via N alter.; to Nodine, Minn., VOR, via N alter.; MEA *3,300. *2,800—MOCA.

Section 610.6003 *VOR Federal airway 3* is amended to delete:

From Brooke, Va., VOR; to Springfield INT, Va.; MEA 1,500.

From Springfield INT, Va.; to Washington, D.C., TVOR; MEA 1,800.

Section 610.6003 *VOR Federal airway 3* is amended by adding:

From Brooke, Va., VORTAC; to McLean INT, Va.; MEA 1,800.

Section 610.6004 *VOR Federal airway 4* is amended by adding:

From Herndon, Va., VORTAC; to McLean INT, Va.; MEA 1,800.

Section 610.6006 *VOR Federal airway 6* is amended to read in part:

From *Newcastle INT, Calif., via N alter.; to **Auburn INT, Calif., via N alter.; south-
westbound, MEA 7,000; northeastbound, MEA 11,000. *7,500—MCA Newcastle INT, north-
eastbound. **8,000—MRA.

From Auburn INT, Calif., via N alter.; to Blue Canyon INT, Calif., via N alter.; south-
westbound, MEA 7,000; northeastbound, MEA 11,000.

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

From Lawson INT, Mo.; to Kirksville, Mo., VOR; MEA 3,000.

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

From *Cornville INT, Ariz., via S alter.; to **Winslow, Ariz., VORTAC, via S alter.; MEA ***13,000. *13,000—MCA Cornville INT, eastbound. **8,500—MCA Winslow VORTAC, westbound. ***11,000—MOCA.

Section 610.6013 *VOR Federal airway 13* is amended to read in part:

From Hope INT, Minn.; to Farmington, Minn., VOR; MEA 2,400.

From *Alma City INT, Iowa, via W alter.; to **New Prague INT, Iowa, via W alter.; MEA ***4,300. *4,300—MRA. **3,500—MRA. ***2,400—MOCA.

From New Prague INT, Iowa, via W alter.; to Lydia INT, Minn., via W alter.; MEA *4,300. *2,400—MOCA.

Section 610.6014 *VOR Federal airway 14* is amended to read in part:

From Springfield, Mo., VORTAC; to Con-way INT, Mo.; MEA 2,500.

From Neosho, Mo., VOR, via N alter.; to Avilla INT, Okla., via N alter.; MEA *2,900. *2,400—MOCA.

From Avilla INT, Okla., via N alter.; to Miller INT, Mo., via N alter.; MEA 2,900.

From Prague INT, Okla., via S alter.; to Sapulpa INT, Okla., via S alter.; MEA *4,000. *2,000—MOCA.

From Tulsa, Okla., VORTAC; to Adair INT, Okla.; MEA *2,200. *2,000—MOCA.

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

From Sioux Falls, S. Dak., VORTAC, via W alter.; to *Canova INT, S. Dak., via W alter.; MEA *3,500. *3,500—MRA. **3,000—MOCA.

From Canova INT, S. Dak., via W alter.; to Huron, S. Dak., VOR, via W alter.; MEA *3,000. *2,500—MOCA.

Section 610.6015 *VOR Federal airway 15* is amended by adding:

From Bismarck, N. Dak., VOR, via W alter.; to Minot, N. Dak., VOR, via W alter.; MEA *5,000. *3,400—MOCA.

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

From Vineland INT, N.J.; to *Hammononton INT, N.J.; MEA 1,500. *2,000—MRA.

From Hammononton INT, N.J.; to Coyle, N.J., VOR; MEA 1,500.

Section 610.6018 *VOR Federal airway 18* is amended to read in part:

From Allendale, S.C., VOR; to *Ashton INT, S.C.; MEA *1,600. *2,500—MRA. **1,500—MOCA.

From Ashton INT, S.C.; to *Ruffin INT, S.C.; MEA *1,600. *2,500—MRA. **1,500—MOCA.

From Ruffin INT, S.C.; to *Walterboro INT, S.C.; MEA *1,600. *2,000—MRA. **1,500—MOCA.

Section 610.6019 *VOR Federal airway 19* is amended to read in part:

From Lewistown, Mont, VOR; to *Belt INT, Mont.; MEA 9,000. *11,000—MRA.

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

From Ft. Jones, Calif., VOR, via E alter.; to *Klamath Junction Int., Oreg., via E alter.; MEA 10,000. *10,500—MRA.

From Klamath Junction INT, Oreg., via E alter.; to Medford, Oreg., VORTAC, via E alter.; northwest bound, MEA 8,000; southeast bound, MEA 10,000.

Section 610.6024 *VOR Federal airway 24* is amended to read in part:

From Redwood Falls, Minn., VOR.; to *Alma City INT, Minn.; MEA *3,400. *4,800—MRA. **2,500—MOCA.

From Alma City INT, Minn.; to Hope INT, Minn.; MEA *3,400. *2,400—MOCA.

From Hope INT, Minn.; to *Bixby INT, Minn.; MEA 2,400. *2,800—MRA.

From Bixby INT, Minn.; to Rochester, Minn., VOR; MEA 2,400.

From Rochester, Minn., VOR; to Preston INT, Minn.; MEA 2,500.

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

From Corpus Christi, Tex., VORTAC, via N alter.; to *Woodsboro INT, Tex., via N alter.; MEA 1,500. *1,800—MRA.

From Woodsboro INT, Tex., via N alter.; to Palacios, Tex., VOR, via N alter.; MEA 1,500.

From Homer INT, Ga., via N alter.; to Elizabeth INT, Ga., via N alter.; MEA *4,500. *3,000—MOCA.

From Elizabeth INT, Ga., via N alter.; to *Clemson INT, S.C., via N alter.; MEA **7,000. *2,500—MRA. **3,000—MOCA.

From Mobile, Ala., VOR, via N alter.; to Evergreen, Ala., VOR, via N alter.; MEA 1,500.

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

From Provo, Utah, VOR; to *Salt Lake City, Utah, VORTAC; MEA 10,000. *9,000—MCA Salt Lake City VORTAC, southbound.

From Riverton, Utah, FM; to Salt Lake City, Utah, VORTAC; northbound only, MEA 8,000.

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

From *Red Bluff, Calif., VORTAC; to Tenant INT, Calif.; MEA **13,500. *5,000—MCA Red Bluff VORTAC, southbound. **10,000—MOCA.

From Tennant INT, Calif.; to Klamath Falls, Oreg., VORTAC; northbound, MEA, *9,000; southbound, MEA 13,500. *8,500—MOCA.

From Klamath Falls, Oreg., VORTAC; to Sprague INT, Oreg.; MEA 9,500.

From Sprague INT, Oreg.; to Redmond, Oreg., VOR; MEA *12,000. *9,000—MOCA.

Section 610.6026 *VOR Federal airway 26* is amended by adding:

From *Delta, Utah, VOR; to Myton, Utah, VOR; MEA *15,000. *10,700—MCA Delta VOR, northeastbound. **14,000—MOCA.

From Myton, Utah, VOR; to Cherokee, Wyo., VOR; MEA 12,500.

Section 610.6026 *VOR Federal airway 26* is amended to read in part:

From Eau Claire, Wis., VOR; to *Cadott INT, Wis.; MEA 2,500. *3,500—MRA.

From Rapid City, S. Dak., VOR, via N alter.; to Elm Springs INT, S. Dak., via N alter.; MEA *4,500. *4,200—MOCA.

From Elm Springs INT, S. Dak., via N alter.; to Philip, S. Dak., VOR, via N alter.; MEA *4,500. *4,100—MOCA.

Section 610.6027 *VOR Federal airway 27* is amended to read in part:

From Fortuna, Calif., VOR; to Crescent City, Calif., VOR; MEA 3,500.

Section 610.6030 *VOR Federal airway 30* is amended to delete:

From Akron, Ohio, VOR; to Youngstown, Ohio, VOR; MEA 2,500.

From Youngstown, Ohio; to Wesley INT, Pa.; MEA 2,600.

From Wesley INT, Pa.; to Clarion, Pa., VOR; MEA 2,800.

Section 610.6030 *VOR Federal airway 30* is amended by adding:

From Akron, Ohio, VOR; to Clarion, Pa., VOR; MEA 3,000.

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

From *Calvary INT, Ga.; to Albany, Ga., VOR; MEA 2,000. *2,500—MRA.

Section 610.6035 *VOR Federal airway 35* is amended to delete:

From Charleston, W. Va., VORTAC; to Parkersburg, W. Va., VOR; MEA 2,500.

From Parkersburg, W. Va., VOR; to Pittsburgh, Pa., VOR; MEA 3,000.

Section 610.6035 *VOR Federal airway 35* is amended by adding:

From Charleston, W. Va., VORTAC; to *Clara INT, W. Va.; MEA **4,000. *4,000—MRA. **3,000—MOCA.

From Clara INT, W. Va.; to Clarksburg, W. Va., VOR; MEA 4,000.

From Clarksburg, W. Va., VOR; to Morgantown, W. Va., VORTAC; MEA 4,000.

From Morgantown, W. Va., VORTAC; to Indian Head, Pa., VOR; MEA 5,000.

From Indian Head, Pa., VOR; to Johnstown, Pa., VOR; MEA 5,000.

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

From Mission Bay, Calif., VOR; to Lemon Grove INT, Calif.; eastbound, MEA 8,000; westbound, MEA 3,600.

Section 610.6067 *VOR Federal airway 67* is amended to read in part:

From *Vinton INT, Iowa; to **Clark INT, Iowa; MEA 2,500. *3,200—MRA. **3,200—MRA.

From Clark INT, Iowa; to Waterloo, Iowa, VORTAC; MEA 2,500.

From Mason City, Iowa, VORTAC via W alter.; to Austin INT, Minn., via W alter.; MEA 2,800.

From Austin INT, Minn., via W alter.; to Rochester, Minn., VOR via W alter.; MEA 2,600.

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

From Burnell INT, Tex.; to *Skidmore INT, Tex.; MEA 1,400. *1,700—MRA.

From Skidmore INT, Tex.; to Corpus Christi, Tex., VORTAC; MEA 1,400.

Section 610.6070 *VOR Federal airway 70* is amended to read in part:

From Lafayette, La., VOR via N alter.; to Bar INT, La., via alter.; MEA 1,500.

From Bar INT, La., via N alter.; to Baton Rouge, La., VOR via N alter.; MEA 1,800.

Section 610.6072 *VOR Federal airway 72* is amended to read in part:

From Maples, Mo., VOR; to Richwoods, Mo., VOR; MEA 2,500.

From Richwoods, Mo., VOR; to Imperial INT, Mo.; MEA 2,600.

Section 610.6072 *VOR Federal airway 72* is amended to delete:

From Attica, Ohio, VOR; to Cleveland, Ohio, VOR; MEA 2,000.

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

From Chagrin Falls INT, Ohio; to Youngstown, Ohio, VOR; MEA 2,500.

Section 610.6072 *VOR Federal airway 72* is amended by adding:

From Attica, Ohio, VOR; to Akron, Ohio, VOR; MEA 2,500.

From Akron, Ohio, VOR; to Youngstown, Ohio, VOR; MEA 2,500.

Section 610.6077 *VOR Federal airway 77* is amended to read in part:

From *Sabinal INT, Tex.; to **Haby INT, Tex.; MEA ***4,700. *5,500—MRA. **5,500—MRA. ***3,500—MOCA.

From Haby INT, Tex.; to Junction, Tex., VOR; MEA *4,700. *3,500—MOCA.

Section 610.6078 *VOR Federal airway 78* is amended to read in part:

From *Madison INT, Minn.; to Darwin, Minn., VOR; MEA **4,000. *3,800—MRA. **2,700—MOCA.

From White Bear INT, Minn.; to Houlton INT, Wis.; MEA 2,200.

Section 610.6082 *VOR Federal airway* 82 is amended to read in part:

From Farmington, Minn., VOR; to Rochester, Minn., VOR; MEA 2,500.
From *New Prague INT, Minn., via S alter.; to Cannon City INT, Minn., via S alter.; MEA *3,500. *3,500—MRA. **2,400—MOCA.

Section 610.6088 *VOR Federal airway* 88 is amended to read in part:

From Springfield, Mo., VORTAC; to Conway INT, Mo.; MEA 2,500.

Section 610.6089 *VOR Federal airway* 89 is amended to read in part:

From *Coaldale INT, Colo.; to Guffey INT, Colo.; MEA **17,200. *16,500—MRA. **14,000—MOCA.

From Guffey INT, Colo.; to *Lake George INT, Colo.; MEA **16,800. *15,000—MCA Lake George INT, southwestbound. **13,000—MOCA.

From Lake George INT, Colo.; to *Silo INT, Colo.; MEA 12,000. *11,200—MCA Silo INT, southwestbound.

From Silo INT, Colo.; to *Denver, Colo., VORTAC; MEA **10,000. *8,500—MCA Denver VORTAC, southwestbound. **9,500—MOCA.

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

From *Calvary INT, Fla.; to Albany, Ga., VOR; MEA 2,000. *2,500—MRA.

Section 610.6100 *VOR Federal airway* 100 is amended to read in part:

From Waterloo, Iowa, VORTAC; to Jessup INT, Iowa; MEA 2,100.

From Jessup INT, Iowa; to Dubuque, Iowa, VOR; MEA 2,500.

Section 610.6115 *VOR Federal airway* 115 is amended by adding:

From Charleston, W. Va., VORTAC; to Parkersburg, W. Va., VOR; MEA 2,500.

From Parkersburg, W. Va., VOR; to Pittsburgh, Pa., VORTAC; MEA 3,000.

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

From Stephen INT, S. Dak.; to *Canova INT, S. Dak.; MEA **5,800. *3,500—MRA. **3,200—MOCA.

From Sioux Falls, S. Dak., VORTAC; to Mason City, Iowa, VORTAC; MEA *6,000. *2,700—MOCA.

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

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

From Pinehurst INT, Ore.; to Klamath Falls, Ore., VORTAC; MEA 9,000.

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

From Tulsa, Okla., VORTAC, via N alter.; to Adair INT, Okla., via N alter.; MEA *2,200. *2,000—MRA.

From Woodstown, N.J., VOR; to *Hammononton INT, N.J.; MEA 1,500. *2,000—MRA.

From Hammononton INT, N.J.; to Coyle, N.J., VOR; MEA 1,500.

Section 610.6148 *VOR Federal airway* 148 is amended to read in part:

From O'Neil, Nebr., VORTAC; to *Tyndall INT, S. Dak.; MEA **4,000. *7,000—MRA. **3,300—MOCA.

From Sioux Falls, S. Dak., VORTAC, via S alter.; to Redwood Falls, Minn., VOR, via S alter.; MEA 2,800.

Section 610.6158 *VOR Federal airway* 158 is amended to read in part:

From Waterloo, Iowa, VORTAC; to Jessup INT, Iowa; MEA 2,100.

From Jessup INT, Iowa; to Dubuque, Iowa, VOR; MEA 2,500.

Section 610.6161 *VOR Federal airway* 161 is amended to read in part:

From Rochester, Minn., VOR; to *Pine Island INT, Minn.; MEA 2,800. *3,000—MRA.

From Pine Island INT, Minn.; to Goodhue INT, Minn.; MEA 2,800.

Section 610.6163 *VOR Federal airway* 163 is amended to read in part:

From Alice, Tex., VOR via W alter.; to Clegg INT, Tex., via W alter.; MEA 1,800.

Section 610.6169 *VOR Federal airway* 169 is amended to read in part:

From *Fairburn INT, S. Dak.; to Rapid City, S. Dak., VOR; MEA 4,800. *7,000—MRA.

Section 610.6171 *VOR Federal airway* 171 is amended to read in part:

From Goodhue INT, Minn.; to Farmington, Minn., VOR; MEA 2,400.

Section 610.6172 *VOR Federal airway* 172 is amended to read in part:

From *Menlo INT, Iowa; to Dallas Center INT, Iowa; MEA **3,600. *4,500—MRA. **2,600—MOCA.

Section 610.6181 *VOR Federal airway* 181 is amended to read in part:

From Sioux Falls, S. Dak., VORTAC; to *Oakwood INT, S. Dak.; MEA **3,000. *4,000—MRA. **2,900—MOCA.

Section 610.6191 *VOR Federal airway* 191 is amended to read in part:

From Oshkosh, Wis., VOR; to Stevens Point, Wis., VOR; MEA 2,400.

Section 610.6193 *VOR Federal airway* 193 is amended to read in part:

From White Cloud, Mich., VOR; to Traverse City, Mich., VOR; MEA 2,800.

Section 610.6198 *VOR Federal airway* 198 is amended to read in part:

From Rocksprings, Tex., VOR; to *Haby INT, Tex.; MEA **5,000. *5,000—MRA. **3,400—MOCA.

From Haby INT, Tex.; to Comfort INT, Tex.; MEA 5,700.

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

From Mobile, Ala., VOR; to Citro INT, Ala.; MEA 1,500.

From Citro INT, Ala.; to Yarbo INT, Ala.; MEA 1,600.

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

From *Longwood INT, S.C.; to **Dock INT, S.C.; MEA ***1,500. *2,500—MRA. **2,000—MRA. ***1,400—MOCA.

Section 610.6216 *VOR Federal airway* 216 is amended to read in part:

From Hill City, Kans., VOR; to Mankato, Kans., VOR; MEA 3,800.

From Hill City, Kans., VOR via N alter.; to Mankato, Kans., VOR via N alter.; MEA 3,800.

Section 610.6218 *VOR Federal airway* 218 is amended to read in part:

From Lansing, Mich., VOR; to Fowler INT, Mich.; MEA 2,900.

From Fowler INT, Mich.; to Pontiac, Mich., VOR; MEA 2,200.

From Pontiac, Mich., VOR; to Plains INT, Mich.; MEA 2,400.

Section 610.6223 *VOR Federal airway* 223 is amended by adding:

From Doncaster INT, Md.; to Herndon, Va., VORTAC; MEA 1,500.

Section 610.6230 *VOR Federal airway* 230 is amended to read in part:

From Shark INT, Calif.; to Salinas, Calif., VORTAC; MEA 5,000.

Section 610.6239 *VOR Federal airway* 239 is amended to read in part:

From Woodstown, N.J., VOR; to Darby INT, Pa.; MEA 1,800.

Section 610.6265 *VOR Federal airway* 265 is amended to delete:

From Riverdale, Md., LF/RBN; to Dayton INT, Md.; MEA 1,800.

From Dayton INT, Md.; to Westminster, Md., VOR; MEA 2,000.

Section 610.6265 *VOR Federal airway* 265 is amended by adding:

From Linden, Va., VOR; to Herndon, Va., VORTAC; MEA 4,500.

From Herndon, Va., VORTAC; to Westminster, Md., VOR; MEA 1,800.

Section 610.6283 *VOR Federal airway* 283 is amended to read in part:

From Elkhorn INT, Ore.; to *Maverick INT, Ore.; MEA southeast-bound, MEA 12,500; Northwest-bound, MEA 7,000. *9,500—MCA Maverick INT, southeast-bound.

From Maverick INT, Ore.; to Newberg, Ore., VOR; MEA *4,000. *3,400—MOCA.

Section 610.6284 *VOR Federal airway* 284 is amended to read in part:

From Ft. Stockton, Tex., VOR, via N alter.; to San Angelo, Tex., VOR, via N alter.; MEA *6,800. *4,500—MOCA.

Section 610.6285 *VOR Federal airway* 285 is deleted.

Section 610.6414 *VOR Federal airway* 414 is added to read:

From Paterson INT, N.J.; to Clermont, N.Y., VOR, MEA 2,600.

From Clermont, N.Y., VOR; to Albany, N.Y., VOR; MEA 2,600.

Section 610.6494 *VOR Federal airway* 494 is amended to read in part:

From *Newcastle INT, Calif.; to **Auburn INT, Calif.; southwestbound, MEA 7,000; northeastbound, MEA 11,000. *7,500—MCA Newcastle INT, northeastbound. **8,000—MRA.

From *Auburn INT, Calif.; to Lake Tahoe, Calif., VOR; MEA 11,000. *9,000—MCA Auburn INT, eastbound.

Section 610.6600 *VOR Federal airway* 1500 is amended to read in part:

From White Bear INT, Minn.; to Houlton INT, Wis.; MEA 2,200.

From Houlton INT, Wis.; to Eau Claire, Wis., VOR; MEA *3,000. *2,800—MOCA.

From Eau Claire, Wis., VOR; to *Cadott INT, Wis.; MEA 2,500. *3,500—MRA.

Section 610.6602 *VOR Federal airway* 1502 is amended to read in part:

From Redwood Falls, Minn., VOR; to *Alma City INT, Minn.; MEA **3,400. *4,300—MRA. **2,500—MOCA.

From Alma City INT, Minn.; to Hope INT, Minn.; MEA *3,400. *2,400—MOCA.

From Hope INT, Minn.; to *Bixby INT, Minn.; MEA 2,400. *2,800—MRA.

From Bixby INT, Minn.; to Rochester, Minn.; VOR; MEA 2,400.

From Rochester, Minn.; VOR; to Preston INT, Minn.; MEA 2,500.

Section 610.6606 VOR Federal airway 1506 is amended to read in part:

From Waterloo, Iowa, VORTAC; to Jessup INT, Iowa; MEA 2,100.

From Jessup INT, Iowa; to Dubuque, Iowa, VOR; MEA 2,500.

Section 610.6608 VOR Federal airway 1508 is amended to read in part:

From Waterloo, Iowa, VORTAC; to Jessup INT, Iowa; MEA 2,100.

From Jessup INT, Iowa; to Dubuque, Iowa, VOR; MEA 2,500.

Section 610.1624 VOR Federal airway 1524 is amended to read in part:

From Hill City, Kans., VOR; to Mankato, Kans., VOR; MEA 3,800.

Section 610.6633 VOR Federal airway 1533 is amended to read in part:

From Red Bluff, Calif., VORTAC; to Tennant INT, Calif.; MEA *13,500. *10,000—MOCA.

From Tennant INT, Calif.; to Klamath Falls, Oreg., VORTAC northbound; MEA *9,000; southbound; MEA 13,500. *8,500—MOCA.

From Klamath Falls, Oreg., VORTAC; to Sprague INT, Oreg.; MEA 9,500.

From Sprague INT, Oreg.; to Redmond, Oreg., VOR; MEA *12,000. *9,000—MOCA.

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

These rules shall become effective February 9, 1961.

Issued in Washington, D.C., on January 16, 1960.

GEORGE C. PRILL,
Acting Director,
Bureau of Flight Standards.

[F.R. Doc. 61-549; Filed, Jan. 24, 1961;
8:45 a.m.]

Title 21—FOOD AND DRUGS

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

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

The Commissioner of Food and Drugs, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85-929; 72 Stat. 1788; 21 U.S.C., note under sec. 342) and delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), hereby authorizes the use in foods of certain additives for which tolerances have not yet been established or petitions therefor denied.

1. Section 121.86 (21 CFR 121.86) is amended by adding thereto the following items:

§ 121.86 Extension of effective date of statute for certain specified food additives as direct additives to food.

On the basis of data supplied in accordance with § 121.85 and findings that no undue risk to the public health is involved and that conditions exist that make necessary the prescribing of an additional period of time for obtaining

tolerances or denials of tolerances or for granting exemptions from tolerances, the following additives may be used in food, under certain specified conditions, for a period of one year from March 6, 1960, or until regulations shall have been issued establishing or denying tolerances or exemptions from the requirement of tolerances, in accordance with section 409 of the act, whichever occurs first:

Product	Limits	Specified uses or restrictions
Captan (N-trichloromethylmercapto-4-cyclohexene-1, 2-dicarboximide). Lignin sulfonate, sodium salt (spent sulfite liquor).	100 parts per million total residue on raisins. ¹ 1 part per million	Post harvest application to raisins.
Polyoxyethylene (20) sorbitan monolaurate.	do.	As a constituent of spray adjuvants used on bananas. As a constituent of spray adjuvants used in stop-drop sprays on apples and pears.
Potassium salt of fatty acids present in soybean oil.	6 percent in an emulsifier	As a component of an emulsifier used in bakery products.
Sodium-N-methyl-N-palmitoyltaurate.	1 part per million	As a constituent of spray adjuvants on fruits and vegetables.
Sodium nitrite.	do.	As a constituent of spray adjuvants used on bananas.
Sodium stearate, prepared from edible fats and oils, and free from cholesterols and other factors.	7.5 percent in an emulsifier	As a component of an emulsifier used in bakery products.
Sulfated oleyl or cetyl alcohol, sodium salt.	1 part per million	As a constituent of spray adjuvants used on bananas.
Polyacrylic acid (hydrolyzed polyacrylonitriles).	1 part per million maximum in sugar juice.	Used in the process of refining sugar.

¹ Includes cumulative application, see §120.103 of this chapter.

2. Section 121.87 (25 F.R. 1727, 1772, 2203, 2395, 3526, 4079, 4505, 5339, 7315, 8367, 9601, 12178) is amended by adding to paragraph (a) the following items:

§ 121.87 Extension of effective date of statute for certain specified food additives as indirect additives to food.

On the basis of data supplied in accordance with § 121.85 and findings that no undue risk to the public health is involved and that conditions exist that make necessary the prescribing of an additional period of time for obtaining tolerances or denials of tolerances or for granting exemptions from tolerances, the following additives may be used in

connection with the production, packaging, and storage of food products, under certain specified conditions for a period of 1 year from March 6, 1960, or until regulations shall have been issued in accordance with section 409 of the act, whichever occurs first. The extensions are granted under the condition that a minimum quantity of the additive will be incorporated in the food, consistent with good manufacturing practice. While preliminary data show that many of the substances included in the list may not migrate to foods, these are being included pending the completion of additional scientific work involving them.

(a) General list. * * *

Product	Limits	Specified uses or restrictions
Ethyl acrylate-acrylonitrile methacrylic acid terpolymer.	*	As a coating applied subsequent to the papermaking machine operation.
Polyisobutylene.	*	As a component of rolling oil used in the manufacture of aluminum foil.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the food additives amendment to the Federal Food, Drug, and Cosmetic Act were contemplated by the statute as a relief of restrictions on the food-processing industry.

Effective date. This order shall become effective as of the date of signature.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interpret or apply 72 Stat. 1788; 21 U.S.C., note under sec. 342)

Dated: January 17, 1961.

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

[F.R. Doc. 61-660; Filed, Jan. 24, 1961;
8:50 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter XVIII—National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order 62 (AGE-7, Rev.)]

AGE-7—AUTHORITY OF GENERAL AGENTS TO PROVIDE FOR AMERICAN MERCHANT MARINE LIBRARY SERVICE

AGE-7 is hereby revised to read as follows:

- Sec.
1. Purpose.
 2. General Agents' authority; form of agreement.
 3. Rate of compensation.
 4. Period of the agreement.

AUTHORITY: Secs. 1 to 4 issued under sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114.

Section 1. Purpose.

This order authorizes each General Agent to enter into an agreement with the American Merchant Marine Library Association to furnish GAA vessels with library books; prescribes the rate of compensation to be paid; and adopts a standard form of agreement to be executed by each General Agent.

Sec. 2. General Agents' authority; form of agreement.

Each General Agent is authorized to enter into an agreement with the American Merchant Marine Library Association, an educational association incorporated and existing under the laws of the State of New York, to furnish and maintain standard libraries on board vessels operated by each General Agent under Service Agreement "GAA 3-19-51" as amended. The form of the agreement shall be as follows:

AGREEMENT BETWEEN UNITED STATES OF AMERICA AND AMERICAN MERCHANT MARINE LIBRARY ASSOCIATION

This agreement, made as of the _____ day of _____, 19____, by and between the United States of America (herein called the "United States") acting by and through the Department of Commerce, Maritime Administration, National Shipping Authority, and represented by its General Agent _____, a corporation organized and existing under the laws of _____ (herein called the "General Agent") and the American Merchant Marine Library Association, an educational association incorporated and existing under the laws of the State of New York, and having its principal office and place of business in the Borough of Manhattan, City, County and State of New York (herein called the "Association").

Witnesseth: Whereas, the Association was incorporated for the purpose of establishing and maintaining on board merchant vessels of the United States, small libraries for the use of the officers and crews. The standard library unit of the Association contains approximately 40 bound books, 30 pocket books and pamphlets, and a bundle of magazines packed in a suitable case; and

Whereas, the United States is desirous of having the Association furnish and maintain standard libraries on board vessels operated by the General Agent for the account of the United States;

Now, therefore, in consideration of the reciprocal undertakings and promises the United States and the Association agree as follows:

ARTICLE 1. The Association agrees to deliver to each vessel operated by the General Agent under Service Agreement "GAA 3-19-51" at any one of the ports where the Association now has, or may hereafter have, a duly established agent, one of its standard library units, and to allow said unit to remain on the vessel for the balance of the calendar year, or until replaced by another standard library unit. The Association agrees to replace the library units on the vessels from time to time during the year with standard library units as requested by

the General Agent whenever practicable when the vessel is in port where the Association maintains a duly established agent.

ART. 2. The Association agrees to deliver the standard library units to the vessels at its own risk and expense, and to remove them from any vessel within five days of the receipt of notice from the General Agent to do so. If the Association fails to remove a library unit within five days of the receipt of notice to remove, the General Agent may remove the library unit at the risk and expense of the Association. The library units shall be maintained on the vessels at the risk of the Association, and neither the United States nor the General Agent shall be liable to the Association for any loss or damage to any library unit whatsoever or to any book, pamphlet, magazine, case or other article of whatsoever nature contained in or as a part of the library unit, regardless of the cause of the loss or damage.

ART. 3. (a) Subject to the provisions of subparagraph (b) of this Article 3, the United States agrees to pay the Association \$100.00 per vessel per year, effective January 1, 1961, for each vessel furnished with one or more standard library units during each calendar year, provided such unit is on board the vessel for a period of at least 45 days during such calendar year. The Association agrees to submit vouchers to the General Agent showing the number of standard library units furnished during each calendar year, and listing the names of the vessels and the dates of delivery of standard library units to the vessels.

(b) It is agreed by the parties that the cost per vessel during any calendar year subsequent to 1961 shall be subject to annual review and to adjustment upon the mutual agreement of the parties. Such adjusted annual cost shall be evidenced by an addendum to this contract, to become effective as of January 1st of the following calendar year.

ART. 4. No member of or delegate to Congress or Resident Commissioner is, or shall be, admitted to any share or part of this contract or to any benefit that may arise therefrom except as provided in section 116 of the Act of Congress approved March 4, 1909 (35 Stat. 1109).

ART. 5. The Association warrants that it has not employed any person to solicit or secure this contract upon any agreement for a commission, percentage, brokerage, or fee, contingent or otherwise. Breach of this warranty shall give the United States the right to terminate the contract, or at its discretion, to deduct from the contract price or consideration the amount of such commission, percentage, brokerage, or fee. This warranty shall not apply to commissions payable by contractors upon contracts or sales secured or made through bonafide established commercial or selling agencies maintained by the Association for the purpose of securing business.

ART. 6. This agreement shall be deemed to contain all the provisions required by section 104 of the Renegotiation Act of 1951.

The Contractor (which term as used in this sentence means the party contracting to perform the work or furnish the materials required by this agreement) shall, in compliance with said Section 104, insert the provisions of this Article in each subcontract and purchase order made or issued in carrying out this agreement.

ART. 7. This agreement shall be subject to termination by either party upon thirty (30) days written notice.

In witness whereof, the parties hereto have executed this agreement in quadruplicate the day and year first above written.

UNITED STATES OF AMERICA,
DEPARTMENT OF COMMERCE, MARITIME ADMINISTRATION, NATIONAL SHIPPING AUTHORITY.

[SEAL] By: _____
(General agent)
By: _____
(Title)

Attest: _____
(Secretary)

AMERICAN MERCHANT MARINE LIBRARY ASSOCIATION.

[SEAL] By: _____
Attest: _____
(Secretary)

Sec. 3. Rate of compensation.

The American Merchant Marine Library Association shall be paid \$100.00 per vessel per year, effective January 1, 1961, for each vessel furnished with one or more standard library units during each calendar year, provided such unit is on board the ship for a period of at least 45 days during such calendar year: *Provided, however,* That the cost per vessel during any calendar year subsequent to 1961 shall be subject to annual review and to adjustment upon the mutual agreement of the parties, such adjusted annual cost to be evidenced by an addendum to the contract, to become effective as of January 1st of the following calendar year.

Sec. 4. Period of the agreement.

The agreement shall be effective as of January 1, 1961 and shall be subject to termination by either party upon thirty (30) days written notice.

Approved: January 17, 1961, Director, National Shipping Authority.

WALTER C. FORD,
Deputy Maritime Administrator.

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Title 41—PUBLIC CONTRACTS

Chapter 5—General Services Administration

PART 5-2—PROCUREMENT BY FORMAL ADVERTISING

Miscellaneous Amendments

Part 5-2 is amended as set forth below:

Subpart 5-2.2—Solicitation of Bids

1. New §§ 5-2.203, 5-2.203-1, 5-2.203-2, 5-2.203-3, and 5-2.204 are added, to read as follows:

§ 5-2.203 Methods of soliciting bids.

§ 5-2.203-1 Mailing or delivering to prospective bidders.

(a) The contracting officer shall arrange for the initial distribution of in-

itations for bids (and preinvitation notices). Initial distribution shall be made to firms included on established bidders mailing lists and to all others whom the contracting officer may select. Distribution of such documents covering new construction and specialized projects designed under the direct supervision of the Office of Design and Construction, Public Buildings Service, may be made by that office.

(b) The initial distribution of invitations for bids shall include quantities required by the Business Service Center, in the region where the invitation for bids originates, for public display or reference and for filling of business and public requests for copies. Business Service Centers shall keep the contracting offices currently advised as to quantities required. In addition, contracting offices shall furnish at least one copy of each invitation for bids included in the Department of Commerce Synopsis of U.S. Government Proposed Procurement, Sales, and Contract Awards to each Business Service Center.

(c) Business Service Centers normally shall handle and record, as provided in § 5-2.204(a), all requests for invitations for bids.

(d) Firms in debarred or ineligible status will be treated in accordance with § 1-1.604 and § 5-1.604.

§ 5-2.203-2 Displaying in public places.

The Business Service Centers shall display copies of invitations for bids in such manner as to make them readily available and accessible for public examination. Upon expiration of the bid opening dates, the copies shall be removed from display.

§ 5-2.203-3 Publicity in newspapers and trade journals.

Bids shall be solicited through paid advertisements, when authorized by the appropriate head of a service or regional commissioner. Upon request, single copies of invitations for bids, or a brief summary thereof, shall be furnished to newspapers, trade journals, magazines, trade societies, and similar organizations for free publication. (See § 1-2.203-3.) When invitations for bids which include costly material, such as detailed specifications and drawings, are requested by such an organization, the contracting officer shall furnish such material only when he determines that it is in the best interest of the Government to do so.

§ 5-2.204 Records of invitations for bids and records of bids.

(a) Business Service Centers shall submit promptly to the appropriate contracting officer a supplemental list of those (including their addresses) to whom such centers furnished invitations for bids or amendments. The contracting officer shall arrange to furnish such prospective bidders, as well as those solicited pursuant to § 5-2.203-1, with applicable amendments or notices.

(b) For records of bids see § 5-2.401 (d) (8).

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Subpart 5-2.3—Submission of Bids

2. Subpart 5-2.3 is revised, to read as follows:

Sec.	Late bids.
5-2.303	General.
5-2.303-1	General.
5-2.303-2	Consideration for award.
5-2.303-6	Notification to late bidders.
5-2.303-7	Disposition of late bids.
5-2.304	Modification or withdrawal of bids.

AUTHORITY: §§ 5-2.303 to 5-2.304 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

§ 5-2.303 Late bids.

§ 5-2.303-1 General.

(a) Upon receipt of a bid delivered by mail or telegraph after the bid opening time, the bid custodian shall record it on the duplicate copy of the list of bidders prescribed in § 5-2.401 and show in addition the date, hour, and place of mailing. In the case of late telegraphic bids, the time and place of filing will be recorded, if shown. After recording, such bids shall be delivered immediately to the responsible contracting officer who shall acknowledge receipt thereof on the duplicate copy of the list of bidders and record the bidder's name and address on the original list of bidders. Delivery of late bids which bear insufficient postage shall be accepted if received prior to award. The postage due shall be paid if requested by the post office authorities and the bids handled in accordance with § 1-2.303 and this § 5-2.303.

(b) Except as provided in § 5-2.303-2, a bid delivered after the bid opening time by other than the Post Office or by telegraph shall not be accepted. Should a bid custodian find himself unavoidably in possession of such a bid, it shall be immediately time-stamped and handled in the same manner as prescribed above for mail and telegraphic bids, except that in lieu of data as to the time and place of mailing, a notation shall be made on the duplicate copy of the list of bidders by the bid custodian explaining when and how he came into possession of the bid.

§ 5-2.303-2 Consideration for award.

When properly addressed bids are received on time but, through error on the part of the Government, are not opened with other bids in response to the same invitation, such mishandled bids shall be considered for award if an irrevocable award has not been made. If award has been made and the maker of such a bid otherwise would be entitled to award, every effort shall be made to secure consent to cancellation of the award without cost by presenting a full explanation to the bidder who received the award. If such bidder refuses to consent to cancellation, a full explanation of the circumstances shall be furnished to the bidder who, except for mishandling, would otherwise be entitled to the award. Complete details of each such case shall be furnished to the appropriate head of service or staff office and a copy thereof retained in the contract file.

§ 5-2.303-6 Notification to late bidders.

In notifying a bidder of a late bid received before award, the following additional language shall be used for the purpose of establishing a predetermined time limit for his submission of evidence:

To assure its consideration, any evidence submitted must be received in this office not later than _____

(Insert date)

In fixing the date to be entered, consideration should be given to the time required by bidders to develop and prepare evidence in relation to the acceptance period specified by the otherwise apparent low bidder, avoidance of undue delay in procurement operations, and other pertinent factors. As a general rule, bidders should be allowed a minimum of three working days to develop and prepare their submissions. In addition, appropriate allowance should be made for the time required for mail transit of the notification and return of the evidence.

§ 5-2.303-7 Disposition of late bids.

A late bid returned to a bidder shall be accompanied by a statement from the contracting officer that the bid was not considered because of the time of its receipt.

§ 5-2.304 Modification or withdrawal of bid.

(a) Bid modifications received prior to bid opening time shall be handled in the same manner as bids and shall be attached to the related bid envelope to assure opening at the same time.

(b) The receipt required by § 1-2.304 for withdrawal of a bid in person by a bidder or his authorized representative before the time set for opening shall be worded as follows:

I certify that I am a bona fide, fully authorized¹ agent for, official, employee, or representative of _____

(Insert full name and

whose bid on IFB

address of bidder)

_____ scheduled

No. _____ (Insert complete IFB number)

for opening on _____

(Insert bid opening date)

I am hereby withdrawing from consideration, and receipt thereof is hereby acknowledged.

(Signature)

(Date)

¹ Delete inapplicable categories.

Subpart 5-2.4—Opening of Bids and Award of Contract

3. New §§ 5-2.401 to 5-2.403 are added, to read as follows:

§ 5-2.401 Receipt and safeguarding of bids.

(a) Bids (including modifications and samples) received in response to invitations for bids shall be received and safeguarded by the appropriate Business Service Center until the time specified for opening.

(b) Each regional Director of Business Services shall designate bid custodians,

and alternates as may be required, to perform the functions incident to the receipt, custody, and recording of bids.

(c) Adequate space and facilities shall be provided for the receipt and safeguarding of bids and samples received in conjunction therewith, and for the holding of public bid openings. This shall include the providing of a locking type bid box located within sight of the bid custodian and at an accessible point where bidders or their representatives can readily deposit bids.

(d) Bids received shall be handled as follows:

(1) At the initial point of receipt, envelopes, or other outer covering, containing identified bids received by mail shall be immediately time-stamped or otherwise have legibly indicated thereon the place, date, and time of receipt by authorized personnel, and then shall be delivered by special handling to the bid custodian in the Business Service Center.

(2) Bids received in unidentified or unsealed envelopes or other outer covering and bids opened by mistake shall be handled in accordance with § 1-2.401(b).

(3) When bids received by mail are delivered to the custodian they will immediately be placed in a suitable locked cabinet.

(4) Bids received which bear insufficient postage shall be accepted and, if Post Office authorities so request, payment of the postage due shall be made.

(5) Bids delivered in person by bidders or their representatives shall be deposited immediately in the locked bid box in the Business Service Center. Bid custodians shall have custody of a key or combination to this receptacle and shall remove and time-stamp the contents thereof at least once daily, and in any event, immediately before each bid opening. (See § 5-2.303-1(b) regarding late bids delivered in this manner.)

(6) Telegraphic bids or modifications will be sealed in envelopes immediately upon receipt, appropriately identified, and handled in the same manner as other bids. No information as to the contents of such bids will be divulged by any employees having access thereto.

(7) At the end of each working day, the bid custodian shall place all bids which have accumulated in the bid box in the locked cabinet referred to in § 5-2.401(d)(3).

(8) As soon as practicable after receipt and prior to the bid opening time, all bids received by the bid custodian shall be recorded, in duplicate, on a separate list for each bid invitation. This list shall include the name and address of each bidder and the date and hour of receipt as shown by the time-stamp.

(9) The bid custodian shall, at the scheduled bid opening time, deliver all bids received in connection with the invitation to the authorized bid opening official, or his designee. At the same time, the pertinent list of bidders, in duplicate, shall be delivered to the bid opening official, or his designee, who shall acknowledge receipt of the bids by signing the duplicate copy of the list and returning it to the bid custodian. The original list of bidders shall become a part of the contract file.

§ 5-2.402 Opening of bids.

(a) Public bid openings shall be held in the Business Service Center except when determined to be impracticable by the Business Service Center and the contracting officer. The schedule for such openings shall be developed jointly by the Business Service Center and the contracting officer in order to avoid conflicts. The contracting officer shall be responsible for obtaining space for bid openings which are to be held outside the Business Service Center. Whenever, and as soon as, it is justifiably determined to hold the bid opening elsewhere, the contracting officer shall inform the Business Service Center serving the geographic area in which the contracting office is located as to the invitation number and the location where the public bid opening will be held.

(b) All bids shall be opened by the contracting officer, or his designee, responsible for the procurement. The designee shall be a fully qualified employee of the contracting office. However, upon authorization of the head of the service or staff office involved, and the Special Assistant to the Administrator for Congressional and Public Affairs, bids may be opened by selected Business Service Center personnel. Normally, such authorization will be requested only when the geographic distance separating the Business Service Center where bids are to be delivered and the contracting office makes it impracticable for the contracting officer or his designee to be present to open bids.

(c) Bid openings shall be open to business representatives, members of the press, and the general public.

(d) In order to assure that bids will be opened at the exact time specified, the bid opening official shall verify that the timepiece to be used is accurate.

(e) For the information of those bidders present, approximately one minute prior notice of bid opening will be audibly announced by the bid opening official.

(f) The bid opening official shall take precaution to assure that the exact time of opening has arrived and shall audibly announce this fact citing the invitation or invitations scheduled for opening. He shall then proceed with the opening of bids in full view of the parties present. (See § 1-2.402.)

(g) In reading bids, the following information from each bid shall be announced when considered practicable and feasible in accordance with § 1-2.402(a): The name of the bidder, the unit price for each item bid on, and other pertinent information, such as delivery and discount terms. A copy of each bid submitted in multiple copies shall remain in the bid opening room and be available for public examination until the bid abstract is completed and made available in lieu thereof. Bids submitted in an original only shall be made available for examination in accordance with § 1-2.402(c).

(h) When invitations for bids provide for the submission of bid or performance bonds or like guarantees, arrangements shall be made by the contracting officer or his designee to have a bonded collec-

tion officer present when bids are opened to assume custody of guarantees other than bonds. The contracting officer shall retain bonds for checking of acceptability. As soon as awards have been made, the contracting officer shall request the collection officer to return guarantees other than bonds to unsuccessful bidders. Bonds need not be returned.

(i) A record of persons attending each bid opening shall be maintained. This record shall include, as a minimum, the names of persons present, firms or organizations represented, date and time of opening, and the invitation numbers in which each person is interested. The record may be in any suitable form, such as appropriate notations on the reverse of GSA Form 289, Abstract of Bids, or GSA Form 1081, Record of Bid Opening. The record shall be made a part of the invitation for bids file.

(j) If two or more bid openings are scheduled for the same date and hour, and are to be conducted by the same bid opening official, normally the bid opening in which the greatest number of persons present is interested shall be conducted first.

(k) When bids are received in more than one copy, the bid opening official shall verify the entries on all copies.

(l) Envelopes in which bids and bid modifications are received shall be retained in a temporary file until after all awards have been made, at which time those which bear notations concerning abnormal receipt conditions shall be made a part of the invitation for bids file and the remainder may be destroyed.

§ 5-2.403 Recording of bids.

(a) The contracting office shall be responsible for the abstracting and tabulation of all bids.

(b) The abstracting and tabulation of bids shall normally be completed within 24 hours after bid opening and a legible copy shall be immediately delivered to the appropriate Business Service Center where it shall be made available for public examination. Late bids determined eligible for consideration shall be included on the tabulation. However, if eligibility is established after delivery of the original tabulation, they shall be recorded separately, identified as an amendment to the original tabulation, and delivered to the Business Service Center.

(c) As soon as possible, but not later than 24 hours after notices of awards have been dispatched to the contractors, a legible copy of the bid tabulation showing the awards made shall be furnished to the Business Service Center where it shall be made available for public examination for a minimum period of 30 days.

(d) The original of all abstracts or tabulations shall be made a part of the official procurement file.

Effective date. These regulations are effective immediately.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: January 18, 1961.

FRANKLIN FLOETE,
Administrator.

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Chapter 9—Atomic Energy Commission

9-12—LABOR

Subpart 9-12.2—Convict Labor

- Sec.
9-12.251 Assignments of responsibilities.

Subpart 9-12.3—Eight-Hour Law of 1912

- 9-12.351 Assignments of responsibilities.

Subpart 9-12.50—Labor Standards in Construction Activities

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Subpart 9-12.6—Walsh-Healey Public Contracts Act

- 9-12.603 Responsibilities of contracting officers.

Subpart 9-12.7—Fair Labor Standards Act of 1938

- 9-12.751 General.
9-12.752 Assignment of responsibilities.

AUTHORITY: §§ 9-12.251 to 9-12.752 issued under sec 161(q), 70 Stat. 1069; 42 U.S.C. 2201(q). Implement and supplement sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 9-12.2—Convict Labor

- § 9-12.251 Assignments of responsibilities.

Directors, Headquarters Divisions and Offices and Managers of Operations, in accordance with their delegations of authority shall assure that the contract clause appearing in § 1-12.203 is incorporated in contracts subject to the coverage of the regulation as set forth in § 1-12.202.

Subpart 9-12.3—Eight-Hour Law of 1912 (Other Than Construction Contracts)

- § 9-12.351 Assignments of responsibilities.

Directors, Headquarters Divisions and Offices and Managers of Operations, in accordance with their delegations of authority shall assure that the contract clause appearing in § 1-12.303 is incorporated in contracts subject to the coverage of the regulation as set forth in § 1-12.302.

Subpart 9-12.50—Labor Standards in Construction Activities

- § 9-12.5000 Scope of subpart.

This subpart deals with labor standards for construction contracts as prescribed by the statutes and regulations set forth below.

- § 9-12.5001 Statutes and regulations.

- § 9-12.5001-1 Davis-Bacon Act (Act of March 3, 1931, as amended, 40 U.S.C. 276a).

The Davis-Bacon Act provides in general that contracts to which the U.S. is a party in excess of \$2,000 for the construction, alteration, and/or repair, including painting and decorating, of public buildings or public works, which involve the employment of laborers and/or mechanics, shall contain provisions with respect to minimum wages, payments without deductions, posting of wage scales, withholding from contrac-

tors of amounts considered necessary to pay laborers and/or mechanics any differences between the amounts they receive and the amounts due, and termination of work for failure to pay agreed wages.

- § 9-12.5001-2 Copeland (Anti-Kickback) Act.

The Copeland (Anti-Kickback) Act (Act of June 13, 1934, as amended, 18 U.S.C. 874; 40 U.S.C. 276c), makes it illegal for unauthorized deductions to be made from, or rebates to be exacted from, the wages paid to any person employed by any contractor or subcontractor engaged in the construction, prosecution, completion or repair of any public building or public work, or building or work financed in whole or in part by loans or grants from a federal agency, and provides that the Secretary of Labor shall make reasonable regulations for contractors and subcontractors engaged in such work, including provisions that each such contractor and subcontractor shall furnish weekly a statement with respect to the wages paid each employe during the preceding week.

- § 9-12.5001-3 Eight-Hour Law.

The "Eight-Hour" statute (Act of June 19, 1912, as amended, 40 U.S.C. 321-326) provides, generally, that contracts to which the U.S. is a party, except supply contracts under the Walsh-Healey Public Contracts Act and other exclusions mentioned in § 9-12.5002-2, involving the employment of laborers and mechanics shall contain a provision that laborers and mechanics doing any part of the work contemplated by such contracts shall not be required or permitted to work more than eight hours in any one calendar day upon such work, unless compensated for all hours worked in excess of the eight at not less than one and one-half times the basic rate of pay.

- § 9-12.5001-4 Department of Labor regulations.

Pursuant to the foregoing statutes and Reorganization Plan No. 14 of 1950 (15 F.R. 3176), the Secretary of Labor has issued regulations, Part 3, Title 29, Subtitle A, Code of Federal Regulations (7 F.R. 687 as amended) and Regulations, Part 5, Title 29, Subtitle A, Code of Federal Regulations (16 F.R. 4430), as amended, relating to the administration and enforcement of these statutes. The requirements under the Davis-Bacon Act apply only in the United States, while the Eight-Hour laws and the Copeland Act also apply to other areas over which the United States has direct legislative control.

- § 9-12.5001-5 Department of Labor Approval of AECPR 9-12.50.

The Department of Labor has reviewed and approved this subpart 9-12.50, "Labor Standards in Construction Activities" as guides for the application of the Davis-Bacon Act in construction, operation or maintenance activities specifically related to the situations that exist in facilities of the Atomic Energy Commission.

§ 9-12.5002 Applicability.

The requirements set forth in § 9-12.5001 apply to construction contracts. Although the statutes therein referenced do not contain definitions, the Secretary of Labor's regulations in 29 CFR, Subtitle A, Part 5, include definitions of "contract", "building", "work", "construction", "prosecution", "completion", "repair", "public building", and "public work". In general, contracts are classifiable as being covered by the statutes when performance by the contractor consists substantially of the erection or assembly of new plants (including laboratory or other buildings or works), or the alteration and/or repair, including painting and decorating, of new or existing plants. The fact that certain contracts may be entered into without regard to general statutory requirements as to advertising for bids or proposals, or upon a cost-type basis or otherwise, is not determinative in the classification of such contracts, activities, construction projects, or other work or services performed thereunder.

§ 9-12.5002-1 Non-coverage (Davis-Bacon and Copeland Acts).

(a) The requirements set forth in § 9-12.5001 in respect to the Davis-Bacon and Copeland Acts do not apply to the following:

(1) Contracts regardless of their nature not in excess of \$2,000. (Does not apply to the Copeland Act.) However, no item of work, the cost of which is estimated to be in excess of \$2,000, shall be artificially divided into portions less than \$2,000 for the purpose of avoiding the applicability of the Davis-Bacon Act.

(2) Contracts for furnishing supplies and equipment, including installation, where the installation requires only an incidental amount of work (as defined in "(c)" below) that would otherwise be considered construction, alteration and/or repair of a public building or work. (See § 9-12.5005-2(g).)

(3) Contracts for servicing or maintenance work in an existing plant, including installation or movement of machinery or other equipment, and plant rearrangement which involve only an incidental amount of work (as defined in "(c)" below) that would otherwise be considered construction, alteration and/or repair. (See § 9-12.5005-2(g).)

(4) Contracts for operational or maintenance activities (e.g., production, research and development, or community services, as distinguished from contracts for construction). In general, these are contracts where performance by the contractor consists primarily of the utilization of existing facilities and the services of personnel to produce materials, conduct research and development, or provide community-type services, and of the use of or maintenance of plant. However, the classification of a contract as a contract for operational or maintenance activities does not necessarily mean that all work and activities at the contract location are not covered, since it may be necessary to separate out work which should be classified as covered. (See § 9-12.5004-7.) As used in

connection with "operational activities", the term "produce" means to manufacture, make, or refine special nuclear or other material; to separate material from other substances in which contained; or to make new material. The term "materials" includes supplies, articles, or equipment; and the term "research and development" means the same as defined in the Atomic Energy Act of 1954, as amended.

(5) Contracts to be performed outside the States and the District of Columbia. (Does not apply to the Copeland Act.)

(6) Contracts for demolition, except when indispensable and preliminary to scheduled new construction.

(7) Contracts with a state or political subdivision thereof (although the requirements do apply, and the contract must so provide, to a subcontract thereunder with a private person or firm which involves the construction, alteration, and/or repair of public buildings or public works).

(8) Contracts with railroads for construction services to the extent that the services are performed by railroad employees covered by the Railway Labor Act.

(b) It should be noted, however, that the requirements do apply to work performed by laborers and mechanics employed by a construction contractor or subcontractor at the site of the work under a contract for the construction, alteration and/or repair, including painting and decorating of public buildings or public works, which is otherwise subject to these Acts whether or not such work would be covered if it were a separate contract.

(c) As used in (a)(2) and (a)(3) above, "an incidental amount of work" is defined to mean work directly related to the installation, movement or rearrangement of equipment or machinery, relatively small in amount, and which does not include changes in a facility affecting its architectural or structural strength, stability, safety, size, or function as a public work. (See § 9-12.5005-2(g)(3).)

§ 9-12.5002-2 Non-coverage (Eight-Hour Law).

The requirements set forth in § 9-12.5001 in respect to the Eight-Hour Law do not apply to the following:

(a) Contracts (or portions thereof) to be performed in a foreign country;

(b) Contracts with a state or political subdivision thereof (although the requirement does apply, and the contract must so provide, to a subcontract thereunder with a private person or firm);

(c) Contracts (or portions thereof) for materials or articles usually bought in the open market, or for supplies in connection with which any required services are merely incidental to the sale and do not require substantial employment of laborers or mechanics;

(d) Contracts as to which the provisions of the Walsh-Healey Public Contracts Act are clearly applicable to complete performance of the contract;

(e) Contracts for transportation by land or water;

(f) Contracts for transmission of intelligence;

(g) Contracts for construction or repair of levees and revetments necessary for protection against floods or overflows on navigable waters of the United States.

§ 9-12.5003 Contract clauses.**§ 9-12.5003-1 Clauses for general use.**

Except as provided in § 9-12.5003-4, every contract for construction, alteration and/or repair, including painting and decorating of public buildings or public works in excess of \$2,000 within the United States shall include the Labor Standards provisions appearing in Standard Form 19A or 23A, as appropriate. (See § 1-16.901-19A or § 1-16.901-23A).

§ 9-12.5003-2 Contracts for \$2,000 or less.

Except as provided in § 9-12.5003-4, every construction contract for public buildings or public works for \$2,000 or less within the United States shall include the Labor Standards Provisions appearing as clause 10 on page 2 of Standard Form 19. (See § 1-16.901-19.)

§ 9-12.5003-3 Contracts outside the United States.

Every construction contract for public buildings or public works outside the United States, but within an area over which the United States has direct legislative control, shall include clauses 2 and 7 of Standard Form 19A, except that the first sentence of clause 7 shall be modified to refer only to clauses 2 and 7, and the phrase "except in the phrase 'government prime contractor'" in the last sentence of clause 7 shall be deleted.

§ 9-12.5003-4 Contracts with a state or political subdivision.

In the case of contracts with a state or political subdivision thereof which include construction, alteration and/or repair, including painting and decorating of public buildings or public works, the contract clause required by Standard Form 19, Standard Form 19A, or Standard Form 23A, whichever is applicable, shall be inserted therein, and such clause shall be prefaced by the following provision: "The contractor agrees to insert the following in all subcontracts hereunder with private persons or firms".

§ 9-12.5003-5 Special clauses for "operating type" contracts.

The following article is for use in prime contracts when the prime contractor is to perform no covered work with his own forces but may procure construction by subcontract: "Upon request of the Commission and acceptance thereof by the Contractor, the Contractor shall procure by subcontract the construction of new facilities or the alteration or repair of Government-owned facilities at the plant. Any subcontract entered into under this paragraph shall be subject to the written approval of the Commission and shall contain the provisions relative to labor and wages required by law to be included in contracts for the construction, alteration and/or repair, including painting

and decorating, of a public building or public work".

§ 9-12.5004 Administration and enforcement.

§ 9-12.5004-1 General.

The statutes and regulations cited and summarized in § 9-12.5001 impose direct responsibilities for administration and enforcement upon the Atomic Energy Commission. Therefore, Directors, Headquarters Divisions and Offices, and Managers of Operations, consistent with their assignments of responsibilities and delegations of authority, shall assure that AEC contract activities are carried out consistent with these laws, regulations, and policies.

§ 9-12.5004-2 Specific responsibilities.

In discharging their assigned responsibilities, Directors, Headquarters Divisions and Offices, and Managers of Operations shall:

(a) Incorporate in contracts, as applicable, the contract clauses required by § 9-12.5003.

(b) Obtain certification of compliance or dispute from the contractor (29 CFR 5.6(a).)

(c) Assure that under the Davis-Bacon Act classification or reclassification of classes of labor or mechanics is effected (29 CFR 5.6(c).)

(d) Obtain and examine payrolls and preserve them for three years from the date of completion of the contract (29 CFR 5.6(d).)

(e) Make investigations for compliance with labor standards, stipulations and applicable laws (29 CFR 5.6(e).)

(f) Cooperate with any representative of the Secretary of Labor making an authorized inspection (29 CFR 5.10(a).)

(g) Suspend payment of funds or order restitution (29 CFR 5.8 or 5.9(a).)

(h) Submit to the Director, Office of Industrial Relations, Headquarters:

(1) Reports of violations including recommendations as to ineligibility sanction (29 CFR 5.6(b) and 5.7.)

(2) Recommendations for a hearing by the Secretary of Labor (29 CFR 5.10(b).)

(3) Requests for rulings or interpretations by the Secretary of Labor (29 CFR 5.11).

(4) Requests for wage determinations by the Secretary of Labor (29 CFR 5.3 and 5.4).

(5) Reports on the effectuation of the classification or reclassification of laborers and mechanics (29 CFR 5.6(c).)

(i) Establish and maintain controls for the application and enforcement of the Davis-Bacon Act (see § 9-12.5004-7).

(j) In accordance with § 9-12.5004-7(a) (2) make certain decisions with reference to the coverage of the Davis-Bacon Act. Managers of Operations Offices will not redelegate the authority to make such decisions.

§ 9-12.5004-3 Responsibility of the Director, Office of Industrial Relations, Headquarters.

The Director, Office of Industrial Relations, is responsible for coordinating all activities arising under this subpart;

preparing and submitting requests for predeterminations, rulings, interpretations, hearings, etc., to the Department of Labor; and maintaining liaison with the Department of Labor, the Building Trades Department (AFL-CIO) and national labor and employer organizations.

§ 9-12.5004-4 Need for wage determination decisions.

Whenever work subject to the coverage of the Davis-Bacon Act is to be performed, a wage determination decision from the Secretary of Labor for insertion in the appropriate contract documents must be obtained. However, it should be noted that such a determination is not required for insertion in a prime contract for the performance of operational and maintenance activities which contains a clause such as set forth in § 9-12.5003-5. In such cases, a current wage determination decision (either 54-A or project type) shall be obtained for subcontracts let pursuant to such clause.

§ 9-12.5004-5 Obtaining Davis-Bacon Act wage determination decisions.

(a) Requests for wage determination decisions shall be submitted to the Office of Industrial Relations, Headquarters. Requests may be of two types—either the project type request, applicable to the particular project for which it is obtained, or the special 54-A type request, applicable to all construction, alteration and/or repair work, including painting and decorating, contemplated to be done under AEC contract within a geographic area. The latter type should be requested only if it is expected that a number of construction contracts will be awarded. Requests for either type determination should be submitted to the Office of Industrial Relations on Form DB-11 (original and one copy) at least 30 days in advance of need and shall include all information prescribed on the form.

(b) Each request submitted on DB-11 for the initial project at a site shall be accompanied by documentation (e.g., copies of current collective bargaining agreements and/or survey reports) supporting the wage schedules being proposed on the DB-11. In conducting wage surveys, it should be kept in mind that wage determinations are based on the concept that prevailing rates in the area are those in effect for corresponding workers on projects of a character similar to the project for which the wage determination is being sought. In some instances—particularly if the work is to be done in isolated or relatively isolated areas, or if the classes of workers to be employed differ from the building trades craft classifications normally employed locally—the estimated number of men to be employed in each classification should be provided. Also, if the work is not located in any city, or if there are questions as to the geographic jurisdiction of the building trades locals that cooperate in staffing private work, the locations of the appropriate locals should be stated. Type 54-A wage determination decisions are not renewable, but

new determinations may be requested where the continuing volume of construction work is sufficient to justify their use. Such requests need not duplicate information submitted with earlier 54-A requests for the same geographic location. However, in submitting the DB-11 for a new 54-A determination where a change has occurred in the rate for a classification, the fact of such change shall be indicated by appropriate asterisk. If no changes have occurred, this fact shall be expressly stated on the DB-11. This information shall be furnished the Office of Industrial Relations, Headquarters, at least 30 days prior to the expiration of the existing wage determination decision.

§ 9-12.5004-6 Duration of wage determination decision.

In general, the Davis-Bacon Act rates applicable to a contract at the time it is awarded continue in effect during its term regardless of whether it is a fixed price or cost-type contract. A substantial addition, to the scope of any contract properly awarded, made more than 90 days from the date of the predetermination being used, requires a new predetermination for such additional work. However, it should be noted that:

(a) The minimum wage rates that will be paid to laborers and/or mechanics engaged on jobs which are programmed on a fiscal year or shorter basis are those predetermined by the Secretary of Labor to be prevailing as of the date the program is approved by the AEC for performance by the contractor. However, substantial additions to the work programmed in a fiscal year, approved by the AEC more than 90 days after the date of the predetermination being used, require a new predetermination for such additional work. Programmed work will be performed by the contractor under the following conditions:

(1) Continuing contracts for minor or miscellaneous construction, alteration and/or repair, including painting and decorating;

(2) Operating contracts under which the operating contractor will perform miscellaneous covered work with his own forces.

(b) The minimum wage rates that will be paid to laborers and/or mechanics engaged on subcontracts let by an operating contractor under 9-12.5003-5 will be those in the wage determination decision of the Secretary of Labor which is current as of the date the operating contractor enters into such subcontract.

§ 9-12.5004-7 Administrative controls and criteria for application of the Davis-Bacon Act in operational or maintenance activities.

(a) Particular contracts or work items falling within one or more of the following criteria normally will be classified as non-covered.

(1) Individual work items estimated to cost \$2,000 or less. The total dollar amount of the operating contract is not a factor to be considered and bears no relation to individual work items classified as construction, alteration and/or repair, including painting and decorat-

ing. However, no item of work, the cost of which is estimated to be in excess of \$2,000, shall be artificially divided into portions less than \$2,000 for the purpose of avoiding the application of the Act.

(2) Work and services that are a part of operational and maintenance activities or which, being very closely and directly involved therewith, are more in the nature of operational activities than construction, alteration, and/or repair work. This includes work and services which would involve a material risk to continuity of operations, to life or property, or to AEC operating requirements, if performed by persons other than the operating contractor's regular production and maintenance forces; provided, however, that any decision that contracts or work items are non-covered for these reasons, must be made by the Manager of the respective Operations Office and the authority to make such a decision cannot be redelegated.

(3) Work and services, typically of a routine or recurring nature, the purpose of which is to keep facilities in a state of functional usefulness.

(4) Assembly, modification, set-up, installation, replacement, removal, rearrangement, connection, testing, adjustment, and calibration of machinery and equipment. It should be noted, however, that these activities are covered if they are part of or would be a logical part of a contract for the construction of a facility, or if construction type work, other than defined as "incidental" in § 9-12.5002-1(c) is involved. (Also see § 9-12.5005-2(g).)

(5) Experimental development of equipment, processes and devices, including assembly, fitting, installation, testing, reworking, and disassembly. This refers to equipment, processes and devices which are assembled for the purpose of conducting a test or experiment. The design may be only conceptual in character, and professional personnel responsible for the experiment participate in the assembly. Specifically excluded from the category of experimental development are buildings, building utility services, structural changes, and modifications to building utility services—as distinguished from temporary connections thereto. Also specifically excluded from this category is equipment to be used for continuous testing, e.g., a machine to be continuously used for testing the tensile strength of structural members. (Also see § 9-12.5005-2(a) and § 9-12.5005-2(h).)

(6) Experimental work in connection with peaceful uses of nuclear energy. This refers to equipment, processes and devices which are assembled and/or set in place and interconnected for the purpose of conducting a test or experiment. The nature of the test or experiment is such that professional personnel responsible for the test or experiment and/or the data to be derived therefrom necessarily must participate in the assembly and interconnections. Specifically excluded from experimental work are buildings, building utility services, structural changes, drilling, tunneling, excavation and backfilling work which can be performed according to custom-

ary drawings and specifications, and utility services or modification to utility services—as distinguished from temporary connections thereto. Work in this category may be performed in mines or in other locations specifically constructed for tests or experiments. (See also § 9-12.5005-2(h).)

(7) Emergency work to combat the effects of fire, flood, earthquake, equipment failure, accident or other casualties, and to restart the operational activity following the casualty. Work which is not directly related to restarting the activity and which involves rebuilding or replacement of structure or structural components or equipment is excluded from this category. (See § 9-12.5005-2(d).)

(8) Decontamination, including washing, scrubbing, and scraping to remove contamination; removal of contaminated soil or other material; and painting or other resurfacing, provided that such painting or resurfacing is an integral part of the decontamination activity and does not include complete replacement of large sections of paved areas or roadways.

(9) Burial of contaminated solid waste or contained liquid; however, initial preparatory work readying the burial ground for use (for example, any grading or excavation that is a part of initial site preparation, fencing, drilling wells for continued monitoring of contamination, construction of guard or other office space) is covered. Likewise, work subsequent to burial which involves the placement of concrete or other like activity is covered.

(b) The classification of a contract as a contract for operational or maintenance activities does not necessarily mean that all work and activities at the contract location are classifiable as outside of Davis-Bacon Act coverage since it may be necessary to separate out work which should be classified as covered in accordance with § 9-12.5002. Therefore, Managers of Operations shall establish and maintain controls for the careful scrutiny of proposed work assignments under such a contract to assure that:

(1) Contractors whose contracts do not contemplate the performance of covered work with the contractor's own forces are neither asked nor authorized to perform work within the scope of the Davis-Bacon Act.

(2) Where covered work is performed by a contractor whose contract contains provisions required by the Davis-Bacon Act, such work is performed as required by law and the contract. After such contractor has been informed, as provided in (3) below, that certain work is covered work the Manager's responsibility to assure compliance is the same as it would be if the work were being performed under a separate construction contract.

(3) Controls provided for above include consideration by the Manager and the contractor, before work is begun or contracted out, of the relation of the Davis-Bacon Act to (a) the annual programming of work, (b) contractor's work orders, and (c) work contracted out in excess of \$2,000. The Manager may, if

he concludes that it is consistent with AEC's responsibilities as described in this section, prescribe from time to time classes of work as to which applicability or non-applicability of the Davis-Bacon Act is clear, for which he will require no further AEC determination on coverage in advance of the work. For all work, the controls to be established by the Manager should provide for notification to the operating contractor before work is begun as to whether such work is covered.

§ 9-12.5004-8 Checking compliance.

Managers of Operations shall provide for the collection, examination, and retention of copies of the payrolls of contractors and subcontractors where required by law; and for auditing of these payrolls. A principal use of the payroll check is to compare wage rates being paid by a contractor with the applicable Davis-Bacon rates as determined by the Secretary of Labor. On-the-job investigations, including observation of the work and employee interviews, shall be made as necessary to insure compliance. There are other, somewhat less obvious, indications of compliance or non-compliance with legal requirements which may be developed through the payroll check:

(a) Payrolls should be checked for violations of the Copeland (Anti-Kick-back) Act, bearing in mind that payroll deductions may be made only in accordance with § 3.5 of the Regulations of the Secretary of Labor, Part 3 (29 CFR 3.5).

(b) Violations of the Eight-Hour Law may also be detected from the payroll check. Particular attention should be given to overlapping shifts, preliminary activity, etc., to determine whether any employee worked more than eight hours during any day and, if so, whether he was properly compensated.

(c) Attention should be given to the correctness of classifications and any disproportionate employment of laborers, helpers and apprentices. A review of the job classifications, with knowledge of the construction work involved, may reveal misassignment of employees. (Example: A construction job which calls for bricklaying and a review of the payroll indicates no bricklayers employed.) Furthermore, it should be ascertained that each apprentice employed is registered in an approved apprenticeship program.

§ 9-12.5004-9 Penalties under the Davis-Bacon Act.

The standard contract clause provides that in event of violation, the government may terminate the contractor's right to proceed with the work or such part of the work as to which there has been a violation and may prosecute the work to completion; and the contractor shall be liable for any excess costs occasioned thereby. Also, there must be withheld from the contractor so much of accrued payments as may be considered necessary to pay to laborers and/or mechanics employed on the work the difference between the rate of wages required by the contract to be paid to them and the rate of wages they receive. (The

procedure to be followed in any case where such withholding appears to be appropriate is set forth in a letter from the Comptroller General of the United States dated March 19, 1957, No. B3368, to Heads of Departments and Other Agencies of the United States.) The Comptroller General of the United States is authorized to distribute a list to all departments of the government giving the names of persons or firms whom he has found to have disregarded their obligations to employees. These lists, showing names of persons or firms and dates of their ineligibility, are distributed within AEC with instructions that will be followed in the issuing of invitations to bid and in the award of contracts.

§ 9-12.5004-10 Department of Labor posters.

On all covered work, the contractor is required by the standard contract clause to post Labor Department Posters SOL-155 (10-54), together with applicable wage determinations attached thereto, in a prominent place at the site of the work. In the box in the middle of the poster, there shall be inserted in a prominent manner the name and address of a representative of the operations, area or field office responsible for administration of the contract whom workers may contact in the event they consider they have reason for complaint. Posters may be secured from AEC Headquarters.

§ 9-12.5005 Decisions and other guides in difficult areas.

§ 9-12.5005-1 General.

Section 9-12.5004-7 necessarily uses general language, and in some cases the application of the criteria discussed therein to particular situations may not be clear. Therefore, this subsection covers more specifically some of the areas of particular concern to AEC and is promulgated to clarify the application of the criteria.

§ 9-12.5005-2 Specific examples.

The following are applications of the regulations to particular situations. Additional narrative statements describing items of work and applicability of the Davis-Bacon Act will be developed from time to time and added to this subsection.

(a) *Land-based prototypes.* The Labor Department has held that the construction of a full-scale operating prototype of one reactor compartment and of all necessary nuclear power components and systems and propulsion equipment for a submarine is covered. (See letters of March 14 and July 5, 1957, from Acting Solicitor of Labor to Director of Organization and Personnel, AEC, re TRITON prototype.) In another ship prototype situation, the Department has held that assembling and fitting the components of nuclear steam propulsion units into the hull sections, including installation of the pressure vessels, turbo-generator sets, heat exchangers, control wiring, etc., is covered. (See letter of October 22, 1956, from Solicitor of Labor to General Manager, AEC, re large ship reactor land prototype.) A

later decision involving the same prototype indicates that these earlier rulings should not be construed as intended to cover all equipment assemblies irrespective of the status of construction and other pertinent factors.

(b) *Paving.* The construction of roads, including grading, and their repair—where such repair includes work on roadbeds before resurfacing, building up shoulders, forming ditches, culverts and bridges, and on the actual resurfacing of roads—is covered. However, recurring type maintenance work, such as patching surface, filling chuck holes, patching shoulders, and resurfacing railroad crossings is non-covered. Similarly, patch and maintenance work on a parking lot, the replacement of bumper stops, and the repainting of parking dividers is non-covered.

(c) *Stationary boilers.* The construction, alteration and/or repair, including installation and rebuilding, of stationary boilers costing in excess of \$2,000 for labor and materials is covered. In contrast, inspections may reveal need for replacement of pieces of insulation, individual tubes, or other defective parts. Such maintenance, necessary to keep the boiler in safe operating condition, is non-covered.

(d) *Start-up of operating activity after fire or other catastrophe.* Rebuilding of plant following a catastrophe, such as replacement of structural members, roof trusses, walls, roof, utility services and process piping is covered. However, where process equipment can be restarted and/or operational activities resumed prior to such rebuilding, the actual work of start-up, including preliminary activity, e.g., cleaning, drying, checking, adjustment, temporary services, and temporary weather protection of equipment, essential to such resumption of operational activity, is non-covered.

(e) *Rehabilitation of facilities.* By contrast with emergency services needed to restore or maintain functional usefulness, as above described, rehabilitation (e.g., painting, change-out, rearrangement and installation of equipment, replacement or repair of damaged parts of structure or of building services or equipment) of a non-operable facility or of significant non-operable portions of a facility is covered. In such rehabilitation, the start-up of equipment by operating employees is non-covered.

(f) *Painting.* Although painting and decorating are specifically mentioned in the Act, painting which is closely integrated within operational and maintenance activities, and such repainting as color coding of process lines and service piping (including valves and directional arrows), is non-covered; likewise, application of various materials for localizing contamination, painting of machine tools to identify degree of contamination, preventive maintenance repainting of machine tools, equipment and plant structures is non-covered when performed with a stable work force employed by the operating contractor.

(g) *Installation, rearrangement or adjustment of equipment.* (See also, "(h) Experimental installations", below.)

(1) *During construction.* In the construction of a new facility—whether it is a production plant, a laboratory, or supporting facilities, such as shops and warehouses—an integral part of a construction project is the installation of equipment (including mechanical equipment, building services, instruments, etc.) which permits the facility to be utilized for the purpose for which it was intended. Normally, the initial installation, arrangement, adjustment, balancing, calibration and checking of such equipment is a logical part of the construction contract(s) for completion of the facility and, whether or not included within the scope of such contract(s), is covered.

(2) *Plant start-up.* At the time of the turnover of an AEC facility (which frequently differs in many respects from other facilities), from construction to operation activities, if the facility is turned over a section at a time, some problems of coverage may arise. It is extremely difficult, if not impossible, to write rules or criteria that can be practically applied in all situations. Usually, it is essential that final checkout of a plant prior to the start-up of plant operations be performed by personnel of the operating contractor and, as such, is not covered. The important thing is to work out a practical plan that will assure: (i) Safe and effective start-up of the facility, (ii) the fulfillment of obligations under applicable statutes, and (iii) continuing construction at the facility.

(3) *Equipment and equipment assemblies.* While the current construction status of a public building or public work is not controlling as to coverage of supply-installation-type contracts, this is a factor to be considered in judging the applicability of the Davis-Bacon Act. The Labor Department has ruled (Walsh-Healey Rulings and Interpretations No. 3, sec. 6(b)) that while contracts in excess of \$10,000 for equipment, including erection or installation, are subject to the Walsh-Healey Act, they may be also covered under the Davis-Bacon Act, where more than an incidental amount (see § 9-12.5002-1(c)) of work is involved. Examples given in this ruling include furnishing and installation of mechanical equipment such as elevators or of generators requiring prepared foundations or housing. In a specific situation, the Department has indicated that a contract for furnishing and initial installation of piping, wiring, gas exhaust fans, plumbing, sheet metal work, and related activities to install kitchen and baking equipment was comparable to the basic plumbing, wiring, and heating contracts and was covered (see letter of Aug. 12, 1958, from Acting Asst. Solicitor of Labor to the Director, AFMPP-PR-3, Procurement and Production, the Air Force [Attn: Col. Treacy], re the Air Force Academy). While this situation involves an initial installation, alteration or rearrangement of existing facilities involving such work to accommodate new or different equipment is also covered. Conversely, it follows that where the test of more than an inci-

dental amount of construction is not met, and where the installation, rearrangement or adjustment of equipment is not a logical part of any current related construction project, it is non-covered.

(4) Special leased systems. Most, but not all, contracts involving the installation of telephone, detective and other leased systems are not covered when the work is performed by employees of the companies supplying the services and the material and equipment installed is owned by such companies. (See discussion in letter of Aug. 12, 1958, from Acting Asst. Solicitor of Labor to the Director, AFMPP-PR-3, Procurement and Production, the Air Force [Attn: Col. Treacy], re the Air Force Academy, of one situation in which an extension of the distribution system of the telephone company to supply service to the Air Force was held to be non-covered and of another situation in which the movement of telephone company lines by the telephone company to a location more convenient to the Air Force was held to be covered.) A contract for a telephone central system to be installed by the manufacturer and owned by the United States has been held to be covered. (See letter of Oct. 22, 1958, from the Solicitor of Labor to the Director, AFMPP-PR-3, Procurement and Production, the Air Force [Attn: Col. Treacy], re Patrick Air Force Base.)

(h) *Experimental installations.* Within AEC programs, a variety of experiments are conducted involving materials, fuels, coolants, processes, equipment, etc. Certain types of situations where tests and experiments have sometimes presented coverage questions are described below:

(1) *Set-ups of devices and/or processes.* The proving out of investigative findings and theories of a scientific and technical nature for extension into practical application may require the set-up of various devices and/or processes at an early or pre-prototype stage of development. These may vary from laboratory bench size upwards. As a rule, these set-ups are made within established facilities (normally laboratories); required utility connections are made to services provided as a part of the basic facilities; and the activity as a whole falls within the functional purpose of the facility. Such set-ups may be for exploring mechanical or electrical design suitability, physical or chemical properties, or for collecting data to verify or reject scientific hypotheses. Such set-ups are non-covered. Preparatory work for the setup requiring structural changes or modifications of basic utility services—as distinguished from connections thereto—is covered. Illustrative of non-covered set-ups of devices and/or processes are the following:

(i) Assembly of piping and equipment within existing "hot cell" facilities for proving out a conceptual design of a chemical processing unit;

(ii) Assembly of equipment, including adaptation and modification thereof, in existing "hot cell" facilities to prove out a conceptual design for remotely controlled machining equipment;

(iii) Assembly of the first graphite pile in a stadium at Stagg Field in Chicago;

(iv) Assembly of materials and equipment for particular aspects of the direct current thermonuclear experiments to explore feasibility and to study other ramifications of the concept of high energy injection and to collect data thereon.

(2) *Loops.* Many experiments are carried on in equipment assemblies called loops in which liquids or gases are circulated under monitored and controlled conditions. For purposes of determining Davis-Bacon coverage, loops may be classed as loop facilities or as loop set-ups. Both of these classes of loops can include in-reactor loops and out-of-reactor loops. In differentiating between clearly identified loop set-ups and loop facilities, an area exists in which there have been some questions of coverage, such as certain loops at the Material Test Reactor and Engineering Test Reactor at the National Reactor Test Site. Upon clarification of this area, further illustrations will be added. In the meantime, the differentiation between loop set-ups and loop facilities must be made on a case-by-case basis, taking into account the total criteria set forth in this Subpart.

(i) *Loop set-ups.* The assembly, erection, modification and disassembly of a loop set-up is non-covered. A non-controversial example of a loop set-up is one which is assembled in a laboratory, e.g., Oak Ridge National Laboratory, Argonne National Laboratory, and Lawrence Radiation Laboratory, for a particular test and thereafter disassembled. However, preparatory work for a loop set-up requiring structural changes or modifications of basic utility services—as distinguished from connections thereto—is covered as is material and equipment that is installed for a loop set-up which is a permanent part of the facility or which is used for a succession of experimental programs.

(ii) *Loop facilities.* A loop facility differs from a loop set-up in that it is of a more permanent character; usually, but not always, of greater size; normally involves the building or modification of a structure; sometimes is installed as a part of construction of the facility; and may be designed for use in a succession of experimental programs over a longer period of time. Examples of loop facilities are the in-reactor "K" loops at Hanford and the large Aircraft Nuclear Propulsion loop at National Reactor Test Site. The on-site assembly and erection of such loop facilities are covered. However, once a loop facility is completed and becomes operational, the criteria set forth above for operational and maintenance activities apply.

(3) *Reactor component experiments.* Other experiments are carried on by insertion of experimental components within reactor systems without the use of a loop assembly. Illustrative of reactor facilities erected for such experimental purposes are the special power excursion test reactors (SPERT) at the National Reactor Test Site, which are designed for studying reactor behavior

and performance characteristics of certain reactor components. Such a facility may consist of a reactor vessel, pressurizing tank, coolant loops, pumps, heat exchangers, and other auxiliary equipment as needed. The facility also may include sufficient shielding to permit work on the reactor to proceed following a short period of power operation and buildings as needed to house the reactor and its auxiliary equipment. The erection and on-site assembly of such a reactor facility is covered work, but the components whose characteristics are under study are excluded from coverage. To illustrate one of the SPERTs planned for studies of nuclear reactor safety is designed to accommodate various internal fuel and control assemblies as required to conduct a particular test. Accordingly, the internal structure of the pressure vessel is so designed that cores of different shapes and sizes may be placed in the vessel for investigation, or the entire internal structure may be easily removed and replaced by a structure which will accept a different core design. Similarly, the control rod assembly is arranged to provide for flexibility in the removal of instrument leads and experimental assemblies from within the core.

(4) *Tests or experiments in peaceful uses of nuclear energy.* These tests or experiments are varied in nature and some are only in a planning state. These tests or experiments consist of a single or series of nuclear or non-nuclear detonations for the purposes of acquiring data. The data can include seismic effects, radiation effects, amount of heat generated, amount of material moved and so forth. Some of these tests are conducted in existing mines while others are conducted in locations specifically constructed for the tests or experiments. In general, all work which can be performed in accordance with customary drawings and specifications as well as other work in connection with preparation of facilities is treated as covered work. Such work includes tunneling, drilling, excavation and backfilling, erection of buildings or other structures, and installation of utilities. The installation of the non-nuclear material or nuclear device to be detonated, the instrumentation, and connections between such material or device and the instrumentation are treated as non-covered work.

(5) *Tests or experiments in military uses of nuclear energy.* As is the case in § 9-12.5005-2(h) (4) above, these tests or experiments can be varied in nature. However, under this category it is intended to include only detonations of non-nuclear material or nuclear devices. The material or devices can be detonated either underground, at ground level or above the ground. These tests or experiments have been conducted in, on, or in connection with facilities specifically constructed for such tests or experiments. As is the case with respect to tests or experiments in peaceful uses of nuclear energy, all work which can be performed in accord with customary drawings and specifications as well as other work in connection with prepara-

tion of facilities are treated as covered work. Such work includes building of towers or similar structures, tunneling, drilling, excavation and backfilling, erection of buildings or other structures, and installation of utilities. The installation of the non-nuclear material or nuclear device to be detonated, the instrumentation, and connections between such material or device and instrumentation are treated as non-covered work.

(i) *Construction site contiguous to an established manufacturing facility.* As AEC-owned property sometimes embraces several thousands of acres of real estate, a number of separate facilities may be located in areas contiguous to each other on the same property. These facilities may be built over a period of years, and established manufacturing activities may be regularly carried on at one site on the property at the same time that construction of another facility is underway at another site. On occasion, the regular manufacturing activities of the operating contractor at the first site may include the manufacture, assembly and reconditioning of components and equipment which in other industries would normally be done in established commercial plants. While the manufacture of components and equipment in the manufacturing plant is non-covered, the installation of any such manufactured items on a construction job is covered.

Subpart 9-12.51—Special Considerations

§ 9-12.5100 Scope of subpart.

This subpart deals with special considerations affecting construction laborers and mechanics.

§ 9-12.5101 General.

(a) As collective bargaining arrangements exist generally throughout the construction industry, the wages, hours and working conditions followed for construction laborers and mechanics normally will result from collective bargaining between management and labor. It is important that practices contributing to harmonious labor-management relations prevail throughout the AEC program. All participants in the AEC program, including employees and their unions, have a special and continuing obligation to do their part in accomplishing a stable, efficient construction operation under adequate and reasonable conditions.

(b) In some areas, AEC construction is a minor part of local construction activity, while in other areas AEC construction may at times overshadow local construction. Normally, there will be a number of contractors and subcontractors, both cost-type and lump-sum, engaged simultaneously on a single large AEC project. It is important that adequate coordination exist among all such contractors in order that similar conditions are provided for all construction employees in a given classification at a particular location.

(c) The problem of establishing appropriate conditions for the large projects is complicated by the essential

requirement that initial conditions be clearly identified and fixed prior to recruitment of the work force. This factor involves applicability of all pertinent Federal statutes, including the Davis-Bacon Act and the Labor Management Relations Act of 1947, as amended (29 U.S.C. 141 et seq.).

§ 9-12.5102 Steps preliminary to the staffing of new cost-type projects.

Preliminary to the actual recruitment of workers, it is important that sufficient data be accumulated by the Operations Office concerned to reflect area practices accurately. These data should cover in detail the pattern of bargaining in the area; the proportion of the work force employed by the customary employer parties to collective bargaining in relation to the total construction work force; the terms of local area agreements; the extent of conformance with such agreements and any accepted interpretations of them; and a description of practices which may have developed outside of the local agreements. These data will furnish the basis for decision contemplated in § 9-12.5103 and § 9-12.5104. Where the data indicate local agreements are adequate for the contemplated work, there may still be gaps that need to be filled in by additional understandings to attain the desired stability of conditions. The data obtained in the initial survey will also be used in connection with the original Davis-Bacon predetermination.

§ 9-12.5103 Role of project contractor management in collective bargaining.

AEC expects contractor management engaged in the negotiation and/or administration of collective bargaining agreements to assume responsibility for assuring conditions which are consistent with the judicious expenditure of public funds, will attract and retain the skills needed, and will give due consideration to the community's interests and established standards. To meet these responsibilities, it is important that the collective bargaining role to be played by project contractor management be clearly determined in the light of project requirements and local conditions. Prerequisite to determination of this role is a careful analysis of all relevant circumstances.

(a) *Where AEC work does not predominate.* In an area where AEC construction does not overshadow total local construction activity, and the majority of construction is performed by members of local contractor associations, AEC expects that basic conditions for labor on AEC projects will be those negotiated between the local contractor associations and local unions and generally adhered to on construction work in the area. In such situations, AEC cost-type contractors will provide for clear identification and application to the AEC work of these local agreements. In such application, the conditions to be followed on AEC work will be those which obtain in actual practice in the area covered by the agreement and are consistent with applicable laws, rather than those appearing from a literal interpretation of the language of the agreement. Conditions not covered by local agreements may be pro-

vided for by such arrangements as are necessary to meet project goals.

(b) *Where local agreements are non-existent or inadequate.* In some areas, local agreements may be non-existent, or inadequate, or the employer parties may not be representative of the employers of the bulk of the labor force in the area. In such event, AEC contractors are expected to carry their share of the responsibility for negotiations and to negotiate directly or in cooperation with others to establish appropriate conditions.

(c) *Where AEC work predominates.* In an area where AEC construction work is of such magnitude as to overshadow local construction, it may be desirable for Commission contractors to negotiate special project conditions (on either a craft or a multi-craft basis) as the best way to meeting their obligations to AEC. Such agreements usually involve the establishment of new bargaining units and are therefore dependent upon the voluntary cooperation of the Building Trades unions. Normally, both the Building Trades Department (AFL-CIO) and the Office of Industrial Relations, AEC, should be consulted in respect to any such proposed course of action.

§ 9-12.5104 Role of the AEC in construction labor relations.

The role of AEC in construction labor relations is a constructive role of over-all cognizance consistent with AEC's ultimate responsibilities. The scope of the construction program, the complexity of the problems which may arise, and the need for coordination among contractors at the same site are factors which affect the degree of influence exercised by AEC in carrying out the following responsibilities:

(a) To assure that a careful advance survey and analysis is made of each contract situation and that the role of the contractor management is in accordance with the considerations in § 9-12.5103.

(b) To establish effective machinery for coordination among project contractor management, both cost-reimbursement and lump-sum.

(c) With respect to AEC contracts carried out under area practices, to assure that conditions proposed for AEC cost-reimbursement contracts are actually prevalent in the area or have other substantial foundation and that, to the extent consistent with the terms of lump-sum contracts, practices established by lump-sum contractors are not of a character that will destabilize other AEC work.

(d) With respect to AEC contracts carried out under project agreements, as distinguished from area practices, to assure that the negotiators of project agreements, both union and management, are fully informed and take into account all relevant factors pertaining to the particular circumstances, requirements and schedules of the project, e.g., any conditions peculiar to the project, duration of project, tenure of employment, housing and travel accommodations, length of regular work week, uniformity of shift, special subsidies, etc.

(e) To encourage contractor officials and representatives of employees to establish similar conditions among all construction employers for each class or classification of employees at a particular location.

(f) To encourage contractor officials and representatives of employees to exert every reasonable effort either to provide for clear identification and application of practices under local agreements or to make and maintain project agreements on AEC construction projects.

(g) To encourage contractor officials and representatives of employees to establish reliable working contact between the AEC project contractors and any unions that are cooperating in staffing the job.

§ 9-12.5105 Initial wage rates.

The wage rates initially established under both cost-type and lump-sum contracts will not be less than, and will normally conform to, those determined by the Secretary of Labor pursuant to the requirements of the Davis-Bacon Act. On cost reimbursement work the total compensation on the AEC project will be comparable with the total compensation allowed similar workers in an appropriate area of comparison. Where the AEC project is applying the practices under local agreements, the area of comparison normally will be the geographic area within the jurisdiction of each local union cooperating in staffing the project. In this type of situation, the application of local practices and agreements will usually be carried out on an item-by-item basis. Where a project agreement has been agreed on as the foundation for project conditions, the area of comparison for each craft should be large enough to provide a sound base which will result in realistic wage rates. In the development of a project agreement, the Office of Industrial Relations, Headquarters, should be consulted.

§ 9-12.5106 Adjustments in compensation cost-type contracts.

Subject to any limitation imposed by any applicable labor laws, changes in established wage rates and working conditions under cost-type contracts may be effected as follows:

(a) *Project agreements.* Adjustments in wage rates and other job conditions established in project collective bargaining agreements may be effected by the renegotiation or modification of the agreements at appropriate times, and by reopening of existing agreements as provided therein. The Office of Industrial Relations, Headquarters, should be consulted as to appropriate criteria to follow in review of such reopenings.

(b) *In the absence of project agreements.* In situations where AEC cost-type contractors apply local established job conditions included in applicable bargaining agreements, adjustments in wages and job conditions may coincide with changes within the locality. Wage rates may be adjusted to bring rates into conformity with new rates which are verified as established in the area at the time of their acceptance for AEC work.

§ 9-12.5107 National Joint Board for the Settlement of Jurisdictional Disputes in the Building and Construction Industry.

Construction contractors and representatives of employees are encouraged to settle craft jurisdiction disputes in accordance with the Procedural Rules and Regulations of the National Joint Board.

§ 9-12.5108 Specific responsibilities.

In discharging their assigned responsibilities, Directors, Headquarters Divisions and Offices, and Managers of Operations shall take such action as is required to accomplish the AEC role described in § 9-12.5104.

§ 9-12.5109 Responsibility of the Director, Office of Industrial Relations, Headquarters.

The Director, Office of Industrial Relations, is responsible for coordinating all activities arising under this subpart, and for maintaining liaison with the Department of Labor, the Building Trades Department (AFL-CIO) and other construction labor and employer organizations.

Subpart 9-12.52—Nondiscrimination in Employment

§ 9-12.5200 Scope of subpart.

This subpart deals with the policy of the Atomic Energy Commission, and the obligations of its contractors thereunder, in affording equal treatment to employees and applicants irrespective of race, religion, color or national origin.

§ 9-12.5201 Policy.

It is the policy of the Atomic Energy Commission that no employee or applicant for employment in the Atomic Energy Commission's plants shall be discriminated against because of race, religion, color, or national origin. In the application of this policy, there shall be no segregation of physical facilities or like indicia of discrimination (e.g., drinking fountains, eating facilities, rest rooms, buses, etc.). In all covered AEC contracts, as defined below, the Federal Government's policy of promoting equal employment opportunity for all qualified persons shall be fully effectuated (see Executive Order 10479 dated August 13, 1953, and Executive Order 10557 dated September 3, 1954).

§ 9-12.5202 Basic contract requirement.

Contracts entered into by AEC, as set forth in § 9-12.5203, shall contain the clause set forth in § 1-7.101-18.

§ 9-12.5203 Applicability.

The nondiscrimination requirements are applicable to contracts and first-tier subcontracts as herein provided.

(a) The clause set forth in § 1-7.101-18 shall be included in all contracts involving the employment of labor, except in:

(1) Contracts or subcontracts to be performed outside the United States where no recruitment of workers within the limits of the United States is involved;

(2) Contracts or subcontracts to meet special requirements or emergencies, if recommended by the President's Committee on Government Contracts (See § 9-12.5204);

(3) Purchase orders on Standard Form 44; and

(4) Subcontracts for standard commercial supplies or raw materials.

(b) The clause may be modified in:

(1) Purchase orders for \$5,000 or less which are not within the above exceptions, by deleting the last sentence of paragraph (a) [posting requirement] and all of paragraph (b) [reference to subcontractors] of the standard contract clause;

(2) Contracts other than purchase orders for \$5,000 or less, by deleting the last sentence of paragraph (a) of the standard contract clause when administration of the posting requirement is impracticable. For example, contracts for off-the-shelf items and contracts requiring delivery of supplies or performance of services within 60 days from the date of the contract.

§ 9-12.5204 Special requirements or emergencies.

Where special requirements or emergencies are such that use of the clause set forth in § 1-7.101-18 in a contract or subcontract is impracticable, authority to omit or modify the clause may be requested from Headquarters, as provided in § 9-12.5206-3(e).

§ 9-12.5205 Interpretations.

The President's Committee on Government Contracts has published the interpretations set forth below of Executive Orders 10479 and 10557.

(a) Standard commercial supplies means an article:

(1) Which in the normal course of business is customarily manufactured for stock and is customarily maintained in stock by the manufacturer or by any distributor or other commercial dealer for the marketing of such article; or

(2) Which is manufactured and sold by two or more persons for general commercial or industrial use or which is identical in every material respect with an article so manufactured and sold.

(b) The obligation to include the nondiscrimination clause does not depend on the amount of money or other consideration involved in the performance of the contract.

(c) Inclusion of the nondiscrimination clause is not required in contracts the performance of which does not involve the employment of persons.

(d) The nondiscrimination clause does not refer to, extend to, or cover the activities or business of the contractor which are not related to, or involved in, the performance of the contract entered into.

(e) The obligation to include the nondiscrimination clause exists even though the contract is required to be awarded to the lowest responsible bidder.

(f) The obligation to include the nondiscrimination clause exists even though the contract is between the Federal Government and a State agency or subdivision of a State.

§ 9-12.5206 Administration.**§ 9-12.5206-1 Responsibility of the Director, Office of Industrial Relations.**

The Director, Office of Industrial Relations, Headquarters, is responsible for:

(a) Developing policies, standards and guides covering the application of the nondiscrimination policy to work performed by contractors.

(b) Reviewing and coordinating nondiscrimination activities to assure uniform administration, compliance with AEC policy, and effectuation of the government-wide program.

(c) Preparing and submitting reports and recommendations to the Committee on Government Contracts and maintaining liaison with the Committee.

§ 9-12.5206-2 The President's Committee on Government Contracts.

(a) Pursuant to Executive Order, the President's Committee on Government Contracts has a responsibility for making recommendations to contracting agencies for improving and making more effective the nondiscrimination provisions. The AEC cooperates with the Committee and furnishes such information and assistance as the Committee may require in the performance of its functions, including reports on actions taken with respect to complaints.

(b) The President's Committee has published "Compliance Guide—Recommendations for Obtaining Compliance with the Nondiscrimination Provisions in Government Contracts" which contains information for all who are engaged in obtaining compliance with the Federal nondiscrimination clause. This publication is to be employed as additional guidance in the overall administration of the nondiscrimination program.

§ 9-12.5206-3 Assignment of responsibilities.

In discharging their assigned responsibilities, Directors of Headquarters Divisions and Offices and Managers of Operations shall:

(a) Incorporate the contract clause set forth in § 1-7.101-18 when required.

(b) Assure that the notice "Equal Economic Opportunity" is properly posted when required.

(c) As provided in § 9-12.5206-4, below, review the policies and practices of contractors, in carrying out their responsibilities under the nondiscrimination clause; and inspect AEC facilities to assure compliance with AEC policy on nondiscrimination.

(d) Investigate complaints alleging violation of the nondiscrimination clause.

(e) Investigate and make recommendations concerning requests for exemptions. (See § 9-12.5204).

(f) Require corrective action where appropriate.

(g) Report to the Director, Office of Industrial Relations, Headquarters, in respect to all actions under (d), (e) and (f) of this subsection.

§ 9-12.5206-4 Compliance reviews.

(a) Both routine and special compliance reviews shall be conducted to ascertain the extent to which contractors are complying with the provisions of the nondiscrimination clause.

(b) A routine compliance review consists of a brief review of the practices of the contractor to ascertain compliance with the requirements of the clause. This type of review shall include a verification that the notice is appropriately posted, that the clause is included in subcontracts where required, and in Commission plants an inspection of physical facilities. A routine compliance review shall be considered a normal part of contract administration.

(c) A special compliance review consists of a comprehensive review of the employment practices of the contractor with respect to the requirements of the nondiscrimination clause. In addition to discussions with management, personnel conducting special compliance reviews should, when appropriate, discuss the contractor's employment practices with employment sources, minority groups, and interested civic groups. Special compliance reviews shall be conducted (1) on a sampling basis, (2) when special circumstances warrant, and (3) when requested by proper authority.

§ 9-12.5206-5 Complaints.

Complaints based upon alleged non-compliance with the provisions of the nondiscrimination clause shall be promptly investigated, provided such complaints contain the following identifying information:

(a) The name and address of the contractor or subcontractor alleged to have violated the provisions of the nondiscrimination clause;

(b) A description of the acts believed to be in violation of the nondiscrimination clause, including, where known, names of contractor's personnel involved, and dates of alleged incidents;

(c) The name and address of each person who believes himself aggrieved by the alleged violation of the clause; and

(d) Other pertinent information which will assist investigation and resolution of the complaint.

§ 9-12.5206-6 Incomplete complaints.

Allegations which do not provide the essential information set forth in § 9-12.5206-5 will be returned to the originating source, with advice that no investigation is to be made unless additional specified information is furnished.

§ 9-12.5206-7 Processing of complaints.

Complaints may be submitted to the President's Committee on Government Contracts, to AEC Headquarters, or to AEC Operations Offices. Complaints submitted to an Operations Office and determined to involve an AEC contract or subcontract under the jurisdiction of that office, shall be processed to assure:

(a) Prompt investigation of statements and allegations contained in the

complaint. Such investigations should include, where necessary, (1) a review of the pertinent personnel practice of the contractor or subcontractor concerned, (2) the circumstance under which the discriminatory action is alleged to have taken place, and (3) other factors necessary to resolution of the complaint.

(b) Resolution of complaints by persuasion whenever possible.

(c) The preparation and submission to the Director, Office of Industrial Relations, Headquarters, of a report (in triplicate) for transmission to the President's Committee on Government Contracts setting forth (1) a copy of the complaint together with a summary of the investigation action performed by the Operations Office concerned, (2) corrective action taken or recommended where investigation discloses a need for such action, (3) recommendations or comments in connection with the complaints which investigation disclosed as unfounded, and (4) information that the Operations Office considers should be brought to the attention of the President's Committee.

Subpart 9-12.6—Walsh-Healey Public Contracts Act**§ 9-12.603 Responsibilities of contracting officers.**

In connection with this § 9-12.603, Directors, Headquarters Divisions and Offices, and Managers of Operations in accordance with their delegations of responsibilities, in addition to complying with § 1-12.603 (a) to (d) shall transmit reports required by § 1-12.603(e) to the Director, Office of Industrial Relations, Headquarters. The Director, Office of Industrial Relations, Headquarters, shall coordinate with the Department of Labor all activities of the AEC arising under this subpart including the submission to that Department of the reports required by § 1-12.603(e).

Subpart 9-12.7—Fair Labor Standards Act of 1938**§ 9-12.751 General.**

Compliance with the provisions of the Fair Labor Standards Act is the responsibility of contractors. Although the law places no specific obligation on contracting agencies to assure such compliance, AEC nevertheless has a general responsibility derived from its obligation as a government agency to see that government work for which it contracts is performed under conditions which do not violate law or public policy.

§ 9-12.752 Assignment of responsibilities.

Directors, Headquarters Divisions and Offices, and Managers of Operations in accordance with their delegations of authority shall take such steps as may be reasonable and appropriate to implement the objective stated in § 9-12.751 and in addition shall:

(a) Cooperate with representatives of the Department of Labor in all proceedings involving the enforcement of the

Fair Labor Standards Act affecting any AEC contractor;

(b) Exercise such appropriate controls as may be available in cost-reimbursement contracts to protect against the eventuality of unwarranted monetary claims and other costs being passed on to AEC.

These regulations are effective immediately.

Dated at Germantown, Md., this 6th day of January 1961.

For the Atomic Energy Commission.

R. E. HOLLINGSWORTH,
Acting General Manager.

[F.R. Doc. 61-609; Filed, Jan. 24, 1961;
8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2254]

[Fairbanks 010134]

ALASKA

Revoking Public Land Order No. 1028 of November 4, 1954

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 1028 of November 4, 1954, reserving lands as a forest management area, which was revoked in part by Public Land Order No. 1128 of April 15, 1955, is hereby revoked in its entirety. The following-described lands are affected by this order:

FAIRBANKS MERIDIAN

- T. 1 S., R. 3 W.,
Sec. 32, S $\frac{1}{2}$, unsurveyed;
Secs. 33 to 36, incl., unsurveyed.
- T. 2 S., R. 3 W.,
Secs. 1 to 11, inclusive, unsurveyed;
Secs. 17 to 19, inclusive, unsurveyed;
Secs. 12 to 15, inclusive, 20, 21, 29, 30,
31, surveyed (those portions north of
right limit of Tanana River).
- T. 2 S., R. 4 W., unsurveyed,
Secs. 1 to 4, incl.;
Secs. 9 to 16, incl.;
Secs. 21 to 28, incl.;
Secs. 33 to 35, incl.;
Sec. 36 (that portion north of right limit
of Tanana River).
- T. 3 S., R. 4 W.,
Secs. 4 and 9;
Secs. 2, 3, 10, partly unsurveyed; (those
portions lying north of right limit of
Tanana River).

Containing approximately 30,819.45 acres.

2. The following-described lands have been patented:

- T. 2 S., R. 3 W.,
Sec. 13, lot 1;
Sec. 14, lots 1, 3, 5, 6, and NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 21, lot 6.

3. Subject to any existing valid rights and the requirements of applicable law, the public lands are hereby opened to

filing applications, selections, and locations in accordance with the following, the unsurveyed lands being opened to such applications, selections, and locations as may by law be made for such lands:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Until 10:00 a.m., on April 19, 1961, the State of Alaska shall have a preferred right of application to select the lands, in accordance with and subject to the provisions of the act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), and section 6g of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339).

(2) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(3) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m., on February 23, 1961, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. The lands have been open to applications and offers under the mineral leasing laws. They will be open to settlement under the homestead and Alaska homestead laws and to location under the United States mining laws beginning at 10:00 a.m., on April 19, 1961.

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

GEORGE W. ABBOTT,

Assistant Secretary of the Interior.

JANUARY 18, 1961.

[F.R. Doc. 61-646; Filed, Jan. 24, 1961;
8:49 a.m.]

[Public Land Order 2255]

[1930719]

ALASKA

Partly Revoking Public Land Order No. 47 of October 12, 1942; Revoking Public Land Order No. 265 of March 8, 1945

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 47 of October 12, 1942, as amended by Public Land Orders No. 284 of June 12, 1945 and No. 659 of August 24, 1950, and Public Land Order No. 265 of March 8, 1945, as amended by Public Land Order

659, supra, which withdrew public lands in Alaska for use of the War Department for military purposes, are hereby revoked so far as they affect the following-described lands:

SEWARD MERIDIAN

Public Land Order No. 47:

T. 13 N., R. 4 W.,

Secs. 20, 21, 28, 29, 31, and 32;

Sec. 33, that part which was not included in revocation made by Public Land Order No. 659 of August 24, 1950.

Public Land Order No. 265:

T. 12 N., R. 4 W.,

Sec. 4, lots 2, 3, 6, 7, and NW $\frac{1}{4}$ NW $\frac{1}{4}$;

Sec. 9, lot 2.

T. 13 N., R. 4 W.,

Sec. 22, lots 3, 4, and 5;

Sec. 27, lots 2, 3, 7, 8, and W $\frac{1}{2}$ NW $\frac{1}{4}$;

Sec. 34, lot 4, north 400 feet.

The areas described aggregate 3,276.89 acres.

2. Of the lands released from withdrawal by this order the following are either patented, or under application for withdrawal or conveyance in aid of Federal programs, and are therefore not subject to the opening provisions of this order:

T. 12 N., R. 4 W.,

Sec. 4, lots 2, 3, 6, and NW $\frac{1}{4}$ NW $\frac{1}{4}$.

T. 13 N., R. 4 W.,

Sec. 21, lot 3;

Sec. 27, lot 8;

Sec. 28, W $\frac{1}{2}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 29, lots 1, 2, 3, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$,
and SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 32, E $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$;

Sec. 33, NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, and W $\frac{1}{2}$
SE $\frac{1}{4}$, those parts lying north or west
of the existing airport boundary;

Sec. 34, lot 4, that part lying north of the existing airport boundary.

The areas described aggregate 1,487.85 acres.

3. The lands are situated at Point Woronzof and Point Campbell, which form the northern and southern points of a peninsula protruding into Cook Inlet, approximately 5 miles from the city of Anchorage. The lands are level to gently rolling.

4. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 1, hereof, excepting those described in paragraph 2, are hereby opened to settlement, and to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws, and applications and offers under the mineral leasing laws, may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph

will be subject to the applications and claims mentioned in this paragraph.

(2) Until 10:00 a.m., on April 19, 1961, the State of Alaska shall have a preferred right to select the lands in accordance with and subject to the provisions of the act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), and section 6g of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339).

(3) All valid applications and selections under the nonmineral public land laws, other than from the State of Alaska, and applications and offers under the mineral leasing laws, presented prior to 10:00 a.m. on February 23, 1961, will be considered as simultaneously filed at that hour. Rights under such applications, selections and offers filed after that hour will be governed by the time of filing.

b. The lands will be open to settlement under the homestead and Alaska homesite laws, and to location under the United States mining laws, beginning at 10:00 a.m., on April 19, 1961.

5. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all factors relevant to their claims.

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

GEORGE W. ABBOTT,
Assistant Secretary of the Interior.

JANUARY 18, 1961.

[F.R. Doc. 61-647; Filed, Jan. 24, 1961;
8:49 a.m.]

[Public Land Order 2256]

[Blackfoot 043852]

IDAHO

Releasing Public Lands in American Falls Reservoir District No. 2 From Lien for Irrigation Charges

Whereas, pursuant to the provisions of section 3 of the Act of May 16, 1922 (42 Stat. 541; 43 U.S.C. 511), it is provided by Article 43 of a contract entered into on September 1, 1927, between the American Falls Reservoir District No. 2 and the United States of America, that all unentered public land and entered lands for which no final certificate had been issued, located within the District and designated in a statement marked "Exhibit G" attached thereto as subject to the provisions of the Act of August 11, 1916 (39 Stat. 506; 43 U.S.C. 621), and

Whereas, irrigation works have not been constructed on the hereinafter described public lands and water of such District has not been made available for such lands, and

Whereas the District, in a resolution of its Board of Directors adopted June 7, 1960, expressed its lack of objection to the exclusion of such lands from the said Exhibit G, and

Whereas, I find it to be in the public interest that the lands hereinafter described be made subject to the general operation of the public land laws, free of the lien for irrigation charges provided by the said Act of August 11, 1916.

Now, therefore, by virtue of the authority contained in section 3 of the said Act of August 11, 1916, the following-described public lands are hereby deleted from Exhibit G attached to and made a part of the contract of September 21, 1927, and the said contract and Exhibit G are amended accordingly, and the said lands shall no longer be subject to the provisions of the laws of the State of Idaho relating to the organization, government, and regulation of irrigation districts for the reclamation and irrigation of arid lands for agricultural purposes, and shall hereafter be subject to the general operation of the public land laws, subject to valid existing rights and the provisions of existing withdrawals:

BOISE MERIDIAN

T. 8 S., R. 18 E.,
Sec. 12, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 8 S., R. 19 E.,
Sec. 6, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 7, lots 1, 2, 3, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, and
NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 8, NW $\frac{1}{4}$ NW $\frac{1}{4}$.

Containing 499.30 acres.

GEORGE W. ABBOTT,
Assistant Secretary of the Interior.

JANUARY 8, 1961.

[F.R. Doc. 61-648; Filed, Jan. 24, 1961;
8:49 a.m.]

Title 47—TELECOMMUNICATION

[Docket No. 13349; FCC 61-76]

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

Availability of Station Logs and Records for Commission Inspection

In the matter of amendment of Part 1 of the Commission's rules by the addition of a new § 1.76 to clarify requirements concerning inspection and duplication of station logs and records and to make provision for removal of logs and records from the licensee's premises, Docket No. 13349.

1. On January 11, 1960, the Commission released a notice of proposed rule making which would amend the Commission rules by adding a new § 1.76.¹

2. In response to the notice of proposed rule making, comments were received from three parties: The Associated Police Communications Officers, Inc. (APCO), Forest Industries Radio Communications (FIRC), and the Central Committee on Communication Facilities of the American Petroleum Institute (Central Committee).

3. Central Committee in its comments requested the Commission to adopt § 1.79 as drafted and APCO generally favored the adoption of the proposed rules, but was of the view that an exception should be made to enable law enforcement agen-

cies to advise the Commission of the consequences of complying with a Commission request for removal of logs or records where such removal might prejudice a law enforcement proceeding. It was APCO's position that the records should not be removed until questions raised by the law enforcement agency had been decided by the Commission or some appropriately designated official. FIRC is of the view that such a rule as § 1.79 would not be helpful nor constructive in the administration of the Communications Act and that an on-the-spot observation of the actual operation of the radio station would be more helpful to the Commission than a study of the licensee's records which would be subject to possible error by the licensee. FIRC states that it would have no objection to the Commission requiring the licensee to furnish a duplicate copy of the station's technical record, as opposed to the station operating log. FIRC also states that the Commission has made no showing to indicate that the Commission in the performance of its enforcement functions must have the station records in its possession.

4. Directing our attention first to the FIRC arguments against adopting the proposed rule, we wish to state at the outset that it is not proposed by the adoption of the rule to supplant present investigative procedures, but rather to supplement these procedures by clearly establishing in the rules the right of authorized FCC investigative personnel to take possession of those station logs and records which the Commission rules require the licensee to maintain. The removal of such records from the possession of the licensee enables the Commission to make an unhurried and more careful study of such records where an initial inspection of such records has disclosed a possible violation of the Communications Act or Commission rules.

5. Coming finally to the APCO comments suggesting special procedures when the records of law enforcement agencies are involved, we agree that the possibility of administrative difficulties directly affecting law enforcement activities warrants special procedures. Accordingly, we are amending our original proposed § 1.79 by designating the presently proposed section as paragraph (a) and adding thereto a new paragraph (b).

6. In view of the foregoing: *It is ordered*, Under the authority contained in sections 4(i), 303(n), and 303(r) of the Communications Act of 1934, as amended, that Part 1 of the rules of the Federal Communications Commission is amended, effective March 1, 1961, as set forth below and that the instant proceedings are hereby terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: January 18, 1961.

Released: January 19, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,
BEN F. WAPLE,
Acting Secretary.

[SEAL]

¹Since the Commission on December 5, 1960, released an order (FCC 60-1434) adding a section to the rules inadvertently designated as § 1.76, the section to be affected by this proceeding (Docket 13349) will be designated hereafter as § 1.79 instead of § 1.76 as originally proposed.

The following new section is added to Part 1:

§ 1.79 Availability of station logs and records for Commission inspection.

(a) Station records and logs shall be made available for inspection or duplication at the request of the Commission or its representative. Such logs or records may be removed from the licensee's possession by a Commission representative or, upon request, shall be mailed by the licensee to the Commission by either registered mail, return receipt requested, or certified mail, return receipt requested. The return receipt shall be retained by the licensee as part of the station records until such records

or logs are returned to the licensee. A receipt shall be furnished when the logs or records are removed from the licensee's possession by a Commission representative and this receipt shall be retained by the licensee as part of the station records until such records or logs are returned to the licensee. When the Commission has no further need for such records or logs, they shall be returned to the licensee. The provisions of this rule shall apply solely to those station logs and records which are required to be maintained by the provisions of this chapter.

(b) Where records or logs are maintained as the official records of a recognized law enforcement agency and the

removal of the records from the possession of the law enforcement agency will hinder its law enforcement activities, such records will not be removed pursuant to this section if the Chief of the law enforcement agency shall promptly certify in writing to the Federal Communications Commission that the removal of the logs or records will hinder law enforcement activities of the agency, and stating insofar as feasible the basis for his decision and the date when it can reasonably be expected that such records may be released to the Federal Communications Commission.

[F.R. Doc. 61-688; Filed, Jan. 24, 1961; 8:56 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 965]

[Docket No. AO-166-A25]

MILK IN CINCINNATI, OHIO, MARKETING AREA AND 15 NORTHERN KENTUCKY COUNTIES

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Cincinnati, Ohio, on July 12-15, 1960, pursuant to notice thereof issued on June 22, 1960 (25 F.R. 5882).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on December 1, 1960 (25 F.R. 12466; F.R. Doc. 60-11294) 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. Regulation of certain counties in Northern Kentucky by (a) addition to the Cincinnati marketing area, or (b) the issuance of a separate order; and the deletion of part of Clermont County, Ohio, from the marketing area;

2. Basic formula price;
3. Classification;
4. Location adjustments;
5. Transfers;
6. Allocation of packaged Class I receipts from other Federal orders;
7. Shrinkage;
8. Diversion of producer milk;
9. Payments by handlers operating nonpool fluid milk plants; and
10. Seasonal incentive payments.

Issue number 10 was considered separately in a decision issued by the Assistant Secretary on September 13, 1960 (25 F.R. 8909). The remaining issues are considered herein.

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. **Marketing area.** The marketing area should be expanded to include the Kentucky counties of Boone, Kenton, Campbell, Pendleton, Grant and Harrison, and the redefined area should be renamed the "Greater Cincinnati Marketing Area".

The Cincinnati Milk Sales Association proposed that the marketing area be ex-

panded to include Mason, Boone, Kenton, and Campbell Counties, all in Kentucky. As an alternative, the proponent association proposed the four counties as the marketing area of a new and separate Federal order. The majority of handlers operating plants located in Northern Kentucky opposed regulation for the area but proposed that if any of the four counties were included in the marketing area of any Federal order, the regulation should be extended to include eleven additional Kentucky counties; namely, Gallatin, Carroll, Owen, Grant, Pendleton, Harrison, Bracken, Robertson, Fleming, Nicholas, and Lewis (except Magisterial Districts 2, 3 and 8). The inclusion in the Cincinnati marketing area of Kenton, Campbell and Boone Counties was considered at a previous hearing held during September 1958.

Although the Assistant Secretary, in a decision issued April 10, 1959, found that the order should not be expanded on the record of that hearing, the present record indicates the desirability of adding a portion of the Northern Kentucky area to the Cincinnati marketing area at this time.

In contrast to the previous record on this matter the present record shows:

1. Conditions of milk market instability now present in the market not present at the time of the previous hearing;

2. A higher degree of interrelationship in milk marketing between the existing Cincinnati portion of the marketing area and the Northern Kentucky portion in terms of both procurement and distribution of milk and milk products; and

3. Substantially greater support for the order among dairy farmers who ship to Northern Kentucky handlers as evidenced by the increased membership of such dairy farmers in the cooperative association which supported the proposal.

The largest concentration of population within the entire 15-County area proposed for regulation lies within Boone, Kenton and Campbell Counties (commonly referred to as the Tri-County area). The 1960 population estimate of the Tri-County area is 227,387; the population estimate of the six counties proposed herein for regulation is 259,714; and the estimate for the entire 15 counties proposed by interested parties is 338,112 (Official notice is hereby taken of preliminary population totals, 1960 Census of Population, United States Department of Commerce). The Tri-Counties are separated from Hamilton County, Ohio, within which the city of Cincinnati is located by the Ohio River. The two largest cities of Northern Kentucky, Newport and Covington, are located in Campbell and Kenton Counties, respectively, which the United States Department of Commerce includes as part of the Cincinnati metropolitan area.

The handling of milk in the six counties herein proposed to be part of the Cincinnati marketing area is in the current of interstate commerce or directly

burdens, obstructs, or affects interstate commerce in milk and its products. Packaged fluid milk products and manufactured milk products from plants located in Ohio are regularly distributed in the six-county area. Manufactured dairy products regularly move from plants located in the six-county area into the present Cincinnati, Ohio, marketing area. Milk from farms located within Northern Kentucky is regularly supplied to milk plants located therein and to plants located in Cincinnati.

Marketing conditions in the area are such that order regulation of the handling of milk in the area will tend to effectuate the declared policy of the Act, and the expansion of the Cincinnati, Ohio, marketing area, rather than the promulgation of a new order, will more appropriately contribute to market stability and reflect the intent of the Agricultural Marketing Agreement Act of 1937.

The majority of farmers who regularly deliver milk to fluid plants primarily serving the six counties proposed for regulation are members of the proponent association. Dairy farmers whose farms are located in the same Kentucky areas who are also members of the proponent association, but who deliver to fluid milk plants located across the Ohio River in Cincinnati, receive classified prices for their milk as determined by the terms of the Cincinnati order. The dairy farmers delivering to Northern Kentucky plants receive prices for their milk which are based on Cincinnati order uniform prices regardless of the use for which it is disposed. Fluid milk plants located in Northern Kentucky have a high Class I utilization as compared with the marketwide utilization of handlers regulated under the terms of the order. Hence, the operators of Northern Kentucky plants, on the average, pay less for Class I milk than do Cincinnati regulated handlers. This has resulted in market instability in that at least some Northern Kentucky handlers are paying less than the use value of milk received from dairy farmers.

Some handlers operating plants in the area will not permit agents of the proponent association to check weights and butterfat content of deliveries of members' milk. This situation has caused dissatisfaction and contributed to market instability since the members have no way of establishing that they are receiving payment based on accurate weights and butterfat tests. The establishment of order regulation for the proposed area would provide a means of insuring accurate weights and butterfat tests of milk.

The sanitary requirements applicable for Grade A milk produced for distribution in Cincinnati and those for Grade A milk distributed in Northern Kentucky are patterned according to the same United States Public Health Ordinance and Code. Class I milk from one plant

located in Cincinnati is being distributed throughout the Northern Kentucky area, and three Cincinnati plants are approved to distribute milk into Covington, Kentucky.

In addition, official notice is taken of the fact that one handler who operated distributing plants in both the present marketing area and in the Northern Kentucky area has closed the Northern Kentucky plant since the hearing and has transferred the dairy farmers to its Cincinnati plant. The milk which is distributed in Northern Kentucky by this handler is now bottled in Cincinnati. One exception to the taking of this official notice was filed. While the closing of the Northern Kentucky plant is not decisive in the formulation of this decision, the greater movement of fluid milk from Cincinnati to Northern Kentucky engendered by the closing should not be ignored.

In § 900.8(d)(5) of the "Rules of Practice and Procedure Governing Proceedings to Formulate Marketing Agreements and Marketing Orders" it is provided that official notice may be taken of a commercial fact of established character. It is further provided "That interested persons shall be given adequate notice at the hearing or subsequent thereto, of matters so noticed and shall be given adequate opportunity to show that such facts are inaccurate or are erroneously noticed". The exception received to the taking of this official notice did not show that the facts referred to in the official notice were either inaccurate or erroneous.

One handler operating a plant located in Newport has a permit from Cincinnati health authorities to distribute Class I milk in Cincinnati. Two Northern Kentucky plants have permits to sell ice cream and ice cream mix made from Grade A milk in Cincinnati.

At the time of the hearing two handlers operating Cincinnati pool plants also operated nearby nonpool plants from which Class I milk is distributed in unregulated areas contiguous to the Cincinnati marketing area, including Northern Kentucky. The nonpool plant of one of these handlers is located in Newport, Kentucky, and the nonpool plant of the other is located in Wilmington, Ohio. A third handler, who operates a pool plant located in Cincinnati, has a bottling arrangement with a nonregulated plant in Northern Kentucky whereby milk is packaged for the regulated handler at the unregulated plant and distributed in Northern Kentucky. These arrangements have contributed to instability. The possibility of other handlers making similar arrangements is always present under existing conditions. The proposed expansion will eliminate any incentive for handlers to so arrange their operations primarily to avoid pooling their Class I sales.

Milk from the same Northern Kentucky farms is marketed at times to Northern Kentucky plants and at times to Cincinnati pool plants. The dairy farmers whose milk is so moved hold permits issued by Kentucky and Cincinnati authorities. It was estimated

that the total number of dairy farmers who ship to plants which will be regulated pursuant to the area expansion recommended herein was about 560. Of this total about 120 bulk tank shippers who are members of the proponent association and about 55 can shippers hold permits issued by the two authorities. Accordingly, it can be estimated that, at times, the production of between 25 and 30 percent of dairy farmers shipping to Northern Kentucky plants is carried by the Cincinnati pool. This volume of milk added to the Cincinnati pool depresses Cincinnati uniform prices and also prices paid by Northern Kentucky plants since these plants usually base their prices for milk on the Cincinnati uniform prices.

There are eleven distributing plants located within the fifteen Kentucky counties which were originally proposed for regulation. Of these, nine are located in the Tri-County area and most of the milk packaged in Northern Kentucky is processed at these nine plants. Approximately 560 dairy farmers supply these nine plants. Of the two plants outside the Tri-Counties, one is located in Mason County and the other in Carroll County. The two plants receive milk from about 30 and 10 dairy farmers, respectively.

Most of the handlers whose plants are located in the Tri-Counties did not support the inclusion of the counties to the southeast of the Tri-Counties; namely, Mason, Bracken, Lewis, Fleming, Nicholas and Robertson. However, one handler who operates a bottling plant in Cincinnati, as well as one in the Tri-Counties, did support the inclusion of the southeastern counties.

The handler operating the plant located in Mason County is the major distributor of Class I milk in that county but does not distribute milk in the more densely populated Tri-County area. Routes from this plant extend only into the predominantly rural counties of Bracken, Robertson, Fleming, and Lewis. Milk from two other plants located in Ohio outside of the present marketing area of the Cincinnati order is also distributed within parts of these four counties. Handlers whose plants are regulated by the Louisville-Lexington order distribute milk in Nicholas and Fleming Counties. Only one handler whose plant is located in the Tri-County area distributes milk into Bracken, Robertson, Fleming, Nicholas and Lewis Counties. The record does not disclose what portion of the milk disposed of in these counties is distributed from this handler's plant, from unregulated plants located in Ohio or from plants regulated under the terms of the Louisville-Lexington order.

Most of the Class I sales in Carroll County are made by a handler whose plant is located therein and who does not distribute milk in any other county. The record is not clear as to whether plants located in Northern Kentucky sell most of the Class I milk distributed in Gallatin and Owen Counties. A handler whose plant is located in Indiana testified that he was the major distributor in these counties, whereas another witness testified that Northern Kentucky

handlers were the major distributors in the two counties.

Tri-County handlers distribute the major portion of Class I milk sold in the Tri-Counties and in Pendleton, Grant and Harrison Counties. Accordingly, regulation should be expanded to include the handling of milk in these counties. They cover most of the sales area served by the plants which will be fully regulated hereunder. Any larger marketing area would involve regulation of plants not primarily engaged in serving those counties which are the major market for handlers whose plants are located in the Tri-Counties.

Under the terms of the order, fluid milk plants located outside the marketing area are defined as pool plants if not less than 10 percent of Class I route disposition is disposed of within the marketing area. Northern Kentucky handlers whose plants will become pool plants proposed that, should regulation be expanded to include parts of Northern Kentucky, the order should provide for the pooling of any plant from which one quart or more of Class I milk is disposed of in the marketing area.

Only those fluid milk plants from which a substantial proportion of Class I sales are made in the marketing area should be fully subject to the pricing and pooling provisions of the order. The inclusion in the pool of a plant from which only a negligible volume of its total receipts is distributed in the market would not contribute to market stability since it would encourage a plant primarily engaged in manufacturing dairy products to package and distribute a sufficient volume of fluid milk in the marketing area to pool the entire receipts at the plant. Inclusion of such a plant in the pool would result in dissipation of the returns for Class I sales which are intended to secure an adequate supply of milk for the market.

No part of Clermont County, Ohio, should be deleted from the marketing area.

A handler proposed that Clermont County, except Union and Miami townships, be deleted from the marketing area. The deletion would remove his plant from pool status. His Class I utilization is higher than the market average and he must, therefore, make payments into the producer-settlement fund. He purchases Guernsey milk for which he pays a premium above the order uniform price. The proponent testified that were he not subject to payments into the producer-settlement fund, he would use such money for premium payments to his Guernsey producers.

Clermont County is contiguous to Hamilton County within which the city of Cincinnati is located. With the expansion of the Cincinnati urban area, the population of Clermont County has almost doubled since 1950. According to the United States Census, the 1950 population of Clermont County was 42,182 and the 1960 population estimate is 80,142. In the decision of April 10, 1959, the Assistant Secretary found that plants located in Cincinnati distributed approximately 70 percent of all the Class I milk sold in Clermont County. No evidence

was offered at the recent hearing upon which this decision is based which would indicate that the proportion of sales in Clermont County by Cincinnati handlers has changed materially. While the proponent handler whose plant is not located in Cincinnati may be the major distributor in certain townships of the county, it would not be in the interests of market stability to split these townships from the area merely to obviate his obligation to make payments into the producer-settlement fund.

2. *Basic formula price.* No change should be made in the nonfat dry milk component of the basic formula price.

It was proposed that the make allowance of the nonfat dry milk component of the basic formula be decreased from 6.4 cents to 5.5 cents and that the component reflect the average of spray and roller process nonfat dry milk prices rather than only the price of spray process nonfat dry milk. The proposed nonfat dry milk formula is the same as that used in the neighboring Dayton-Springfield Federal milk order.

During the 12-month period preceding the hearing, if the proposed formula had been in effect, the basic formula and, accordingly, the Class I price would have been increased in 9 of the 12 months. The average Class I price increase would have been approximately three cents.

The Cincinnati Class I price is adjusted each month on the basis of the supply and demand for milk. Any increase in the Class I price should be the result of changing supply and demand conditions.

3. *Classification.* The order should not be amended to provide Class II rather than Class III classification for skim milk and butterfat disposed of in bulk to commercial food processing establishments where food products are prepared for consumption off the premises. The language of the classification provision should be clarified so that there is no doubt that skim milk and butterfat used to produce "dip" specialties are classified as Class III utilization.

The Cincinnati Milk Sales Association proposed that skim milk and butterfat disposed of to commercial food processing establishments where food products are prepared for consumption off the premises be reclassified from Class III to Class II utilization. Since Class II and Class III prices are identical during the months of September through February, the proposed amendment would increase the price of milk disposed of to food processing plants only during the relatively flush production months of March through August when the disposal of surplus milk is likely to create a problem. Because skim milk and butterfat used by food processors may be obtained from ungraded sources, any increase in the price of surplus Grade A Cincinnati milk which must compete with ungraded milk for a market would be a deterrent to the disposal of Cincinnati surplus.

The classification provisions should be revised to provide that the skim milk and butterfat used in the production of "dip" specialties be classified in the same class regardless of slight differences in the formulae used in their man-

ufacture. At the present time sour brands are classified as Class I because they include some cream as an ingredient, others as Class II because cottage cheese is the principal ingredient. In addition, similar items are disposed of without being classified since they are distributed to grocery stores through jobbers.

Cincinnati health authorities permit these products to be sold in the market without meeting the requirements of the milk ordinance. Thus products manufactured in plants located elsewhere may be made from non Grade A ingredients. If made in a plant subject to Cincinnati inspection, they must be produced from Grade A milk since no other quality of milk is permitted in the plant. Because these products must compete with those which are not required to be produced from Grade A milk, it was concluded in the recommended decision that such items should be classified as Class III.

After a further review of the evidence in the light of the exceptions filed, it is concluded that "dips" are in no different category than cottage cheese or ice cream (Class II) which must be manufactured from Grade A milk for sale in Cincinnati but are sold in competition with ungraded products outside the city limits. The price of Class II milk, which is identical to the price of Class III milk during the months of September through February and slightly higher during the remaining months, has enabled pool handlers to be competitive with nonregulated plants in the disposition of such products. Accordingly the classification should be revised to place "dip" in Class II.

4. *Location adjustments.* No substantive changes need be made in the provisions by which Class I and uniform prices are adjusted pursuant to the location of the plant at which milk is received.

It was proposed that no location adjustments to prices should apply at distributing plants located within the marketing area. The proposal was predicated on the premise that Mason County, Kentucky, would be included in the marketing area and that prices effective at a distributing plant located therein would be subject to location adjustments. Whether a particular plant is a distributing plant or supply plant and whether a particular plant is or is not located in the marketing area cannot be the only consideration relative to the application of location adjustments. The location adjustment provisions of the current order are appropriate for the marketing area provided in this decision and should remain as written with the exception of the correction noted below.

In an action effective March 1, 1960, the Cincinnati order was amended to eliminate location adjustments effective at plants located more than 20 but less than 30 miles from the City Hall in Cincinnati, but references to plants located "more than 20 miles" were inadvertently left in the order. These references should be corrected.

5. *Transfers.* The transfer provision should be amended to remove specific classification rules for that skim milk

and butterfat disposed of to nonpool distributing plants located in Campbell and Kenton Counties, Kentucky. These nonpool plants will become pool plants and transfers to these plants will be classified pursuant to the provisions applicable to transfers between pool plants.

6. *Allocation of packaged Class I receipts from plants regulated by other Federal orders.* The allocation procedure should provide for Class I allocation of sour cream in consumer packages received from a plant at which it is priced as Class I under the terms of another Federal order or as Class II under the terms of the Chicago, Illinois, Federal order. The price of sour cream under the Class II pricing provisions of the Chicago order is equivalent to the price of sour cream under the Class I pricing provisions of the Cincinnati order.

A handler proposed that packaged sour cream received at a Cincinnati pool plant from a plant regulated under the terms of another Federal order be allocated to Class I disposition at the Cincinnati plant. The handler further proposed that this allocation would apply only when the sour cream was classified as Class I under the terms of another order and was disposed of as Class I from the Cincinnati plant in the same consumer package as received.

The proponent handler operates a fluid milk plant under the Cincinnati order as well as a fluid milk plant under the Louisville-Lexington order. Sour cream in consumer packages is regularly received at the Cincinnati plant from the Louisville-Lexington plant. Sour cream is not packaged at the Cincinnati plant or received from any plant other than the one regulated under the Louisville-Lexington order. The present Cincinnati order provides prior Class I allocation for packaged Class I products received from Dayton-Springfield Federal order plants.

In the recommended decision it was concluded that any Class I item received in consumer packages from a plant regulated by another Federal order should be allocated to Class I at the Cincinnati plant. In the exceptions to the recommended decision it was pointed out that the testimony on this point was limited to a consideration of the allocation of sour cream only. Interested parties were not afforded an opportunity to present evidence that such allocation of all packaged Class I items from other Federal orders would not be in the interest of orderly marketing of milk in the marketing area. Under the circumstances, it is concluded that the order should be amended only to give prior Class I allocation to sour cream which is priced as Class I under another Federal order and received in consumer packages.

7. *Shrinkage.* No change should be made in the classification of butterfat shrinkage.

The order provides Class III classification for actual shrinkage up to a maximum of 2 percent of the butterfat contained in producer milk. A handler proposed that the order be amended to allow Class III classification of such shrinkage up to a maximum of 2.5 percent. The proponent presented no factual evidence

as to actual plant loss of butterfat in his operations.

During 1959 actual plant loss of butterfat in all Cincinnati pool plants was less than 2 percent of total butterfat utilization. On the same marketwide basis, butterfat loss was less than 2 percent of total utilization during each of the first five months of 1960. In view of the fact that plant loss of butterfat has been less than 2 percent of total utilization no change should be made in the classification of the butterfat shrinkage provisions.

8. *Diversion of producer milk.* No change should be made in the provisions of the order which relate to diversion of producer milk.

The order permits diversion of producer milk from a pool plant to a nonpool plant during any month if a cooperative association is the diverting handler and during the months of March through August if a handler operating a pool plant is the diverting handler.

An association of producers proposed that diversion by handlers operating pool plants be limited to the months of April, May, June and July. The proponent testified that, in general, the association has no objection to the diversion provisions of the current order but, recently, has seen some possible abuses of diversion by handlers operating pool plants. The proponent further testified that handlers operating pool plants should have the right to divert milk only in the months of foreseeable unneeded supplies; namely, April, May, June and July.

The diversion provisions of the order are to accommodate the most efficient handling of the reserve milk supply of the market. The diversion of producer milk by proprietary handlers is currently limited to the six months of the year when handlers are most likely to find it necessary to divert unneeded producer milk. One handler who operates a pool plant had recently diverted milk during the months the proponent proposes to be deleted from the period during which proprietary handlers may divert milk. Under these circumstances it would not be in the interest of the orderly marketing of reserve supplies to further limit, at this time, the months during which handlers operating pool plants may divert producer milk.

9. *Payments by handlers operating nonpool fluid milk plants.* Subject to proper reporting and the maintenance of adequate records, handlers operating nonpool plants from which Class I milk is distributed in the marketing area should be given an opportunity to choose to make payments into the producer-settlement fund of either (1) an amount determined by multiplying the hundred-weight of Class I milk (less the hundred-weight of any Class I milk purchased during the month from a pool plant) disposed of from routes operated in the marketing area by the difference between the Class I price and the butter-powder component of the basic formula price, or (2) the amount by which total payments to dairy farmers delivering milk to such plants are less than the total obligation to producers which would be due if such plant were a pool plant.

The order now requires nonpool fluid milk plant operators to make payments to the producer-settlement fund in accordance with the formula detailed above in (1) of the recommended option. A handler operating a nonpool fluid milk plant testified that he pays, for milk sold in the marketing area, a price which is higher than that paid by fully regulated handlers. However, this can be ascertained only if the particular nonpool plant is subject to the same classification, allocation, and pricing provisions as are fully regulated handlers.

The option afforded herein to partially regulated fluid milk plants will protect the integrity of the regulation. If a handler elects to make payments under the first option, the regulatory plan will be protected in the same manner and to the same extent as is provided with respect to compensatory payments on other source milk. If a handler chooses to pay the full utilization value of his milk either directly to his own farmers or by combination of payments to his farmers and to the producer-settlement fund, his total minimum obligation for milk will be determined in exactly the same way as if he were a fully regulated handler.

Affording this latter option to nonpool plants from which some Class I milk is distributed in the marketing area will adequately protect the classified pricing and marketwide equalization plan in this particular market. Handlers in a position to use this option do not exist to an extent permitting any significant diversion of the revenue derived from Class I sales in the marketing area to farmers only incidentally associated with the market, thus dissipating the return to pool producers of milk for which minimum class prices are established under the order and who are relied upon to produce an adequate and dependable supply of approved milk for the marketing area. Consequently, the exercise of this option will not have a disruptive influence on the handling of milk in this area. Therefore, it is not necessary, in order to maintain the integrity of the regulatory plan in this particular market, to require these partially regulated plants to make payments into the producer-settlement fund if it is ascertained that they have paid their producers at least the total amount of money which they would be required to pay if they were fully regulated.

Under the terms of the present order operators of nonpool fluid milk plants distributing in the marketing area are not subject to any assessment to help pay the expense of administering the order. In the interest of providing equity of treatment between partially and fully regulated handlers, the order should be amended to provide that partially regulated handlers also contribute to the cost of order administration.

The amount of assessment of administrative expense should depend upon which option is selected by the nonpool distributor. If he elects to pay to the producer-settlement fund on the basis of his sales from routes operated in the marketing area, he should be required to pay administrative expense only on

such quantities of milk so disposed of from routes operating in the marketing area. If he elects the payment based on the utilization value of his milk, he should pay administrative expense on his entire receipts of milk from Grade A dairy farmers. Obviously, the second option necessitates as much verification of reports and utilization by the market administrator as at a pool plant. Such verification might well include the checking of weights and butterfat tests of receipts from dairy farmers and products sold as well as a complete audit of the books and records for such plant.

It is possible that nonpool plants from which milk is distributed in the Cincinnati market will also be nonpool distributing plants under the terms of another Federal order. To eliminate any duplication of equalization and administrative payments, the Cincinnati order should credit such handlers with payments made under similar provisions of another Federal order.

In order that the market administrator, in computing his billings for the month, will know which option the handler has chosen, such handlers should file reports of receipts and utilization on the 10th day of the month as do handlers operating pool plants and at that time should indicate their choice of options.

Exception was taken to inclusion in the order of this provision which permits a nonpool handler operating routes in the marketing area the option of paying his dairy farmers the utilization value of his milk, instead of making a payment into the producer-settlement fund. There is ample evidence that with the expansion of the marketing area several additional plants will be brought under partial regulation. Affording these plants this option will contribute to greater market stability.

It would also be in the interest of providing equity between handlers to apply an administrative assessment on other source milk allocated to Class I at Cincinnati pool plants. However, to avoid duplication, an assessment should not be applied on other source milk on which an assessment is made pursuant to the terms of another Federal order.

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

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

except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

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

(b) The 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. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

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 Greater Cincinnati Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Greater Cincinnati 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.

Referendum order; determination of representative period; and designation of referendum agent. It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order amending the order regulating the handling of milk in the Greater Cincinnati marketing area, is approved or favored by the producers, as defined under the terms of the order, as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of December 1960 is hereby determined to be the representative period for the conduct of such referendum.

Fred W. Issler is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177), such referendum to be completed on or before the 30th day from the date this decision is issued.

Issued at Washington, D.C., this 19th day of January 1961.

CLARENCE L. MILLER,
Assistant Secretary.

Order¹ Amending the Order Regulating the Handling of Milk in the Greater Cincinnati Marketing Area

Sec.	
965.0	Findings and determinations.
DEFINITIONS	
965.1	Act.
965.2	Secretary.
965.3	Greater Cincinnati marketing area.
965.4	Person.
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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.

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AUTHORITY: §§ 965.0 to 965.92 issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

§ 965.0 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 Greater Cincinnati 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;

(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;

(4) All milk and milk products handled, by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, two cents per hundredweight or such amount not to exceed two cents per hundredweight as the Secretary may prescribe, with respect to: (i) all producer milk received during the month, and (ii) other source milk as allocated to Class I during the month pursuant to § 965.46 excluding other source milk on which an administrative assessment is payable pursuant to another Federal order. A handler operating a fluid milk plant which is a nonpool plant shall pay administrative assessments pursuant to § 965.61.

§ 965.1 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 (7 U.S.C. 601 et seq.).

§ 965.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any other employee of the United States authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

§ 965.3 Greater Cincinnati marketing area.

"Greater Cincinnati marketing area", hereinafter called the "marketing area", means all the territory within the perimeter boundaries of Butler, Clermont, Hamilton and Warren counties, all in the State of Ohio; and Boone, Campbell, Grant, Harrison, Kenton and Pendleton counties, all in the State of Kentucky.

§ 965.4 Person.

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

§ 965.5 Route.

"Route" means a delivery (including a sale from a store) of milk, buttermilk, flavored milk drinks, or cream in fluid form to a wholesale or retail stop(s) other than to a milk processing plant(s).

§ 965.6 Fluid milk plant.

"Fluid milk plant" means a plant or other facilities used in the preparation or processing of milk, all or a portion of which is disposed of during the month on a route(s) operated wholly or partially in the marketing area.

§ 965.7 Pool plant.

"Pool plant" means a milk plant, other than a plant operated by a producer-handler, which is:

- (a) A fluid milk plant located in the marketing area;
- (b) A fluid milk plant located outside the marketing area and from which not

less than 10 percent of the entire route disposition of Class I milk from such plant during the month is disposed of on a route(s) operated wholly or partially within the marketing area; or

(c) A plant which receives milk from persons described in § 965.10(a) and from which an amount of milk or skim milk in fluid form has been moved to a plant(s) described in paragraph (a) or (b) of this section equal to not less than one percent of the total Class I utilization of all plants described in paragraphs (a) and (b) of this section during the second month preceding such movement, as specified in the following schedule:

Months milk is moved.	Months plant is pool plant
One of the months of October and November.	November.
Two of the months of October, November, and December.	December.
Three of the months of October, November, December, and January.	January through October.

Provided, That upon written request to the market administrator by the operator of a plant which is a pool plant pursuant to this paragraph for the discontinuance of such plant as a pool plant, such plant shall cease to be a pool plant in the first month, following such request, during which no milk is moved to a plant described in paragraph (a) or (b) of this section and shall not become a pool plant until such plant again meets the requirements for a pool plant pursuant to this paragraph.

§ 965.8 Nonpool plant.

"Nonpool plant" means any milk manufacturing, processing or bottling plant other than a pool plant.

§ 965.9 Dairy farmer.

"Dairy farmer" means any person who is engaged in the production of milk.

§ 965.10 Producer.

"Producer" means a dairy farmer, other than a producer-handler, who produces milk on a farm which is approved by a duly constituted health authority for the production of milk for fluid disposition and which milk is:

- (a) Permitted by the duly constituted health authority having jurisdiction in the marketing area to be labeled and disposed of as Grade A milk in the marketing area; and
- (b) Received during the month at a pool plant; or

- (c) If from a dairy farmer whose milk previously has been received at a pool plant, is either (1) diverted during any of the months of March through August to a nonpool plant for the account of a handler as defined in § 965.11(a) (1); (2) diverted during the month to a nonpool plant for the account of a handler as defined in § 965.11(b); or (3) diverted during the month from a pool plant to another pool plant for the account of a handler as defined in § 965.11(a) (1) or (b) for not more than two consecutive days of delivery and not more than 10 days of delivery during the month.

§ 965.11 Handler.

"Handler" means (a) any person who operates (1) a pool plant; or (2) a fluid milk plant which is a nonpool plant; or (b) Any cooperative association with respect to the milk of any producer which is diverted by the cooperative association during the month.

§ 965.12 Producer milk.

"Producer milk" means only that skim milk and butterfat contained in milk (a) received at a pool plant directly from producers during the month, or (b) diverted from a pool plant pursuant to the conditions set forth in § 965.10(c): *Provided*, That if such diverted milk is from a producer whose milk was physically received from the farm at a pool plant located less than 45 miles from the City Hall in Cincinnati on (1) 60 percent or more of the days of its delivery during the immediately preceding period of September through December or (2) 60 percent or more of the days of its delivery from the date of first delivery to the last day of February in the immediately preceding period of September through February, such milk shall be deemed to have been received by the handler at a pool plant at the same location as the pool plant from which it was diverted. Diverted milk not meeting the conditions specified in subparagraph (1) or (2) of this paragraph shall be deemed to have been received by the handler at a pool plant at the same location as the pool or nonpool plant to which the milk is diverted.

§ 965.13 Producer-handler.

"Producer-handler" means any person who is both a dairy farmer and a handler, but who receives no milk from other dairy farmers: *Provided*, That such person provides proof satisfactory to the market administrator that (a) the maintenance, care and management of all the dairy animals and other resources necessary to produce the entire amount of milk handled is the personal enterprise of and at the personal risk of such person in his capacity as a dairy farmer, and (b) the operation of a fluid milk plant is the personal enterprise of and at the personal risk of such person in his capacity as a handler.

§ 965.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by (a) receipts during the month in the form of fluid milk products except (1) producer milk, (2) such products received from other pool plants, and (3) inventory of fluid milk products at the beginning of the month; and (b) products other than fluid milk products from any source (except Class II products from pool plants but including products other than Class II products produced at the pool plant), which are reprocessed, repackaged, or converted to another product during the month or for which other utilization or disposition is not established pursuant to § 965.33.

§ 965.15 Fluid milk product.

"Fluid milk product" means the fluid form of milk, skim milk, buttermilk,

flavored milk, milk drink; cream (sweet, cultured, sour or whipped), eggnog, concentrated milk; and any mixture of milk, skim milk or cream (including fluid, frozen or semi-frozen malted milk and milk shake mixtures containing less than 15 percent total milk solids; and excluding frozen storage cream, aerated cream in dispensers, ice cream and frozen dessert mixes, and evaporated and condensed milk).

§ 965.16 Chicago butter price.

"Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported for the month by the United States Department of Agriculture.

MARKET ADMINISTRATOR

§ 965.20 Designation.

The agency for the administration of this part shall be a market administrator, who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 965.21 Powers.

The market administrator shall have the following powers with respect to this part:

- (a) To administer its terms and provisions;
- (b) To receive, investigate and report to the Secretary complaints of violations;
- (c) To make rules and regulations to effectuate its terms and provisions; and
- (d) To recommend amendments to the Secretary.

§ 965.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to, the following:

- (a) Within 45 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;
- (b) Employ and fix compensation of such persons as may be necessary to enable him to administer its terms and provisions;
- (c) Pay, out of the fund provided by § 965.76, the cost of his bond and of the bonds of those of his employees who handle funds entrusted to the market administrator, his own compensation, and all other expenses which will necessarily be incurred by him in the maintenance and functioning of his office and in the performance of his duties;
- (d) Keep such books and records as will clearly reflect the transactions provided for in this part, and surrender the same to his successor or to such other person as the Secretary may designate;
- (e) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within ten days after the date upon which he is required to perform such

acts, has not made reports pursuant to § 965.30 or has not made payments pursuant to §§ 965.70 and 965.72;

(f) Promptly verify the information contained in the reports submitted by handlers;

(g) Furnish such information and verified reports as the Secretary may request and submit his books and records to examination by the Secretary at any and all times;

(h) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each month as follows:

(1) On or before the 5th day after the end of such month, the minimum class prices computed pursuant to § 965.51 and the butterfat differentials computed pursuant to § 965.52; and

(2) On or before the 20th day after the end of such month the uniform prices computed pursuant to § 965.63, and the producer butterfat differential computed pursuant to § 965.74;

(i) On or before the 13th day after the end of each month:

(1) Notify each handler of his net obligation pursuant to §§ 965.60 and 965.61 and of any adjustments pursuant to § 965.62; and

(2) Report to each cooperative association the amount and class utilization of milk caused to be delivered by such association, either directly or from producers who have authorized such association to receive payments for them under § 965.73(b), to each handler to whom the cooperative association sells milk. For the purpose of this report the milk so received shall be prorated to each class in the proportions that the total receipts of milk from producers by such handler were used in each class.

(j) Prepare and disseminate, for the benefit of producers, consumers, and handlers, such statistics and information concerning the operation of this part as do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 965.30 Monthly reports of receipts and utilization.

On or before the 10th day after the end of each month, each handler shall report for such month to the market administrator for each of his pool plants, in the detail and on forms prescribed by the market administrator the following:

(a) The total pounds of skim milk and butterfat contained in or represented by:

- (1) Producer milk;
- (2) Fluid milk products received from other pool plants;
- (3) Other source milk; and
- (4) Beginning and ending inventories of fluid milk products.

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(c) Such other information with respect to such receipts and utilization as the market administrator may prescribe;

(d) His producer payroll, which shall show for each producer: (1) The total pounds of milk with the average butterfat test thereof, (2) the amount of the advance payment to such producer made

pursuant to § 965.70 and the nature and amount of deductions and charges made by the handler; and

(e) The name and address of each new producer.

§ 965.31 Other reports.

(a) On or before the 10th day after the end of each month, each handler, except a producer-handler, who operates a nonpool fluid milk plant from which Class I milk is disposed of during the month in the marketing area shall report to the market administrator the quantities of skim milk and butterfat so disposed of; and shall report the information required of handlers operating pool plants pursuant to § 965.30 substituting receipts from dairy farmers for receipts from producers.

(b) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 965.32 Verification of handler reports.

Each handler shall make available to the market administrator or to his agent, or to such other persons as the Secretary may designate, those records which are necessary for the verification of the information contained in the reports submitted pursuant to §§ 965.30 and 965.31, and those facilities which are necessary for the sampling, weighing, and testing of the milk of each producer.

§ 965.33 Records and facilities.

Each handler required to make reports to the market administrator shall maintain, and make available to the market administrator during the usual hours of business, such accounts and records of his operations and such facilities as in the opinion of the market administrator are necessary to verify reports, or to ascertain the correct information with respect to (a) the receipts and utilization of all skim milk and butterfat received, including all milk products received and disposed of in the same form; (b) the weights and tests for butterfat, and for other contents, of all milk and milk products handled; and (c) payments to producers and cooperative associations.

§ 965.34 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies a handler in writing that the retention of such books and records, or specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 965.40 Basis of classification.

The skim milk and butterfat which are required to be reported pursuant to § 965.30(a) shall be classified by the market administrator, subject to the provisions of §§ 965.41 through 965.46.

§ 965.41 Classes of utilization.

Subject to the conditions set forth in §§ 965.43 and 965.44, 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 in the form of a fluid milk product, except as provided in paragraph (c) (2) and (3) of this section, and (2) not accounted for as Class II milk or Class III milk;

(b) Class II milk. Class II milk shall be all skim milk and butterfat:

(1) Used to produce ice cream, frozen desserts, ice cream and frozen dessert mixes (excluding malted milk or milk shake mixtures containing less than 15 percent total milk solids), milk or skim milk and cream mixtures disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped or aerated product, cottage cheese, and cultured mixtures of skim milk and butterfat to which cheese or any food substance other than a milk product has been added in an amount equal to at least 3 percent of the finished product and which contains butterfat equal to not more than 15 percent of the finished product; and

(2) Inventories of fluid milk products; and

(c) Class III milk. Class III milk shall be all skim milk and butterfat (1) used to produce butter, frozen cream, spray and roller process nonfat dry milk solids, all cheese (other than cottage cheese), evaporated and condensed milk (or skim milk) either in bulk or hermetically sealed cans; (2) specifically accounted for as dumped, spilled or disposed of for animal feed; (3) disposed of in bulk as milk, skim milk, or cream to any commercial food processing establishment where food products are prepared only for consumption off the premises; (4) actual plant shrinkage allocated to producer milk pursuant to § 965.42 but not in excess of 2 percent of such receipts of skim milk and butterfat, respectively; and (5) actual plant shrinkage allocated to other source milk pursuant to § 965.42.

§ 965.42 Shrinkage.

The market administrator shall allocate shrinkage at the handler's pool plant(s) as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat, respectively, in producer milk (including producer milk physically received as diverted milk from another pool plant and excluding producer milk diverted to another pool plant) and other source milk received in the form of a fluid milk product in bulk.

§ 965.43 Transfers.

Skim milk and butterfat disposed of by a handler from a pool plant shall be classified:

(a) As Class I milk if transferred to the pool plant of another handler in the form of a fluid milk product, unless:

(1) Utilization in another class is claimed by the operators of both plants in their reports submitted pursuant to § 965.30; and

(2) The receiving plant has utilization in the claimed classification of an equivalent amount of skim milk and butterfat, respectively, after making the assignments pursuant to § 965.46(a) (1), (2), and (3) and the corresponding steps of (b): *Provided*, That if either or both plants have other source milk, the milk, skim milk or cream so transferred, shall be classified so as to allocate the highest-valued use classification available at both plants to producer milk: *And provided further*, That milk may be transferred in farm delivery containers from one pool plant to another under the conditions of this paragraph if both such plants are pool plants pursuant to § 965.7 (a) or (b);

(b) As Class I milk if transferred or diverted as milk, skim milk or cream in fluid form to a fluid milk plant operated by a producer-handler.

(c) As Class I milk if transferred or diverted as milk, skim milk or cream in fluid form in bulk to a nonpool plant unless:

(1) The handler claims classification in another class and furnishes, on or before the 10th day after the end of the month, to the market administrator, a statement signed by all parties to the transaction that such skim milk and butterfat was used in a lower priced class;

(2) Books and records are maintained for the nonpool plant showing utilization of all skim milk and butterfat at such plant which are made available, if requested by the market administrator, for the verification of such mutually indicated utilization; and

(3) An equivalent amount of skim milk and butterfat, respectively, was used at such nonpool plant in the classification(s) claimed. Any amounts in excess of the actual use in such claimed classification(s) shall be assigned to the next highest priced classification to the extent available.

§ 965.44 Responsibility of handlers.

In establishing the classification as required in §§ 965.41 and 965.43, the burden rests upon the handler to account for all skim milk and butterfat received by him and to prove to the market administrator that such skim milk and butterfat, should not be classified as Class I milk.

§ 965.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the pool plant(s) of each handler and shall compute the pounds of butterfat and skim milk in Class I milk, Class II milk, and Class III milk for such handler: *Pro-*

vided, That 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 the handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product plus all of the water normally associated with such solids in the form of whole milk.

§ 965.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 965.45, the market administrator shall determine the classification of producer milk received at the pool plant(s) of each handler during the month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III milk the pounds of skim milk in producer milk shrinkage assigned to Class III milk pursuant to § 965.41 (c) (4);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with the lowest-priced used available, the pounds of skim milk in other source milk less the pounds subtracted pursuant to subparagraph (3) of this paragraph;

(3) Subtract from the remaining pounds of skim milk: (i) In Class I milk, the pounds of skim milk received in the form of fluid milk products in consumer packages not larger than one gallon from a plant fully regulated pursuant to Part 971 of this chapter and the pounds of skim milk received in sour cream in consumer packages if such sour cream is priced as Class I pursuant to another order issued pursuant to the Act or as Class II pursuant to Part 941 of this chapter: *Provided*, That this subdivision shall not apply to skim milk in any product if the same product is processed and packaged in the same size and type of container in the pool plant; and (ii) in each class, in series beginning with the lowest-priced use available, the pounds of skim milk in other source milk received in the form of a fluid milk product, excluding the pounds subtracted pursuant to subdivision (i) of this subparagraph, which is subject to the Class I pricing provisions of an order issued pursuant to the Act.

(4) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from other pool plants according to the classification determined pursuant to §§ 965.41 and 965.43;

(5) Subtract from the remaining pounds of skim milk, in series from Class II milk and then Class I milk, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month; and

(6) Add to the pounds of skim milk remaining in Class III milk the skim milk subtracted pursuant to subparagraph (1) of this paragraph and if the remaining pounds of skim milk in all classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with the lowest-priced use available.

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section.

MINIMUM PRICES

§ 965.50 Basic formula price.

The basic formula price per hundredweight of milk to be used in computing the minimum price for Class I milk shall be the higher of the prices computed by the market administrator pursuant to paragraphs (a) and (b) of this section:

(a) The average of the basic (or field) prices per hundredweight ascertained to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during such month at the following plants or places for which prices are reported to the market administrator or to the United States Department of Agriculture:

Company and Location

Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus amounts calculated pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply the Chicago butter price by 4.2;

(2) From the average of carlot prices per pound for nonfat dry milk, spray process, for human consumption f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th of the immediately preceding month through the 25th day of the current month by the United States Department of Agriculture, deduct 6.4 cents and multiply the result by 8.2.

§ 965.51 Class prices.

Subject to the provisions of § 965.52 and § 965.53, the class prices for milk per hundredweight for the month shall be determined by the market administrator as follows:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price for the preceding month plus \$1.30, plus or minus a "supply-demand adjustment" of not more than 50 cents computed as follows:

(1) Divide the total gross pounds of Class I milk set forth in § 965.41 (adjusted to eliminate duplications due to interhandler transfers) in the second and third months preceding by the total pounds of producer milk for the same months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "Class I utilization percentage";

(2) For each full percentage point that the Class I utilization percentage is above the applicable maximum base percentage listed below increase the Class I price differential by three cents; and for each full percentage point that the Class

I utilization percentage is below the applicable minimum base percentage listed below decrease such differential by three cents: *Provided*, That the Class I differential adjusted pursuant to this subparagraph for the month of June shall not be higher than such adjusted differential for the immediately preceding month of May; and that the Class I differential so adjusted for the month of January shall not be less than the adjusted differential for the immediately preceding month of December.

Month for which price is being computed	Base utilization percentages	
	Minimum	Maximum
January.....	67	69
February.....	66	68
March.....	66	68
April.....	67	69
May.....	63	65
June.....	60	62
July.....	53	55
August.....	49	51
September.....	48	50
October.....	51	53
November.....	58	60
December.....	63	65

(b) *Class II milk.* The price for Class II milk shall be the sum of the plus adjustments computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply the Chicago butter price by 4.13; and

(2) From the average price for nonfat dry milk spray process, described in paragraph (b) (2) of § 965.50, deduct 5.5 cents and multiply the result by 8.2.

(c) *Class III milk.* The price for Class III milk during each of the months of March through August shall be the price computed pursuant to subparagraph (1) of this paragraph; and the price for Class III milk during each of the months of September through February shall be the same as the Class II price;

(1) The simple average, as computed by the market administrator of the basic (or field) prices per hundredweight ascertained to have been paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants:

M. and R. Dietetic Laboratories, Inc., Chillicothe, Ohio.
Carnation Milk Co., Hillsboro, Ohio.
Nestles Milk Products, Inc., Greenville, Ohio.
Nestles Milk Products, Inc. (Osgood Milk Co.), Osgood, Ind.
Carnation Milk Co., Maysville, Ky.

§ 965.52 Butterfat differentials to handlers.

If the weighted average butterfat test of producer milk which is classified in any class, respectively, for any handler, is more or less than 3.5 percent there shall be added to, or subtracted from, as the case may be, the price for such class, for each one-tenth of one percent that such weighted average butterfat test is above or below 3.5 percent, a butterfat differential calculated by the market administrator as follows:

(a) *Class I milk.* Add 1.25 cents to the butterfat differential for Class II milk for the preceding month;

(b) *Class II milk.* Multiply the Chicago butter price by 118, subtract therefrom the amount computed pursuant to § 965.51(b) (2) and divide the result by 1000; and

(c) *Class III milk.* Multiply the Chicago butter price less 5.0 cents by 120, subtract therefrom the amount computed pursuant to § 965.50(b) (2) and divide the result by 1000: *Provided*, That for each of the months of September through February, the butterfat differential for Class III milk other than that used to produce butter shall be the same as the butterfat differential for Class II milk for such month.

§ 965.53 Location differentials to handlers.

For that skim milk and butterfat in producer milk received at a pool plant located 30 or more miles by the shortest highway distance from the City Hall in Cincinnati, Ohio, as determined by the market administrator, and which is (a) moved in the form of a fluid milk product or as condensed skim milk or frozen cream to a pool plant located less than 30 miles from the City Hall in Cincinnati, Ohio, or (b) otherwise disposed of or utilized as Class I or Class II milk at such plant, the handlers obligation pursuant to § 965.60, subject to the proviso of this section, shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such skim milk and butterfat are received from producers as follows:

Distance from City Hall (miles):	Rate per hundredweight (cents)
30 but less than 40.....	6.0
40 but less than 50.....	8.0
50 but less than 60.....	10.0
For each additional 10 miles or fraction thereof an additional.....	1.5

Provided, That in the case of transfers made under paragraph (a) of this section, the location differential credit (1) shall apply to the actual weight of the skim milk and butterfat moved, which weight shall not exceed the difference calculated by subtracting from the total pounds of skim milk and butterfat in Class I milk and Class II milk at the transferee's plant the total skim milk and butterfat in producer milk physically received at such plant, and (2) shall be allowed to the transferee-handler if such credit does not exceed the obligation of such handler to the producer-settlement fund for the month.

§ 965.54 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

COMPUTATION OF UNIFORM PRICE

§ 965.60 Net obligation of each handler.

The net obligation of each handler for producer milk for the month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of producer milk in each class by the applicable class price and add together the resulting amounts;

(b) Subtract the location differential credits pursuant to § 965.53;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 965.46(a)(6) and the corresponding step of (b) by the applicable class price;

(d) Add the amount computed by multiplying the difference between the applicable Class II price for the preceding month and the applicable Class I price for the current month by the pounds of milk in inventory subtracted from Class I milk pursuant to § 965.46(a)(5) and the corresponding step of (b); and

(e) Add an amount computed by multiplying the pounds of other source milk subtracted from Class I milk and Class II milk pursuant to § 965.46(a)(2) and the corresponding step of (b) by the difference between the price for milk (of the same butterfat content) in the class from which subtracted and the price computed pursuant to § 965.50(b), adjusted to the same test by the Class III butterfat differential (other than butter): *Provided*, That for any month when the aggregate utilization of Class I milk for all handlers at pool plants is 90 percent or more of producer milk, no obligations shall be incurred pursuant to: (1) This paragraph, (2) paragraph (d) of this section on milk which is in excess of producer milk classified as Class II milk for the preceding month, or (3) § 965.61.

§ 695.61 Handlers operating nonpool fluid milk plants.

On or before the 17th day after the end of each month, each handler, except a producer-handler, operating a nonpool fluid milk plant shall pay to the market administrator the amounts computed pursuant to paragraph (a) of this section, unless the handler elects at the time of reporting pursuant to § 965.31 to pay the amounts computed pursuant to paragraph (b) of this section;

(a) An amount:

(1) For deposit to the producer-settlement fund determined by multiplying the hundredweight of milk disposed of as Class I milk from such plant on routes from which milk is disposed of within the marketing area (less the hundredweight of any Class I milk purchased by such handler during the month from a pool plant), by the amount by which the price of Class I milk computed pursuant to §§ 965.51, 965.52, and 965.53, exceeds the price computed pursuant to § 965.50(b) adjusted by the Class III butterfat differential (other than butter); and

(2) For administrative assessment, equal to the rate specified in § 965.76 multiplied by the hundredweight of such Class I skim milk and butterfat disposed of on routes from which Class I milk is disposed of within the marketing area, unless an administrative assessment is applied to milk at such nonpool plant pursuant to another order issued pursuant to the Act on the same basis as plants fully regulated by such other order; or

(b) An amount:

(1) For deposit to the producer-settlement fund, equal to any plus amount remaining after deducting the amounts computed under subdivisions (i) and (ii) of this subparagraph from the obligation that would have been computed pursuant to § 965.60 for such nonpool plant, had such plant been a pool plant:

(i) The gross payments made on or before the 17th day after the end of the month for milk received at such nonpool plant during the month from dairy farmers who produce milk in compliance with the Grade A inspection requirements of a duly constituted health authority; and

(ii) Any payments to the producer-settlement fund under other orders issued pursuant to the Act applicable to milk handled at such plant during the month as a partially regulated plant under such other orders;

(2) For administrative assessment, equal to the amount which would have been computed pursuant to § 965.76 if such nonpool plant were a pool plant during the month: *Provided*, That such amount shall be reduced by any amount paid as an administrative expense assessment determined on the basis of Class I milk disposed of on routes in other marketing areas, pursuant to the terms of other orders issued pursuant to the Act: *And provided further*, That if less Class I milk is disposed of from such nonpool plant on routes in the Greater Cincinnati marketing area than is disposed of on routes in another marketing area as defined in an order issued pursuant to the Act, and if an administrative expense assessment is applied at such nonpool plant as if a fully regulated plant pursuant to the terms of the order for the marketing area where the volume of Class I milk disposed of from such nonpool plant is greatest, no administrative expense assessment shall be applicable under this order.

§ 965.62 Correction of errors.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in monies due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due, and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

§ 965.63 Computation of uniform prices.

For each month, the market administrator shall compute the uniform price per hundredweight of producer milk of 3.5 percent butterfat content as follows:

(a) Add together the values of milk as computed pursuant to § 965.60 for handlers other than those in arrears in payment (other than in payment for any amount pursuant to § 965.62) to the producer-settlement fund as required by § 965.72 for the preceding month;

(b) Subtract, if the weighted average butterfat test of all producer milk represented in the sum computed under paragraph (a) of this section is greater than 3.5 percent, or add, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed as follows: Multiply the hundredweight of such milk by the difference of its weighted average butterfat test from 3.5 percent, and multiply the resulting amount by the butterfat differential computed pursuant to § 965.74 times 10;

(c) Subtract for each of the months of April, May, June, and July an amount computed by multiplying the total hundredweight of milk received from producers during such month by the following amounts: 30 cents in April; 35 cents in May and June; and 20 cents in July;

(d) Add for each of the months of September, October, November, and December an amount computed by dividing by four the total amount of the obligated balance in the producer-settlement fund pursuant to § 965.71(b) on September 30 of such year;

(e) Add the sums of the values of the location differentials allowable pursuant to § 965.75;

(f) Add the unobligated balance in the producer-settlement fund;

(g) Divide by the total hundredweight of producer milk pooled pursuant to paragraph (a) of this section; and

(h) Subtract not less than four cents or more than five cents per hundredweight.

PAYMENTS FOR MILK

§ 965.70 Payments to producers.

On or before the 5th day after the end of each month, each handler shall pay to each producer \$1.00 per hundredweight of milk received from such producer during the month: *Provided*, That in the event the total amount of deductions and charges authorized by any producer against payments due such producer for the month next preceding is greater than the payment computed for such producer pursuant to § 965.73(a) with respect to the milk received from such producer during such preceding month, the handler may deduct from the payment required by this section a sum equal to the difference between such amounts.

§ 965.71 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund, known as the "producer-settlement fund", which shall function as follows:

(a) All payments made by handlers pursuant to §§ 965.61(a)(1) and (b)(1) and 965.72 shall be deposited in this fund, and all payments made pursuant to § 965.73 shall be made out of this fund;

(b) All amounts subtracted pursuant to § 965.63(c) shall be deposited in this fund and shall remain therein as an obligated balance until withdrawn for the purpose of effectuating § 965.63(d); and

(c) The difference between the amount added pursuant to § 965.63(f) and the amount resulting from the subtraction pursuant to § 965.63(h) shall be deposited in, or withdrawn from, this fund, as the case may be.

§ 965.72 Payments to producer-settlement fund.

On or before the 17th day after the end of each month, each handler shall pay to the market administrator his obligation for milk for such month of which he is notified pursuant to § 965.22(i) (1) less the amount paid out to each producer in accordance with § 965.70, and less the amount of the deductions and charges authorized by such producer which are itemized on the handler's producer payroll: *Provided*, That in the calculation of the total amount of such deductions and charges to be subtracted, the deductions and charges to be considered with respect to each individual producer shall not be greater than an amount which, when added to the payment made to such producer in accordance with § 965.70 (inclusive of the deductions and charges authorized by § 965.70) will not exceed the total value of the milk received from such producer.

§ 965.73 Payments from producer-settlement fund.

(a) The market administrator shall compute the payment due each producer for milk received during the month from such producer by a handler(s) who made the payments for such month pursuant to § 965.72, by multiplying the hundredweight of such milk by the uniform price computed pursuant to § 965.63 adjusted by the location differential pursuant to § 965.75 and the butterfat differential pursuant to § 965.74, and subtracting any charges and deductions made pursuant to § 965.72.

(b) On or before the 20th day after the end of each month, the market administrator shall pay, subject to the provisions of § 965.77:

(1) Direct to each producer who has not authorized a cooperative association to receive payments for such producer, the amount of the payment calculated for such producer pursuant to paragraph (a) of this section; and

(2) To each cooperative association authorized to receive payments due producers who market their milk through such cooperative association, the aggregate of payments calculated pursuant to paragraph (a) of this section, for all producers certified to the market administrator by such cooperative association as having authorized such cooperative association to receive such payments.

§ 965.74 Butterfat differential to producers.

In computing the payments due each producer for milk pursuant to § 965.73, there shall be added to or subtracted from the uniform price per hundredweight for each one-tenth of one percent of butterfat content in such milk above or below 3.5 percent, as the case may be, a butterfat differential computed by the market administrator as follows:

(a) Compute the percentage of the total butterfat in producer milk assigned to each class pursuant to § 965.46;

(b) Multiply each such percentage figure by the butterfat differential for the respective class pursuant to § 965.52; and

(c) Add into one total the value obtained in paragraph (b) of this section, rounding off the result to the nearest even one-tenth cent.

§ 965.75 Location differentials to producers.

In computing the payment due each producer pursuant to § 965.73, the uniform price for producer milk at a pool plant located 30 or more miles by the shortest hard surfaced highway distance from the City Hall in Cincinnati, Ohio, as determined by the market administrator, shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

Distance from the City Hall (miles):	Rate per hundredweight (cents)
30 but less than 40	6.0
40 but less than 50	8.0
50 but less than 60	10.0
Each additional 10 miles or fraction thereof an additional	1.5

§ 965.76 Expense of administration.

As his pro rata share of the expense incurred in the maintenance and functioning of the office of the market administrator and in the performance of the duties of the market administrator, each handler shall pay to the market administrator, on or before the 17th day after the end of each month, two cents per hundredweight or such lesser amount as the Secretary may from time to time prescribe, with respect to: (a) all producer milk received during the month; and (b) other source milk as allocated to Class I during the month pursuant to § 965.46 excluding other source milk on which an administrative assessment is payable pursuant to another Federal order. A handler operating a fluid milk plant which is a nonpool plant shall pay administrative assessments pursuant to § 965.61.

§ 965.77 Marketing services.

The market administrator shall deduct an amount not exceeding six cents per hundredweight (the exact amount to be determined by the market administrator) from the payments made pursuant to § 965.73(b), with respect to the milk of those producers for whom the marketing services set forth in paragraph (b) of this section are not being performed by a cooperative association which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act", for the purpose of performing the services set forth in paragraph (b) of this section.

(b) The moneys received by the market administrator pursuant to paragraph (a) of this section shall be expended by the market administrator for market information to, and for the verification of weights, samples, and tests of milk of, producers for whom a cooperative association, as described in paragraph (a) of this section, is not performing the same services on a comparable basis, as determined by the market administrator, subject to review of the Secretary.

§ 965.78 Termination of obligation.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part, shall terminate two years after the end of the calendar month during which milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION**§ 965.80 Effective time.**

The provisions of this part, or any amendments to this part shall become

effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 965.81 Suspension or termination.

Any or all provisions of this part, or amendments to this part, shall be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary may give, and shall terminate in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 965.82 Continuing power and duty of the market administrator.

If upon the suspension or termination of any or all provisions of this part, there are any obligations arising under this part, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate. The market administrator, or such other person as the Secretary may designate, shall continue in such capacity until removed by the Secretary, account from time to time for all receipts and disbursements and, when so directed by the Secretary, deliver all funds on hand, together with the books and records of the market administrator, or such other person to such person as the Secretary shall direct, and execute, if so directed by the Secretary, such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 965.83 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amount necessary to meet outstanding obligations and the expense necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 965.90 Agents.

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

§ 965.91 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 965.92 Plants subject to other Federal orders.

The provisions of this part shall not apply to a fluid milk plant or a supply plant during any month in which the milk at such plant would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant meets the requirements for a pool plant pursuant to § 965.7 and a greater volume of fluid milk products is disposed of from such plant to pool plants and to retail or wholesale outlets located in the Greater Cincinnati marketing area than in the marketing area regulated pursuant to such other order during the current month and each of the three months, immediately preceding: *Provided*, That the operator of a fluid milk plant or a supply plant which is exempted from the provisions of this order pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

[F.R. Doc. 61-686; Filed, Jan. 24, 1961; 8:55 a.m.]

[7 CFR Part 1004]

[Docket No. AO-271-A4]

MILK IN CENTRAL ARIZONA MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Phoenix, Arizona, on October 5-6, 1960, pursuant to notice thereof issued on September 20, 1960 (25 F.R. 9180).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Deputy Administrator, Agricultural Marketing Service, on December 30, 1960 (26 F.R. 30; F.R. Doc. 61-69), 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. Requirements for pool plant and producer milk;
2. Bulk tank handling of milk;

3. Classification of dumped skim milk and milk and cream transferred or diverted to nonpool plants;
4. Mechanics of the supply-demand adjuster;
5. Compensatory and nonpool handler obligations;
6. Partial payments to producers;
7. Marketing service rate; and
8. Clarification of order language.

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. *Requirements for pool plants and producer milk.* The requirements for pool plants and the pooling of producer milk should be modified.

A producer association proposed redefining a pool plant to include a standby plant operated by a cooperative association and to require that a distributing pool plant dispose of at least half of its Grade A supply on routes for fluid use and that half of such fluid sales be in the marketing area. Another group of producers proposed that the type of pool be changed from marketwide to individual-handler.

The proposal to change the type of pool from marketwide to individual-handler should not be adopted. Most of the distributing handlers in the market do not have manufacturing facilities to adequately carry their own reserves. Only two such handlers have facilities for manufacturing products other than ice cream and cottage cheese. During the fall of 1959, most of the other handlers, including the individual-handler pool proponent, transferred or diverted milk for Class II use to at least one of these two plants.

During the past year local manufacturing outlets were inadequate to handle all of the market's reserve milk. Considerable quantities of skim milk, therefore, had to be dumped. To accommodate the handling of reserve milk, a cooperative association representing producers supplying more than four-fifths of the milk to the market recently built a plant. In addition to providing the equipment for the manufacture of reserve milk not needed for fluid use, it also was designed to serve as a standby plant with holding facilities for balancing the fluid milk requirements of distributing handlers whose needs vary from day-to-day during the week as well as seasonally.

Under the above described circumstances the marketwide pool should be continued for orderly marketing and handling of the reserve milk for the market.

The pool plant definition should also be modified to include a Grade A milk plant located within the marketing area, which is operated by a cooperative association if 75 percent or more of its member producers' milk is received at the pool plants of other handlers. In Central Arizona such a plant can only serve the market as a standby plant if located in the marketing area. The marketing area is large and practically

all the milk supply of the market is produced on farms located in the area. The provision that at least three-fourths of the milk of the members of such cooperative be supplied to other pool handlers should safeguard the pool against a build-up of milk supply for manufacturing purposes by a cooperative with such a plant.

The requirements for pool plant status should be revised to forestall associating with the market plants which are primarily milk manufacturing plants, and to distinguish between plants whose main purpose is processing and distributing fluid milk products and plants which are primarily supply plants.

The present distributing plant provision in the order provides for the pooling of the milk of any **Grade A milk** plant which disposes of an average of more than 600 pounds of Class I milk on routes in the marketing area during the month. A plant could qualify as a distributing plant and "ride the pool" with a large amount of milk primarily designed for manufacturing use by distributing only a small proportion of its milk on routes in the marketing area. A supply plant which could not meet the pooling standards for a supply pool plant under the terms of the order could attain pool status by establishing a route with Class I sales in the marketing area of slightly over 600 pounds of milk per day.

Pool plant requirements are designed to distinguish which plants are associated with the market to the extent that they should participate in a market-wide pool. Each of the distributing plants now participating in the pool distributes in excess of 50 percent of its receipts of milk as Class I in the marketing area.

It should be required that 50 percent or more of the receipts of Grade A milk of a distributing plant be disposed of as Class I and 25 percent or more of such receipts (at least 600 pounds per day) be distributed on routes in the marketing area as a qualification for pool status.

These changes in pool plant standards make it inappropriate to define a producer-handler as the operator of a pool plant. Accordingly, the producer-handler definition has been modified without substantive change.

The present order does not place any limitation on diversions of milk from pool plants to nonpool plants during any month and it permits diversion between pool plants for not more than ten consecutive days' production of a producer. For pricing purposes, such diverted milk is considered received at the pool plant from which diverted.

Producers proposed eliminating diversions between pool plants and limiting diversions to nonpool plants to eight days' production of any producer during each of the months of May through November. They also proposed that diverted milk should be priced at the plant where received rather than the pool plant from which it was diverted. Handlers opposed these proposed modifications.

Since the fall of 1959, a number of changes have occurred in the market.

Two cooperatives consolidated to form the United Dairymen of Arizona, representing more than 80 percent of the producers supplying the market. This association now furnishes milk to all distributing pool handlers in the market except Cooperative Dairy, Inc. It directs the milk of its members to the various handlers' plants, performs marketing services, and pays its producer members. The base-excess plan was terminated effective July 1, 1960. Under these conditions, diversion of milk between pool handlers is no longer needed for efficient handling of the milk supply and the payment of producers. Thus, the provision which presently permits diversion between distributing pool plants should be eliminated.

Approximately 84 percent of the milk for the market is produced in Maricopa County in which Phoenix is located. The milk of some producers in this county is regularly received and priced at pool plants in the Phoenix area. The milk of other Maricopa County producers is delivered to Tucson pool plants when needed for fluid use. When not needed at Tucson plants, it is diverted to Phoenix area pool plants for Class II use. However, such diverted milk is priced in the pool at the Tucson zone price, even though considerable savings in transportation costs are effected when it is received at the Phoenix area pool plants. The pricing of such milk in accordance with its actual location value will more nearly be accomplished by the elimination of diversion between pool plants.

Under the present provisions of the order, there is no limit on the time that a producer's milk may be diverted from a pool plant to a nonpool plant and continue to be pooled. To insure that milk of producers is procured to serve the Central Arizona market and not for manufacturing purposes, limitations on diversions should be provided. To accommodate the seasonal pattern of milk production in the market, diversion limitations should be applied only during the months of May through November when production is relatively low in relation to Class I requirements of the market. During this period, nearly all of a producer's milk should be made available to the market. However, because there are daily and weekly variations in milk production and sales, some diversion should be permitted during this period. Limiting diversion to not more than eight days' production of any producer during the month is reasonable under present conditions in the market. If the milk of a producer is diverted for more than eight days' production in the month, the diverted milk should not be deemed producer milk for the entire period of diversion.

There are a number of producers located in the Yuma, Arizona, and Imperial County, California, areas whose milk is associated with Tucson pool plants where it is priced. When their milk is diverted to nearby nonpool plants rather than delivered to Tucson plants, substantial savings in transportation costs are realized.

The present order provides location differentials to handlers on Class I milk and on all producer milk received at pool plants 60 or more miles from the City Hall at Tucson, Arizona. In order to price diverted milk in accordance with its location value, the location differentials should apply to the location of the nonpool plant where diverted milk is physically received rather than the pool plant from which it is diverted.

2. Bulk tank handling of milk. Provision should be made to permit a cooperative association to elect to be the handler with respect to milk of its member producers delivered to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association.

Such a provision will permit continuation of the practice whereby a cooperative is presently acting as the reporting handler with respect to all or a substantial part of the supply of certain handlers. All producers on the market are presently using farm bulk tanks, necessitating tank truck delivery to plants. The United Dairymen of Arizona operate some tank trucks of their own and contract for delivery of additional milk of producer members. With respect to a substantial volume of milk the cooperative is presently acting as the reporting handler under the interplant diversion provisions, for which the ten-day limitation does not apply when a cooperative is the handler.

The cooperative association is expanding its activity in taking responsibility for movement of milk of its members from farms to pool plants. In addition, it is now handling the producer payroll for its members.

When the association operates the tank truck in which milk of two or more of its members is delivered to a pool plant, the operator of the pool plant has no direct knowledge of the identity of the individual producers from whom he receives milk, nor of the weights and tests of individual shippers. The cooperative association maintains such information for its members. The association may, if it elects, report the receipts of individual producers which determine the aggregate volume of milk in the pool.

Since the assembly operation may involve some physical loss, in that receipts at pool plants may not agree with the aggregate of weights determined at the farm from bulk tank "dip stick" readings, provision is made for division of the two percent shrinkage allowance, one-half percent to be retained by the cooperative association and one and one-half percent to be available to the operator of the pool plant. If, however, the latter files with the market administrator notice that he is purchasing from the cooperative association on the aggregate of farm weight and tests, the entire shrinkage allowance should be available to the receiving plant. Provision is also made for a similar division of the shrinkage allowance when milk is transferred between plants in bulk tank lots.

For simplicity of administration, receipts at pool plants for which a cooperative association is the handler by

virtue of bulk tank delivery may be classified pro rata with producer milk classified at that plant, so that the receiving handler may report classification. Payment to the cooperative is provided at the applicable class prices.

3. *Classification of dumped skim milk and milk and cream transferred.* The separate category for classifying dumped skim milk as Class II milk should be eliminated.

Producers proposed deleting the special Class II milk classification in the present order for dumped skim milk. Handlers opposed the proposal.

In the latter part of 1959, considerable amounts of skim milk were dumped. Only two plants in the market had nonfat dry milk manufacturing equipment and only two other plants had condensing pans. These facilities were inadequate to handle the reserve supplies of milk. Since then, a number of changes have occurred to alleviate the situation. The amount of reserve milk has declined to more reasonable levels. A cooperative association, which has member producers supplying more than 80 percent of the market's milk, has built a large standby plant to serve the market. With this added facility available for manufacturing condensed milk and nonfat dry milk, capacity is now adequate for the manufacture of the reserve skim milk for the market. Approximately 87 percent of the milk for the market is produced in the neighborhood of Phoenix in Maricopa and Pinal counties. With a cooperative now in a position to serve distributing handlers with milk more closely related to their needs and to handle the reserve supplies of milk, there is no justification for continuation of the special Class II category for the classification of dumped skim milk.

With their plant available for handling reserve milk for the market, the producers' association contended that there was no longer any need to include Imperial County, California, in the area in which milk may be transferred or diverted for manufacture into Class II products. Handlers testified for its continued inclusion within the market's surplus disposal area.

In June 1960, there were eight producers in Imperial County, California, and five producers in Yuma County, Arizona. A nonpool plant located in El Centro in Imperial County makes cottage cheese and ice cream. In past years this plant has served as an outlet for diverted milk for producers in these counties. It saves transportation for their milk to be diverted to a nearby plant for manufacture when it is not needed by the market for fluid use. It is concluded that Imperial County, California, should remain in the area to which milk may be transferred or diverted to a nonpool plant as Class II milk.

In verifying the reported use classification of bulk milk, skim milk or cream transferred to a nonpool plant, the present order provides that the final classification be determined at the first nonpool plant to which such products are transferred or diverted. In case such fluid

milk products are transferred to a second nonpool plant located within the surplus disposal area provided for herein, the market administrator should be permitted to verify its use in the second nonpool plant to assure producers and handlers of the proper classification of producer milk.

The present order permits bulk cream to be classified as Class II when transferred outside the marketing area and Imperial County, California, if a pool handler so reports, tags each container "Grade C cream for manufacturing use only" and the shipment is so invoiced, and the market administrator is given sufficient notice to verify the shipment. Producers proposed deleting this provision from the order. Handlers opposed its deletion.

In 1959 and in prior years, several pool handlers marketed surplus cream for use in ice cream in neighboring states. Considerable amounts of such cream have been shipped by two pool plant handlers to the Los Angeles, California, market.

Producers' proposal would tend to restrict the number of pool handlers who could handle the reserve supplies of milk. No evidence of abuse was presented with respect to the functioning of the present provision. It is concluded that it should be retained in the order and its application to classification of milk received at nonpool plants within the surplus disposal area should be clarified.

4. *Mechanics of the supply-demand adjuster.* The standard utilization percentage norms should be adjusted seasonally.

Producers proposed revising the mechanics of the supply-demand adjuster of the Class I pricing formula. One association proposed raising the level of the supply-demand norms five percentage points and increasing their monthly maximum and minimum range when no adjustment is effected from the present four percentage points to six. It also proposed decreasing the maximum plus or minus limit that the supply-demand adjuster could affect the Class I price from 50 cents to 20 cents. Another association proposed deleting the supply-demand adjuster from the order. Handlers supported increasing the range in the monthly standard utilization percentage norms.

The Class I price under the order results from the addition of a combination of three factors, the basic formula price, the \$2.75 stated differential, and the supply-demand adjustment factor. The present standard utilization percentage norms in the order reflect an average annual supply-demand relationship of 115. Since the inception of the order through 1959, the Class I price has been sufficiently high to result in a higher percentage ratio of producer receipts to Class I sales in each year. The ratio was 111 in 1956, 116 in 1957, 119 in 1958, and 128 in 1959. The high point was reached in November 1959 at 146. For the first nine months of 1960, it averaged 124.

Although in recent months milk supplies have been lower in relation to Class I sales than a year ago, the market is being adequately supplied with milk. Widening the standard utilization norms

within which no adjustment occurs, as proposed, would have the effect of raising the level of the Class I price inasmuch as the supply-demand adjuster is making minus adjustments each month. In view of the adequacy of supplies for the market, it is concluded that the present level and neutral range of the supply-demand norms should be continued. The norms should be adjusted seasonally, however, to better conform to the market's seasonal pattern of production.

The present norms vary seasonally from a range of 116 minimum to 120 maximum, applicable to the months of March through May, to a low of 109 minimum to 113 maximum for the month of November. The revised norms included herein provide a seasonal range of from 115 minimum to 119 maximum, applicable to the months of March through June, to a low of 111 minimum to 115 maximum for the months of October and November. If the revised norms had been in effect there would have been no change in the average level of the Class I price for the last two years, but the adjustments made would have been somewhat more timely than those resulting from the present norms.

The proposal to limit the maximum effect of the supply-demand adjustment factor on the Class I price to plus or minus 20 cents should be denied. The purpose of the supply-demand adjustment factor in the order is to raise the Class I price as the supply of milk decreases relative to Class I sales and to lower the price as the supply increases relative to Class I sales. The limitations proposed would reduce the effectiveness of the adjuster.

5. *Compensatory payments and non-pool handler obligations.* Compensatory payments need not be provided at this time in the Central Arizona market with respect to receipts of other source milk in fluid form allocated to Class I milk. Provision should be made, however, to avoid possibility of any competitive advantage accruing to the operator of a distributing plant that fails to qualify as a pool plant under the standards provided elsewhere in this decision.

The Central Arizona order presently requires a compensatory payment when other source milk received in a form other than fluid milk products is allocated to Class I milk. It was proposed that the payment also apply when the receipt was in fluid form, unless such milk had been subject to the Class I pricing provision of another order.

Such a provision was considered at the time the present payment provision was adopted. In a decision issued August 7, 1957, the Acting Secretary found that little, if any, other source milk in fluid form had been purchased as a replacement for producer milk, and concluded that a compensatory payment with respect to such milk was not then necessary.

This record shows that no other source milk in fluid form was received in the market during 1959 and the first seven months of 1960. In August 1960, one tank load of such milk was received, and in September there were additional such

receipts. These receipts were associated with temporary periods of short supply in the market. It was not shown that handlers could purchase other source milk at prices less than the Class I price of the order. The lack of imports over a substantial period of time indicates that handlers have not replaced available producer milk with unpriced other source milk in fluid form. It is concluded that adoption of the proposal for a compensatory payment with respect to such milk is not required at this time.

Provision should be made, however, to avoid any price advantage to the operator of a plant distributing more than 600 pounds daily average Class I milk in the marketing area without qualifying as a pool plant. The provision adopted, common to many orders, would require that the operator of such a plant pay into the pool any amount by which the classified value of his milk receipts from dairy farmers exceeded his gross payments to such dairy farmers, and that he pay the same administrative expense as though his plant were fully regulated.

Such provisions will avoid competitive procurement advantage over fully regulated handlers in this market. Plants whose distribution in the Central Arizona area fail to qualify their receipts for pool status under the standards herein incorporated will be either local plants with utilization far below the market average or outside plants whose procurement areas do not overlap those of fully regulated handlers. The full use value of their milk that such handlers may pay to the dairy farmers supplying them will not be competitive with the market blend price paid Central Arizona producers by pool handlers.

The nonpool handler would be provided the option of having his obligations computed on the volume of his distribution in the marketing area, at the rate of compensatory payment presently provided in the order, adjusted for location of the plant. Under this option, for which comprehensive audits are not required, expense of administration would likewise be computed on the volume of sales in the marketing area.

6. Partial payments to producers. The rate of partial or advance payments to producers should be increased.

Handlers are now required to advance to producers by the 27th of the month a minimum amount equal to the hundredweight of milk delivered for the first 15 days of the month times the Class II price of the preceding month, less authorized deductions, but not adjusted for butterfat content. The amount so advanced is deducted when final settlement is made for the month's deliveries.

It was proposed that the amount of this advance be increased by one-third. No opposition was offered to the proposal. A comparison of the level of the Class II price and the uniform price at which final settlement is made shows that overpayments will not be required at the rates proposed. It is concluded that the proposal should be adopted.

7. Marketing service rate. No change should be made in the maximum rate of deduction for marketing services specified in the order.

The order presently specifies that 5 cents per hundredweight, or such lesser rate as may be prescribed by the Secretary, be deducted from payments to producers and that such moneys be used by the market administrator to provide market information to them and to check the accuracy of tests and weights of their milk. The deduction is made only from payments to producers who are not receiving such services from a cooperative association.

A group of producers proposed that the maximum rate be 3 cents per hundredweight. Since a lower rate may be prescribed by the Secretary and the moneys collected may be used only for the purposes specified, the rates specified in the order should not be changed. If more funds are accumulated than are required the rate may be adjusted without order amendment.

8. Clarification of order language. Order language should be clarified to express more precisely the intention with respect to mixtures defined as fluid milk products, the disposition constituting Class I milk, the allocation of other source milk, and the maximum volume of milk for which an inventory reclassification charge may be computed. In order to accommodate the situation whereby a plant may receive its entire supply by transfer from another pool plant, provision is made that inventory reclassification may be made to the extent that all pool milk, rather than only receipts from producers, was assigned to Class II in the preceding month on the basis of utilization at the receiving plant. Provisions relating to adjustments of location allowance and the value of base and excess milk should be deleted from the order since the provisions to which they relate have previously been deleted by amendment or termination.

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

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

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

(b) The 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. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

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 Central Arizona Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Central Arizona 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 November 1960 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 Central Arizona 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.

Issued at Washington, D.C., this 19th day of January 1961.

CLARENCE L. MILLER,
Assistant Secretary.

Order¹ Amending the Order Regulating the Handling of Milk in the Central Arizona Marketing Area

§ 1004.0 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 Central Arizona 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;

(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; and

(4) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to skim milk and butterfat contained in (a) producer milk, and (b) other source milk allocated to Class I pursuant to § 1004.45(a) (2) and (3), and (b), and each handler who operates a nonpool plant shall pay the applicable amount specified in § 1004.62 (a) (2) or (b) (2).

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Central Arizona 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:

§ 1004.7 [Amendment]

1. Change the citation "§ 1004.62" to "§ 1004.13".

2. Delete § 1004.8 and substitute therefor the following:

§ 1004.8 Pool plant.

"Pool plant" means any milk plant:

(a) Approved by a duly constituted state or municipal health authority for the receipt or processing of Grade A milk or which supplies processed milk to an agency of the United States Government located within the marketing area, from which during the month:

(1) There are disposed of on routes fluid milk products equal to at least 50 percent of the total receipts at the plant (i) of milk qualified by inspection to become producer milk pursuant to § 1004.13(a), and (ii) from other milk plants and a cooperative association acting in the capacity of a handler pursuant to § 1004.10(c) in the form of fluid milk products qualified for fluid consumption; and

(2) There are disposed of on routes in the marketing area fluid milk products in a volume not less than 25 percent of such receipts and also greater than an average of 600 pounds per day.

(b) Any plant which ships fluid milk products approved by any health authority having jurisdiction in the marketing area as eligible for distribution under a Grade A label in a volume not less than 50 percent of its receipts of milk (from dairy farmers who would be producers if this plant qualifies as a pool plant) in the current month during the period of July through October or 20 percent in the current month during the period of November through June to a plant specified in paragraph (a) of this section: *Provided*, That if a plant qualifies in each of the months of July through October in the manner prescribed in this section such plant shall upon written application to the market administrator on or before October 31 following such compliance be designated as a pool plant until the end of the following June.

(c) A milk plant located within the marketing area at which milk may be received from the farms of dairy farmers holding permits or authorization issued by health authorities having jurisdiction in the marketing area and which is operated by a cooperative association qualified under § 1004.5 of this part which has 75 percent or more of its member producers' milk received at the pool plants of other handlers.

3. Delete § 1004.10 and substitute therefor the following:

§ 1004.10 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant or of a nonpool plant from which Class I milk is disposed of on a route(s) in the marketing area;

(b) A cooperative association with respect to milk of any producer which such cooperative association causes to be diverted from a pool plant to a nonpool plant for the account of such association; or

(c) A cooperative association with respect to the milk of its member producers which is received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association, if the cooperative association notifies the market administrator and the handler to whom the milk is delivered in writing prior to the first day of the month in which the milk is delivered, that it elects to be the handler for such milk.

4. Delete § 1004.11 and substitute therefor the following:

§ 1004.11 Producer-handler.

"Producer-handler" means any person who is both a dairy farmer and the operator of a plant from which fluid milk products are disposed of in the marketing area, but who receives no milk from producers or other dairy farmers: *Provided*, That such person provides proof satisfactory to the market administrator that (a) the maintenance, care and management of all the dairy animals and other resources necessary to produce the entire amount of milk handled (other than that received from pool plants) is the personal enterprise of and at the personal risk of such person in his capacity as a producer, and (b) the operation of such plant is the personal enterprise of and at the personal risk of such person in his capacity as a handler.

5. Delete § 1004.13 and substitute therefor the following:

§ 1004.13 Producer milk.

"Producer milk" of each handler means all skim milk and butterfat produced by producers:

(a) With respect to receipts at a pool plant:

(1) Received directly from such producers; and

(2) Diverted from such pool plant to a nonpool plant for the account of the operator of the pool plant, subject to the limitations and conditions of paragraph (c) of this section;

(b) With respect to additional receipts of a cooperative association:

(1) For which such cooperative association is the handler pursuant to § 1004.10(b), subject to the limitations and conditions of paragraph (c) of this section; and

(2) For which the cooperative association is the handler pursuant to § 1004.10(c); and

(c) With respect to diversions to nonpool plants pursuant to (a)(2) and (b)(1) of this section:

(1) Such diversions may be without limit during the months of December through April, but shall not be for more than eight days' production of any producer during any other month, otherwise only milk of such producer received at a pool plant shall be producer milk;

(2) For purpose of location adjustments pursuant to §§ 1004.53 and 1004.74,

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.

milk so diverted shall be priced at the location of the plant to which diverted.

§ 1004.14 [Amendment]

6. Delete (a) (1) and substitute therefor:

(1) fluid milk products received from pool plants and from a cooperative association in the capacity of a handler pursuant to § 1004.10(c).

§ 1004.15 [Amendment]

7. Insert the word "or" between the words "milk" and "skim milk" in line 6.

§ 1004.30 [Amendment]

8. Delete all language preceding paragraph (b) and substitute the following:

§ 1004.30 Reports of sources and utilization.

On or before the 7th day after the end of each month each handler, except a producer-handler, shall report for each of his pool plants, and each cooperative association shall report with respect to milk for which it is the handler pursuant to § 1004.10 (b) or (c), for such month in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in:

- (1) Producer milk;
- (2) Fluid milk products received from (i) other pool plants, and (ii) cooperative associations acting in the capacity of a handler pursuant to § 1004.10(c);
- (3) Other source milk; and
- (4) Inventories of fluid milk products on hand at the beginning of the month; and

§ 1004.31 [Amendment]

9. Renumber (b) (2) as (b) (1), and insert the following as (b) (2):

(2) On or before the 20th day after the end of the month, the payments made to a cooperative association pursuant to § 1004.80(d);

§ 1004.32 [Amendment]

10. After the phrase "available to the market administrator", insert the phrase "or his representative".

11. Delete § 1004.41 and substitute therefor the following:

§ 1004.41 Classes of utilization.

Subject to the conditions set forth in §§ 1004.42 through 1004.45, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including reconstituted and concentrated nonfat milk solids) and butterfat;

(1) Disposed of in the form of fluid milk products, except those classified pursuant to subparagraph (b) (3) of this section; and

(2) Not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Contained in inventories of fluid milk products on hand at the end of the month;

(3) Skim milk disposed of for live-stock feed; and

(4) In shrinkage of skim milk and butterfat, respectively, not to exceed the following:

(i) Two percent of receipts of producer milk described in § 1004.13(a) (1); plus

(ii) 1.5 percent of receipts from a cooperative association in its capacity of a handler pursuant to § 1004.10(c), except that if the handler operating the pool plant files with the market administrator notice that he is purchasing such milk on the basis of farm weights determined by farm bulk tank calibrations, the applicable percentage shall be 2 percent; plus

(iii) 1.5 percent of receipts in bulk tank lots from pool plants of other handlers; plus

(iv) 2 percent of bulk receipts of other source milk in the form of fluid milk products; less

(v) 1.5 percent of disposition in bulk tank lots from pool plants to other milk plants; and plus

(vi) 0.5 percent of receipts of producer milk by a cooperative association which is the handler pursuant to § 1004.10(c), unless the exception provided in (ii) of this § 1004.41(b) (4) applies. *Provided*, That if shrinkage of skim milk or butterfat is less than such total there shall be assigned to other source milk the proportion of total shrinkage that the result computed pursuant to (iv) of this subdivision bears to the total computed pursuant to (i) through (vi) of this subsection and the remainder shall be assigned to producer milk.

§ 1004.43 [Amendment]

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

(a) Skim milk and butterfat transferred to a pool plant of another handler (except a producer-handler) in the form of fluid milk products shall, to the extent required, be classified so as to result in the maximum assignment of the producer milk of both handlers to Class I milk. Except as provided in paragraph (f) of this section any additional amounts of skim milk and butterfat shall be classified as Class I milk unless the operators of both plants claim utilization thereof in Class II milk in their reports submitted pursuant to § 1004.30: *Provided*, That the skim milk or butterfat so assigned to Class II milk for any month shall be limited to the respective amounts thereof remaining in Class II milk for such month at the pool plant(s) of the receiving handler after the computations pursuant to § 1004.45(a) (4) and the corresponding step of (b);

13. Delete (d) (3) and substitute therefor the following:

(3) Not less than an equivalent amount of skim milk and butterfat was actually utilized (including as Class II utilization any cream moved under the conditions specified in (e) (2) and (3) of this section) in the use indicated in such report in the nonpool plant or in a second such nonpool plant to which a transfer was made: *Provided*, That if it is found that an equivalent amount of skim milk and butterfat was not actually

utilized in such first or second nonpool plant(s) during the month in the use indicated, the pounds transferred in excess of such actual use shall be classified as Class I milk;

14. Add the following as (f):

(f) Unless a different utilization is claimed by both handlers, skim milk and butterfat transferred to the pool plant of another handler by a cooperative association which is the handler pursuant to § 1004.10(c) or which operates a pool plant described in § 1004.8(c) shall be classified pro rata to the respective amounts thereof remaining in each class for such month at the pool plant(s) of the receiving handler after the computations pursuant to § 1004.45(a) (6) and the corresponding step of (b).

§ 1004.45 [Amendment]

15. In (a) (3) after the phrase "the pounds of skim milk" insert the phrase "in other source milk", reverse the order of paragraphs "(a) (5)" and "(a) (6)", renumber paragraphs "(a) (7)" as "(a) (8)" and add the following as (a) (7):

(7) Subtract, pro rata from the pounds of skim milk remaining in each class, the pounds of skim milk to be classified pursuant to § 1004.43(f).

§ 1004.51 [Amendment]

16. Amend (a) (2) (iii) by deleting the table contained therein and substituting the following:

Month for which price applies	Months used in computation	Standard utilization percentages	
		Minimum	Maximum
January.....	October-November.....	113	117
February.....	November-December.....	114	118
March.....	December-January.....	115	119
April.....	January-February.....	115	119
May.....	February-March.....	115	119
June.....	March-April.....	115	118
July.....	April-May.....	113	117
August.....	May-June.....	112	116
September.....	June-July.....	111	115
October.....	July-August.....	111	115
November.....	August-September.....	112	116
December.....	September-October.....	112	116

§ 1004.61 [Amendment]

17. In paragraph (b) change the citation "§ 1004.8(c)" to "§ 1004.8(b)".

18. Delete § 1004.62 and substitute therefor the following new section.

§ 1004.62 Handler operating a nonpool plant.

In lieu of the payments required pursuant to § 1004.80 through § 1004.86, each handler who operates during the month a nonpool plant from which is disposed of in the marketing area on a route(s) Class I milk in an amount greater than an average of 600 pounds per day, shall pay to the market administrator on or before the 25th day after the end of the month, the amounts calculated pursuant to paragraph (a) of this section unless the handler elects at the time of reporting pursuant to § 1004.30 to have his obligations computed pursuant to paragraph (b) of this section;

(a) The following amounts:

- (1) To the producer-settlement fund any plus amount remaining after de-

ducting from the value that would have been computed pursuant to § 1004.70, if such handler had operated a pool plant, the gross payments made by such handler for milk received during the month from Grade A dairy farmers at such plant or at any plant which serves as a supply plant for it; and

(2) As his share of the expense of administration, an amount equal to that which would have been computed pursuant to § 1004.86 had such plant been a pool plant.

(b) The following amounts:

(1) To the producer-settlement fund an amount equal to the value of all skim milk and butterfat disposed of as Class I milk on routes in the marketing area at the Class I price applicable at the location of such handler's plant, less the value of such skim milk and butterfat at the Class II price; and

(2) As his share of the expense of administration, the rates provided in § 1004.86 with respect to Class I milk so disposed of in the marketing area.

19. Delete § 1004.70 and substitute therefor the following:

§ 1004.70 Computation of the value of producer milk for each handler.

For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 1004.45 by the applicable class price, and total the resulting amounts;

(b) Add an amount computed by multiplying the pounds of any overage deducted from either class pursuant to § 1004.45(a)(8) and (b) by the applicable class price;

(c) Add the amount computed by multiplying the difference between the appropriate Class II price for the preceding month and the appropriate Class I price for the current month, by the hundredweight of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 1004.45(a)(4) and (b) for the preceding month or the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1004.45(a)(4) and (b) for the current month, whichever is less; and

(d) If any other source milk has been subtracted from Class I pursuant to § 1004.45(a)(2) and the corresponding step of paragraph (b), add an amount equal to the difference between its value at the Class I and Class II price for the current month.

§ 1004.75 [Amendment]

20. Delete paragraph (b) and redesignate paragraphs (c) and (d) as (b) and (c), respectively.

§ 1004.80 [Amendment]

21. In (a) (1) delete the phrase "equal to not less than" and insert the phrase "not less than 1.3 times".

22. Add the following as paragraph (d):

(d) Each handler who receives milk for which a cooperative association is the handler pursuant to § 1004.10(c) or as the operator of a pool plant shall, on or before the 2d day prior to the date pay-

ments are due individual producers, pay such cooperative association for such milk as follows:

(1) An advance payment for milk received from such cooperative association during the first 15 days of the month at not less than 1.3 times the Class II price for the preceding month; and

(2) In final settlement, the value of such milk as classified pursuant to § 1004.43 at the applicable class prices, less payment made pursuant to subparagraph (d) (1) of this section.

§ 1004.81 [Amendment]

23. After the citation "§ 1004.82" insert "and § 1004.62".

§ 1004.86 [Amendment]

24. Delete the phrase "make such payment only with respect to Class I milk disposed of within the marketing area" and substitute therefor the phrase "pay the applicable amount specified in § 1004.62(a)(2) or (b)(2)".

[F.R. Doc. 61-687; Filed, Jan. 24, 1961; 8:55 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

BLACKFEET INDIAN IRRIGATION PROJECT, MONTANA

Operation and Maintenance Charges

Basis and purpose. Notice is hereby given that pursuant to the acts of Congress approved August 1, 1914, May 18, 1916, and March 7, 1928 (38 Stat. 583; 39 Stat. 142; 45 Stat. 210; 25 U.S.C. 385, 387), and by virtue of the authority delegated by the Commissioner of Indian Affairs to the Area Directors (Bureau Order No. 551 Amendment No. 1; 16 F.R. 5454-71) it is proposed to amend CFR 221.130 and 221.131 as set forth below.

The purpose of the amendment is to increase the annual operation and maintenance rate from \$1.80 to \$2.25 per acre in § 221.130 and the assessment rate for excess water from \$1.00 to \$1.25 per acre-foot in § 221.131, to be effective for the irrigation season of 1961. These rate increases are necessary in order that the assessments meet the operation and maintenance costs, which have risen due to increases in labor and material costs.

It is the policy of the Department of the Interior, whenever practicable, to afford the public the opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions or objections with respect to the proposed amendments to the Area Director, Bureau of Indian Affairs, 804 North 29th Street, Billings, Montana, within thirty days of publication of this notice in the FEDERAL REGISTER.

1. Section 221.130 is amended to read as follows:

§ 221.130 Basic assessment.

Pursuant to the acts of Congress approved August 1, 1914; May 18, 1916; and

March 7, 1928; 38 Stat. 583; 39 Stat. 142; 45 Stat. 120; 25 U.S.C. 385, 387, the basic rate of assessment of operation and maintenance charges against the irrigable lands to which water can be delivered under the Blackfeet Indian Irrigation Project, Montana, for the season of 1961 and subsequent years until further notice is hereby fixed at \$2.25 per acre per annum for the delivery of not to exceed one and one half acre feet of water per acre for the assessable area under constructed works, water to be delivered on demand based upon an estimated quota of the available supply.

2. Section 221.131 is amended to read as follows:

§ 221.131 Excess water assessment.

Additional water, when available, may be delivered upon request at the rate of \$1.25 per acre foot, or fraction thereof.

PERCY E. MELLIS,
Area Director.

[F.R. Doc. 61-645; Filed, Jan. 24, 1961; 8:49 a.m.]

FEDERAL AVIATION AGENCY

Bureau of Flight Standards

[14 CFR Parts 4b, 10, 40, 41, 42, 43]

[SR-422, SR-422A, SR-422B]

[Reg. Docket No. 628; Draft Release 61-1]

SPECIAL CIVIL AIR REGULATION

Runway Slush Accountability for Takeoff Operations of Turbine-Powered Transport Category Airplanes

Pursuant to the authority delegated to me by the Administrator (§ 405.27, 14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposed Special Civil Air Regulation covering the takeoff operations of turbine-powered transport category airplanes when wet snow, slush, and standing water are present on the runway.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All Communications received on or before February 27, 1961, will be considered by the Administrator before taking action upon the proposed rules. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired.

Current regulations do not specifically provide for the adverse effects of precipitation on the runway on airplane performance. Experience with the new turbine-powered airplanes indicates, however, that some provisions in this respect are necessary to insure safe operation of these airplanes during takeoff.

For this reason, a policy was adopted in December 1959, revised March 1960, to restrict takeoff operations of turbojet airplanes in wet snow, slush, or standing water.

The subject was discussed at the FAA's Airworthiness Conference held in March 1960, and again at supplementary meetings held in July and October 1960. During these meetings it was determined that sufficient information on which to propose new regulations covering all aspects of takeoff operations is neither available nor capable of being obtained at this time. For example, very little is known of the effect of slush on the braking capacity of wheels and therefore on the accelerate-stop distance. However, there does appear to be sufficient data available (e.g., NASA Technical Note D-552) upon which to base an interim regulation for the takeoff acceleration case. During the October meeting, the ATA presented a proposal for consideration.

The ATA proposal excluded consideration of the one-engine-inoperative takeoff condition on the basis that the probability of an engine failure with slush on the runway is too remote to warrant consideration, and that such consideration would unnecessarily curtail aircraft operations because of the large adverse effect of slush on one-engine-inoperative takeoff performance. It also excluded consideration of turbopropeller airplanes on the basis that they are not appreciably affected by precipitation on the runway surface. Finally, it provided that the first one-quarter inch of precipitation be allowed without penalty on the basis that the anticipated effect of this amount of slush, etc., will be absorbed by the all-engine takeoff-distance margin of 15 percent prescribed in Special Civil Air Regulations Nos. SR-422A and SR-422B.

The view that the probability of an engine failure in combination with slush on the runway is too remote to consider was not substantiated by statistical or other data. On the other hand, the fact that slush has a much larger adverse effect in the one-engine-inoperative case makes a catastrophic accident more probable when this combination does occur without having been taken into account.

The view regarding the relatively small susceptibility of turbopropeller airplanes to the adverse effects of slush, etc., was also unsubstantiated. While it is known that current turbopropeller airplanes operate at lower takeoff speeds than do current turbojet airplanes, which tends to lessen the retardation effects of slush, etc., on such airplanes, the precise extent to which slush, etc., has an adverse effect upon turbopropeller airplanes is not known. However, if, as is alleged, these effects are virtually eliminated by the airplane's takeoff-speed characteristics,

the proposed accountability corrections and operational penalties would be correspondingly small.

The suggestion to ignore the first one-quarter inch of precipitation is related to the proposal to exclude the one-engine-inoperative case. The magnitude of the performance correction for runway precipitation increases rapidly as the thrust to weight ratio of the airplane decreases. Thus, the correction for one-quarter inch may be within the existing performance margins for the all-engine-takeoff case, but is much more serious in the one-engine-inoperative case, particularly for twin-engine airplanes. The proposed regulation therefore does not specify a depth which may be ignored.

The rules proposed herein would supersede the policy presently in effect and would apply to turbopropeller as well as turbojet airplanes. Under the proposed rule, the maximum takeoff weights for all operators would have to be adjusted to reflect the adverse effects of wet snow, slush, or standing water on the takeoff distance and takeoff run performance, in addition to the factors currently prescribed in the certification and the operating rules; i.e., altitude, temperature, wind, and runway gradient.

The proposal contains a provision designed to prevent the use of special procedures which would adversely affect the airplane's takeoff performance beyond that resulting from the retardation effects of wet snow, slush, or standing water. Therefore, use of the approved takeoff speeds would be required for operations in slush, etc., unless the applicant intends to recertificate the airplane under the applicable airworthiness requirements to differentiate the conditions.

The proposal contemplates that the takeoff performance of each type airplane, and variations thereof, would be corrected so as to produce consistent weight adjustments under comparable operating conditions.

The proposal would also require that measurements of depths and densities be accomplished by an approved method. This will necessitate the submittal of industry recommendation to the FAA for review and approval. Such approval will be granted on the basis of simplicity consistent with the necessity of obtaining uniform and accurate measurements. Alternate methods must be compatible for the same reason.

In recognition that each type airplane, and variations thereof, will be affected to a different degree on a given runway, the proposal avoids prescribing specific locations on the runway for precipitation measurements.

No arbitrary limit on depth of precipitation, other than the range of reliable correction data, is considered necessary for performance purposes. However, the proposal recognizes that maximum depth

limits may be necessary for those types of airplanes where spray can cause critical engine ingestion or damage to the airframe.

In consideration of the foregoing, it is proposed to promulgate the following Special Civil Air Regulation:

Contrary provisions of the Civil Air Regulations notwithstanding, no U.S. registered turbine-powered transport category airplane shall be taken off from any runway having precipitation consisting of wet snow, slush, or standing water on its surface, at a takeoff weight which exceeds the takeoff weight established for such airplane under the provisions of this regulation.

1. The takeoff distance and/or takeoff run data for the airplane established for dry runway conditions shall be revised in an approved manner to account for the retardation effects of the precipitation on the runway. The retarding effect shall be determined by the method set forth in NASA Technical Note D-552,¹ or an approved equivalent method.

NOTE: NASA Technical Note D-552 is not applicable to precipitation depths in excess of those tested and reported therein.

2. The precipitation depth and density shall be measured by approved methods. The measurements shall be made at such points on the length and width of the runway as are necessary to obtain the maximum retardation effect of such precipitation on the particular type airplane and variation thereof. Density measurements of wet snow or slush are not required if a density of 1.65 slugs/ft³ or higher is assumed.

3. Using the precipitation measurements and the revised takeoff data, the takeoff weight shall be determined in the same manner as that specified in the applicable operating rules for the determination of the takeoff weight for dry runway conditions.

4. Each operator shall establish for each type of airplane operated by him, the maximum precipitation depth limits at which the spraying of precipitation during takeoff will cause critical engine ingestion or airframe damage. No airplane shall be taken off when the depth of precipitation exceeds the maximum depth limit for such precipitation established by the operator.

5. Airplane operating procedures for takeoff with precipitation on the runway which differ from the procedures approved for dry runway conditions shall comply with the applicable airworthiness requirements.

These rules are proposed under the authority of sections 313(a), 601, 604 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 778; 49 U.S.C. 1354, 1421, 1424).

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

GEORGE C. PRILL,
Acting Director,
Bureau of Flight Standards.

¹ Copies of NASA Technical Note D-552 may be obtained without charge from National Aeronautics and Space Administration, Code ETD, Washington 25, D.C.

[F.R. Doc. 61-610; Filed, Jan. 24, 1961; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 55301]

FOREIGN CURRENCIES

Rates of Exchange for the Philippine Islands Peso

JANUARY 18, 1961.

T.D. 55197 published the rates of exchange for the Philippine Islands peso, designated "Official" and "Free", certified by the Federal Reserve Bank of New York for the period beginning April 25, 1960, and ending June 10, 1960, the day before the effective date of T.D. 55149 which removed the Philippine Islands from the list of quarterly rate countries in § 16.4 of the Customs Regulations (25 F.R. 5222).

The instructions in the final two paragraphs of T.D. 55197 provided for the use of a conversion formula representing a composite derived from (1) 75 percent of the price or value converted at the \$0.49770 rate first certified by the Bank in the calendar quarter April-June 1960, and (2) 25 percent of the price or value converted at the published \$0.312500 "Free" rate, the latter varying by 5 percentum or more from such \$0.49770 rate.

It has been developed that payments for exports from the Philippine Islands invoiced in Philippine Islands pesos are required to be remitted in United States currency, payable in the amount of the invoice price converted 100 percent at an exchange rate corresponding to the "Official" rate of exchange. The Philippine Islands sellers realized the benefit of the introduction by the Central Bank of the Philippines of the favorable "Free" market exchange rate to the extent of 25 percent of the export proceeds received from the United States, but the United States purchasers were obliged to settle for transactions through banks in the United States wholly at the equivalent of the "Official" rate.

In view of this development, appraising officers are to consider any sale of goods in the markets of the Philippine Islands for export to the United States, invoiced in pesos but required to be payable in United States currency, to be a transaction made in United States currency as to which "export" values are to be expressed in United States currency. To reflect the actual price paid for the goods, conversions for this purpose are to be made at the "Official" exchange rate. However, for the period specified in T.D. 55197, beginning April 25, 1960, and ending June 10, 1960, the equivalent rate of \$0.49770 first certified by the Federal Reserve Bank of New York for a date in the calendar quarter shall be employed for this purpose.

In liquidating entries of goods the appraised "foreign" values of which are stated in terms of currency of the Philip-

pine Islands, for the period covered by T.D. 55197 the rate of \$0.49770 shall be employed by collectors of customs to the extent of 100 percent of the peso value returned.

The instructions in the final two paragraphs of T.D. 55197 are superseded hereby effective as to all unappraised or unliquidated entries covering merchandise exported from the Philippine Islands during the period beginning April 25, 1960, and ending June 10, 1960.

[SEAL]

D. B. STRUBINGER,

Acting Commissioner of Customs.

[F.R. Doc. 61-656; Filed, Jan. 24, 1961; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ARKANSAS

Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in Lonoke County, Arkansas, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named county after June 30, 1961, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 18th day of January 1961.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 61-658; Filed, Jan. 24, 1961; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-27]

WASHINGTON STATE UNIVERSITY

Notice of Proposed Issuance of Facility License

Please take notice that, unless within fifteen days after the filing of this notice with the Office of the Federal Register a request for a formal hearing is filed with the United States Atomic Energy Commission by the licensee or an intervenor as provided by the Commission's rules of practice (Title 10, Chapter I, Part 2), the Commission proposes to issue to Washington State University, Pullman, Washington, a facility license substantially as set forth below author-

izing the possession and operation on the University's campus of a pool-type nuclear reactor at power levels up to 100 kilowatts (thermal). Prior to issuance of the license the reactor will be inspected by representatives of the Commission to determine whether it has been constructed in accordance with the provisions of Construction Permit No. CPRR-37, as amended. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (1) the application submitted by Washington State University and amendments thereto, and (2) a hazards analysis prepared by the hazards evaluation staff of the Division of Licensing and Regulation, both on file at the AEC's Public Document Room. A copy of item (2) above may be obtained at the AEC's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 18th day of January 1961.

For the Atomic Energy Commission.

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

PROPOSED FACILITY LICENSE

1. This license applies to the pool-type nuclear reactor (hereinafter referred to as "the reactor") which is owned by Washington State University and located on the University's campus in Pullman, Washington, and described in the University's application for license dated June 19, 1956 and amendments thereto dated November 22, 1958, March 30, 1959, May 9, 1960, September 29, 1960, November 3, 1960, December 10, 1960, and December 22, 1960 (hereinafter collectively referred to as "the application") and authorized for construction by Construction Permit No. CPRR-37.

2. Pursuant to the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act"), and having considered the record in this matter, the Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The reactor has been constructed in conformity with the application and in conformity with the Act and the rules and regulations of the Commission;

B. There is reasonable assurance that the reactor can be operated at the designated location without endangering the health and safety of the public;

C. Washington State University is technically and financially qualified to operate the reactor, to assume financial responsibility for payment of Commission charges for special nuclear material and to undertake and carry out the proposed activities in accordance with the Commission's regulations;

D. The possession and operation of the reactor and the receipt, possession and use of the special nuclear material in the manner proposed in the application will not be inimical to the common defense and security or to the health and safety of the public; and

E. Washington State University is a non-profit educational institution and will use the reactor for the conduct of educational activities. Washington State University is therefore exempt from the financial protection requirement of subsection 170a of the Act.

3. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses Washington State University:

A. Pursuant to section 104c of the Act and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", to possess and operate the reactor as a utilization facility at the designated location in Pullman, Washington in accordance with the procedures and limitations described in the application and this license;

B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material", to receive, possess and use in connection with operation of the reactor up to 32 grams of plutonium contained in plutonium-beryllium neutron sources and up to five kilograms of contained uranium 235;

C. Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Licensing of Byproduct Material", to possess but not to separate such byproduct material as may be produced by operation of the reactor.

4. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50 and § 70.32 of Part 70, Title 10, Chapter I, CFR, and to be subject to all applicable provisions of the Act, and to the rules and regulations and orders of the Commission, now or hereafter in effect, and to the additional conditions specified below:

A. Washington State University shall not operate the reactor at power levels in excess of 100 kilowatts (thermal) without prior written authorization from the Commission.

B. No liquid wastes, other than those from the sanitary drains, shall be discharged from the reactor building into the sewer system until they shall have been sampled and their concentrations of radioactive materials determined to be not in excess of the limits prescribed in § 20.203 of the Commission's regulation Part 20, 10 CFR, Chapter 1.

C. A report shall be promptly submitted to the Commission describing the procedures used and giving the results of the monitoring of the exhaust stacks during initial operation at 100 kilowatts which is described in the application amendment dated December 10, 1960.

D. In addition to those otherwise required under this license and applicable regulations, Washington State University shall keep the following records:

1. Reactor operating records, including power levels.
2. Records of in-pile irradiations.
3. Records showing radioactivity released or discharged into the air or water beyond the effective control of Washington State University as measured at the point of such release or discharge.
4. Records of emergency reactor scrams, including reasons for emergency shutdowns.

F. Washington State University shall immediately report to the Commission in writing any indication or occurrence of a possible unsafe condition relating to the operation of the reactor.

G. Within sixty (60) days after initial criticality, Washington State University shall

submit to the Commission a report containing the following information:

1. Maximum excess reactivity of the reactor, not including the worth of control rods or other control devices such as burnable poison strips or soluble poison, or any experiments, and variation of excess reactivity over core life.
2. Total control rod worth.
3. Minimum shut-down margin both at room temperature and operating temperature.
4. Maximum worth of single control rod of highest reactivity value.
5. Maximum total and individual worth of any fixed or moveable experiments inserted in the reactor.

In addition, the report shall include: The basis for the reactivity values (measured, calculated or estimated), and the condition for which the values are applicable (operating or shut-down, and amount of burn-up).

5. Pursuant to § 50.60 of the regulations in Title 10, CFR, Chapter I, Part 50, the Commission has allocated, in Construction Permit No. CPRR-37, to Washington State University for use in connection with operation of the reactor, five kilograms of uranium 235 contained in highly enriched uranium.

6. This license is effective as of the date of issuance and shall expire at midnight July 8, 1979 unless otherwise terminated.

Dated:

For the Atomic Energy Commission.

[F.R. Doc. 61-659; Filed, Jan. 24, 1961; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13914; FCC 61M-86]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Order Scheduling Hearing

In the matter of American Telephone and Telegraph Company, Docket No. 13914; regulations and charges for Wide Area Telephone Service (WATS).

It is ordered, This 18th day of January 1961, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 15, 1961, in Washington, D.C.

Released: January 18, 1961.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-689; Filed, Jan. 24, 1961; 8:56 a.m.]

[Docket Nos. 13856-13857; FCC 61M-84]

QUEEN CITY BROADCASTING CO. AND VAL VERDE BROADCASTING CO.

Order Continuing Hearing Conference

In re applications of Queen City Broadcasting Company, Del Rio, Texas, Docket No. 13856, File No. BP-12115;

Eugene Albert Houghton and Alton W. Stewart, d/b as Val Verde Broadcasting Company, Del Rio, Texas, Docket No. 13857, File No. BP-13050; for construction permits.

The Hearing Examiner having under consideration a petition to extend time for prehearing conference filed by Val Verde Broadcasting Company on January 11, 1961;

It appearing that a prehearing conference is currently set for January 24, 1961, at 2:00 p.m., but that counsel has commitments in the U.S. District Court for the District of Columbia on that afternoon and has obtained the consent of other parties to a brief continuance;

It is ordered, This 18th day of January 1961, that the petition to extend time for prehearing conference is granted and such conference is continued from January 24 at 2:00 p.m. to January 31, 1961, at 2:00 p.m.

Released: January 18, 1961.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-690; Filed, Jan. 24, 1961; 8:56 a.m.]

[Docket No. 13825; FCC 61M-83]

KRNO, INC. (KRNO)

Order Continuing Hearing

In re application of KRNO, Inc. (KRNO), San Bernardino, California, Docket No. 13825, File No. BP-12993; for construction permit.

The Hearing Examiner having under consideration a request for continuance filed by Broadmoor Broadcasting Corporation on January 13, 1961;

It appearing that because the 1960 Minor Civil Division Maps prepared by the Bureau of the Census have just become available for the area involved and it is desired to prepare exhibits based upon such maps, Broadmoor requests a continuance from the currently scheduled date of January 23 to February 6, 1961; and

It further appearing that counsel for all parties have agreed to this continuance;

It is ordered, This 18th day of January 1961, that the request for continuance is granted and the hearing is continued from January 23 to February 6, 1961.

Released: January 18, 1961.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-691; Filed, Jan. 24, 1961; 8:56 a.m.]

[Docket No. 13915; FCC 61M-87]

R. O'BRIEN & CO.

Order Scheduling Hearing

In the matter of R. O'Brien & Company, Boston, Massachusetts, Docket No.

13915; order to show cause why there should not be revoked the license for radio station WB-4437 aboard the vessel "Weymouth".

It is ordered, This 18th day of January 1961, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 16, 1961, in Washington, D.C.

Released: January 18, 1961.

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

[F.R. Doc. 61-692; Filed, Jan. 24, 1961;
8:56 a.m.]

[Docket No. 13911; FCC 61M-85]

**SHERIDAN BROADCASTING CO.,
INC. (KROE)**

Order Scheduling Hearing

In re application of Sheridan Broadcasting Company, Inc. (KROE), Sheridan, Wyoming, Docket No. 13911; File No. BP-12676.

It is ordered, This 18th day of January 1961, that Annie Neal Hunting will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on February 27, 1961, in Washington, D.C.

Released: January 18, 1961.

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

[F.R. Doc. 61-693; Filed, Jan. 24, 1961;
8:56 a.m.]

[Docket No. 13925; FCC 61-94]

LEO JOSEPH THERIOT

Order To Show Cause

In the matter of revocation of license of Leo Joseph Theriot for standard broadcast station KLFT, Golden Meadow, Louisiana, Docket No. 13925.

The Commission having under consideration (1) the outstanding license issued to Leo Joseph Theriot, to operate Station KLFT in the public interest, convenience and necessity on the frequency of 1600 kc at Golden Meadow, Louisiana; (2) the Commission's issuance of Official Notice of Violation to Station KLFT; and (3) the failure of instant licensee to respond to Commission notices; and

It appearing that on June 16, 1960, Station KLFT was sent an Official Notice of Violation (FCC Form 793) which noted Station KLFT's non-compliance to Commission rules and regulations as follows: § 3.93(c) for failure to employ full-time a Radiotelephone First Class Operator; § 3.47 for failure to maintain yearly equipment measurements; § 3.931 for failure to maintain the Conelrad receiver properly; § 3.111(b) for failure to make proper plate and antenna current entries in the operating log; and § 3.40(b) for failure to take necessary protective measures; and

It further appearing that on May 26, 1960, during the inspection the above-referenced violations were personally discussed between the Inspecting Engineer and Leo Joseph Theriot, licensee; and

It further appearing that on July 26, 1960, no response having been submitted to the original notice, a photostat of the June 16, 1960, Official Notice of Violation was sent to Station KLFT; and

It further appearing that on August 9, 1960, because of Station KLFT's failure to respond to the above-referenced notices, a Revocation Warning (FCC 794) was issued which reiterated the known violations and, in addition, noted that § 1.61 (now § 1.76) of the Commission's rules had been violated by Station KLFT's failure to submit a satisfactory reply to an official notice within the period provided therefor; and

It further appearing that on November 26, 1960, the Engineer in Charge of the New Orleans, Louisiana, FE&MB office had again in person discussed the above-referenced violations with Leo Joseph Theriot, who assured the engineer that a reply would be submitted on November 28, 1960; and

It further appearing that no reply to the above-mentioned notices was received until December 16, 1960; that the licensee's reply indicated that the station still did not have in regular full-time employment an operator holding a radiotelephone first-class operator license; that the equipment performance measurements had not been made until December 15, 1960, and that steps to correct the other cited violations had been taken at some indefinite date; and

It further appearing that by such action the licensee of Station KLFT after proper notification has willfully and intentionally continued its day-to-day operation in violation of § 3.47 and § 3.93(c) of the Commission's rules and has failed to respond to Commission notices in violation of § 1.76 (formerly § 1.61) of the Commission's rules;

It is ordered, This 18th day of January 1961, that pursuant to provisions of §§ 312(a)(3), 312(a)(4), and 312(c) of the Communications Act of 1934, as amended, Leo Joseph Theriot is directed to show cause why an order revoking his license for standard broadcast station KLFT, Golden Meadow, Louisiana, should not be issued, and to appear and give evidence with respect thereto at a hearing¹ to be held at the Commission's

¹ Section 1.77(c) of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by its attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that it will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. See § 1.78(a) of the Commission's rules as amended December 12, 1960. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. See § 1.78(b) of the Commission's rules as amended December 12, 1960. In the event the right to a hearing is waived, the Chief Hearing Examiner will terminate the hearing proceeding and certify the case to the Commission. Thereupon the matter will be determined by the Commission in the regular course of business and an appropriate order will be entered. See §§ 1.78(c), (d) and (e) of the Commission's rules as amended December 12, 1960.

offices in Washington, D.C., at a time to be specified by subsequent order, said time in no event to be less than 30 days after receipt of this order; and

It is further ordered, That the Acting Secretary of the Commission send a copy of this Order by Certified Mail-Return Receipt Requested to Leo Joseph Theriot.

Released: January 19, 1961.

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

[F.R. Doc. 61-694; Filed, Jan. 24, 1961;
8:56 a.m.]

[Docket No. 13187; FCC 61M-82]

WESTERN UNION TELEGRAPH CO.

Order Continuing Hearing Conference

In the matter of the formula for the distribution by the Western Union Telegraph Company of telegraph traffic destined to points in Canada, Docket No. 13187.

The Hearing Examiner having under consideration a petition filed January 13, 1961, on behalf of all of the carriers which are parties to the above-entitled proceeding requesting that the prehearing conference presently scheduled to be held on January 17, 1961, be continued to February 28, 1961; and

It appearing that the reason for the requested postponement is the fact that the continuance of negotiations which have been held between the parties may produce a satisfactory solution to the problems involved and that additional time is desired to permit the parties to try to reach a mutually satisfactory settlement of the issues; and

It further appearing that counsel for the Chief, Common Carrier Bureau has no objection to granting this petition, that the element of time requires immediate consideration thereof and good cause for granting the petition having been shown;

It is ordered, This the 17th day of January 1961, that the petition for postponement of the hearing conference is granted and the prehearing conference presently scheduled for January 17, 1961 is continued to February 28, 1961, beginning at 10:00 a.m. in the offices of the Commission, Washington, D.C.

Released: January 18, 1961.

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

[F.R. Doc. 61-695; Filed, Jan. 24, 1961;
8:56 a.m.]

gation or justification may be submitted within thirty days of the receipt of the order to show cause. See § 1.78(b) of the Commission's rules as amended December 12, 1960. In the event the right to a hearing is waived, the Chief Hearing Examiner will terminate the hearing proceeding and certify the case to the Commission. Thereupon the matter will be determined by the Commission in the regular course of business and an appropriate order will be entered. See §§ 1.78(c), (d) and (e) of the Commission's rules as amended December 12, 1960.

FARM CREDIT ADMINISTRATION

[Farm Credit Administration Order 686]

CERTAIN OFFICERS

Authority and Order of Precedence To Act as Deputy Governor and Director of Short-Term Credit Service

JANUARY 19, 1961.

1. Paul Fankhauser, Deputy Director of Short-Term Credit Service, is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Deputy Governor and Director of Short-Term Credit Service in the event that the Deputy Governor and Director is unavailable to act by reason of absence or for any other cause.

2. Walter F. Patterson, Deputy Director of Short-Term Credit Service, is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Deputy Governor and Director of Short-Term Credit Service in the event that the Deputy Governor and Director and Deputy Director Fankhauser are unavailable to act by reason of absence or for any other cause.

3. This order shall be and become effective on the date above written and supersedes Farm Credit Administration Order No. 675 (24 F.R. 287).

R. B. TOOTELL,
Governor,
Farm Credit Administration.

[F.R. Doc. 61-670; Filed, Jan. 24, 1961;
8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-15484]

BEL OIL CORP.

Notice of Application and Date of Hearing

JANUARY 17, 1961.

Take notice that Bel Oil Corporation (Applicant), a Louisiana corporation having its principal place of business at 414 Pujo Street, Lake Charles, Louisiana, filed on July 7, 1958, an application, pursuant to section 7(b) of the Natural Gas Act, for permission and approval to abandon service to United Gas Pipe Line Company (United), as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application, which is on file with the Commission and open for public inspection.

Applicant alleges that its contract for sale of gas to United was entered into on August 26, 1953, for a period of five (5) years, and was thus terminated by its own terms on August 26, 1958. Subject to said contract with United, Applicant entered into a contract with Transcontinental Gas Pipe Line Corporation on May 27, 1954, for the sale of gas produced by Applicant from the lands covered by the United contract (NW Quarter Section 22, Twp 6 South, Range 3 West) and other lands in the

North Elton Field, Allen Parish, Louisiana. Notice was given by Applicant to United on June 5, 1958, that Applicant's contract with United would be terminated on August 26, 1958, in accordance with the terms of said contract.

Applicant seeks permission and approval to terminate its deliveries of gas to United for the reason that the contract between said parties has been terminated by its own terms on August 26, 1958.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 20, 1961, at 10:00 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by said application.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 8, 1961.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-641; Filed, Jan. 24, 1961;
8:48 a.m.]

[Docket No. CP61-138]

COLORADO INTERSTATE GAS CO.

Notice of Application and Date of Hearing

JANUARY 17, 1961.

Take notice that on November 3, 1960, as supplemented on December 8, 1960, Colorado Interstate Gas Company (Applicant), P.O. Box 1087, Colorado Springs, Colorado, filed in Docket No. CP61-138 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of field facilities, including lateral pipelines, metering and compression equipment, to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from time to time during the calendar year 1961 from producers thereof in the general area of Applicant's existing transmission system, all as more fully set forth in the application and supplement which are on file with the Commission and open to public inspection.

The total cost of all facilities proposed under this application is not to exceed \$800,000, with a maximum cost of \$400,000 for one project and no other project to exceed a cost of \$200,000. Financing is to come from current working funds.

The purpose of this "budget-type" application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in various producing areas generally coextensive with its system.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 16, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 10, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-642; Filed, Jan. 24, 1961;
8:48 a.m.]

[Docket No. CP61-12]

NEW YORK STATE NATURAL GAS CORP.

Notice of Application and Date of Hearing

JANUARY 17, 1961.

Take notice that on July 19, 1960, New York State Natural Gas Corporation (Applicant), 2 Gateway Center, Pittsburgh 22, Pennsylvania, filed an application in Docket No. CP61-12, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity seeking authorization to transport natural gas for the account of Peoples Natural Gas Company (Peoples)¹ from an existing point of connection between Applicant and Texas Eastern Transmission Corporation (Texas Eastern) near Preston Compressor Station, Green County, Pennsylvania, to an existing point of connection of Applicant's and Peoples' existing facilities at Coxcomb Hill, Allegheny County, Pennsylvania, all as more fully set forth in the application on file with the Commission and open to public inspection. Since an existing connection will be used to render the proposed service, no additional facilities are proposed.

The proposed transportation service is to be rendered only during the off-peak

¹ Peoples is an affiliate in the Consolidated Natural Gas System.

months of April through October under an agreement, dated July 13, 1960. The application shows that Peoples has an adequate supply of gas, but that the load has grown in the Coxcomb Hill area to the point that in order to carry volumes from its available supply in the summer months would require Peoples to make a large capital investment in an additional transmission facility. Applicant states that the proposed transportation service will enable Peoples to avoid this expenditure at this time, and will give Applicant additional revenues it would otherwise not have without impairment of existing service. The gas to be transported for Peoples by Applicant would be part of Peoples' existing authorized supply from Texas Eastern.

Pursuant to the agreement of July 13, 1960, the transportation service is to be rendered on an interruptible basis and at the rate of 2 cents per Mcf. Transportation volumes for the first full year of service are estimated at 6,546,000 Mcf.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 20, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 7, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-643; Filed, Jan. 24, 1961;
8:49 a.m.]

[Docket Nos. CI60-582, CI60-583]

TARPON OIL CORP. ET AL.

Notice of Applications and Date of Hearing

JANUARY 17, 1961.

The Tarpon Oil Corporation, Docket No. CI60-582; Shallow Oil Company,

Inc., Operator, et al., Docket No. CI60-583.

Take notice that The Tarpon Oil Corporation (Tarpon), a Mississippi corporation having its principal place of business at 1305 Tulane Avenue, New Orleans, Louisiana, filed on May 9, 1960, an application in Docket No. CI60-582, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing Tarpon (1) to acquire by purchase and operate certain gathering facilities as hereinafter described, now owned and operated by Marshall R. Young Drilling Company (Drilling Company) under a certificate issued to it by the Commission in Docket No. G-12245 on July 19, 1957; (2) to transport through such facilities and deliver to United Gas Pipe Line Company (United) certain natural gas produced in the Ansley Field, Hancock County, Mississippi, including natural gas produced by Drilling Company and by Marshall R. Young, individually, and natural gas purchased in the Ansley Field by Drilling Company from Sun Oil Company (Sun) and Union Producing Company (Union); (3) to operate said facilities to transport to the point of sale and delivery to United certain additional natural gas purchased in the Ansley Field at the wellhead by Tarpon from the co-owners of certain lands and leases in the Ansley Field on which are located three wells, five principal co-owners of which jointly own equal interests in Tarpon; and (4) to sell to United the natural gas referred to in (3) above.

The gathering facilities proposed to be acquired by Tarpon at a cost of \$200,000 include approximately 14 miles of 5-inch pipeline extending from the Ansley Field to a point of connection with United, and were constructed by Drilling Company under the certificate issued to it on July 19, 1957.

Said order also authorized the sale of gas produced and purchased in the Ansley Field to United by Drilling Company pursuant to a gas purchase contract dated March 8, 1957. Tarpon proposes no diminution in service. Tarpon entered into a gas transportation contract with Drilling Company and Marshall R. Young dated April 9, 1960, covering the proposed transportation of gas and providing that Tarpon shall receive 1½ cents per Mcf upon resale of the gas to United and 1½ cents per Mcf for the transportation of gas delivered to United by Tarpon for the credit of Drilling Company and Marshall R. Young.

Contemporaneously with the filing of said application by Tarpon, a joint application for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas to Tarpon, pursuant to contracts dated April 9, 1960, for resale to United was filed in Docket No. CI60-583 by Shallow Oil Company, Inc. (Shallow), a Louisiana Corporation having its principal place of business at 202 Pere Marquette Building, New Orleans, Louisiana, Charles W. Tschirn (Tschirn), an individual having his principal place of business at 715 Camp Street, New Orleans, Louisi-

ana, Paul L. McBride (McBride), an individual having his principal place of business at 1704 Beck Building, Shreveport, Louisiana, John B. Conley (Conley), an individual having his principal place of business at 19 Clinton Road, Melrose, Massachusetts, and Continental Illinois National Bank and Trust Company of Chicago, as Executor and Trustee under the last will and testament of Foster G. Beansley, deceased (Continental), having its principal place of business at 231 South LaSalle Street, Chicago, Illinois. Each of said applicants is a party signatory seller under gas sales contracts dated April 9, 1960, with United. Each of the first three applicants is an operator of a separate well in said Ansley Field. At the time of filing, each such well was shut-in for want of a market. There are three sales contracts. The well operators, Pioneer Oil and Gas Co., Inc., Pioneer Building, 1305 Tulane Avenue, New Orleans, Louisiana, and Breuer & Curran Oil Co., 3510 Prudential Plaza, Chicago 1, Illinois, are parties signatory sellers under the first of the said April 9, 1960, contracts with Tarpon, as buyer. Each of said five parties owns a one-fifth interest in Tarpon. The other two contracts are between Tarpon as buyer and Conley, et al. as sellers and Continental et al. as sellers, respectively. The initial price (including tax reimbursement) provided for is 17 cents per Mcf at 15.025 psia with periodic increases.

Said contracts provide that Tarpon shall be permitted to amortize its cost of said gathering lines and facilities by deducting and retaining from the price of gas five cents per Mcf for gas purchased by Tarpon from Sellers until such time as a total of 6500 MMcf of gas bearing said special five cent charge have been purchased by Tarpon and delivered to United.

Tarpon states that the purchase of the gathering facilities became necessary when Tarpon and Drilling Company, the present owners of the facilities, could not reach a satisfactory agreement.

These related matters should be heard on a consolidated record and disposed of under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 27, 1961, at 10:00 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 15, 1961.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-644; Filed, Jan. 24, 1961;
8:49 a.m.]

GENERAL SERVICES ADMINISTRATION

NICKEL-COBALT-COPPER CALCINES AND MATTE HELD IN NATIONAL STOCKPILE

Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 53 Stat. 811, as amended, 50 U.S.C. 98b(e), notice is hereby given of a proposed disposition of approximately 3,431 short tons of nickel-cobalt-copper calcines and approximately 87 tons of nickel-cobalt-copper matte now held in the national stockpile.

The Office of Civil and Defense Mobilization has made a revised determination, pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, that there is no longer any need for stockpiling said nickel-cobalt-copper calcines and matte. The revised determination was based upon the finding of the Office of Civil and Defense Mobilization that said nickel-cobalt-copper calcines and matte are excess to stockpile needs and are of such quality as to be of little or no use in time of war.

Since the revised determination is not by reason of obsolescence of nickel-cobalt-copper calcines and matte for use in time of war, this proposed disposition is being referred to the Congress for its express approval, as required by section 3(e) of the Strategic and Critical Materials Stock Piling Act.

General Services Administration proposes to transfer said nickel-cobalt-copper calcines and matte to other Government agencies, or to offer them for sale on a competitive basis upon the express approval by the Congress of this proposed disposition or six months after the date of publication of this notice in the FEDERAL REGISTER, whichever is later.

This plan and the date of disposition have been fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets as well as the protection of the United States against avoidable loss on disposal.

Dated: January 16, 1961.

FRANKLIN FLOETE,
Administrator.

[F.R. Doc. 61-674; Filed, Jan. 24, 1961;
8:52 a.m.]

NON-SPECIFICATION NICKEL AND COBALT HELD IN NATIONAL STOCKPILE

Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b(e), notice is hereby given of a proposed disposition of approximately 96 short tons of 91 percent nickel in ingots, approximately 4 short tons of sintered nickel in form of cups and approximately 9 short tons of cobalt metal in rondelle form

averaging 97.9 percent cobalt now held in the national stockpile.

The Office of Civil and Defense Mobilization has made a revised determination, pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, that there is no longer any need for stockpiling this grade and quantity of nickel and cobalt. The revised determination was made for the reason that these materials are excess to stockpile needs and of such quality as to be of little or no use in time of emergency.

Since the revised determination is not by reason of obsolescence of nickel and cobalt for use in time of war, this proposed disposition is being referred to the Congress for its express approval, as required by section 3(e) of the Strategic and Critical Materials Stock Piling Act.

General Services Administration proposes to transfer said nickel and cobalt to other Government agencies, or to offer them for sale on a competitive basis upon the express approval by the Congress of this proposed disposition or six months after the date of publication of this notice in the FEDERAL REGISTER, whichever is later.

This plan and the date of disposition have been fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets as well as the protection of the United States against avoidable loss on disposal.

Dated: January 16, 1961.

FRANKLIN FLOETE,
Administrator.

[F.R. Doc. 61-675; Filed, Jan. 24, 1961;
8:52 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 360]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 19, 1961.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209 and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 1827 (Sub No. 38), filed November 14, 1960. Applicant: K. W. McKEE INCORPORATED, 2811 Highway 55, St. Paul 18, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. Authority sought to operate as a contract carrier, by motor vehicle, over irregular

routes, transporting: Automobiles, buses, trucks and chassis, in secondary movements, in truckaway and driveaway service, from St. Paul, Minn., to points in Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin, and damaged, defective or returned shipments of automobiles, buses, trucks and chassis, on return. RESTRICTION: Applicant states the proposed operations do not apply to automobiles and trucks from St. Paul, Minn., to points in that part of Iowa bounded by a line beginning at Council Bluffs, and extending along Iowa Highway 100 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Iowa Highway 92, thence along Iowa Highway 92 to Muscatine, thence along U.S. Highway 61 to Davenport, thence along the Mississippi River to McGregor, thence along U.S. Highway 18 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Iowa-Minnesota State line, thence along the Iowa-Minnesota State line to the Iowa-South Dakota State line, thence along the Iowa-South Dakota State line to Sioux City, Iowa, and thence along the Missouri River to Council Bluffs, including points on the designated portions of the highways specified. (Authority to perform such transportation service is included in Permit No. MC 1827 Sub No. 2.)

NOTE: Applicant states the proposed operations shall be limited to a transportation service from St. Paul, Minn., to points in Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin under a contract with Studebaker-Packard Corporation, and from St. Paul, Minn., to points in North Dakota under a continuing contract with Ford Motor Company. Common control may be involved.

HEARING: March 21, 1961, in Room 926, Metropolitan Building, Second Avenue, South and Third, Minneapolis, Minn., before Examiner Hugh M. Nicholson.

No. MC 4405 (Sub No. 374), filed January 3, 1961. Applicant: DEALERS TRANSIT, INC., 13101 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Trailers, semi-trailers and trailer chassis, except those designed to be drawn by passenger automobiles, in initial movements, by truckaway and driveaway services; from El Paso, Tex., to points in Alaska, Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, and (2) tractors, in secondary driveaway movements, only when drawing trailers or trailer chassis moving in initial driveaway movements, over irregular routes; from El Paso, Tex., to points in Alaska, Arizona, Nevada, and Oregon.

HEARING: March 20, 1961, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 4405 (Sub No. 377), filed January 5, 1961. Applicant: DEALERS TRANSIT, INC., 13101 South Torrence Avenue, Chicago 33, Ill. Applicant's at-

torney: James W. Wrape, 1824 Eye Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Portable houses, on removable undercarriages, and along with each portable house the equipment and material to be used in installation of said house at destination, in truckaway service, and, (2) undercarriages and component parts thereof, and installation equipment that is to be used or has been used in the transportation and installation of portable houses, in truckaway service; between points in the United States, including Alaska but excluding Hawaii.*

HEARING: March 20, 1961, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 10345 (Sub No. 81), filed December 5, 1960. Applicant: C & J COMMERCIAL DRIVEAWAY, INC., Lansing, Mich. Applicant's attorney: James W. Wrape, Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles, by truckaway service, in initial movements, from Lansing, Mich., to points in Arkansas, Kentucky, and Tennessee, except Memphis, Tenn.*

NOTE: Common control may be involved.

HEARING: March 15, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 29328 (Sub No. 3), filed November 21, 1960. Applicant: SCHIEK MOTOR EXPRESS, INC., 90 Casseday Avenue, Joliet, Ill. Applicant's attorney: Eugene L. Cohn, One North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal tallow, in tank vehicles, from Joliet, Ill., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, and Wisconsin, and empty containers or other such incidental facilities (not specified) used in transporting the above-described commodity, on return.*

HEARING: March 13, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 31229 (Sub No. 8), filed December 21, 1960. Applicant: E. M. KELLER, doing business as E. M. KELLER & COMPANY, 725 South Cuyler Street, Pampa, Tex. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City 3, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, other than pipe lines used for the transmission of natural gas, petroleum or their products and by-products, (1) between points in that part of Texas west of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 81 to Fort Worth, Tex., and north of a line beginning at*

Fort Worth and extending along U.S. Highway 80 to El Paso, Tex., including points on the indicated portions of the highways specified; (2) between points in Texas north of a line beginning at the Texas-New Mexico State line and extending along the southern boundaries of Parmer, Castro, Swisher, Briscoe, Hall, and Childress Counties, Tex., to junction of Hardeman County line, thence west of a line extending along the Childress-Hardeman County line to the Texas-Oklahoma State line, on the one hand, and, on the other, points in New Mexico, Oklahoma, and Kansas;

NOTE: The carrier may combine the above-described irregular-route authorities provided they have a point common to both which the carrier may transport a given shipment under one authority and from which it may transport the same shipment under the other, and establish through service under such combination provided in each instance the shipment is transported through the common or gateway point and provided further that this certificate does not contain any restriction or other indication that through service shall not be conducted;

(3) between Ulysses, Kans., on the one hand, and, on the other, points in Oklahoma; (4) between points in New Mexico;

NOTE: This territorial authority is presently operated by E. M. Keller under the "Mercer" commodity description in authority issued by the Interstate Commerce Commission in Certificate No. MC 31229, proposed to be transferred to applicant in Docket No. MC-F 7355;

(5) between points in Kansas; (6) between points in Kansas, on the one hand, and, on the other, points in Oklahoma, Colorado, and Wyoming;

NOTE: The territorial description immediately above is under the "Mercer" commodity description and is the subject of purchase by applicant from Everett Anderson Truck Service, Docket No. MC-F 7355, pending before the Commission;

and (7) between points in Texas and Oklahoma.

NOTE: The territorial description immediately above is under the "Mercer" commodity description and is the subject of purchase by applicant from J. C. Horn Trucking Company, Docket No. MC-F 7725, pending before the Commission.

NOTE: Applicant states that the purpose of this application is to obtain authority to transport the involved commodities in connection with all types of pipe lines, not limited to those for the transmission of natural gas, petroleum or their products and by-products. Applicant presently holds appropriate authority to transport the involved commodities in connection with pipe lines used for the transmission of natural gas, petroleum or their products and by-products. Applicant further states that no extension of territorial authority is sought. Applicant proposes to operate between all points in the above territory traversing the gateways required to be observed in its present operations.

HEARING: March 6, 1961, at the Baker Hotel, Dallas, Tex., before Examiner C. Evans Brooks, subject to the agreement of the parties and the order of December 16, 1960, assigning No. MC 704 (Sub No. 22) and related cases for hearing.

No. MC 40428 (Sub No. 9), filed December 28, 1960. Applicant: CROSS TRANSPORTATION, INC., Carl's Corners, Bridgeton, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone, ground, crushed or pulverized, in bulk, in special trailer equipment; from Thomasville and Bellefonte, Pa., to points in Cumberland and Salem Counties, N.J.*

HEARING: March 10, 1961, in the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner Gordon M. Callow.

No. MC 42487 (Sub No. 495), filed December 30, 1960. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products, as described in Appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, in bulk, in tank vehicles, from Barstow, Calif., and Las Vegas, Nev., and points within 10 miles thereof, to points in California, Nevada, Utah, and Arizona and rejected and contaminated shipments, of the above specified commodities, from the above specified destination points to the described origin areas and to points in Los Angeles, Ventura, and Orange Counties, Calif., on return.*

HEARING: March 21, 1961, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 43269 (Sub No. 47), filed December 23, 1960. Applicant: WELLS CARGO, INC., 1775 East Fourth Street (P.O. Box 1511), Reno, Nev. Applicant's attorneys: Bruce R. Geernaert and Edward M. Berol, Berol and Geernaert, 100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products, as described in Appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, in bulk, in tank vehicles, from Barstow, Calif., and Las Vegas, Nev., and points within ten (10) miles of each, to points in California, Nevada, Utah, and Arizona, and contaminated or rejected shipments of the above-specified commodities on return movements.*

HEARING: March 21, 1961, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 48957 (Sub No. 20), filed October 14, 1960. Applicant: CROWN MOTOR FREIGHT CO., 832 East 28th Street, Paterson 3, N.J. Applicant's attorney: S. S. Eisen, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rayon or synthetic fibre strapping and strapping equipment and supplies; from Lewistown, Pa., to points in Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island, and empty containers or other such incidental facilities, used in trans-*

porting the above-described commodities, on return.

NOTE: Applicant has submitted a Motion to Dismiss the application, stating that the authority sought duplicates its existing authority.

HEARING: March 8, 1961, in the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner Gordon M. Callow.

No. MC 64932 (Sub No. 282), filed November 28, 1960. Applicant: ROGERS CARTAGE CO., a corporation, 1934 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Meredosia, Ill., and points within ten (10) miles thereof, to points in Indiana, Iowa, Kentucky, Missouri, Minnesota, Michigan, Ohio, and Wisconsin.

HEARING: March 7, 1961, in the Midland Hotel, Chicago, Ill., before Examiner Hugh M. Nicholson.

No. MC 65525 (Sub No. 13), filed December 12, 1960. Applicant: WHITE BROTHERS TRUCKING CO., a corporation, Wasco, Ill. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago 41, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime stone mineral filler*, ground or pulverized, from Hodgkins, Ill., and points within five miles thereof, to points in Indiana, Michigan, and Wisconsin.

HEARING: March 15, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 74846 (Sub No. 47), filed December 30, 1960. Applicant: LEWIS G. JOHNSON, P.O. Box 135, Newark, N.Y. Applicant's Representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty wirebound crates*, knocked down, from Macon and Savannah, Ga., to points in Wayne and Monroe Counties, N.Y.

HEARING: February 24, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gordon M. Callow.

No. MC 80388 (Sub-No. 6), filed June 16, 1960. Applicant: CHICAGO-INDIANA FREIGHT LINES, INC., 3808 South Western Avenue, Chicago, Ill. Applicant's attorney: Beverley S. Simms, 910 17th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Internal combustion engines, tractors and attachments, stainless steel moldings, iron or steel engines, driving gear or steering gear parts, transmissions or torque converters, iron or steel shipping drums, and iron or steel skids or racks; cleaning, scouring and washing compounds, soap and soap powders, machines, machinery and machine parts; steel tables, folding chairs, children's wagons and vehicles, furnaces, auto brake parts, metal cabinets, lift truck pallets, corrugated boxes, battery acids, crankshaft racks, steel*

sheet, lacquer, dog and cat food, prepared animal food, and petroleum naphtha, between Chicago, Ill., and Gary, Hammond, and Whiting, Ind., on the one hand, and, on the other, Louisville, Ky., and points in Indiana.

HEARING: March 8, 1961, in the Midland Hotel, Chicago, Ill., before Joint Board No. 1, or, if the Joint Board waives its right to participate, before Examiner Hugh M. Nicholson.

No. MC 103880 (Sub No. 214), filed November 28, 1960. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, N.Y. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, between St. Louis, Mo., and points of entry on the International Boundary line between the United States and Canada at or near Detroit and Port Huron, Mich., restricted to shipments originating at, or destined to, points in Canada.

HEARING: March 13, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 105461 (Sub No. 30), filed December 29, 1960. Applicant: BENJAMIN H. HERR, doing business as HERR'S MOTOR EXPRESS, Quarryville, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Compressed chipped wood resin-bonded boards*, from Goffstown, N.H., to points in Kent, New Castle, Sussex Counties, Del.; Anne-Arundel, Carolina, Carrol, Cecil, Dorchester, Hartford, Kent, Montgomery, Queen Anne's, Talbot, Washington, Wicomico, Worcester, Baltimore, and Frederick Counties, and Baltimore City, Md.; Atlantic, Cape May, Cumberland, Ocean, and Salem, N.J.; Adams, Allegheny, Blair, Bradford, Center, Clinton, Delaware, Franklin, Lackawanna, Lycoming, Mifflin, Monroe, Montour, Northumberland, Perry, Philadelphia, Pike, Snyder, Sullivan, Susquehanna, Union, Wyoming, Clearfield, Elk and Somerset Counties, Pa., and Chesterfield and Henrico Counties, Va.

HEARING: February 27, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Walter R. Lee.

No. MC 106051 (Sub No. 18), filed November 21, 1960. Applicant: OLD COLONY TRANSPORTATION CO., INC., 56 Prospect Street, New Bedford, Mass. Applicant's attorney: Francis E. Barrett, Jr., Professional Building, 25 Bryant Avenue, East Milton 86 (Boston), Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, dangerous explosives, livestock, leather, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and commodities requiring special equipment, serving Millerton, N.Y., as an off-route point in connection with applicant's presently au-

thorized regular route operations in the State of New York over New York Highways 9W and 9G.

HEARING: March 13, 1961, in the New Post Office and Court House Building, Boston, Mass., before Examiner Gordon M. Callow.

No. MC 106398 (Sub No. 169), filed December 19, 1960. Applicant: NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, Tulsa, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, in truckaway service; from points in Minnesota except Minneapolis, St. Paul, Red Lake Falls, and Park Rapids, Minn., to points in the United States, except Hawaii, but including Alaska.

HEARING: March 24, 1961, in Room 926, Metropolitan Building, Second Avenue, South and Third, Minneapolis, Minn., before Examiner Hugh M. Nicholson.

No. MC 106965 (Sub No. 154) (CORRECTION), filed December 28, 1960, published in the FEDERAL REGISTER issue of January 18, 1961. Applicant: M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, 1825 Jefferson Place NW., Washington 6, D.C. Applicant's attorney: Dale C. Dillon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum wax*, in bulk, in tank vehicles, from Emlenton and Farmers Valley, Pa., to points in North Carolina.

NOTE: The purpose of this republication is to reflect carrier's trade name as shown above.

HEARING: Remains as assigned February 20, 1961, in the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner C. Evans Brooks.

No. MC 107409 (Sub No. 25), filed October 12, 1960. Applicant: RATLIFF & RATLIFF, INC., P.O. Box 399, Wadesboro, N.C. Applicant's attorney: Edward G. Villalon, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dried and powdered milk, including buttermilk and skimmed milk, and powdered, and dried whey, and empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, between points in Iowa, Minnesota, Missouri, Wisconsin, Illinois, Tennessee, Virginia, Mississippi, Alabama, Kentucky, Indiana, Ohio, Michigan, Georgia, Pennsylvania, New York, West Virginia, North Carolina, South Carolina, Florida, Massachusetts, New Hampshire, Maine, Vermont, Delaware, Maryland, New Jersey, Connecticut, Rhode Island, and the District of Columbia, together with Motion to Dismiss this application on the ground that the above-described commodities are exempt from regulation and that no certificate of public convenience and necessity is required to transport them in interstate commerce.

HEARING: March 6, 1961, in the Midland Hotel, Chicago, Ill., before Examiner Hugh M. Nicholson.

No. MC 108449 (Sub No. 114), filed November 21, 1960. Applicant: INDIAN-HEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul 13, Minn. Applicant's attorney: Mr. Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt*, in bulk, from points in Minnesota to points in Iowa, Minnesota, North Dakota, Wisconsin, and the Upper Peninsula of Michigan.

HEARING: March 14, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 108453 (Sub No. 22), filed December 27, 1960. Applicant: G & A TRUCK LINE, INC., White Pidgeon, Mich. Applicant's attorney: John P. Boeschstein, Hackley Bank Building, Muskegon, Mich. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products and supplies, and waste or scrap paper and such commodities as are used or are useful in the production of paper and paper products*; between Middlebury, Ind., and points within one mile thereof, on the one hand, and, on the other, points in Lower Peninsula of Michigan, points in that part of Ohio on and north of U.S. Highway 22 and Cincinnati, Ohio, and points within ten miles of Cincinnati, points in Illinois, points in Wisconsin, St. Louis, Mo., Commercial Zone, Louisville, Ky., Rochester, N.Y., and Buffalo, N.Y.

NOTE: (1) Applicant states that the intent of this application is to secure authority, identical in scope, to serve the Middlebury, Ind. plant of Weyerhaeuser Co., that it presently holds to serve their plants at White Pidgeon and Three Rivers, Mich. (2) A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier in No. MC-108453 (Sub No. 21).

HEARING: March 22, 1961, at the Federal Building, Room 215, Lansing, Mich., before Examiner Raymond V. Sar.

No. MC 110698 (Sub No. 146), filed January 10, 1961. Applicant: RYDER TANK LINE, INC., P.O. Box 457, Greensboro, N.C. Applicant's attorney: Frank B. Hand, Jr., 522 Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Parlin, N.J., and points within five (5) miles thereof, to Hopewell, Va.

HEARING: March 9, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo A. Riegel.

No. MC 111138 (Sub No. 26), filed September 23, 1960. Applicant: COLONIAL & PACIFIC FRIGIDWAYS, INC., 1215 Bankhead Highway West, Birmingham, Ala. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

Chocolate, chocolate coating, cocoa powder, chocolate syrup and cocoa butter, in bulk, in tank vehicles, from Milwaukee, Wis., to points in California, Oregon, Washington, Utah, and Montana, and *rejected, damaged or contaminated shipments*, on return.

HEARING: March 13, 1961, in the Hotel Schroeder, Milwaukee, Wis., before Examiner Hugh M. Nicholson.

No. MC 111717 (Sub No. 20), filed October 27, 1960. Applicant: TRACTOR TRANSPORT, INC., 535 South 84th Street, Milwaukee, Wis. Applicant's attorney: Frank M. Coyne, Bank of Madison Building, 1 West Main Street, Madison 3, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Articles manufactured, processed, or assembled by Allis Chalmers Manufacturing Company of West Allis, Wis., and attachments, parts, supplies and materials used in manufacture, processing, assembly or distribution of the same, and rejected, damaged and returned shipments*; between points in the United States, except Alaska and Hawaii.

NOTE: Applicant states that the shipper produces many articles and has need for many types of transportation and desires the applicant to be able to function on any transportation that it requires, either into or out of its plant, without limitation to commodity. Therefore, the description as set forth in this application is intended to be all inclusive of anything manufactured, processed, or assembled by said shipper, including the parts, materials, supplies, and attachments that go into them. Applicant further states that thus far its operations have been limited to the farm machinery or industrial tractor aspects of this shipper.

HEARING: March 15, 1961, in the Hotel Schroeder, Milwaukee, Wis., before Examiner Hugh M. Nicholson.

No. MC 111812 (Sub No. 115), filed December 19, 1960. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packing-house products, and commodities used by packinghouses*, as defined in Appendix I of *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766, (1) from Austin, Minn., and Fort Dodge, Iowa, to points in South Dakota west of U.S. Highway 281; (2) from Fremont, Nebr., to points in North Dakota and South Dakota; (3) from Mitchell, S. Dak., to Fremont, Nebr. and Fort Dodge, Iowa, and, (4) from Springfield, Mo., to Fremont, Nebr., Fort Dodge, Iowa, Austin, and Owatonna, Minn., and *commodities*, as presently authorized, *hooks and racks*, in connection with (1), (2), (3), and (4) above, on return.

HEARING: March 22, 1961, in Room 926, Metropolitan Building, Second Avenue, South and Third, Minneapolis, Minn., before Examiner Hugh M. Nicholson.

No. MC 111812 (Sub No. 116) (AMENDMENT), filed December 19, 1960, published in the FEDERAL REGISTER issue of January 11, 1961. Applicant:

MIDWEST COAST TRANSPORT, INC., P.O. Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packing-house products, and commodities used by packinghouses*, as defined in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766; from points in Iowa and Minnesota, Fremont and Omaha, Nebraska, Kansas City, Kans., and St. Joseph, Mo., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Washington, D.C. and *shipper-owned meat hooks and meat racks*, on return.

NOTE: Applicant is agreeable to a provision in any certificate issued herein that it will not be severable from certificates now held in MC-111812 Subs 32 and 41. Applicant may now provide in single-line service everything applied for herein except from the origin points of Omaha and Fremont, Nebr., Kansas City and St. Joseph, Mo. This application will remove the necessity of applicant operating through certain gateways. The purpose of this republication is to show that applicant proposes to include service originating at Kansas City, Kans.

HEARING: Remains as assigned March 6, 1961, in the Midland Hotel, Chicago, Ill., before Examiner Jerry F. Laughlin.

No. MC 112908 (Sub No. 4), filed December 22, 1960. Applicant: KINGSWAY TRANSPORTS LIMITED, a corporation, P.O. Box 1220, Montreal 3, Quebec, Canada. Applicant's attorney: S. Harrison Kahn, 1110-14 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between the junction of New York Highway 9 and New York Highway 9B near Chazy, N.Y. and the boundary of the United States and Canada near Champlain, N.Y.; from the junction of New York Highway 9 and New York Highway 9B near Chazy, over New York Highway 9 to the boundary of the United States and Canada at Champlain, with service at the junction of New York Highway 9 and New York Highway 9B authorized for the purpose of joinder only, in connection with the carrier's authorized regular route operations, and return over the same route, serving no intermediate points. **RESTRICTION:** No shipments shall be transported except those originating at, or destined to, points in Canada.

HEARING: March 9, 1961, in the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner Gordon M. Callow.

No. MC 113255 (Sub No. 31), filed December 3, 1960. Applicant: MILK TRANSPORT, INC., P.O. Box 398, New Brighton, Minn. Applicant's attorney: Donald A. Morken, 1000 First National

Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning, scouring and washing compounds*, in bulk, in tank vehicles; from St. Paul, Minn., to Kansas City, Mo., Iowa City, Iowa, Jeffersonville, Ind., and Jersey City, N.J., and *exempt commodities*, on return.

NOTE: Common control may be involved.

HEARING: March 20, 1961, in Room 926, Metropolitan Building, Second Avenue, South and Third, Minneapolis, Minn., before Examiner Hugh M. Nicholson.

No. MC 113651 (Sub No. 36), filed December 7, 1960. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. Applicant's attorney: William J. Boyd, 30 North LaSalle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, dairy products and articles* distributed by meat packing houses as defined by the Commission, from Indianapolis, Ind., to points in Maine, and *empty containers, refused and rejected shipments*, on return.

HEARING: March 7, 1961, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Raymond V. Sar.

No. MC 115273 (Sub No. 7), filed January 3, 1961. Applicant: ACME CARRIERS, INC., Route No. 1, South Kearny, N.J. Applicant's attorney: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mica splittings and dust*; from Cohoes, Utica and points in the New York, N.Y., Commercial Zone, to Newark, Del., and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return.

HEARING: March 8, 1961, in the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner Gordon M. Callow.

No. MC 115379 (Sub No. 5), filed January 13, 1961. Applicant: JOHN D. BOHR, Jr., R.D. No. 2, Annville, Pa. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients*; from Camden and Wildwood, N.J., and points in Delaware, to points in Pennsylvania east of U.S. Highway 220 and east of that portion of U.S. Highway 15, north of the intersection of U.S. Highways 220 and 15.

HEARING: February 28, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gerald F. Colfer.

No. MC 115760 (Sub No. 1), filed November 29, 1960. Applicant: FRANCIS S. HUNNEWELL, doing business as HUNNEWELL MOTOR LINES, 298 North Central Street, East Bridgewater, Mass. Applicant's attorney: Joseph A. Kline, 185 Devonshire Street, Boston,

Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*; between Bridgewater and East Bridgewater, Mass., and points in Connecticut.

HEARING: March 13, 1961, in the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 134, or, if the Joint Board waives its rights to participate, before Examiner Gordon M. Callow.

No. MC 116427 (Sub No. 2), filed January 3, 1961. Applicant: JOE WEST, doing business as LAS VEGAS TRUCK LINE, 722 North Main Street (P.O. Box 295), Las Vegas, Nev. Applicant's attorney: Edward M. Berol, 100 Bush Street, San Francisco, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Barstow, Calif., and Las Vegas, Nev., and points within ten miles thereof, to points in California, Nevada, Utah, and Arizona, and *contaminated or rejected shipments*, on return.

HEARING: March 21, 1961, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 117865 (Sub No. 1) (SECOND CORRECTION), filed November 23, 1960, published in the FEDERAL REGISTER issues of December 29, 1960, and January 18, 1961. Applicant: ERIC LORENTZEN, 5 Beacon Road, Hull, Mass. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, (1) from Baltimore, Md., to Worcester and Brockton, Mass., and Manchester, N.H., (2) from Weehawken, N.J., and New York, N.Y., to Manchester, N.H., and (3) *exempt commodities* on return, in connection with the operations described in (1) and (2) above.

NOTE: The purpose of this second correction is to clarify the return movements which should have read: (3) exempt commodities on return, in connection with the operations described in (1) and (2) above.

No. MC 117968 (Sub No. 3), filed January 13, 1961. Applicant: VINCENT MONTONE TRANSPORTATION, INC., 24th and North Church Streets, Hazleton, Pa. Applicant's attorney: Francis J. Ortman, 1366 National Press Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, semi-trailers, trailer chassis, semi-trailer chassis* (except those designed to be drawn by passenger automobiles), in initial movements in driveway service; from Hazleton, Pa., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, North Carolina, New Hampshire, New Jersey, New York, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia. (2) *Tractors*, in secondary movements, in driveway service, only when drawing trailers, semi-trailers, trailer chassis,

semi-trailer chassis in initial movements; from Hazleton, Pa., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, North Carolina, New Hampshire, New Jersey, New York, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia. (3) *Containers, cargo containers, cargo container boxes* (except those having a capacity of five (5) gallons or less or those having a capacity of nine (9) cubic feet or less); from Hazleton, Pa., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, North Carolina, New Hampshire, New Jersey, New York, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia; and *empty containers or other such incidental facilities*, used in transporting the commodities described in (1), (2) and (3) above, and *rejected or used commodities* of the type described above, except tractors, on return.

NOTE: Applicant states that by requesting the authority set forth in Item (3) above, applicant is not seeking a duplication of authority which may be granted in its pending application MC-117968 Sub No. 2, but does desire authority to transport containers, cargo containers and cargo container boxes if it should be determined by the Commission that these commodities are not embraced in the term "metal cargo shipping containers" as presently recommended in the Examiner's report in MC-117968, Sub No. 2.

HEARING: February 7, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James A. McKiel.

No. MC 117968 (Sub No. 4), filed January 13, 1961. Applicant: VINCENT MONTONE TRANSPORTATION, INC., 24th and North Church Streets, Hazleton, Pa. Applicant's attorney: Francis J. Ortman, 1366 National Press Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, semi-trailers, trailer chassis, semi-trailer chassis* (except those designed to be drawn by passenger automobiles), in initial movements in truckaway service, from Hazleton, Pa., to points in Alaska, Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, Pennsylvania, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming. (2) *Trailers, semi-trailers, trailer chassis, semi-trailer chassis* (except those designed to be drawn by passenger automobiles), in initial movements, in driveway service, from Hazleton, Pa., to points in Alaska, Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, Pennsylvania, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming. (3) *Tractors*, in secondary movements, in

driveaway service, only when drawing trailers, semi-trailers, trailer chassis, semi-trailer chassis in initial movements, from Hazleton, Pa., to points in Alaska, Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, Pennsylvania, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming. (4) *Containers, cargo containers, cargo container boxes* (except those having a capacity of 5 gallons or less, or those having a capacity of 9 cubic feet or less); from Hazleton, Pa., to points in Alaska, Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, Pennsylvania, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming; and *empty containers or other such incidental facilities*, used in transporting the commodities described in (1), (2), (3), and (4) above, and *rejected or used commodities of type described above* except tractors, on return.

HEARING: February 6, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James A. McKiel.

No. MC 118415 (Sub No. 2), filed September 23, 1960. Applicant: WILLIAM E. HUSBY, doing business as HUSBY TRUCKING SERVICE, Route No. 1, Box 124, Menomonie, Wis. Applicant's attorney: W. P. Knowles, Doar & Knowles, New Richmond, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat products*; from the plant site of Patrick Cudahy, Inc., Cudahy, Wis., to points in California, points in the New York, N.Y., Commercial Zone, Philadelphia, Pa., Jersey City and Newark, N.J., and *rejected shipments or meat products owned by Patrick Cudahy, Inc.*, for use or distribution from their Cudahy plant, on return.

HEARING: March 14, 1961, in the Hotel Schroeder, Milwaukee, Wis., before Examiner Hugh M. Nicholson.

No. MC 119226 (Sub No. 33), filed December 27, 1960. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, Ind. Applicant's attorney: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Neutral citrus brandy*, in bulk, in tank vehicles, from Lake Alfred, Fla., and points within five miles thereof, to points in the Detroit, Mich., Commercial Zone, (2) *grain neutral spirits*, in bulk, in tank vehicles, from Muscatine, Iowa, to points in the Detroit, Mich., Commercial Zone.

HEARING: March 8, 1961, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Raymond V. Sar.

No. MC 119226 (Sub No. 34), filed December 28, 1960. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis 27, Ind. Applicant's attorney: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate

as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vodka*, in bulk, in tank vehicles, from Pekin, Ill., and points within two miles thereof, to Detroit, Mich.

HEARING: March 10, 1961, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Raymond V. Sar.

No. MC 119809 (Sub No. 1), filed December 19, 1960. Applicant: CITY WIDE TRUCKING CORP., 340 West 39th Street, New York, N.Y. Applicant's Representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baggage and personal effects* of campers, between New York, N.Y., and points in Westchester, Nassau, and Suffolk Counties, N.Y., and points in Bergen, Passaic, Sussex, Morris, Hudson, Union, Middlesex, and Monmouth Counties, N.J., on the one hand, and, on the other, camp sites in New York, Pennsylvania, Massachusetts, and Vermont.

HEARING: March 6, 1961, in the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner Gordon M. Callow.

No. MC 123112 (Sub No. 1), filed December 19, 1960. Applicant: H. LESTER HOCKMAN, doing business as HOCKMAN'S MOTOR EXPRESS, 300 Broad Street, Terre Hill, Pa. Applicant's attorney: William J. Wilcox, 624 Commonwealth Building, Allentown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shirts, dresses, slips, underwear, and sleeping garments*, from Bart, Denver, Hopeland, and Womelsdorf, Pa., to New York, N.Y., and *empty containers, thread, trimmings, buttons, hooks, zippers and kindred supplies, piece goods, cut or uncut, sewing and cutting machines and parts thereof, and rejected shipments*, on return.

HEARING: March 7, 1961, in the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner Gordon M. Callow.

No. MC 123117, filed October 7, 1960. Applicant: ANGELO DITELLO, doing business as NATIONAL TRANSIT CARTAGE CO., 2702 South 6th Street, Milwaukee 15, Wis. Applicant's attorney: William C. Dineen, 746 Empire Building, 710 N. Plankinton Avenue, Milwaukee, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Core, oil, silicate, and foundry core compound liquid*, in bulk, in tank vehicles, from Milwaukee, Wis., to points in Illinois, Indiana, Michigan, Ohio, Iowa, and Minnesota and *range oil, silicate, and foundry core compound liquid*, in bulk, in tank vehicles, from points in Illinois, Indiana, Michigan, Ohio, Iowa, and Minnesota, to Milwaukee, Wis.

HEARING: March 17, 1961, in the Hotel Schroeder, Milwaukee, Wis., before Examiner Hugh M. Nicholson.

No. MC 123133 (Sub No. 2) filed December 9, 1960. Applicant: DENNY TRANSPORT, INC., 201 Ellen Court, New Albany, Ind. Applicant's attorney: Ollie L. Merchant, Suite 202, 140 South Fifth Street, Louisville 2, Ky. Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: *Ink*, in bulk, in tank vehicles, from Louisville, Ky., to Memphis, Tenn.

NOTE: Common control may be involved.

HEARING: February 27, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James I. Carr.

No. MC 123222, filed November 18, 1960. Applicant: BELFAST GARAGE, INC., 92 Waldo Avenue, Belfast, Maine. Applicant's attorney: David A. Nichols, Depositors Trust Building, Camden, Maine. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen baked potatoes and baked apples*, from Belfast, Maine, to Boston, Springfield, Watertown, and Worcester, Mass., Providence, R.I., Hartford and New Haven, Conn., Albany, Buffalo, New York, and Syracuse, N.Y., and (2) *cheese, sugar, and cardboard containers* used in producing and packaging the commodities specified in this application from Needham Heights and Cambridge, Mass., to Belfast, Maine.

NOTE: Applicant states the proposed service shall be performed under a contract with the Penobscot Frozen Food Locker, Inc., located at Belfast, Maine.

HEARING: March 17, 1961, in the Federal Building, Portland, Maine, before Examiner Gordon M. Callow.

No. MC 123247, filed December 1, 1960. Applicant: MARILYN J. ODLE, doing business as BUD'S WRECKER SERVICE, 2410 Western Avenue, South Bend, Ind. Applicant's attorney: Ferdinand Born, 1017-19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Used tractors* in secondary movements, by the truckaway method, to be used as replacements for wrecked or disabled tractors, and too, *used trailers or used semi-trailers* to be used as replacement for wrecked or disabled trailers or semi-trailers; (2) *wrecked or disabled motor vehicles, including wrecked or disabled trailers or semi-trailers*; and (3) *motor vehicle parts, accessories, supplies and materials*, moving in wrecker equipment for use in connection with the repairing and reconditioning of damaged, disabled, or wrecked motor vehicles, trailers, and semi-trailers, between points in Indiana, Michigan, Ohio, Illinois, Wisconsin, and Kentucky.

HEARING: March 6, 1961, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Raymond V. Sar.

No. MC 123276 (CORRECTION), filed December 13, 1960, published in the FEDERAL REGISTER issue of January 11, 1961. Applicant: ATOMIC TRUCKING CORP., 187 Duane Street, New York, N.Y. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Butter, butter cartons, eggs, cheese, fruits, and produce and meats*; from New York, N.Y., to Paterson, Passaic, Bayonne, Elizabeth, Irvington, Garfield, Montclair, Atlantic

Highlands, Perth Amboy, and Newark, N.J.

NOTE: Previous publication stated applicant sought contract carrier authority, in error.

HEARING: Remains as assigned February 27, 1961, at the Governor Clinton Hotel, 31st and Seventh Avenue, New York, N.Y., before Examiner James O'D. Moran.

No. MC 123303, filed December 19, 1960. Applicant: ROBERT W. SAWYER, doing business as SAWYER TRANSPORT, 2424 Minnehaha, Minneapolis, Minn. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardboard, wallboard, chipboard, building materials, insulation and insulation materials*, between points in Minnesota, except the Minneapolis-St. Paul Commercial Zone, on the one hand, and, on the other, points in Kansas, Nebraska, and Missouri.

HEARING: March 23, 1961, in Room 926, Metropolitan Building, Second Avenue, South and Third, Minneapolis, Minn., before Examiner Hugh M. Nicholson.

No. MC 123303 (Sub No. 1), filed December 19, 1960. Applicant: ROBERT W. SAWYER, doing business as SAWYER TRANSPORT, 2424 Minnehaha, Minneapolis, Minn. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from Minneapolis and St. Paul, Minn., to points in Nebraska.

HEARING: March 23, 1961, at the Metropolitan Building, Room 926, Second Avenue, South and Third, Minneapolis, Minn., before Examiner Hugh M. Nicholson.

No. MC 123307, filed December 20, 1960. Applicant: MINNIE BILLERT AND THEODORE BILLERT, doing business as BILLERTS HAULAGE, 142-11 248th Street, Rosedale, Long Island, N.Y. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Cleaning compounds, powder, cleaning compounds, liquid, soaps, liquid, soaps, other than liquid, iron or steel rust preventing or removing compounds, other than petroleum, petroleum oil, metal drawing compounds, metal cutting compounds, paint removing liquid, disinfectants, other than medicinal, chemicals, polishing or buffing compounds, in bags, barrels, boxes, carboys, cases, kits, or pails;* (b) *empty carboys and drums*, between the plant site of Oakite Products, Inc., at Metuchen, N.J., on the one hand, and, on the other, points in the New York Commercial zone, as defined by the Commission, including Port Newark, N.J. (2) *Cerelose, in bags, black strap molasses, in barrels, container labels, in cartons*, from points in the New York Commercial Zone, as defined by the Commission, including Port Newark,

N.J., to the plant site of Oakite Products, Inc., at Metuchen, N.J.

NOTE: Applicant states the proposed operations shall be performed under a continuing contract or contracts with Oakite Products, Inc.

HEARING: March 10, 1961, in the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner Gordon M. Callow.

No. MC 123316, filed December 27, 1960. Applicant: EDWARD MILAN, doing business as MILAN TRUCKING CO., 242 Della Road, Columbus, Ind. Applicant's attorney: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packing-house products, and commodities used by packing-houses*, as described in Appendix I, *Descriptions in Motor Carrier Certificates* Ex Parte MC 45, in shipper-owned trailers only; from Columbus, Ind., to points in Michigan, and Ohio, including the Commercial Zone of Cincinnati, Ohio, and *empty shipper-owned trailers*, on return.

HEARING: March 9, 1961, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Raymond V. Sar.

No. MC 123317 (Sub-No. 1), filed December 27, 1960. Applicant: LIVE-STOCK CARTAGE, INC., 1636 State Street, Columbus, Ind. Applicant's attorney: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packing-house products, and commodities used by packing-houses* as described in Appendix I, *Descriptions in Motor Carrier Certificates* Ex Parte MC 45, in shipper-owned trailers only, from Columbus, Ind., to points in Ohio, including the Commercial Zone of Cincinnati; Pennsylvania, and Illinois.

HEARING: March 9, 1961, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Raymond V. Sar.

No. MC 123354, filed January 6, 1961. Applicant: MARC TRANSFER, INC., R.D. No. 1, Rochester, Pa. Applicant's attorney: Arthur J. Diskin, 302 Frick Building, Pittsburgh 19, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Zinc, zinc slabs, zinc anodes, zinc oxide and zinc granules;* from Josephstown, Monaca, Pa., to points in Ohio, West Virginia, Indiana, Illinois, Kentucky, New York, New Jersey, Maryland, and Michigan, and *zinc, zinc dross, zinc scrap and zinc residues and rejected shipments of outbound commodities*, on return.

NOTE: Applicant states it will operate under a continuing contract with St. Joseph Lead Company, Josephstown, Monaca, Pa.

HEARING: March 1, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William E. Messer.

MOTOR CARRIERS OF PASSENGERS

No. MC 668 (Sub No. 68), filed April 15, 1960. Applicant: INTER-CITY

TRANSPORTATION CO., INC., 730 Madison Avenue, Paterson, N.J. Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in one-way or round-trip charter operations, beginning at points in Nassau and Suffolk Counties, N.Y., and extending to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, and the District of Columbia.

HEARING: March 20, 1961, at 346 Broadway, New York, N.Y., before Examiner David Waters.

No. MC 668 (Sub No. 70), filed April 15, 1960. Applicant: INTER-CITY TRANSPORTATION CO., INC., 730 Madison Avenue, Paterson, N.J. Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, (1) between Philadelphia, Pa., and Ellenville, N.Y. From Philadelphia over Schuylkill Expressway to Valley Forge Interchange of Pennsylvania Turnpike, thence over Pennsylvania Turnpike to Lehigh Valley exit, thence over U.S. Highway 22 to Allentown, Pa., thence return over U.S. Highway 22 to Pennsylvania Turnpike, thence over Pennsylvania Turnpike to the Mahoning exit, thence over U.S. Highway 209 to Ellenville, N.Y., and return over the same routes, serving all intermediate points. (2) Between Port Jervis, N.Y., and Monticello, N.Y. From Port Jervis over New York Highway 97 to the junction of New York Highway 42, thence over New York Highway 42 to junction unnumbered highway, thence over unnumbered highway to Lake Sackett, N.Y., thence returning over such unnumbered highway to junction New York Highway 42, thence over New York Highway 42 to Monticello, and return over the same routes, serving all intermediate points. RESTRICTIONS: (a) No passengers shall be transported who both begin and end their journey at points in the State of Pennsylvania. (b) No passengers shall be transported who both begin and end their journey at points in the State of New York.

HEARING: March 15, 1961, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner David Waters.

No. MC 3700 (Sub No. 45), filed November 30, 1960. Applicant: MANHATTAN TRANSIT COMPANY, a corporation, U.S. Highway 46, East Paterson, N.J. Applicant's attorney: Robert E. Goldstein, 24 West 40th Street, New York 18, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special round-trip sightseeing or pleasure tours; beginning and ending at points in Nas-

sau and Suffolk Counties, N.Y., and extending to points in the United States, including the District of Columbia and Alaska, and excluding Hawaii.

NOTE: Common control may be involved.

HEARING: February 27, 1961, in the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner Gordon M. Callow.

No. MC 66582 (Sub No. 24), filed December 21, 1960. Applicant: ORANGE & BLACK BUS LINES, INC., 419 Anderson Avenue, Fairview, N.J. Applicant's attorney: Morris J. Levin, Roberts & McInnis, Continental Building, Fourteenth at K NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special round-trip sight-seeing tours, beginning and ending at points in Hudson County, N.J., and extending to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Louisiana, Maryland, Maine, Massachusetts, Michigan, Mississippi, New Hampshire, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Common control may be involved.

HEARING: March 2, 1961, in the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner Gordon M. Callow.

No. MC 112308 (Sub No. 1), filed December 19, 1960. Applicant: POCOSEDAN SERVICE, INC., 2 East 45th Street, New York 17, N.Y. Applicant's attorney: Robert E. Goldstein, 24 West 40th Street, New York 18, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, limited to the transportation of not more than 8 passengers in any one vehicle not including the driver thereof or children under 10 years of age who do not occupy a seat or seats, in special operations in non-scheduled door-to-door service; between New York, N.Y., and points in Monroe, Wayne, Carbon, and Northampton Counties, Pa.

NOTE: Applicant states it presently has authority to render similar service between New York, N.Y., and Monroe County, Pa., limited to 6 passengers in any one vehicle.

HEARING: March 9, 1961, in the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Joint Board No. 42, or, if the Joint Board waives its right to participate, before Examiner Gordon M. Callow.

No. MC 114271 (Sub No. 6), filed January 4, 1961. Applicant: CONTINENTAL CRESCENT LINES, INC., 425 Bolton Avenue, Alexandria, La. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers, between Opelika, Ala., and Columbus, Ga.; from Opelika over U.S. Highway 280 to Phenix City, Ala., and thence over U.S. Highway 80 to Colum-

bus, and return over the same route, serving all intermediate points.

NOTE: The applicant states that under present authority it is authorized to operate between Opelika and Columbus, and return over the above route, serving no intermediate points; the effect of the application is to request authority to serve intermediate points.

HEARING: March 15, 1961, in the Georgia Public Service Commission, 244 Washington Street, NW., Atlanta, Ga., before Joint Board No. 157.

No. MC 119961 (Sub No. 1) (CLARIFICATION), filed November 21, 1960, published in the FEDERAL REGISTER issue of January 11, 1961. Applicant: CHESTER HODGDON, doing business as MARSHALL MOTOR COACH, 10 South Eighth Avenue, Marshalltown, Iowa. Applicant's attorney: Homer E. Bradshaw, Suite 510, Central National Building, Des Moines 9, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, (1) round trip charter operations beginning and ending at points in Hardin, Grundy, Story, Marshall, Tama, Jasper, and Poweshiek Counties, Iowa and extending to all points in the United States, including the District of Columbia but excluding Alaska and Hawaii, and (2) one way charter operations, between points in the above-named counties on the one hand, and, on the other, points in the United States, including the District of Columbia, but excluding Alaska and Hawaii.

HEARING: Remains as assigned March 13, 1961, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Jerry F. Laughlin.

No. MC 123296, filed December 16, 1960. Applicant: CLEVELAND CIRCLE AUTO SCHOOLS, 354 Chestnut Hill Avenue, Boston (Brighton District), Mass. Applicant's attorney: Abraham Monsein, 161 Harvard Avenue, Allston, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage in the same vehicle*, in special operations, on non-scheduled door-to-door service, limited to the transportation of not more than 6 passengers, not including the driver thereof, and not including children under 10 years of age who do not occupy a seat or seats; between points in the Boston, Mass., Commercial Zone as defined in 31 M.C.C. 405 on the one hand, and, on the other, Monticello, N.Y., and points in New York within a radius of thirty-five (35) miles of the town of Monticello, N.Y.

HEARING: March 14, 1961, in the New Post Office and Court House Building, Boston, Mass., before Examiner Gordon M. Callow.

No. MC 123334, filed December 30, 1960. Applicant: KENNETH HUDSON, INC., doing business as HUDSON BUS LINES, a corporation, 280 Bartlett Street, Lewiston, Maine. Applicant's attorney: James H. Sullivan, 70 Union Street, Medford, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, trans-

porting: *Passengers and their baggage*, in special service during racing meets, from Lewiston and Portland, Maine; Portsmouth, N.H.; Suffolk Downs, East Boston, and Wonderland Dog Track, Revere, Mass.; Lincoln Downs, Lincoln, Narragansett Park, and Pawtucket, R.I., and to Rockingham Park, Salem, N.H.

HEARING: March 14, 1961, in the New Post Office and Court House Building, Boston, Mass., before Examiner Gordon M. Callow.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC 12746, filed December 8, 1960. Applicant: CLEVELAND CIRCLE TRAVEL, INC., 356 Chestnut Hill Avenue, Boston, Brighton District, Mass. Applicant's attorney: Abraham Monsein, 161 Harvard Avenue, Allston, Mass. For a license as a *broker* (BMC 5) at Boston, Mass., in arranging for transportation in interstate or foreign commerce, by motor vehicle, of *individual passengers and groups of passengers, and their baggage*, between points in Massachusetts, on the one hand, and, on the other, points in the United States, including ports of entry on the International Boundary line between the United States and Canada.

HEARING: March 15, 1961, in the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 231, or, if the Joint Board waives its right to participate, before Examiner Gordon M. Callow.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 13900 (Sub No. 12), filed January 10, 1961. Applicant: MIDWEST HAULERS, INC., 228 Superior Street, Toledo, Ohio. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, which are at the time moving on bills of lading of freight forwarders as defined in section 402(a) (5) of the Act; serving Binghamton, N.Y., at the intersection of its authorized routes New York Highway 17 and U.S. Highway 11 in connection with applicant's authorized regular route operations. RESTRICTION: The authority applied for herein is restricted to the transportation of traffic which has moved or will move in applicant's trailers on rail cars in trailer-on-flat-car service.

No. MC 104004 (Sub No. 158), filed January 13, 1961. Applicant: ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, and except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, between Baltimore, Md. and junction Delaware Highway 404 and U.S. Highway 13, from Baltimore over

Maryland Highway 2 to junction U.S. Highway 301, thence over U.S. Highway 301 over the Chesapeake Bay Bridge to junction U.S. Highway 301 and U.S. Highway 50, thence over U.S. Highway 50 to junction Maryland Highway 404, thence over Maryland Highway 404 to the Maryland-Delaware State line, and thence over Delaware Highway 404 to junction U.S. Highway 13 near Bridgeville, Del., and return over the same route, serving no intermediate or off-route points, as an alternate route for operating convenience only.

No. MC 108382 (Sub No. 9), filed January 9, 1961. Applicant: SHORT FREIGHT LINES, INC., 220 Saginaw Street, Bay City, Mich. Applicant's attorney: Carl H. Smith, Sr., 210-214 Phoenix Building, Bay City, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*; between the Port of Entry on the International Boundary between the United States and Canada at Sault Ste. Marie, Mich., on the one hand, and, on the other, points in the lower peninsula of Michigan.

NOTICE OF FILING OF PETITIONS

No. MC 66539 (PETITION TO RE-OPEN GRANDFATHER APPLICATION), dated January 6, 1961. Petitioner: PHIL KRASS AND MARY KRASNOWSKY, a partnership doing business as I. L. & C. COMPANY AND I. L. & C. CORP., Chicago, Ill. Petitioner's attorney: Bernard F. Flynn, Jr., 1060 Broad Street, Newark 2, N.J. Permit MC 66539 issued February 7, 1942, to the above-named partnership authorizes the transportation, as a contract carrier, of *corsets and supporters and materials used in the manufacture thereof*, over irregular routes, between Chicago, Ill., on the one hand, and, on the other, Belvidere, Ill., Logansport, Ind., Ishpeming, Mich., and New York, N.Y. Pursuant to the findings in MC 66539 (Sub No. 12), the successor corporation I. L. & C. Corp., was found to be a common carrier. The instant petition seeks reopening of the partnership "grandfather" application and the handling of same under modified procedure, and that the Commission authorize the transportation as a *common carrier*, over irregular routes, of *wearing apparel and materials, supplies, equipment used or useful in the manufacture thereof and containers therefore*, between Chicago, Ill., on the one hand, and, on the other, Belvidere, Ill., Logansport, Ind., Ishpeming, Mich., and New York, N.Y. Petitioner further requests that this be accomplished by cancellation of authority contained in MC 66539 and pursuant to the proceeding in MC 66539 (Sub No. 12) that the authority contained in said Permit be superseded by a certificate authorizing the transportation as requested, and further requests that if this matter cannot be handled under informal procedure that it be set down for formal hearing, and that the hearing be consolidated with petitioner's application in MC 66539 (Sub No. 13) presently pending before the Commission. The purpose of this publication is to

advise that any person or persons desiring to oppose the relief sought, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 109506 (PETITION TO RE-OPEN GRANDFATHER APPLICATION FOR CLARIFICATION AND AMENDMENT OF CERTIFICATE PURSUANT TO RULE 1.102 OF THE INTERSTATE COMMERCE COMMISSION GENERAL RULES OF PROCEDURE), dated December 29, 1960. Petitioner: FREEMAN PACK AND DAN PACK doing business as PACK TRUCK LINES, Route No. 1, Ammon Road, Idaho Falls, Idaho. Petitioner's attorney: Kenneth G. Bell, 203 McCarthy Building, Boise, Idaho. Certificate No. MC 109506 authorizes the transportation, as a common carrier, over specified regular routes, of *building materials*, feed, seed, salt, machinery, and agricultural commodities, between Idaho Falls, Idaho, and Salt Lake City, Utah. Petitioner states that continuously since, and prior to June 1, 1935, pipes of all types and descriptions were transported upon the belief by petitioner that such transportation was authorized under the term "building materials". Petitioner prays the Commission reopen the "grandfather" application and clarify and amend the Certificate to include the term pipe of all types and descriptions. The purpose of this publication is to advise that any person or persons desiring to oppose the relief sought, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 119513 (PETITION FOR MODIFICATION OF PERMIT BY ADDITION OF TWO ADDITIONAL SHIPPERS), dated January 3, 1961. Petitioner: HARRY EUGENE DEVILBISS, doing business as DEVILBISS TRUCK SERVICE, Uniontown, Md. Petitioner's representative: Donald E. Freeman, 24 Uniontown Road, Westminster, Md. Permit No. MC 119513, issued to petitioner authorizes transportation as follows: *IRREGULAR ROUTES: Cottonseed meal*, from Goldsboro, Raleigh, and Rocky Mount, N.C., to points in Carroll, Frederick, Harford, Howard, and Montgomery Counties, Md., and points in Adams, Berks, Bucks, Carbon, Centre, Chester, Columbia, Cumberland, Dauphin, Delaware, Franklin, Huntingdon, Lancaster, Lebanon, Lehigh, Lycoming, Mifflin, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Snyder, and Washington Counties, Pa., with no transportation for compensation on return except as otherwise authorized. *Peanut meal*, from Suffolk, Va., to points in Carroll, Frederick, Harford, Howard, and Montgomery Counties, Md., and points in Adams, Berks, Bucks, Carbon, Centre, Chester, Columbia, Cumberland, Dauphin, Delaware, Franklin, Huntingdon, Lancaster, Lebanon, Lehigh, Lycoming, Mifflin, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Snyder, and Washington Counties, Pa., with no transportation for compensation on return except as otherwise authorized. *Soybean meal*, from Bellevue, Delphos, and Rossford, Ohio, to points in Carroll,

Frederick, Harford, Howard, and Montgomery Counties, Md., and points in Adams, Berks, Bucks, Carbon, Centre, Chester, Columbia, Cumberland, Dauphin, Delaware, Franklin, Huntingdon, Lancaster, Lebanon, Lehigh, Lycoming, Mifflin, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Snyder, and Washington Counties, Pa., with no transportation for compensation on return except as otherwise authorized. *Citrus pulp*, from points in Florida to points in Carroll, Frederick, Harford, Howard, and Montgomery Counties, Md., and points in Adams, Berks, Bucks, Carbon, Centre, Chester, Columbia, Cumberland, Dauphin, Delaware, Franklin, Huntingdon, Lancaster, Lebanon, Lehigh, Lycoming, Mifflin, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Snyder, and Washington Counties, with no transportation for compensation on return except as otherwise authorized. **RESTRICTION:** The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with S. F. Scattergood & Co., Inc., of Narberth, Pa. The instant petition dated January 3, 1961, seeks the modification of the present restriction contained in the Permit so as to reflect the addition of two shippers: (1) Poorbaugh Grain, Inc., 907 Griest Bldg., Lancaster, Pa., and (2) Southern States Hay & Ingredients Service, 2101 East Fort Avenue, Baltimore, Md. The purpose of this publication is to advise that any person or persons who desire to oppose the addition, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F 7455 (F. J. BOUTELL DRIVEAWAY CO., INC.—PURCHASE—TRELOAR TRUCKING CO.), published in the March 2, 1960, issue of the FEDERAL REGISTER on page 1860. Application filed January 16, 1961, for temporary authority under section 210a(b).

No. MC-F 7657 (SIDNEY ENGELHARDT, EMANUEL ENGELHARDT AND ISIDOR ENGELHARDT—CONTROL—COSMOPOLITAN TRANSIT CO., INC., AND WALTERS TRANSIT CORP.), published in the September 28, 1960, issue of the FEDERAL REGISTER on page 9276. Application filed January 16, 1961, for temporary authority under section 210a(b).

No. MC-F 7763 (TUCKER FREIGHT LINES, INC.—PURCHASE—SUPERIOR FREIGHT LINES, INC.), published in the January 18, 1961, issue of the FEDERAL REGISTER on page 392. Application filed January 18, 1961, for temporary authority under section 210a(b).

No. MC-F 7770. Authority sought for control and merger by AERO TRUCKING, INC., P.O. Box 278, R.D. 1, Oakdale, Pa., of the operating rights and property of IDEAL TRUCKING, INC., P.O. Box 278, R.D. 1, Oakdale, Pa., and for acquisition by EDWARD J. CONTO, Oakdale, Pa., of control of such rights and property through the transaction. Applicant's attorney: Paul F. Beery, 44 East Broad Street, Columbus 15, Ohio. Operating rights sought to be merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes between Steubenville, Ohio, on the one hand, and, on the other, points in Allegheny and Washington Counties, Pa., and those in Brooke and Hancock Counties, W. Va. AERO TRUCKING, INC., is authorized to operate as a *common carrier* in Illinois, Ohio, Pennsylvania, West Virginia, Michigan, New York, Indiana, Wisconsin, and Kentucky. Application has been filed for temporary authority under section 210a (b).

No. MC-F 7771. Authority sought for purchase by OLD COLONY TRANSPORTATION CO., INC., 56 Prospect Street, New Bedford, Mass., of a portion of the operating rights and certain property of J. J. SULLIVAN, THE MOVER, INC., 222 Stafford Street, Springfield, Mass., and for acquisition by GEORGE VIGEANT, 207 Mt. Pleasant Street, New Bedford, Mass., of control of such rights and property through the purchase. Applicant's attorneys: Francis E. Barrett, Jr., Professional Building, 25 Bryant Avenue, East Milton 86 (Boston), Mass., and Hugh M. Joseloff, 410 Asylum Street, Hartford 3, Conn. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes, between Springfield, Mass., on the one hand, and, on the other, points and places in Massachusetts on and west of Massachusetts Highway 12; between Springfield, Mass., and points and places within 15 miles of Springfield on the one hand, and, on the other, Pawtucket and Providence, R.I., and points and places in Connecticut. Vendee is authorized to operate as a *common carrier* in Massachusetts, Rhode Island, New York, New Jersey, and Connecticut. Application has been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL]

HAROLD D. McCoy,
Secretary.

[F.R. Doc. 61-666; Filed, Jan. 24, 1961;
8:51 a.m.]

[Notice 438]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 19, 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:

No. 15—10

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 35356. By order of January 16, 1961, the Transfer Board approved for one year the lease to Pan American Trucking, Inc., Houston, Texas, of Certificate in No. MC 98860 Sub 1, issued March 11, 1957, to T. S. Colburn, doing business as Colburn Bros., Houston, Texas, and acquired by lessor herein pursuant to order entered in No. MC-FC 63719, authorizing the transportation of: oilfield equipment and supplies, between points in Louisiana and Texas; and machinery, materials, supplies and equipment, incidental to, or used in, the construction, development, operations, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between points in Texas. Vernon Elledge, 1603 South Coast Building, Houston 2, Tex., for applicants.

No. MC-FC 63719. By order of January 16, 1961, the Transfer Board approved the transfer to Frenchie Mae Norris, Houston, Texas, of Certificate No. MC 98860 Sub 1, issued March 11, 1957, to T. S. Colburn, doing business as Colburn Bros., Houston, Texas, authorizing the transportation of: oilfield equipment and supplies, between points in Louisiana and Texas, and, machinery, materials, supplies and equipment, incidental to, or used in, the construction, development, operations, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between points in Texas. Vernon Elledge, 1603 South Coast Building, Houston 2, Tex., for applicants.

No. MC-FC 63769. By order of January 17, 1961, the Transfer Board approved the transfer to Safeway Moving & Storage Corp., Alexandria, Va., of a portion of Certificate in No. MC 85037, issued June 5, 1957, to J. D. Bell, Inc., Riverdale, Md., authorizing the transportation of: household goods, between points in New York, Pennsylvania, New Jersey, Rhode Island, Connecticut, Delaware, Maryland, and the District of Columbia, and, between the points specified above, on the one hand, and, on the other, points in Massachusetts, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Ohio, Indiana, Illinois, Kentucky, Michigan, Maine, New Hampshire, Vermont, Alabama, Mississippi, Iowa, and Wisconsin; and, between Philadelphia, Pa., on the one hand, and, on the other, points in Massachusetts, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, Ohio, and the District of Columbia; and, between points in North Carolina and Virginia. Samuel W. Earnshaw, 983

National Press Building, Washington, D.C., attorney for applicants.

No. MC-FC 63778. By order of January 16, 1961, the Transfer Board approved the transfer to B. & B. Transportation, Inc., 37 Ryder Ave., Cranston, R.I., of Certificates in Nos. MC 51143, and MC 51143 Sub 2, issued April 26, 1941, and October 16, 1950, respectively, to Edward Blinkhorn, doing business as B. & B. Transportation, 57 Ryder Ave., Cranston, R.I., authorizing the transportation of: apples, from Providence, R.I., to New York, N.Y., malt beverages, and empty malt-beverage containers, between Cranston, Providence, and Warwick, R.I., on the one hand, and, on the other, Bridgeport, Derby, Hartford, Mystic, New Haven, Waterbury, and West Haven, Conn., and points in Massachusetts, and, between West Haven, Conn., and Blackstone, Mass., and, shoe racks, shoe findings, beverages, groceries, wool, woolen goods, boxes, machinery, paper, steel, shoes, and paper board, from, to, or between specified points in Massachusetts, New Hampshire, New York, Connecticut, Rhode Island, and Maine.

No. MC-FC 63779. By order of January 16, 1961, the Transfer Board approved the transfer to E. O. Blinkhorn, Inc., 135 Whipple Ave., Cranston, R.I., of Permit in No. MC 35891, issued June 21, 1943, to Edwin O. Blinkhorn, 135 Whipple Ave., Cranston, R.I., 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 specified points in Connecticut, Massachusetts, and Rhode Island.

[SEAL]

HAROLD D. McCoy,
Secretary.

[F.R. Doc. 61-667; Filed, Jan. 24, 1961;
8:51 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1359]

CENTENNIAL FUND II, INC.

Notice of Application for Order of Exemption

JANUARY 16, 1961.

Notice is hereby given that Centennial Fund II, Inc. ("Applicant"), of Denver, Colorado, a Maryland corporation and an open-end, diversified management investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting Applicant from compliance with the provisions of section 14(a) of the Act. Such application further requests exemptions from sections 15(a), 16(a), and 17(a) of the Act; Applicant has agreed that such further relief be separately considered, and it is intended that the instant notice

operate only in respect of the exemption sought from section 14(a) of the Act.

Applicant has filed a registration statement under the Securities Act of 1933 for 2,000,000 shares of common stock, \$1 par value, to be offered to investors in exchange for such investors' securities, which registration statement became effective on December 23, 1960. The purpose of the Fund is to provide investors holding securities at relatively low tax bases with a means of exchanging such securities for shares of the Fund, thereby obtaining diversification without incurring any Federal capital gains tax liability at the time of such exchange. Centennial Management and Research Corporation ("Management Corporation") intends to solicit deposits of securities, to be held by an escrow agent in safekeeping for the separate account of each investor, until March 25, 1961 (which date may be extended to a date not more than 60 days later). At all times during the solicitation period, the depositing investor will retain all incidents of ownership to the securities deposited, with the right to withdraw such securities from the deposit without charge.

The minimum deposit to be accepted from any investor is to be securities having a market value of \$25,000, and the exchange will not be consummated unless the market value of the deposited securities as at the effective date of the planned exchange aggregates a minimum of \$10,000,000. In the event that such value is not then realized, the deposited securities will be returned to investors without charge to them. If such value is obtained upon the termination of the solicitation period, a report describing the deposited securities, including their current market value and their basis for Federal income taxation, will be mailed to all depositing investors, who will then have the right to withdraw any or all of their deposited securities for a period of 20 days from the mailing of the report. During this period and for a further period of 30 days thereafter, or until the exchange occurs (if prior to the expiration of such 30 days), Management Corporation may require any investor to withdraw any or all of his deposited securities, in which event such investor will have the right to withdraw any or all of his remaining securities from the deposit. All of Applicant's shares which are issued in exchange for securities will be issued simultaneously on the effective date of the exchange. Each depositing investor is to represent that he will acquire any shares of Applicant issued to him in the planned exchange subject to no commitment to resell or otherwise distribute them, and with no present intention of disposing of them in a public distribution.

Section 14(a) of the Act provides, in pertinent part, that no registered investment company shall make a public offering of its securities unless such company has a net worth of at least \$100,000 or

unless provision is made as a condition of the registration of its securities under the Securities Act which, in the opinion of the Commission, adequately insures (A) that, after the effective date of such registration statement, it will not issue any security or receive any proceeds of any subscription until no more than 25 responsible persons have made firm agreements to purchase securities in an aggregate net amount which will give the company a net worth of at least \$100,000; (B) that said amount will be paid in to such company before subscriptions will be accepted from any persons in excess of 25; and (C) that arrangements will be made whereby any amounts so paid in, plus any sales load, will be refunded to any subscriber on demand in the event the net proceeds so received do not result in the company's having a net worth of at least \$100,000 within 90 days after such registration statement becomes effective. Applicant presently has no outstanding capital stock, no assets, and no liabilities, and anticipates that it will not have any outstanding capital stock, assets or liabilities prior to the planned exchange if all the exemptions sought in the instant application are obtained. Applicant submits that under the circumstances described the exemption sought would be consistent with the purposes intended to be served by section 14(a).

Section 6(c) of the Act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than February 1, 1961, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 61-680; Filed, Jan. 24, 1961;
8:53 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

Forest Service, U.S. Department of Agriculture has filed an application, Serial Number J-012096 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, subject to existing and 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, P.O. Box 2511, Juneau, Alaska.

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:

Lots 1, 2, 3, 7 and 8 of U.S. Survey 2414, which contain a total of 10.93 acres of land.

DANIEL P. BAKER,
Acting Operations Supervisor.

[F.R. Doc. 61-661; Filed, Jan. 24, 1961;
8:50 a.m.]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

Forest Service, U.S. Department of Agriculture, has filed an application, Serial Number J-012051 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the general mining laws but not the mineral leasing laws, subject to valid existing claims. The applicant desires the land for an administrative site to be used as a work center, and for dock and float facilities for the Petersburg Ranger District, North Tongass National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 2511, Juneau, Alaska.

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:

The area described as all of Lots 6 and 7 of Section 26, Township 59 South, Range 79 East, Copper River Meridian, on the amended supplemental plat of Section 26, Township 59 South, Range 79 East, Copper River Meridian, unapproved.

DANIEL P. BAKER,
Acting Operations Supervisor.

[F.R. Doc. 61-662; Filed, Jan. 24, 1961;
8:50 a.m.]

[Classification No. 5]

FAIRBANKS LAND DISTRICT

Small Tract Classification

JANUARY 16, 1961.

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (10 F.R. 2473), as amended, I hereby classify the following described public lands, totaling 637.35 acres at Fairbanks, Alaska, as suitable for lease and sale for recreational purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a), as amended:

FAIRBANKS AREA

T.1N., R.1W., F.M.
Section 19: Lots 1, 2, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$
Section 20: W $\frac{1}{2}$

Containing 637.35 acres.

2. Classification of the above described lands by this order segregates them from all appropriations, including locations under the mining laws, except to applications under the mineral leasing laws or selections by the State of Alaska in accordance with and subject to the limitations and requirements of the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b) and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339).

3. The following described lands, a portion of those described in paragraph one above, were restored from withdrawal by Public Land Order 882, dated February 2, 1953, but were retained in reserved status pending small tract classification and future opening:

T.1N., R.1W., F.M.
Section 19: N $\frac{1}{2}$ (that portion lying south-east of the right-of-way of the Tanana Valley Railroad)
Section 20: W $\frac{1}{2}$

The following described land was open public domain at the time of this classification:

T.1N., R.1W., F.M.
Section 19: N $\frac{1}{2}$ (that portion lying north-west of the right-of-way of the Tanana Valley Railroad)

The N $\frac{1}{2}$ is more properly described as Lots 1, 2, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$.

4. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, until it is so provided by an order to be issued by an authorized offi-

cer, opening the lands to application or bid.

STEVE R. DROSSOS,
Acting Operations Supervisor,
Fairbanks.

[F.R. Doc. 61-663; Filed, Jan. 24, 1961;
8:51 a.m.]

[Classification No. 95]

NEVADA

Small Tract Classification; Amendment

1. Effective January 13, 1961, Federal Register Document 53-8583 appearing on pages 6412-14 of the issue for October 8, 1953, is revoked to the following described public lands:

MOUNT DIABLO MERIDIAN, NEVADA
T. 20 S., R. 60 E.
Sec. 23, SW $\frac{1}{4}$ NW $\frac{1}{4}$.

Containing 40 acres.

2. The lands included in this restoration are located approximately four miles northwest of Las Vegas, Nevada. The elevation is approximately 2,500 feet above sea level. The climate is dry. The area receives from 5 to 7 inches of rainfall annually. The topography is nearly level. The soil is varying from sands to gravel. Caliche is evident over much of the area.

3. The subject lands have been determined to be appropriated under the United States mining laws by virtue of valid claims having been located on the lands prior to Small Tract Classification.

E. J. PALMER,
State Supervisor for Nevada.

JANUARY 13, 1961.

[F.R. Doc. 61-664; Filed, Jan. 24, 1961;
8:51 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 2-1A (Revision 3)]

OFFICE OF THE DEPUTY ADMINISTRATOR FOR ADMINISTRATION; ASSISTANT CHIEF, ADMINISTRATIVE SERVICES DIVISION

Delegation Relating to Administrative Services Division

I. Pursuant to the authority delegated to the Chief, Administrative Services Division, by Delegation of Authority No. 2-2A (25 F.R. 9658), there is hereby delegated to the Assistant Chief, Administrative Services Division, the authority:

A. *Specific.* 1. To contract for supplies, materials and equipment, printings, transportation, communications, space and special services.

2. To enter into contracts for supplies and services pursuant to Delegation of Authority 363, dated March 10, 1959 (24 F.R. 1921, 2096), from the Administrator of the General Services Administration to the Small Business Administration.

3. To issue purchase orders, printing and binding requisitions, telephone orders, work orders and bills of lading.

4. To effect the disposition of official records of SBA.

5. To approve annual and sick leave for employees under his supervision.

6. To effectuate an adequate property utilization and accountability program on an agency-wide basis.

II. The specific authority delegated in I.A. 1, except authority for purchases of transportation of things Printing and Binding, Supplies and Services, Expendable Equipment, Repairs of Equipment not in excess of \$25, and petty cash in an amount not to exceed \$10 for any one item purchased, and I.A. 2 may not be redelegated.

III. The authority delegated herein may be exercised by any employees designated as Acting Assistant Chief, Administrative Services Division.

IV. All previous authority delegated to the Assistant Chief, Administrative Services Division, by the Chief, Administrative Services Division is hereby rescinded without prejudice to actions taken under such delegations of authority prior to the date hereof.

Effective date: January 16, 1961.

STEPHEN H. BEDWELL,
Chief, Administrative
Services Division.

[F.R. Doc. 61-649; Filed, Jan. 24, 1961;
8:49 a.m.]

[Delegation of Authority 2-1D (Revision 4)]

OFFICE OF THE DEPUTY ADMINISTRATOR FOR ADMINISTRATION; CHIEF, PROCUREMENT AND SUPPLY BRANCH

Delegation Relating to Procurement and Supply Functions

I. Pursuant to the authority delegated to the Assistant Chief, Administrative Services Division, by the Chief, Administrative Services Division by Delegation of Authority 2-1A, Revision 3, dated January 16, 1961, there is hereby redelegated to the Chief, Procurement and Supply Branch the authority:

A. *Specific.* 1. To approve requisitions for the transportation of things.

2. To approve requisitions for printing and binding and supplies and materials.

3. To approve requisitions for expendable equipment items.

4. To approve emergency petty cash purchases not to exceed \$10 for each item purchased.

5. To issue government bills of lading, printing and binding orders, purchase orders, property passes, and tax exemption certificates.

6. To approve annual and sick leave for employees under his supervision.

II. The specific authority contained in I.A. 1, 3, 4, and 6 may not be redelegated.

III. The authority delegated herein may be exercised by any employee designated as Acting Chief, Procurement and Supply Branch.

IV. All previous authority delegated to the Chief, Procurement and Supply Branch by the Assistant Chief, Administrative Services Division, is hereby rescinded without prejudice to actions

taken under such delegations of authority prior to the date hereof.

Effective date: January 16, 1961.

HAROLD A. ALLEN,
Assistant Chief,
Administrative Services Division.

[F.R. Doc. 61-650; Filed, Jan. 24, 1961;
8:49 a.m.]

[Delegation of Authority 2-1C (Revision 3)]

**OFFICE OF THE DEPUTY ADMINISTRATOR FOR ADMINISTRATION;
CHIEF, OFFICE SERVICES BRANCH**

Delegation Relating to Office Services Functions

I. Pursuant to the authority delegated to the Assistant Chief, Administrative Services Division, by the Chief, Administrative Services Division by Delegation of Authority No. 2-1A (Revision 3), dated January 16, 1961, there is hereby re-delegated to the Chief, Office Services Branch, the authority:

A. *Specific.* 1. Serve as Property Management Officer for the agency.

2. To approve requests for rent, communications and utility services.

3. To approve requests for rental of passenger motor vehicles from government motor pools.

4. To approve the repair of office machines and equipment not in excess of \$25 per item in any one instance.

5. To issue work orders, telephone orders, property and building passes.

6. To approve annual and sick leave for employees under his supervision.

II. The specific authority delegated in I.A. 1, 2, and 6 may not be redelegated.

III. The authority delegated herein may be exercised by any employee designated as Acting Chief, Office Services Branch.

IV. All previous authority delegated to the Chief, Office Services Branch, by the Assistant Chief, Administrative Services Division, is hereby rescinded without prejudice to actions taken under such delegations of authority prior to the date hereof.

Effective date: January 16, 1961.

HAROLD A. ALLEN,
Assistant Chief,
Administrative Services Division.

[F.R. Doc. 61-651; Filed, Jan. 24, 1961;
8:49 a.m.]

[Declaration of Disaster Area 303]

LOUISIANA

Declaration of Disaster Area

Whereas, it has been reported that during the month of December 1960, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Louisiana;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Deputy Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property situated in the following Parishes (including any areas adjacent to said Parishes) suffered damage or destruction as a result of the catastrophe hereinafter referred to:

Parishes: Jefferson, La Fourche and St. Charles (wind occurring on or about December 31, 1960).

Offices: Small Business Administration Regional Office, Fidelity Building, 1000 Main Street, Dallas 2, Texas. Small Business Administration Branch Office, Federal Office Building, Room 303, 610 South Street, New Orleans 12, La.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to June 30, 1961.

Dated: January 9, 1961.

ROBERT F. BUCK,
Deputy Administrator.

[F.R. Doc. 61-652; Filed, Jan. 24, 1961;
8:49 a.m.]

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