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FEDERAL REGISTER

VOLUME 26 NUMBER 148

Washington, Thursday, August 3, 1961

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Presidential Documents

Title 3—THE PRESIDENT

Executive Order 10450

SECURITY REQUIREMENTS FOR GOVERNMENT EMPLOYMENT

Correction of Error in CFR Reprint

EDITORIAL NOTE: The text of paragraph (iii) of section 8(a)(1) of Executive Order 10450 as reprinted in the Code of Federal Regulations (1953 Supplement and 1949–1953 Compilation) is corrected by deleting the phrase "financial irresponsibility" and transposing the conjunction "or" so that paragraph (iii) reads as follows:

(iii) Any criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, habitual use of intoxicants to excess, drug addiction, or sexual perversion.

It should be noted that the text of paragraph (iii) was published correctly in the FEDERAL REGISTER of April 29, 1953 (18 F.R. 2491).

Executive Order 10955

ADMINISTRATION OF ASSISTANCE IN THE DEVELOPMENT OF LATIN AMERICA AND IN THE RECONSTRUCTION OF CHILE

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. *Delegation of functions.* There are hereby delegated to the Secretary of State the functions conferred upon the President by sections 2 and 3 of the Act of September 8, 1960, entitled "An Act to provide for assistance in the development of Latin America and in the reconstruction of Chile and for other purposes" (74 Stat. 870; 22 U.S.C. 1943, 1944).

SEC. 2. *Allocation of funds.* Funds appropriated to the President in pursuance of the provisions of the said sections 2 and 3 shall be deemed to be allocated to the Secretary of State, or to such of his subordinates as he may designate, without any further action of the President.

JOHN F. KENNEDY

THE WHITE HOUSE,
July 31, 1961.

[F.R. Doc. 61–7411; Filed, Aug. 2, 1961; 11:23 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter III — Agricultural Research Service, Department of Agriculture

PART 319—FOREIGN QUARANTINE NOTICES

Subpart—Nursery Stock, Plants, and Seeds

ADMINISTRATIVE INSTRUCTIONS LISTING GENERA OR SPECIES OF PLANTS HAVING UNDERGROUND PORTIONS CONFORMING TO DEFINITION OF BULBS

On June 14, 1961, there was published in the FEDERAL REGISTER (26 F.R. 5317), a notice of rule making relating to the proposed issuance of administrative instructions to be designated as 7 CFR 319.37–1a, supplementary to § 319.37–1 (h) of the regulations relating to the importation of nursery stock, plants, and seeds (7 CFR 319.37–1(h)). After due consideration of all relevant matters presented, and pursuant to § 319.37–1(h), under the authority of sections 1, 5, and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 154, 159, 162), administrative instructions designated as § 319.37–1a are hereby issued to read as follows:

§ 319.37–1a Administrative instructions listing genera or species of plants having underground portions conforming to the definition of bulbs in § 319.37–1(h).

(a) Most or all of the species of the genera listed in this paragraph, and all of the species listed in this paragraph, have underground parts that conform to the definition of bulbs contained in § 319.37–1(h):

Achimenes (Gesner.).
Acidanthera (Irid.).
Agapanthus (Lil.).
Albuca (Lil.).
Allium (Lil.).
Alstroemeria (Amar.).
Amarcrinum = Crinodonna.
Amaryllis (Amar.).
Amianthium (Lil.).
Ammocharis (Amar.).
Anapalina (Irid.).
Androcymbium (Lil.).
Androstephium (Lil.).
Anemone (Ranun.) (Anemone is prohibited entry from Germany.).
Anomatheca = Lapeirousia.
Anthericum (Lil.).
Antholyza (Irid.).
Arum (Ar.).
Babiana (Irid.).
Begonia (Begon.).
Bellevalia = Hyacinthus.
Bessera (Lil.).
Bletia (Orch.).
Bletilla (Orch.).
Bloomeria (Lil.).
Bongardia chrysogonum (Berber.).
Boophane (Amar.).
Bottionea (Lil.).
Bowiea (Lil.).
Bravoa (Amar.).
Brevoortia (Lil.).
Brodiaea (Lil.).
Brunsdonna (Amar.).
Brunsvigia (Amar.).
Bulbocodium (Lil.).
Buphane = Boophane.
Calla=Zantedeschia.
Caliphruria (Amar.).
Calochortus (Lil.).
Calostemma (Amar.).
Camassia (Lil.).
Canna (Cann.)
Chasmanthe (Irid.).
Chionodoxa (Lil.).
Chlidanthus (Amar.).
Chorogalum (Lil.).
Cipura (Irid.).
Clivia (Lil.).
Colchicum (Lil.).
Convallaria (Lil.).
Cooperanthes (Amar.).
Cooperia (Amar.).
Corydalis (Fumar.).
Crinodonna (Amar.).
Crinum (Amar.).
Crocosmia (Irid.).
Crocus (Irid.).
Curtonus (Irid.).
Cyclamen (Prim.).
Cyclobothra = Calochortus.
Cypella (Irid.).
Cyrtanthus (Amar.).
Dahlia (Compos.).
Dicentra (Fumar.).
Dielytra=Dicentra.
Dierama (Irid.).
Dipcadi (Lil.).
Dipidax (Lil.).
Drimia (Lil.).
Drymophila (Lil.).
Elisena (Amar.).
Eranthis (Ranun.).
Eremurus (Lil.).
Erythronium (Lil.).
Eucharis (Amar.).
Eucomis (Lil.).
Eurycles (Amar.).
Eustephia (Amar.).
Eustylis (Irid.).
Ferraria (Irid.).
Freesia (Irid.).
Fritillaria (Lil.).
Gagea (Lil.).
Galanthus (Amar.).
Galtonia (Lil.).
Geissorhiza (Irid.).
Geranium tuberosum (Geran.).
Gesneria (Gesner.).
Gladiolus (Irid.) (Gladiolus is prohibited entry from African sources.).
Gloriosa (Lil.).
Gloxinia=Sinningia.
Griffinia (Amar.).
Habranthus (Amar.).
Haemanthus (Amar.).
Hastingsia (Lil.).
Helonias (Lil.).
Heloniopsis (Lil.).
Hemerocallis (Lil.).
Herbertia (Irid.).
Hermodactylus (Irid.).
Hesperantha (Irid.).
Hesperocallis (Lil.).
Hessea (Amar.).
Hexaglottis (Irid.).
Hippeastrum (Amar.).
Homeria (Irid.).
Homoglossum (Irid.).
Hosta (Lil.).
Hyacinthus (Lil.).
Hydrotaenia (Irid.).
Hyline (Amar.).
Hymenocallis (Amar.).
Hypoxis (Amar.).
Incarvillea (Gignon.).
Ipheion (Lil.).
Iris (Irid.).
Ismene (Amar.).
Isoloma (Gesner.).
Ixia (Irid.).
Ixiolirion (Amar.).
Kohleria (Gesner.).
Lachenalia (Lil.).
Lapeirousia (Irid.).
Lapeyrousia=Lapeirousia.
Leucocoryne (Lil.).
Leucojum (Amar.).
Liatris (Compos.).
Lilium (Lil.).
Littonia (Lil.).
Lloydia (Lil.).
Lycoris (Amar.).
Manfreda (Amar.).
Massonia (Lil.).
Melasphaerula (Irid.).
Merendera (Lil.).
Mertensia (Borag.).
Milla (Lil.).
Montbretia=Tritonia.
Moraea (Irid.).
Muilla (Lil.).
Muscari (Lil.).
Naegelia (Gesner.).
Narcissus (Amar.).
Nemastylis (Irid.).
Nerine (Amar.).
Nomocharis (Lil.).
Notholirion (Lil.).
Nothoscordum (Lil.).
Ornithogalum (Lil).
Ostrowskia magnifica (Campan.).
Oxalis (Oxal.).
Paeonia (Ranun.).
Pamianthe (Amar.).
Pancratium (Amar.).
Papaver (Pavaver.).
Pasithea (Lil.).
Phaedranassa (Amar.).
Placea (Amar.).
Polianthes (Amar.).
Polyanthes=Polianthes.
Polyanthus=Polianthes.
Prochnyanthes (Amar.).
Pulsatilla=Anemone (Anemone is prohibited entry from Germany.).
Puschkinia (Lil.).
Pyrolirion (Amar.).
Quamasia=Camassia.
Ranunculus (Ranun.).
Rechsteineria (Gesner.).
Rhodohypoxis (Amar.).
Rhodophiala (Amar.).
Rigidella (Irid.).
Romulea (Irid.).
Salpingostylis (Irid.).
Sandersonia (Lil.).
Sauromatum (Ar.).
Schizobasopsis=Bowiea.
Schizostylis (Irid.).
Scilla (Lil.).
Sinningia: the "Gloxinia" of florists (Gesner.).
Sparaxis (Irid.).
Spiloxene (Amar.).
Sprekelia (Amar.).
Stenanthium (Lil.).
Stenomesson (Amar.)
Sternbergia (Amar.).
Streptanthera (Irid.).
Synnotia (Irid.).
Tecophilaea cyanocrocus (Amar.).
Tigridia (Irid.).
Trimeza (Irid.).
Tristagma (Lil.).
Triteleia=Brodiaea.
Tritonia (Irid.).
Tulbaghia (Lil.).
Tulipa (Lil.).
Tydaea (Gesner.).
Urceocharis (Amar.).

Urceolina (Amar.).
Urginea (Lil.).
Vagaria (Amar.).
Vallota (Amar.).
Veltheimia (Lil.).
Watsonia (Irid.).
Zantedeschia (Ar.): the calla of gardeners.
Zephyranthes (Amar.).
Zigadenus (Lil.).
Zingiber (Zingiber.).
Zygadenus=Zigadenus.

In the list in this paragraph the correct botanical name follows the equal sign after each synonym. Botanical family abbreviations are in parentheses and have the following meanings: (Amar.) Amaryllidaceae; (Ar.) Araceae; (Begon.) Begoniaceae; (Berber.) Berberideae; (Bignon.) Bignoniaceae; (Borag.) Boraginaceae; (Campan.) Campanulaceae; (Cann.) Cannaceae; (Compos.) Compositae; (Fumar.) Fumariaceae; (Geran.) Geraniaceae; (Gesner.) Gesneriaceae; (Irid.) Iridaceae; (Lil.) Liliaceae; (Orch.) Orchidaceae; (Oxal.) Oxalidaceae; (Papaver.) Papaveraceae; (Prim.) Primulaceae; (Ranun.) Ranunculaceae; (Zingiber.) Zingiberaceae.

(b) A determination as to whether a particular shipment of plant material qualifies as bulbs will be made at the time of offer for entry.

(Secs. 1, 5, 9, 37 Stat. 315, 316, 318, as amended; 7 U.S.C. 154, 159, 162; 7 CFR 319.37-1(h))

The foregoing administrative instructions shall become effective September 2, 1961.

These instructions list genera and species of plants having underground portions that conform to the definition of bulbs in § 319.37-1(h) and are commodities of importance in international trade. A few nonsubstantive changes have been made in the list as proposed. These changes correct typographical errors in spelling, add a few synonymous names to those already included, and in one instance, clarify botanical nomenclature. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) it is found upon good cause that further public rule making procedure is unnecessary.

Done at Washington, D.C., this 28th day of July 1961.

[SEAL] E. P. REAGAN,
Director,
Plant Quarantine Division.

[F.R. Doc. 61-7332; Filed, Aug. 2, 1961; 8:50 a.m.]

PART 319—FOREIGN QUARANTINE NOTICES

Subpart—Nursery Stock, Plants, and Seeds

DEFINITION OF BULBS

On June 14, 1961, there was published in the FEDERAL REGISTER (26 F.R. 5317), a notice of proposed rule making relating to the amendment of § 319.37-1(h) of the regulations relating to the importation of nursery stock, plants, and seeds (7 CFR 319.37-1(h)). After due consideration of all relevant matters presented, and pursuant to the provisions of sections 1, 5, and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 154, 159, 162), § 319.37-1(h) is hereby amended to read as follows:

§ 319.37-1 Definitions.

* * * * *

(h) *Bulbs.* The underground portions of plants commonly known as bulbs, corms, rhizomes, tubers, and pips, and including fleshy roots or other underground fleshy growths, a unit of which produces an individual plant. The Director of the Division shall, to the extent practicable, identify in administrative instructions the genera or species of plants having underground portions that conform to the definition of bulbs contained in this paragraph.

(Secs. 1, 5, 9, 37 Stat. 315, 316, 318, as amended; 7 U.S.C. 154, 159, 162)

This amendment shall become effective September 2, 1961.

This amendment provides more uniform entry requirements for bulbous plant items and adds several genera and/or species to the items enterable as bulbs. When the original definition of bulbs became effective on January 1, 1949, it was anticipated that practically all of the items of trade coming within this category would be covered by naming certain specific genera and plant families. Approximately 90 percent of all bulb importations still fall within the groups originally named. However, there are genera and species in additional botanical families having underground plant parts that should be included within the definition of bulbs.

It is believed these additional genera and species represent no more of a plant pest risk than the items previously included in the bulb definition. For this reason they are now being allowed entry under the same conditions as plant items previously defined as bulbs.

Done at Washington, D.C., this 28th day of July 1961.

[SEAL] B. T. SHAW,
Administrator,
Agricultural Research Service.

[F.R. Doc. 61-7333; Filed, Aug. 2, 1961; 8:50 a.m.]

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

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 2]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Determination and Proration of Area Deficits and Adjusted Quotas, 1961

Basis and purpose. The purpose of this amendment to Sugar Regulation 811 is to determine and prorate deficits in quotas for domestic areas pursuant to the provisions of the Sugar Act of 1948, as amended, and as further amended by Public Law 87-15 approved March 31, 1961. By Proclamation No. 3401 effective April 6, 1961 (26 F.R. 2849), the President of the United States delegated to the Secretary of Agriculture the authority vested in the President by section 408(b)(2) and section 408(b)(3) of the Act, such authority to be exercised with the concurrence of the Secretary of State. By virtue of such delegation of authority, and pursuant to section 204(a) and section 408(b)(2) of the Act, the deficits of domestic areas determined herein totaling 476,275 short tons, raw value, are allocated to other domestic areas. The portion of such deficits which would be allocable to Cuba is 69,542 short tons, raw value. By virtue of the determination by the President of the quota for Cuba in Proclamation No. 3401 such 69,542 short tons, raw value are not allocable to Cuba and, with the concurrence of the Secretary of State, are allocated by this regulation to Domestic areas pursuant to section 408(b)(2) of the Act. Of the total of such deficits, 406,733 short tons, raw value, are prorated to other domestic areas pursuant to section 204(a) of the Act.

The Act also provides that the quota for any area as established under the provisions of section 202 shall not be reduced by reason of any determination of a deficit.

The quotas and prorations established herein differ from those in effect under Sugar Regulation 811 (26 F.R. 2774). To permit areas for which larger quotas or prorations are hereby established to plan to market and to market in an orderly manner the larger quantity of sugar, it is essential that this amendment be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable and contrary to the public interest and the amendment herein shall become effective when published in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 928, as amended), and the Proclamation of the President of the United States No. 3401 (26 F.R. 2849), Sugar Regulation 811 (25 F.R. 13211; 26 F.R. 2774) is hereby amended by adding § 811.4 to read as follows:

§ 811.4 Determination and proration of area deficits and adjusted quotas.

(a) *Deficit in quotas established in § 811.2.* It is hereby determined pursuant to section 204(a) of the Act, that for the calendar year 1961 Hawaii and Puerto Rico will be unable by 185,410 and 290,865 short tons, raw value of sugar, respectively, to market the quota established for such areas in § 811.2.

(b) *Proration of deficits and quotas in effect.* The total of the deficits in the quotas determined in paragraph (a) of this section amounting to 476,275 short tons, raw value, are hereby allocated pursuant to sections 204(a) and 408(b) of the Act to other domestic areas with due recognition of the ability of each of such areas to supply sugar in addition to the quantity provided by the quotas established in § 811.2 of this part. The quotas for such areas shall be those es-

tablished in § 811.2 plus the quantities allocated herein, as follows:

SHORT TONS, RAW VALUE

	Allocated herein (1)	Quotas including prorations herein (2)
Area:		
Domestic beet sugar	431,397	2,609,170
Mainland cane sugar	44,878	715,000
Hawaii	0	1,215,410
Puerto Rico	0	1,270,865
Virgin Islands	0	17,330

Statement of bases and considerations. Deficits in the quotas for Hawaii and Puerto Rico are determined in section 811.4(a) on the basis of the quotas for these areas as established in § 811.2 and the expectation that the total supply of sugar available for marketing in the continental United States from Hawaii and Puerto Rico will not exceed 1,030,000 and 980,000 short tons, raw value, respectively. In Hawaii the production of sugar from the current crop is estimated at 1,075,000 tons and harvesting of the crop will continue until late in the calendar year. In Puerto Rico, the production of sugar from the current crop will approximate 1,100,000 tons and harvesting of the crop has been substantially completed. The Mainland Cane Sugar Area is not expected to market sugar in excess of 715,000 tons in 1961. The Virgin Islands is not expected to be able to market more than the quota for that area of 17,330 short tons, raw value. Accordingly, none of the deficits is prorated to the Virgin Islands, the deficit proration to the Mainland Cane Sugar Area has been limited to 44,878 tons and the remainder of 431,397 tons has been allocated to the Domestic Beet Sugar Area.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies sec. 202; 61 Stat. 924; U.S.C. 1112. Pub. Law 87-15; Proclamation No. 3401, 26 F.R. 2849)

Done at Washington, D.C., this 28th day of July 1961.

ORVILLE L. FREEMAN,
Secretary.

Concurred in for the Secretary of State by:

(Signed) EDWIN M. MARTIN,
Assistant Secretary of State.

[F.R. Doc. 61-7334; Filed, Aug. 2, 1961; 8:51 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.470]

PART 22—FEES AND CHARGES, FOREIGN SERVICE

Section 22.1 *Tariff of fees, Foreign Service of the United States of America,* (a) of Title 22 of the Code of Federal Regulations is amended in part in the tariff schedule by deleting from item No. 5 the words "or card of identification for use on the Mexican border". The item as amended shall read as follows:

PASSPORT AND CITIZENSHIP SERVICES

Item No.	
5.	Issuance of certificate or card of identity and registration.

The regulation contained in this order shall become effective upon publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Procedures Act (60 Stat. 238, 5 U.S.C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the provisions thereof involve foreign affairs functions of the United States.

For the Secretary of State.

/S/ ROGER W. JONES,
Deputy Under Secretary for Administration.

JULY 1, 1961.

[F.R. Doc. 61-7318; Filed, Aug. 2, 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 A—Definitions and Procedural and Interpretative Regulations

FURTHER EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

Correction

In F.R. Doc. 61-7145 appearing at page 6831 of the issue for Tuesday, August 1, 1961, the effective date in the third column of the table appearing at page 6833 which presently reads "Jan. 1, 1961", is corrected to read "Jan. 1, 1963".

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

[T.D. 6565]

PART 301—PROCEDURE AND ADMINISTRATION

Publicity of Information Required From Certain Exempt Organizations and Certain Trusts, to Permit the Furnishing of Copies of Certain Documents

The regulations under section 6104 of the Internal Revenue Code of 1954, relating to publicity of information required from certain exempt organizations and certain trusts, are hereby amended as follows:

PARAGRAPH 1. Paragraph (e)(3) of § 301.6104-1 is revised to read as follows:

§ 301.6104-1 Public inspection of applications for tax exemption.

* * * * *

(e) *Procedure for public inspection of applications for exemption.* * * *

(3) *Copies.* Notes may be taken of the material opened for inspection under this section, and copies may be made manually but not photographically. Copies of such material will be furnished by the Internal Revenue Service to any person making request therefor. Requests for such copies shall be made in the same manner as requests for inspection (see subparagraph (1) of this paragraph) to the office of the Internal Revenue Service in which such material is available for inspection as provided in paragraph (d) of this section. If made at the time of inspection, the request for copies need not be in writing. Any copies furnished will be certified upon request. The Commissioner may prescribe a reasonable fee for furnishing copies of applications and supporting documents pursuant to this section.

PAR. 2. Paragraph (b) of § 301.6104-2 is revised to read as follows:

§ 301.6104-2 Publicity of information on certain information returns.

* * * * *

(b) *Copies.* Notes may be taken of the material opened for inspection under this section, and copies may be made manually but not photographically. Copies of such material will be furnished by the Internal Revenue Service to any person making request therefor. The request shall adequately identify the return and shall be addressed to the district director in whose office the return is available for inspection. The request shall be in writing unless it is made at the time of inspection. Any copies furnished will be certified upon request. The Commissioner may prescribe a reasonable fee for furnishing copies of material available for inspection pursuant to this section.

Because this Treasury decision makes only procedural changes, it is hereby found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] JOHN W. S. LITTLETON,
Acting Commissioner of Internal Revenue.

Approved: July 28, 1961.

DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 61-7325; Filed, Aug. 2, 1961; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 819; Amdt. 315]

PART 507—AIRWORTHINESS DIRECTIVES

Armstrong Whitworth AW–650 Aircraft

Amendment 258 (26 F.R. 1854) as amended by amendment 278 (26 F.R. 3635) required accomplishment of certain modifications and repetitive inspections for defects in the elevators, rudders, fins and flaps on Armstrong Whitworth Model AW–650 aircraft. The manufacturer has developed new modifications which will increase the life of the affected parts. When these modifications are incorporated the repetitive inspections are no longer necessary. The manufacturer will incorporate the modifications of the superseded AD, as well as the new modifications in all aircraft manufactured subsequent to Serial Number 6660. Accordingly, Amendment 258 and 278 are being superseded by this directive providing for the new modifications and deleting the modifications previously required by the superseded AD. In addition, the applicability paragraph has been revised to correctly reflect those aircraft on which the modifications of the superseded AD have already been accomplished but on which repetitive inspections must be continued until such time as the new modifications are accomplished. Since this amendment affords an alternative method of compliance and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and since the amendment relieves a restriction it may become effective on less than 30 days notice.

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

ARMSTRONG WHITWORTH. Applies to the following Model AW–650 Argosy Series 101 aircraft only: Serial Numbers 6655, 6656, 6657, 6659, and 6660.

Compliance required as indicated.

Because of service defects found on the elevators, rudders, fins and flaps, the following is required:

(a) Prior to every flight, visually inspect the following areas for loose rivets, cracks and damaged skin:

(1) Top and bottom surface of both elevators including horn balances.

(2) Inboard and outboard sides of left and right fins.

(3) Entire surface of left and right rudders including tabs.

(4) Undersurface of inboard flaps.

(b) If loose rivets or damaged skin is found an FAA approved repair must be accomplished prior to further flight.

(c) If cracks are found, the following action must be taken:

(1) If cracks between adjacent rivets or cracks at least one inch long are found, the internal structure in that location must be inspected. If no internal damage is found, an FAA approved repair must be made to the skin prior to the next flight. If any internal damage is found the component must either be replaced or an FAA approved repair incorporated prior to next flight.

(2) If cracks less than one inch long and less than twelve inches apart are found, they must be repaired prior to the next flight. Cracks less than one inch long which are twelve inches or more apart must either be stopped by drilling or repaired prior to next flight.

(d) The special inspections in (a), (b), and (c) are no longer required when AWA modifications 650/686, 650/687, 650/688, 650/689, and 650/690 are all incorporated.

This supersedes Amendment 256, 26 F.R. 1834, and Amendment 278, 26 F.R. 3635.

This amendment shall become effective August 3, 1961.

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

Issued in Washington, D.C., on July 27, 1961.

GEORGE C. PRILL,
Director,
Flight Standards Service.

[F.R. Doc. 61–7297; Filed, Aug. 2, 1961; 8:46 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61–WA–65]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

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

Revocation of Federal Airway, Associated Control Areas and Reporting Points

On June 2, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 4891), stating that the Federal Aviation Agency proposed to revoke low altitude Red Federal airway No. 113 in its entirety, its associated control areas and reporting points.

No comments were received regarding the proposed amendments.

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

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

1. Section 600.313 Red Federal airway No. 113 (Hawaiian Islands).

2. Section 601.313 Red Federal airway No. 113 control areas (Hawaiian Islands).

3. Section 601.4313 Red Federal airway No. 113 (Hawaiian Islands).

These amendments shall become effective 0001, e.s.t., September 21, 1961.

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

Issued in Washington, D.C., on July 28, 1961.

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

[F.R. Doc. 61–7301; Filed, Aug. 2, 1961; 8:46 a.m.]

[Airspace Docket No. 61–WA–64]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

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

Revocation of Federal Airway, Associated Control Areas and Reporting Points

On June 2, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 4890), stating that the Federal Aviation Agency proposed to revoke low altitude Amber Federal airway No. 10 in its entirety, its associated control areas and reporting points.

No comments were received regarding the proposed amendments.

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

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

1. Section 600.110 Amber Federal airway No. 10 (Hawaiian Islands).

2. Section 601.110 Amber Federal airway No. 10 control areas (Hawaiian Islands).

3. Section 601.4110 Amber Federal airway No. 10 (Hawaiian Islands).

These amendments shall become effective 0001, e.s.t., September 21, 1961.

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

Issued in Washington, D.C., on July 28, 1961.

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

[F.R. Doc. 61–7302; Filed, Aug. 2, 1961; 8:46 a.m.]

[Airspace Docket No. 60-WA-185]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

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

Revocation of Federal Airways, Associated Control Areas and Reporting Points

On February 15, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 1311), stating that the Federal Aviation Agency (FAA) proposed to alter low altitude Green Federal airway No. 9 (Hawaiian Islands) and low altitude Amber Federal airway No. 13 (Hawaiian Islands).

On June 15, 1961, an alteration of Proposal was published in the FEDERAL REGISTER (26 F.R. 5374) stating that the FAA proposed to revoke Green 9 and Amber 13.

No comments were received regarding the proposed amendments.

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

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

1. Section 600.19 Green Federal airway No. 9 (Hawaiian Islands).
2. Section 600.113 Amber Federal airway No. 13 (Hawaiian Islands).
3. Section 601.19 Green Federal airway No. 9 control areas (Hawaiian Islands).
4. Section 601.113 Amber Federal airway No. 13 control areas (Hawaiian Islands).
5. Section 601.4019 Green Federal airway No. 9 (Hawaiian Islands).
6. Section 601.4113 Amber Federal airway No. 13 (Hawaiian Islands).

These amendments shall become effective 0001, e.s.t., September 21, 1961.

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

Issued in Washington, D.C., on July 28, 1961.

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

[F.R. Doc. 61-7303; Filed, Aug. 2, 1961; 8:46 a.m.]

[Airspace Docket No. 60-LA-105]

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

Alteration of Control Zone

The purpose of this amendment to § 601.2442 of the regulations of the Administrator is to alter the Renton, Wash., Renton Airport control zone by redesignating it as a part-time control zone.

On August 1, 1961, the Federal Aviation Agency (FAA) proposes to assume operation of the Renton Airport Control Tower. This facility will have adequate landline and air/ground communications systems, and weather reporting service to meet the requirements for designation of a part-time control zone. The hours of operation of the tower will be 0700 to 2300 hours, local standard time, daily.

Therefore, the time of designation of the Renton control zone is being changed from continuous to 0700 to 2300 hours, local standard time, daily.

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

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

Section 601.2442 (14 CFR 601.2442) is amended to read:

§ 601.2442 Renton, Wash., control zone (Renton Airport).

That airspace bounded by a line beginning at Lat. 47°31'55" N., Long. 122°11'40" W., thence clockwise via the circumference of a circle 3 miles in radius centered on Renton Airport (Lat. 47°29'35" N., Long. 122°12'50" W.) to Lat. 47°27'00" N., Long. 122°11'50" W., to Lat. 47°28'20" N., Long. 122°13'50" W., to Lat. 47°30'45" N., Long. 122°13'50" W., to the point of beginning, from 0700 to 2300 hours local standard time, daily.

This amendment shall become effective 0001, e.s.t., September 21, 1961.

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

Issued in Washington, D.C., on July 28, 1961.

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

[F.R. Doc. 61-7299; Filed, Aug. 2, 1961; 8:46 a.m.]

[Airspace Docket No. 61-WA-136]

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

Alteration of Control Zone

The purpose of this amendment is to change the name of Ladd Air Force Base to Wainwright Army Airfield in the description of the Fairbanks, Alaska control zone in order to correctly reflect the name of this facility. Since this amendment is editorial in nature, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective immediately.

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

Section 601.2228 (14 CFR 601.2228) is amended to read:

§ 601.2228 Fairbanks, Alaska, control zone.

Within a 5-mile radius of the Fairbanks International Airport (Lat. 64°-49'09" N., Long. 147°51'14" W.), within a 5-mile radius of Wainwright Army Airfield (Lat. 64°50'22" N., Long. 147°-38'05" W.), within 2 miles either side of the NE and SW courses of the Fairbanks International Airport ILS localizer extending from the Fairbanks International Airport 5-mile radius zone to the ILS OM and from the 5-mile radius zone to 6 miles SW of the ILS localizer.

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

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

Issued in Washington, D.C., on July 28, 1961.

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

[F.R. Doc. 61-7300; Filed, Aug. 2, 1961; 8:46 a.m.]

[Reg. Docket No. 790; Amdt. 228]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

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

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

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

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

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300–1	300–1	200–½
				C-d	700–1	700–1	700–1½
				C-n	700–2	700–2	700–2
				S-dn	NA	NA	NA
				A-dn	800–2	800–2	800–2

Instrument approach to be conducted in accordance with Standard Instrument Approach Procedure as shown on current USAF approach and landing chart, AL–1196–RNG published by the USAF Aeronautical Chart and Information Center.
Closed to all civil air traffic except in emergency or when given special authorization by USAF. See Alaska Airman's Guide for Authorizing Organizations.
CAUTION: Radio tower 384′ 2 miles East of airport.

City, Anchorage; State, Alaska; Airport Name, Elmendorf AF Base; Elev., 212′; Fac. Class., SBRAZ; Ident., AC; Procedure No. 1, Amdt. 10; Eff. Date, 5 Aug. 61; Sup. Amdt. No. 9; Dated, 26 Jan. 57

Augusta VOR	AU-LFR	Direct	2000	T-d	400–1	400–1	400–1
				T-n	500–1	500–1	500–1
				C-d	600–1	600–1	600–1½
				C-n	600–1½	600–1½	600–1½
				A-dn	800–2	800–2	800–2

Procedure turn S side SW crs, 226° Outbnd, 046° Inbnd, 2000′ within 10 mi.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 080°—1.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.8 mi, climb to 2000′ on NE crs within 15 mi.
This procedure not approved for ADF approach.
AIR CARRIER NOTE: Night operations restricted to Runways 17–35.

City, Augusta; State, Maine; Airport Name, State Airport; Elev., 357′; Fac. Class., BMRLZ; Ident., AU; Procedure No. 1, Amdt. 6; Eff. Date, 5 Aug. 61; Sup. Amdt. No. 5; Dated, 15 Mar. 58

				T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				A-dn	800–2	800–2	800–2

Instrument approach to be conducted in accordance with USAF AL–115–RNG.
Major change: Straight-in cancelled because of decommissioning of North/South runway.

City, Denver; State, Colo.; Airport Name, Lowry AFB; Elev., 5420′; Fac. Class., SBMRAZ; Ident., DN; Procedure No. 1, Amdt. 1; Eff. Date, 5 Aug. 61; Sup. Amdt. No. Orig.; Dated, 10 Oct. 59

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

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1½	500–1½
				S-dn-18	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn West side of final approach crs, 360° Outbnd, 180° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 180°—4.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles, make a climbing left turn, proceed direct to APN "H" at 2000′.
CAUTION: No control area from August 20 to July 1. Pilots using this facility shall, as soon as practicable, advise Alpena Unicom of their position, altitude, ETA, and intentions and thereafter determine that adequate separation exists from other reported users of this facility. Maintain 1000′ above previously reported traffic until advised that aircraft making approach has landed. Keep Unicom advised at all times of changes in altitude and position in order that other aircraft may also receive this information.
NOTES: (1) This procedure is effective from 1200 Z—2200 Z only. (2) Runway lights on N–S runway only. Prior coordination necessary for runway lights.

City, Alpena; State, Mich.; Airport Name, Phelps-Collins; Elev., 689′; Fac. Class., MII; Ident., APN; Procedure No. 1, Amdt. Orig.; Eff. Date, 5 Aug. 61

				T-dn	300–1	300–1	200–½
				C-dn	700–1	700–1	700–1½
				S-dn-16	700–1	700–1	700–1
				A-dn	1000–2	1000–2	1000–2

Procedure turn West side of crs, 341° Outbnd, 161° Inbnd, 1800′ within 10 mi.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 161°—3.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles, make a left climbing turn to 1800′, returning to the LOM.

City, Bridgeport; State, N.J.; Airport Name, Bridgeport; Elev., 23′; Fac. Class., LOM; Ident., PII; Procedure No. 1, Amdt. 1; Eff. Date, 5 Aug. 61; Sup. Amdt. No. Orig.; Dated, 1 July 61

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Erie VOR	ERI Rbn	061°—10.8	2600	T-dn	300–1	300–1	200–½
Harborcreek Int	ERI Rbn	Direct	2300	C-dn	500–1	500–1	500–1½
Hammett Int	ERI RBn	Direct	2300	S-dn-24	500–1	500–1	500–1
Wattsburg Int	ERI RBn	Direct	3100	A-dn	800–2	800–2	800–2
Corry Int	ERI RBn	Direct	3100				

Procedure turn North side of crs, 059° Outbnd, 239° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 239°—3.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 mi after passing ERI RBn, make a right climbing turn to 3000′ and return to ERI RBn. Hold NE on 059° hearing of Erie RBn, one minute, right turns.
AIR CARRIER NOTE: Sliding scale for takeoff and reduction in takeoff minimums authorized only on Runway 6–24.

City, Erie; State, Pa.; Airport Name, Port Erie; Elev., 732′; Fac. Class., MHW; Ident., ERI; Procedure No. 1, Amdt. 3; Eff. Date, 5 Aug. 61; Sup. Amdt. No. 2; Dated, 24 June 61

Fort Myers VOR	FMY-RBn	Direct	1100	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-d-4	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn S side crs, 220° Outbnd, 040° Inbnd, 1200′ within 10 mi.
Minimum altitude over facility on final approach crs, 600′.
Crs and distance, facility to airport, 040°—4.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles, climb to 1300′ on crs of 057° from FMY RBn within 20 miles.

City, Fort Myers; State, Fla.; Airport Name, Page Field; Elev., 17′; Fac. Class., BII; Ident., FMY; Procedure No. 1, Amdt. 1; Eff. Date, 5 Aug. 61; Sup. Amdt. No. Orig.; Dated, 13 Jan. 56

TPA-LFR	PI RBn	Direct	1500	T-dn	300–1	300–1	200–½
PIE VOR	PI RBn	Direct	1300	C-dn	*400–1	*500–1	*500–1½
Radar terminal area transition altitude	Radar Site	Within 25 mi	#1500	S-dn-17	*400–1	*400–1	*400–1
				A-dn	800–2	800–2	800–2

Procedure turn W side of crs, 349° Outbnd, 169° Inbnd, 1300′ within 10 mi.
Minimum altitude over facility on final approach crs, 800′; over Harbor FM, 600′.
Crs and distance, facility to airport, 169°—4.3 mi; Harbor FM to airport, 169°—2.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 mi, turn right, climbing to 1500′ on course of 270°, intercept and proceed out 220° hrng from PI RBn within 20 miles.
*If Harbor FM not received on final, descent below 600′ NA.
#Radar control must provide 1000′ clearance when within 3 miles or 500′ clearance when between 3–5 miles of radio towers 861′ MSL 19.5 mi ESE and 1135′ MSL 23 mi ESE of airport.

City, St. Petersburg; State, Fla.; Airport Name, St. Petersburg Clearwater International; Elev., 10′; Fac. Class., MII; Ident., PI; Procedure No. 1, Amdt. 3; Eff. Date, 5 Aug. 61; Sup. Amdt. No. 2; Dated, 25 Mar. 61

SCK-VOR	LOM	Direct	1500	T-dn	300–1	300–1	200–½
Woodward Int	LOM	Direct	2000	C-dn	500–1	600–1	600–1½
Tracy Int	LOM	Direct	2000	S-dn-29R	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 111° Outbnd, 291° Inbnd, 1500′ within 10 miles of LOM. NA beyond 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 291°—5.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing LOM, make left climbing turn and climb to 2000′ on 233° crs from the LOM within 15 miles or, when directed by ATC, make left climbing turn and climb to 2000′ on R-229 of the SCK-VOR within 15 mi.

City, Stockton; State, Calif.; Airport Name, Stockton County; Elev., 27′; Fac. Class., LOM; Ident., SC; Procedure No. 1, Amdt. Orig.; Eff. Date, 5 Aug. 61

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

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
OOD-VOR	Swedesboro Int (Final)#	Direct	1000	T-dn	300–1	300–1	200–½
				C-dn*	600–1	600–1	600–1½
				S-dn-34*	600–1	600–1	600–1
				A-dn	1000–2	1000–2	1000–2

Procedure turn East side of crs, 181° Outbnd, 001° Inbnd, 1600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 001°—9.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.5 mi after passing OOD-VOR, make a right climbing turn to 1600′, returning to the OOD-VOR. Hold South, one minute, right pattern.
#Swedesboro Int: Int OOD-VOR R-001 and EWT-VOR R-083.
*Maintain 1000′ until passing Swedesboro Intersection. If Swedesboro Int not received, ceiling minimum of 1000′ is applicable for landing.

City; Bridgeport; State, N.J.; Airport Name, Bridgeport; Elev., 23′; Fac. Class., BVOR; Ident., OOD; Procedure No. 1, Amdt. 1; Eff. Date, 5 Aug. 61; Sup. Amdt. No. Orig.; Dated, 1 July 61

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	600-2
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 220° Outbnd, 040° Inbnd, 1500′ within 10 mi.
Minimum altitude over facility on final approach crs, 600′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mi, make left climbing turn, climb to 3500′ on R-160 within 10 mi.

City, Crescent City; State, Calif.; Airport Name, Del Norte County; Elev., 56′; Fac. Class., BVOR; Ident., CEC; Procedure No. 1, Amdt. 3; Eff. Date, 5 Aug. 61; Sup. Amdt. No. 2; Dated, 31 Aug. 54

Fort Myers RBn	FMY-VOR	Direct	1100	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-d-4	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 222° Outbnd, 042° Inbnd, 1200′ within 10 mi.
Minimum altitude over facility on final approach crs, 600′.
Crs and distance, facility to airport, 042°—3.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.1 miles, climb to 1300′ on R-057 within 20 miles.

City, Fort Myers; State, Fla.; Airport Name, Page Field; Elev., 17′; Fac. Class., BVOR; Ident., FMY; Procedure No. 1, Amdt. 8; Eff. Date, 5 Aug. 61; Sup. Amdt. No. 7; Dated, 25 Jan. 58

				T-dn	300-1		
				C-dn	600-1		
				A-dn	NA		

Procedure turn South side of crs, 287° Outbnd, 107° Inbnd, 1300′ within 10 miles.
Minimum altitude over facility on final approach crs, 800′.
Crs and distance, facility to airport, 107°—4.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles, make a left climbing turn and return to the Franklin VOR at 1300′. Hold on R-107, right turns, within 10 miles.
NOTE: Instrument takeoff not authorized from Runway 22. Right turn after takeoff from Runway 14 not authorized.
CAUTION: 277′ smoke stacks 0.9 mile SW of airport. 322′ antenna 1.7 mi West of airport.

City, Franklin; State, Va.; Airport Name, Franklin Municipal; Elev., 37′; Fac. Class., BVOR-NSME; Ident., FKN; Procedure No. 1, Amdt. 2; Eff. Date, 5 Aug. 61; Sup. Amdt. No. 1; Dated, 6 Aug. 60

Attica VOR	SKY-VOR	Direct	2000	T-d	300-1	300-1	NA
				C-d	600-1	600-1	NA
				S-d-36	600-1	600-1	NA
				A-dn	NA	NA	NA

Procedure turn East side of crs, 209° Outbnd, 029° Inbnd, 1900′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 029°—5.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles, make climbing right turn to 2000′, proceed direct to Sandusky VOR. Hold SW on R-209.

City, Sandusky; State, Ohio; Airport Name, Sky Tours, Inc.; Elev., 574′; Fac. Class., BVORTAC; Ident., SKY; Procedure No. 1, Amdt. Orig.; Eff. Date, 5 Aug. 61

Linden VOR	Stockton VOR	Direct	1500	T-dn	300-1	300-1	200-½
Orange Int	Stockton VOR	Direct	1500	C-dn	500-1	600-1	600-1½
Woodward Int	Stockton VOR	Direct	2000	S-dn-29	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn South side of crs, 123° Outbnd, 303° Inbnd, 1500′ within 10 mi.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 304°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles, make a left climbing turn and climb to 2000′ on R-229 of the SCK-VOR within 15 miles or, when directed by ATC, make left climbing turn and climb to 2000′ on 233° crs from the SCK-LOM within 15 miles.

City, Stockton; State, Calif.; Airport Name, Stockton Municipal; Elev., 27′; Fac. Class., BVORTAC; Ident., SCK; Procedure No. 1, Amdt. 3; Eff. Date, 5 Aug. 61; Sup. Amdt. No. 2; Dated, 22 July 61

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

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Fayetteville VOR	Simmons VOR	Direct	1500	T-dn	300–1	300–1	200–½
Fayetteville MHW	Simmons VOR	Direct	1500	C-dn	400–1	500–1	500–1½
Pope VOR	Simmons VOR	Direct	1500	S-dn-27	400–1	400–1	400–1
Pope HW	Simmons VOR	Direct	1500	A-dn	800–2	800–2	800–2

Radar terminal transition altitude 2500′ within 15 miles of Simmons AAF. (Raleigh Approach Control.)
Procedure turn North side of crs, 089° Outbnd, 269° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to airport, 269°—0.6 mi (considered on airport).
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make left turn climbing to 2000′ and proceed direct to FAY MHW, or when directed by ATC, turn left, climb to 2000′ and proceed to FAY-VOR via R-348 of FAY-VOR.
NOTE: Prior arrangements for landing required for civil aircraft not on official business.

City, Fort Bragg; State, N.C.; Airport Name, Simmons AAF; Elev., 242′; Fac. Class., TerVOR; Ident., FBG; Procedure No. TerVOR-27, Amdt. Orig.; Eff. Date, 5 Aug. 61

Flat Rock VOR	RIC VOR	Direct	2000	T-dn	300–1	300–1	200–½
Manakin RBn	RIC VOR	Direct	2000	C-dn*	500–1	500–1	500–1½
Hopewell VOR	RIC VOR	Direct	1500	S-dn-6*	400–1	400–1	400–1
Chester FM	RIC VOR	Direct	1500	A-dn	800–2	800–2	800–2

Procedure turn South side of crs, 236° Outbnd, 056° Inbnd, 1500′ within 10 mi of RIC VOR.
Minimum altitude until over Stack Int# on final approach crs, 900′.
Crs and distance, breakoff point to approach end of runway, 063°—0.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of RIC VOR, climb to 1500′ on R-056 of RIC VOR within 10 miles or, when directed by ATC, make left climbing turn to 1500′ on the N crs of RC-LFR within 10 miles.
*If Stack Int not received, maintain 900′ over RIC-VOR (minimums of 700–1 will apply).
#Int R-236 RIC-VOR and NW crs RC-LFR.

City, Richmond; State, Va.; Airport Name, Byrd Field; Elev., 167′; Fac. Class., BVOR; Ident., RIC; Procedure No. TerVOR-6, Amdt. 3; Eff. Date, 5 Aug. 61; Sup. Amdt. No. 2; Dated, 1 July 61

Flat Rock VOR	RIC VOR	Direct	2000	T-dn	300–1	300–1	200–½
Chester FM	RIC VOR	Direct	1500	C-dn	700–1	700–1	700–1½
Manakin RBn	RIC VOR	Direct	2000	S-dn-15	700–1	700–1	700–1
Biltmore Int*	RIC VOR (Final)	Direct	**900	A-dn	800–2	800–2	800–2

Procedure turn North side of crs, 347° Outbnd, 167° Inbnd, 1400′ within 10 miles.
Minimum altitude over facility on final approach crs, 900′.
Crs and distance, breakoff point to approach end of runway, 154°—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 2000′ on R-158 RIC-VOR within 10 miles.
*Biltmore Int: Int R-085 Flat Rock VOR and R-347 Richmond VOR.
**Do not descend below 1400′ until after passing Biltmore Int. inbnd.

City, Richmond; State, Va.; Airport Name, Byrd Field; Elev., 167′; Fac. Class., BVOR; Ident., RIC; Procedure No. TerVOR-15, Amdt. 5; Eff. Date, 5 Aug. 61; Sup. Amdt. No. 4; Dated, 19 Nov. 60

TPA-LFR	PIE-VOR	Direct	1500	T-dn	300–1	300–1	200–½
Radar Terminal Area Transition Altitudes.	Radar Site	Within 25 mi	#1500	C-dn	*400–1	*500–1	*500–1½
				S-dn-17	*400–1	*400–1	*400–1
				A-dn	800–2	800–2	800–2

Procedure turn W side of crs, 342° Outbnd, 162° Inbnd, 1300′ within 10 mi.
Minimum altitude over Harbor FM on final approach crs, 700′; over VOR, *400′.
Crs and distance, Harbor FM to breakoff point, 162°—1.8 mi.
Crs and distance, breakoff point to app end rny 17, 170°—0.4.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mi after passing PIE-VOR turn right, climb to 1500′ on R-270 within 20 mi or, when directed by ATC, turn right, climb to 1500′ on R-225 within 20 mi.
*If Harbor FM not received on final, descent below 700′ NA.
#Radar control must provide 1000′ clearance when within 3 miles or 500′ clearance when between 3–5 miles of radio towers 861′ MSL 19.5 miles ESE and 1135′ MSL 23 miles ESE of airport.

City, St. Petersburg; State, Fla.; Airport Name, St. Petersburg-Clearwater International; Elev., 10′; Fac. Class., BVORTAC; Ident., PIE; Procedure No. TerVOR-17, Amdt. 4; Eff. Date, 5 Aug. 61; Sup. Amdt. No. 3; Dated, 16 May 59

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

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Greenville LFR	LOM	Direct	2300	T-dn	300-1	300-1	200-½
Tigerville Int**	LOM	Direct	3200	C-dn	500-1	500-1	500-1½
Honea Int	LOM (Final)	Direct	2200	S-dn-36*	300-¾	300-¾	300-¾
				A-dn	600-2	600-2	600-2

Procedure turn W side S crs, 182° Outbnd, 002° Inbnd, 2200′ within 10 miles.
Minimum altitude at G.S. int inbnd, 2200′.
Altitude of G.S. and distance to appr end of rny at OM 2188—3.6, at MM 1213—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 4000′ on N crs GRL-LFR and hold south of **Tigerville Int, one-minute, right turns.
CAUTION: Maximum angle glide slope, heavily obstructed missed approach area.
*No approach lights, 400-¾ required when glide slope not utilized.
**Tigerville Int: Int AVL-VOR R-190 and SPA-VOR R-270.

City, Greenville; State, S.C.; Airport Name, Greenville Municipal; Elev., 1047′; Fac. Class., ILS; Ident., I-GRL; Procedure No. ILS-36, Amdt. 7; Eff. Date, 5 Aug. 61; Sup. Amdt. No. 6; Dated, 3 June 61

SP-LOM	Sherman Int*	Direct	2000	T-dn	300-1	300-1	200-½
SPI-LFR	Sherman Int*	Direct	2000	C-dn	400-1	500-1	500-1½
				S-dn	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 038° Outbnd, 218° Inbnd, 1900′ within 10 miles of Sherman Int.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 218°—3.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles of Sherman Int, climb to 2000′ and proceed to SP-LOM.
NOTE: ILS procedure not authorized unless aircraft equipped to receive ILS/VOR simultaneously.
*Sherman Int: Int back crs SPI-ILS and R-128 SPI-VOR.

City, Springfield; State, Ill.; Airport Name, Capital; Elev., 593′; Fac. Class., ILS; Ident., I-SPI; Procedure No. ILS-22, Amdt. Orig.; Eff. Date, 5 Aug. 61

These procedures shall become effective on the dates specified therein.

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

Issued in Washington, D.C., on June 30, 1961.

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

[F.R. Doc. 61-6399; Filed, Aug. 2, 1961; 8:45 a.m.]

[Reg. Docket No. 813; Amdt. 77]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

Miscellaneous Amendments

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

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

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

Section 610.102 *Amber Federal airway 2* is amended to read:

From Snag, Y.T., Canada, LFR; to Northway, Alaska, LFR; MEA 6,400.

From Northway, Alaska, LFR; to Big Delta, Alaska, LFR, MEA 8,000.

From Big Delta, Alaska, LFR; to Chena INT, Alaska, MEA 5,000.

From Chena INT, Alaska, to Fairbanks, Alaska, LFR; MEA 2,400.

From Fairbanks, Alaska, LFR; to Beetles, Alaska, LFR; MEA 5,500.

Section 610.216 *Red Federal airway 16* is deleted:

Section 610.658 *Red Federal airway 58* is deleted:

Section 610.604 *Blue Federal airway 4* is deleted:

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

From Dulac INT, La.; to Tibby, La., VOR; MEA *2,400. *1,400—MOCA.

From Tibby, La., VOR; to Gary INT, La.; MEA 1,300.

From Forbing INT, La., to Barksdale, La., LF/RBN; MEA 1,800.

From Barksdale, La., LF/RBN; to Int. 094 M rad Shreveport VOR and 055 M brg from Barksdale LF/RBN; MEA 1,800.

From Bethel INT, Tenn., to Huntsville, Ala., VOR; MEA 2,400.

Section 610.1001 *Direct routes—U.S.* is amended to delete:

From Cardwell INT, Fla.; to W. Palm Beach, Fla., LFR; MEA 1,200.

From Key West, Fla., LFR; to Tampa, Fla., VOR (via Control 1228); MEA 1,300.

From Kissimee INT, Fla.; to Vero Beach, Fla., VOR; MEA 1,500.

From Bowling Green, Ky., LFR; to Nashville, Tenn., VOR; MEA 2,300.

From Sanger INT, Tex.; to Myra INT, Tex.; MEA *2,500. *2,000—MOCA.

From Tyler, Tex., LF/RBN; to Quitman, Tex., VOR; MEA 1,700.

From Quitman, Tex., VOR; to Int. 101 M Quitman VOR and 058 M rads, Gregg Co.; MEA *2,200. *1,700—MOCA.

From Oklahoma City, Okla., LFR; to Ponca City, Okla., LF/RBN; MEA 3,700.

From Myra INT, Tex.; to Butcher INT, Tex.; MEA 4,500.

From McAlester, Okla., VOR; to Quitman, Tex., VOR; MEA 3,500.

From Waco, Tex., LFR; to Trinity Fork INT, Tex.; MEA 1,800.

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

From Egmont Key, Fla., LF/RBN, via Control 1226; to Grand Isle, La., LF/RBN; MEA 1,200.

From Key West, Fla., LFR via Control 1228; to Tampa, Fla., LFR; MEA 1,300.

From Key West, Fla., LFR via Control 1434; to Tamiami, Fla., LF/RBN; MEA 1,300.

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

From Marathon, Fla., LF/RBN, via Control 1234; to Tamiami, Fla., LF/RBN; MEA 1,100.

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

From Minneapolis, Minn., VOR via N alter.; to Hugo INT, Minn., via N alter.; MEA 2,500.

From Hugo INT, Minn., via N alter.; to Elmo INT, Minn., via N alter.; MEA *2,500. *2,300—MOCA.

From Elmo INT, Minn., via N alter.; to *River Falls INT, Wis., via N alter.; MEA 2,500. *2,600—MRA.

From Milwaukee, Wis., VOR via S alter.; to *Sunfish INT, Wis., via S alter.; MEA 2,700. *2,700—MRA.

Section 610.6002 *VOR Federal airway 2* is amended to delete:

From East Pembroke, N.Y., FM; to Buffalo, N.Y., VOR westbound only; MEA 1,900.

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

From Biscayne Bay, Fla., VOR via E alter.; to Martin INT, Fla., via E alter.; MEA 1,400.

From Martin INT, Fla., via E alter.; to Blake INT, Fla., via E alter.; MEA 1,000.

From Blake INT, Fla., via E alter.; to Delray INT, Fla., via E alter.; MEA 1,200.

From Delray INT, Fla., via E alter.; to West Palm Beach, Fla., VOR via E alter.; MEA 1,400.

From West Palm Beach, Fla., VOR via E alter.; to Willy INT, Fla., via E alter.; MEA 1,600.

From Willy INT, Fla., via E alter.; to Stuart INT, Fla., via E alter.; MEA 1,700.

From Oak Hill INT, Fla.; to Daytona Beach, Fla., VOR; MEA *1,800.

From Daytona Beach, Fla., VOR; to *Bunnel INT, Fla.; MEA **1,800. *3,000—MRA. **1,400—MOCA.

From Bunnell INT, Fla.; to Jacksonville, Fla., VOR; MEA *1,800. *1,400—MOCA.

From Daytona Beach, Fla., VOR via E alter.; to *Croaker INT, Fla., via E alter.; MEA **1,800. *3,500—MRA. **1,100—MOCA.

From Croaker INT, Fla., via E alter.; to Marion INT, Fla., via E alter.; MEA *1,800. *1,100—MOCA.

From Marion INT, Fla., via E alter.; to Jacksonville, Fla., VOR via E alter.; MEA *1,800. *1,300—MOCA.

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

From Louisville, Ky., VOR; to New Liberty INT, Ky.; MEA 2,400.

From New Liberty INT, Ky.; to Cincinnati, Ohio, VOR; MEA 2,000.

From Tarboro INT, Fla., via E alter.; to Dixie INT, Fla., via E alter.; MEA *2,500. *1,400—MOCA.

From Wayside INT, Ga., via E alter.; to McDonough, Ga., VOR via E alter.; MEA 2,000.

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

From *Bunker INT, Fla.; to Corkscrew INT, Fla.; MEA 1,300. *1,500—MRA.

From Corkscrew INT, Fla.; to Ft. Myers, Fla., VOR; MEA 1,200.

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

From Naperville, Ill., VOR via N alter.; to *Beacon INT, Ill., via N alter.; MEA 2,500. *2,500—MCA Beacon INT, southwestbound.

From Beacon INT, Ill., via N alter.; to Neptune INT, Mich., via N alter.; MEA, 2,000.

From Burlington, Iowa, VOR via N alter; to Bradford, Ill., VOR via N alter.; MEA 2,100.

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

From Rago INT, Kans., via N alter; to Wichita, Kans., VOR via N alter.; MEA 3,400.

From Wichita, Kans., VOR via N alter.; to Whitewater INT, Kans., via N alter.; MEA 3,400.

From Whitewater INT, Kans., via N alter; to Emporia, Kans., VOR via N alter.; MEA 3,000.

From *Milton INT, Kans.; to Wichita, Kans., VOR; MEA 3,400. *3,000—MRA.

From Dayton, Ohio, VOR; to *Plain City INT, Ohio; MEA 2,500. *4,000—MRA.

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

From *Whiteface INT, Tex., via S alter.; to Lubbock, Tex., VOR via S alter.; MEA 4,900. *7,500—MRA.

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

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

From Sioux Falls, S. Dak., VOR via W alter.; to Canova INT, S. Dak., via W alter.; MEA 3,000.

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

From *Harrington Ranch INT, N. Mex.; to El Paso, Tex., VOR; MEA 8,800. *9,500—MRA.

From Selmer INT, Tenn., via S alter.; to Scotts Hill INT, Tenn., via S alter.; MEA *3,200. *2,000—MOCA.

From Scotts Hill INT, Tenn., via S alter.; to Graham, Tenn., VOR via S alter.; MEA 2,000.

From *White Pine INT, Tenn.; to **Ottway INT, Tenn.; MEA 4,000. *5,000—MRA. **7,000—MRA.

Section 610.6017 *VOR Federal airway 17* is amended to read in part:

From *Georgetown INT, Tex.; to Waco, Tex., VOR; MEA 2,000. *3,200—MRA.

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

From El Paso, Tex., VOR; to *Harrington Ranch INT, N. Mex.; MEA 8,800. *9,500—MRA.

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

From Corpus Christi, Tex., VOR; to Palacios, Tex., VOR; MEA 1,500.

From *Woodsboro INT, via N alter.; to Palacios, Tex., VOR via N alter.; MEA 1,500. *1,800—MRA.

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

From *Reno INT, Ga., via N alter.; to Quitman INT, Ga., via N alter.; MEA **4,500. *4,500—MRA. **1,300—MOCA.

From Quitman INT, Ga., via N alter.; to Greenville INT, Ga., via N alter.; MEA *4,000. *1,200—MOCA.

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

From Lake Hughes, Calif., VOR; to Whitman INT, Calif., MEA 9,000.

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

From Albacore INT, Calif.; to Hermosa INT, Calif.; MEA 3,500.

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

From Elk INT, S. Dak.; to *Keystone INT, S.C.; MEA 9,200. *8,600—MCA Keystone INT, westbound.

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

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

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

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

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

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

From *Richey INT, Fla.; to Eddy INT, Fla.; MEA **1,800. *2,000—MRA. **1,000—MOCA.

From Eddy INT, Fla.; to Cedar INT, Fla.; MEA *1,800. *1,100—MOCA.

From Cedar INT, Fla.; to Cross City, Fla., VOR; MEA *2,000. *1,200—MOCA.

From *Hartsfield INT, Ga., via E alter.; to **Sale INT, Ga., via E alter.; MEA 1,600. *2,000—MRA. **1,800—MRA.

From Sale INT, Ga., via E alter.; to Albany, Ga., VOR via E alter.; MEA 1,600.

Section 610.6047 *VOR Federal airway 47* is amended to read in part:

From Nabb, Ind., VOR; to Cincinnati, Ohio, VOR; MEA 2,200.

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

From Oak Hill INT, Fla.; to Daytona Beach, Fla., VOR; MEA *1,800. *1,400—MOCA.

From Daytona Beach, Fla., VOR; to *Bushnell INT, Fla.; MEA **1,800. *3,000—MRA. **1,400—MOCA.

From Bushnell INT, Fla.; to Jacksonville, Fla., VOR; MEA *1,800. *1,400—MOCA.

Section 610.6052 *VOR Federal airway 52* is amended to read in part:

From Ottumwa, Iowa, VOR; to Luray INT, Mo.; MEA 2,100.

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

From Bonneville INT, Miss., via S alter.; to *Maud INT, Ala., via S alter.; MEA **2,700. *4,000—MRA. **1,800—MOCA.

From Rossville INT, Tenn.; to Iuka INT, Ala.; MEA *4,000. *2,000—MOCA.

From Iuka INT, Ala.; to Muscle Shoals, Ala., VOR; MEA *3,000. *2,000—MOCA.

Section 610.6062 *VOR Federal airway 62* is amended to read in part:

From Cornville INT, Ariz.; to Rim Rock INT, Ariz.; MEA *12,000. *10,000—MOCA.

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

From *El Centro, Calif., VOR; to Yuma, Ariz., VOR; MEA 3,000. *4,000—MCA El Centro VOR, westbound.

From *Harrington Ranch INT, N. Mex.; to El Paso, Tex., VOR; MEA 8,800. *9,500—MRA.

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

From Austin INT, Minn., via W alter.; to Rochester, Minn., VOR via W alter.; MEA 2,700.

Section 610.6069 *VOR Federal airway 69* is amended to read in part:

From Biscoe INT, Ark.; to Hillemann INT, Ark.; MEA *3,000. *1,500—MOCA.

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

From Corpus Christi, Tex., VOR; to Palacios, Tex., VOR; MEA 1,500.

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

From *Hale INT, Tex.; to **Plainview INT, Tex.; MEA 4,500. *8,000—MRA. **9,500—MRA.

From Lubbock, Tex., VOR via E alter.; to Amarillo, Tex., VOR via E alter.; MEA *5,500. *4,700—MOCA.

Section 610.6088 *VOR Federal airway 88* is amended to read in part:

From *Waco INT, Mo.; to **Miller INT, Mo.; MEA ***2,900. *2,900—MRA. *6,500—MCA Waco INT, southwestbound. **3,000—MRA. ***2,400—MOCA.

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

From Canton INT, Tex.; to Mt. Sylvan INT, Tex.; MEA *3,000. *1,800—MOCA.

Section 610.6102 *VOR Federal airway 102* is amended to read in part:

From *Caprock INT, N. Mex.; to Dora INT, N. Mex.; MEA 10,500. *7,500—MRA.

Section 610.6114 *VOR Federal airway 114* is amended to read in part:

From Dallas, Tex., VOR via S alter.; to Mt. Sylvan INT, Tex., via S alter.; MEA *3,000. *1,800—MOCA.

Section 610.6116 *VOR Federal airway 116* is amended to read in part:

From Naperville, Ill., VOR; to *Beacon INT, Ill.; MEA 2,500. *2,500—MCA Beacon INT, southwestbound.

From Beacon INT, Ill.; to Keeler, Mich., VOR; MEA 2,000.

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

From Stephan INT, S. Dak.; to Canova INT, S. Dak.; MEA *5,800. *3,000—MOCA.

From Canova INT, S. Dak.; to Sioux Falls, S. Dak., VOR; MEA 3,000.

Section 610.6132 *VOR Federal airway 132* is amended to read in part:

From *Waco INT, Mo., via S alter.; to **Miller INT, Mo., via S alter.; MEA ***2,900 *2,900—MRA. **3,000—MRA. ***2,400—MOCA.

Section 610.6152 *VOR Federal airway 152* is amended to read in part:

From *Lake Helen INT, Fla.; to Daytona Beach, Fla., VOR; MEA **1,800. *2,500—MRA. **1,400—MOCA.

From Woodruff INT, Fla., via N alter.; to Daytona Beach, Fla., VOR via N alter.; MEA *1,800. *1,400—MOCA.

From Oak Hills INT, Fla., via S alter.; to Daytona Beach, Fla., VOR via S alter.; MEA *1,800. *1,400—MOCA.

Section 610.6157 *VOR Federal airway 157* is amended to read in part:

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

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

From Bonneville INT, Miss., via N alter.; to *Maud INT, Ala., via N alter.; MEA **2,700. *4,000—MRA. **1,800—MOCA.

Section 610.6185 *VOR Federal airway 185* is amended to read in part:

From Weaverville INT, N.C., via E alter.; to *Ottway INT, Tenn., via E alter.; MEA 7,000. *7,000—MRA.

Section 610.6190 *VOR Federal airway 190* is amended to read in part:

From *Waco INT, Mo.; to **Miller INT, Mo.; MEA ***2,900. *2,900—MRA. **3,000—MRA. ***2,400—MOCA.

Section 610.6198 *VOR Federal airway 198* is amended to read in part:

From *Harrington Ranch INT, N. Mex.; to El Paso, Tex., VOR; MEA 8,800. *9,500—MRA.

Section 610.6210 *VOR Federal airway 210* is amended to read in part:

From Alamosa, Colo., VOR via S alter.; to *Walsenburg INT, Colo., via S alter., Walsenburg INT, westbound; MEA 14,000. *13,400—MCA.

From Walsenburg INT, Colo., via S alter.; to *Pueblo, Colo., VOR via S alter.; northeastbound, MEA 8,400; southwestbound, MEA 13,000. *10,000—MCA Pueblo VOR, southwestbound.

Section 610.6216 *VOR Federal airway 216* is amended to read in part:

From Peck, Mich., VOR; to U.S. Canadian Border; MEA 2,100.

Section 610.6218 *VOR Federal airway 218* is amended to read in part:

From Naperville, Ill., VOR; to *Beacon INT, Ill.; MEA 2,500. *2,500—MCA Beacon INT, southwestbound.

From Beacon INT, Ill.; to Keeler, Mich., VOR; MEA 2,000.

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

From Peoria, Ill., VOR; to *Dunlap INT, Ill.; MEA 2,100. *2,500—MRA.

Section 610.6267 *VOR Federal airway 267* is amended to read in part:

From *Lake Helen INT, Fla., via E alter.; to Daytona Beach, Fla., VOR via E alter.; MEA **1,800. *2,500—MRA. **1,400—MOCA.

From *Roy INT, Fla.; to Blue Jacket INT, Fla.; MEA **2,000. *3,000—MRA. **1,200—MOCA.

From *Roy INT, Fla., via E alter.; to Blue Jacket INT, Fla., via E alter.; MEA **2,000. *3,000—MRA. **1,200—MOCA.

Section 610.6270 *VOR Federal airway 270* is amended to read in part:

From DeLancey, N.Y., VOR; to *Catskill INT, N.Y.; MEA 6,000. *4,400—MCA Catskill INT, westbound.

From Catskill INT, N.Y.; to Chester, Pa., VOR; MEA 4,000.

Section 610.6280 *VOR Federal airway 280* is amended to read in part:

From *Caprock INT, N. Mex.; to Dora INT, N. Mex.; MEA 10,500. *7,500—MRA.

Section 610.6289 *VOR Federal airway 289* is amended to read in part:

From Dierks INT, Tex.; to *Greenwood INT, Ark.; MEA 3,800. *4,500—MRA.

Section 610.6436 *VOR Federal airway 436* is amended to read in part:

From Beluga INT, Alaska; to Peters Creek INT, Alaska; MEA 3,000.

Section 610.6437 *VOR Federal airway 437* is amended to delete:

From Savannah, Ga., VOR; to Charleston, S.C., VOR; MEA 5,000.

Section 610.6438 *VOR Federal airway 438* is amended to read in part:

From Willow INT, Alaska; to *Talkeetna, Alaska, LF/RBN; MEA 3,500. *6,400—MCA Talkeetna LF/RBN, northbound.

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

From *Anchorage, Alaska, VOR; to **Alexander INT, Alaska; MEA 1,500. *5,400—MCA Anchorage VOR, southeastbound. **5,000—MCA Alexander INT, northwestbound.

Section 610.6462 *VOR Federal airway 462* is amended to read in part:

From Houghton, Mich., VOR; to Off Shore INT, Mich.; MEA *3,000. *2,500—MOCA.

From Off Shore INT, Mich.; to Whitefish, Mich., VOR; MEA 2,500.

Section 610.6470 *VOR Federal airway 470* is amended to read in part:

From Marquette, Mich., VOR; to Williams INT, Mich.; MEA 4,300.

From Williams INT, Mich.; to Off Shore INT, Mich.; MEA *3,000. *2,500—MOCA.

From Off Shore INT, Mich.; to Whitefish, Mich., VOR; MEA 2,500.

Section 610.6485 *VOR Federal airway 485* is amended to read in part:

From Priest, Calif., VOR; to *Rancho INT, Calif.; MEA **8,500. *8,500—MCA Rancho INT, southeastbound. **7,000—MOCA.

From Rancho INT, Calif.; to Mt. Hamilton INT, Calif.; MEA 7,000.

Section 610.6497 *VOR Federal airway 497* is added to read:

From John Day, Oreg. VOR; to The Dalles, Oreg., VOR; MEA 7,000.

Section 610.6500 *VOR Federal airway 500* is added to read:

From Portland, Oreg., VOR; to Newberg, Oreg., VOR; MEA 4,000.

From Newberg, Oreg., VOR; to Gladstone INT, Oreg.; MEA *5,000. *3,500—MOCA.

From *Gladstone INT, Oreg.; to **Gateway INT, Oreg.; MEA ***11,000. *5,500—MCA Gladstone INT, eastbound. **11,000—MRA. ***8,000—MOCA.

From Gateway INT, Oreg.; to John Day, Oreg., VOR; MEA *11,000. *8,000—MOCA.

From John Day, Oreg., VOR; to Boise, Idaho, VOR; MEA 11,000.

From *Boise, Idaho, VOR; to Corral INT, Idaho, eastbound; MEA **14,000. *8,000—MCA Boise VOR. **10,000—MOCA.

From Corral INT, Idaho; to Bear Trap INT, Idaho; MEA *14,000. *9,000—MOCA.

From Bear Trap INT, Idaho; to *Pocatello, Idaho, VOR; MEA 8,000. *9,300—MCA Pocatello VOR, eastbound.

From Pocatello, Idaho, VOR; to *Big Piney, Wyo., VOR; MEA **15,000. *12,500—MCA Big Piney VOR, westbound. **13,500—MOCA.

From Big Piney, Wyo., VOR; to South Pass INT, Wyo.; MEA 11,000.

From South Pass INT, Wyo.; to Cherokee, Wyo., VOR; MEA *10,000. *9,000—MOCA.

From Cherokee, Wyo., VOR; to Snowy Range INT, Wyo.; MEA 14,000.

From Snowy Range INT, Wyo.; to *Laramie, Wyo., VOR, westbound, MEA 14,000; eastbound, MEA 11,000. *12,500—MCA Laramie VOR, westbound. *10,000—MCA Laramie VOR, southeastbound.

From Laramie, Wyo., VOR; to Loveland INT, Colo.; MEA 11,500.

From Loveland INT, Colo.; to *Longmont INT, Colo.; southeastbound, MEA 8,000; northwestbound, MEA 11,500. *13,000—MRA.

From Longmont INT, Colo.; to *Dacona INT, Colo.; southeastbound, MEA 8,000; northwestbound, MEA 11,500. *8,000—MCA Dacona INT, northwestbound.

From Dacona INT, Colo.; to Denver, Colo., VOR; MEA 7,500.

Section 610.6504 *VOR Federal airway 504* is added to read:

From Nenana, Alaska, VOR; to Fairbanks, Alaska, VOR; MEA 3,900.

Section 610.6837 *VOR Federal airway 837* is amended to read in part:

From Mastic INT, N.Y.; to Beach INT, N.Y.; MEA *11,000. *1,500—MOCA.

From Beach INT, N.Y.; to Hampton, N.Y., VOR; MEA 5,000.

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

From Fort Myers, Fla., VOR; to Hickory INT, Fla.; MEA 1,400.
From Hickory INT, Fla.; to *Copeland INT, Fla.; MEA **2,500. *2,500—MOCA. **1,100—MOCA.
From Copeland INT, Fla.; to *Pine INT, Fla.; MEA **1,200. *2,500—MRA. **1,100—MOCA.
From Pine INT, Fla.; to *Chester INT, Fla.; MEA 1,100. *2,800—MRA.
From Chester INT, Fla.; to Miami, Fla., VOR; MEA 1,100.

Section 610.6846 *VOR Federal airway 846* is amended by adding:

From Malta INT, Ill.; to Polo, Ill., VOR; MEA 2,000.

Section 610.6854 *VOR Federal airway 854* is amended to read in part:

From Bay Point INT, Calif.; to College INT, Calif.; MEA 5,000.
From College INT, Calif.; to Oakland, Calif., VOR; MEA 4,000.

Section 610.6854 *VOR Federal airway 854* is amended by adding:

From Malta INT, Ill.; to Polo, Ill., VOR; MEA 2,000.

Section 610.6859 *VOR Federal airway 859* is added to read:

From Joliet, Ill., VOR; to Roberts, Ill., VOR; MEA 2,100.
From Roberts, Ill., VOR; to Decatur, Ill., VOR; MEA 2,700.
From Decatur, Ill., VOR; to Palmer INT, Ill.; MEA 2,300.
From Palmer INT, Ill.; to Gillespie INT, Ill.; MEA *4,000. *2,000—MOCA.
From Gillespie INT, Ill.; to St. Louis, Mo., VOR; MEA 2,000.
From St. Louis, Mo., VOR; to Vichy, Mo., VOR; MEA 2,200.
From Vichy, Mo., VOR; to Conway INT, Mo.; MEA 2,600.
From Conway INT, Mo.; to Springfield, Mo., VOR; MEA 2,500.
From Springfield, Mo., VOR; to Neosho, Mo., VOR; MEA 2,500.
From Neosho, Mo., VOR; to Pryor INT, Okla.; MEA 2,500.
From Pryor INT, Okla.; to Okmulgee, Okla., VOR; MEA 2,700.
From Okmulgee, Okla., VOR; to Pharoah INT, Okla., MEA *2,500. *2,100—MOCA.
From Pharoah INT, Okla.; to Ardmore, Okla., VOR; MEA *5,000. *2,700—MOCA.
From Ardmore, Okla., VOR; to *Gainesville INT, Tex.; MEA 2,200. *2,500—MRA.
From Gainesville INT, Tex.; to Dallas, Tex., VOR; MEA *2,500. *2,100—MOCA.

Section 610.6880 *VOR Federal airway 880* is added to read:

From Joliet, Ill., VOR; to Bradford, Ill., VOR; MEA 2,100.
From Bradford, Ill., VOR; to Burlington, Iowa, VOR; MEA 2,100.
From Burlington, Iowa, VOR; to Kirksville, Mo., VOR; MEA 2,100.
From Kirksville, Mo., VOR; to *Chillicothe INT, Mo.; MEA **3,400. *4,000—MRA. **2,400—MOCA.
From Chillicothe INT, Mo.; to Lawson INT, Mo.; MEA *3,400. *2,400—MOCA.
From Lawson INT, Mo.; to Kansas City, Mo., VOR; MEA 2,400.

Section 610.6885 *VOR Federal airway 885* is amended to read in part:

From Mastic INT, N.Y.; to Beach INT, N.Y.; MEA *11,000. *1,500—MOCA.
From Beach INT, N.Y.; to Hampton, N.Y., VOR; MEA 5,000.

Section 610.1502 *VOR Federal airway 1502* is amended to read in part:

From Mullan Pass, Idaho, VOR; to *Alfa INT, Mont.; MEA 14,500; MAA 24,000.
From Alfa INT, Mont.; to Great Falls, Mont., VOR; MEA 14,500; MAA 24,000. *17,000—MRA.

Section 610.1504 *VOR Federal airway 1504* is amended to read in part:

From Sheridan, Wyo., VOR; to *Fox Trot INT, Wyo.; MEA 14,500; MAA 24,000. *19,000—MRA.
From Fox Trot INT, Wyo.; to Dupree, S. Dak., VOR; MEA 14,500; MAA 24,000.

Section 610.1510 *VOR Federal airway 1510* is amended to read in part:

From Wells, Nev., VOR; to *Bravo INT, Utah; MEA 19,000; MAA 24,000. *19,000—MRA.
From Bravo INT, Utah; to Ogden, Utah, VOR; MEA 19,000; MAA 24,000.
From Rock Springs, Wyo., VOR; to *Delta INT, Wyo.; MEA 17,000; MAA 24,000. *17,000—MRA.
From Delta INT, Wyo.; to Laramie, Wyo., VOR; MEA 17,000; MAA 24,000.

Section 610.1512 *VOR Federal airway 1512* is amended to read in part:

From Kremmling, Colo., VOR; to *Hotel INT, Colo.; MEA 16,500; MAA 24,000. *16,500—MRA.
From Hotel INT, Colo.; to Akron, Colo., VOR; MEA 16,500; MAA 24,000.

Section 610.1528 *VOR Federal airway 1528* is amended to read in part:

From Dove Creek, Colo., VOR; to *Golf INT, Colo.; MEA 20,500; MAA 24,000. *20,500—MRA.
From Golf INT, Colo.; to Alamosa, Colo., VOR; MEA 20,500; MAA 24,000.
From Alamosa, Colo., VOR; to *India INT, Colo.; MEA 17,000; MAA 24,000. *17,000—MRA.
From India INT, Colo.; to *Juliet INT, Colo.; MEA 17,000; MAA 24,000. *17,000—MRA.
From Juliet INT, N. Mex.; to Clayton, N. Mex., VOR; MEA 17,000; MAA 24,000.

Section 610.1529 *VOR Federal airway 1529* is amended to read in part:

From Denver, Colo., VOR; to *Hotel INT, Colo.; MEA 14,500; MAA 24,000. *16,500—MRA.
From Hotel INT, Colo.; to Laramie, Wyo., VOR; MEA 14,500; MAA 24,000.

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

From Farmington, N. Mex., VOR; to *Kilo INT, N. Mex.; MEA 20,000; MAA 24,000. *20,000—MRA.
From Kilo INT, N. Mex.; to Cimarron, N. Mex., VOR; MEA 20,000; MAA 24,000.

Section 610.1538 *VOR Federal airway 1538* is amended to delete:

From Selinsgrove, Pa., VOR; to Allentown, Pa., VOR; MEA 14,500; MAA 24,000.
From Allentown, Pa., VOR; to Solberg, N.J., VOR; MEA 14,500; MAA 24,000.
From Solberg, N.J., VOR; to INT Solberg, N.J., VOR 086 T rad and Robbinsville, N.J., VOR 040 T rad; MEA 14,500; MAA 24,000.

Section 610.1542 *VOR Federal airway 1542* is amended to read in part:

From Tucson, Ariz., VOR; to Cochise, Ariz., VOR; MEA 14,500; MAA 24,000.
From Cochise, Ariz., VOR; to Columbus, N. Mex., VOR; MEA 14,500; MAA 24,000.

Section 610.1543 *VOR Federal airway 1543* is amended to read in part:

From Santa Fe, N. Mex., VOR; to *Kilo INT, N. Mex.; MEA 15,500; MAA 24,000.
From Kilo INT, N. Mex.; to Alamosa, N. Mex., VOR; MEA 15,500; MAA 24,000.

Section 610.1547 *VOR Federal airway 1547* is amended to read in part:

From Myton, Utah, VOR; to *Delta INT, Wyo.; MEA 14,500; MAA 24,000. *17,000—MRA.
From Delta INT, Wyo.; to Cherokee, Wyo., VOR; MEA 14,500; MAA 24,000.
From Casper, Wyo., VOR to *Fox Trot INT, Wyo.; MEA 19,000; MAA 24,000. *19,000—MRA.
From Fox Trot INT, Wyo.; to *Echo INT, S. Dak.; MEA 19,000; MAA 24,000. *19,000—MRA.
From Echo INT, S. Dak.; to Dickinson, N. Dak., VOR; MEA 19,000; MAA 24,000.

Section 610.1553 *VOR Federal airway 1553* is amended to read in part:

From Missoula, Mont., VOR; to *Alfa INT, Mont.; MEA 17,000; MAA 24,000. *17,000—MRA.
From Alfa INT, Mont.; to Cut Bank, Mont., VOR; MEA 17,000; MAA 24,000.

Section 610.1621 *VOR Federal airway 1621* is amended to read in part:

From Bonneville, Utah, VOR; to *Bravo INT, Utah; MEA 14,500; MAA 24,000. *19,000—MRA.
From Bravo INT, Utah; to Burley, Idaho, VOR; MEA 14,500; MAA 24,000.

Section 610.1625 *VOR Federal airway 1625* is amended to read in part:

From Tucson, Ariz., VOR; to Cochise, Ariz., VOR; MEA 14,500; MAA 24,000.
From Cochise, Ariz., VOR; to San Simon, Ariz., VOR; MEA 14,500; MAA 24,000.

Section 610.1627 *VOR Federal airway 1627* is amended to read in part:

From Farmington, N. Mex., VOR; to *Golf INT, Colo.; MEA 16,300; MAA 24,000. *20,500—MRA.
From Golf INT, Colo.; to Gunnison, Colo., VOR; MEA 16,300; MAA 24,000.

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

From Rock Springs, Wyo., VOR; to *Charley INT, Wyo.; MEA 14,500; MAA 24,000. *16,000—MRA.
From Charley INT, Wyo.; to Boysen Reservoir, Wyo., VOR; MEA 14,500; MAA 24,000.

Section 610.1635 *VOR Federal airway 1635* is amended to read in part:

From Cimarron, N. Mex., VOR; to *India INT, Colo.; MEA 14,500; MAA 24,000. *17,000—MRA.
From India INT, Colo.; to Pueblo, Colo., VOR; MEA 14,500; MAA 24,000.

Section 610.1645 *VOR Federal airway 1645* is amended to read in part:

From Las Vegas, N. Mex., VOR; to *Juliet INT, N. Mex.; MEA 14,500; MAA 24,000. *17,000—MRA.
From Juliet INT, N. Mex.; to Tobe, Colo., VOR; MEA 14,500; MAA 24,000.

Section 610.1662 *VOR Federal airway 1662* is amended to read in part:

From Big Piney, Wyo., VOR; to *Charley INT, Wyo.; MEA 16,000; MAA 24,000. *16,000—MRA.
From Charley INT, Wyo.; to Casper, Wyo., VOR; MEA 16,000; MAA 24,000.

Section 610.1671 *VOR Federal airway 1671* is amended to read in part:

From Pittsburgh, Pa., VOR; to *Lima INT, Pa.; MEA 14,500; MAA 24,000. *18,000—MRA.
From Lima INT, Pa.; to Akron, Ohio, VOR; MEA 14,500; MAA 24,000.

Section 610.1706 *VOR Federal airway 1706* is amended to read in part:

From Miles City, Mont., VOR; to *Echo INT, S. Dak.; MEA 14,500; MAA 24,000. *19,000—MRA.
From Echo INT, S. Dak.; to Dupree, S. Dak., VOR; MEA 14,500; MAA 24,000.

Section 610.1725 *VOR Federal airway 1725* is amended to read in part:

From Tiverton, Ohio, VOR; to *Lima INT, Pa.; MEA 14,500; MAA 24,000. *18,000—MRA.
From Lima INT, Pa.; to Clarion, Pa., VOR; MEA 14,500; MAA 24,000.

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

From Taos, N. Mex., VOR; to *India INT, Colo.; MEA 16,700; MAA 24,000. *17,000—MRA.
From India INT, Colo.; to Tobe, Colo., VOR; MEA 16,700; MAA 24,000.

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

These rules shall become effective August 24, 1961.

Issued in Washington, D.C., on July 24, 1961.

A. L. COULTER,
Acting Director,
Bureau of Flight Standards.

[F.R. Doc. 61-7124; Filed, Aug. 2, 1961; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8288 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Acme Sparkler & Specialty Co. et al.

Subpart—Misbranding or mislabeling: § 13.1325 *Source or origin:* 13.1325–70 *Place:* 13.1325–70(g) *Imported product or parts as domestic.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1900 *Source or origin:* 13.1900–35 Foreign product as domestic.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Acme Sparkler & Specialty Company et al., River Grove, Ill., Docket 8288, June 14, 1961.]

In the Matter of Acme Sparkler & Specialty Company, a Corporation, and Harry Callen and Lawrence Callen, Individually and as Officers of Said Corporation; Also Doing Business as Acme Specialties Corporation

Consent order requiring a River Grove, Ill., distributor of fireworks to cease representing falsely that foreign-made products were domestic, through such practices as packaging a Japanese import known as "Black Python Snake" in cartons either printed with the words "Made in U.S.A." or not adequately marked to inform purchasers of the foreign origin.

The order to cease and desist is as follows:

It is ordered, That respondents Acme Sparkler & Specialty Company, a corporation, trading and doing business under its own name or under the name of Acme Specialties Corporation, or under any other name, and its officers, and Harry Callen and Lawrence Callen, individually and as officers of said Acme Sparkler & Specialty Company, and respondents' representatives, agents and employees, directly or through any corporate or other devices, in connection with the offering for sale, sale or distribution of fireworks, or of any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or indirectly, in advertising or in labeling that products manufactured in Japan or in any other foreign country are manufactured in the United States.

2. Offering for sale or selling products which are, in whole or in substantial part, of foreign origin, without clearly and conspicuously disclosing on such products and, if the products are enclosed in a package or carton, on said package or carton, in such a manner that it will not be hidden or obliterated, the country of origin thereof.

3. Furnishing or otherwise placing in the hands of retailers or dealers in said products the means and instrumentalities by and through which they may mislead or deceive the public in the manner or as to the things hereinabove inhibited.

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

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

Issued: June 14, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61-7304; Filed, Aug. 2, 1961; 8:46 a.m.]

[Docket 7954 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

American Contact Lens Laboratories, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.20 *Comparative data or merits;* § 13.190 *Results;* § 13.205 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, American Contact Lens Laboratories, Inc. (Detroit, Mich.) et al., Docket 7954, June 14, 1961.]

In the Matter of American Contact Lens Laboratories, Inc., a Corporation, and Eli Shapiro, Earl W. Bartlett, Philip Nolish, and Arthur Shapiro, Individually and as Officers of Said Corporation

Consent order requiring sellers of contact lenses in Detroit, Mich., to cease representing falsely in advertising in newspapers, by television, and otherwise, that their contact lenses could be worn all day without discomfort by anyone needing visual correction, that they would correct all defects of vision, and that eyeglasses could be discarded upon their purchase.

The order to cease and desist is as follows:

It is ordered, That respondents American Contact Lens Laboratories, Inc., a corporation, and its officers, and Earl W. Bartlett, individually and as an officer of said corporation, and Philip Nolish, individually, and said respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of contact lenses, do forthwith cease and desist from, directly or indirectly:

1. Disseminating, or causing to be disseminated, any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication, that:

(a) All persons in need of visual correction can successfully wear respondents' contact lenses.

(b) Their contact lenses will correct all defects in vision.

(c) Their contact lenses will correct defects in vision in all cases which require bifocal lenses.

(d) There is no discomfort in wearing said lenses.

(e) All persons can wear said lenses all day without discomfort; or that any person can wear said lenses all day without discomfort except after that person has become fully adjusted thereto.

(f) Eyeglasses can always be discarded upon the purchase of respondents' lenses.

2. Disseminating, or causing to be disseminated, any advertisement, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of said products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any representation prohibited in Paragraph 1 above.

It is further ordered, That respondents Eli Shapiro and Arthur Shapiro, individually, and their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of contact lenses, do forthwith cease and desist from, directly or indirectly:

1. Disseminating, or causing to be disseminated, any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission

Act, which advertisement represents, directly or by implication, that their contact lenses will correct defects in vision in all cases which require bifocal lenses.

2. Disseminating, or causing to be disseminated, any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of said products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains the representation prohibited in Paragraph 1 above.

It is further ordered, That the complaint, except as to Paragraph Four 2, as it relates to respondents Eli Shapiro and Arthur Shapiro, individually and as officers of the corporate respondent and as to Paragraph Four 2, as officers of the corporate respondents, be and the same hereby is, dismissed and that the complaint insofar as it relates to respondent Philip Nolish as an officer of the corporate respondent, be, and the same hereby is, dismissed.

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

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

Issued: June 14, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61-7305; Filed, Aug. 2, 1961; 8:47 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55439]

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

Package Specification as a Part of Invoice

In order that specifications as to contents of each package will be contained in the customs invoice or furnished as an official part of such invoice, § 8.13(a), Customs Regulations, is amended to read as follows:

(a) Every special customs invoice of merchandise to be imported into the United States shall set forth the information required by section 481(a), Tariff Act of 1930 [19] and shall state in adequate detail what merchandise is contained in each individual package. Such information shall be included in or attached to the special customs invoice.

(Secs. 481, 624, 46 Stat. 719, 759; 19 U.S.C. 1481, 1624.)

These requirements shall become effective as to articles imported on and after a date 60 days from the publication of this Treasury Decision in the FEDERAL REGISTER.

Notice of the proposed issuance of requirements for a detailed description of importations was published in the FEDERAL REGISTER on June 9, 1961 (26 F.R. 5184). No objections thereto were received, but in order to affirmatively state that submission of the required information in the form of packing lists or other attachments to the special customs invoice was satisfactory, the final sentence in the above stated amendment has been added to the text published on June 9, 1961.

[SEAL] PHILIP NICHOLS JR.,
Commissioner of Customs.

Approved: July 27, 1961.

A. GILMORE FLUES,
Assistant Secretary of the Treasury.

[F.R. Doc. 61-7324; Filed, Aug. 2, 1961; 8:49 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Caloosahatchee River, Fla.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.462 is hereby prescribed to govern the operation of the Florida State Road Department bridge across Caloosahatchee River at Fort Myers, Florida, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.462 Caloosahatchee River, Fla.; Florida State Road Department bridge (Edison Bridge) at Fort Myers.

(a) Except as otherwise provided in paragraphs (b) and (c) of this section, the owner of or agency controlling the bridge shall not be required to open the drawspan between the hours of 4:30 p.m., and 5:30 p.m., daily except on Sundays and the following legal holidays: New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day and Christmas Day.

(b) The regulations in this section shall not apply to vessels owned or operated by the United States. All such vessels shall be passed without delay through the draw of the bridge at any time on giving the usual signal.

(c) The draw of the bridge shall be opened at any time for the passage of a tow or of a vessel in an emergency involving danger of life or property. Such an emergency shall be indicated by four blasts of a whistle, horn, or megaphone.

(d) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in a manner that they can easily be read at any time, signs setting forth the salient features of the regulations in this section.

[Regs., 17 July 1961, 285/91 (Caloosahatchee River, Fla.)-ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 61-7296; Filed, Aug. 2, 1961; 8:45 a.m.]

PART 208—FLOOD CONTROL REGULATIONS

Foss Dam and Reservoir, Washita River, Oklahoma

Pursuant to the provisions of section 7 of the Act of Congress approved December 22, 1944 (58 Stat. 890; 33 U.S.C. 709), the following regulations are hereby prescribed to govern the use of the flood control storage above elevation 1652.0 in Foss Reservoir on the Washita River, and the operation of the Foss Dam for flood control purposes, effective upon publication in the FEDERAL REGISTER.

§ 208.28 Foss Dam and Reservoir, Washita River, Oklahoma.

The Bureau of Reclamation shall operate the Foss Dam and Reservoir in the interest of flood control as follows:

(a) Whenever the reservoir level is between elevation 1652.0, top of conservation pool, and elevation 1668.6, top of flood control pool, the flood control discharge facilities shall be operated under the direction of the District Engineer, Corps of Engineers, Department of the Army, in charge of the locality, so as to reduce as much as practicable the flood damage below the reservoir. All flood control releases shall be made in amounts which, when combined with local inflow below the dam, will not produce flows in excess of bankfull on the Washita River downstream of the reservoir. In order to accomplish this purpose, flows shall not exceed an 18.0 foot stage (3,000 c.f.s.) on the USGS gage on the Washita River near Clinton, Oklahoma, river mile 447.4, or an 18.0 foot stage (6,000 c.f.s.) on the USGS gage on the Washita River near Carnegie, Oklahoma, river mile 353.9.

(b) When the reservoir level exceeds elevation 1668.6, top of flood control pool, releases shall be made at the maximum rate possible through the river outlet works and uncontrolled spillway and continued until the pool elevation recedes to elevation 1668.6 when releases shall be made to equal inflow or the maximum release permissible under paragraph (a) of this section, whichever is greater.

(c) The representative of the Bureau of Reclamation in immediate charge of operation of the Foss Dam shall furnish daily to the District Engineer, Corps of Engineers, Department of the Army, in charge of the locality, on forms provided by the District Engineer for this purpose, a report, showing the elevation of the reservoir level; number of river outlet works gates in operation with their respective openings and releases; canal outlet works, municipal outlet works and uncontrolled spillway releases; storage;

tailwater elevation; reservoir inflow; available evaporation data; and precipitation in inches. Normally, one reading at 8:00 a.m. shall be shown for each day. Readings of all items except evaporation shall be shown for at least three observations a day when the reservoir level is above elevation 1652.0. Whenever the reservoir level rises to elevation 1652.0 and releases for flood regulation are necessary or appear imminent, the Bureau representative shall report at once to the District Engineer by telephone or telegraph and, unless otherwise instructed, shall report once daily thereafter in that manner until the reservoir level recedes to elevation 1652.0. These latter reports shall reach the District Engineer by 9:00 a.m., each day.

(d) The regulations of this section insofar as they govern use of the flood control storage capacity above elevation 1652.0 are subject to temporary modification in time of flood by the District Engineer if found desirable on the basis of conditions at the time. Such desired modifications shall be communicated to the representative of the Bureau of Reclamation in immediate charge of operations of the Foss Dam by any available means of communication and shall be confirmed in writing under date of the same day to the Regional Director in charge of the locality, with a copy to the representative in charge of the Foss Dam.

(e) Flood control operation shall not restrict releases necessary for municipal-industrial and irrigation uses.

(f) Releases made in accordance with the regulations of this section are subject to the condition that releases shall not be made at rates or in a manner that would be inconsistent with emergency requirements for protecting the dam and reservoir from major damage or inconsistent with safe routing of the inflow design flood.

(g) All elevations stated in this section are at Foss Dam and are referred to the datum in use at that location.

[Regs., 6 July 1961, ENGCW-EY] (Sec. 7, 58 Stat. 890; 33 U.S.C. 709)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 61-7295; Filed, Aug. 2, 1961; 8:45 a.m.]

Title 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

PART 1—RULES OF PRACTICE IN PATENT CASES

Appellant's Brief

The following amendment is made, to take effect on publication in the FEDERAL REGISTER. Notice and public procedure, and deferment of the time of taking effect, are deemed unnecessary in view of the nature of the amendment, which is procedural only.

The purpose of this change is to expedite the handling of requests for extensions of time for filing appeal briefs by providing that short extensions may be handled by the Board of Appeals, instead of by the Commissioner. Any extension to a date more than sixty days from the original expiration date must still be sought from the Commissioner, by request brought prior to the expiration of the time sought to be extended. Failure to file either the brief or an appropriate request for extension within the allotted time results in the appeal standing dismissed (37 CFR 1.192(b)) with the consequent abandonment of the application if no claim stands allowed (37 CFR 1.197(c)).

Paragraph (a) is amended by adding the following sentences at the end thereof:

§ 1.192 Appellant's brief.

(a) * * * The Board of Appeals may, for sufficient cause shown, extend the time for filing the brief to a date not later than sixty days after the original expiration date. Any longer or further extension must be sought from the Commissioner. All requests for extensions must be filed prior to the expiration of the period sought to be extended.

(Sec. 1, 66 Stat. 793; 35 U.S.C. Interprets or applies sec. 1, 66 Stat. 801; 35 U.S.C. 134)

Dated: July 28, 1961.

DAVID L. LADD,
Commissioner of Patents.

Approved:

HICKMAN PRICE, JR.
Assistant Secretary of Commerce for Domestic Affairs.

[F.R. Doc. 61-7328; Filed, Aug. 2, 1961; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR PART 1026]

[Docket No. AO–332]

CENTRAL CALIFORNIA GRAPES FOR CRUSHING

Decision With Respect To Proposed Marketing Agreement and Order; and Referendum Order

Pursuant to the applicable provisions of Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Fresno, California, May 22–24, 27, and 29–31, 1961, pursuant to notice thereof which was published in the FEDERAL REGISTER (26 F.R. 3644) on a proposed marketing agreement and order regulating the handling of Central California grapes for crushing.

On the basis of evidence adduced at the aforesaid hearing and the record thereof, a recommended decision in this proceeding was filed on July 3, 1961, with the Hearing Clerk, United States Department of Agriculture, and notice thereof, affording opportunity to file written exceptions thereto, was published July 7, 1961, in the FEDERAL REGISTER (F.R. Doc. 61–6383; 26 F.R. 6085). The time for filing exceptions was thereafter extended (F.R. Doc. 61–6726; 26 F.R. 6367) from July 17, 1961 to receipt in the office of the Hearing Clerk no later than 5 p.m., e.d.t., July 21, 1961.

Material issues, findings and conclusions. The material issues, findings and conclusions, rulings and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 61–6383; 26 F.R. 6085) are, as hereinafter modified, hereby approved and adopted as the material issues, findings and conclusions, rulings and general findings of this decision as if set forth in full herein.

Modification. The term "producer" is defined in the recommended decision to mean any person engaged within the area, in a proprietary capacity, in the production and sale, whether directly or indirectly, of grapes for crushing. It might be asserted that the phrase "in the production and sale" is to be interpreted as excluding from definition coverage any person who produces grapes for crushing when he "handles" such grapes of his own production. This interpretation may be conceivable because such a grower-handler might not be considered as engaged in the "sale" of such grapes to himself as a handler, even though in the latter capacity he receives and uses the grapes he produces. This meaning and undesirable result as to who is a producer are not intended. The record evidence discloses the existence in the industry of a number of such grower-handlers and that all such persons should be included within the definition of the term "producer". Moreover, there is no basis in the evidence of record to exclude such a grower-handler from the scope of the term "producer" merely because such person handles grapes for crushing of his own production and there may be no "sale" of such grapes to the handler. Therefore, it is concluded that such persons should be covered by the definition of the term "producer". To assure such coverage, the discussion in the recommended decision (appearing at 26 F.R. 6087–6088) relating to the definition of "producer" is modified accordingly; and definition of the term "producer" in § 1026.6 of the recommended marketing agreement and order is modified.

To assure committee action on marketing policy for the initial crop year, § 1026.47 should be modified as set forth in the annexed order to authorize such action later than August 15 of such year.

One other modification appears in the rulings on exceptions.

Rulings. On June 29, 1961, subsequent to the time fixed for the filing of proposed findings and conclusions and written arguments or briefs with respect to this proceeding, the National Association of Wine Bottlers, Inc., filed with the Hearing Clerk certain motions requesting that this proceeding be terminated, that a new hearing be called, that the record herein be reopened for submission of additional evidence, and for other relief. On July 18, 1961, United Vintners, Inc. and Allied Grape Growers, by telegram, requested that any referendum to be held in this proceeding be postponed. Substantially similar motions, requests, and supporting reasons were contained in briefs filed and considered in this proceeding. The aforesaid motions and requests are denied in view of the considerations set forth in the recommended decision of July 3, 1961, and this decision and for the further reason that an opportunity to vote on the effectuation of this program should be extended to all producers.

Within the time prescribed therefor, exceptions to the recommended decision were filed by: (1) George Kaufman; (2) California Grape Products Corporation; (3) United Vinters, Inc. and Allied Grape Growers; (4) Eugene Neuharth; (5) James A. Lauchland, Jr.; (6) Alice Lauchland; (7) James R. Lauchland and Carol Ann Lauchland; (8) Dan Bava; (9) Acampo Winery and Distilleries, Bear Creek Vineyard Association, Cherokee Vineyard Association, Del Rio Winery, East Side Winery, Guild Wine Company, Lockeford Winery, Lodi Grape Products Company, Lodi Winery, Woodbridge Vineyard Association, and Lodi District Grape Growers Association; (10) Fred J. Sangeunetti; (11) Winery Grape Stabilization Program Committee; (12) California Wine Association; (13) National Association of Wine Bottlers, Inc.; and (14) Kasser Distillers Products Corp.

Each of these exceptions has been considered carefully and fully in conjunction with the record evidence and the recommended decision pertaining thereto in arriving at the findings and conclusions set forth in this decision. To the extent that any such exception is not specifically ruled upon and is at variance with the findings, conclusions, and actions decided upon in this decision, such exception is denied.

Exceptions and the rulings thereon are as follows:

Exception was taken to the failure of the recommended marketing agreement and order (also referred to hereinafter collectively as the "order") to state that producers may substitute, for setaside, low priced grapes for high priced varieties in the same manner as the handlers. If permitted, this would give the producer more equality with the handler and encourage the growing of wine varieties. In regard to this exception, it should be noted that the order is also silent on handlers substituting grapes, although it authorizes the substitution of products. Being silent on substitution of grapes, and since this would not violate the purposes of the program, it must be concluded that such substitution is permitted both on the part of the producer and the handler. However, since this involves an area of producer and handler relations, their sales contracts and buying arrangements, it is appropriate that this remain outside the scope of the order as now constructed.

An exception proposed that the powers of the committee include the right to bargain with processors or handlers as is permitted by section 6 of the Clayton Act. Since this proposal is outside the scope of the notice of hearing in this proceeding, it must be denied.

Exception was taken to the definition of "producer" and the manner of recognizing that the actual sale of grapes for crushing could occur indirectly through a middleman. It is proposed the definition be limited to direct deliveries but include middlemen for the purposes of §§ 1026.55, 1026.57, and 1026.62. However, to so limit the definition, would result in a portion of the "grapes for crushing" not having any producer. In other words, a portion of the grapes, whether fresh or dried, received and used by handlers would be without referable producers and the total tonnage of such grapes could not, due to a definition, be voted in a referendum. Since such a limitation would interfere with the rights of some producers, this exception is denied.

Exception was also taken to the definition of "normal outlets" as it appears in

§ 1026.62(b) and it was suggested that if any handler has established a market for any of the specified products in a geographic area, that area shall be regarded as a normal outlet. The exceptor's discussion does not indicate that he has considered the possible desirability of himself using surplus, at surplus prices, to more easily or more quickly expand in a geographical area. Moreover, there will be opportunity to set forth the limitations of this provision in administrative rules and regulations prior to the sale of any surplus. In view of these considerations, the exception is not adopted as part of the order.

Producer exceptors requested the Lodi area (San Joaquin county) or wine varieties of grapes be excluded on the basis that such grapes are not in surplus, the wine grape producing acreage is declining, Thompson seedless grapes are causing the surplus, some producers of wine varieties should not be under the program while producers in outside counties are not, producers of table and raisin varieties will be able to satisfy their setaside with culls but the wine variety producer will not have culls, and the order is unworkable because it would favor production and product sales expansion in outside counties, attract imports and give no assurance of more money to producers within the nine counties. These arguments also appear in the hearing record and were considered in the recommended decision. Exclusion of the county is not feasible because such would remove from regulation in excess of 20 percent of the tonnage of grapes in the nine-county area and almost half of the 20 percent is table varieties. Moreover, the so-called wine varieties include grapes in high demand as well as grapes which fill no special need. Two possibilities under the program would tend to correct the problems of the wine variety producers: (1) As indicated in the first exception, arrangements may be made to substitute lower priced grapes for the setaside on wine varieties in high demand, and (2) the administrative committee would need, in each season, to determine which varieties may be appropriately exempt from volume regulation without jeopardizing the objectives of the program. Proponents of the program proposed the exemption provision at the hearing and hence it would appear there is general recognition of the problems posed by these exceptors and a desire to make necessary exemptions in the course of administering the program. In view of these considerations, the requests for exclusion are denied. The points on the order being unworkable are considered hereinafter.

Handler exceptors of the Lodi area also indicated that wine variety grapes should receive special consideration and excepted to a statement in the recommended decision comparing prices of wine varieties in San Joaquin County with prices of raisin varieties crushed. Since the comparison is of data in the hearing record, it is of San Joaquin County wine varieties against raisin varieties crushed in all counties. Also, both price series are understood to be largely reflective of cash prices paid and are substantiated by comparing levels of weekly prices reported by the Federal-State Market News Service. Hence it is concluded that there is no material difference of view with the exceptors as to the meaning of the statement and that it accurately states the relationship of the price series in question.

These same handlers excepted to the definitions of "producer" and "grapes for crushing" in that neither limited producers to those with some material proportion of their production being utilized in the crushing outlet and they construed the words "whether directly or indirectly" in § 1026.6 to permit participation whether or not producers delivered grapes in previous years. The matter of requiring producers to deliver some material proportion of their grapes for crushing, to qualify as producers, was not resolved at the hearing. Since it involves questions on the appropriateness of applying, as an example, a 50 percent requirement to a producer of two tons and likewise a producer of 1,000 tons, hence qualifying one producer on the basis of one ton but requiring the other to so deliver 500 tons, the proposal requires substantially more exploration than is supplied by stating the generalization. As to the other issue, the recommended decision is clear as to the intent to provide for all forms of delivery. The phrase excepted to is not concerned with the question of "when." In view of these considerations, the exceptions are denied.

Exceptions were taken in the nature of proposals to require the committee to be elected annually to make it more responsive to the will of the board, and to permit the board to veto the budget and rate of expenses of the committee. The first proposal is not in accordance with the preponderance of evidence in the record and the second proposal would materially alter the duties of the board from those proposed and discussed at the hearing and hence is beyond the scope of the current proceeding. Consequently, both are denied.

Exception was taken to inclusion of § 1026.36 permitting research and development projects on the basis that such is already conducted by a board established under a State of California marketing order. However, inclusion of the section in the Federal order was stated in the recommended decision to be for the purpose of improving the committee's ability to make marketing determinations and to dispose of setaside. Neither of such functions are covered by the California board and hence the exception is denied.

Exception was taken to the need for each winery to set aside its share of the surplus as it may not have crushed any of "the surplus" and may have customers for its entire crush. However, the act requires that the burden of eliminating or controlling a surplus be equalized among the handlers of the commodity. Moreover, the order contains provisions so that handlers may obtain their setaside requirements from others and thus free their entire production for sale. The evidence is to the effect that independent handlers, as well as cooperatives, will be faced with the same problem. Independent handlers buying grapes for cash do not necessarily buy in excess of their sales and inventory requirements. The reduction of the salable portions of each winery is basic to economic action to stabilize or improve market prices. Hence this exception is denied.

The cooperative handlers also excepted to the right of producers to transfer equities in setaside to a third party and to the right to set aside products from grapes other than those grapes upon which the producer's pool interest is based. These provisions in combination are foreseen as providing an unfair business advantage to a commercial winery to the detriment of the cooperative wineries who will be unable to provide setaside products other than those derived from producer deliveries. Analysis of this problem, however, indicates that it arises not from the operational practices of cooperative versus independent but rather from the lesser flexibility of wineries crushing few varieties and producing few products versus those crushing many varieties and producing many products. The large, multiple grape variety, multiple product cooperatives will be able to set aside products which are surplus to them and not alter significantly their method of making pool returns to producers. Both the small, few grape variety, few product, independent and cooperative handlers may need to rely more heavily on the provisions as to obtaining setaside elsewhere and on the exemption of high demand varieties from the setaside requirement. The latter may materially relieve the exceptor handlers from the problems envisioned. Moreover, to the extent that a basic problem in flexibility of such handlers arises from the low prices of products, and the program improves the price level, there can simultaneously be expected an improvement in the capability of the handlers to meet the obligations of the program. The foreseen problems appear to be correctable under operation of the program. Therefore; the exception is denied.

A further exception is addressed to the need for relief from a mandatory sugar test due to not having the necessary platform (for sampling), testing equipment or trained employees to do the testing. This need for relief is based on the outcome of the referendum on issuance of the order not being known before the end of August and the wineries starting crushing by the first week in September. In this matter, sugar determinations would be made by inspectors of a designated State-wide organization who would have the simpler equipment. The results of the referendum, in the absence of abnormal delays, may be known some days earlier than the exceptors anticipated. Also, the program would be inoperable in the absence of sugar determinations. In view of these considerations it is concluded that no modification of the order for this exception is advisable and the exception is denied.

Exception was taken to § 1026.54 in that the unqualified use of the word "liens" failed to recognize that a lien is imposed, in certain instances, under Federal tax provisions preceding withdrawal

for use or shipment. Since the presence of any such lien does not create a significant problem in committee control and disposition of the product, such a lien should be permitted. Accordingly, the exception is granted and the first sentence of § 1026.54 modified by inserting after "liens," the words "other than those resulting from Federal gallonage tax provisions,".

Exception was taken to § 1026.62(b) on the basis that this paragraph (b) may not necessarily limit sales into normal outlets to handlers and to the price set forth. However, the second and concluding sentences thereof definitely restrict such sales to handlers and the third sentence fixes a single price per proof gallon equivalent. Hence it is concluded that the addition of the sentence proposed by the exceptors would merely be repetitious and the exception is denied.

Exception was also taken to the reduction of the price in § 1026.62(b) from the $1.70 contained in the notice of hearing to the $1.50 per proof gallon equivalent in the recommended decision. The basis for excepting was that there should be a good return to the grower for setaside coming into normal channels. However, the evidence in the record indicates substantial difference of opinion on this price and it is concluded that the reasoning of the recommended decision should prevail and the exception is denied.

Exception was taken to the distribution of proceeds in § 1026.62(d) in that all dispositions should "be deemed to have been on a first-in, first-out basis, with each crop year being considered a separate pool". It was stated that any other order of liquidation would be grossly unfair. An effort to foresee the probable disposition problems indicates, however, that initially substantial flexibility may be required until the pattern of both handler setaside and disposition outlets becomes reasonably clear. It is agreed that the setaside of each crop year should be a separate pool as it would be unnecessarily burdensome administratively, under varying annual surplus percentages, to combine setasides and fairly maintain the interests of equity holders. It does not follow, however, in view of the separate pools being composed of three different products, that no disposition of a later pool shall occur until all the products of an earlier pool have been disposed of. In lieu of attempting to resolve the complexity of this matter within the order, it is concluded that an appropriate policy should be adopted in administrative rules and regulations and hence the exception is denied.

A handler exceptor held that the recommended decision did not touch upon the basic issues of: (1) A very large price increase causing a forfeiture of markets to competitive beverages or producers, (2) safeguards and escape provisions (presumably against continuation of regulations adverse or unduly burdensome to the industry), (3) protection of the channels of distribution, and (4) protecting the interest of the small vintner. However, in response to this exceptor, it should be noted that a program to effectuate the declared policy of the act cannot be unmindful of the issues he raises. At the same time, a marketing order, which is essentially enabling administrative law, does not, generally, attempt to resolve these issues by being replete with all the permissive and prohibited actions thereunder. Normally, such will be resolved by administrative rules and regulations to be recommended by the committee and by rulings of the Secretary, or his authorized representatives, on the basis of the enabling act and Departmental policies and procedures. The function of this program must be not to forfeit markets but to gain markets, not to adversely affect producers and handlers but to promote their economic well-being, and, lastly, not to determine the processing-distribution structure but rather to set up some "rules of the game" wherein each may find his own niche. In lieu, therefore, of attempting to comply with the wishes of the exceptor, it is concluded that the program should have a normal development and growth of documentation and decisions based on the needs and conditions arising under the order.

The exceptor also stated that: (1) The sole right to vote upon and administer the program is denied (the vintner and) the grower delivering a major portion of his grapes to the winery, and (2) the price of wine grapes and inventories is undermined by permitting unlimited quantities of raisin sweepings to come into the winery. As elsewhere stated in the recommended decision and this decision, it would be inappropriate to declare many producers of grapes for crushing ineligible and thereby fix the sole right for the producer so delivering grapes. However, if producers in general desire to be represented only by producers sending a major portion of their tonnage to the winery, such is possible within the nominating procedures of the order. In the second instance, the order, as the enabling law, states the restriction and, if made effective, will need to be implemented by an administrative regulation which will establish a formula determining the weight of raisin residue from processing which handlers may receive. Thus the approximate objective of the exceptor, of fixing the weight, will be realized. In view of this, the exceptions are denied.

Exceptions were taken to the reasons for not releasing setaside whenever a vintner would pay an established price, to the basis of producer representation on the board, to the basis for permitting equities to be determined without regard to the field price, to the reasoning on term of office and why a proposed maximum assessment rate was not adopted, and to the mention of good sanitation for the raisin packer as a factor in permitting established practices to continue. Although the exceptor may not have found the reasoning persuasive on issues for which he favored a different findings, the reasons provide the considerations underlying the order provisions and hence the exceptions are denied. In one instance, that of the optional use of the field price as a factor in determining producer equity in the setaside, a fuller explanation would be that the evidence of the hearing as a whole indicates that there would probably be some submission of low priced grapes by producers for setaside or that handlers would make the substitution for the producer. If this were widespread, crediting each producer on the basis of the variety first delivered could be generally inconsistent with the facts surrounding his setaside. Hence, in lieu of providing a rigid method, which subsequent determinations may prove to be unworkable, the provision is made flexible. The record also contains evidence that in some seasons, the prices paid for the several varieties were substantially the same and this raises the possibility of no need to recognize price differentials as to grapes harvested for direct winery delivery. Moreover, the high priced wine grapes may be exempt from setaside, thereby resolving the problem of their price differential. It must be concluded that it is advisable to leave this matter to future action in lieu of fixing the method in the order.

The handler exceptor further contended that the recommended decision had no finding on five modifications proposed in his brief filed after the hearing. These modifications were for the purpose of: (1) Causing the burden to be different on various categories of handlers, (2) restricting the use of an agricultural commodity, sugar, not subject to the act, (3) permitting brandy producers to obtain their supplies from the setaside at $1.15 per proof gallon of finished brandy, (4) terminating or suspending the order when the effect is to restrict sales or accelerate the current rate of disappearance of California vintners or wine bottlers, and (5) providing for unfair trade practices. The first two modifications, in the form presented, are subject to legal question and the latter three are without adequate support in the record. However, all are proposals not the subject of due notice to persons likely to be affected and, as stated in the recommended decision, are not necessarily precluded from being appropriate subjects for notice in any future hearing. Accordingly, the exception is denied.

The National Association of Wine Bottlers, Inc. excepted to the preliminary statement of the recommended decision, to the findings and conclusions on each material issue, to rulings on proposed findings and conclusions, to the right of the Acting Director, Fruit and Vegetable Division, to rule on motions contained in briefs, to each general finding, to all parts and definitions (except §§ 1026.1, 1026.2, and 1026.3) of the recommended decision, and to the denial of an oral request for a further extension of time (after one had been granted) for filing briefs.

The exception to the preliminary statement was that members of the drafting committee proposing the program were solely vintners who do not qualify as producers or handlers, hence are not qualified under the act and the Secretary did not have sufficient reason to initiate the proceeding which is therefore illegal. However, the act does not treat of who may propose a marketing order. This is covered by § 900.3 of the

General Regulations of the Department (7 CFR Part 900) which states that it may be proposed by the Secretary or by any other person. Accordingly, it is concluded that the proceeding is legal and the exception is denied.

The nine exceptions to findings on material issue (1), are largely a repetition of proposals already considered and denied in the recommended decision. In other words, the conclusion has been correctly reached that the order would restrict the commodity grapes available for free use by handlers; that there is a "surplus" of grapes in this outlet consistent with the economic meaning of this word; that orderly marketing (as it exists under the raisin marketing order) does not exist in the crushing outlet; that the issue of being in interstate commerce does not require that it be grapes as received from producers; that wineries and distillers are handlers of grapes for crushing within the meaning of the act; that wine is a product of grapes (there appears to be no argument that seed, stems, juice are products and wine is basically the juice with its sugar permitted to become alcohol); that application of the controls is on the grapes; that provisions should be included which permit the development of outlets for surplus; and that the surplus should be permitted to be treated as a reserve, should a short crop year occur. Accordingly, the exceptions to material issue (1) are denied.

The seven exceptions to findings on material issue (2) are of the same nature as those to (1) and again conclusions have been correctly reached that returns to producers, at first delivery point, in the crushing outlet are below those of other outlets; the cost determination of $41 per ton of Thompson Seedless grapes is a reasonable approach as it is based on an eight ton yield per acre, the average yield in the State is approximately eight tons per acre and in excess of 550,000 tons of such grapes are delivered fresh to wineries annually; the disparity between prices within the area and outside (due to differing usages and demand) are adequately appreciated and a basis for excluding the outside counties; there is factual evidence supporting the downward trend of returns in the crushing outlet relative to other outlets; the analysis of the exceptor as to parity expresses similar views to those underlying the decision; a reasonable restriction of grapes for crushing could improve earnings of producers over the long run; and finally, the proceeding is not concerned with production control but rather with the marketing of whatever supply is produced. Accordingly, the exceptions on material issue (2) are denied.

The exceptions to findings on material issue (3), the program provisions, are in the form of further assertions as to lack of authority, do not tend to effectuate, will benefit solely vintners, conclusions have been improperly drawn or show a disregard for economic factors and that the authority sought is outside the case law on the subject. In a subsequent exception, it is questioned whether careful consideration was given to the briefs and it is asserted that recommendations by parties other than proponents were completely ignored. Most of these issues are considered in the recommended decision and elsewhere in this decision and there is no doubt that the Department is operating within existing authority, consistent with the act and with the due regard normal to marketing order promulgation. It has been ascertained that the Department officials responsible for drafting the recommended decision did read and consider each and every brief filed subsequent to the hearing. Also several recommendations by persons other than proponents were adopted or recognized in the provision changes over those appearing in the notice of hearing. The handler and producer representation on the board, the composition of the committee, and several details of operating provisions are altered from those contained in basic testimony of proponents. Between the time of issuance of a notice of hearing and the actual hearing, of course, the proponents adopted several changes in response to issues raised by other industry members. In view of these findings, the exceptions are denied.

Exception is taken to the further rulings as to the effect of burn damage on the potential grape for crushing surplus, on the need for a surplus in each season, on the alleged prejudgment of the issues by Department officials, on the right of Assistant Secretary James T. Ralph to sign the notice of hearing on April 25, 1961, and on the authority of G. R. Grange, as Acting Director of the Fruit and Vegetable Division, to rule on a motion reserved for the Secretary. The actions complained of were all proper and undertaken by duly authorized officials. The rulings, by appearing in the recommended decision, were tentative and are herein adopted. Hence, the exceptions are denied.

The July 1, 1961, estimate of the Federal-State Crop Reporting Service, which estimated a 1961 total California grape crop of about 2,850,000 tons of grapes including about 500,000 tons of wine grapes, was cited in support of exceptions filed in opposition to issuance of the proposed order. On July 28, 1961, motions were filed by exceptors, asserting that the August 1 estimate will be substantially reduced and requesting that final decision herein be delayed until the August 1 estimate becomes available. However, the July 1 estimate of 2,850,000 tons represents an above average crop. The August 1, 1961, estimate will not be available until at least August 10, 1961. To defer this final decision until that time, or later, would not be in the public interest. Such timing would for all practical purposes defeat or impair regulation for this crop year if there is a need for regulation. As more fully stated in the recommended decision, damage to the 1961 crop could result in greater use for crushing and, in any event, such information could and would be considered, if the order becomes effective, in formulating a marketing policy for the crop year. The motions and exceptions accordingly are denied.

Exception was taken to each of the general findings on such grounds as not effectuating, not regulating grapes but wine, not smallest area, and commodity not being in interstate commerce. Exception was taken to the order itself as being ineffectually drawn and inoperable to effectuate the declared policy of the act. However, the conclusions to which exceptions are taken are properly stated in the recommended decision and such conclusions have been amplified herein. Consequently these exceptions are denied.

The final exception was to the denial of an oral request for an extension of the time for filing briefs beyond the limits of the already extended time. In this regard, the hearing officer, at the conclusion of the hearing on May 31, 1961, fixed the time for filing briefs, proposing findings and conclusions, as June 19, 1961. Upon request of the National Association of Wine Bottlers, Inc., for a 14-day extension of such time and, in recognition of the counter consideration of an undue time extension precluding the possibility of making a program effective in time to apply to the oncoming crop, the time for filing briefs was extended to and including June 23, 1961. On that day a request of the same Association for a further extension of time was orally made and denied. In effect, the reasonableness, in view of all the considerations, of any extension of time had already been ruled upon. Moreover, an oportunity to submit exceptions was to follow the issuance of the recommended decision. This recommended decision was published in the FEDERAL REGISTER on July 7 and, an exception filing period established through July 17, subsequently extended on request of certain vintners to receipt not later than 5:00 p.m., e.d.t., July 21, 1961. In view of these considerations and the presence and participation of the Association representatives throughout the public hearing from May 22 through May 31, in Fresno, California, including the placement in the record, on the final day of such hearing, of many of the arguments subsequently placed in briefs, it is concluded that reasonable opportunity has been afforded the exceptor to present his views and therefore the exception is denied.

Exceptions by an individual bottler exceptor are similarly addressed to all material issues of the recommended decision and are based on reasoning comparable to that of the Association and one handler exceptor. These exceptions have already been considered herein and are similarly, as applicable, recognized or denied.

After the time for receiving exceptions expired some communications were received in the office of the Hearing Clerk covering substantially the same subject matter as considered and ruled upon in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Central California Grapes for Crushing" and "Order Regulating the Handling of Central California

Grapes for Crushing" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. The aforesaid marketing agreement and order shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure, governing proceedings to formulate marketing agreements and marketing orders, have been met.

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

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.), it is hereby directed that a referendum be conducted among the producers who, during the period July 1, 1960, through June 30, 1961 (which is hereby determined to be a representative period for the purpose of such referendum), have been engaged, within the counties of Sacramento, San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare, or Kern in the State of California in the production for market of grapes for crushing as defined in the order annexed to this decision and referendum order, to determine whether such producers approve or favor the issuance of the annexed order. Producers eligible to participate in the referendum are those who were engaged, in a proprietary capacity, within said counties, in the production and use or sale, whether directly or indirectly, of said grapes for crushing.

W. Allmendinger, Dower T. Mohun, David B. Fitz, and Joseph C. Genske, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, are hereby designated as agents of the Secretary of Agriculture to conduct said referendum severally or jointly.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except Those Applicable to Milk and Its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F.R. 5176), except that subparagraph (3) of paragraph (a) thereof is hereby modified for the purpose of this referendum to read as follows:

(3) Any individual casting a ballot in such referendum on behalf of a producer shall submit, with the ballot, evidence of his authority to cast such ballot, which evidence in the case of a corporation or a cooperative association shall be in the form of a certified copy of a resolution of the Board of Directors: *Provided,* That corporations, other than cooperative associations, casting a ballot in such referendum, need not furnish the aforesaid resolution if the person signing said ballot on behalf of the corporation executes the following certification: "I hereby certify that I am an officer or employee of the corporate producer for whom this ballot is cast, and that I have authority to take such action on its behalf."

Copies of the aforesaid annexed order, of the aforesaid referendum procedure, and of this decision and referendum order may be examined in the office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C.

Any producer entitled to vote in the referendum who does not receive a copy of the annexed order, voting instructions, or a ballot or other necessary forms may obtain same from any of the County Directors of Agricultural Extension in the indicated nine counties of the production area, or from W. Allmendinger, Berkeley Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 416, Mercantile Building, 2082 Center Street, Berkeley 4, California, or O. C. Fuqua, Fresno Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, 3525 East Tulare Street, Fresno 2, California.

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

Dated: July 31, 1961.

JAMES T. RALPH,
Assistant Secretary.

Order [1] Regulating the Handling of Central California Grapes for Crushing

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

§ 1026.0 Findings and determinations.

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

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

(2) The said order regulates the handling of grapes for crushing produced in the production area in the same manner as, and is applicable only to the persons in the respective classes of industrial or commercial activity specified in, the marketing agreement and order upon which a hearing has been held;

(3) The said order is limited in its application to the smallest regional production area which is practicable, con-

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

sistently with carrying out the declared policy of the act and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of grapes for crushing in the area covered by the order which require different terms applicable to different parts of such area; and

(5) All handling of grapes for crushing produced in the area and of the products thereof is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

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

DEFINITIONS

§ 1026.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the United States Department of Agriculture who is, or who may hereafter, be authorized to act in his stead.

§ 1026.2 Act.

"Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.).

§ 1026.3 Person.

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

§ 1026.4 Area.

"Area" means the nine central California Valley counties of Sacramento, San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare, and Kern.

§ 1026.5 Grapes for crushing.

"Grapes for crushing" means any grapes produced within the area, whether fresh or dried, which by crushing or other acts are prepared for fermentation or the production of grape juice or concentrate.

§ 1026.6 Producer.

"Producer" means any person engaged within the area, in a proprietary capacity, in the production and use or sale, whether directly or indirectly, of grapes for crushing.

§ 1026.7 Handle.

"Handle" means to receive and crush, ferment, or convert to juice or concentrate any grapes for crushing or to store, treat, sell, transport or ship into channels of trade, except as a common or contract carrier, the products of such grapes.

§ 1026.8 Handler.

"Handler" means any person within the State of California who handles and includes, but is not limited to, any vintner, distiller or processor.

§ 1026.9 Wine.

"Wine" means the product obtained by the fermentation of grape juice or must, with or without addition or abstraction, and if it contains 14 percent or less of alcohol by volume shall be known as "table wine" whereas if it contains in excess of 14 percent of alcohol by volume but not in excess of 24 percent, shall be known as "dessert wine."

§ 1026.10 High proof.

"High proof" means wine spirits, produced from grapes for crushing in a distilled spirits plant, and not held for use as commercial brandy.

§ 1026.11 Concentrate.

"Concentrate" means unfermented grape juice from which the major portion of the original water content has been removed.

§ 1026.12 Brandy.

"Brandy" means wine spirits, produced from grapes for crushing in a distilled spirits plant, which have not been distilled to more than 170 degree proof.

§ 1026.13 Setaside equivalent.

"Setaside equivalent" means the alcohol equivalent, in proof gallons, of the sugar content of grapes for crushing received by handlers and required to be set aside pursuant to a volume regulation.

§ 1026.14 Proof gallon.

"Proof gallon" means a standard liquid gallon of 231 cubic inches containing 50 percent alcohol by volume at 60 degrees Fahrenheit and as such is 100 degrees proof.

§ 1026.15 Crop year.

"Crop year" means the 12-month period beginning with July 1 of any year and ending with June 30 of the following year.

§ 1026.16 Cooperative association.

"Cooperative association" means a cooperative association of grape producers, or wholly owned subsidiary, organized under the non-profit cooperative association laws of the State of California for the purpose of directly or indirectly crushing grapes or disposing of the products thereof.

§ 1026.17 Part and subpart.

"Part" means the order regulating the handling of Central California grapes for crushing and all rules, regulations and supplementary orders issued thereunder. The order itself shall be a "subpart" of such part.

GRAPE CRUSH ADVISORY BOARD

§ 1026.20 Establishment and membership.

A Grape Crush Advisory Board (herein referred to as board) is hereby established consisting of 78 members of whom 48 shall represent producers and 30 shall represent handlers. The producer members shall be selected in accordance with the following numbers and districts: (a) Seven members for District No. 1: all of Sacramento County and that portion of San Joaquin County north of State Highway number 4; (b) two members for District No. 2: that portion of San Joaquin County south of State Highway number 4; (c) four members for District No. 3: Stanislaus County; (d) three members for District No. 4: Merced County; (e) three members for District No. 5; Madera County; (f) sixteen members for District No. 6: Fresno County; (g) two members for District No. 7: Kings County; (h) five members for District No. 8: Tulare County; and (i) six members for District No. 9: Kern County. For the initial board, the handler members shall be selected on the basis of one member for each handler of the twenty-two largest tonnages crushed in the 1960–61 crop year and eight to represent the remaining tonnage crushed. The representation of the eight members shall be apportioned so that four members represent approximately one-half of the remaining tonnages and those handlers crushing the larger tonnages whereas the other four shall represent the balance but handlers of the lesser tonnages. Subsequent handler members shall be selected to represent tonnages crushed in the crop year of nomination. For each member there shall be an alternate member.

§ 1026.21 Changes in representation.

The Secretary, upon recommendation of the committee, may change the total number of either the producer or handler members on the board, may change the districts or the numbers representing individual districts or may alter the number of handlers representing any tonnage category. In making any such changes, consideration shall be given to such factors as changes in the total number of producers or handlers, the volumes crushed, similarity in interests, or geographical shifts in the numbers of producers, handlers, grape acreages, or the crushing of grapes.

§ 1026.22 Eligibility.

Each producer member of the board, or alternate member, shall be, at the time of his selection and during his term of office, a producer in the district for which selected or in an adjoining district and, except for producer members of cooperative associations, shall not be engaged in the handling of grapes for crushing either in a proprietary capacity or as a director, officer, or employee. Each handler member of the board, and his alternate, shall be, at the time of his selection, a handler in the group he represents or an officer or employee of such handler and shall throughout his term of office so continue to be a handler. However, if a producer fails to deliver grapes for crushing or a handler crushes outside his tonnage category, in any crop year, he may fulfill his term of office in the position for which originally selected.

§ 1026.23 Term of office.

Members and alternate members of the board shall serve for terms of three years ending on April 30, the initial term ending on April 30, 1964, but each such

member and alternate shall serve until his successor is selected and has qualified.

§ 1026.24 Nomination.

Producers and handlers specified in § 1026.20, or as such may be changed pursuant to § 1026.21, other than handlers eligible to directly nominate a member and alternate, may nominate representatives at a nomination meeting or meetings held for each district or tonnage category. The committee shall give reasonable publicity to such nomination meetings. Only persons eligible to serve on the board shall be eligible to vote and each producer and each handler when voting at their respective meetings shall have but one vote. Voting at each meeting of producers shall be by secret ballot and at each meeting of handlers may be by secret ballot. The person receiving the majority of the votes cast for a position shall be the nominee, but in the event no person receives a majority there shall be a runoff vote between the two persons receiving the largest number of votes for each position. All nominations shall be certified by the board to the Secretary no later than April 5 immediately preceding the commencement of the term of office for the member or alternate member position for which a nomination is certified. For the purpose of obtaining the initial nominations, the Secretary shall perform the functions of the committee and the board.

§ 1026.25 Duties.

The duties of the board shall consist of selecting from among its members a chairman and other officers, the conducting of meetings for the purpose of making nominations for membership on the board and the certifying of such nominations to the Secretary, the making of nominations to the Secretary for member and alternate member positions on the committee, the making of recommendations to the committee with respect to marketing policy and the consideration of such other operational matters as it deems proper or as the committee may request.

GRAPE CRUSH ADMINISTRATIVE COMMITTEE

§ 1026.29 Establishment and membership.

A Grape Crush Administrative Committee (herein referred to as committee) is hereby established to administer the terms and provisions of this part. Such committee shall consist of 31 members of whom 18 shall represent producers, 12 shall represent handlers, and the 31st member shall be the chairman of the board and also the chairman of the committee. The producer representation shall be two members from each of the nine districts. The handler representation shall be one member for each of the handlers of the six largest tonnages crushed, four members for handlers of all other tonnages of the twenty-two largest tonnages, and one member from each of the remaining board categories of handler representation. For each member there shall be an alternate member.

§ 1026.30 Changes in representation.

The Secretary, on recommendation of the committee, may change the number of members on the committee or the numbers to represent producers, handlers, districts or tonnage categories. In making any such changes consideration shall be given to the same factors as are set forth in § 1026.21.

§ 1026.31 Eligibility.

No person shall be selected or continue to serve as a producer or handler member or alternate member of the committee unless he is serving as a member or alternate member of the board representing the same district or tonnage category or is awaiting the selection and qualification of his successor.

§ 1026.32 Term of office.

Members and alternate members of the committee shall serve for terms of three years ending on May 31, the initial term ending on May 31, 1964, but each such member and alternate member shall continue to serve until his successor is selected and has qualified.

§ 1026.33 Nomination.

The producer and handler members of the board respectively, including alternate members acting as members, shall nominate from among the producer members and producer alternate members of the board, the required number of persons to serve as producer members and alternate members of the committee and from the handler members and handler alternate members of the board, the required number of persons to serve as handler members and alternates on the committee. All such nominations shall be made by producers and handlers acting for their respective districts or tonnage categories. Nominations for the committee shall be certified by the board to the Secretary within 30 days following the selection of board members by the Secretary. For the purposes of initial nominations the Secretary shall consider nominations made by nominees for board membership.

§ 1026.34 Powers.

The committee shall have the following powers:

(a) To administer the terms and provisions of this part;

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

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

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

§ 1026.35 Duties.

The committee shall have among others the following duties:

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

(b) To keep minutes, books, and other records which shall clearly reflect all of its acts and transactions and these shall be subject to examination by the Secretary at any time;

(c) To investigate and assemble data on the production, handling, and marketing of grapes for crushing and the products of such grapes;

(d) To submit to the Secretary such available information with respect to grapes and grapes for crushing and the products thereof as he may request and such other information as the committee may deem desirable and pertinent;

(e) To select from among its members officers other than the chairman and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(f) To appoint or employ such other persons as it may deem necessary and to determine the salaries and define the duties of each such person;

(g) To cause the books of the committee to be audited by a certified public accountant at least once each crop year and at such other times as the committee may deem necessary or as the Secretary may request, to submit two copies of each such audit report to the Secretary, and to make available a copy which does not contain confidential data for inspection at the offices of the committee by producers and handlers;

(h) To prepare and submit to the Secretary monthly statements of the financial operations of the committee and to make such statements together with the minutes of the meetings of said committee and the board available for inspection at the offices of the committee by producers and handlers;

(i) To give the Secretary the same notice of meetings of the committee and the board as is given to members;

(j) To investigate compliance with and to use means available to the committee to prevent violation of the provisions of this part; and

(k) To establish with the approval of the Secretary such rules and regulations as are necessary or incidental to administration of this subpart, as are consistent with its provisions, and as would tend to accomplish the purposes of this subpart and the act.

§ 1026.36 Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of grapes for crushing or the products of such grapes. The expense of such projects shall be paid from funds collected pursuant to § 1026.72, but the expense of any projects involving setaside items may be allocated if appropriate, in whole or in part, to funds obtained from setaside disposition.

BOARD AND COMMITTEE

§ 1026.39 Selection.

The Secretary shall select producer and handler members and alternate members of the board and the committee in the numbers and with the qualifications specified in this subpart. Such selections may be made from the nomi-

nations certified by the committee and the board or from other eligible producers and handlers.

§ 1026.40 Failure to nominate.

In the event a nominee for any member or alternate member position is not certified pursuant to and within the time specified in this subpart, the Secretary may select an eligible person to fill such position without regard to nomination.

§ 1026.41 Qualify by acceptance.

Each person selected by the Secretary as a member or as an alternate member shall, prior to serving, qualify by filing with the Secretary a written acceptance as soon as practicable after being notified of such selection.

§ 1026.42 Alternate members.

An alternate for a member shall act in the place and stead of such member (a) during his absence, or (b) in the event of his removal, resignation, disqualification, or death, until a successor for such member's unexpired term has been selected and has qualified.

§ 1026.43 Vacancies.

Any vacancy occasioned by the removal, resignation, disqualification, or death of any member, or any need to select as successor through failure of any person selected as a member or alternate member to qualify, shall be recognized by the committee certifying to the Secretary a new nominee within 40 calendar days.

§ 1026.44 Compensation and expenses.

The members of the committee and the board, and the alternate members when acting as members, shall serve without compensation but shall be allowed their necessary expenses, actual or per diem, as approved by the committee.

§ 1026.45 Procedure.

All decisions of the board and the committee reached at an assembled meeting shall be by majority vote of the members present. All votes in an assembled meeting shall be cast in person and a quorum must be present for a valid decision. A quorum for the board shall consist of not less than 25 producer members and 16 handler members. A quorum for the committee shall consist of not less than 12 producer members and eight handler members. Such quorum requirements may be changed by the Secretary, upon recommendation of the committee, if warranted by changes pursuant to § 1026.21 or § 1026.30. The committee may vote by mail or telegram upon due notice to all members, but any proposition to be so voted upon first shall be explained accurately, fully, and identically by mail or telegram, to all such members. When any proposition is submitted to be voted on by such method, one dissenting vote shall prevent its adoption. Failure of any member, or alternate, acting for a member, to vote within a prescribed time shall be held to be a dissenting vote.

MARKETING POLICY

§ 1026.47 Marketing policy.

Prior to August 15 of each crop year, or in the initial crop year as soon as practicable, the committee shall prepare and submit to the Secretary a report setting forth its recommended marketing policy for the crop year. Notice of the committee's marketing policy shall be given promptly by reasonable publicity to producers and handlers. In the committee considerations and the report to the Secretary the following factors shall be included:

(a) With respect to wine, high proof, concentrate, brandy and such other grape products as the committee may determine: The reported June 30 carryover, the anticipated trade demand for the crop year, the desirable carryout, the resultant total handler need to produce such products, and the conversion of the total product need to grape tonnage of a specified sugar content (degrees Brix or Balling equivalent);

(b) The estimated production of grapes and the desirability of exempting any variety pursuant to § 1026.58(b); and

(c) The recommendation to the Secretary as to the tonnage of grapes for crushing, of a specified sugar content, which handlers may freely acquire and use for the crop year (hereinafter to be referred to as the "desirable free tonnage").

§ 1026.48 Establishment.

If on the basis of the committee recommendation or other information, the Secretary concurs on the likely need for volume regulation, he shall establish the desirable free tonnage at specified sugar content which handlers may freely acquire and use in the crop year.

RECEIVING REGULATION

§ 1026.50 Prohibition.

Handlers shall not receive and use as grapes for crushing any grapes from which a portion of the moisture has been removed by drying: *Provided,* That sweepings or other residual material from raisin processing may be received from any packer of raisins, directly or indirectly, and used to the extent of the approximate raisin weight of the industry-wide normal residual material from processing standard raisins. Such usage shall be according to rules and regulations prescribed by the committee. Consistent with Raisin Order No. 89, as amended (Part 989 of this chapter), standard raisins means raisins which meet the effective minimum grade and condition standards for natural condition raisins. The terms "sweepings" or "residual material" mean any chaff, large stems, capstems, blowovers, light raisins, damaged raisins, belt or machine residues, or other such material removed or lost in raisin processing.

VOLUME REGULATION

§ 1026.53 Percentages.

Whenever the committee concludes, which shall occur, unless the Secretary otherwise directs, no earlier than September 15 nor later than September 18 of the crop year, that the tonnage of grapes to be crushed during such year materially exceeds the desirable free tonnage, established by the Secretary, and that limiting the volume which handlers may freely acquire and use through establishing free and surplus percentages applicable to such total crush would tend to effectuate the declared policy of the act, it shall recommend such percentages to the Secretary. If, on the basis of the committee recommendation and other information, the Secretary concurs as to the need for volume regulation, he shall establish, as soon as practicable, free and surplus percentages, and the sum of such percentages for any crop year shall equal 100 percent. On or about January 15 of a crop year in which percentages are established, the committee shall determine the actual volume crushed and the average sugar content of the total crush and if either is materially lower than the earlier determinations, recommend new percentages for the crop year. If the Secretary concurs as to the need for a change, appropriate new percentages shall be established: *Provided,* That no such new percentages shall increase the surplus percentage.

§ 1026.54 Setaside.

Whenever free and surplus percentages for grapes for crushing have been established for a crop year by the Secretary, each handler shall set aside and hold in storage, within the State of California, for the account of the committee, free and clear of all liens, other than those resulting from Federal gallonage tax provisions, proof gallons of products, or the concentrate equivalent thereof, of the current year's crush equal to the setaside equivalent of the established surplus percentage applied to the total receipts of grapes for crushing at premises within the State of California controlled or operated by him. By January 31 the setaside equivalent shall be in the form, at the handler's option, of either dessert wine, other than special natural, of not less than 19.5 percent nor more than 21 percent alcohol by volume, high proof of not less than 185 degrees proof, concentrate of not less than 68 degrees Brix, or such other items as the committee may establish with the approval of the Secretary. All items setaside shall be of marketable quality, shall be stored to preserve their quality, and shall meet the standards of identity, quality, and condition established under Federal or State of California laws or regulations or as such may be modified for the purposes of this part by the committee with the approval of the Secretary. On any approved item, the committee, in its discretion, may permit storage, in adequate volumes, at less than specified levels of alcohol or sugar concentration, if the handler so desiring to store undertakes in writing to deliver, on demand, at the specified levels. In determining his gallonage setaside, each handler shall use conversion factors established by the committee

with the approval of the Secretary. Upon establishing the January 31 setaside, a handler may substitute any item held for the account of the committee upon prior notice to the committee of intent to withdraw, to substitute, and to withhold the equivalent in another category of eligible setaside: *Provided*, That the right to substitute may be suspended by the committee to facilitate disposition of setaside. Setaside items need not be in containers separate and apart from other like products held by the handler but each container with setaside shall be such as will maintain the condition of the item, shall be so labelled or marked as the committee may direct, and no withdrawals therefrom shall be made below the handler's effective setaside obligation. A handler shall commence delivery to the committee or its designee, upon five days' notice of any or all setaside items held for the account of the committee and at such rate as may be practicable. Setaside obligations shall be adjusted from time to time to recognize such normal shrinkage or loss as the committee may determine with the approval of the Secretary. Handlers shall use good commercial practices in caring for setaside items and be liable for losses of setaside resulting from lack of due care.

§ 1026.55 Equity holders.

So that the committee may determine each producer's, or his successor's in interest, equity in the total setaside, each handler who receives grapes for crushing shall determine, or cause to be determined, the variety, weight and sugar content of each lot of grapes received, the name and address of the producer or successor in interest, place of production, and shall cause these to be certified to the committee. Each weight determination shall be made by an official weighmaster of the State of California and each sugar content determination shall be made by the Federal-State inspection service of the State of California or such other service as may be recommended by the committee and approved by the Secretary.

§ 1026.56 Off-premise setaside.

No handler may transfer a setaside obligation but any handler may, upon notification to the committee, arrange to hold setaside, of his own production or which he has purchased, on the premises of another handler within California in the same manner as though the setaside were on his own premises.

§ 1026.57 Handler compensation.

Each handler shall be compensated for receiving, processing, storing and such other costs relating to the setaside as the committee may deem to be appropriate, in accordance with charges established at the beginning of the crop year by the committee with the approval of the Secretary. Such payments shall be borne by the producers, or their successors in interest, and may be deducted from any monies owed by handlers to such persons. A handler may request the committee to remove setaside from his premises upon expiration of prepaid storage charges or the refund of unearned charges, and the committee shall comply within a reasonable time consistent with the availability of suitable storage. Upon any such removal the handler shall forfeit, to the extent of the removed volume, his pro rata share in any offer to sell setaside items and such share shall be allocated to the successor storing handler.

§ 1026.58 Exemption.

(a) The committee may establish, with the approval of the Secretary, such rules and regulations as will permit exemption, from any or all provisions of this part, of any grapes for crushing which are used for producing products which do not become part of the commercial supply shipped into normal outlets.

(b) The committee may exempt from volume regulation, with the approval of the Secretary, any variety of grapes determined to be of such small production and restricted usage or in such short supply relative to demand that the exemption would not tend to affect adversely the attainment of the purposes of this part.

DISPOSITION

§ 1026.61 Prohibition.

Except as provided in §§ 1026.54 and 1026.62, the setaside shall not be used or disposed of by any handler.

§ 1026.62 Disposition.

(a) *General.* The committee shall have the power and authority to sell or dispose of any and all setaside upon the best terms and at the highest return obtainable consistent with the provisions and objectives of this part, including the encouragement of new uses or new geographical outlets. If on any January 31 the total setaside from all crop years is in excess of the equivalent of the shipments of dessert wine for the preceding six months ending December 31, the committee shall, in the absence of foreseeable sales of such excess in normal outlets pursuant to paragraph (b) of this section, dispose of the excess by June 30 in non-normal outlets.

(b) *Normal outlets.* For the purpose of disposition of setaside, normal outlets mean the established trade channels for wine, brandy, high proof, grape juice, concentrate and wine vinegar: *Provided*, That the committee, with the approval of the Secretary, may add other outlets and by administrative rules define the limits of any normal outlets to effectuate other provisions of this part. Sales of setaside to handlers shall be made whenever, due to a small grape production or other cause, it is necessary to add setaside to the actual crush to make available a crush equal to the desirable free tonnage. Such sales of setaside shall be made on the basis of $1.50 per proof gallon equivalent. No offer by the committee to sell such setaside to handlers for resale into free tonnage outlets shall become effective until the lapse of five days subsequent to notification of the Secretary of such offer or until the receipt of a notice from the Secretary that he does not disapprove the making of such offer. In any such offer, each handler holding setaside for the account of the committee shall have the first option to purchase such setaside to the extent of his pro rata share, based on holdings, of such offer.

(c) *Non-normal outlets.* The committee may sell or dispose of setaside in the non-normal outlets (those other than normal), including industrial alcohol, in a manner to achieve the general objectives of this part, and may make such sales to any handler or handlers, selling in or engaged in developing such outlets, without regard to pro rata participation by handlers: *Provided*, That, when such sale or disposition is for the purpose of reducing total inventories to the maximum permitted level, the withdrawal shall be made, insofar as practical, pro rata based on holdings, from all handlers.

(d) *Net proceeds.* The proceeds from the disposition of any setaside shall be distributed, after deduction of any expenses incurred by the committee in receiving, handling, holding, or disposing thereof, to the respective producers or their successors in interest, on the basis of the tonnage of their respective contributions to the setaside weighted by sugar content and, when determined to be appropriate for any varieties, by the season average field price of each variety. The distribution of proceeds to producer members of cooperative associations shall be made to the appropriate association.

REPORTS AND RECORDS

§ 1026.65 Reports.

(a) *Inventory.* Each handler shall, upon request of the committee, file with the committee a certified report, showing such information as the committee may specify with respect to any wine, high proof, concentrate, brandy, or other products of grapes for crushing which were held by him on June 30 and December 31 and such other dates as the committee may designate.

(b) *Receipts.* Each handler shall, upon request of the committee, file with the committee a certified report showing for each lot of grapes received, whether fresh or dried, the variety, weight, sugar content, place of production, and equity holder's name and address.

(c) *Setaside.* Each handler shall, upon request of the committee, file with the committee a certified report showing the setaside held for the account of the committee by items, the quantity of each being held, the proof gallon equivalent of each, and the premises at which held.

(d) *Other reports.* Upon the request of the committee, with the approval of the Secretary, each handler shall furnish to the committee such other information as may be necessary to enable it to exercise its powers and perform its duties under this part.

§ 1026.66 Records.

Each handler shall maintain such records pertaining to all grapes used, whether fresh or dried, and items setaside as will substantiate the required reports and such others as may be prescribed by the committee. All such records shall be maintained for not less than five years after the termination of

the crop year to which such records relate or for such lesser period as the committee may direct.

§ 1026.67 Verification of reports and records.

For the purpose of assuring compliance with record keeping requirements and verifying reports filed by handlers, the Secretary and the committee, through its duly authorized employees, shall have access to any premises where applicable records are maintained, where grapes, whether fresh or dried, are received and prepared for fermentation and where setaside items are held and, at any time during reasonable business hours, shall be permitted to inspect such handler premises, including setaside items, and any and all records of such handlers with respect to matters within the purview of this part.

§ 1026.68 Confidential information.

All reports and records furnished or submitted by handlers to, or obtained by the employees of the committee which contain data or information constituting a trade secret or disclosing the trade position, financial condition, or business operations of the particular handler from whom received, shall be treated as confidential and the reports and all information obtained from records shall at all times be kept in the custody and under the control of one or more employees of the committee, who shall disclose such information to no person other than the Secretary.

EXPENSES AND ASSESSMENTS

§ 1026.71 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it during each crop year for the maintenance and functioning of the committee and board and for such other purposes, other than expenses incurred in receiving, handling, holding or disposing of setaside, as the Secretary may, pursuant to the provisions of this subpart, determine to be appropriate. The committee shall file a proposed budget of expenses and rate of assessment with the Secretary as soon as practicable after the beginning of the crop year.

§ 1026.72 Assessments.

(a) *Requirement for payment.* Each handler shall pay to the committee, upon demand, with respect to free tonnage grapes for crushing received by him, including such grapes of his own production, his pro rata share of all expenses which the Secretary finds are reasonable and likely to be incurred by the committee during each crop year. Each handler's pro rata share shall be the rate of assessment per ton fixed by the Secretary. At any time during or after the crop year the Secretary may increase the rate of assessment to cover unanticipated expenses or a deficit in assessable tonnage. In order to provide funds to carry out the functions of the committee and the board, the committee may accept advance payments from any handler and such shall be credited towards assessments levied pursuant to this section against such handler. The payment of expenses for the maintenance and functioning of the committee and the board may be required throughout the period during which this part is in effect and irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) *Refunds.* Any money collected as assessments during any crop year and not expended in connection with the committee's operations may be used by the committee for a period of four months subsequent to the end of such crop year. At the end of such period the committee shall, from funds on hand, refund or credit to handlers' accounts the aforesaid excess. Each handler's share of such excess fund shall be the amount of the assessment he has paid in excess of his pro rata share of the actual expenses of the committee for the preceding crop year. Any money collected as assessments hereunder and remaining unexpended in the possession of the committee, or a successor board of trustees for liquidation, after termination of this part, shall be distributed in such manner as the Secretary may direct: *Provided,* That, to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(c) *Sugar determinations.* The committee may enter into an agreement with the inspection service regarding determination of the sugar content pursuant to § 1026.55, the cost thereof, and the payment by handlers of their pro rata shares of such cost based on the tonnage received and used.

MISCELLANEOUS PROVISIONS

§ 1026.75 Rights of the Secretary.

The members of the committee and board (including successors or alternates) and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary, in his discretion, at any time. Each and every decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time, and upon such disapproval, shall be deemed null and void.

§ 1026.76 Personal liability.

No member or alternate member of the committee or board, nor any employee, representative, or agent of the committee shall be held personally responsible, either individually, or jointly with others, in any way whatsoever, to any person, for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate member, employee, representative, or agent, except for acts of dishonesty.

§ 1026.77 Separability.

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

§ 1026.78 Derogation.

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

§ 1026.79 Duration of immunities.

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

§ 1026.80 Agents.

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

§ 1026.81 Effective time.

The provisions of this subpart, as well as any amendments to this subpart, shall become effective at such time as the Secretary may declare, and shall continue in force until terminated or suspended in one of the ways specified in § 1026.82.

§ 1026.82 Termination or suspension.

(a) *Failure to effectuate policy of act.* The Secretary shall terminate or suspend the operation of any or all of the provisions of this subpart, whenever he finds that such provisions obstruct or do not tend to effectuate the declared policy of the act.

(b) *Referendum.* The Secretary shall terminate the provisions of this subpart on or before the thirtieth day of June of any crop year whenever he is required to do so by the provisions of section 8c(16)(B) of the act. The Secretary may, at any time he deems it desirable, hold a referendum of producers to determine whether they favor termination of this subpart. However, the Secretary shall hold a referendum of producers in the period July 1–July 15, 1963, to determine whether they favor termination at the end of the third crop year, and after the first referendum shall hold one for the same purpose between July 1 and July 15 of any third year, if the Secretary receives a recommendation, adopted by the board, requesting the holding of such a referendum. The results of any such referendum shall be announced by the Secretary by August 15 of the crop year in which held.

(c) *Termination of act.* The provisions of this subpart shall terminate, in any event, upon the termination of the act.

§ 1026.83 Procedure upon termination.

Upon the termination of this subpart, the members of the committee then functioning shall continue as joint trustees, for the purpose of liquidating the affairs of the committee. Action by such trustees shall require the con-

currence of a majority of said trustees. Such trustees shall continue in such capacity until discharged by the Secretary, and shall account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and the joint trustees, to such person as the Secretary may direct; and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all the funds, properties, and claims vested in the committee or the joint trustees, pursuant to this subpart. Any person to whom funds, property, or claims have been transferred or delivered by the committee or the joint trustees, pursuant to this section, shall be subject to the same obligations imposed upon the members of said committee and upon said joint trustees.

§ 1026.84 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provisions of this subpart or any regulation issued under this subpart, or (b) release any setaside held for the account of the committee nor permit its disposition contrary to the provisions of this subpart, or (c) release or extinguish any violation of this subpart or any regulation issued under this subpart, or (d) affect or impair any rights or remedies of the Secretary, or of any other person, with respect to such violation.

§ 1026.85 Amendments.

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

[F.R. Doc. 61-7331; Filed, Aug. 2, 1961; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 290, 377]

[Docket No. 12864]

OPERATIONS PURSUANT TO EXEMPTION AUTHORITY AND CONTINUANCE OF EXPIRED AUTHORIZATIONS BY OPERATION OF LAW PENDING FINAL DETERMINATION OF APPLICATIONS FOR RENEWAL THEREOF

Notice of Proposed Rule Making

JULY 28, 1961.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed revision, as well as a change in the present part number, heading and subchapter of Part 290 of the Economic Regulations. This notice supersedes the earlier notice of proposed rule making (DR 106, 24 F.R. 436) on this subject. As revised, Part 290 is Part 377 of the Special Regulations.

The principal features of the proposed regulation are explained below in the Explanatory Statement and the proposed amendment is set forth below. This rule-making action is proposed under the authority of sections 204(a) and 1001 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 788; 49 U.S.C. 1324, 1481) and under the authority of sections 9(b) and 12 of the Administrative Procedure Act (60 Stat. 242, 244; 5 U.S.C. 1008, 1011).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington 25, D.C. All relevant matter in communications received on or before September 1, 1961, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

Explanatory statement. Section 9(b) of the Administrative Procedure Act provides in pertinent part that where the holder of a license with reference to an activity of a continuing nature has, in accordance with agency rules, made timely and sufficient application for a renewal thereof, the license shall not expire until the renewal application has been finally determined by the agency. Part 290 contains the Board's rules implementing these provisions of section 9(b) in respect of exemptions granted under section 416(b) of the Federal Aviation Act of 1958, as amended.

The proposed rule would further implement those provisions by expanding the scope of the regulation to include temporary authorizations granted under sections 101(3), 401, 408, 409, and 412 of the Act.

The instant proposal would require applications for renewal of temporary authorizations intended to invoke the referenced provisions of section 9(b) to be filed at least 60 days, and in the case of section 401 certificates six months, in advance of the expiration date thereof. Experience demonstrates that such a period of advance notice to the Board is necessary to expedite the final disposition of such applications. Requests for a Board interpretation as to whether any expiring temporary authorization will be extended under section 9(b) would have to be filed 60 days before the latest date for filing renewal applications, thus 120 days, or in the case of section 401 authorizations, 240 days before the expiration date of the authorization. The purpose of this provision is to enable the Board to render the interpretation before a renewal application would have to be filed under this regulation. Under the new rule, the Board would notify applicants whose renewal applications are found defective, and it would permit them to cure the deficiency as a matter of right at any time prior to the latest date specified for the filing of a timely renewal application.

The proposed rule would also prescribe the substantive contents of renewal applications intended to invoke section 9(b) rights. Thus, it would specifically provide that each such application shall identify the authorization or authorizations involved and indicate the applicant's intention to rely upon the provisions of that section.

Present § 290.1(c) defines a "sufficient" application for renewal of an exemption or for a new exemption granting the same authority as one "which does not seek substantially greater or different authority than that in the existing exemption." However, one of the purposes of renewal proceedings concerned with authority to furnish air transportation services is to enable the Board to modify the routes established by an expiring temporary authorization [1] in order to eliminate uneconomical service and create more efficient service. On the other hand, a carrier cannot, by omitting unwanted points from its renewal application for a route (as defined in the proposed rule), unilaterally amend an expired route authorization for the period during which it is continued by operation of law. For, the only "license" which can be so continued under section 9(b) is the expired temporary authorization as it is. Therefore, the proposed regulation provides that applications for renewal of route authority which invoke the provisions of section 9(b) must, as a minimum, request renewed operating authority between the terminals of any separate route which was designated in the expiring authorization. However, applicants need not request renewed authority for other separate routes, contained in the expiring authorization, which they do not wish to renew. The continuing duty of the applicant to render adequate service to each point named in an expired authorization, which is extended by section 9(b), is spelled out in the regulation.

Finally, it appeals to the Board that the heading of this part should be changed to reflect the expanded scope which has been proposed therefor, and that the part should be renumbered as Part 377 of the Special Regulations.

Proposed rule. It is proposed to rescind Part 290 of the Economic Regulations (14 CFR Part 290) and to issue a new Part 377 of the Special Regulations (14 CFR Part 377) to read as follows:

[1] These would be approved service plans in the case of certificates subject to the provisions of Part 203 of the Economic Regulations.

PART 377—CONTINUANCE OF EXPIRED AUTHORIZATIONS BY OPERATION OF LAW PENDING FINAL DETERMINATION OF APPLICATIONS FOR RENEWAL THEREOF

Subpart A—General Provisions

§ 377.1 Definitions.

As used in this part:

Act means the Federal Aviation Act of 1958, as amended.

Authorization means any agency certificate, approval, statutory exemption or other form of permission granted pursuant to sections 101(3), 401, 408, 409, 412, and 416 of the Federal Aviation Act of 1958, as amended. Where any operating authorization creates more than one separate route, each of these shall be deemed a separate authorization for the purposes of this part.

Renewal application means any application filed in conformity with the requirements of this part which requests either a renewal or a new license and is intended to invoke the provisions of the last sentence of section 9(b) of the Administrative Procedure Act, 5 U.S.C. 1008(b).

Route means an authorization which permits an air carrier to render unlimited regularly scheduled service between a specifically designated pair of terminal points and intermediate points, if any.

§ 377.2 Applicability of part.

This part contains the Board's rules implementing the provisions of the last sentence of section 9(b) of the Administrative Procedure Act[1] with regard to applications for renewal of temporary authorizations granted pursuant to sections 101(3), 401, 408, 409, 412, and 416 of the Federal Aviation Act of 1958, as amended. *Provided,* That nothing in this part shall be construed as preventing the Board from terminating at any time, in accordance with law, any authorization or any extension thereof, or as a determination that any given authorization is a license with reference to any activity of a continuing nature within the meaning of section 9(b) of the Administrative Procedure Act.

§ 377.3 Authorizations not licenses with reference to an activity of a continuing nature.

The Board hereby determines that the following authorizations are not "licenses with reference to any activity of a continuing nature" within the meaning of section 9(b) of the Administrative Procedure Act:

(1) Authorizations granted for a specified period of 180 days or less;

(2) Authorizations other than those granted pursuant to section 401 of the Act which by their terms are subject to termination at an uncertain date upon the happening of an event, including fulfillment of a condition subsequent or occurrence of a contingency. When such an authorization by its terms terminates alternatively upon the happening of an event or the arrival of a specified date, the occurrence of the event prior to the specified date ends the authorization and no previously or subsequently filed renewal application shall be effective to extend such authorization.

[1] "In any case in which the licensee has, in accordance with agency rules, made timely and sufficent application for a renewal or a new license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined by the agency."

§ 377.4 Procedure to obtain Board interpretation.

In any case not expressly provided for by these rules, the Board will determine upon written request by the holder of a temporary authorization or by any competitively affected air carrier or upon its own initiative, whether under section 9(b) of the Administrative Procedure Act any authority granted would be continued in force beyond the expiration date therein specified until final determination of a timely and sufficient renewal application. Written requests for such a determination shall be filed at least 60 days prior to the date herein prescribed for the timely filing of applications for renewal. *Provided,* That filing of such written request shall not affect the requirements for timeliness of renewal applications contained in this Part or other applicable Board regulation or order.

§ 377.5 Effective date.

This part shall become effective 30 days after the date of its publication in the FEDERAL REGISTER and its provisions shall be applicable to all temporary authorizations which are outstanding and scheduled to expire by their terms within 120 days of the effective date of this regulation or, in the case of certificates of public convenience and necessity issued under section 401, within 240 days thereof, and to all such temporary authorizations thereafter granted.

Subpart B—Renewal Applications and Procedure Thereon

§ 377.10 Requirements for, and effect of, renewal applications.

(a) *Identification of authorization covered by renewal application.* Each renewal application shall identify the authorization or authorizations to which it is intended to relate. The application shall indicate the applicant's intention to rely upon section 9(b) of the Administrative Procedure Act as implemented by this part. In case of applications for renewal of an authorization for route service, the renewal application shall specifically identify the separate routes which the applicant proposes to continue serving pursuant to the expiring authorization, pending final determination of the renewal application.

(b) *Contents of renewal application.* The application must contain all the information required by law and the Board's regulations, and meet the requirements thereof as to form. The new authorization sought need not be of the same duration as the expiring authorization. If the application relates to renewal of route authority, it must contain, as a minimum, a request for renewed authority to render route service between the terminals named in each separate route for which renewal is requested.

(c) *Timeliness.* The application must be filed and served in compliance with applicable provisions of law and the Board's regulations not later than 60 days before the expiration date of the outstanding temporary authorization to which it relates. In the case of certificates of public convenience and necessity issued under section 401, it must be filed not later than 180 days before the expiration date thereof. *Provided,* That nothing herein shall supersede a requirement for earlier filing in any provision of law or of the Board's regulations. *Provided further,* That where an authorization pursuant to section 401 of the Act terminates by its terms upon the happening of an event which could not be foreseen, a renewal application filed within 30 days from the time the carrier has notice that the event will occur, or has occurred, shall be deemed timely.

(d) *Effect.* In the case of authorizations which constitute licenses with reference to activities of a continuing nature within the meaning of section 9(b) of the Administrative Procedure Act, the filing of an application complying in all respects with the requirements of paragraphs (a) through (c) of this section shall extend the authorization to which it relates as then outstanding in its entirety, together with all applicable terms, conditions and limitations, until the application has been finally determined by the Board. In the case of routes granted under section 401 of the Act, the duty to render adequate service continues to attach to every point as provided in the expired authorization which is extended pursuant to this provision. The date of final determination of the application shall be the date when the final order determining the application takes effect, or when the applicable period for filing of petitions for rehearing, re-argument or reconsideration expires, or when a timely filed petition therefor is denied, whichever occurs latest.

§ 377.11 Processing of defective renewal applications.

When the Board determines that a renewal application does not comply with the requirements of this part, or that it does not relate to a license with reference to an activity of a continuing nature, it will so notify the applicant. The applicant may amend his application to cure the deficiency as a matter of right at any time prior to the date when the application was due pursuant to § 377.10(c).

[F.R. Doc. 61-7335; Filed, Aug. 2, 1961; 8:51 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[412.6]

VITAMIN B–12 (CYANOCOBALAMIN)

Tariff Classification

JULY 27, 1961.

The Bureau of Customs published in the FEDERAL REGISTER of May 23, 1961 (26 F.R. 4431), notice that it had under review the existing practice of classifying all vitamin B–12 (cyanocobalamin) under paragraph 5, Tariff Act of 1930, dutiable at the reduced rate of 10½ percent ad valorem; the medicinal grade as a vitamin medicinal preparation, not specially provided for, and the nonmedicinal grade as a chemical compound, not specially provided for.

The Bureau, by letter dated July 27, 1961, addressed to the collector of customs, New York, New York, held that vitamin B–12 manufactured with the use of a coal-tar product in such a way that the coal-tar product becomes an integral part of the vitamin B–12 molecule, if of medicinal grade, is classifiable under paragraph 28(a) as a medicinal, obtained, derived, or manufactured in part from any product provided for in paragraph 27 or 1651 and dutiable at the reduced rate of 3½ cents per pound and 25 percent ad valorem or, if not of medicinal grade, classifiable under paragraph 27(a)(3)(5) as a product obtained, derived, or manufactured in any part from any product provided for in paragraph 27 or 1651 dutiable at the reduced rate of 3½ cents per pound and 25 percent ad valorem. Other vitamin B–12 remains classifiable under paragraph 5.

Insofar as this decision results in the assessment of duty at a rate of duty higher than that which has been assessed under a uniform and established practice, it shall be applied only to such or similar merchandise entered, or withdrawn from warehouse, for consumption after 90 days after the date of publication of an abstract of this decision in the weekly Treasury Decisions.

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

[F.R. Doc. 61–7323; Filed, Aug. 2, 1961; 8:48 a.m.]

Office of the Secretary

[Treasury Department Order No. 170–9]

ADMINISTRATIVE ASSISTANT SECRETARY

Transfer of Responsibilities

By virtue of the authority vested in me as Secretary of the Treasury by Reorganization Plan No. 26 of 1950, there are hereby transferred to the Administrative Assistant Secretary from the Fiscal Assistant Secretary and the Commissioner of Accounts such of their respective responsibilities as relate to the development of regulations to be observed in the several bureaus and the general administration of (1) fiscal internal auditing pursuant to Department Circular No. 924, dated June 24, 1953, and (2) administrative accounting for appropriations and funds.

Such personnel, records, equipment, and funds as are mutually determined by the Commissioner of Accounts and the Administrative Assistant Secretary to be related to the performance of these functions are hereby ordered transferred from the Bureau of Accounts to the Office of the Administrative Assistant Secretary.

The functions herein transferred may be reassigned by the Administrative Assistant Secretary to subordinates in such manner as he shall direct.

This order shall become effective immediately. Any previous orders in conflict with the provisions of this order are hereby amended accordingly, including Treasury Department Order No. 164, dated December 12, 1952.

Dated: July 28, 1961.

[SEAL] DOUGLAS DILLON,
Secretary.

[F.R. Doc. 61–7326; Filed, Aug. 2, 1961; 8:49 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

N.V. ADMINISTRATIEKANTOOR "ERGO"

Notice of Intention to Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

N.V. Administratiekantoor "ERGO" Amsterdam, The Netherlands; $5,141.95 in the Treasury of the United States.
Vesting Order No. 18488; Claim No. 62342.

Executed at Washington, D.C., on July 28, 1961.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Acting Director,
Office of Alien Property.

[F.R. Doc. 61–7321; Filed, Aug. 2, 1961; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[State Director's Order No. 5]

COLORADO

Delegation of Authority; Contracts

JULY 24, 1961.

Pursuant to the authority contained in section 1(d) of Order No. 679 of the Director of the Bureau of Land Management, the following classes of employees are authorized to enter into contracts for construction or services, including equipment rental, not to exceed $2,500.00. Any one purchase order of materials or supplies is not to exceed $500.00.

District Manager, Craig, Colo.
District Manager, Denver, Colo.
District Manager, Montrose, Colo.
District Manager, Durango, Colo.
District Manager, Canon City, Colo.
District Manager, Grand Junction, Colo.

Authority to make individual purchases of materials or supplies not to exceed $500.00 is delegated to the following classes of employees:

District Administrative Assistants for Colorado.
Supervisory Cadastral Surveyors for Colorado (Party Chiefs).

Individual purchases of office furniture or equipment of any kind are limited to $500.00 for all classes of employees referred to above.

This order revokes Colorado State Director's Order No. 2 and Amendment No. 1, and all previous delegations of authority for open market purchases and contracts.

LOWELL M. PUCKETT,
State Director,
Colorado State Office.

[F.R. Doc. 61–7307; Filed, Aug. 2, 1961; 8:47 a.m.]

NEW MEXICO

Notice of Proposed Withdrawal and and Reservation of Lands

JULY 26, 1961.

The Bureau of Indian Affairs has filed an application, Serial Number NM 0175794 (Okla.) for the withdrawal of the lands described below, from all forms of appropriation including the general mining and the mineral leasing laws. The applicant desires the land for Indian school purpose (the Jones Academy).

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

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

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

The lands involved in the application are:

INDIAN MERIDIAN

T. 5 N., R. 17 E.,
Sec. 21: E½SW¼SW¼, SE¼SW¼;
Sec. 28: W½E½, W½.

The area described aggregates 540 acres.

CHESLEY P. SEELY,
State Director.

[F.R. Doc. 61-7308; Filed, Aug. 2, 1961; 8:47 a.m.]

[No. 62-2]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands

JULY 26, 1961.

The United States Forest Service, Department of Agriculture, has filed an application, Serial No. Oregon 010194, for the withdrawal of the National Forest lands described below, subject to valid existing rights, from all forms of appropriation under the public land laws including the general mining laws, but excepting the mineral leasing laws.

The purpose of the withdrawal is to segregate lands in public recreation areas for continued public enjoyment.

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, 710 NE. Holladay Street, Portland 12, Oreg.

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:

WILLAMETTE MERIDIAN, OREGON

ROGUE RIVER NATIONAL FOREST

Applegate Campground

Jackson County

T. 40 S., R. 3 W.,
Sec. 5: SW¼SW¼—40 acres.

SISKIYOU NATIONAL FOREST

Lower Rogue River Recreation Area

Curry County

T. 33 S., R. 10 W.,
Sec. 17: Lots 3 and 7, SW¼NE¼, SE¼NW¼, NW¼SE¼—185.16 acres.

Bolan Lake Recreation Area

Josephine County

T. 41 S., R. 6 W.,
Sec. 6: Lot 4, SE¼SW¼;
Sec. 7: Lots 1, 2, 3, 4, E½W½.

T. 41 S., R. 7 W.,
Sec. 1: SE¼SE¼;
Sec. 12: E½NE¼, NE¼SE¼—599.68 acres.

The lands described aggregate 824.84 acres.

RUSSELL E. GETTY,
State Director.

[F.R. Doc. 61-7309; Filed, Aug. 2, 1961; 8:47 a.m.]

[No. 62-1]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands

JULY 21, 1961.

The Department of the Army, Corps of Engineers, has filed an application, Serial No. Oregon 011235, for the withdrawal of the lands described below, subject to valid existing rights, from all forms of appropriation under the public land laws, including mining locations under the general mining laws, and mineral leasing under the mineral leasing laws.

The applicant desires the land for the construction and operation of the Green Peter Reservoir Project on the Middle Santiam River in Linn County, Oregon, which is being constructed for watershed protection, flood control and power development benefits. Essentially all of the lands withdrawn will be inundated or subject to inundation.

The Bureau of Land Management will continue to manage, consistent with the objectives of the Green Peter Project, all other resource values of the lands involved.

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, 710 NE. Holladay Street, Portland 12, Oregon.

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:

WILLAMETTE MERIDIAN, OREGON

T. 12 S., R. 3 E.,
Sec. 20: SW¼SW¼SW¼, S½SE¼SW¼;
Sec. 27: SE¼NW¼SE¼, SW¼SE¼;
Sec. 28: N½SW¼NW¼;
Sec. 30: E½E½NE¼.

The areas described aggregate 140 acres of public domain lands.

T. 12 S., R. 3 E.,
Sec. 9: NE¼NE¼SE¼, S½NE¼SE¼, S½NW¼SE¼, SW¼SE¼;
Sec. 10: N½NW¼SW¼;
Sec. 17: E½SW¼SE¼, SE¼SE¼;
Sec. 19: SE¼SE¼SE¼;
Sec. 21: NW¼NE¼NW¼, W½NW¼, SW¼SE¼NW¼, W½W½SW¼, NE¼SW¼SW¼, W½NE¼SW¼;
Sec. 29: N½NE¼, N½SE¼NE¼, NE¼SW¼NE¼, NE¼SE¼NW¼, W½SE¼NW¼, SW¼NE¼SW¼, SW¼SW¼;
Sec. 31: NW¼NE¼NE¼, NE¼NW¼NE¼, W½NW¼NE¼;
Sec. 32: SE¼NE¼, S½SW¼NE¼, SW¼SE¼NW¼;
Sec. 33: S½NW¼.

The areas described aggregate 730 acres of O&C lands.

RUSSELL E. GETTY,
State Director.

[F.R. Doc. 61-7310; Filed, Aug. 2, 1961; 8:47 a.m.]

[No. 62-3]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands

JULY 26, 1961.

The United States Forest Service, Department of Agriculture, has filed an application, Serial No. Oregon 011648, for the withdrawal of the National Forest lands described below, subject to valid existing rights, from all forms of appropriation under the public land laws, including the general mining laws but excepting the mineral leasing laws.

The purpose of the withdrawal is to segregate lands in public recreation areas for continued public enjoyment.

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, 710 NE. Holladay Street, Portland 12, Oregon.

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:

WILLAMETTE MERIDIAN, OREGON

OLIVE LAKE RECREATION AREA

(*Umatilla National Forest*)

T. 9 S., R. 34 E.,
Sec. 15: SW¼NE¼, NE¼SW¼, S½SW¼;
Sec. 22: Lot 2, SW¼NE¼, NE¼SW¼, S½SW¼, W½SE¼—435.70 acres.

PANTHER CREEK CAMPGROUND

(*Siskiyou National Forest*)

T. 33 S., R. 13 W.,
Sec. 18. N½SE¼SE¼, SE¼SE¼SE¼;
Sec. 19: E½NE¼NE¼;
Sec. 20: W½NW¼NW¼—70.00 acres.

BUTLER BAR CAMPGROUND

(*Siskiyou National Forest*)

T. 33 S., R. 13 W.,
Sec. 17: W½NE¼—80 acres.

MCGRIBBLE CAMPGROUND

(*Siskiyou National Forest*)

T. 33 S., R. 14 W.,
Sec. 20: SE¼NW¼—40 acres.

WILDHORSE CAMPGROUND

(*Siskiyou National Forest*)

T. 36 S., R. 12 W. (unsurveyed),
Sec. 18: S½NE¼NW¼, SE¼NW¼, N½NE¼SW¼, NE¼NW¼SW¼ E½SW¼NW¼—110 acres.

ELKO SPRING CAMPGROUND

(*Siskiyou National Forest*)

T. 37 S., R. 13 W. (unsurveyed),
Sec. 10: SW¼NE¼—40 acres.

PINE POINT CAMPGROUND

(*Siskiyou National Forest*)

T. 37 S., R. 12 W. (unsurveyed),
Sec. 18: S½SW¼NE¼, NW¼SE¼—60 acres.

HUNTLEY SPRING CAMPGROUND

(*Siskiyou National Forest*)

T. 37 S., R. 12 W., (unsureved),
Sec. 20: NW¼SW¼, SW¼NW¼—80 acres.

FLYCATCHER SPRING CAMPGROUND

(*Siskiyou National Forest*)

T. 37 S., R. 13 W. (unsurveyed),
Sec. 19: S½NE¼SW¼, SE¼SW¼—60.00 acres.

The above described areas aggregate 975.70 acres.

RUSSELL E. GETTY,
State Director.

[F.R. Doc. 61-7311; Filed, Aug. 2, 1961; 8:47 a.m.]

[State Order 12]

WYOMING

Redelegation of Authority by State Director to Chief, Division of Engineering

JULY 25, 1961.

Pursuant to authority contained in Bureau Order 541, Amendment No. 17, dated April 21, 1961, authority is hereby redelegated to the Chief, Division of Engineering, to take action for the State Director in all matters listed in section 2.4:

(1) Perform all functions pertaining to the survey and resurvey of public lands under his jurisdiction pursuant to 43 U.S.C. sec. 2, except the acceptance of plats of survey and resurvey and the approval of protracted survey diagrams.

(2) Recommend to the Director for appointment mineral surveyors found to be competent pursuant to 30 U.S.C. sec. 39.

(3) Approval of plats and field notes mineral surveyors and the certification as to expenditures pursuant to 43 CFR 185.43.

This order to become effective immediately upon publication in the FEDERAL REGISTER. The authority delegated may not be redelegated.

ED PIERSON,
State Director.

[F.R. Doc. 61-7312; Filed, Aug. 2, 1961; 8:47 a.m.]

OREGON

Redelegation of Authority

JULY 25, 1961.

Pursuant to the authority contained in section 3, Bureau of Land Management Order 680 of June 29, 1961, the Property and Supply Officer is authorized to take action for and in behalf of the Field Administrative Officer with respect to the assignment, transfer and disposition of real property and related personal property.

To become effective upon publication. Authority delegated may not be redelegated.

GARTH H. RUDD,
Field Administrative Officer.

[F.R. Doc. 61-7313; Filed, Aug. 2, 1961; 8:47 a.m.]

OREGON

Redelegation of Authority to Dispose of and to Transfer Personal Property

JULY 25, 1961.

Pursuant to the authority contained in section 2, Bureau of Land Management Order 681 of June 30, 1961, the Property and Supply Officer and the Property Management Officer are authorized to take action for and in behalf of the Field Administrative Officer in all matters listed in section 1.

To become effective upon publication. Authority delegated may not be redelegated.

GARTH H. RUDD,
Field Administrative Officer.

[F.R. Doc. 61-7314; Filed, Aug. 2, 1961; 8:48 a.m.]

OREGON

Redelegation of Procurement Authority

JULY 25, 1961.

Pursuant to the authority contained in section 1(d), Bureau of Land Management Order No. 679 of June 27, 1961, the Property and Supply Officer is authorized to (1) make open market purchases up to $2,500; (2) enter into leases for real estate, enter into equipment rental agreements, enter into contracts for construction, supplies, equipment or services and to make emergency purchases irrespective of amount provided all such transactions conform to applicable statutory requirements, regulations, limitations and controls existent at the time of procurement action.

GARTH H. RUDD,
Field Administrative Officer.

[F.R. Doc. 61-7315; Filed, Aug. 2, 1961; 8:48 a.m.]

NEVADA

Authority of Certain Offices to Enter Into Contracts and Leases

JULY 26, 1961.

A. Pursuant to the authority contained in Bureau Order 679 of the Director of the Bureau of Land Management, the State Administrative Assistant is authorized to enter into contracts for construction, supplies (including the rental of equipment) or services, irrespective of amounts; make open market purchases up to $2,500, and enter into leases for leases of space in real estate as provided in those sections.

B. The District Managers of the offices in Elko, Winnemucca, Carson City, Ely, Las Vegas and Battle Mountain, Nevada, are authorized to enter into such contracts when the amount in any such contract does not exceed $2,000.

C. Contracts and leases entered into under this authority must conform with the applicable regulations and statutory requirements and are subject to the availability of the appropriations.

MAX W. BRIDGE,
Acting State Director, Post Office Box 1551, Reno, Nevada.

[F.R. Doc. 61-7316; Filed, Aug. 2, 1961; 8:48 a.m.]

IDAHO

Notice of Filing of Plats of Survey

JULY 25, 1961.

Plats of survey of the lands described below were officially filed at the Land Office, Boise, Idaho, effective at 10:00 a.m., on July 25, 1961.

BOISE MERIDIAN

T. 2 S., R. 35 E.,
Sec. 12: Lots 7, 8, 9, 10, 11;
Sec. 13: Lots 6, 7, 8, 9, 10;
Sec. 14: Lots 4, 5, 6;
Sec. 23: Lots 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18;
Sec. 24: Lots 4, 5, NW¼NW¼;
Sec. 26: Lot 2;
Sec. 27: Lots 8, 9, 10, 11, 12, 13, 14, 15, 16;
Sec. 28: Lots 4, 5, 6;
Sec. 32: Lot 3;
Sec. 33: Lots 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, NE¼NE¼;
Sec. 34: Lots 4, 5, 6, 7, 8, 9, 10, NE¼NW¼.
T. 3 S., R. 35 E.,
Sec. 5: Lots 10, 11, 12, 13, 14, 15, 16;
Sec. 7: Lots 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, NE¼SW¼;
Sec. 8: Lots 16, 17, 18, 19.

The area described aggregates 2,096.90 acres.

The lands are islands in the Snake River and other lands which were omitted from the previous survey. The lands have been subject to operation of the United States mining laws and mineral leasing laws at all times. All of the lands are nearly level with a smooth surface. The soil is of an alluvial formation. The vegetative cover is mainly willows, briars, and brush with an understory of grass. A portion of the lands has been reclaimed and cultivated. The lands are typical of other lands adjoining the Snake River in this area.

The public lands affected by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, rules and regulations.

Inquiries and applications concerning the above lands shall be addressed to the Manager, Land Office, Bureau of Land Management, P.O. Box 2237, Boise, Idaho.

DONALD I. BAILEY,
Manager, Land Office.

[F.R. Doc. 61-7320; Filed, Aug. 2, 1961; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. 945]

INVESTIGATION OF INCREASED COMMODITY RATES ON MILK, DRY, POWDERED; SEA-LAND OF PUERTO RICO, DIVISION OF SEA-LAND SERVICE, INC.

Notice of Order to Discontinue Proceeding

On July 26, 1961, the Federal Maritime Board entered the following Order:

It appearing that there has been filed with the Federal Maritime Board by Sea-Land of Puerto Rico, Division of Sea-Land Service, Inc., a new tariff schedule setting forth increased commodity rates on Milk, Dry, Powdered from United States Atlantic ports to ports in Puerto Rico to become effective May 19, 1961 designated as follows: Eighteenth revised page 77 to Sea-Land of Puerto Rico, Division of Sea-Land Service, Inc., Outward Freight Tariff No. 2, FMB–F No. 3 (Pan-Atlantic Steamship Corporation FMB–F Series); and

It further appearing that the Federal Maritime Board by Order dated May 17, 1961, suspended the operation of the above designated schedule and deferred the use thereof to and including September 18, 1961, unless otherwise authorized by the Board; and

It further appearing that the Board having found good cause therefor has on July 13, 1961, granted Sea-Land of Puerto Rico, Division of Sea-Land Service, Inc., special permission to cancel such schedule on not less than one day's notice under Special Permission No. 3935 and pursuant to such special permission, the suspended schedule has been properly cancelled;

Now therefore, it is ordered, That this proceeding be, and it is hereby discontinued; and

It is further ordered, That copies of this order shall be filed with said tariff schedule in the Office of Regulations, Federal Maritime Board; and

It is further ordered, That a copy of this order shall be forthwith served upon all respondents and protestants herein; and that this order be published in the FEDERAL REGISTER.

Dated: July 31, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
Secretary.

[F.R. Doc. 61–7330; Filed, Aug. 2, 1961; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–157]

CORNELL UNIVERSITY

Notice of Proposed Issuance of Facility License

Please take notice that, unless within fifteen days after the publication of this notice in the FEDERAL REGISTER a request for a formal hearing is filed with the United States Atomic Energy Commission by the applicant or in the case of an intervener a petition for leave to intervene and a request for hearing is filed as provided by the Commission's rules of practice (Title 10, Chapter 1, Part 2), the Commission proposes to issue to Cornell University, a facility license substantially in the form annexed authorizing the possession and operation of a nuclear reactor at power levels up to 100 kilowatts (thermal). Prior to issuance of the license the facility will be inspected by representatives of the Commission to determine whether it has been constructed in accordance with the provisions of Construction Permit No. CPRR–58. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (1) the application and amendments thereto, and (2) a hazards analysis prepared by the Hazards Evaluation Staff of the Division of Licensing and Regulation, both on file at the AEC's Public Document Room. A copy of item (2) above may be obtained at the AEC's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 27th day of July 1961.

For the Atomic Energy Commission.

M. B. BILES,
Chief, Test & Power Reactor Safety Branch, Division of Licensing and Regulation.

PROPOSED FACILITY LICENSE

1. This license applies to the TRIGA nuclear reactor (hereinafter referred to as "the reactor") which is owned by Cornell University and located on the University's campus in Ithaca, New York, and described in the University's application for license dated March 3, 1960, and amendment thereto dated June 2, 1961 (hereinafter collectively referred to as "the application") and authorized for construction by Construction Permit No. CPRR–58 issued to Cornell University.

2. Pursuant to the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act") and having considered the record in this matter, the Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The reactor has been constructed in conformity with Construction Permit No. CPRR–58 and will operate in conformity with the application and in conformity with the Act and the rules and regulations of the Commission;

B. There is reasonable assurance that the reactor can be operated at the designated location without endangering the health and safety of the public;

C. Cornell University is technically and financially qualified to operate the reactor, to assume financial responsibility for payment of Commission charges for special nuclear material and to undertake and carry out the proposed activities in accordance with the Commission's regulations;

D. The possession and operation of the reactor and the receipt, possession and use of the special nuclear material in the manner proposed in the application will not be inimical to the common defense and security or to the health and safety of the public; and

E. Cornell University is a nonprofit educational institution and will use the reactor for the conduct of educational activities. Cornell University is therefore exempt from the financial protection requirement of subsection 170a of the Act.

3. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses Cornell University:

A. Pursuant to section 104c of the Act and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities", to possess and operate the reactor as a utilization facility at the designated location in Ithaca, New York, in accordance with the procedures and limitations described in the application and this license;

B. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 70, "Special Nuclear Material", to receive, possess and use up to 2.500 kilograms of contained uranium 235 for use in connection with operation of the reactor; and

C. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 30, "Licensing of Byproduct Material", to possess, but not to separate, such byproduct material as may be produced by operation of the reactor.

4. This license shall be deemed to contain and be subject to the conditions specified in § 30.32 of Part 30, § 50.54 of Part 50, and § 70.32 of Part 70, Title 10, Chapter 1, CFR, and to be subject to all applicable provisions of the Act, and to the rules and regulations and orders of the Commission, now or hereafter in effect, and to the additional conditions specified below:

A. (1) Cornell University shall not operate the reactor at power levels in excess of 100 kilowatts (thermal) without prior written authorization from the Commission.

(2) Cornell University shall not conduct any experiments whose reactivity worth is greater than 1.5% delta k/k without prior written authorization from the Commission.

B. Cornell University shall comply with the shutdown procedures and precautions described in its application as amended, and the following additional limitations:

(1) Cornell University shall maintain nuclear control instrumentation in operation and shall assure that such instrumentation is attended and observed at all times during operations which could involve changes in core reactivity when the reactor is shutdown.

(2) Cornell University shall conduct core loading changes and all other operations which could involve changes in core reactivity when the reactor is shutdown only under the direct and personal supervision of a technically qualified and designated supervisor.

C. Cornell University shall promptly submit a written report to the Commission whenever, during operation of the reactor subsequent to initial criticality any of the operating conditions or characteristics of the reactor, including those described in 4.D. below and the application as amended, which might affect nuclear safety, is observed to vary significantly from its predicted value.

D. As promptly as practicable, but no later than 60 days after the initial criticality of the reactor, Cornell University shall submit a written report to the Commission describing the measured values of the operating conditions or characteristics listed below and evaluating any significant variation of a measured value from the corresponding predicted value:

(1) Maximum excess reactivity of the facility, not including the worth of control rods or other control devices such as burnable

poison strips or soluble poison, or any experiments;

(2) Total control rod worth;

(3) Minimum shutdown margin both at room and operating temperature;

(4) Maximum worth of the single control rod of highest reactivity value; and

(5) Maximum total and individual worth of any fixed or movable experiments inserted in the reactor.

E. In addition to those otherwise required under this license and applicable regulations, Cornell University shall keep the following records:

1. Reactor operating records, including power levels.

2. Records of in-pile irradiations.

3. Records showing radioactivity released or discharged into the air or water beyond the effective control of Cornell University as measured at the point of such release or discharge.

4. Records of emergency reactor scrams, including reasons for emergency shutdowns.

F. Cornell University shall immediately report to the Commission in writing any indication or occurrence of a possible unsafe condition relating to the operation of the reactor.

5. This license is effective as of the date of issuance and shall expire at midnight June 29, 1980.

Date of issuance:

For the Atomic Energy Commission.

[F.R. Doc. 61-7293; Filed, Aug. 2, 1961; 8:45 a.m.]

[Docket No. 50-135]

WALTER REED ARMY INSTITUTE OF RESEARCH

Notice of Issuance of Amendment to Construction Permit

Please take notice that the Atomic Energy Commission having received a request from Walter Reed Army Institute of Research for extension of the latest completion date specified in Construction Permit No. CPRR-48, and good cause having been shown for extension of said date pursuant to section 185 of the Atomic Energy Act of 1954, as amended, and § 50.55 of the Commission's regulations has issued Amendment No. 1 to Construction Permit No. CPRR-48 which extends the latest completion date to December 1, 1961.

Dated at Germantown, Md., this 27th day of July 1961.

For the Atomic Energy Commission.

M. B. BILES,
Chief, Test & Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 61-7294; Filed, Aug. 2, 1961; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 61-FW-53]

PROPOSED TELEVISION ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: Capital Broadcasting Company (WJTV-TV), Jackson, Mississippi, proposes to erect a television antenna structure near Raymond, Mississippi, at latitude 32°-14'25.59" north, longitude 90°24'15.05" west. The overall height of the structure would be 1,949 feet above mean sea level (1,639 feet above ground). WJTV-TV is presently utilizing an antenna tower near Jackson, Mississippi, at latitude 32°17'02" north, longitude 90°15'52.5" west with an overall height of 1,051 feet MSL. The proponent agreed to reduce the height of this existing tower to 795 feet above MSL if the proposed tower is constructed.

Capital Broadcasting Company formerly proposed an antenna structure at latitude 32°17'34" north, longitude 90°20'02" west with an overall height of 2049 feet MSL (1,600 feet above ground). The Fort Worth Regional Subcommittee of the Air Coordinating Committee at Atlanta Meeting No. 143, on October 6, 1960, recommended disapproval of this proposal because of its effect on aeronautical operations and further recommended that the applicant relocate within a two mile radius of the existing WLBT-TV tower at latitude 32°12'46" north, longitude 90°22'54" west with an overall height of 1949 feet MSL (1,529 feet above ground). As a consequence, the above proposal which specifies a location 2.36 statute miles southeast of the WLBT-TV structure, was submitted by the sponsor.

An objection was made by the Aircraft Owners and Pilots Association in response to the circularization, and at the FAA Regional Informal Airspace Meeting on the basis that the height of the structure would present a hazard to aviation. At the FAA Washington Informal Airspace Meeting, the Aircraft Owners and Pilots Association, the National Association of State Aviation Officials and the National Aviation Trades Association made objections on the basis that the proposed structure would exceed a height of 1,000 feet above ground. No other objections were made.

The proposed structure would be located approximately 4.4 statute miles south of the John Bell Williams Airport, Raymond, Mississippi, and 12.7 miles southwest of Hawkins Field, Jackson, Mississippi. The structure would penetrate the inner conical surface of the Joint Industry/Government Tall Structures Committee criteria, as applied to John Bell Williams Airport, by 1,304 feet, and the outer conical surface of the above criteria, as applied to Hawkins Field, by 720 feet. The WLBT-TV structure penetrates the outer conical surface of JIGTSC criteria, as applied to these airports, by 1,141 feet and 720 feet, respectively. Therefore, the proposed structure would, in effect, be shielded by an existing structure of a permanent and substantial character, and the penetration of the conical surface would not adversely affect air traffic operations at these airports.

The aeronautical study revealed that, even though the overall height of the proposed structure would exceed 1,000 feet above ground level, it would have no substantial adverse effect upon VFR aeronautical operations since the Agency's records reflect no substantial volume of VFR flight activity in proximity to the proposed structure site.

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

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

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

Issued in Washington, D.C., on July 26, 1961.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 61-7298; Filed, Aug. 2, 1961; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3848]

APEX MINERALS CORP.

Order Summarily Suspending Trading

JULY 28, 1961.

The common stock, $1.00 par value, of Apex Minerals Corporation, being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, July 30, 1961 to August 8, 1961, both dates inclusive.

By the Commission.

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

[F.R. Doc. 61-7319; Filed, Aug. 2, 1961; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 528]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 31, 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 64067. By order of July 27, 1961. The Transfer Board approved the transfer to Harry A. Sieren, doing business as St. Lawrence Wrecker Service, 1946 St. Lawrence Ave., Beloit, Wis., of Certificate No. MC 114270, issued January 11, 1955, to Russell Duane Porter, doing business as St. Lawrence Auto Body, 1946 St. Lawrence Ave., Beloit, Wis., authorizing the transportation of: wrecked or disabled automobiles, between Beloit, Wis., on the one hand, and, on the other, specified Illinois Counties.

No. MC-FC 64071. By order of July 27, 1961, The Transfer Board approved the transfer to Ruhl Transportation Co., a Corporation, Salem, N.J., of Certificates in Nos. MC 1769, and MC 1769 Sub 4, issued June 6, 1949, and August 12, 1949, respectively, to Stuart C. Ruhl, doing business as Ruhl Transportation Co., Salem, N.J., authorizing the transportation of: Felt base carpeting and materials and supplies used or useful in the manufacture thereof, felt base and linoleum carpets, mats and rugs, and linoleum paste, and refused or damaged shipments thereof, lumber, piling, fire clay, fire brick, fertilizer, oil and grease in containers, and empty oil containers, blue slate powder, calcite grit, machinery and machine parts, glass containers, and composition wall covering, from, to, or between specified points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Virginia, and the District of Columbia. Matthew Aaron, Esq., Feinstein Building, Commerce and Laurel Streets, Bridgeton, N.J., attorney for applicants.

No. MC-FC 64115. By order of July 27, 1961, The Transfer Board approved the transfer to Sven Johanson, doing business as Johanson and Carbis, Oil Field Trucking and Moving, P.O. Box 1008, Newcastle, Wyo., of Certificate in No. MC 112575, issued August 31, 1955, to Sven Johanson and Claude Carbis, a partnership, doing business as Johanson and Carbis Oilfield Trucking & Moving, P.O. Box 1008, Newcastle, Wyo., authorizing the transportation of: commodities similar to those in the Mercer description and commodities, which, because of size or weight, require the use of special equipment, between points in Weston County, Wyo., on the one hand, and, on the other, points in a specified part of Nebraska and South Dakota.

No. MC-FC 64232. By order of July 24, 1961, The Transfer Board approved the transfer to Columbia Van Lines Moving & Storage Co., Inc., Washington, D.C., of a portion of Certificate No. MC 107229, issued July 27, 1950, to Nationwide Van Lines, Inc., amended May 16, 1961, to read Intercontinental Moving & Storage Co., Inc., Brooklyn, N.Y., authorizing the transportation of household goods, as defined by the Commission, over irregular routes, between points in Maryland, and the District of Columbia, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Rhode Island, Delaware, Maryland, Virginia, West Virginia, Kentucky, Ohio, Indiana, Michigan, Illinois, Wisconsin, Missouri, Iowa, Minnesota, North Carolina, South Carolina, Georgia, Alabama, Florida, and the District of Columbia. Herbert Burstein, 160 Broadway, New York 38, N.Y., attorney at law for applicants.

No. MC-FC 64339. By order of July 27, 1961, The Transfer Board approved the transfer to Perillo's Express, Inc., New Providence, N.J., of portion of Certificate No. MC 77081, issued March 13, 1941, to Paterson Trucking Company, Inc., Paterson, N.J., authorizing the transportation, over irregular routes, of general commodities, with specified exceptions, between New York, and points in Nassau and Westchester Counties, N.Y., to points in Morris County, N.J. John M. Zachara, P.O. Box 2860, Paterson, N.J., applicants' attorney.

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

[F.R. Doc. 61-7322; Filed, Aug. 2, 1961; 8:48 a.m.]

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