Page 215–244

FEDERAL REGISTER

VOLUME 26 NUMBER 7

Washington, Thursday, January 12, 1961

Contents

THE PRESIDENT

Executive Orders

Amendment of Executive Order No. 10501, relating to safeguarding official information in the interests of the defense of the United States 217

Delegating authority of the President with respect to regulations relating to certain allowances and benefits to Government personnel on overseas duty 217

Providing for the issuance of emergency preparedness orders by the Director of the Office of Civil and Defense Mobilization 217

EXECUTIVE AGENCIES

Agricultural Marketing Service

PROPOSED RULE MAKING:

Milk in certain marketing areas; hearings on proposed amendments to tentative agreements and orders:

North Texas and Northern Louisiana 225

San Antonio, Austin-Waco, and Corpus Christi, Tex 225

RULES AND REGULATIONS:

Carrots grown in South Texas; shipments limitation 220

Agriculture Department

See also Agricultural Marketing Service; Commodity Credit Corporation; Commodity Stabilization Service.

NOTICES:

Production emergency loans; designation of areas:

Arkansas 232

Texas 232

Atomic Energy Commission

NOTICES:

Washington State University; extension of completion date 233

Civil Aeronautics Board

NOTICES:

United-Capital merger case; oral argument 230

Commerce Department

See also Foreign Commerce Bureau.

NOTICES:

Harvey, John K.; report of appointment and statement of financial interests 240

Commodity Credit Corporation

NOTICES:

Sales list; January 230

Commodity Stabilization Service

RULES AND REGULATIONS:

Cotton; results of marketing quota referendum for 1961 crop:

Extra long staple 219

Upland 219

Customs Bureau

NOTICES:

Metal parts for electric household and kitchen utensils; prospective tariff classification 230

Federal Aviation Agency

RULES AND REGULATIONS:

Parachutes; technical standard order 219

Federal Communications Commission

NOTICES:

Action on interim license requests for ship radar stations; authority delegation 233

Finalization of initial decisions 233

Hearings, etc.:

Abilene Radio and Television Co. et al 233

Capitol Broadcasting Corp., Inc. (WKXL), et al 235

Eugene Broadcasters and W. Gordon Allen 235

KWK Radio, Inc 236

Martin Theatres of Georgia, Inc. (WTVM), and Columbus Broadcasting Co., Inc. (WRBL–TV) 235

Mid-America Broadcasting System, Inc., et al 235

Mid-Kansas, Inc 236

Sawnee Broadcasting Co 236

RULES AND REGULATIONS:

Industrial radio services; power radio service 220

Federal Power Commission

NOTICES:

Southwestern Power Administration, Interior Department; request for approval of rates and charges 237

Hearings, etc.:

Atlantic Refining Co 236

Cities Service Gas Co. (2 documents) 236, 237

Food and Drug Administration

PROPOSED RULE MAKING:

Food additives; filing of petitions (2 documents) 226

Orange juice and products; prehearing conference on establishment of definitions and standards of identity 226

RULES AND REGULATIONS:

Food additives; amprolium in medicated feed and edible tissues of poultry; correction 220

Foreign Commerce Bureau

NOTICES:

Groma Metal Corp. et al.; order denying export privileges 240

R. Häusler & Co., K.G., and Samprod Ges. M.B.H., Ltd.; extension of denial of export privileges and denial of respondents' motion to vacate 239

Health, Education, and Welfare Department

See Food and Drug Administration.

(*Continued on next page*)

Interior Department

See Land Management Bureau.

Interstate Commerce Commission

NOTICES:
Fourth section applications for relief ---- 243
Motor carrier transfer proceedings ---- 241
Organization of divisions and boards, and assignment of work; miscellaneous amendments ---- 241
RULES AND REGULATIONS:
General rules of practice (2 documents) ---- 223, 224

Land Management Bureau

NOTICES:
Alaska; filing of protraction diagram, Anchorage land district ---- 229
Arizona; small tract classification ---- 229
California; filing of survey plats and order for opening of public lands ---- 228
North Dakota; proposed withdrawal and reservation of lands ---- 229

St. Lawrence Seaway Development Corporation

NOTICES:
Very high frequency radio-telephone communication; notice to users of St. Lawrence Seaway ---- 243

Securities and Exchange Commission

NOTICES:
Hearings, etc.:
Columbia Gas of Kentucky, Inc ---- 237
Georgia Power Co ---- 238
Invesco, Inc ---- 238
National Security Life Insurance Co ---- 239

Small Business Administration

PROPOSED RULE MAKING:
Investment companies ---- 226

Tariff Commission

NOTICES:
Portland cement; investigation ---- 241

Treasury Department

See Customs Bureau.

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

3 CFR

EXECUTIVE ORDERS:
10000 (revoked in part by EO 10903) ---- 217
10011 (revoked by EO 10903) ---- 217
10085 (revoked by EO 10903) ---- 217
10100 (revoked by EO 10903) ---- 217
10187 (revoked by EO 10903) ---- 217
10261 (revoked by EO 10903) ---- 217
10313 (revoked by EO 10903) ---- 217
10391 (revoked by EO 10903) ---- 217
10501 (amended by EO 10901) ---- 217
10503 (revoked by EO 10903) ---- 217
10530 (amended by EO 10903) ---- 217
10623 (revoked by EO 10903) ---- 217
10624 (amended by EO 10903) ---- 217
10636 (revoked in part by EO 10903) ---- 217
10773 (see EO 10902) ---- 217
10782 (see EO 10902) ---- 217
10853 (amended by EO 10903) ----
10901 ---- 217
10902 ---- 217
10903 ---- 217
PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:
Memorandum, Nov. 5, 1953 (revoked by EO 10901) ---- 217
Memorandum, May 7, 1959 (revoked by EO 10901) ---- 217
Memorandum, Mar. 9, 1960 (revoked by EO 10901) ---- 217

7 CFR

722 (2 documents) ---- 219
1032 ---- 220
PROPOSED RULES:
943 ---- 225
949 ---- 225
952 ---- 225
966 ---- 225
998 ---- 225

13 CFR

PROPOSED RULES:
107 ---- 226

14 CFR

514 ---- 219

21 CFR

121 ---- 220
PROPOSED RULES:
27 ---- 226
121 (2 documents) ---- 226

47 CFR

11 ---- 220

49 CFR

1 (2 documents) ---- 223, 224

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

Presidential Documents

Title 3—THE PRESIDENT

Executive Order 10901

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

By virtue of the authority vested in me by the Constitution and statutes of the United States, and as President of the United States, and deeming such action necessary in the best interest of the national security, it is ordered as follows:

SECTION 1. Section 2 of Executive Order No. 10501 of November 5, 1953, is amended to read as follows:

"SEC. 2. *Limitation of authority to classify.* The authority to classify defense information or material under this order shall be limited in the departments, agencies, and other units of the executive branch as hereinafter specified.

"(a) In the following departments, agencies, and Governmental units, having primary responsibility for matters pertaining to national defense, the authority for original classification of information or material under this order may be exercised by the head of the department, agency, or Governmental unit concerned or by such responsible officers or employees as he, or his representative, may designate for that purpose. The delegation of such authority to classify shall be limited as severely as is consistent with the orderly and expeditious transaction of Government business.

The White House Office
President's Science Advisory Committee
Bureau of the Budget
Council of Economic Advisers
National Security Council
Operations Coordinating Board
Central Intelligence Agency
Office of Civil and Defense Mobilization
Department of State
International Cooperation Administration
Department of the Treasury
Department of Defense
Department of the Army
Department of the Navy
Department of the Air Force
Department of Justice
Department of Commerce
Department of Labor
Atomic Energy Commission
Canal Zone Government
Council on Foreign Economic Policy
Development Loan Fund
Federal Aviation Agency
Federal Communications Commission
Federal Radiation Council
General Services Administration
Interstate Commerce Commission
National Aeronautics and Space Administration
National Aeronautics and Space Council
President's Board of Consultants on Foreign Intelligence Activities
United States Civil Service Commission
United States Information Agency

"(b) In the following departments, agencies, and Governmental units, having partial but not primary responsibility for matters pertaining to national defense, the authority for original classification of information or material under this order shall be exercised only by the head of the department, agency, or Governmental unit without delegation:

Post Office Department
Department of the Interior
Department of Agriculture
Department of Health, Education, and Welfare
Civil Aeronautics Board
Federal Power Commission
Government Patents Board
National Science Foundation
Panama Canal Company
Renegotiation Board
Small Business Administration
Subversive Activities Control Board
Tennessee Valley Authority

"(c) Any agency or unit of the executive branch not named herein, and any such agency or unit which may be established hereafter, shall be deemed not to have authority for original classification of information or material under this order, except as such authority may be specifically conferred upon any such agency or unit hereafter."

SEC. 2. My memoranda of November 5, 1953, and May 7, 1959 (24 F.R. 3777), and my memorandum of March 9, 1960 (25 F.R. 2073), are hereby revoked.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
January 9, 1961.

[F.R. Doc. 61-279; Filed, Jan. 11, 1961; 9:53 a.m.]

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

Executive Order 10902

PROVIDING FOR THE ISSUANCE OF EMERGENCY PREPAREDNESS ORDERS BY THE DIRECTOR OF THE OFFICE OF CIVIL AND DEFENSE MOBILIZATION

By virtue of the authority vested in me by the provisions of Reorganization Plan No. 1 of 1958 (72 Stat. 1799), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 *et seq.*), and section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. In connection with carrying out the functions delegated or otherwise assigned to him by the provisions of Executive Order No. 10773 of July 1, 1958, as amended by Executive Order No. 10782 of September 6, 1958, or by the provisions of other orders thereby amended, the Director of the Office of Civil and Defense Mobilization shall establish a series of civil-defense and defense-mobilization planning assignments which (1) shall be known as "Emergency Preparedness Orders," (2) shall, so far as practicable, be of uniform character, and (3) shall be designed to provide for the development of civil-defense and defense-mobilization plans and programs by the several departments and agencies of the executive branch of the Government to meet all conditions of national emergency, including attack upon the United States.

SEC. 2. The head of each department and agency assigned civil-defense and defense-mobilization functions by the Director of the Office of Civil and Defense Mobilization in consonance with the provisions of section 1 of this order shall develop the plans and programs there referred to under the policy direction and central program control of the Director of the Office of Civil and Defense Mobilization.

SEC. 3. Nothing in this order or in the National Plan for Civil Defense and Defense Mobilization shall be construed as conferring authority to put into effect any plan, procedure, policy, program, or other course of action prepared or developed pursuant to this order or the National Plan.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
January 9, 1961.

[F.R. Doc. 61-280; Filed, Jan. 11, 1961; 9:53 a.m.]

Executive Order 10903

DELEGATING AUTHORITY OF THE PRESIDENT WITH RESPECT TO REGULATIONS RELATING TO CERTAIN ALLOWANCES AND BENEFITS TO GOVERNMENT PERSONNEL ON OVERSEAS DUTY

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, section 303 of the Foreign Service Act of 1946 (22 U.S.C. 843), and various provisions of law cited in the body of this order, and as President of the United States, it is hereby ordered as follows:

SECTION 1. The Secretary of State is hereby designated and empowered to perform the following-described functions without the approval, ratification, or other action of the President:

(a) The authority vested in the President by section 111(3) of the Overseas Differentials and Allowances Act (74 Stat. 792) to prescribe regulations defining the term "employee".

(b) The authority vested in the President by Title II of the Overseas Differentials and Allowances Act to prescribe regulations, including the regulations referred to in sections 202, 203, and 221(4)(B) of that Act (governing, respectively, (1) certain waivers of re-

covery, (2) the payment of allowances and differentials authorized by Title II of the Act and certain other matters, and (3) travel expenses for dependents of certain employees).

(c) The authority vested in the President by section 22 of the Administrative Expenses Act of 1946 (added by section 311(a) of the Overseas Differentials and Allowances Act), (1) to prescribe regulations governing the allotment to posts in foreign countries, for the purpose stated in that section, of funds available to the departments for administrative expenses, and (2) to designate senior officials of this Government in foreign countries.

(d) The authority vested in the President by section 901 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1131), to prescribe regulations governing allowances in order to provide for the proper representation of the United States by officers or employees of the Foreign Service.

(e) The authority vested in the President by other provisions of law (including section 235(a)(2) of title 38 of the United States Code) to prescribe regulations governing representation allowances similar to those authorized by section 901 of the Foreign Service Act of 1946, as amended.

(f) The authority vested in the President by section 853 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1093), to establish from time to time a list of places which by reason of climatic or other extreme conditions are to be classed as unhealthful posts, and to cancel the designation of any place as unhealthful. Each place designated as unhealthful by the Secretary hereunder shall be so designated as of January 1, 1942, or as of a later date to be fixed by the Secretary.

SEC. 2. Executive Order No. 10530 of May 10, 1954, headed "Providing for the performance of certain functions vested in or subject to the approval of the President," as amended, is hereby further amended as follows:

(1) By adding at the end of section 1 the following new subsections (s), (t), and (u):

"(s) The authority vested in the President by section 1(e) of the Administrative Expenses Act of 1946 (added by section 301(c) of the Overseas Differentials and Allowances Act), and by section 301(d) of the Overseas Differentials and Allowances Act, to prescribe the regulations (relating to storage expenses and other matters) provided for in those sections.

"(t) The authority vested in the President by section 1(f) of the Administrative Expenses Act of 1946 (added by section 321 of the Overseas Differentials and Allowances Act) to prescribe regulations governing transportation of the privately owned motor vehicle of an employee assigned to a post of duty outside the continental United States on other than temporary duty orders.

"(u) That part of the functions vested in the President by section 7(a) of the Defense Department Overseas Teachers Pay and Personnel Practices Act (73 Stat. 216; 5 U.S.C. 2355(a)) which consists of authority to prescribe regulations relating to storage (including packing, drayage, unpacking, and transportation to and from storage) of household effects and personal possessions."

(2) By adding at the end of section 2 the following new subsection (e):

"(e) The authority vested in the President by section 203(f) of the Annual and Sick Leave Act of 1951, as amended (65 Stat. 680; 74 Stat. 799–800; 5 U.S.C. 2062(f)), to prescribe regulations governing the granting of leave of absence as therein described."

SEC. 3. That portion of section 2 of Executive Order No. 10624 of July 28, 1955, which precedes the proviso thereof, is hereby amended to read as follows:

"SEC. 2. In addition to rules and regulations, pertaining to allowances and benefits, otherwise applicable to personnel assigned abroad under Title VI of the Act of August 28, 1954, there shall be applicable to the personnel rules and regulations prescribed by the Secretary of State in pursuance of (1) so much of the authority vested in the President by Title II of the Overseas Differentials and Allowances Act, or by any amendment thereof, as relates to quarters allowances or cost-of-living allowances, and (2) so much of the authority vested in the President and the Secretary of State by Title IX of the Foreign Service Act of 1946, or by any amendment thereof, as relates to allowances and benefits under the said Title IX:"

SEC. 4. (a) Section 2 of Executive Order No. 10853 of November 27, 1959, is hereby amended to read as follows:

"SEC. 2. The Secretary of State is hereby authorized and directed to exercise the following-described statutory powers of the President:

"(a) That part of the functions vested in the President by section 7(a) of the Defense Department Overseas Teachers Pay and Personnel Practices Act (73 Stat. 216; 5 U.S.C. 2355(a)) which consists of authority to prescribe regulations relating to quarters and quarters allowance.

"(b) The authority vested in the President by section 8(a)(1) of the Defense Department Overseas and Teachers Pay and Personnel Practices Act (73 Stat. 216; 5 U.S.C. 2356(a)(1)) to prescribe regulations relating to cost-of-living allowances.

"(c) The authority vested in the President by section 235(a) of title 38 of the United States Code to prescribe rules and regulations with respect to allowances and benefits similar to those provided for in section 941 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1156)."

(b) The reference in section 1 of Executive Order No. 10853 of November 27, 1959, to the regulations contained in Executive Order No. 10000 of September 16, 1948, shall be deemed to include a reference to the corresponding regulations prescribed in pursuance of the provisions of this order.

SEC. 5. (a) The following-described Executive order and parts thereof are hereby revoked, subject to the provisions of section 5(b) of this order:

1. Parts I, III, IV, and V of Executive Order No. 10000 of September 16, 1948.
2. Executive Order No. 10011 of October 22, 1948.
3. Executive Order No. 10085 of October 28, 1949.
4. Executive Order No. 10100 of January 28, 1950.
5. Executive Order No. 10187 of December 4, 1950.
6. Executive Order No. 10261 of June 27, 1951.
7. Executive Order No. 10313 of December 14, 1951.
8. Executive Order No. 10391 of September 3, 1952.
9. Executive Order No. 10503 of December 1, 1953.
10. Executive Order No. 10623 of July 23, 1955.
11. Section 1 and, to the extent that it pertains to Executive Order No. 10000, section 3 of Executive Order No. 10636 of September 16, 1955.

(b) Existing rules and regulations prescribed in or pursuant to the Executive order provisions revoked by section 5(a) of this order, other existing rules and regulations pertaining to allowances, differentials, and other benefits corresponding to those authorized by the provisions of law referred to in this order, and actions heretofore taken in pursuance of any thereof, shall remain in effect until hereafter superseded in pursuance of the provisions of this order.

SEC. 6. This order, and such of the regulations prescribed by the Secretary of State, the Director of the Bureau of the Budget, and the Civil Service Commission thereunder as the Secretary, Director, and Commission shall, respectively, determine, shall be published in the FEDERAL REGISTER.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
January 9, 1961.

[F.R. Doc. 61-281; Filed, Jan. 11, 1961; 9:53 a.m.]

Rules and Regulations

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket 548, Amdt. 41]

PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

TSO–C23a Parachutes

A proposed amendment to § 514.33 establishing minimum performance standards for parachutes for use on civil aircraft of the United States was published in 25 F.R. 10434.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), Part 514 of the regulations of the Administrator (14 CFR Part 514) is hereby amended as follows:

Section 514.33 is revised as follows:

§ 514.33 Parachutes—TSO–C23a.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for parachutes which are to be used in civil aircraft of the United States.[1] New models of parachutes manufactured for use in civil aircraft of the United States on or after February 14, 1961, shall meet the minimum performance standards of National Aircraft Standards Specification 804 dated August 24, 1949,[2] with the exceptions covered in subparagraph (2) of this paragraph. Parachutes approved prior to February 14, 1961, may continue to be manufactured under the provisions of the original approval.

(2) *Exceptions.* (i) The auxiliary parachute used in combination with a standard parachute shall be designed for use in combination with the specific 1 main parachute.

(ii) For the purpose of testing an auxiliary type parachute used in combination with a standard parachute the speed specified in section 4.3.8 of NAS Specification 804 shall be 25 feet per second instead of 21 feet per second.

[1] Surplus military parachutes identified by an NAF, AAF, or AN drawing number, an AAF order number, or other military designation or specification numbers are also eligible for use in all civil aircraft.

[2] Copies may be obtained from the National Standards Association, 616 Washington Loan & Trust Building, Washington 4, D.C.

(b) *Marking.* (1) The auxiliary parachute and its pack shall be marked "Auxiliary Parachute" in addition to the other marking requirements contained in § 514.3.

(c) *Data requirements.* (1) The manufacturer shall maintain a current file of complete design data.

(2) The manufacturer shall maintain a current file of complete data describing the inspection and test procedures applicable to his product. (See paragraph (d) of this section.)

(d) *Quality control.* Each parachute shall be produced under a quality control system, established by the manufacturer, which will assure that each parachute is in conformity with the requirements of this section. This system shall be described in the data required under paragraph (c)(2) of this section. A representative of the Administrator shall be permitted to make such inspections and tests at the manufacturer's facility as may be necessary to determine compliance with the requirements of this section.

Effective date: February 14, 1961.

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

Issued in Wasington, D.C., on January 5, 1961.

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

[F.R. Doc. 61–197; Filed, Jan. 11, 1961; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 722—COTTON

Proclamation of Results of Marketing Quota Referendum for 1961 Crop of Upland Cotton

§ 722.404 Basis and purpose.

The purpose of this proclamation is to announce the results of the marketing quota referendum for the 1961 crop of upland cotton. Under the provisions of the Agricultural Adjustment Act of 1938, as amended, the Secretary of Agriculture on October 13, 1960, proclaimed a national marketing quota for the 1961 crop of upland cotton (25 F.R. 9885), and § 722.423 of the Acreage Allotment Regulations for the 1961 Crop of Upland Cotton (25 F.R. 9987) provided that a referendum would be held on December 13, 1960, to determine whether cotton farmers were in favor of or opposed to such quota. Since the only purpose of this proclamation is to announce the results of the referendum, it is hereby found and determined that, with respect to the proclamation, application of the notice and public procedure requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is unnecessary.

§ 722.405 Proclamation of results of the marketing quota referendum for the 1961 crop of upland cotton.

In a referendum held on December 13, 1960, of farmers engaged in the production of the 1960 crop of upland cotton, 193,456 farmers voted. Of those voting, 186,935, or 96.6 percent, favored the national marketing quota proclaimed by the Secretary for the 1961 crop of upland cotton and 6,521, or 3.4 percent, opposed such quota. Therefore, the national marketing quota of 15,562,000 bales proclaimed by the Secretary of Agriculture on October 13, 1960, for the 1961 crop of upland cotton shall continue in effect.

(Sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375. Interpret or apply secs. 342–345, 52 Stat. 56–58, as amended; 7 U.S.C. 1342–1345)

Done at Washington, D.C., this 6th day of January 1961.

FOREST W. BEALL,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 61–245; Filed, Jan. 11, 1961; 8:52 a.m.]

PART 722—COTTON

Proclamation of Results of Marketing Quota Referendum for 1961 Crop of Extra Long Staple Cotton

§ 722.454 Basis and purpose.

The purpose of this proclamation is to announce the results of the marketing quota referendum for the 1961 crop of extra long staple cotton. Under the provisions of the Agricultural Adjustment Act of 1938, as amended, the Secretary of Agriculture on October 13, 1960, proclaimed a national marketing quota for the 1961 crop of extra long staple cotton (25 F.R. 9886), and § 722.472 of the Acreage Allotment Regulations for the 1961 Crop of Extra Long Staple Cotton (25 F.R. 9996) provided that a referendum would be held on December 13, 1960, to determine whether extra long staple cotton farmers were in favor of or opposed to such quota. Since the only purpose of this proclamation is to announce the results of the referendum, it is hereby found and determined that, with respect to the proclamation, application of the notice and public procedure requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is unnecessary.

§ 722.455 Proclamation of results of the marketing quota referendum for the 1961 crop of extra long staple cotton.

In a referendum held on December 13, 1960, of farmers engaged in the production of the 1960 crop of extra long staple cotton, 1,016 farmers voted. Of those voting, 914, or 90.0 percent, favored the national marketing quota proclaimed by the Secretary for the 1961 crop of extra long staple cotton, and 102, or 10.0 percent, opposed such quota. Therefore, the national marketing quota of 66,590 bales proclaimed by the Secretary of Agriculture on October 13, 1960, for the 1961 crop of extra long staple cotton shall continue in effect.

(Sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375. Interpret or apply secs. 342–345, 347, 52 Stat. 56–59, as amended; 7 U.S.C. 1342–1345, 1347)

Done at Washington, D.C., this 6th day of January 1961.

FOREST W. BEALL,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 61-244; Filed, Jan. 11, 1961; 8:52 a.m.]

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

[1032.301, Amdt. 3]

PART 1032—CARROTS GROWN IN SOUTH TEXAS

Limitation of Shipments

Pursuant to Marketing Agreement No. 142 and Order No. 132 (7 CFR Part 1032; 25 F.R. 9523), regulating the handling of carrots grown in designated counties in South Texas, 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 recommendations and information submitted by the South Texas Carrot Committee, established pursuant to said Marketing Agreement and Order, and upon other available information, it is hereby found that the following amendment to the limitation of shipments regulation will tend to effectuate the declared policy of the act.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment for 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) 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, (2) more orderly marketing in the public interest than would otherwise prevail will be promoted by regulating shipments of carrots in the manner set forth below on and after the effective date of this amendment, (3) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted under the circumstances for such preparation, and (5) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

Order as amended. In § 1032.301 (25 F.R. 11207, 12828, 13631), delete the introductory paragraph and paragraphs (b), (c), and (d), and substitute in lieu thereof a new introductory paragraph and new paragraphs (b), (c), and (d) as set forth below.

§ 1032.301 Limitation of shipments.

During the period from January 13, 1961, through June 15, 1961, no person shall handle any lot of carrots grown in the production area unless such carrots meet the grade requirements of paragraph (a), one of the sizing requirements of paragraph (b), the container and pack requirements of paragraphs (c) and (d), or unless such carrots are handled in accordance with paragraphs (e), (f), and (g), of this section.

* * * * *

(b) *Sizing requirements*—(1) *Small-to-medium.* ¾ inch minimum diameter to 1⅛ inches maximum diameter, 5¼ inches minimum length;

(2) *Medium-to-large.* ⅞ inch minimum diameter to 1½ inches maximum diameter, 5¼ inches minimum length;

(3) *Jumbos.* 1 inch minimum diameter to 3 inches maximum diameter and 3 inches minimum diameter.

(c) *Container requirements.* (1) Carrots, except for export, may be handled only in containers classified by weight as follows:

(i) 1 pound;
(ii) 2 pound;
(iii) 25 pound;
(iv) 50 pound; and
(v) 75–80 pound.

(2) "Jumbos," as specified in paragraph (b)(3) of this section, may be handled only in 25, 50, and 75–80 pound containers.

(3) The container requirements of this paragraph shall not be applicable to carrots handled for export.

(d) *Pack requirements.* (1) Master containers for 1 pound or 2 pound packages shall contain the following number of packages only:

(i) 24 1-pound packages;
(ii) 48 1-pound packages; or
(iii) 24 2-pound packages.

(2) The net weight of contents plus tare allowance for weight of a master container shall not exceed the following tolerances:

(i) Master containers of packages weighing 1 pound or less shall not exceed an average of 20 percent;

(ii) Master containers of packages weighing over 1 pound and up to and including 2 pounds shall not exceed an average of 15 percent; and

(iii) Master containers of packages weighing over 2 pounds shall not exceed an average of 10 percent. The net weight of contents for master containers shall be determined by multiplying the average number of packages in the master containers by the weight classification of such packages. Tare allowances for master containers shall be 4 pounds for crates Nos. 4015 and 3820 or their equivalents in other containers, and 2 pounds for a "half val" crate or the equivalent in other containers.

(3) Containers weighing 25 pounds or more shall not exceed an average of 10 percent of the net weight of contents.

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

Effective date. This amendment shall become effective January 13, 1961.

Dated: January 6, 1961.

S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 61-220; Filed, Jan. 11, 1961; 8:48 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed or Animal Feed Supplements

AMPROLIUM IN MEDICATED FEED AND IN EDIBLE TISSUES OF POULTRY; CORRECTION

The portion of § 121.210(b) published in the FEDERAL REGISTER of December 9, 1960 (25 F.R. 12595), that reads "250 parts per million (0.0125 percent)" is changed to read "250 parts per million (0.025 percent)".

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

Dated: January 4, 1961.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61-211; Filed, Jan. 11, 1961; 8:47 a.m.]

Title 47—TELECOMMUNICATION

[Docket No. 13812; FCC 61-35]

Chapter I—Federal Communications Commission

PART 11—INDUSTRIAL RADIO SERVICES

Power Radio Service

1. Rules changes ordered by this Report and Order will conclude a Rule Making proceeding which commenced on September 22, 1960 (25 F.R. 9296, Sept. 29, 1960). The proposals as contained in our September 22d Notice of Proposed Rule Making are herein adopted with but a few minor modifications. In substance, we are, by means and reason of the Rules changes ordered—

a. Effecting a change in the Rules format of Subpart F—Power Radio Service, Part 11, and

b. Allowing electric power entities to use their radio facilities, under certain prescribed conditions, in the installation, maintenance and repair of other wireline facilities which are mounted upon or utilize common supporting structures, and

c. Providing for an expanded usage of tone signaling, on mobile service frequencies above 25 Mc, for equipment control and supervision purposes, where necessary, to prevent or correct failures in a licensee's system.

2. Our proposals in this proceeding, their genesis and inception, were amply documented in our September 22d Notice of Proposed Rule Making. We need not therefore encumber this document with a reiteration of our purposes; suffice it to say that our reasons for instituting this proceeding have been corroborated by the commentators who voiced, for practical purposes, complete and unqualified approval of the substance of the measures which were proposed. Commentators were three in number.

3. Motorola, Inc. expressed unequivocal satisfaction with our proposals. The General Electric Co. (hereinafter GE) is similarly in agreement with the objectives we strive to attain, but suggests one small change in our proposed § 11.253 (c) (3), relating to the types of emissions which will be authorized for operational fixed stations. GE suggests that in addition to A1, A2, and F2 type emissions, an F1 type should also be included. In view of the general validity of GE's assertion that the emitted bandwidth of an F1 system is likely to be less than that of an F2 system, and the fact that § 11.252(f) (3) does indeed restrict the bandwidth used to that authorized to the licensee for voice emissions on the pertinent frequency, it appears that the GE suggestion is reasonable and conducive to a more efficient utilization of frequencies. Accordingly, the GE suggestion is adopted and § 11.253(c) (3) has been revised to reflect the permissibility of F1 type emissions.

4. The third commentator in this proceeding was the National Committee for Utilities Radio (hereinafter referred to as NCUR). This organization represents those licensees most intimately concerned with the Rules changes contemplated herein. The NCUR favors our proposals. Three changes however have been suggested. Two of these changes relate to terminology and are basically editorial in nature. The third suggestion is of substance.

5. The editorial or formal changes recommended by NCUR are as follows:

a. In the nomenclature of the gas industry, the term "manufactured" is proper to types of gas other than "natural". In the past, the Commission's rules have referred to "artificial" rather than "manufactured" gas. The latter being the correct term, § 11.251(b) is amended to reflect "manufactured" rather than "artificial" gas.

b. The term "power" as used in subdivisions (i), (ii), and (iii) of § 11.252(f) (1) is, by the assertion of the NCUR, "redundant and unnecessary"; and narrow in connotation, being restricted in the utilities industry to those organizations producing electrical power or energy. This the Commission has recognized for some time and on one occasion proposed to re-name the entire service. The proposal was abandoned after an analysis of the comments received. The use of the word "power" in this instance, however, is of little moment and lest it be interpreted as being applicable only to "electric" power utilities, an interpretation not intended by us, we have eliminated the term "power" from the sections noted.

6. The NCUR's third suggestion relates to our proposed Rule change allowing electric power entities to use their Power Radio Service facilities in the maintenance and repair of other wireline facilities mounted upon or using common supporting or distribution structures. We are asked to broaden the extension of this privilege to include the installation as well as the maintenance and repair of such wireline facilities. We believe this suggestion contemplates a logical extension or completion of the operating privilege we proposed; and we are accordingly incorporating it into our § 11.252(d). At the same time we desire to point out that the permissive "other wireline installation maintenance and repair" usage to which an electric power entity may dispose his radio facilities is not under any circumstances to be construed as license for these entities to solicit or seek out installation maintenance or repair business. Section 11.252(d) was proposed and is being adopted to alleviate operating burdens currently borne by small electrical operators, usually Rural Electrification Co-ops, in remote and sparsely settled areas. It is not our desire to stimulate or promote wire-line installation and/or repair ventures on the part of electric power entities as a sidelight, so to speak, to their normal or routine business operations. The type of operation contemplated or to be allowed by § 11.252(d) shall be secondary in character and in strict accordance with the terms of the rule.

7. Upon adequate consideration of all of the comments filed herein and of all other matters relevant in this proceeding, the Commission concludes that the amendments outlined above and reflected below will materially serve the public interest, convenience and necessity. The authority for such amendments is set forth in sections 4(i) and 303 of the Communications Act of 1934, as amended.

8. In view of the foregoing: *It is ordered*, This 4th day of January 1961, that effective February 13, 1961, Part 11 of the Commission's rules is hereby amended in the manner set forth below.

Released: January 9, 1961.

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

The present index references, titles and text of Subpart F (Power Radio Service) are deleted and the following new subpart is substituted therefor:

Subpart F—Power Radio Service

Sec.
11.251 Eligibility.
11.252 Availability and use of service.
11.253 Station limitations.
11.254 Frequencies available.
11.255 Unlisted frequencies.

AUTHORITY: §§ 11.251 to 11.255 issued under 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.

Subpart F—Power Radio Service

§ 11.251 Eligibility.

The following persons are eligible to hold authorizations to operate radio stations in the Power Radio Service:

(a) Persons primarily engaged in the generation, transmission, or distribution of electrical energy, for use by the general public or by the members of a cooperative organization.

(b) Persons primarily engaged in the distribution of manufactured or natural gas by means of pipe line, for use by the general public or by the members of a cooperative organization, or in a combination of that activity with the production, transmission or storage of manufactured or natural gas preparatory to such distribution.

(c) Persons primarily engaged in the distribution of water or steam by means of pipe line or, in the case of water, by means of canal or open ditch, for use by the general public or by the members of a cooperative organization, or in a combination of that activity with the collection, transmission, storage, or purification of water or the generation of steam preparatory to such distribution.

(d) A nonprofit corporation or association, organized for the purpose of furnishing a radiocommunication service to persons who are actually engaged in one or more of the activities set forth in the preceding subparagraphs. Such a corporation or association shall render service only on a nonprofit cost-sharing basis, said cost to be prorated on an equitable basis among all persons to whom service is rendered. Records which reflect the cost-sharing nonprofit nature of the arrangement shall be maintained and held available for inspection by Commission representatives. Each person licensed under the provisions of this paragraph shall obtain prior approval from the Commission for each person who proposes to participate in the licensee's service.

§ 11.252 Availability and use of service.

(a) The initial application from a person claiming eligibility in the Power Radio Service must be accompanied by a statement in detail sufficient to indicate clearly such eligibility.

(b) Persons licensed under the provisions of § 11.251(b) may utilize their radio facilities in conjunction with the supplying of liquefied petroleum gas to consumers in areas beyond gas distribution pipe lines.

(c) Persons eligible for radio authorizations in the Power Radio Service who are engaged in the distribution of natural gas direct to consumers and who have a substantial requirement for mobile service communication with a gas supplier may be authorized to operate

on the Petroleum Radio Service frequency or frequencies assigned to the supplier: *Provided, however,* That such operation shall be limited to communications in a local area common to both parties, and shall relate only to gas supply and distribution activities. The application of any person seeking a frequency assignment under the provisions of this paragraph shall be accompanied by a written statement from the natural gas supplier which:

(1) Concurs in the need for such intercommunication; and

(2) Consents to the use by the natural gas distributor of the frequency or frequencies involved.

(d) Radio facilities licensed to an electric power entity, in addition to being used primarily for the installation and maintenance of the electric power system, may also be used for the installation and maintenance of any other wireline facilities where such facilities employ in whole or in part the same pole line or duct distribution system as that of the electric power entity and where the licensee has the responsibility to maintain such additional wireline facilities through common ownership or contractual arrangement.

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

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

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

(i) Automatic indication of failure of equipment or service in the production, transmission or distribution facilities of the licensee.

(ii) Automatic indication of an abnormal condition in the production, transmission or distribution facilities of the licensee, which if not promptly corrected would result in failure of the equipment affected.

(iii) Manually supervised transmissions as may be necessary to restore lost service, place standby equipment in operation, or to correct any abnormal condition, which otherwise would result in an immediate failure in the production, transmission or distribution facilities of the licensee.

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

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

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

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

§ 11.253 Station limitations.

(a) Mobile relay stations will be authorized in the Power Radio Service only in accordance with the provisions of § 11.7.

(b) Base or mobile stations licensed in this service on frequencies above 25 Mc may transmit secondary tone or impulse signals to receivers at fixed locations, subject to the conditions, and for the purposes set forth in § 11.252 (e) and (f). Such a base or mobile station authorization for F3 emission will be construed to include authority for the transmission of secondary tone or impulse signals.

(c) Operational fixed stations may be authorized in this service on any frequency above 25 Mc which is being used by the applicant for mobile operations, subject to the conditions and for the purposes set forth in § 11.252 (e) and (f) and further subject to the following limitations and exemptions:

(1) Only those operational fixed stations which are automatically activated will be authorized under the provisions of this paragraph and the operation of such stations shall cause no harmful interference to any station operating in the mobile service on the same frequency.

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

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

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

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

§ 11.254 Frequencies available.

(a) The following tabulation indicates the frequencies or bands of frequencies available for assignment to stations in the Power Radio Service together with the class of station(s) to which they are normally assigned and the specific assignment limitations, which are enumerated in paragraph (b) of this section:

Frequency or band	Class of station(s)	Limitations
Kc		
2292	Base or mobile	10
2398	do	10
4637.5	do	10
Mc		
27.235	Base, mobile, or fixed	2,8
27.245	do	2,8
27.255	do	2,8
27.265	do	2,8
27.275	do	2,8
37.46	Base or mobile	
37.50	do	
37.54	do	
37.58	do	
37.62	do	
37.66	do	
37.70	do	
37.74	do	
37.78	do	
37.82	do	
37.86	do	
40.68	Operational fixed	4,8
47.70	Base or mobile	
47.72	do	
47.74	do	
47.76	do	
47.78	do	
47.80	do	
47.82	do	
47.84	do	
47.86	do	
47.88	do	
47.90	do	
47.92	do	
47.94	do	
47.96	do	
47.98	do	
48.00	do	
48.02	do	
48.04	do	
48.06	do	
48.08	do	
48.10	do	
48.12	do	
48.14	do	
48.16	do	
48.18	do	
48.20	do	
48.22	do	
48.24	do	
48.26	do	
48.28	do	
48.30	do	
48.32	do	
48.34	do	
48.36	do	
48.38	do	
48.40	do	
48.42	do	
48.44	do	
48.46	do	
48.48	do	
48.50	do	
48.52	do	
48.54	do	
72.02	Operational fixed	3
72.06	do	3
72.10	do	3
72.14	do	3
72.18	do	3
72.22	do	3
72.26	do	3
72.30	do	3
72.34	do	3
72.38	do	3
72.42	do	3
72.46	do	3
72.50	do	3
72.54	do	3
72.58	do	3
72.62	do	3
72.66	do	3
72.70	do	3
72.74	do	3
72.78	do	3
72.82	do	3
72.86	do	3
72.90	do	3
72.94	do	3
72.98	do	3
73.02	do	3
73.06	do	3
73.10	do	3
73.14	do	3
73.18	do	3
73.22	do	3
73.26	do	3
73.30	do	3
73.34	do	3
73.38	do	3
73.42	do	3
73.46	do	3
73.50	do	3

Frequency or band	Class of station(s)	Limitations
Mc		
73.54	Operational fixed	3
73.58	do	6
73.62	do	3
73.66	do	3
73.70	do	3
73.74	do	3
73.78	do	3
73.82	do	3
73.86	do	3
73.90	do	3
73.94	do	3
73.98	do	3
74.02	do	3
74.06	do	3
74.10	do	3
74.14	do	3
74.18	do	3
74.22	do	3
74.26	do	3
74.30	do	3
74.34	do	3
74.38	do	3
74.42	do	3
74.46	do	3
74.50	do	3
74.54	do	3
74.58	do	3
75.42	do	3
75.46	do	3
75.50	do	3
75.54	do	3
75.58	do	3
75.62	do	3
75.66	do	3
75.70	do	3
75.74	do	3
75.78	do	3
75.82	do	3
75.86	do	3
75.90	do	3
75.94	do	3
75.98	do	3
153.41	Base or mobile	
153.44	do	11
153.47	do	
153.50	do	11
153.53	do	
153.56	do	11
153.59	do	
153.62	do	11
153.65	do	
153.68	do	11
153.71	do	
153.13	do	
158.16	do	11
158.19	do	
158.22	do	11
158.25	do	
169.425	Operational fixed	4
169.475	do	4
169.525	do	4
169.575	do	4
170.225	do	4
170.275	do	4
170.325	do	4
170.375	do	4
171.025	do	4
171.075	do	4
171.125	do	4
171.175	do	4
171.825	do	4
171.875	do	4
171.925	do	4
171.975	do	4
173.25	Base or mobile	11
173.30	do	11
173.35	do	11
406.050	Operational fixed	4, 6
406.150	do	4, 6
406.250	do	4, 6
406.350	do	4, 6
412.450	do	4, 6
412.550	do	4, 6
412.650	do	4, 6
412.750	do	4, 6
451.05	Base and mobile	9
451.10	do	9
451.15	do	9
451.20	do	9
451.25	do	9
456.05	Mobile	7, 9
456.10	do	7, 9
456.15	do	7, 9
456.20	do	7, 9
456.25	do	7, 9
952–960	Operational fixed	1
1850–1990	do	1
2110–2200	do	1
2450–2500	Base, mobile, fixed	1, 2
2500–2700	Operational fixed	1
6425–6575	Base or mobile	1
6575–6875	Operational fixed	1
10,550–10,700	do	1
11,700–12,200	Base or mobile	1
12,200–12,700	Operational fixed	1
13,200–18,225	do	1
16,000–18,000	do	1, 2
26,000–30,000	do	1

(b) Explanation of assignment limitations appearing in the frequency tabulation of this section:

(1) Limited to developmental operation only with the assigned frequency and particulars of operation specified in each authorization.

(2) Available only on a shared basis with stations in other services, and subject to no protection from interference due to the operation of industrial, scientific or medical devices.

(3) Use of this frequency is subject to the condition that no harmful interference will be caused to the reception of television channels 4 or 5. Assignments will be made only in accordance with the criteria set forth in § 11.8.

(4) This frequency will be assigned only for the specific purpose of transmitting hydrological or meteorological data. The use of this frequency is subject to the condition that harmful interference will not be caused to Federal Government stations, and further, that the hydrological or meteorological data being handled is made available to interested governmental agencies. Other provisions of this part notwithstanding, an operational fixed station operating on this frequency shall not engage in communications with any station in the mobile service unless written authorization to do so has been obtained from the Commission. Persons who desire to operate stations on this frequency should communicate with the Commission for instructions concerning the procedure to be followed in filing formal application.

(5) Use of this frequency is limited to stations located in the States of Pennsylvania and West Virginia only and is subject to no protection from interference due to the operation of industrial, scientific or medical devices on this frequency.

(6) This frequency is intended for use primarily by fixed relay stations.

(7) This frequency will not be assigned to base stations.

(8) Other provisions of this part notwithstanding, this frequency may be authorized for use with any type of emission which does not exceed an occupied bandwidth of 8 kilocycles, for intermittent transmissions; further, authorizations may be issued to permit operation on this frequency by self-actuating or other electrical or mechanical means not under the direct control of any individual. All operations on this frequency are limited to a maximum plate power input of 30 watts to the final radio frequency stage.

(9) This frequency is available for assignment on a secondary basis to fixed relay or control stations which operate as integral parts of a radio circuit over which messages are sent to or received from a mobile station without interruption for manual relaying, provided that such operation causes no harmful interference to base or mobile stations, and further provided, that this frequency will not be assigned for such control or relay operation in any instance where its use will be in a radio circuit which involves more than two automatic retransmissions in each direction on mobile service frequencies.

(10) Frequencies below 25 Mc will be assigned to base or mobile stations in this service only upon a satisfactory showing that, from a safety of life standpoint, frequencies above 25 Mc will not meet the operational requirements of the applicant. This frequency is available for assignment in many areas; however, in individual cases such assignment may be impracticable due to conflicting frequency use authorized to stations in other services by this and other countries. In such cases a substitute frequency, if found to be available, may be assigned from the following bands 1605–1750, 2107–2170, 2194–2495, 2505–2850, 3155–3400 or 4438–4650 kc. Since such assignments are in certain instances subject to additional technical and operational limitations, it is necessary that each application also include precise information concerning transmitter output power, type and directional characteristics, if any, of the antenna, and the minimum necessary hours of operation.

(11) This frequency is not available for assignment in the States of Arkansas, Louisiana, Oklahoma, Oregon, Texas, and Washington.

§ 11.255 Unlisted frequencies.

(a) Stations authorized to operate on frequencies within the band 890–940 Mc prior to April 16, 1958, may continue to operate in that band for the duration of the terms of their current authorizations. Such authorizations will be subject, upon proper application therefor, to renewal, modification and, in the event of a change in the ownership of the licensee's business, assignment or transfer with the business for which they were granted. Renewal authorizations will be granted subject to the following conditions:

(1) That the licensee accepts such interference as may be received from industrial, scientific or medical equipment operating on the frequency 915 Mc;

(2) That the licensee accepts such interference as may be received from radiopositioning stations operating in the band 890–942 Mc; and

(3) That no harmful interference is caused to stations in the radiopositioning service operating on frequencies in the band 890–942 Mc.

[F.R. Doc. 61–223; Filed, Jan. 11, 1961; 8:50 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 1—GENERAL RULES OF PRACTICE

Miscellaneous Amendments

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 4th day of January A.D. 1961.

There being under consideration §§ 1.101(a) and 1.16(a) of the Commission's general rules of practice, and good cause appearing therefor:

It is ordered, That paragraph (a) of § 1.101 be amended to read as follows:

(a) *In general.* (1) A petition seeking any change in a decision, order, or requirement of the Commission should specify whether the prayer is for reconsideration, reargument, rehearing, further hearing, modification of effective date, vacation, suspension, or otherwise.

(2) *Administrative finality of division decisions.* All decisions, orders, or requirements of a division of the Commission in any proceeding shall be considered administratively final, except those involving issues of general transportation importance, those wherein the division reverses, changes, or modifies a prior decision by a hearing officer, and those wherein the initial decision is made by a division.

(3) *Limitations on petitions for review of division decisions.* Pursuant to authority granted in section 17(6) of the Interstate Commerce Act, the right to apply to the entire Commission for rehearing, reargument, or reconsideration of a decision, order, or requirement of a division of the Commission in any proceeding shall be limited and restricted to those proceedings in which prior to, or at the time of issuance of a division's decision, the entire Commission, on its own motion, determines and announces that an issue of general transportation importance is involved. In proceedings in which no such announcement has been made, but in which a division reverses, changes, or modifies a prior decision by a hearing officer or where the initial decision is made by a division, a petition to the same division for rehearing, reargument, or reconsideration of its decision will be permitted and will be considered and disposed of by such division in an appellate capacity and with administrative finality.

(4) *Copies of petitions and replies.* In cases in which it has been determined and announced that an issue of general transportation importance is involved, there shall be furnished for the use of the Commission the original and 14 copies of each petition filed under this section and of replies to such petitions. In all other cases, the original and 6 copies of such petitions and replies shall be furnished for the use of the Commission.

It is further ordered, That paragraph (a) § 1.16 be amended to read as follows:

(a) *Generally.* The original and 14 copies of every pleading, document, or paper permitted or required to be filed under this part shall be furnished for the use of the Commission except as a different number is required under paragraph (b) of this section, or as otherwise provided respecting: answers (§ 1.35 (c)); applications (§§ 1.38(b) and 1.40 (c)); complaints, formal (§§ 1.26 and 1.37) and informal (§§ 1.24(a) and 1.25 (d)); depositions (§ 1.64); exhibits (§§ 1.84(c) and 1.86); modified and shortened procedure (§§ 1.44(c) and 1.52); petitions in intervention (§ 1.72 (d)); prepared statements (§ 1.77); protests in investigation-and-suspension proceedings (§ 1.42(c)); replies (§ 1.23 (b)); and matters respecting oral argument (§ 1.98); subpenas (§ 1.56(a)); time modification (§ 1.21(b)); transcript correction (§ 1.90(b)), and petitions for rehearing, reargument, or reconsideration (§ 1.101(a)).

It is further ordered, That this order shall become effective February 1, 1961, but shall not apply to any proceeding respecting which an exception to an officer's report therein has been filed prior to such effective date.

It is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission, Washington, D.C., and by filing a copy with the Director, Division of the Federal Register.

(Secs. 12, 17, 24 Stat. 383, as amended, 385, as amended, secs. 204, 205, 49 Stat. 546, as amended, 548, as amended, sec. 304, 54 Stat. 933, Sec. 403, 56 Stat. 285; 49 U.S.C. 12, 17, 304, 305, 904, 1003)

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-216; Filed, Jan. 11, 1961; 8:48 a.m.]

PART 1—GENERAL RULES OF PRACTICE

Special Rules of Practice

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 4th day of January A.D. 1961.

The Commission on the date hereof having created three boards of employees, designated collectively as the Finance Boards, to which certain classes of proceedings that have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits have been assigned, and enlarged the assignment of work of The Transfer Board, and the matter of revising the special rules of procedure of other employee boards to include and apply to the Finance Boards being under consideration:

It is ordered, That, to implement the action creating the Finance Boards and enlarging the assignment of work to the Transfer Board, § 1.225 is revised to read as follows:

§ 1.225 Special rules of practice governing the procedure of the Temporary Authorities Board, the Transfer Board, and the Finance Boards.

(a) The proceedings of the Temporary Authorities Board, the Transfer Board, and the Finance Boards shall be informal. No transcription of such proceedings will be made. Subpenas will not be issued and, except when applications or petitions are required to be attested, oaths will not be administered.

(b) A petition for reconsideration of an order of the Temporary Authorities Board, the Transfer Board, or a Finance Board may be filed by any interested person. Such petition and the reply thereto will be governed by the Commission's general rules of practice, except as otherwise provided in paragraphs (c), (d) and (e) of this section.

(c) The original and six copies of every pleading, document, or paper permitted or required to be filed under this section, shall be furnished for the use of the Commission.

(d) A petition seeking reconsideration of an order of the Temporary Authorities Board entered under section 210a(a) or of a Finance Board entered under sections 210a(b) or 311(b) of the Interstate Commerce Act must be filed within 20 days after the date of service of the order. Within 20 days after the filing of such petition with the Commission any interested person may file and serve a reply thereto.

(e) A petition seeking reconsideration of an affirmative order of The Transfer Board entered pursuant to the rules and regulations governing transfers of property brokers' licenses, Part 167, passenger brokers' licenses, Part 169, motor carrier operating rights, Part 179, water carrier operating rights, Part 306, and freight forwarder permits, Part 415 of this chapter, must be filed within 20 days following publication of a synopsis of such order in the FEDERAL REGISTER. In such a petition the matters claimed to have been erroneously decided and the alleged errors must be specified with particularity. If the petition contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted in affidavit form. Within 20 days after the final date for filing of such petitions with the Commission, any interested person may file and serve a reply thereto.

It is further ordered, That this order shall be effective on February 1, 1961.

Notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

(Secs. 12, 17, 24 Stat. 383, as amended, 385, as amended; secs. 204, 205, 49 Stat. 546, as amended, 548, as amended; sec. 304, 54 Stat. 933; sec. 403, 56 Stat. 285; 49 U.S.C. 12, 17, 304, 305, 904, 1003)

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-217; Filed, Jan. 11, 1961; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 943, 966]

[Docket Nos. AO-231-A14, AO-257-A6]

MILK IN NORTH TEXAS AND NORTHERN LOUISIANA MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Rose Room, Hotel Dallas, Dallas, Texas, beginning at 10:00 a.m., c.s.t., on January 18, 1961, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the North Texas and Northern Louisiana marketing areas.

The public hearing is for the purpose of receiving evidence with respect to (1) the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order, regulating the handling of milk in the North Texas marketing area, and (2) the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order, regulating the handling of milk in the Northern Louisiana marketing area.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

North Texas Order:

Proposed by the North Texas Producers Association:

Proposal No. 1. Delete § 943.50(c) and substitute therefor the following:

(c) The price per hundredweight computed by multiplying by 8.4 the average daily prices paid per pound of cheese at Wisconsin Primary markets ("cheddars" f.o.b. Wisconsin assembling points, cars or truck loads) as reported by the Department for the month and rounding to the nearest cent.

Proposal No. 2. Delete § 943.51(b) and substitute therefor the following:

(b) *Class II milk.* For each of the months of April, May and June the price computed pursuant to § 943.50(b) less 14 cents or the price computed pursuant to § 943.50(c), whichever is higher; and for each of the other months of the year the higher of the prices computed pursuant to § 943.50 (b) or (c), rounded in each case to the nearest cent.

Northern Louisiana Order:

Proposed by the Northwest Louisiana Pure Milk Producers Association, Inc.:

Proposal No. 3. Delete subparagraph (c) from the opening paragraph of § 966.50, and transfer the "and" preceding (c) so as to place it between (a) and (b).

Proposal No. 4. Delete § 966.50(c).

Proposal No. 5. Amend § 966.51(b) to read as follows:

(b) *Class II price.* The minimum price shall be the price computed pursuant to § 966.50(b) minus 5 cents per hundredweight for the months of March, April, May, and June, and the price computed pursuant to § 966.50(b) for all other months, rounded in each case to the nearest one-tenth cent.

Proposal No. 6. Make such other changes as may be necessary to make the above proposed changes consistent with all other provisions of the order.

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 7. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the North Texas and Northern Louisiana orders may be procured from the Market Administrator, 2621 West Mockingbird Lane, Dallas, Texas, and 106 East Kingshighway, Shreveport, Louisiana, respectively, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 9th day of January 1961.

ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 61-218; Filed, Jan. 11, 1961; 8:48 a.m.]

[7 CFR Parts 949, 952, 998]

[Docket Nos. AO-232-A9, AO-256-A5, AO-259-A4]

MILK IN SAN ANTONIO, TEXAS, AUSTIN-WACO, AND CORPUS CHRISTI, TEXAS, MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Cascade Room, Saint Anthony Hotel, San Antonio, Texas, beginning at 10:00 a.m., c.s.t., on January 16, 1961, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the San Antonio, Texas, Austin-Waco, and Corpus Christi, Texas, marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Corpus Christi, Texas, Order:

Proposed by the Coastal Bend Milk Producers Association:

Proposal No. 1. Delete § 998.50(b) and substitute therefor the following:

(b) *Class II milk price.* The minimum price per hundredweight to be paid by each handler for producer milk received at his fluid milk plant and classified as Class II milk shall be the price computed pursuant to subparagraph (1) of this paragraph less 12 cents on the price computed pursuant to paragraph (c) of this section, whichever is higher during the months of March, April, May and June; and for each of the other months the price computed pursuant to subparagraph (1) of this paragraph or pursuant to paragraph (c) of this section, whichever is higher:

(1) The sum of the plus values computed as follows:

(i) Subtract 3 cents from the Chicago butter price, add 20 percent thereof, and multiply by 4.0; and

(ii) From the simple average as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b., manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department of Agriculture, deduct 5.5 cents, multiply by 8.16.

San Antonio, Texas, Order:

Proposed by the Producers Association of San Antonio, Inc.:

Proposal No. 2. Delete § 949.52(a) and substitute therefor the following:

(a) *Class II milk.* During April, May and June the price per hundredweight for Class II milk shall be the price computed pursuant to subparagraph (1) of this paragraph less 14 cents or the price computed pursuant to paragraph (b) of this section, whichever is higher. During all other months the Class II price shall

be the price computed pursuant to subparagraph (1) of this paragraph or pursuant to paragraph (b) of this section, whichever is higher.

(1) The sum of the amounts computed pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) Multiply by 4.4 the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade "A" (92-score) bulk creamery butter per pound at Chicago as reported by the United States Department of Agriculture during the month;

(ii) From the average of the carlot prices per pound of nonfat dry milk for human consumption, spray process, f.o.b. manufacturing plants in the Chicago area as reported by the United States Department of Agriculture for the period from 26th day of the preceding month through the 25th day of the current month, subtract 5 cents, multiply by 8.16.

Austin-Waco Order:

Proposed by the Mid-Tex Milk Producers Association:

Proposal No. 3. Delete § 952.51 and substitute therefor the following:

§ 952.51 Class II milk.

Subject to provisions of § 952.52 the minimum price per hundredweight to be paid by each handler for producer milk received at his fluid milk plant and classified as Class II milk shall be the price computed pursuant to paragraph (a) of this section less 14 cents or the price computed pursuant to paragraph (b) of this section, whichever is higher, during April, May and June; and for each of the other months the price computed pursuant to paragraph (a) or paragraph (b) of this section, whichever is higher:

(a) The sum of the plus value computed as follows:

(1) Subtract 3 cents from the Chicago butter price, add 20 percent thereof, and multiply by 4.0.

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5 and multiply by 0.96.

(b) The price per hundredweight computed by multiplying by 8.4 the average daily prices paid per pound of cheese at Wisconsin Primary markets ("cheddars" f.o.b. Wisconsin assembling points, cars or truck loads) as reported by the Department for the month and rounding to the nearest cent.

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 4. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the San Antonio, Texas, Austin-Waco, and Corpus Christi, Texas, orders may be procured from the Market Administrator, 1204 N. Main Avenue, San Antonio 2, Texas; 3401-A East Avenue, Austin 2, Texas, and 112 Tarlton Street, Corpus Christi, Texas, respectively, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 9th day of January 1961.

ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 61-219; Filed, Jan. 11, 1961; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 27]

[Docket No. FDC-70]

ORANGE JUICE AND ORANGE JUICE PRODUCTS

New Date Scheduled for Prehearing Conference Regarding Establishment of Definitions and Standards of Identity

In the matter of establishing definitions and standards of identity for orange juice (§ 27.106), pasteurized orange juice (§ 27.107), canned orange juice (§ 27.108), sweetened pasteurized orange juice (§ 72.109), canned sweetened orange juice (§ 27.110), concentrated orange juice (§ 27.111), sweetened concentrated orange juice (§ 27.112), reconstituted orange juice (§ 27.113), sweetened reconstituted orange juice (§ 27.114), and industrial orange juice with added chemical preservatives:

The notice of hearing in the above-referenced matter published in the FEDERAL REGISTER December 2, 1960 (25 F.R. 12372) stated that a prehearing conference would be held commencing January 16, 1961. Notice is hereby given that this conference has been rescheduled for January 18, 1961, instead of the date previously given.

Dated: December 30, 1960.

[SEAL] WILLIAM J. RISTEAU,
Hearing Officer.

[F.R. Doc. 61-212; Filed, Jan. 11, 1961; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Nopco Chemical Company, 60 Park Place, Newark, New Jersey, proposing the issuance of a regulation to provide for the safe use of calcium chloride double salt of *d*-calcium pantothenate as a nutritional supplement in food.

Dated: January 5, 1961.

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

[F.R. Doc. 61-227; Filed, Jan. 11, 1961; 8:49 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Elanco Products Company, Division of Eli Lilly and Company, Indianapolis 6, Indiana, proposing the issuance of a regulation to provide for the safe use in swine feeds of tylosin at levels of not less than 10 grams per ton and not more than 100 grams per ton, as an aid in stimulating growth and improving feed efficiency of swine.

Dated: January 5, 1961.

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

[F.R. Doc. 61-226; Filed, Jan. 11, 1961; 8:49 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 107]

SMALL BUSINESS INVESTMENT COMPANIES

Notice of Proposed Rule Making

Notice is hereby given that pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Pub. Law 85-699, 72 Stat. 694, as amended, it is proposed to amend, as set forth below, §§ 107.308-3, 107.308-9 (a), 107.308-13, and 107.308-14 of Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations. Prior to the final adoption of such amendments, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in triplicate, to the Small Business Investment Division, Small Business Administration, Washington 25, D.C., within a period of thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Information. The amendments under consideration provide clarification for use of Licensee funds; prohibit any financing of financial institutions; clarify rendition of services to financial institutions, including other Licensees; and clarify activities with respect to consulting and advisory services.

It is proposed to amend the Small Business Investment Company Regulation as follows:

1. Designating the present text of § 107.308–3 as paragraph (a) and adding at the end thereof the following new paragraph (b) which reads as follows:

§ 107.308–3 Idle operating funds.

* * * * *

(b) Funds of a Licensee not employed in accordance with the provisions of sections 304 and 305 of the Act and the regulations thereunder, and not invested in accordance with paragraph (a) of this section, shall be retained in cash by the Licensee or placed on demand deposit with a commercial bank which is a member of the Federal Deposit Insurance Corporation.

2. Deleting paragraph (a) of § 107.308–9 and substituting in lieu thereof the following new § 107.308–9(a):

§ 107.308–9 Prohibited uses.

* * * * *

(a) Re-lending by the small business cancern; nor may funds be provided to a small business concern if the business activity of such concern involves the investing, lending, or other providing of funds to others in exchange for an equity interest or monetary obligation.

3. Adding at the end of § 107.308–12 the following new §§ 107.308–13 and 107.308–14 which read as follows;

§ 107.308–13 Incidental services to banks or other financial institutions.

A Licensee may render only incidental services, such as custodial, collection or investigation, for and receive compensation from banks or other financial institutions and only in connection with the financing or the providing of consulting and advisory services to a small business concern by the Licensee in participation or cooperation with such bank or other financial institution.

§ 107.308–14 Consulting and advisory services.

(a) Consulting and advisory services shall consist only of advice with respect to the financial requirements of a business activity and the management and operation thereof; and shall not include performance by the Licensee of any of the operating activities of the small business concern, such as sales promotion, bookkeeping or cost accounting.

(b) Consulting and advisory services may be provided by a Licensee only to small business concerns eligible for financial assistance from the Licensee providing such services: *Provided, however,* That a Licensee may provide such services to another Licensee in connection with the financing of a small business concern with which the latter Licensee proposes to negotiate forthwith or is then in process of negotiation for financing.

(c) The rendering of consulting and advisory services to small business concerns for whom the Licensee does not provide financing, shall not constitute a major portion of the activities or income of a Licensee.

Dated: January 5, 1961.

PHILIP MCCALLUM,
Administrator.

[F.R. Doc. 61–222; Filed, Jan. 11, 1961; 8.49 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group Nos. 427, 443, California et al.]

CALIFORNIA

Notice of Filing of Plats of Survey and Order Providing for the Opening of Public Lands

1. Plats of survey of the lands described below will be officially filed in the Land Office, Los Angeles, California, effective at 10 a.m., on January 25, 1961.

SAN BERNARDINO MERIDIAN

T. 4 N., R. 3 E., SBM

This plat represents a retracement and reestablishment of portions of the north, west, and south boundaries, and portions of the subdivisional lines designed to restore the corners in their true original location.

Sec. 5—Lots 5, 6, 7, 8, 9, 10;
Sec. 6—Lots 3, 4, 9, 10, 11, 12.

The area described aggregates 469.49 acres. Plat of survey accepted July 15, 1960.

T. 4 N., R. 4 E., SBM

This plat represents a resurvey of the subdivisions and of the east and north boundaries designed to restore the corners in their true, original location.

Sec. 10—Lots 1 to 12 incl.;
Sec. 11—Lots 1 to 12 incl.;
Sec. 14—Lots 1, 2, 3, 4, W½NE¼, W½, W½SE¼;
Sec. 15—Lots 1 to 12 incl.;
Sec. 16—Lots 1 to 4 incl.;
Sec. 17—Lots 1 to 8 incl.;
Sec. 20—Lots 1 to 8 incl.;
Sec. 21—Lots 1 to 12 incl.;
Sec. 22—Lots 1 to 8 incl., E½NE¼, E½SE¼;
Sec. 23—Lots 1 to 7 incl., SW¼NE¼, S½NW¼, SW¼, W½SE¼;
Sec. 24—Lots 1 to 8 incl.;
Sec. 26—Lots 1 to 8 incl., W½NW¼, W½SW¼;
Sec. 27—Lots 1 to 4 incl., E½, E½NW¼, E½SW¼;
Sec. 28—Lots 1 to 8 incl.;
Sec. 34—Lots 1 to 8 incl.;
Sec. 35—Lots 1 to 8 incl.

The area described aggregates 6,887.68 acres. Plat of survey accepted July 18, 1960.

SAN BERNARDINO MERIDIAN

T. 4 N., R. 5 E., SBM.

This plat represents a retracement and reestablishment of a portion of the west boundary of T. 4 N., R. 6 E., and the south boundary of T. 4 N., R. 5 E., SBM, designed to restore the corners in their true, original location.

Sec. 5—Lots 1 to 7 incl., SW¼NE¼, S½NW¼, SW¼, W½SE¼;
Sec. 6—Lots 1 to 7 incl., S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7—Lots 1 to 4 incl., E½, E½W½;
Sec. 8—All;
Sec. 9—Lots 1 to 4 incl., S½NE¼, S½NW¼, SW¼, SE¼;
Sec. 16—All;
Sec. 36—Lots 1 to 4 incl., W½NE¼, NW¼, SW¼, W½SE¼.

The area described aggregates 4,419.94 acres. Plat of survey accepted July 25, 1960.

T. 5 N., R. 2 E., SBM

This plat represents a retracement and reestablishment of portions of the north, east, and west boundaries and subdivisional lines designed to restore the corners in their true, original location.

Sec. 9—Lots 1 to 4 incl., S½NE¼, S½NW¼;
Sec. 10—Lots 1 to 7 incl., S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 11—Lots 1 to 4 incl., S½NE¼, S½NW¼, SW¼, SE¼;
Sec. 12—Lots 1 to 7 incl., SW¼NE¼, S½NW¼, SW¼, W½SE¼;
Sec. 13—Lots 1 to 4 incl., W½NE¼, NW¼, SW¼, W½SE¼;
Sec. 14—All;
Sec. 15—Lots 1 to 9 incl., NE¼NE¼, N½NW¼;
Sec. 23—Lots 1, 2, NE¼, N½SE¼;
Sec. 24—Lots 1 to 4 incl., W½NE¼, NW¼, SW¼, W½SE¼;
Sec. 25—Lots 1 to 7 incl., W½NE¼, NW¼, N½SW¼, NW¼SE¼;
Sec. 26—Lots 1 to 4 incl., E½NE¼, E½SE¼;
Sec. 31—Lots 1 to 4 incl., NE¼, E½NW¼, E½SW¼, SE¼;
Sec. 32—NW¼, SW¼, SE¼;
Sec. 33—SW¼, SE¼.

The area described aggregates 7,385.88 acres. Plat of survey accepted July 25, 1960.

T. 6 N., R. 1 W., SBM.

This plat represents a retracement and reestablishment of a portion of the south boundary, the west boundary, and a portion of the subdivisional lines designed to restore the corners in their true, original location.

Sec. 29—Lots 1 to 10 incl., SE¼NE¼, SW¼NW¼, W½SW¼, E½SE¼;
Sec. 30—Lots 1 to 8 incl., S½NE¼, N½SE¼;
Sec. 31—Lots 1 to 8 incl., E½NE¼, E½SE¼;
Sec. 32—Lots 1 to 8 incl., E½NE¼, W½NW¼, W½SW¼, E½SE¼;
Sec. 33—Lots 1 to 8 incl., E½NE¼, W½NW¼, W½SW¼, E½SE¼;
Sec. 34—Lots 1 to 4 incl., W½NW¼, W½SW¼.

The area described aggregates 3,293.79 acres. Plat of survey accepted July 8, 1960.

2. Except for and subject to valid existing rights, it is presumed that title to the following land passed to the State of California upon acceptance of the abovementioned plat of survey:

SAN BERNARDINO MERIDIAN

T. 4 N., R. 4 E., SBM,
Sec. 16—(Lots 1, 2, 3, 4) SW¼.

The area described aggregates 159.35 acres.

SAN BERNARDINO MERIDIAN

T. 4 N., R. 5 E., SBM,
Sec. 16—All;
Sec. 36—Lots 1 to 4 incl., NW¼, W½NE¼, SW¼, W½SE¼.

The area described aggregates 1,282.60 acres.

3. The following described lands are classified as suitable for disposition under the Small Tract Act of June 1, 1938 by Classification Order No. 563, dated May 15, 1957, as amended. Such classification segregates the land from all appropriation, including locations under the mining laws, except as to applications under the mineral leasing laws:

SAN BERNARDINO MERIDIAN

T. 4 N., R. 3 E., SBM,
Sec. 5—Lots 5 to 10 incl.;
Sec. 6—Lots 3, 4, 9, 10, 11, 12.

The area described aggregates 469.49 acres.

T. 4 N., R. 4 E., SBM,
Sec. 10—Lots 1 to 12 incl.;
Sec. 11—Lots 1 to 12 incl.;
Sec. 14—Lots 1 to 4 incl., W½NE¼, NW¼, SW¼, W½SE¼;
Sec. 15—Lots 1 to 12 incl.;
Sec. 23—Lots 1 to 7 incl., SW¼NE¼, S½NW¼, SW¼, W½SE¼;
Sec. 24—Lots 1 to 4 incl.;
Sec. 26—Lots 1 to 8 incl., W½NW¼, W½SW¼;
Sec. 27—Lots 1 to 4 incl., E½NW¼, E½SW¼, E½;
Sec. 35—Lots 1 to 8 incl.

The area described above aggregates 4,380.81 acres.

4. The lands above-described in T. 4 N., R. 3 E., and in T. 5 N., R. 2 E., have been classified as non-agricultural by decision of the Secretary of the Interior, dated September 28, 1959. As such they will not be subject to application under an agricultural land law.

5. Land use characteristics:

T. 4 N., R. 3 E., SBM.

Subject lands are located at the southern end of the Fry Mountains and 5 miles north of Old Woman Springs. Access is available to some portions of the land over poorly maintained dirt roads extending from Old Woman Springs paved highway.

The NW¼ of Sec. 5 is characterized by rough, broken, and precipitous slopes of the Fry Mountains. Soil is of a scattered nature, supporting sparse vegetation of creosote.

The NE¼ and N½SE¼ of Sec. 6 is generally flat or undulating and of an extremely sandy nature except for the NE¼NE¼ of the section which is a portion of the rugged Fry Mountains. Soils are immature and support creosote, bur sage, cacti, and annual grasses.

T. 4 N., R. 4 E., SBM.

Subject lands are located near Melville Dry Lake, approximately 10 miles northeast of Old Woman Springs. Some are accessible by dirt road extending from the Old Woman Springs paved highway.

Much of the terrain of these lands is of a mountainous nature, extremely rocky and dissected by numerous washes and gullies. The lands which are not mountainous are characterized by sloping and undulant terrain marked by a profusion of sand dunes and other aeolian deposits. Vegetation is sparse.

T. 4 N., R. 5 E., SBM.

These lands are located approximately 26 miles north of Yucca Valley and 14 miles northeast of Old Woman Springs. Portions

of the lands are accessible by dirt road from Giant Rock Airport or from Old Woman Springs Highway.

Topographically the lands fall in two categories, rough and mountainous or sloping desert plains. Soils are immature and support sparse vegetation of creosote, bur sage, cacti, and annual grasses.

T. 5 N., R 2 E., SBM,

Subject lands are located approximately 10 miles northeast of Lucerne Valley and are accessible by various dirt roads extending north from the Old Woman Springs paved road.

Terrain characterizing subject lands, except as denoted below, is of a rough and mountainous nature. Soil is immature, of a scattered nature, and supports sparse vegetation of creosote, bur sage, and grasses.

Lands which are generally not mountainous are located in Secs. 9, NW¼; 10 NE¼ NE¼; 11, E½, NW¼, NE¼SW¼; 12, All; 14, E½, SW¼; 15, SE¼, W½NW¼; 23, E½; 26, E½; 32, NW¼, SE¼; and 33, S½. These lands are characterized by sloping or undulating desert plains, and in some places sand dunes or low sand hills are present. Soil is shallow, immature, and supports sparse vegetation of creosote and some annual grasses.

T. 6 N., R 1 W., SBM,

Subject lands are located approximately 11 miles north of Lucerne Valley and between the Granite and Sidewinder mountain ranges. Access is available over dirt roads from the Barstow paved highway.

The lands, except secs. 30 and 31, are characterized by rugged mountain chains and alluvial bajadas and valleys. Soil is immature and supports sparse vegetation of creosote, bur sage, cacti, and some annual grasses.

Sections 30 and 31 are primarily rough and mountainous, severely dissected by drainage courses and exhibit only scattered areas of immature soils.

6. The above-described lands except those listed in paragraphs 2, 3, and 4 above, are opened to application, location, selection, and petition as outlined in paragraph 7 below. No application for these lands will be allowed under the homestead, desert land, small tract, or any other non-mineral public land law, unless the lands have already been classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

7. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 1 hereof, are hereby opened to filing applications, selections, and locations in accordance with the following:

a. Applications and selections under the non-mineral 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) All valid applications and selections under the non-mineral public land laws and applications and offers under the mineral leasing laws presented prior to 10 a.m., on January 25, 1961 will be considered as simultaneously filed at that hour. Rights under such applications and selections and offers filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning at 10 a.m. on January 25, 1961.

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 facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

8. Inquiries concerning these lands should be addressed to the Manager, Land Office, Bureau of Land Management, 215 West Seventh Street, Los Angeles 14, California.

ROLLA E. CHANDLER,
Manager,
Land Office, Los Angeles.

[F.R. Doc. 61-221; Filed, Jan. 11, 1961; 8:48 a.m.]

[Document 236; Classification 70]

ARIZONA

Small Tract Classification; Amendment

In Federal Register Document 60-9354, appearing on page 9817, of the issue of October 6, 1960, the description of the lands should include, as well as those listed, the following:

T. 8 S., R. 17 E., G&SRM, Pinal County, Arizona,
Section 31: N½SE¼SE¼NE¼.

Dated: January 4, 1961.

E. I. ROWLAND,
State Supervisor.

[F.R. Doc. 61-202; Filed, Jan. 11, 1961; 8:45 a.m.]

NORTH DAKOTA

Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 4, 1961.

The Department of the Army, Corps of Engineers—Omaha District, has filed an application, Serial Number Montana-040002 (ND) for the withdrawal of the lands legally described below from all forms of appropriation. The lands are located 20 miles southeast of Bowman, North Dakota. The applicant desires the land in connection with the Bowman-Haley Reservoir, and the withdrawal is required for the purpose of reservoir impoundment and contingent reservoir management for flood control, municipal water supply, fish and wildlife, and recreation purposes.

This withdrawal will have no segregative effect on existing grazing and mineral leases until project construction is authorized and actual construction begins. Any new leases issued will be subordinate to the primary purposes of the needs of the reservoir project.

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, 1245 North 29th Street, Billings, Montana.

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:

FIFTH PRINCIPAL MERIDIAN

T. 129 N., R. 101 W.
Sec. 11: SW¼, W½SE¼;
Sec. 13: SW¼NW¼, SW¼, S½SE¼;
Sec. 14: NE¼, NW¼, N½SW¼, SE¼SW¼, SE¼;
Sec. 15: S½NE¼, S½NW¼, N½SW¼, N½SE¼;
Sec. 23: N½NE¼, SE¼NE¼, NE¼NW¼, SE¼SW¼, SE¼;
Sec. 24: Entire Section;
Sec. 25: N½NW¼, SW¼NW¼, NW¼SW¼;
Sec. 26: NE¼, E½NW¼, SW¼NW¼, SE¼;
Sec. 35: W½NE¼, S½NW¼, N½SW¼.

Total of areas described in this order aggregates 3,280 acres.

J. R. PENNY,
State Supervisor.

[F.R. Doc. 61-203; Filed, Jan. 11, 1961; 8:46 a.m.]

[Notice 9; Revised]

ALASKA

Notice of Filing of Alaska Protraction Diagram Anchorage Land District

JANUARY 5, 1961.

Notice of filing of page 13 of Seward Meridian folio Number 22, Federal Register Document 60-1872, appearing on page 1841 of the issue for March 2, 1960 officially filed March 31, 1960, approved February 4, 1960, is hereby revised insofar as it affects the following described public lands:

ALASKA PROTRACTION DIAGRAM (UNSURVEYED)

S 22-13, Ts. 29 to 32 S., Rs. 45 to 48 W., Copper River Meridian.

DALE E. ZIMMERMAN,
Acting Manager.

[F.R. Doc. 61-204; Filed, Jan. 11, 1961; 8:46 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[431.3]

METAL PARTS FOR ELECTRIC HOUSEHOLD UTENSILS AND ELECTRIC KITCHEN UTENSILS

Notice of Prospective Classification

DECEMBER 5, 1961.

It appears probable that a correct interpretation of CAD 681 requires that parts in chief value of metal for electric household utensils and electric kitchen utensils such as coffee percolators, can openers, coffee grinders, pepper mills, juicers, portable sterilizers, hair dryers, hot plates, fryers, griddles, portable ovens, toasters, and battery-operated manicure kits, except those which are classifiable under paragraph 353 as articles having as an essential feature an electrical element or device, be classified as articles, not specially provided for, manufactured in chief value of metal, under paragraph 397, Tariff Act of 1930, and dutiable in most cases at the rate of 19 percent ad valorem under the provisions of that paragraph as modified.

Pursuant to § 16.10a(d) of the Customs Regulations (19 CFR 16.10a(d)), notice is hereby given that the existing practice of classifying such articles as parts of articles having as an essential feature an electrical device or element, not specially provided for, under paragraph 353, Tariff Act of 1930, and dutiable at the rate of 13¾ percent ad valorem under the provisions of that paragraph as modified, is under review by the Bureau of Customs.

Consideration will be given to any relevant data, views or arguments pertaining to the correct tariff classification of this merchandise which are submitted to the Bureau of Customs, Washington 25, D.C. To assure consideration of such communications, they must be received in the Bureau not later than 30 days from the publication of this notice. No hearings will be held.

[SEAL] LAWTON M. KING,
Acting Commissioner of Customs.

[F.R. Doc. 61-228; Filed, Jan. 11, 1961; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 11699]

UNITED AIR LINES, INC., AND CAPITAL AIRLINES, INC.; MERGER CASE

Notice of Oral Argument

In the matter of the application of United Air Lines, Inc., and Capital Airlines, Inc., for approval of the merger of Capital Airlines, Inc., into United Air Lines, Inc.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be held on January 25, 1961, at 10:00 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., January 6, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61-225; Filed, Jan. 11, 1961; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

January 1961 Monthly Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669) and subject to the conditions stated therein, as well as herein, the commodities listed below are available for sale on the price basis set forth.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Price Division, Commodity Stabilization Service, U.S. Department of Agriculture, Washington 25, D.C.

All commodities currently offered for sale by CCC, plus tobacco from CCC loan stocks, are eligible for export sale under the CCC Export Credit Sales Program. The following commodities are currently eligible for barter: Nonfat dry milk, butter, cotton, tobacco, rice (milled), wheat, corn, barley, rye, oats, and grain sorghums. This list is subject to change from time to time.

Interest rates per annum under the CCC Export Credit Sales Program for January 1961 are 3½ percent for periods up to six months, 4 percent for periods from over six and up to 18 months, and 4½ percent for periods from over 18 months up to a maximum of 36 months.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require removal of the commodity from CCC storage within a reasonable period of time. Where conditions of sale for export differ from those for domestic sale, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Interested persons are invited to communicate with the Commodity Stabilization Service, USDA, Washington 25, D.C., with respect to all commodities or—for specified commodities—with the designated CSS Commodity Office.

Commodity Credit Corporation reserves the right to amend, from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

If CCC does not have adequate information as to the financial responsibility of a prospective buyer to meet all contract obligations that might arise by acceptance of an offer or if CCC deems such buyer's financial responsibility to be inadequate CCC reserves the right (i) to refuse to consider the offer, (ii) to accept the offer only after submission by the buyer of a certified or cashier's check, bond, letter of credit or other security acceptable to CCC assuring that the buyer will discharge the responsibility under the contract, or (iii) to accept the offer upon condition that the buyer promptly submit to CCC such of the aforementioned security as CCC may direct. If a prospective buyer is in doubt as to whether CCC is acquainted with his financial responsibility he should communicate with the CSS Office at which the offer is to be placed to determine whether a financial statement or advance financial arrangement will be necessary in his case.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate CSS Office promptly upon appearance and therefore generally they do not appear in the Monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions, and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to United States Government agencies, with

only minor exceptions, will constitute a domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

Notice to exporters. The Department of Commerce, Bureau of Foreign Commerce (BFC), pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities (except bandages, gauze, and absorbent cotton with respect to Cuba only) under this program to Cuba, the Soviet Bloc, or Communist-controlled areas of the Far East including Communist China, North Korea, and the Communist-controlled areas of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of Foreign Commerce.

These regulations generally require that exporters, in or in connection with their contracts with foreign purchasers, where the contract involves $10,000 or more and exportation is to be made to a Group R country or Cuba, obtain from the foreign purchaser a written acknowledgment of his understanding of (1) U.S. Commerce Department prohibitions (Comprehensive Export Schedule, 15 CFR 371.4 and 371.8) against sales or resale for re-export of said commodities, or any part thereof, without express Commerce Department authorization, to the Soviet Bloc, Communist China, North Korea or the Communist-controlled area of Vietnam or to Cuba, and (2) the sanction of denial of future U.S. export privileges that may be imposed for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by the Secretary of Agriculture or CCC. Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC the original purchaser should inform the exporter in writing of the requirement for obtaining the signed acknowledgment from the foreign purchaser.

For all exportations, one of the destination control statements specified in BFC Regulation (Comprehensive Export Schedule 15 CFR 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of Foreign Commerce or one of the field offices of the Department of Commerce.

The above statement is with respect to the regulations of the Department of Commerce as of October 19, 1960. Exporters should consult the applicable regulations for more detailed information if desired and for any changes that may be made therein subsequent to such date.

Commodity	Sales price or method of sale
Dairy Products	Sales are in carlots only in store at storage location of products. Submission of offers: For products in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, submit offers to the Portland CSS Commodity Office. For products in other States and the District of Columbia, submit offers to the Cincinnati CSS Commodity Office.
Butter	Domestic, unrestricted use; Announced prices, under LD-29 as amended: 66.5 cents per pound New York, Pa., N.J., New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 65.75 cents per pound Washington, Oregon, and California. All other States 65.5 cents per pound. Export: Competitive bid under LD-33, as amended, pursuant to invitations to bid issued by Cincinnati CSS Commodity Office (may be applied to arrangements for barter and approved credit sales).
Nonfat dry milk	Domestic, unrestricted use; Announced prices, under LD-29 as amended: Spray process, U.S. extra grade, 15.00 cents per pound. Roller process, U.S. extra grade, 13.00 cents per pound. Export: Competitive bid under LD-33, as amended, pursuant to invitations to bid to be issued by Cincinnati and Portland CSS Commodity Offices Announced prices under LD-35: When sales are made under LD-33, as amended, above any nonfat dry milk offered but not sold under the invitation to bid will be offered for sale through the following Monday at prices announced in Washington each Tuesday. Sales under both announcements may be applied to arrangements for barter and approved credit sales.
Cotton, upland	Domestic or export, unrestricted use: Competitive bid and under the terms and conditions of Announcement CN-A (revised June 3, 1960), as amended (sales by local sales agencies of 1960-crop Choice (A) cotton for unrestricted use), Announcement NO-C-14, as amended (sale of 1959 and prior crops cotton for unrestricted use), and Announcement NO-C-15, as amended (sale of 1960-crop Choice (A) cotton for unrestricted use). Under CN-A (revised) cotton to be sold at highest price offered but in no event at less than 110 percent of the applicable 1960 Choice (B) support price plus carrying charges. Under NO-C-14, as amended, cotton to be sold at highest price offered but in no event at less than the higher of (1) the market price as determined by CCC, or (2) 115 percent of the applicable Choice (B) support price plus carrying charges. Under NO-C-15, as amended, cotton to be sold at highest price offered but in no event at less than the higher of (1) the market price as determined by CCC, or (2) 110 percent of the applicable Choice (B) support price plus carrying charges.
Cotton, extra long staple	Domestic or export, unrestricted use: Competitive bid and under the terms and conditions of Announcements NO-C-6 (revised July 22, 1960), as amended, and NO-C-10, as amended, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges or (2) the domestic market price as determined by CCC.
Catalogs	Catalogs for upland cotton (except cotton offered under CN-A (revised June 3, 1960), as amended) and extra long staple cotton showing quantities, qualities, and locations may be obtained for a nominal fee from the New Orleans CSS Commodity Office. Catalogs or lists of cotton offered under CN-A (revised June 3, 1960), as amended, may be obtained from local sales agencies.
Wheat, bulk	Domestic, unrestricted use; Commercial wheat-producing area: Market price basis in store but not less than the 1960 applicable loan rate plus (1) 20 cents per bushel if received by truck or (2) 17 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Examples of the foregoing minimum price per bushel (exrail or barge): Chicago, No. 1 RW $2.25; Minneapolis, No. 1 DNS 2.32; Kansas City, No. 1 HW 2.25; Portland, No. 1 SW 2.16. Noncommercial wheat-producing area: Same basis as in commercial area except 133 percent of applicable support rate. Export: (1) As wheat under Announcement GR-261 (revised Oct. 20, 1955), as amended, or as flour under Announcement GR-262 (revised July 16, 1956), as amended, for application under arrangements for barter which permits exportation of wheat as flour and approved credit sales only at prices determined daily (2) under Announcement GR-212 (revised Nov. 15, 1955), as amended for specific offerings as announced and (3) under Announcement GR-345 (revised June 20, 1960), as amended, for redemption of certificates under payment-in-kind program. Available Evanston, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices.
Corn, bulk	Domestic, unrestricted use: Market price, basis in store,[1] but not less than the 1960 applicable loan rate plus (1) a markup of 12 cents per bushel for corn in storage at point of production or (2) a markup of 15 cents per bushel and the rail freight from point of production to the present point of storage for corn in storage at other than the point of production. Examples of the foregoing minimum price per bushel for No. 2 yellow corn, 13.3 percent moisture and 1.4 percent foreign material including average paid-in freight from Woodford County, Ill., to Chicago and Redwood County, Minnesota, to Minneapolis, respectively: Chicago $1.37½; Minneapolis 1.21¼. Nonstorable corn, unrestricted use (as available): At not less than market price as determined by CCC. At bin sites, through ASC County Offices. At other locations through the Commodity Offices indicated below. Export: Under Announcement GR-212 (revised Nov. 15, 1955), as amended, for application to arrangements for barter and approved credit and emergency sales and under Announcement GR-368 (revised Aug. 31, 1959), as amended, for feed grain payment-in-kind program. Available Evanston, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices.
Oats, bulk	Domestic, unrestricted use: Market price, basis in store,[1] but not less than the 1960 applicable loan rate, plus (1) a markup of 12 cents per bushel for oats in storage at point of production and (2) a markup of 14 cents per bushel and the rail freight from point of production to present point of storage for oats in storage at other than the point of production. Examples of the foregoing minimum price per bushel including average paid-in freight from Woodford County, Ill., to Chicago and Redwood County, Minn., to Minneapolis respectively: Chicago, No. 3 oats $0.72¼; Minneapolis, No. 3 oats .63¼

[1] In those counties in which grain is stored in CCC bin sites, delivery will be made f.o.b. buyer's conveyance at bin sites without additional cost; sales will also be made in store approved warehouses in such county and adjacent counties at the same price, provided the buyer makes arrangements.

Commodity	Sales price or method of sale
Oats, bulk (continued)	Export: Under Announcement GR-212 (revised Nov. 15, 1955), as amended, for application to arrangements for barter and approved credit and emergency sales and under Announcement GR-368 (revised Aug. 31, 1959), as amended, for feed grain payment-in-kind program. Available Minneapolis, Evanston, Kansas City, Portland, and Dallas CSS Commodity Offices.
Barley, bulk	Domestic, unrestricted use: Market price basis in store but not less than 1960 applicable loan rate plus (1) 14 cents per bushel if received by truck or (2) 12 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per bushel (exrail or barge): Minneapolis, No. 2 or better ..... $1.12 Export: Under Announcement GR-212 (revised Nov. 15, 1955), as amended, for application to arrangements for barter and approved credit and emergency sales, and under Announcement GR-368 (revised Aug. 31, 1959), as amended, for feed grain payment-in-kind program. Available Minneapolis, Evanston, Kansas City, Portland, and Dallas CSS Commodity Offices.
Rye, bulk	Domestic, unrestricted use: Market price basis in store but not less than the 1960 applicable loan rate plus (1) 16 cents per bushel if received by truck or (2) 13 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per bushel (exrail or barge): Minneapolis, No. 2 or better (or No. 3 on TW only) ..... $1.25 Export: Under Announcement GR-212 (revised Nov. 15, 1955), as amended, for application to arrangements for barter and approved credit and emergency sales and under Announcement GR-368 (revised Aug. 31, 1959), as amended, for feed grain payment-in-kind program. Available Minneapolis, Evanston, Dallas, Portland, and Kansas City CSS Commodity Offices.
Grain sorghums, bulk	Domestic, unrestricted use: Market price basis in store but not less than the 1960 applicable loan rate plus (1) 29 cents per hundredweight if received by truck or (2) 23 cents per hundredweight if received by rail or barge). If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per hundredweight (exrail or barge): Kansas City, No. 2 or better ..... $2.10 Export: Under Announcement GR-212 (revised Nov. 15, 1955), as amended, for application to arrangements for barter and approved credit and emergency sales, and under Announcement GR-368 (revised Aug. 31, 1959), as amended, for feed grain payment-in-kind program. Available Evanston, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices.
Rice, milled (as available)	Domestic, unrestricted use: Market price but not less than the equivalent 1960 loan rate for rough rice, by varieties and grades, plus 5 percent, adjusted for milling, plus 27 cents per hundredweight, basis in store. Export: Under GR-379, as amended, for application to arrangements for barter and approved credit sales. Available Dallas CSS Commodity Office.
Rice, broken (as available)	Domestic or export, unrestricted use: Competitive bid but not less than $4.78 per hundredweight in bags ($4.63 bulk) basis U.S. No. 4 brewers rice f.o.b. mills and warehouses. Prices and quantities of milled rice including brokens available by varieties and grades may be obtained from Dallas and Portland CSS Commodity Offices.
Rice, rough (as available)	Domestic, unrestricted use: Market price but not less than the applicable 1960 loan rate plus 5 percent, plus 28 cents per hundredweight, basis in store. Export: As milled or brown under Announcement GR-369, as amended, Rice Export Program Payment-in-Kind, and under GR-379, as amended, for approved credit sales. Prices, quantities, and varieties of rough rice available from Dallas and Portland CSS Commodity Offices.
Soybeans, bulk (as available)	Domestic or export: Market price basis in store but not less than the 1960 applicable county loan rate for No. 2 grade, basis point of storage plus 5 percent, plus 11.60 cents per bushel, plus the value of billing, if any, as determined by the CSS Commodity Office. Market discounts for quality factors will be applied to the basic price to determine the actual sales price. Available Evanston, Kansas City, and Minneapolis CSS Commodity Offices.
Peanuts, shelled (as available), all types.	Domestic, unrestricted use: 1960 support price plus 5 percent, adjusted for milling, plus reasonable carrying charges under Peanut Announcement 3 as shown below or market prices, whichever is higher. Virginias: *Cents per pound* Extra large kernels ..... 25.70 Mediums ..... 22.06 No. 1's ..... 19.96 S.E. Runner, No. 1's ..... 19.93 S.E. Spanish, No. 1's ..... 20.31 S.W. Spanish, No. 1's 20.59
Peanuts, shelled and unshelled, farmers stock (as available).	Domestic for crushing or export: Competitive bid under CCC Peanut Announcement 1 (revised Feb. 16, 1959), as amended.
Tung oil	Export: Competitive bid on limited quantities under Announcement DL-OP-10, as amended, by Dallas CSS Commodity Office.
Gum turpentine (bulk in tanks)	Domestic, unrestricted use: Offer and acceptance basis in the stated quantities and in the designated storage tanks and subject to the prices, terms and conditions of Announcement TB-21-60 and supplements thereto which will be issued monthly. Available through ATFA, Valdosta, Georgia. Export: Competitive bid for turpentine, bulk in storage tanks, subject to Announcement TB-21-60 and supplements thereto. Available through Naval Stores Branch, Tobacco Division, CSS, U.S. Department of Agriculture.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U.S.C. 1427, sec. 208, 63 Stat. 901)

Issued: January 6, 1961.

FOREST W. BEALL,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 61-243; Filed, Jan. 11, 1961; 8:52 a.m.]

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 the following counties in the State of Arkansas a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ARKANSAS

Chicot.	Lincoln.
Clay.	Mississippi.
Craighead.	Monroe.
Cross.	Phillips.
Greene.	Poinsett.
Jackson.	Prairie.
Lawrence.	St. Francis.
Lee.	Woodruff.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties 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 6th day of January 1961.

CLARENCE L. MILLER,
Acting Secretary.

[F.R. Doc. 61-246; Filed, Jan. 11, 1961; 8:52 a.m.]

TEXAS

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 the following counties in the State of Texas a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

TEXAS

Delta.	Lamar.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1961, except to appli-

cants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 6th day of January, 1961.

CLARENCE L. MILLER,
Acting Secretary.

[F.R. Doc. 61-247; Filed, Jan. 11, 1961; 8:52 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-27]

WASHINGTON STATE UNIVERSITY

Notice of Extension of Completion Date

Please take notice that the Atomic Energy Commission has issued an order extending to March 31, 1961, the latest completion date specified in Construction Permit No. CPRR-37 for the construction of the 100-kilowatt pool-type nuclear reactor by Washington State University on its campus in Pullman, Washington.

Copies of the Commission's order and of the application of Washington State University are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 5th day of January 1961.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 61-196; Filed, Jan. 11, 1961; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 61-25]

FINALIZATION OF INITIAL DECISIONS

JANUARY 6, 1961.

The Commission is concerned with the dissipation of time and effort involved in its practice of reviewing all initial decisions of hearing examiners before they become final, even in cases where no exceptions have been filed by any of the parties or by the Chief of any appropriate Bureau or office of the Commission.

The Commission appreciates that the initial decision of an examiner which is permitted automatically to become final becomes in law the decision of the Commission itself. Such a decision does not, however, establish a precedent which would be binding on the Commission in some future case. The Commission accordingly believes that there is no need for it to review either the result or the rationale of any such decision with which the parties and the Commission's staff have, by their non-action, indicated their agreement. Moreover, the Commission believes that not to do so would contribute to the efficiency of the Commission's processes.

The Commission's staff has accordingly been instructed not to bring before the Commission for immediate or expedited finalization any initial decision to which no exceptions have been filed, except in those cases where the decision looks to the revocation of a license. In such a case, due to the drastic nature of the sanction imposed, the Commission is of the opinion that the decision should always be finalized by its own affirmative action, rather than be permitted to become final through mere lapse of time.

Adopted: January 4, 1961.

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

[F.R. Doc. 61-231; Filed, Jan. 11, 1961; 8:50 a.m.]

[FCC 61-34]

STATEMENT OF ORGANIZATION, DELEGATIONS OF AUTHORITY, AND OTHER INFORMATION

Delegation of Authority Concerning Action Upon Interim License Requests for Ship Radar Stations

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 4th day of January 1961;

The Commission having under consideration an amendment to Part 0, its Statement of Organization, Delegations of Authority, and Other Information, for the purpose of delegating authority to certain staff members in the Field Engineering and Monitoring Bureau to act upon interim license requests for ship radar stations and for the purpose of making editorial changes therein; and

It appearing that the amendment adopted herein is necessary to implement fully the interim licensing procedures established in Part 8 of the Commission's rules and to conform certain provisions of Part 0 with various related provisions of Part 8; and

It further appearing that the amendment adopted herein pertains to Commission management and procedure and to editorial revisions, and, therefore, compliance with the notice, procedural, and effective date provisions of section 4 of the Administrative Procedure Act is not required; and

It further appearing that the amendment adopted herein is issued pursuant to the authority contained in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended;

It is ordered, That, effective January 23, 1961, Part 0, the Commission's Statement of Organization, Delegations of Authority, and Other Information, is amended as set forth below.

Released: January 6, 1961.

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

Part 0, Statement of Organization, Delegations of Authority, and Other Information, is amended as follows:

1. Section 0.281(g) is amended to delete the word "radiotelephone".

As amended, paragraph (g) reads as follows:

SEC. 0.281 *Matters delegated to the Engineers in Charge.* * * *

(g) Requests for interim ship station licenses as provided by Part 8 of the Commission's rules governing stations on shipboard in the maritime services.

2. Section 0.414 is amended to read as follows:

SEC. 0.414 *Applications for interim ship station licenses.* Formal applications for ship station licenses for use of radiotelephone or radar transmitting apparatus or both and applications for modification of such licenses shall, when accompanied by requests for interim ship station licenses, be filed in accordance with § 8.35 of the Commission's rules and presented in person by applicants or their agents at the nearest field office of the Commission as shown in section 0.49 (a) and (b) or at the Commission's main office in Washington, D.C. Applications for renewal of ship station licenses are not subject to the provisions of this section.

[F.R. Doc. 61-232; Filed, Jan. 11, 1961; 8:50 a.m.]

[Docket Nos. 13605-13607; FCC 61-1]

ABILENE RADIO AND TELEVISION CO. ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of Abilene Radio and Television Company, San Angelo, Texas, Docket No. 13605, File No. BPCT-2639; E. C. Gunter, San Angelo, Texas, Docket No. 13606, File No. BPCT-2663; Dornita Investment Corp., San Angelo, Texas, Docket No. 13607, File No. BPCT-2714; for construction permits for new television broadcast stations.

1. The Commission has for consideration a "Petition to Modify Issues" filed by Abilene Radio and Television Company on July 18, 1960; "Comments Filed on Behalf of Dornita Investment Corporation and Electron Corporation in Answer to a Petition to Modify Issues filed by attorneys for Abilene Radio Company" on August 11, 1960; "Partial Opposition to Petition to Modify Issues", filed by E. C. Gunter on August 15, 1960; "Opposition" of Broadcast Bureau filed on August 23, 1960; "Reply to Oppositions" filed by Abilene on August 31, 1960; and "Petition to Accept the Broadcast Bureau's Opposition to the Original Petition to Modify Issues", filed by Dornita on September 9, 1960.

2. Before turning to the merits of the Abilene petition, it is necessary to consider the propriety of the pleadings filed on behalf of Dornita. We note that the "Comments" filed on August 11, 1960, purport to be on behalf of both Dornita and Electron, but are signed "Electron Corporation, Mort Zimmerman, President." Electron is not a party to this

proceeding. Dornita's status as a party herein cannot by its own action be shared with Electron, and its attempt by the subject pleading to invest Electron with the prerogative of a party entitled to plead renders the entire pleading defective. Moreover, § 1.23 limits the authority to represent others before the Commission to duly admitted attorneys. While we do not know whether Mr. Zimmerman is an attorney, his signature in the "Comments" was as an officer of Electron and not as an attorney, and it is clear that Electron is not qualified to practice law before the Commission. For either of these reasons, the "Comments" must be stricken.

3. The pleading styled "Petition to Accept the Broadcast Bureau's Opposition * * *" is equally defective. Regardless of its title, its content marks it as an attempted reply to Abilene's reply to oppositions,[1] a pleading prohibited by 47 CFR 1.13. Even if the pleading was of a type contemplated by the Rules, the subject document, signed by an officer of Dornita, would be unacceptable because it is not the Commission policy to permit corporate applicants to be represented by an officer rather than an attorney, Sweetwater Broadcasting Co., 4 FCC 293.

4. For the foregoing reasons, all pleadings filed on behalf of Dornita in this matter have received no consideration except to the extent indicated in paragraph 9, infra.

PETITION TO MODIFY ISSUES

5. Abilene first requests the deletion of the existing issue with respect to its possible violation of § 3.636(a)(1), in view of the overlap between its proposed station and Station KRBC–TV, Abilene, Texas. It argues that present prediction techniques are not sufficiently accurate to establish actual service within Grade B contours, and, therefore, mere predicted overlap of Grade B contours does not warrant the designation of an issue under § 3.636 of the rules. It views the relatively small amount of predicted overlap and the fact that the two stations concerned are designed to render service to separate and independent communities as further demonstrating the insubstantiality of the issue.

6. Section 3.636(a)(1) prohibits common control of television stations serving "substantially the same area." The Commission has not issued a generally applicable definition of the phrase "substantially the same area", believing that the purpose of this absolutely disqualifying rule can best be served by judging each case on its own facts and surrounding circumstances. Such facts and circumstances can best be elicited in the format of an evidentiary hearing, and, when overlap of the extent here involved is indicated by utilization of the prediction method prescribed by the rules, an appropriate issue is designated. Therefore, Abilene's request to delete the existing overlap issue will be denied. However, when, as here, an applicant suggests substantial reasons why, even if the evidence demonstrates a violation of the rule, the public interest would be served by a waiver, it is appropriate to modify the issue to permit the applicant to elicit such facts as, in its opinion, support its request for waiver, TBC, Inc., 20 RR 495 (1960). It should be emphasized that if 47 CFR 3.636(a)(1) is not found to be violated, or if Abilene's proposal is found in violation of the rule but mitigating facts indicate that a waiver should be granted, the overlap, while not absolutely disqualifying, would be a factor for comparative consideration.

7. Abilene next requests an issue as to Dornita's financial qualifications. Briefly, Dornita's construction costs total $125,000, and the estimated cost of operating its proposed station for three months is $36,000 (one-fourth of the $144,000 estimated as total cost for 1 year of operation). Dornita has shown $100,000 in cash committed to the venture, and proposes that $64,340 of its construction costs will be deferred under "arrangements" to be made by Electron. Dornita also represents that its stockholders are men of financial means with the ability to supply any additional sums it might need.

8. A financial issue should be added. Of the approximately $160,000 initial cash or credit required by Dornita, only $100,000 has been shown to be available. The Commission cannot rely on Electron's purported extension of credit, for the proposal is not merely that Electron will extend credit for equipment which it manufactures, but contemplates that Electron will, at least in part, finance the acquisition of the equipment of other manufacturers, and there is no proof of any firm contract to that end between Dornita and Electron or of Electron's ability to meet such commitment. While the Commission does not ordinarily require an applicant to submit a firm contract in order to prove that an equipment manufacturer in the regular course of business will extend to it the prevailing credit terms, in a situation such as here, where it is proposed that the manufacturer will finance substantially more of the equipment than that which it manufactures itself, we deem such proof to be appropriate, Deep South Broadcasting Co., 14 RR 1028. Such transactions, which cannot be regarded as in the ordinary course of the manufacturer's business, require proof of a firm agreement between the parties, and of the supplier's ability to meet its commitment. Here, not only is there no submission of a binding agreement between Dornita and Electron, but, even if such agreement should exist, there is no proof of Electron's ability or authority to fulfill it.[2] Similarly, the allegation that Dornita's stockholders will supply any necessary funds is not sufficient where there is no proof of an agreement on the part of the individuals involved or of their financial ability to meet such commitments. These matters must, therefore, be explored in the course of the evidentiary hearing.

9. Finally, Abilene requests that the issues be enlarged to include a determination of Electron's role in Dornita's proposed operation. The request will be granted. Electron has played an active role in the preparation and prosecution of Dornita's application, as illustrated by its attempt to participate in the instant interlocutory matter. While such activities may represent no more than the sales efforts of an unusually zealous equipment supplier, it is equally possible that they are symptomatic of the interest of an entity having a more intimate concern in the ultimate disposition of the Dornita application, especially in view of the fact that Electron does not confine its activities to manufacturing, but is the licensee of various broadcast facilities as well. The question can best be resolved within the context of an evidentiary hearing.

Accordingly, it is ordered, This 4th day of January 1961, That the petition to modify issues filed by Abilene Radio and Television Company on July 18, 1960, is granted to the extent herein indicated, and is otherwise denied;

It is further ordered, That existing Issues No. 2 and 3 are renumbered Issues No. 4 and 5, respectively, and that Issue No. 1 is modified to read as follows:

1. To determine whether a grant of the application of Abilene Radio and Television Company would be consistent with the provisions of § 3.636(a)(1) of the Commission's rules, in view of the overlap of the area to be served by the proposed station and the area served by Television Station KRBC–TV, Abilene, Texas; and, in the event that a grant of the said application is not found to be consistent with the provisions of § 3.636 (a)(1) of the rules, whether circumstances warrant waiver of the said rule.

And it is further ordered, That the following issues are added:

2. To determine whether Dornita Investment Corporation is financially qualified to construct and operate its proposed station.

3. To determine the interest, if any, of the Electron Corporation in Dornita Investment Corporation; the role which Electron Corporation has played in the preparation of the proposal of Dornita Investment Corporation; and the part, if any, Electron Corporation will play in the formulation of policy or the conduct of operations of Dornita Investment Corporation's proposed station; and, in the light of the evidence adduced hereunder, whether the application of Dornita Investment Corporation accurately rep-

[1] While much of the content of the pleading is directed to Electron's right to participate in this proceeding, it cannot be treated as an original petition to intervene on behalf of Electron. It is signed "Dornita Investment Corporation, by: Aubrey C. Black, Jr., Sec." The same considerations which prevent an officer of Electron from filing a pleading on behalf of Dornita (paragraph 2, supra) operate to prevent an officer of Dornita from filing a pleading on behalf of Electron.

[2] References in the pleadings to the financial condition of Electron's parent corporation are irrelevent in the absence of proof of such parent's firm commitment to supply any funds necessary to implement its subsidiary's agreement.

resents the actual control of its proposed station.

Released: January 9, 1961.

FEDERAL COMMUNICATIONS COMMISSION,[3]

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-234; Filed, Jan. 11, 1961; 8:51 a.m.]

[Docket Nos. 13887-13890; FCC 61M-25]

CAPITOL BROADCASTING CORP., INC. (WKXL) ET AL.

Order Scheduling Prehearing Conference

In re applications of Capitol Broadcasting Corporation, Inc. (WKXL), Concord, New Hampshire, Docket No. 13887, File No. BP-12712; Tri-State Area Broadcasting Corporation (WTSA), Brattleboro, Vermont, Docket No. 13888, File No. BP-13126; WMAS, Incorporated (WMAS), Springfield, Massachusetts, Docket No. 13889, File No. BP-13264; Normandy Broadcasting Corporation (WWSC), Glens Falls, New York, Docket No. 13890, File No. BP-13274; for construction permits.

Upon the Hearing Examiner's own motion: *It is ordered*, This 6th day of January 1961, that a prehearing conference in the above-entitled proceeding will be held on January 16, 1960, 10:00 a.m., at the Commission's Offices, Washington, D.C.

Released: January 6, 1961.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-235; Filed, Jan. 11, 1961; 8:51 a.m.]

[Docket Nos. 13848-13849; FCC 61M-21]

MARTIN THEATRES OF GEORGIA, INC. (WTVM) AND COLUMBUS BROADCASTING CO., INC. (WRBL-TV)

Order Continuing Hearing

In re applications of Martin Theatres of Georgia, Inc. (WTVM), Columbus, Georgia, Docket No. 13848, File No. BMPCT-5490; Columbus Broadcasting Company Inc. (WRBL-TV), Columbus, Georgia, Docket No. 13849, File No. BMPCT-5491; for modification of construction permits.

The Hearing Examiner having under consideration a petition filed January 5, 1961, on behalf of the Chief, Broadcast Bureau, Federal Communications Commission requesting that the prehearing conference in the above-styled proceeding now scheduled to begin on January 9, 1961, be continued to January 26, 1961, and that the evidentiary hearing now scheduled to begin January 26, 1961, be continued to a date to be announced at the conclusion of the prehearing conference on that date; and

It appearing that the reason for the requested continuance is a conflict in hearing assignments of counsel recently assigned to this case; and

It appearing that counsel for both applicants have consented to the requested continuances and to immediate consideration of said petition, and good cause for the requested continuance having been shown;

It is ordered, This the 5th day of January 1961, that the Petition for Continuance is granted and the date for the pre-hearing conference is continued from January 9, 1961, to January 26, 1961, and the date for the evidentiary hearing is continued from January 26, 1961, to a date to be announced at the conclusion of the pre-hearing conference.

Released: January 6, 1961.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-237; Filed, Jan. 11, 1961; 8:51 a.m.]

[Docket Nos. 13882-13883; FCC 61M-19]

EUGENE BROADCASTERS AND W. GORDON ALLEN

Order Scheduling Prehearing Conference

In re applications of Diana Crocker Redington, William H. Crocker II, Thomas J. Davis, Jr., and Robert Sherman, d/b as Eugene Broadcasters (a joint venture) Eugene, Oregon, Docket No. 13882, File No. BP-12954; W. Gordon Allen, Eugene, Oregon, Docket No. 13883, File No. BP-13214; for construction permits.

It is ordered, This 5th day of January 1961, that a prehearing conference, in accordance with § 1.111 of the rules, will be held in the above-entitled matter at 10:00 a.m. on January 13, 1961, in the offices of the Commission at Washington, D.C.

Released: January 5, 1961.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-236; Filed, Jan. 11, 1961; 8:51 a.m.]

[Docket Nos. 13010, 13641; FCC 61-17]

MID-AMERICA BROADCASTING SYSTEM, INC., ET AL.

Memorandum Opinion and Order

In re applications of Mid-America Broadcasting System, Inc., Highland Park, Illinois, Docket No. 13010, File No. BP-11689, et al., for construction permits; Booth Broadcasting Company (WJLB), Detroit, Michigan, Docket No. 13641, File No. BP-12351, for construction permit.

1. The Commission has for consideration a petition for severance filed by Booth Broadcasting Company on November 18, 1960, together with the statement of the Broadcast Bureau filed in support thereof on November 30, 1960.

2. By Order released August 12, 1959, the Commission consolidated 58 applications for hearing in this proceeding, all linked by mutual interference with one or more of the other applications. By Order of November 8, 1960, the Commission severed the application of Seaway Broadcasting Co. from this proceeding and granted it. The instant petition points out that the Seaway application was the only link 14 of the applicants herein had with the remaining applications, and suggests that the severance of those applications would facilitate the ultimate disposition of the proceeding.

3. We agree. There is no longer any element of mutual exclusivity between the 14 applications referred to in the petition[1] and the balance of the applications herein; and the public interest would be served by the more expeditious disposition of all the applications which will result from a grant of the requested relief.

Accordingly, it is ordered, This 4th day of January 1961, that the applications of Mid-America Broadcasting System, Inc., Docket No. 13010, File No. BP-11689; North Suburban Radio, Inc., Docket No. 13024, File No. BP-12318; WHFC, Incorporated, Docket No. 13037, File No. BP-12655; Robert F. Neathery, Docket No. 13060, File No. BP-12320; Paducah Broadcasting Company, Incorporated, Docket No. 13061, File No. BP-12662; WPFA Radio, Inc., Docket No. 13647, File No. BP-13161; Southern Michigan Broadcasting Corporation, Docket No. 13642, File No. BP-12806; Booth Broadcasting Company (WJLP), Docket No. 13641, File No. BP-12351; J. Richard Sutter, Joseph E. McNaughton, William D. McNaughton, General Partners and John T. McNaughton, Limited Partners, d/b as Elgin Broadcasting Company, Docket No. 13043, File No. BP-12778; Green Bay Broadcasting Co., Docket No. 13645, File No. BP-13014; Racine Broadcasting Corporation, Docket No. 13646, File No. BP-13146; Knorr Broadcasting Corp., Docket No. 13643, File No. BP-12834; and WSJM, Inc., Docket No. 13644, File No. BP-12880, are severed from the proceeding; that the said applications are retained in hearing on those issues in the instant proceeding applicable to them; and that those parties in the instant proceeding whose status as parties stems from any of the said applications are made parties to the said severed, consolidated hearing.

Released: January 9, 1961.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-238; Filed, Jan. 11, 1961; 8:51 a.m.]

[3] Concurring and dissenting statements of Commissioners Lee, Craven and Cross filed as part of original document.

[1] By Order released December 22, 1960 (FCC 60M-2170, Mimeo No. 98219), the application of Pierce E. Lackey and F. E. Lackey, d/b as Chester Broadcasting Company, one of the 14 applications referred to by petitioners, was dismissed by the Chief Hearing Examiner.

[Docket No. 13853; FCC 61M-18]

MID-KANSAS, INC.

Order Continuing Hearing

In re applications of Mid-Kansas, Inc., Docket No. 13853, for construction permit for a common carrier microwave station at Manhattan, Kansas, File No. 2205-C1-P-60; for construction permit for a common carrier microwave station at Junction City, Kansas, File No. 2206-C1-P-60; for construction permit for a common carrier microwave station at Abilene, Kansas, File No. 2207-C1-P-60; for construction permit for a common carrier microwave station at St. Mary's, Kansas, File No. 224-C1-P-61.

It is ordered, This 4th day of January 1961, pursuant to the agreement reached in the prehearing conference held on said date, that hearing in the above-entitled proceeding presently scheduled to commence on January 16, 1961, is continued to January 25, 1961, commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: January 5, 1961.

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

[F.R. Doc. 61-239; Filed, Jan. 11, 1961; 8:51 a.m.]

[Docket No. 13896; FCC 61M-26]

SAWNEE BROADCASTING CO.

Order Scheduling Prehearing Conference

In re application of John T. Pittard, tr/as Sawnee Broadcasting Company, Cumming, Georgia, Docket No. 13896, File No. BP-13266; for construction permit.

Upon the Hearing Examiner's own motion: *It is ordered,* This 6th day of January 1961, that a prehearing conference in the above-entitled proceeding will be held on January 17, 1961, 10:00 a.m., at the Commission's Offices, Washington, D.C.

Released: January 6, 1961.

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

[F.R. Doc. 61-240; Filed, Jan. 11, 1961; 8:51 a.m.]

[Docket No. 13827; FCC 61M-24]

KWK RADIO, INC.

Order Continuing Hearing

In the matter of revocation of License of KWK Radio, Inc. for standard Broadcast Station KWK, St. Louis, Missouri, Docket No. 13827.

The Hearing Examiner having under consideration the matters of record in the above-entitled proceeding;

It appearing that at the prehearing conference held herein on December 8, 1960, formal hearing was scheduled to commence on January 18, 1961, contingent upon disposition on or before January 6, 1961, of respondent's "Request For a Bill of Particulars" with a continuance to be ordered by the Hearing Examiner in the absence of such disposition;

It further appearing that the said "Request For a Bill of Particulars" remains pending and accordingly, for the reasons stated in Memorandum Opinion and Order FCC-60M-2056 released herein on December 5, 1960, and in the said prehearing conference, further continuance of the hearing is required;

It is ordered, This 6th day of January 1961 on the Hearing Examiner's own motion that the hearing herein presently scheduled to commence on January 18, 1961, is continued to a date to be subsequently specified.

Released: January 6, 1961.

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

[F.R. Doc. 61-241; Filed, Jan. 11, 1961; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. 11202 etc.]

ATLANTIC REFINING CO.

Order Severing and Terminating Certain Proceedings and Denying Termination in Other Proceedings

JANUARY 5, 1961.

On October 25, 1960, The Atlantic Refining Company (Atlantic) filed its motion to terminate the Rate Schedules as Supplemented, contained in the above-designated proceedings as hereinafter set forth:

Docket Nos.	Supplement No.	Rate schedule No.
G-11202	6	1
G-11259	2	136
G-11312	8	141
G-11365	11	142
G-15233	15	35
	12	37
G-15234	13	36

The proposed increased rates contained in the above-designated supplements in Docket Nos. G-11202, G-11259, G-11312, and G-11365 are equal to or less than the applicable area price level as set forth in the Statement of General Policy No. 61-1 and have been consolidated for the purpose of hearing in Docket Nos. G-9283, et al.

The proposed rates contained in the above-designated supplements in Docket Nos. G-15233 and G-15234 are for other than pipeline quality gas, for which the actual rate, after addition of amounts for dehydration and central delivery, is above the applicable area price level set forth in the Statement of General Policy No. 61-1.

The Commission finds:

(1) For the reasons heretofore stated it is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the above-designated supplements in Docket Nos. G-11202, G-11259, G-11312, and G-11365 be continued in effect without being subject to refund, that Atlantic be discharged from all obligations under its agreements and undertakings and that the above-designated proceedings be severed from the proceeding in Docket No. G-9283, et al., and said proceedings be terminated.

(2) The motion to terminate the proceedings involved in Docket Nos. G-15233 and G-15234 should be denied.

The Commission orders:

(A) The rates and charges contained in Atlantic's above-designated supplements in Docket Nos. G-11202, G-11259, G-11312, and G-11365 are hereby continued in effect, and Atlantic is hereby discharged from all obligations under its agreements and undertakings filed thereunder.

(B) The above-designated proceedings in Docket Nos. G-11202, G-11259, G-11312, and G-11365 are severed from the proceeding in Docket Nos. G-9283, et al., and are hereby terminated.

(C) The motion to terminate proceedings in Docket Nos. G-15233 and G-15234 is hereby denied.

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 61-198; Filed, Jan. 11, 1961; 8:45 a.m.]

[Docket No. CP61-10]

CITIES SERVICE GAS CO.

Notice of Application and Date of Hearing

JANUARY 4, 1961.

Take notice that on July 18, 1960, Cities Service Gas Company (Applicant), Oklahoma City, Oklahoma, filed in Docket No. CP61-10 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 a meter and regulator setting and related appurtenances on Applicant's existing 8-inch pipeline in Atchison County, Kansas, and the sale through said facilities of natural gas to the City of Effingham, Kansas, for resale in and near that community, all as more fully set forth in the application and supplement which are on file with the Commission and open to public inspection.

The cost of Applicant's proposed facilities is estimated at $2,000, which will be paid from treasury cash.

The estimated natural gas requirements of the Effingham area are:

	Mcf at 14.73 psia		
	1st year	2d year	3d year
Peak day	396	437	479
Annual	34,915	38,691	45,520

The proposed sales of natural gas in the Effingham area will be made under Applicant's applicable filed rate schedules.

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 January 31, 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 noncontested 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 January 25, 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.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 61-199; Filed, Jan. 11, 1961; 8:45 a.m.]

[Docket No. G-18799]

CITIES SERVICE GAS CO.

Notice Setting Date Within Which Interested Parties May Petition To Intervene

JANUARY 5, 1961.

By order issued June 19, 1959, in the above-entitled proceeding, the Commission ordered a hearing to be held concerning lawfulness of the rates, charges, classifications, and services contained in First Revised Sheets Nos. 11, 13, 15, 17, 18, 20, 23, 26, 28, 31, 32, 33, 36, and 37; Second Revised Sheets Nos. 22 and 30; Fourth Revised Sheets Nos. 4, 5, 7, 8, 10, 14 and 19; and Fifth Revised Sheets Nos. 12 and 16 to Cities Service Gas Company's FPC Gas Tariff, Second Revised Volume No. 1 and Fourth Revised Sheet No. 27 to Cities Service Gas Company's FPC Tariff, Original Volume No. 2, which tariff sheets proposed to increase the rates and charges contained in Respondent's aforementioned FPC Gas Tariffs.

Take notice that: Notices of intervention or petitions to intervene may be filed in this proceeding with the Federal Power Commission, Washington, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 18, 1961.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 61-200; Filed, Jan. 11, 1961; 8:45 a.m.]

[Docket No. E-6973]

DEPARTMENT OF THE INTERIOR SOUTHWESTERN POWER ADMINISTRATION

Notice of Request for Approval of Rates and Charges

JANUARY 3, 1961.

Notice is hereby given that the Secretary of the United States Department of the Interior, on behalf of the Southwestern Power Administration, has filed with the Federal Power Commission for confirmation and approval, pursuant to section 5 of the Flood Control Act of 1944 (58 Stat. 887), a schedule of rates and charges for the sale of supplemental peaking power capacity and associated energy by Southwestern Power Administration. The proposed schedule designated "SP-1", is a developmental rate available only to the Arkansas Electric Cooperative Corporation. Approval is requested for the period from July 1, 1965 to July 1, 1970. The proposed rate schedule is as follows:

RATE SCHEDULE SP-1

Applicable. To the Power Sales Agreement dated November 28, 1960 (Contract No. 14-02-0001-938), between the Southwestern Power Administration (SPA) and the Arkansas Electric Cooperative Corporation.

Amount of energy with supplemental peaking power capacity. Energy associated with supplemental peaking power service will be made available in the following amount:

(i) 1,200 kilowatt-hours per kilowatt of supplemental peaking contract demand during each contract year which shall be the twelve-month period beginning on July 1 of each year; plus

(ii) 75 kilowatt-hours per month per kilowatt of supplemental peaking contract demand during the months of October, November, December, January, February, March, April and May of each contract year.

Character and condition of service. Supplemental peaking power service will be delivered as three-phase alternating current, at approximately 60 cycles per second, at such point or points of delivery and at such voltages as are specified by contract.

Annual rates.

Demand charge. $19.20 per year per kilowatt of supplemental peaking contract demand payable at the rate of $1.60 per month per kilowatt of contract demand.

Energy charge. $0.002 per kilowatt-hour.

Discounts for conditions of service. (a) A discount of $1.20 per kilowatt of supplemental peaking billing demand per year will be allowed on the total annual charge for supplemental peaking power service if delivery of power and energy is made from the 69 kv, 138 kv, or 161 kv transmission facilities owned or leased by SPA and if transformation and substation facilities are required at the point of delivery and are furnished by Arkco at no cost to SPA. Discount is payable at the rate of $0.10 per month per kilowatt of supplemental peaking contract demand.

(b) A discount of $4.80 per kilowatt of supplemental peaking billing demand per year will be allowed on the total annual charge for supplemental peaking power service if delivery of power and energy is made from, and at the voltage of, the 138 kv or the 161 kv transmission facilities owned or leased by SPA or at lower or intermediate voltages from substations directly connected to such transmission facilities, and if SPA is thereby relieved of additional transmission costs. Discount is payable at the rate of $0.40 per month per kilowatt of supplemental peaking contract demand.

Minimum bill. $1.60 per month per kilowatt of supplemental peaking contract demand less applicable discounts for conditions of service.

Supplemental peaking contract demand. The supplemental peaking contract demand will be the maximum rate in kilowatts which SPA is, by contract, obligated to deliver associated energy to Arkco.

Supplemental peaking billing demand. The supplemental peaking billing demand for any month shall be the supplemental peaking contract demand.

Adjustment in supplemental peaking billing demand.

For reduction in demand. In the event of one or more reductions in Arkco's demand during any monthly billing period, each of which continues for two hours or more, due to the inability of SPA to supply the supplemental peaking contract demand, the supplemental peaking billing demand for such period shall be reduced for each such reduction in demand by an amount equal to the reduction in demand (in kilowatts) times the ratio that the number of hours of each such reduction bears to the total number of scheduled hours in such billing period.

For power factor. None. Arkco normally will be required to maintain a power factor at the points of delivery of not less than 90 percent lagging.

Any person desiring to make comments or suggestions for Commission consideration with respect to the foregoing schedule of rates and charges should submit the same in writing on or before January 20, 1961, to the Federal Power Commission, Washington 25, D.C.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 61-201; Filed, Jan. 11, 1961; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3920]

COLUMBIA GAS OF KENTUCKY, INC.

Notice of Proposed Acquisition of Class A Stock of Business Development Corporation

JANUARY 5, 1961.

Notice is hereby given that Columbia Gas of Kentucky, Inc. ("Kentucky"), a public-utility subsidiary company of The Columbia Gas System, Inc., a registered holding company, has filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9 and 10 of the Act and Rule 40 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to said application for a statement of the proposed transaction which is summarized below.

Kentucky proposes to purchase, at par, 144 shares of the Class A Stock, $100 par value, of Business Development Corporation of Kentucky ("Development Corporation"), at a total cost of $14,400.

The application states that Development Corporation was organized as a corporation under the laws of the State

of Kentucky for the purpose, generally, of promoting, stimulating, developing, and advancing the business prosperity and economic welfare of the State of Kentucky and its citizens through loans, investments, other business transactions, and promotional activities. Development Corporation has authority to issue 10,000 shares of Class A Stock, $100 par value per share, and 5,000 shares of Class B Stock, $0.10 par value per share. As of December 5, 1960, a total of 7,330 shares of Class A Stock had been subscribed for. The holders of Class A Stock, called "stockholders," shall elect one-third of the Board of Directors, and the holders of Class B Stock, called "members," shall elect two-thirds of the Board of Directors. Officers of the corporation will be chosen and appointed by the Board of Directors.

The Class B Stock is being sold only to financial institutions while the Class A Stock is being sold to financial institutions and other companies doing business in the State of Kentucky. Development Corporation is empowered to borrow money from participating financial institutions (members) on a pro rata basis as needs for additional resources occur. No holder of Class A or Class B stock will be personally liable for any debt or liability of Development Corporation, and all stock of the corporation will be nonassessable. The Articles of Incorporation of Development Corporation provide that the Class B Stock, which is nontransferable, may not be owned except by members and that each member will be required to purchase one share of Class B Stock for each $1,000 of the loan limit of such member reduced by the amount of Class A Stock purchased by such member. No member is permitted to own more than one share of Class B Stock per $1,000 of such loan limit.

The application states that expenses to be incurred by the holding-company system in connection with the proposed transaction are estimated at $300. It is further stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than January 20, 1961, at 5:30 p.m., request in writing that a hearing be held on such matter, stating the nature of his interest the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-206; Filed, Jan. 11, 1961; 8:46 a.m.]

[File No. 24SF-2606]

INVESCO, INC.

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

JANUARY 5, 1961.

I. Invesco, Inc., an Arizona corporation, 114 South Palomar Drive, P.O. Box 6428, Tucson, Arizona, filed with the Commission on April 16, 1959 a notification on Form 1-A and an offering circular relating to an offering of 250,000 shares of its $1 par value common stock at $1 per share for an aggregate of $250,000 and filed various amendments thereto, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof, and Regulation A promulgated thereunder; and

II. The Commission has reasonable cause to believe that:

A. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to disclose that the issuer entered into an option agreement with Life Investors of Iowa on August 25, 1959 whereby the latter was given options to purchase the issuer's stock at 50 cents per share, when the public offering price was $1 per share;

2. The failure to disclose that Life Investors of Iowa was to formulate and execute the operating policies of the issuer pursuant to the option agreement;

3. The failure to disclose that Life Investors of Iowa was in a control relationship with the issuer;

4. The failure to disclose that the issuer was in an insolvent condition from a period of June 1, 1959, to June 30, 1960.

B. The terms and conditions of Regulation A have not been complied with in that the issuer failed to file an accurate report of sales on Form 2-A as required by Rule 260.

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

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

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

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-267; Filed, Jan. 11, 1961; 8:46 a.m.]

[File No. 70-3928]

GEORGIA POWER CO.

Notice of Filing of Application Regarding Acquisition of Utility Assets

JANUARY 5, 1961.

Notice is hereby given that Georgia Power Company ("Georgia"), an exempt holding company and a public-utility subsidiary of The Southern Company, a registered holding company, has filed with this Commission an application, pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9 and 10 of the Act as applicable to the proposed transactions. All interested persons are referred to the application on file at the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Georgia proposes to acquire certain utility assets, all located in the State of Georgia, from four of its wholesale customers. The sellers and the consideration to be paid to each are as follows: Three Notch Electric Membership Corporation, $38,064.66; Grady County Electric Membership Corporation, $128,191.18; Colquitt County Electric Membership Corporation, $147,893.80; and Satilla Electric Membership Corporation, $70,159.27. According to the filing the purchase prices were arrived at on the basis of the estimated original cost less depreciation of the properties to be acquired, and the negotiations had in respect of the sales and acquisitions were conducted at arm's-length between nonaffiliates.

It is stated that the acquisitions of utility assets by Georgia are not subject to the jurisdiction and do not require the approval of the Georgia Public Service Commission or any other State commission, and, upon the issuance by this Commission of its order herein, no

other Federal commission will have jurisdiction over such acquisitions.

Notice is further given that any interested person may, not later than January 20, 1961, at 5:30 p.m., request in writing that a hearing be held on the matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date the application, as filed or as it may be amended, may be granted, as provided in Rule 23 of the rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-208; Filed, Jan. 11, 1961; 8:46 a.m.]

[File No. 24C-2294]

NATIONAL SECURITY LIFE INSURANCE CO.

Notice and Order for Hearing

JANUARY 6, 1961.

I. National Security Life Insurance Company (issuer), a corporation incorporated under the laws of the State of Indiana on June 7, 1955, with offices at 1060 Broad Ripple Avenue, Indianapolis, Indiana, filed with the Commission on November 14, 1960, a notification on Form 1-A and an offering circular and other material pertaining to a proposed offering by the issuer of 73,300 shares of its common stock, $1 par value, at $2 per share for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission on December 20, 1960, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the exemption under Regulation A and affording to any person having an interest therein an opportunity to request a hearing pursuant to Rule 261. A written request for hearing was received by the Commission.

The Commission deeming it necessary and appropriate to determine whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption,

It is hereby ordered, That a hearing under the applicable provisions under the Securities Act of 1933, as amended, and the rules of the Commission be heard at 630 Bankers Building, 105 West Adams Street, Chicago 3, Ill., at 10:00 a.m., c.s.t., on January 24, 1961, with respect to the following matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the terms and conditions of Regulation A have not been complied with in that:

1. The offering under the above numbered notification commenced prior to the expiration of ten business days after the filing of the notification;

2. The aggregate offering price of the securities which have been and are to be offered exceed the $300,000 limitation imposed by Rule 254 and Rule 253(c);

3. The notification fails to disclose the complete residence addresses of certain officers of the issuer, as required by Item 3 thereof;

4. The notification fails to disclose the jurisdictions in which the offering is to be made, as required by Item 8 thereof;

5. The notification fails to disclose that the Illinois Security Life Insurance Company is a predecessor of the issuer, as required by Item 2 thereof;

6. The notification fails to disclose the issuance and sale of unregistered securities of the issuer, as required by Item 9 thereof;

7. No escrow or similar arrangement meeting the requirements of Rule 253(c) was filed in accordance with Item 11;

8. The consent of Haight, Davis and Haight, actuarial firm passing upon the insurance policies of the issuer, was not filed as an exhibit to the notification;

9. The offering circular does not contain the complete statement required by Item 1 of Schedule I;

10. The offering circular does not describe the method by which the securities are proposed to be offered, as required by Item 5 of Schedule I;

11. The offering circular does not adequately or accurately describe the physical properties held or to be held by the issuer, as required by Item 8C(b) of Schedule I;

12. The offering circular does not contain the financial statements required by Item 11 of Schedule I;

13. The offering circular fails to describe material transactions between the officers and directors and the issuer, as required by Item 9(c) of Schedule I;

14. The offering circular does not adequately or accurately describe the purposes for which the net cash proceeds to the issuer are to be used and the amount to be used for each such purpose as required by Item 6(a) of Schedule I.

B. Whether the notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particular with respect to:

1. Item 9 of the notification falsely states that no unregistered securities of the issuer were issued within one year preceding the filing of the notification;

2. The offering circular fails to disclose the issuer's contingent liability arising out of the sale of unregistered securities;

3. The offering circular fails to adequately or accurately describe the nature and extent of the issuer's business and more specifically, fails to clearly disclose the adverse operating results of said business;

4. The offering circular fails to disclose payments made, directly and indirectly, by the issuer to its officers and directors;

5. The failure to include adequate and accurate financial statements prepared in accordance with generally accepted accounting principles.

C. Whether the offering would be and is being made in violation of section 17 of the Securities Act of 1933, as amended.

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

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail to National Security Life Insurance Company; that notice of the entering of this order shall be given to all persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in the hearing shall file with the Commission on or before January 22, 1961 a request relative thereto as provided in Rule IX of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-209; Filed, Jan. 11, 1961; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[File 23-714]

R. HÄUSLER & CO., K. G. AND SAMPROD GES. M.B.H.-LTD.

Order Extending Order Temporarily Denying Export Privileges and Denying Respondents' Motion To Vacate

In the matter of R. Häusler & Co., K. G. and Samprod Ges. M.H.B.-Ltd., Graz, Rechbauerstrasse 15, Austria, respondents; File 23-714.

The respondents, R. Häusler and Co. and Samprod Ges. M.B.H.-Ltd., having filed motions to have vacated the order dated November 25, 1960 (25 F.R. 12388, December 2, 1960), which temporarily denied to them all privileges of participating in exportations from the United States, and the Director, Investigation Staff, having moved for an extension of the said order, said motions were referred to the Compliance Commissioner, who has submitted his Report thereon and has recommended that

respondents' motion be denied and that the Director's motion be granted.

Now, after careful consideration of the record herein, and having concluded that the continued denial of export privileges to the respondents and parties related to them is reasonably necessary to protect the public interest, it is, this 5th day of January 1961, hereby ordered:

1. That the motion by the respondents to vacate the temporary denial order be, and the same hereby is denied.

2. That the order of November 25, 1960, denying to the respondents all privileges of participating in exportations from the United States be, and the same hereby is extended to and including the completion of the compliance proceeding which has been commenced against R. Häusler and Co., K. G.

FRANK W. SHEAFFER,
Director,
Office of Export Supply.

[F.R. Doc. 61-223; Filed, Jan. 11, 1961; 8:49 a.m.]

[Case No. 284]

GROMA METAL CORP. ET AL.

Order Denying Export Privileges

In the matter of Groma Metal Corporation, Metaloy, Inc., Bertold Wolff, Henry G. Krell, 50 Broad Street, New York, New York, respondents; Case No. 284.

The respondents, Groma Metal Corporation, Metaloy, Inc., Bertold Wolff, and Henry G. Krell, all of New York City, New York, were charged by the Director, Investigation Staff, Bureau of Foreign Commerce, United States Department of Commerce, with violations of the Export Control Act of 1949, as amended, and regulations promulgated thereunder. They were duly served with the charging letter and duly appeared herein.

In accordance with the provisions of § 382.10 of the Export Regulations, with the agreement of the Director, Investigation Staff, they have submitted to the Compliance Commissioner a proposal for the issuance of a consent order, substantially in the form hereof. The Compliance Commissioner has reviewed the facts of this case and the proposal, has approved the proposal, has reported the facts to the undersigned, who, in turn, has accepted the same.

Now, after reviewing and considering the entire record of this case and the Compliance Commissioner's report, I hereby find (a) that respondents had established a business relationship with a broker-importer in Italy who had a financial interest in each of four transactions involved herein; (b) that respondents knew of this interest but failed to disclose it at the time of and in connection with the submission to the Bureau of Foreign Commerce of the applications for export licenses pursuant to which the four transactions were accomplished; (c) that their failure to make such disclosure was because they had been informed previously that export licenses would not be issued for transactions in which said broker-importer had an interest; (d) that after receiving the licenses for which they so had made application, they made four exportations, consisting of cobalt bearing nickel alloy scrap, nickel anodes, copper and nickel alloy spatters, and low grade cobalt residue, aggregating in value approximately $23,000, to the consignees named in such licenses but with knowledge that the said broker-importer had an interest therein; (e) that, as respects all the exportations, the ultimate consignees and actual users were approvable consignees and users; and (f) that the goods were not diverted from Italy.

And, from the foregoing, I have concluded that the respondents knowingly and in violation of § 381.5 of the Export Regulations, made false representations to and concealed material facts from the BFC by failing to disclose in applications for export licenses, the name of a party-in-interest as required by § 372.4(c)(2)(ii) and (iv) of said regulations.

Now, after careful consideration of the entire record and being of the opinion that the proposal for this consent order should be accepted and that this order is necessary to achieve effective enforcement of the law: *It is hereby ordered*:

I. For the period of five months commencing January 9, 1961, except as qualified in Part III hereof and subject to certain exceptions permitting the completion of transactions which are the subject of ten validated licenses among thirty-one heretofore issued to the respondents, the respondents hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation by the respondent, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the preparation or filing of any export license application or document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the receiving, ordering, buying, selling, delivering, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (e) in financing, forwarding, transporting, or other servicing of such exports from the United States.

II. Such denial shall extend not only to the respondents, but also to any person, firm, corporation, or business organization with which they may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade in which may be involved exports from the United States or services connected therewith.

III. Without further order of the Bureau of Foreign Commerce, two months after January 9, 1961, to wit, on March 10, 1961, the respondents shall have their export privileges restored to them conditionally, the condition for such restoration being that, until and including June 9, 1961, they shall comply in all respects with this order and with all other requirements of the Export Control Act of 1949, as amended, and all regulations, licenses, and orders issued thereunder.

IV. The privileges so conditionally restored to the respondents may be revoked summarily and without notice to them upon a finding by the Director of the Office of Export Supply, or such other official as may at that time be exercising the duties now exercised by him, that at any time between January 9, 1961, and June 9, 1961, both dates inclusive, they have knowingly failed to comply with any condition set forth in Part III hereof, in which event a supplemental order shall be entered against them, which order shall deny all export privileges to them for three months following the entry of such supplemental order. The entry of such supplemental order shall not prevent the Bureau of Foreign Commerce from taking such other and further action based on such violation as it shall deem warranted. In the event that such supplemental order is issued, the respondents shall have the right to appeal therefrom, as provided in the Export Regulations.

V. No person, firm, corporation, or other business organization, whether in the United States or elsewhere, during any time when the respondents or any related party is prohibited under the terms hereof from engaging in any activity within the scope of Part I hereof, shall, without prior disclosure to, and specific authorization from the Bureau of Foreign Commerce, directly or indirectly, in any manner or capacity, (a) apply for, obtain, or use any export license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity, (b) order, receive, buy, sell, deliver, use, dispose of, finance, transport, forward, or otherwise service or participate in, any exportation from the United States, on behalf of or in any association with the respondents or any related party, or (c) do any of the foregoing acts with respect to any exportation in which the respondents or any related party may have any interest or obtain any benefit of any kind or nature, direct or indirect.

Dated: January 5, 1961.

FRANK W. SHEAFFER,
Director,
Office of Export Supply.

[F.R. Doc. 61-229; Filed, Jan. 11, 1961; 8:50 a.m.]

Office of the Secretary

JOHN K. HARVEY

Report of Appointment and Statement of Financial Interests

Report of appointment and statement of financial interests required by section 710(b)(6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. John K. Harvey.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: January 5, 1961.

4. Title of position: Assistant Director for Mobilization Planning, Chemical and Rubber Div.

5. Name of private employer: Union Carbide Chemicals Company, South Charleston, West Virginia.

CARLTON HAYWARD,
Director of Personnel.

DECEMBER 20, 1960.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Union Carbide Corporation.
Bank Deposits.

Dated: January 5, 1961.

J. K. HARVEY.

[F.R. Doc. 61-230; Filed, Jan. 11, 1961; 8:50 a.m.]

TARIFF COMMISSION

[AA1921-16]

PORTLAND CEMENT

Notice of Investigation

Having received advice from the Treasury Department on January 4, 1961, that Portland Cement, other than white, non-staining Portland Cement, from Sweden is being, or is likely to be, sold in the United States at less than fair value, the United States Tariff Commission has instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

No hearing in connection with this investigation has been ordered. If a hearing is ordered, due notice of the time and place will be given. In this connection, interested parties are referred to § 208.4 of the Commission's rules of practice and procedure (19 CFR 208.4) which provides that interested parties may within 15 days after the date of publication of this notice in the FEDERAL REGISTER, request that a public hearing be held, stating reasons for the request.

Any interested party may submit to the Commission a written statement of information pertinent to the subject matter of this investigation. Fifteen clear copies of such statement should be submitted. Information which an interested party desires to submit in confidence should be submitted on separate pages each clearly marked "Submitted in confidence." Written statements must be filed not later than February 9, 1961.

Issued: January 9, 1961.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 61-224; Filed, Jan. 11, 1961; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 433]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 9, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63649. By order of January 5, 1961, the Transfer Board approved the transfer to Etta L. Adams and Robert W. Adams, a partnership, doing business as J. R. Adams & Son, 803 East 24 Highway, Independence, Mo., of Certificate in No. MC 61237, issued October 18, 1949, to J. R. Adams and Robert W. Adams, a partnership, doing business as J. R. Adams & Son, 803 East 24 Highway, Independence, Mo., authorizing the transportation of: household goods and emigrant moveables, between Independence, Mo., and points within 8 miles thereof, not including Kansas City, Mo., on the one hand, and, on the other, points in Nebraska, Illinois, Kansas, and Iowa; heavy machinery between points described above, on the one hand, and, on the other, points in that part of Kansas on and east of U.S. Highway 81; and livestock between Independence, Mo., and points within 8 miles thereof, on the one hand, and, on the other, points in that part of Kansas on and east of U.S. Highway 81.

No. MC-FC 63701. By order of January 4, 1961, the Transfer Board approved the transfer to Kleimer Van Lines, Inc., 1884 East 22d Street, Los Angeles, Calif., of Certificate No. MC 115199, issued April 27, 1955, to William B. Farquharson, doing business as Bill's Trucking Co., 1884 East 22d Street, Los Angeles, Calif., authorizing the transportation of: New furniture, uncrated, between Fresno, Calif., and Seattle, Wash., over regular routes, serving the intermediate and off-route points of San Francisco, Oakland, Alameda, Berkeley, San Leandro, and Hayward, Calif., and all intermediate points in Oregon and Washington, as restricted; and new furniture, uncrated, other than new furniture included with the description household goods as defined by the Commission, between Fresno, Calif., and Fallon, Nev., over regular routes, serving the intermediate and off-route points of San Francisco, Oakland, Alameda, Berkeley, San Leandro, and Hayward, Calif., and Reno and Sparks, Nev., as restricted.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 61-214; Filed, Jan. 11, 1961; 8:47 a.m.]

ORGANIZATION OF DIVISIONS AND BOARDS AND ASSIGNMENT OF WORK

Miscellaneous Amendments

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 4th day of January, A.D. 1961.

Section 17 of the Interstate Commerce Act, as amended (49 U.S.C. 17), and other provisions of the law being under consideration, with a view to providing for the elimination from the assignment of work to Division 4 of initial jurisdiction over applications of certain classes which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits, concurrent with the creation of three Finance Boards and assignment of such applications to said Boards or the existing Transfer Board; providing further for the designation of Division 4 as an appellate division to consider applications for rehearing, reargument, or reconsideration of any decisions, orders, or requirements of the Finance Boards as well as the Transfer Board, the decisions of said appellate division to be administratively final and not subject to review by the Commission; and providing for certain related appellate procedure:

It is ordered, That the Organization Minutes of the Interstate Commerce Commission relating to the Organization of Divisions and Board and Assignment of Work, issue of January 1, 1959, as amended (24 F.R. 2506, 4070, 5676, 9230 and 25 F.R. 96 and 3608) be, and it is hereby, further amended in the following particulars:

1. Under the heading Assignment of Duties to Division, in Item 4.6 *Division Four—Finance Division,* delete paragraphs (a), (b), (d), (f), (g), (h), and (p) and substitute in lieu thereof the following paragraphs:

(a) Section 1 (18) to (20), inclusive, relating to certificates of public convenience and necessity, except determination of applications which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form

of affidavits, unless certified to the Division by a Finance Board or recalled by the Division. (See Item 7.6(c).)

(b) Section 5 (2) (except matters assigned to Item 4.2(w)) to (13), inclusive, relating to consolidations, mergers, purchases, leases, operating contracts, and acquisitions of control of carriers, non-carrier control, and trackage rights, including matters of public convenience and necessity under section 207 and consistency with the public interest under section 209 directly related thereto, except determination of applications under section 5(2) and aforesaid related matters under sections 207 and 209 which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits, unless certified to the Division by a Finance Board or recalled by the Division. (See Item 7.6 (a) and (c).)

* * * * *

(d) Section 13a, relating to discontinuances or changes of railroad operations or services.

* * * * *

(f) Sections 20a (other than matters assigned under Item 6.6(a) relating to interlocking directorates) and 214, relating to securities, except determination of applications which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits, unless certified to the Division by a Finance Board or recalled by the Division. (See Item 7.6 (a), (b) and (c).)

(g) Section 204(a)(4) relating to transfer of brokers' licenses and changes in control of corporations or associations holding brokers' licenses; sections 212(b) and 312 relating to transfer of certificates and permits; and section 410(g) relating to transfer of permits; except determination of applications which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits, unless certified to the Division by the Transfer Board or recalled by the Division. (See Item 7.5.)

(h) Sections 210a(b) and 311(b) relating to applications for temporary authority when certified to the Division by a Finance Board or recalled by the Division. (See Items 7.6(a)(2) and 7.6(c)(3).)

2. Under the heading Assignments to Boards, 7.5 *The Transfer Board*, amend paragraph (a) to read as follows:

(a) Determination of applications under section 204(a)(4) relating to transfer of brokers' licenses and changes in control of corporations or associations holding brokers' licenses; sections 212(b) and 312 relating to transfer of certificates and permits; and section 410(g) relating to transfer of permits, which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

3. Under the heading Assignment to Boards, add the following item, to be designated 7.6 *Finance Boards:*

(a) Finance Board No. 1:

(1) Determination of applications (except matters assigned in Item 4.2(w)) relating to consolidations, mergers, purchases, leases, operating contracts, and acquisitions of control of motor carriers, and non-carrier control of such carriers, including matters of public convenience and necessity under section 207 and consistency with the public interest under section 209 directly related thereto, and issuance of securities and assumption of obligations under section 214 in connection therewith, which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits. The term "motor carriers" as used herein does not include a motor carrier which also is a carrier subject to part I or part III of the Interstate Commerce Act.

(2) Section 210a(b) relating to applications for temporary authority, and continuance of temporary authority under section 9(b) of the Administrative Procedure Act and interpretative special rules (49 CFR 2.1 to 2.4).

(b) Finance Board No. 2: Determination of applications under sections 20a (1) to (11), inclusive, and 214 relating to securities when not connected with an application under section 1 (18)–(20) or section 5(2) and which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(c) Finance Board No. 3:

(1) Determination of applications under section 1 (18) to (20), inclusive, relating to certificates of public convenience and necessity, and issuance of securities and assumption of obligations under section 20a in connection therewith, which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(2) Determination of applications under section 5(2) (except matters assigned in Item 4.2(w)) relating to consolidations, mergers, purchases, leases, operating contracts, and acquisitions of control of carriers, by railroad or water, non-carrier control of such carriers, and trackage rights; and applications under section 20a (1) to (11), inclusive, relating to securities of carriers, in connection with the aforesaid applications under section 5(2), which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(3) Section 311(b) relating to applications for temporary authority, and continuance of temporary authority under section 9(b) of the Administrative Procedure Act and interpretative special rules (49 CFR 2.1 to 2.4).

(d) Any matter referred to a Finance Board which is assigned for the taking of testimony at a public hearing shall be carried to a conclusion in accordance with the established practices and assignment of work of the Commission.

(e) Any Finance Board may certify to Division 4 any matter which in the Board's judgment should be passed on by that division, or the Commission, and Division 4 may recall any matter from a Finance Board.

4. Under the heading Rehearing and Further Proceedings, delete Items 8.1, 8.2, 8.3, and 8.6 and in lieu thereof substitute the following:

8.1 For the proper and more convenient dispatch of business, and to the ends of justice, the following regulations of the conduct of proceedings are adopted (in addition to those governing the parties, as set out in the rules of practice), in respect of rehearings, reconsiderations, further hearings, and supplementary proceedings, as the result of the filing of petitions by parties to the decisions, orders, or requirements of divisions of the Commission, individual Commissioners, hearing officers, or boards of employees.

8.2. In respect of all such matters, petitions for reconsideration, reargument, or rehearing of any order, decision, or requirement of an individual Commissioner as herein authorized, or for rehearing, reargument, or reconsideration of a decision, order or requirement of an individual Commissioner or hearing officer which has become effective as an order of the Commission through absence of stay or exception, shall be considered and disposed of by the division (acting in an appellate capacity and with administrative finality within the meaning of § 1.101(g) of the rules of practice) to which the general subject is referred, and if the general subject has not been referred to a division, then by the Commission.

8.3 Petitions for rehearing, reconsideration or further hearing in respect of any order, decision, or requirement of a division shall be considered and disposed of by the division (acting as an appellate division) which made the order, decision, or requirement, as constituted at the time of such order, decision, or requirement, except that if one or more members of the original division are no longer Commissioners, such petitions shall be considered and disposed of by the division of the same number as then constituted; provided, that in cases in respect of which it has been determined and announced by the Commission that issues of general transportation importance are involved, such petitions shall be considered and disposed of by the Commission.

8.6 Division Four is hereby designated as an appellate division to which applications or petitions for reconsideration or review of any order, action or requirement of The Transfer Board under Item 7.5(a) or the Finance Boards under Item 7.6 (a), (b), and (c) shall be assigned or referred for disposition and the decisions or orders of the appellate division shall not be subject to review by the Commission.

5. In Item 9.6, relating to Bureau of Finance, amend line (e) providing for The Transfer Board, to include the Finance Boards, headed by the respective Chairmen, to read as follows:

(e) Finance Boards and The Transfer Board: Chairman of the respective Boards.

It is further ordered, That the foregoing amendments shall become effective February 1, 1961.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-215; Filed, Jan. 11, 1961; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 9, 1961.

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

LONG-AND-SHORT HAUL

FSA No. 36831: *Cement and related articles to Colorado Points.* Filed by Southwestern Freight Bureau, Agent, (No. B-7951), for interested rail carriers. Rates on cement and related articles, in carloads, from points in southwestern territory, to points in Colorado on the Union Pacific Railroad.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 46 to Southwestern Freight Bureau tariff I.C.C. 4325.

FSA No. 36832: *Cement from Lamson, Mich., to Minnesota and Wisconsin.* Filed by Traffic Executive Association-Eastern Railroads, Agent, (No. E.R. 2567), for interested rail carriers. Rates on cement and related products, in carloads, from Lamson, Mich., to points in Minnesota and Wisconsin.

Grounds for relief: Market and motor-truck competition.

Tariff: Supplement 5 to Chesapeake and Ohio Railway tariff I.C.C. 13662.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-213; Filed, Jan. 11, 1961; 8:47 a.m.]

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

VERY HIGH FREQUENCY RADIO-TELEPHONE COMMUNICATION

Notice to Users of St. Lawrence Seaway

The St. Lawrence Seaway Authority and the St. Lawrence Seaway Development Corporation of the United States advise that a very high frequency (V.H.F.) radio telephone communication system has been fully installed within the Seaway. It is strongly recommended that vessels transiting the Seaway be equipped with V.H.F. since it is believed that its use will resolve a number of communication problems because of the interference-free positive communication it provides. The Seaway entities also believe that the use of V.H.F. will result in greater ease in scheduling and transit.

The St. Lawrence Seaway Authority gives notice that very high frequency radio telephone equipment will be compulsory on the Welland Canal effective on the opening of navigation in 1962.

It is anticipated that vessels will be required to be equipped with very high frequency radio telephone installations in all sections of the Seaway for the 1962 navigation season.

The Seaway Rules and Circulars will be amended at a later date to clarify the requirements of the Seaway entities with respect to very high frequency radio scheduling.

Dated: January 9, 1961.

M. W. OETTERSHAGEN, *Acting Administrator.*

[F.R. Doc. 61-205; Filed, Jan. 11, 1961; 8:46 a.m.]

CUMULATIVE CODIFICATION GUIDE—JANUARY

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during January.

3 CFR

	Page
PROCLAMATIONS:	
2416	165
EXECUTIVE ORDERS:	
July 9, 1875	165
July 15, 1875	165
July 2, 1910	111
Nov. 13, 1915	111
7594	165
10000	217
10011	217
10085	217
10100	217
10187	217
10261	217
10313	217
10391	217
10477	143
10501	217
10503	217
10530	217
10560	143
10623	217
10624	217
10636	217
10685	143
10708	143
10746	143
10773	217
10782	217
10799	143
10827	143
10853	217
10884	143
10893	143
10900	143
10901	217
10902	217
10903	217
PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:	
Memorandum, Nov. 5, 1953	217
Memorandum, May 7, 1959	217
Memorandum, Mar. 9, 1960	217
Reorganization Plan 8	143

5 CFR

2	181
6	3
9	181

6 CFR

10	3
464	126
484	183

7 CFR

26	121
51	163
722	219
728	121
846	91
914	21, 121
927	92
953	3, 121, 183
1031	122, 123
1032	220
1034	123
PROPOSED RULES:	
51	27
904	29
914	132
943	225
949	225
952	225
963	197
966	225
990	29
996	29
998	225
999	29
1004	30
1025	67
1033	35

13 CFR

107	183
PROPOSED RULES:	
107	13, 226

14 CFR

1	92
42	93
507	3, 21, 161
514	4, 219
600	5, 21, 23
601	5, 23, 125
602	6
608	23
609	94, 99, 105
PROPOSED RULES:	
507	169
600	52
601	52

16 CFR

13	6, 24, 125
51	184

17 CFR

50	126
PROPOSED RULES:	
1	132
5	132

19 CFR

8	187
10	188
11	187
14	188

21 CFR

8	162
9	162
120	24, 109
121	25, 109, 110, 162, 188, 189, 220
146	127
147	127
PROPOSED RULES:	
27	226
121	52, 168, 169, 197, 226
146c	112

25 CFR

171	163
174	163
175	163
176	163
PROPOSED RULES:	
221	13

26 CFR

1	145, 189

29 CFR

785	190
PROPOSED RULES:	
604	51
606	51
713	51

30 CFR

PROPOSED RULES:	
10—14a	128
16—26	128
31—32	128
33	168
34	128

38 CFR

21	7

41 CFR

50–202	7, 92

42 CFR

21	164

43 CFR

PUBLIC LAND ORDERS:	
2124	11
2242	9
2243	10
2244	10
2245	10
2246	11
2247	11
2248	25
2249	165
2250	111

46 CFR

10	12

47 CFR

11	220
21	165, 166

49 CFR

1	223, 224
95	26
120	166
PROPOSED RULES:	
10	170

50 CFR

33	167
PROPOSED RULES:	
32	168