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Rules and Regulations

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 7—AGRICULTURAL STABILIZATION AND CONSERVATION COMMITTEES

Subpart—Selection and Functions of Agricultural Stabilization and Conservation County and Community Committees

By virtue of the authority vested in the Secretary of Agriculture by the Soil Conservation and Domestic Allotment Act of 1936, as amended, the regulations governing the selection and functions of Agricultural Stabilization and Conservation County and Community Committees are hereby consolidated and revised, as set forth below. They supersede all previous regulations relating to the selection and functions of county and community committees which have been published in Part 7, Subtitle A, 7 CFR, as amended, and shall be in force and effect until amended or superseded by regulations hereafter made.

NAMES OF COMMITTEES

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SCOPE

AUTHORITY: §§ 7.1 to 7.41 issued under sec. 4, 49 Stat. 164, as amended; 16 U.S.C. 590d. Interpret or apply sec. 8, 49 Stat. 1149, as amended; 16 U.S.C. 590h.

NAMES OF COMMITTEES

§ 7.1 Local or community committee.

The local committee elected under the provisions of the regulations in this subpart shall be known as the Agricultural Stabilization and Conservation Community Committee, referred to in this subpart as the "community committee."

§ 7.2 County committee.

The county committee elected under the provisions of the regulations in this subpart shall be known as the Agricultural Stabilization and Conservation County Committee, referred to in this subpart as the "county committee."

PURPOSE OF COMMITTEES

§ 7.3 Purpose.

The purpose of the county committee shall be to direct the administration of sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act of 1936, the Agricultural Adjustment Act of 1938, the Sugar Act of 1948, the Soil Bank Act, and any amendments to such acts, and such other acts of Congress as the Secretary of Agriculture or the Congress may designate. This shall be done through community committeemen and other personnel responsible to the county committee, and in accordance with applicable laws, regulations, and official instructions. The county and community committees shall not engage in any other activity.

SELECTION OF COMMITTEES

§ 7.4 Method.

County and community committees shall be elected by eligible voters in accordance with the provisions of the regulations in this subpart.

§ 7.5 Who may vote for committeemen and delegates.

Any person who is of legal voting age and who has an interest in a farm as owner, tenant, or sharecropper and any person not of legal voting age who is in charge of the supervision and conduct of the farming operations on an entire farm shall be eligible to vote for committeemen and delegates in the community in which he has such an interest if:

(a) A payment or grant of conservation materials or services is or will be made with respect to the farm under the current agricultural conservation program or there is being carried out on the farm one or more of the current program practices approved for the State by the State Agricultural Stabilization and Conservation Committee, referred to in this subpart as the "State committee";

(b) A marketing quota or acreage allotment is currently established for the farm;

(c) Such person is eligible for a cooperator's loan or other price support;

(d) Such person is eligible for a payment under the Sugar Act Program;

(e) Such person is eligible for a payment under the National Wool Act Program;

(f) Such person is eligible for a payment under the Soil Bank Act; or

(g) Such person is eligible to participate in any other program administered by the county committee.

In any State having a community property law, the spouse of a person who is eligible to vote under the foregoing provisions shall also be eligible to vote.

§ 7.6 Restrictions on voting.

Each eligible voter shall be entitled to only one vote on any one ballot in any election held in any one community or in the county convention. If the eligible voter has an interest in a farm in more than one community in the county, such voter shall not be entitled to vote in more than one such community in the county. There shall be no voting by proxy.

§ 7.7 Determination of elective areas.

Each county shall be divided into local administrative areas, referred to in this subpart as "communities." The term "county" in Alaska shall be the area so designated by the State committee. The boundaries of the communities shall be fixed by the State committee after considering any recommendations by the county committee. No such community shall include more than one county or parts of different counties.

§ 7.8 Calling of elections.

Each election of county or community committeemen shall be held on a date or within a period of time fixed by the State committee which will afford full opportunity for participation therein by all persons eligible to vote: *Pro-*

vided, That such date or period of time shall fall between July 1 and December 30 each year. Each such election shall be held in accordance with detailed instructions issued by the Deputy Administrator, Production Adjustment, Commodity Stabilization Service (called "Deputy Administrator" in this subpart). If the number of eligible voters voting in any election of community committeemen is so small that the State committee determines that the result of the election does not represent the views of a substantial number of eligible voters, it shall declare the election void and call a new election. If it is determined by the State committee that the election for any position on a community or county committee has not been held substantially in accordance with instructions, the State committee shall declare such election void and call a new election.

§ 7.9 Conduct of community elections.

The county committee serving at the time shall be responsible for the conduct of the community elections for the election of community committees and delegates to the county convention in accordance with instructions issued by the Deputy Administrator.

§ 7.10 Conduct of county convention.

The county committee serving at the time shall be responsible for designating the place at which the county convention for the election of the county committee will be held and for the conduct of the convention in accordance with instructions issued by the Deputy Administrator.

§ 7.11 Election of community committee and delegate to the county convention.

(a) The eligible voters in a community shall elect annually a community committee composed of three members and shall also elect first and second alternates to serve as acting members of the community committee in the order elected in case of the temporary absence of a member, or to become a member of the community committee in the order elected in case of the resignation, disqualification, removal, or death of a member. An acting member of the community committee shall have the same duties and the same authority as a member. Election shall be by secret ballot and by plurality vote, with each eligible voter having the option of writing in the names of candidates of his own choice. Except where there is only one community in the county, election as chairman and vice chairman of the community committee shall constitute, respectively, election as delegate and alternate delegate to the county convention: *Provided, however,* That a person may not serve as delegate if he has been a member of the county committee for that county during the 90 days preceding the community election. Failure to elect the prescribed number of alternates at the regular election shall not invalidate such election or require a special election to elect additional alternates.

(b) In any county where there is only one community, the community committee shall be the county committee.

(c) The community committee shall select a secretary who shall be either the county agricultural extension agent for the county or an employee of the county committee.

§ 7.12 Election of the county committee.

(a) The delegates elected pursuant to § 7.11 shall meet in a convention held before the close of the same calendar year in which they were elected to elect the county committee for the county. A majority of the delegates so elected and qualified to vote at the time of the convention shall constitute a quorum. A county committee of three members shall be elected, with one elected as chairman, one elected as vice chairman, and one elected as regular member. At the same convention the delegates shall also elect first and second alternates to the county committee to serve as acting members of the county committee in the order elected in the case of the temporary absence of a member, or to become a member of the county committee in the order elected in the case of the resignation, disqualification, removal, or death of any member of the county committee. An acting member of the county committee shall have the same duties and authority as a member.

(b) The county committee shall select a secretary who shall be either the county office manager, or other employee of the county committee, or the county agricultural extension agent for the county. If the county agricultural extension agent is not selected secretary to the county committee, he shall be ex officio a member of the county committee but shall not have the power to vote.

§ 7.13 Tie votes.

Tie votes in community committee elections may, at the discretion of the community election board and with the consent of the contestants, be settled by lot. In the county convention, tie votes shall be broken by further balloting.

§ 7.14 Vacancies.

(a) In case of a vacancy in the office of chairman of a county or community committee, the respective vice chairman shall become chairman; in case of a vacancy in the office of vice chairman, the respective third regular member shall become vice chairman; in case of a vacancy in the office of the third regular member, the respective first alternate shall become the third regular member; and in case of a vacancy in the office of the first alternate, the respective second alternate shall become the first alternate: *Provided,* That when unanimously recommended by the three members of the county committee as constituted under this paragraph or as constituted under this paragraph and paragraph (c) of this section, and approved by the State committee, the offices of chairman and vice chairman of the county committee may be filled from such membership without regard to the order of succession prescribed in this paragraph or the action of the delegates to the county convention.

(b) In case of a vacancy in the panel of delegates to the county convention, the respective alternates shall act as delegates.

(c) In the event that a vacancy, other than one caused by temporary absence, occurs in the membership of the county committee and no alternate is available to fill the vacancy, the State committee shall call a meeting of the delegates to the county convention to elect persons to fill such vacancies as exist in the membership of the county committee and in the panel of alternates, except as provided in § 7.28.

(d) In the event that a vacancy, other than one caused by temporary absence, occurs in the membership of the community committee and no alternate is available to fill the vacancy, a special election shall be held to fill such vacancies as exist in the membership and in the panel of alternates.

(e) In the event that a vacancy occurs in the panel of delegates to the county convention and the respective alternate is not available to fill the vacancy and a county convention has been called, a special election shall be held to fill such vacancies as exist in the panel of delegates and alternates.

ELIGIBILITY REQUIREMENTS

§ 7.15 County committeemen, community committeemen, and delegates.

To be eligible to hold office as a county committeeman, a community committeeman, a delegate, or an alternate to any such office, a person must:

(a) Be eligible to vote in the county in which the election is held if a candidate for county committeeman, and in the community in which the election is held if a candidate for community committeeman or delegate to the county convention;

(b) Be residing in the county in which the election is held if a candidate for county committeeman, and residing in the community in which the election is held if a candidate for community committeeman or delegate to the county convention: *Provided, however,* That in cases where a county or community boundary runs through a farm, eligible persons residing on such farm may hold office in the county or community in which the farm has been determined to be located for program participation purposes;

(c) Not be ineligible under § 7.27;

(d) Not have been removed for cause from any public office, or not have been convicted of any fraud, larcency, embezzlement, or felony, unless any such disqualification is waived by the State committee or the Deputy Administrator;

(e) Not have been removed as a county committeeman, community committeeman, delegate, alternate to any such office, or as an employee for failure to perform the duties of his office, or committing, or attempting, or conspiring to commit, fraud in the conduct of his office or employment, or incompetency, or seriously impeding the effectiveness of any program administered in

the county, unless such disqualification is waived by the State committee or the Deputy Administrator;

(f) Not have been disqualified for future service because of a determination by a State committee that during previous service as a county committeeman, community committeeman, delegate, alternate to any such office, or as an employee, he committed, or attempted, or conspired to commit, fraud in the conduct of his office or employment, unless such disqualification is waived by the State committee or the Deputy Administrator;

(g) Not be during his term of office a full-time employee of the U.S. Department of Agriculture;

(h) If the office is that of county committeeman, not be during his term of office a sales agent or employee of the Federal Crop Insurance Corporation;

(i) If the office is that of delegate to the county convention, not have been a county committeeman for that county during the 90 days preceding the community election; and

(j) The tenure of office of any county committeeman, community committeeman, delegate, or alternate to any such office, shall be terminated as soon as any such person becomes ineligible for office under the provisions of this section.

§ 7.16 All other personnel.

(a) The county office manager or any other employee must not be ineligible under § 7.27.

(b) The county office manager and other employees must not have been removed for cause from any public office, or not have been convicted of any fraud, larceny, embezzlement, or felony, unless any such disqualification is waived by the State committee or the Deputy Administrator.

(c) The county office manager or any other employee must not have been removed as a county committeeman, community committeeman, delegate, alternate to any such office, county office manager, or other employee for failure to perform the duties of his office, or committing, or attempting, or conspiring to commit, fraud in the conduct of his office or employment, or incompetency, or seriously impeding the effectiveness of any program administered in the county, unless such disqualification is waived by the State committee or the Deputy Administrator.

(d) The county office manager and other employees must not have been disqualified for future employment, because of a determination by a State committee that during previous service as a county committeeman, community committeeman, delegate, alternate to any such office, or as an employee, he committed, or attempted, or conspired to commit, fraud in the conduct of his office or employment, unless such disqualification is waived by the State committee or the Deputy Administrator.

(e) The tenure of employment of any county office manager or other employee shall be terminated as soon as any such person becomes ineligible for employment under the provisions of this section.

§ 7.17 Dual office.

(a) *County committee membership.* A member of the county committee may not be at the same time:

(1) A member of a community committee;

(2) A delegate to a county convention;

(3) The secretary to or the treasurer of a county committee;

(4) A member of the State committee; or

(5) County office manager or any other county office employee.

(b) *Community committee membership.* A member of the community committee may not be at the same time:

(1) A member of a county committee;

(2) The secretary to or the treasurer of a county committee;

(3) A member of the State committee; or

(4) County office manager.

(c) *Delegate to the county convention.* A delegate to the county convention may not be a member of the State committee.

TERMS OF OFFICE

§ 7.18 County and community committeemen.

The terms of office of county and community committeemen and alternates to such offices shall begin on the first day of the month next after their election. A term of office shall continue for 12 months or until a successor has been elected and qualified.

§ 7.19 Delegates to the county convention.

The terms of office of delegates and alternates to the county convention shall begin immediately upon their election and shall continue for 12 months or until their respective successors have been elected and qualified.

DUTIES

§ 7.20 County committee.

The county committee, subject to the general direction and supervision of the State committee, and acting through community committeemen and other personnel, shall be generally responsible for carrying out in the county the agricultural conservation program, the price support programs as assigned, the acreage allotment and marketing quota programs, the wool incentive payment program, the programs under the Soil Bank Act, and except in the State of Hawaii the sugar program formulated pursuant to the acts of Congress specified in § 7.3 and any other program assigned to it by the Secretary of Agriculture or the Congress. In so doing the committee shall:

(a) Enter into leasing agreements for such office space as needed in accordance with prescribed procedures;

(b) Employ the county office manager subject to standards and qualifications furnished by the State committee to serve at the pleasure of the county committee, except that incumbent managers shall not be removed other than under the provisions of § 7.29, until all members of the county committee have been in office for at least 60 days;

(c) Fix the rate of compensation for all personnel in accordance with schedules or instructions approved by the Deputy Administrator;

(d) Direct the activities of the community committees elected in the county;

(e) Pursuant to official instructions, review, approve, and certify forms, reports, and documents requiring such action under such instructions;

(f) Recommend to the State committee needed changes in boundaries of communities;

(g) Make available to farmers and the public information concerning the objectives and operations of the programs administered through the county committee;

(h) Make available to agencies of the Federal Government and others information with respect to the county committee activities in accordance with instructions issued by the Deputy Administrator;

(i) Give public notice of the designation and boundaries of each community within the county not less than 30 days prior to the election of community committeemen and delegates;

(j) Direct the giving of notices in accordance with applicable regulations and instructions;

(k) Recommend to the State committee desirable changes in or additions to existing programs;

(l) Conduct such hearings and investigations as the State committee may request; and

(m) Perform such other duties as may be prescribed by the State committee.

§ 7.21 Chairman of the county committee.

The chairman of the county committee or the person acting in his stead shall preside at meetings of the county committee, certify such documents as may require his certification, and perform such other duties as may be prescribed by the State committee.

§ 7.22 Community committee.

The community committee shall:

(a) Assist the county committee in carrying out programs assigned to it;

(b) Inform farmers concerning the purposes and provisions of programs being administered in the county by the county committee;

(c) Assist in arranging for and conducting necessary community meetings; and

(d) Perform such other duties as may be assigned to it by the county committee.

§ 7.23 Chairman of the community committee.

The chairman of the community committee or the person acting in his stead shall preside at meetings of the community committee, and perform such other duties as may be assigned to him by the county committee.

§ 7.24 Delegate to the county convention.

The delegate shall meet with other delegates in a county convention within a

period of time fixed by the State committee and at the place designated by the county committee and elect county committeemen for the county.

§ 7.25 County office manager.

The county office manager shall:

(a) Execute the policies established by the county committee and be responsible for the day-to-day operations of the county office;

(b) Employ the personnel of the county office in accordance with standards and qualifications furnished by the State committee to serve at his pleasure;

(c) Receive, dispose of, and account for all funds, negotiable instruments, or property coming into the custody of the county committee;

(d) Serve as counsellor to the county convention chairman on election procedures; and

(e) Supervise, under the direction of the county committee, the activities of the community committees elected in the county.

PRIVATE BUSINESS ACTIVITY

§ 7.26 All personnel.

No county committeeman, community committeeman, delegate, alternate to any such office, or any person employed in the county office shall at any time use such office or employment to promote any private business interest.

POLITICAL ACTIVITY

§ 7.27 All personnel.

(a) No person who has been a member of the county governing body; or has held a Federal, State, or county office filled by an election held pursuant to law shall be eligible for one year following the last day he held any such office to hold office as a county committeeman, community committeeman, delegate, alternate to any such office, or to employment in any capacity, except, that members of school boards, soil conservation district boards, irrigation district boards, drainage district boards, weed control district boards, or of similar boards are not ineligible to hold office or employment under this paragraph solely because of membership on such boards.

(b) No person who has been a candidate for membership on the county governing body; or for any Federal, State, or county office filled by an election held pursuant to law shall be eligible for one year following the last day of such candidacy to hold office as a county committeeman, community committeeman, delegate, alternate to any such office, or to employment in any capacity, except, that candidates for school boards, soil conservation district boards, irrigation district boards, drainage district boards, weed control district boards, or for similar boards are not ineligible to hold office or employment under this paragraph solely because of candidacy for such boards.

(c) No person who has been an officer, employee, or delegate to a convention of any political party or political organization shall be eligible for one year following the last day of such service to hold office as a county committeeman, community committeeman, delegate, alternate to any such office, or to employment in any capacity.

(d) The tenure of office of any county committeeman, community committeeman, delegate, alternate to any such office, or the employment of any employee, shall be automatically terminated as soon as any such person becomes ineligible for office or employment under the provisions of paragraph (a), (b), or (c) of this section.

(e) No county committeeman, community committeeman, delegate, or alternate to any such office, or any employee shall at any time engage in the following political activities:

(1) Solicit or receive any contributions (including the sale of tickets) for political party organizations or for a candidate for political office or for any other political purpose in any room or building used for the transaction of any Federal official business, or at any place from any other county committeeman, community committeeman, delegate, or alternate to any such office or employee.

(2) Use official authority or influence to discharge, remove, demote, or promote any employee, or threaten or promise to so do, for withholding or giving contributions (including the buying or the refusal to buy tickets) for political purposes, or for supporting or opposing any candidate or any political organization in any primary, general, or special election for political office.

(f) No county committeeman, or alternate to such office, or any employee on any day when entitled to pay for services in performance of duties, and no employee who serves during a continuous period of 90 days or more and has a regular tour of duty established in advance at any time, shall solicit, collect, receive, disburse or otherwise handle contributions of money, pledges, gifts, or anything of value (including the sale of tickets) made for:

(1) Political party organizations,

(2) A candidate for political office in any primary, general, or special election, but excluding such activities on behalf of individual candidates in township and municipal elections,

(3) Any other political purpose.

(g) Any person subject to the provisions of paragraph (e) or (f) of this section and who is suspended and removed for activities prohibited thereunder shall be ineligible to hold any office or employment for a period of one year from the date of suspension.

REMOVAL FROM OFFICE OR EMPLOYMENT

§ 7.28 County and community committeemen, and delegates to county convention.

(a) Any county committeeman, community committeeman, delegate to the county convention, or any alternate to any such office, who fails to perform the duties of his office, or who commits, or attempts, or conspires to commit, fraud in the conduct of his office, or is incompetent, or who seriously impedes the effectiveness of any program administered in the county, or who violates the provisions of § 7.27 (e) or (f), shall be suspended by the State committee. The State committee shall give a written statement of the reasons for such action. The suspended person shall have 15 days from the date of mailing in which to advise the State committee in writing, in person, or both, why he should be restored to duty. The State committee following such further investigation and review as it deems necessary or as required by applicable instructions, shall either restore to duty or remove the suspended person if such action is determined to be necessary by a majority of the State committee. In the event further investigation develops reasons, in addition to those disclosed in the suspension notice, for the action taken, the suspended person shall be given written notification of such additional reasons and 15 days within which to advise why he should be restored to duty.

(b) If in the event of suspensions or vacancies there are less than two members, including alternates, available to serve on the county committee, the State committee shall designate a person to administer the programs in the county pending the exoneration or removal of those under investigation, and if removed, pending the election of new county committee members and alternates. Such person may be the remaining member or alternate member of the committee if available. Any person named by the State committee in such capacity shall, notwithstanding the provisions of § 7.38, have full authority to perform all duties regularly performed by a duly elected county committee.

(c) Any former county committeeman, community committeeman, delegate, or any alternate to any such office, who during such term of office committed, or attempted, or conspired to commit, fraud in the conduct of his office shall be disqualified from future service or employment by the State committee. Before any such disqualification determination is made, the State committee shall undertake such investigation and review as it deems necessary or as required by applicable instructions after which the State committee shall give the affected person a written statement of reasons for the proposed disqualification action. Such person shall have 15 days from the date of mailing to advise in writing, in person, or both, why the action should not be taken. If any further investigation develops substantial additional reasons for disqualification, the person involved shall be given a written statement of such reasons and 15 days in which to respond. The State committee may disqualify a person for future service or employment only upon determination by a majority vote of the State committee.

§ 7.29 County office personnel.

(a) Any county office manager who fails to perform the duties of his employment, or who commits, or attempts, or conspires to commit, fraud in the conduct of his employment, or is incompetent, or who seriously impedes the effectiveness of any program administered in the county, or who violates the provisions of §7.27 (e) or (f), shall be suspended by the county committee

or if the county committee fails to act promptly in any such case, the State committee shall suspend the person involved. The person suspended shall be given a written statement of the reasons for such action and shall have 15 days from the date of mailing in which to advise in writing, in person, or both, why he should be restored to duty. The State or county committee which made the suspension, following such further investigation and review as it deems necessary or as required by applicable instructions, shall either restore to duty or remove the suspended person if such action is determined to be necessary by a majority of the committee. In the event further investigation develops reasons, in addition to those disclosed in the suspension notice, for the action taken, the suspended person shall be given written notification of such additional reasons and 15 days within which to advise why he should be restored to duty.

(b) Any employee, other than the county office manager, who fails to perform the duties of his employment, or who commits, or attempts, or conspires to commit, fraud in the conduct of his employment, or is incompetent, or who seriously impedes the effectiveness of any program administered in the county, or who violates the provisions of § 7.27 (e) or (f), shall be suspended by the county office manager or if the county office manager fails to act promptly in any such case, the county committee shall suspend the person involved. If the county committee fails to act promptly in any such case, the State committee shall suspend the person involved. The person suspended shall be given a written statement of the reasons for such action and shall have 15 days from the date of mailing in which to advise in writing, in person, or both, why he should be restored to duty. The county office manager or the State or county committee which made the suspension, following such further investigation and review as is deemed necessary or as required by applicable instructions, shall either restore to duty or remove the suspended person if such action is determined to be necessary. In the event further investigation develops reasons, in addition to those disclosed in the suspension notice, for the action taken, the suspended person shall be given written notification of such additional reasons and 15 days within which to advise why he should be restored to duty. Such actions by a county or State committee shall be by majority vote.

(c) Any former county office manager or other employee who during his term of employment committed, or attempted, or conspired to commit, fraud in the conduct of his employment shall be disqualified from future service or employment by the State committee. Before any such disqualification determination is made, the State committee shall undertake such investigation and review as it deems necessary or as required by applicable instructions, after which the State committee shall give the affected person a written statement of reasons for the proposed disqualification action. Such person shall have 15 days from the date of mailing to advise in writing, in person, or both, why the action should not be taken. If any further investigation develops substantial additional reasons for disqualification, the person involved shall be given a written statement of such reasons and 15 days in which to respond. The State committee may disqualify a person for future service or employment only upon determination by a majority vote of the State committee.

§ 7.30 Right of appeal.

Any person removed from office or employment or disqualified for future office or employment under the provisions of § 7.27 (e) and (f), § 7.28, or § 7.29 shall have the right of appeal to the State committee for review of the facts, and if dissatisfied with the decision of the State committee, to the Deputy Administrator in accordance with such procedure as he may prescribe. Notice of such appeals must be filed within 90 days of the date the notice of removal, disqualification, or decision is mailed to any such person.

LEAVE

§ 7.31 Leave.

All employees of a county office who have a regular tour of duty established in advance, except temporary employees, shall be granted annual and sick leave with pay. A temporary employee, for the purposes of this section, is defined as one who serves during a continuous period of less than 90 days, on either a full-time or a part-time basis. Leave with pay shall not be granted to members of county or community committees.

(a) *Annual leave.* Leave of absence with pay shall be earned at the rate of one and one-half days for each 20 days of service rendered. An employee shall be credited at the beginning of a leave year with any unused leave which he may have earned during, or carried over into, the preceding leave year: *Provided,* That in no case shall the amount of leave so credited exceed 30 days. The amount of leave so credited may be used by the employee in addition to the leave earned by him during the leave year.

(b) *Sick leave.* Leave of absence with pay because of illness shall be earned at the rate of one day for each 20 days of service rendered. Leave of absence with pay because of illness may at the discretion of the county office manager be granted prior to its having been earned in an amount not to exceed 12 days during any one leave year. Any leave which has been advanced shall be deducted from sick leave which may be earned at a later date. An employee shall be credited at the beginning of a leave year with any unused sick leave which he may have earned during, or carried over into, the preceding leave year.

OFFICES

§ 7.32 Location.

The office of the county committee shall be located in a place selected by the county committee subject to the approval of the State committee. In selecting the location of the county office, consideration shall be given to convenience to farmers, accessibility to other Federal, State, and county agricultural agencies, adequacy of space, and economy of operations. The State committee may authorize the combination of county offices with the approval of the county committees concerned, or if only a few farmers are involved and it is uneconomical to maintain separate county offices, the State committee may order the combination of such offices with the prior approval of the Deputy Administrator.

§ 7.33 Use of county office.

The space, clerical, mailing or any other facility of the county office shall not be used in any way to support, assist, or oppose any political candidate or political party or for any private business interests or for any other purposes not authorized in § 7.3, except that such space and facilities may be used, on a reimbursable basis, by the county crop insurance agent designated by the Federal Crop Insurance Corporation in the performance of his duties as such agent.

CUSTODY AND USE OF BOOKS, RECORDS, AND DOCUMENTS

§ 7.34 Custody.

All books, records, and documents used by the county committee in the administration of programs assigned to it by the Secretary of Agriculture or the Congress shall be the property of the Department of Agriculture and shall be maintained in good order in the county office.

§ 7.35 Use.

The books, records, and documents referred to in this subpart shall be available for use:

(a) At all times to authorized representatives of the Secretary of Agriculture, State committeemen and their employees, county committeemen, community committeemen and employees of the county office in the performance of duties assigned to them under the regulations in this subpart;

(b) At any reasonable time to any program participant insofar as his interests under the programs administered by the county committee may be affected; and

(c) To any other person only in accordance with instructions issued by the Deputy Administrator.

MEETINGS

§ 7.36 When.

Meetings of the county or community committee shall be called only when necessary to the successful administration of the programs.

§ 7.37 Call and notice.

Meetings of the county committee or of any community committee may be called by the chairman or acting chairman of the county committee, the county office manager, or the State committee. Meetings of the community committee may also be called by the chairman of the community committee. Each committee member shall be properly notified of any meeting of his committee.

§ 7.38 Quorum.

The presence of at least two members or acting members of any committee shall be required to constitute a quorum for the transaction of business of such committee.

§ 7.39 Records.

Minutes of all meetings of the county committee and of participating farmers shall be kept and retained for 5 years by the county committee.

IMPLEMENTING INSTRUCTIONS

§ 7.40 Implementation.

The Deputy Administrator is authorized to issue instructions implementing these regulations.

SCOPE

§ 7.41 Applicability.

The regulations in this subpart shall apply to the States of the Union.

These regulations shall be effective on the date of their publication in the FEDERAL REGISTER.

Signed in Washington, D.C., on March 20, 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-2577; Filed, Mar. 22, 1961; 8:51 a.m.]

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

[Amdt. 21]

PART 728—WHEAT

Subpart—Wheat Marketing Quota Regulations for 1958 and Subsequent Crop Years

WHEAT-MIXTURE PROVISION

Basis and purpose. The purpose of the amendment herein is to reinstitute for 1961 and subsequent crops of wheat the provisions which were in effect for the 1959 crop of wheat relative to the acreage of wheat mixtures in wheat-mixture counties as defined and designated in § 728.851 (y) and (z).

Since these amendments apply to the 1961 crop of wheat, it is important that producers be informed of them as soon as possible.

Accordingly, it is hereby found that compliance with the notice, procedure and effective date provisions of the Administrative Procedure Act (5 U.S.C. 1003) is unnecessary and contrary to the public interest, and this amendment shall become effective upon publication in the FEDERAL REGISTER.

1. Section 728.851(v) (Definition of wheat acreage) is amended by deleting subparagraph (1) and inserting in lieu thereof the following: "(1) any acreage of a wheat mixture in wheat-mixture counties;"

2. Section 728.851(y) (Definition of wheat mixture) is amended by deleting the last sentence and inserting in lieu thereof, the following: "This definition is applicable to 1959 and prior crops and 1961 and subsequent crops only."

3. Section 728.851(z) (Wheat mixture counties) is amended by deleting the last sentence and inserting in lieu thereof, the following: "This definition is applicable to 1959 and prior crops and 1961 and subsequent crops only and with respect to the 1960 crop there will be no wheat-mixture counties."

(Sec. 375, 52 Stat. 66, as amended: 7 U.S.C. 1375. Interpret or apply secs. 301, 335, 373, 52 Stat. 38, as amended, 54, as amended, 65, as amended, 55 Stat. 203, as amended, secs. 106, 112, 125, 70 Stat. 191, 195, 198; 7 U.S.C. 1301, 1335, 1340, 1373, 1813, 1824, 1836)

Issued at Washington, D.C., this 16th day of March 1961.

H. D. GODFREY,
Administrator,
Commodity Stabilization Service.

[F.R. Doc. 61-2588; Filed, Mar. 22, 1961; 8:51 a.m.]

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

[1033.301, Amdt. 1]

PART 1033—ONIONS GROWN IN SOUTH TEXAS

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 143 and Order No. 133 (7 CFR Part 1033) regulating the handling of onions grown in designated counties of South Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of recommendations and information submitted by the South Texas Onion Committee, established pursuant to said marketing agreement and order, and other available information, it is hereby found that the amendment to the limitation of shipments regulation, hereinafter set forth, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the handling of onions, in the manner set forth below, on and after the effective date of this amendment, (3) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, and (4) information regarding the committee's recommendation has been disseminated to producers and handlers in the production area.

Order, as amended. In § 1033.301 (26 F.R. 2169) delete paragraph (c) and substitute in lieu thereof a new paragraph (c) as set forth below.

§ 1033.301 Limitation of shipments.

* * * * *

(c) *Container requirements.* Onions may be handled only if packed in one of the following containers:

(1) 25 pound bags, with not to exceed in any lot an average net weight of 27½ pounds per bag, and with outside dimensions not larger than 29 inches by 31 inches.

(2) 50 pound bags, with not to exceed in any lot an average net weight of 55 pounds per bag, and with outside dimensions not larger than 33 inches by 38½ inches.

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

Effective date. Dated March 20, 1961, to become effective March 20, 1961.

FLOYD F. HEDLUND,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 61-2574; Filed, Mar. 22, 1961; 8:51 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. R]

PART 218—RELATIONS WITH DEALERS IN SECURITIES UNDER SECTION 32, BANKING ACT OF 1933

§ 218.105 Serving as director of member bank and corporation selling own stock.

(a) The Board recently considered the question whether section 32 of the Banking Act of 1933 (12 U.S.C. sec. 78) would be applicable to the service of a director of a corporation which planned to acquire or organize, as proceeds from the sale of stock became available, subsidiaries to operate in a wide variety of fields including manufacturing, foreign trade, leasing of heavy equipment, and real estate development. The corporation had a paid-in capital of about $60,000 and planned to sell additional shares at a price totaling $10 million, with the proviso that if less than $3 million worth were sold by March 1962, the funds subscribed would be refunded. It thus appeared to be contemplated that the sale of stock would take at least a year, and there appeared to be no reason for believing that, if the venture proved successful, additional shares would not be offered so that the corporation could continue to expand.

(b) The Board concluded that section 32 would be applicable, stating that although § 218.102, as clarified by § 218.104, related to closed-end investment companies, the rationale of that interpretation is applicable to corporations generally.

(Sec. 11(1), 38 Stat. 262; 12 U.S.C. 248(1). Interpret or apply sec. 32, 48 Stat. 194, as amended; 12 U.S.C. 78)

Dated at Washington, D.C., this 13th day of March 1961.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 61-2540; Filed, Mar. 22, 1961; 8:46 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

EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

Correction

1. In F.R. Doc. 61-2328, appearing at page 2311 of the issue for Saturday, March 18, 1961, the amendatory text of item 2d should read: "Paragraph (f)(8) of § 121.87 is amended by adding the following items:".

2. In F.R. Doc. 61-2329, appearing at page 2312 of the issue for Saturday, March 18, 1961, in the list of synthetic flavoring substances and adjuncts included in the amendment to § 121.86, the item "21Phenylpropyl tetahydrofuran" should read "2-Phenylpropyl tetrahydrofuran".

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 691; Amdt. 270]

PART 507—AIRWORTHINESS DIRECTIVES

Douglas DC-8 Series Aircraft

Pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), an airworthiness directive was adopted on March 8, 1961, and made effective immediately because of the safety emergency involved, as to all known United States operators of Douglas DC-8 Series aircraft. There were several reported cases of loosened rudder boost piston end assembly locknut.

For this reason it was found that immediate corrective action was required in the interest of safety, that notice and public procedure thereon were impracticable and contrary to the public interest and that good cause existed for making this airworthiness directive effective immediately as to all known U.S. operators of Douglas DC-8 Series aircraft by individual telegrams dated March 8, 1961. It is hereby published in the FEDERAL REGISTER as an amendment to § 507.10(a) of Part 507 (14 CFR Part 507), to make it effective as to all persons:

DOUGLAS. Applies to all DC-8 Series aircraft.

Compliance required within the next 20 hours' time in service, unless already accomplished in accordance with Douglas Alert Bulletin dated February 24, 1961.

As a result of reported instances of loosened rudder boost piston end assembly locknut, the following must be accomplished.

Refer to DC-8 Overhaul Manual, Chapter 27-19-2, page 18. Visually inspect for loose locknut P/N NAS 509-16 and proper installation and safetying to locknut of lockwasher P/N NAS 513-16. Insure that lockwasher is not installed backwards and that tang on lockwasher is engaged in notch in piston end and that piston has not rotated out of its proper position. If any discrepancies are found, they must be corrected in accordance with the DC-8 Overhaul Manual and Douglas Alert Bulletin dated February 24, 1961, prior to further flight.

This amendment shall become effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram dated March 8, 1961.

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

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

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

[F.R. Doc. 61-2532; Filed, Mar. 22, 1961; 8:46 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-WA-26]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification

The purpose of this amendment to § 600.6026 of the regulations of the Administrator is to modify the south alternate to VOR Federal airway No. 26 between Wausau, Wis., and Green Bay, Wis.

The eastern segment of Victor 26 south alternate between Wausau and Green Bay is aligned via the 271° True radial of the Green Bay VORTAC. VOR Federal airway No. 55 between Stevens Point, Wis., and Green Bay is designated via the Green Bay VORTAC 269° True radial.

Improved methods of air traffic management can be accomplished by realigning the east segment of Victor 26 south alternate between Wausau and Green Bay to coincide with Victor 55. Therefore, Victor 26 south alternate is being redesignated via the Wausau VOR 121° True and the Green Bay VORTAC 269° True radials. The control areas associated with Victor 26 south alternate are so designated that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary.

Since the change effected by this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than thirty 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:

In the text of § 600.6026 (25 F.R. 5481, 11147) "Green Bay, Wis., VOR including a south alternate;" is deleted and "Green Bay, Wis., VORTAC, including a south alternate via the INT of the Wausau VOR 121° and the Green Bay VORTAC 269° radials;" is substituted therefor.

This amendment shall become effective 0001 e.s.t., June 1, 1961.

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

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

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

[F.R. Doc. 61-2536; Filed, Mar. 22, 1961; 8:46 a.m.]

[Airspace Docket No. 60-NY-141]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

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

Modification of Federal Airway and Associated Control Areas

On December 22, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 13244) stating that the Federal Aviation Agency proposed to designate a west alternate and associated control areas to VOR Federal airway No. 31, between Selinsgrove, Pa., and Elmira, N.Y.

No adverse comments were received regarding the proposed amendments.

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

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

1. In the text of § 600.6031 (14 CFR 600.6031, 25 F.R. 7147, 12286) "Selinsgrove, Pa., VOR; Williamsport, Pa., VOR; Elmira, N.Y., VOR;" is deleted and "Selinsgrove, Pa., VORTAC; Williamsport, Pa., VORTAC; Elmira, N.Y., VOR, including a W alternate from the Selinsgrove VORTAC to the Elmira VOR via the INT of the Selinsgrove VORTAC 342° and the Elmira VOR 187° radials;" is substituted therefor.

2. In the text of § 601.6031 (14 CFR 601.6031) "All of VOR Federal airway No. 31." is deleted and "All of VOR Federal airway No. 31, including a W alternate." is substituted therefor.

These amendments shall become effective 0001 e.s.t., June 1, 1961.

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

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

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

[F.R. Doc. 61-2535; Filed, Mar. 22, 1961; 8:46 a.m.]

[Airspace Docket No. 60-NY-145]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

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

Modification of Federal Airway and Associated Control Areas

On December 16, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 12914) stating that the Federal Aviation Agency proposed to extend VOR Federal airway No. 478 and its associated control areas from Newcombe, Ky., to Beckley, W. Va.

No adverse comments were received regarding the proposed amendments.

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

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

1. Section 600.6478 (25 F.R. 2160) is amended to read:

§ 600.6478 VOR Federal airway No. 478 (Falmouth, Ky., to Beckley, W. Va.).

From the Falmouth, Ky., VOR via the Newcombe, Ky., VOR to the Beckley, W. Va., VOR.

§ 601.6478 [Amendment]

2. In the caption of § 601.6478 (25 F.R. 2160) *"Newcombe, Ky."* is deleted and *"Beckley, W. Va."* is substituted therefor.

These amendments shall become effective 0001 e.s.t., June 1, 1961.

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

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

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

[F.R. Doc. 61-2534; Filed, Mar. 22, 1961; 8:46 a.m.]

[Airspace Docket No. 61-NY-11]

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

Revocation of Control Zone

The purpose of this amendment to Part 601 of the regulations of the Administrator is to revoke the Hempstead, N.Y. (Mitchel AFB), control zone.

The Department of the Air Force has stated in correspondence to the Federal Aviation Agency that it has no requirement for the retention of this control zone. Airport traffic control services will be discontinued on or about April 16, 1961.

Since the change effected by this amendment reduces a 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 thirty days after publication.

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

§ 601.2243 Hempstead, N.Y., control zone. [Revoked]

This amendment shall become effective 0001 e.s.t., May 4, 1961.

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

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

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

[F.R. Doc. 61-2533; Filed, Mar. 22, 1961; 8:46 a.m.]

[Airspace Docket No. 61-WA-27]

PART 608—SPECIAL USE AIRSPACE

Modification of Restricted Areas

The purpose of these amendments to §§ 608.45 and 608.69 of the regulations of the Administrator is to correct the boundary coordinates of the Fort Leonard Wood, Mo., Restricted Area R-4501 and to clarify the designated altitudes and using agency of the Camp McCoy, Wis., Restricted Area R-6901, respectively.

That portion of the Fort Leonard Wood, Mo., Restricted Area R-4501 boundaries described as "northeast to latitude 47°48'15" N., longitude 92°04'00" W.;" is being corrected to "northeast to latitude 37°48'15" N., longitude 92°04'00" W.;". The Camp McCoy, Wis., Restricted Area R-6901 designated altitudes are being corrected from "Surface to 25,000 feet." to "Surface to 25,000 feet MSL." and the using agency from "Commanding Officer, Camp McCoy, Sparta, Wis." to "Commanding Officer, Camp McCoy, Wis."

Since these amendments are editorial in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary and they may be made effective immediately.

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

1. In § 608.45 *Missouri*, R-4501 Fort Leonard Wood, Mo., Restricted Area (26 F.R. 882), "northeast to latitude 47°48'15" N., longitude 92°04'00" W.;" is deleted and "northeast to latitude 37°48'15" N., longitude 92°04'00" W.;" is substituted therefor.

2. In § 608.69 *Wisconsin*, R-6901 Camp McCoy, Wis., Restricted Area (26 F.R. 890), "Designated altitudes. Surface to 25,000 feet." is deleted and "Designated altitudes. Surface to 25,000 feet MSL." is substituted therefor and "Using agency. Commanding Officer, Camp McCoy, Sparta, Wis." is deleted and "Using agency. Commanding Officer, Camp McCoy, Wis." is substituted therefor.

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

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

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

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

[F.R. Doc. 61-2537; Filed, Mar. 22, 1961; 8:46 a.m.]

[Reg. Docket No. 686; Amdt. 211]

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	
ELN-VOR	EL-LFR	Direct	5500	T-dn	500-1	500-1	500-1
				C-dn	2200-1	2200-1	2200-1½
				A-dn**	NA	NA	NA

Procedure turn South side E crs, 050° Outbnd, 230° Inbnd, 5500′ within 10 mi. NA beyond 10 mi. (Nonstandard for more favorable terrain.)
Minimum altitude over facility on final approach crs, 4500′.
Crs and distance, facility to airport, 280°—1.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.7 mi, turn left, climb on E crs EL-LFR to 5500′ within 10 mi.
CAUTION: High terrain all quadrants; 4500′ hills 10 mi NE EL-LFR.
**No weather service. Air carrier use NA.

City, Ellensburg; State, Wash.; Airport Name, Bowers Field; Elev., 1766′; Fac. Class., SBMRAZ; Ident., EL; Procedure No. 1, Amdt. 9; Eff. Date, 8 Apr. 61; Sup. Amdt. No. 8; Dated, 20 Mar. 57

All directions	SPR-LFR	Direct	MEA	T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				S-dn-1	600-1	600-1	600-1
				A-dn*	NA	NA	NA

Procedure turn E side of crs, 189° Outbnd, 009° Inbnd, 2700′ within 10 mi.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 011°—3.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles after passing Sprague ville LFR, climb to 2500′ on N crs SPR LFR within 20 mi.
NOTE: ADF approach NA.
*Alternate weather minimums of 800–2 authorized for those who have an approved arrangement for weather service at the airport.

City, Presque Isle; State, Maine; Airport Name, Presque Isle Municipal; Elev., 534′; Fac. Class., SMLZW; Ident., SPR; Procedure No. 1, Amdt. 1; Eff. Date, 8 Apr. 61; Sup. Amdt. No. Orig.; Dated, 27 Aug. 60

All directions	PQ-LFR	Direct	MEA	T-dn	300-1	300-1	200-½
				C-dn	700-1	700-1	700-1½
				S-dn-19	700-1	700-1	700-1
				A-dn*	NA	NA	NA

Procedure turn W side of crs, 019° Outbnd, 199° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 190°—2.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.8 mi. after passing PQ-LFR, climb to 2700′ on S crs of PQ-LFR within 20 mi.
*Alternate weather minimums of 800–2 authorized for those who have an approved arrangement for weather service at the airport.

City, Presque Isle; State, Maine; Airport Name, Presque Isle Municipal; Elev., 534′; Fac. Class., SBRAZ; Ident., PQ; Procedure No. 2, Amdt. 2; Eff. Date, 8 Apr. 61; Sup. Amdt. No. 1; Dated, 14 Jan. 61

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 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-d	800-1	800-1	800-1
				T-n	1000-1	1000-1	1000-1
				C-d	900-1½	900-1½	900-1½
				C-n	1000-2	1000-2	1000-2
				A-dn	1000-2	1000-2	1000-2

Talofofo Radio Beacon (FAA).
Instrument approach to be conducted in accordance with current U.S. Navy procedure as published on Chart AL-2146-ADF-2.

City, Agana; State, Guam; Airport Name, NAS Agana; Elev., 280′; Fac. Class., BHH; Ident., ZET; Procedure No. 2, Amdt. 2; Eff. Date, 8 Apr. 61; Sup. Amdt. No. 1; Dated, 18 Feb. 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	
				T-dn	300-1	300-1	200-½
				C-dn*	900-1	900-1	900-1½
				S-dn-31*	900-1	900-1	900-1
				A-dn*	900-2	900-2	900-2

Instrument approach to be conducted in accordance with USAF AL-1729-ADF-2.
NOTE: Closed to all civil air traffic except in emergency or when given special authorization by U.S.A.F. See Alaska Airman's Guide for authorizing organizations.
CAUTION: 1116' hill located 1.8 miles NE of facility.
*If simultaneous ADF tracking on "EA" HW and "AF" MHW not utilized, above minima NA and minima become 900-2.

City, Fairbanks; State, Alaska; Airport Name, Eielson AFB; Elev., 548'; Fac. Class., HW; Ident., EA; Procedure No. 2, Amdt. Orig.; Eff. Date, 8 Apr. 61

PROCEDURE CANCELLED, EFFECTIVE 8 APRIL 61, OR UPON DECOMMISSIONING OF FACILITY.

City, Fallon; State, Nev.; Airport Name, Municipal; Elev., 3965'; Fac. Class., SBRAZ; Ident., FFN; Procedure No. 1, Amdt. Orig.; Eff. Date, 12 Mar. 55

Huron LFR	LOM	Direct	2500	T-dn	300-1	300-1	200-½
Huron VOR	LOM	Direct	2500	C-d	400-1	500-1	500-1½
				C-n	400-1½	500-1½	500-1½
				S-dn-12	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn West side of crs, 298° Outbnd, 118° Inbnd, 2500' within 10 mi.
Minimum altitude over facility on final approach crs, 2400'.
Crs and distance, facility to airport, 118°—3.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 mi of LOM, climb to 2800' on 118° brng from LOM within 15 miles or, when directed by ATC, climb to 3000' on NE crs HK-LFR within 15 miles.
CAUTION: Radio tower 1484' MSL 1¼ miles S of airport.
NOTE: No approach lights.

City, Huron; State, S. Dak.; Airport Name, Howes Municipal; Elev., 1287'; Fac. Class., LOM; Ident., HO; Procedure No. 1, Amdt. 4; Eff. Date, 8 Apr. 61; Sup. Amdt. No. 3 (ADF portion Comb. ILS-ADF); Dated, 29 Oct. 55

PLN-VOR	Int 135° brng from PLN RBn and R-212 PLN-VOR.	Direct	2300	T-dn	300-1	300-1	300-1
				C-d	500-1	500-1	500-1½
				C-n	500-2	500-2	500-2
				A-dn	800-2	800-2	800-2

Procedure turn East side final approach crs, 2300', 135° Outbnd, 315° Inbnd, within 10 mi of Int.*
Facility on airport.
Minimum altitude over Int* on final approach crs, 1600'.
Crs and distance, Int* to airport, 315°—2.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.9 mi of Int*, make a right climbing turn and proceed to PLN RBn at 2300'.
CAUTION: 1326' tower 2.8 miles SW of airport.
NOTE: Operating VOR and ADF receivers required.
*Int 135° brng from PLN RBn and PLN-VOR R-212.

City, Pellston; State, Mich.; Airport Name, Emmet County; Elev., 720'; Fac. Class., BHH; Ident., PLN; Procedure No. 2, Amdt. Orig.; Eff. Date, 8 Apr. 61

STL-VOR	LOM	Direct	1800	T-dn	300-1	300-1	200-½
SL-LFR	LOM	Direct	1800	C-dn	500-1	500-1	500-1½
Cora Int	LOM	Direct	1800	S-dn-24	400-1	400-1	400-1
Lake "H"	LOM	Direct	2000	A-dn	800-2	800-2	800-2
Academy Int	LOM	Direct	1900				
Mitchell Int	LOM	Direct	1800				
Maryland Hgts VOR	LOM	Direct	2000				
Prairie Int	LOM	Direct	2000				

Radar transitions to final approach course authorized. Information for radar terminal area transition altitudes on St. Louis Radar procedure.
Procedure turn North side of crs, 058° Outbnd, 238° Inbnd, 1900' within 10 miles of LOM.
Minimum altitude over facility on final approach crs, 1300'.
Crs and distance, facility to airport, 238°—4.1.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing LOM, climb to 2000' on crs of 238° to Lake "H" or, as directed by ATC, make right (North) turn, climb to 2000' direct to STL-VOR.
Other Change: Deletes transition from Jerseyville Int.

City, St. Louis; State, Mo.; Airport Name, Lambert-St. Louis Municipal; Elev., 571'; Fac. Class., LOM; Ident., ST; Procedure No. 1, Amdt. 19; Eff. Date, 8 Apr. 61; Sup. Amdt. No. 18; Dated, 24 Dec. 60

				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-24	400-1	400-1	400-1
				A-dn*	NA	NA	NA

Transition to final approach course by radar vectoring is authorized at 1200 feet MSL (Otis RAPCON) when aircraft is within 20 miles (excludes noncontrolled airspace) of Otis AFB RAPCON site.
Procedure turn E side of crs, 055° Outbnd, 235° Inbnd, 1200' within 10 miles.
Minimum altitude over facility on final approach crs, 700'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.7 miles, make a left climbing turn, returning to Martha's Vineyard MHW at 1200' and hold south, right turns, one-minute pattern, 015° inbnd.
Bearing and distance, facility to airport, 235°—2.7.
*Alternate weather minimums of 800-2 authorized for those having an approved arrangement for weather service at the airport.

City, Vineyard Haven; State, Mass.; Airport Name, Martha's Vineyard; Elev., 68'; Fac. Class., MHW; Ident., MVY; Procedure No. 1, Amdt. 9; Eff. Date, 8 Apr. 61; Sup. Amdt. No. 8; Dated, 23 Aug. 58

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	
				T-dn	300–1	NA	NA
				C-d	1700–1	NA	NA
				C-n	1700–2	NA	NA
				A-dn	1700–2	NA	NA

Procedure turn East side of crs, 153° Outbnd, 333° Inbnd, 4000′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 4000′.
Crs and distance, facility to airport, 333°—11.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles after passing CSV-VOR, turn right climbing to 4000′, returning to CSV-VOR via R-342.
CAUTION: Antenna 2023′ MSL, 2.0 miles East of the airport.

City, Crossville; State, Tenn.; Airport Name, Crossville Memorial; Elev., 1862′; Fac. Class., BVORTAC; Ident., CSV; Procedure No. 1, Amdt. Orig.; Eff. Date, 8 Apr. 61

Ellensburg LFR	ELN-VOR	Direct	5000	T-dn	500–1	500–1	500–1
				C-dn	1000–1	1000–1	1000–1½
				A-dn*	NA	NA	NA

Procedure turn North side of crs, 110° Outbnd, 290° Inbnd, 5000′ within 10 mi. Beyond 10 mi NA. Restricted area 11.5 mi SE of ELN-VOR.
Minimum altitude over facility on final approach crs, 3500′.
Crs and distance, facility to airport, 260°—2.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.7 mi, make climbing left turn to 5000′ on R-110 ELN-VOR within 10 mi.
CAUTION: High terrain all quadrants.
*No weather service. Air Carrier use NA.

City, Ellensburg; State, Wash.; Airport Name, Bowers Field; Elev., 1766′; Fac. Class., BVORTAC; Ident., ELN; Procedure No. 1, Amdt. 1; Eff. Date, 8 Apr. 61; Sup. Amdt. No. Orig.; Dated, 12 Mar. 55

				T-dn	300–1	300–1	200–½
				C-dn	800–1	800–1½	800–1½
				S-dn-6	800–1	800–1	800–1
				A-dn*	800–2	800–2	800–2

Procedure turn S side, 210° Outbnd, 030° Inbnd, 1500′ within 10 mi. Beyond 10 mi. NA.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 030°—8.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.3 mi. climb to 1500′ on R-030 within 15 mi.
NOTE: Weather and communications service not available to general public. Itinerant flights contact Cross City Radio for approach clearance or on missed approach.
NOTE: Authorized only for air carriers having approval for weather and communications service at this airport.
*Authorized for air carriers only.

City, Gainesville; State, Fla.; Airport Name, Gainesville; Elev., 155′; Fac. Class., VOR; Ident., GNV; Procedure No. 1, Amdt. 1; Eff. Date, 8 Apr. 61; Sup. Amdt. No. Orig.; Dated, 3 July 56

Huron LFR	HON-VOR	Direct	2400	T-dn	300–1	300–1	200–½
				C-d	400–1	500–1	500–1½
				C-n	400–1½	500–1½	500–1½
				S-dn-12	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn W side NW crs, 304° Outbnd, 124° Inbnd, 2400′ within 10 mi.
Minimum altitude over facility on final approach crs, 2400′.
Crs and distance, facility to airport, 124°—4.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 mi., climb to 2800′ on R-124 within 15 mi HON-VOR.
CAUTION: Radio tower 1484′ MSL 1¼ mi S of airport.

City, Huron; State, S. Dak; Airport Name, Howes Municipal; Elev., 1287′; Fac. Class., BVOR; Ident., HON; Procedure No. 1, Amdt. 5; Eff. Date, 8 Apr. 61; Sup. Amdt. No. 4; Dated, 17 Dec. 55

SVM-VOR	PON-VOR	Direct	2500	T-dn	300–1	300–1	200–½
FNT-VOR	PON-VOR	Direct	2400	C-dn	500–1	500–1	500–1½
Russell Int	PON-VOR (Final)	Direct	1700	A-dn	NA	NA	NA

Procedure turn South side final approach crs, 274° Outbnd, 094° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 119°—4.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles, make left climbing turn and return to PON-VOR at 2400′.
NOTE: All aircraft except scheduled air carriers obtain Detroit area current weather prior to IFR approach.

City, Pontiac; State, Mich.; Airport Name, Pontiac; Elev., 974′; Fac. Class., VORW; Ident., PON; Procedure No. 1, Amdt. Orig.; Eff. Date, 8 Apr. 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	
Wheeling LOM	CTW-VOR	Direct	2600	T-dn	300-1	300-1	NA
				C-d	500-1	500-1	NA
				C-n	500-2	500-2	NA
				S-dn	NA	NA	NA
				A-dn	NA	NA	NA

Procedure turn South side of crs, 115° Outbnd, 295° Inbnd, 2600' within 10 miles.
Minimum altitude over facility on final approach crs, 2600'.
Crs and distance, facility to airport, 295°—7.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.1 miles, proceed direct to Newcomerstown VOR, climbing to 2600', hold SE R-116 CTW-VOR.
NOTES: Lights available on request. Rotating beacon on field.

City, St. Clairsville; State, Ohio; Airport Name, Alderman Field; Elev., 1195'; Fac. Class., BVOR; Ident., CTW; Procedure No. 1, Amdt. Orig.; Eff. Date, 8 Apr. 61

Pismo Int*	SMX-VOR	Direct	1700	T-dn	300-1	300-1	200-½
Oreutt Int**	SMX-VOR	Direct	3000	C-dn	400-1	500-1	500-1½
				S-dn-12	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn North side of crs, 315° Outbnd, 135° Inbnd, 3000' within 10 miles.
Minimum altitude over facility on final approach crs, 1700'.
Crs and distance, facility to airport, 119°—4.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 mi, make immediate left climbing turn, return to SMX-VOR and climb to 3000' on R-315 within 10 mi.
*Pismo Int: Int SBP-VOR R-126 and PRB-VOR R-164.
**Orcutt Int: Int SBP-VOR R-126 and FLW-VOR R-225.

City, Santa Maria; State, Calif.; Airport Name, Public; Elev., 259'; Fac. Class., VOR; Ident., SMX; Procedure No. 1, Amdt. Orig.; Eff. Date, 8 Apr. 61, or on com. of facility

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

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
LGB-VOR	Sail Int**	Direct	2000	T-dn	300-1	300-1	NA
OCN-VOR	Sail Int**	Direct	4000	C-dn	500-1	500-1	NA
ONT-VOR	SNA-VOR	Direct	5000	S-dn-03	500-1	500-1	NA
Sail Int**	Newport Int# (Final)	Direct	1200	A-dn*	800-2	800-2	NA

Procedure turn South side of crs, 203° Outbnd, 023° Inbnd, 1500' within 10 miles of Newport Int.
Minimum altitude over Newport Int# on final approach crs, 1200'.
Crs and distance, Newport Int# to airport, 023°—4.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mi of SNA-VOR, turn left and climb to 2000' on R-203 to Newport Int.
*Weather service 0600 to 2300.
**Sail Int: SNA-VOR R-203 and LGB-VOR R-156.
#Newport Int: SNA-VOR R-203 and LGB-VOR R-133.

City, Santa Ana; State, Calif.; Airport Name, Orange County; Elev., 54'; Fac. Class., VOR; Ident., SNA; Procedure No. TerVOR-03, Amdt. Orig.; Eff. Date, 8 Apr. 61, or upon com. of SNA-VOR

Chino Int**	Olive Int***	Direct	3000	T-dn	300-1	300-1	NA
Olive Int***	Tustin Int# (Final)	Direct	1800	C-dn	500-1	500-1	NA
LGB-VOR	Tustin Int#	Direct	4000	S-dn-21	400-1	400-1	NA
				A-dn*	800-2	800-2	NA

Procedure turn NA. Hold Tustin Int 3000', one-minute right turns, 192° Inbnd, 012° Outbnd.
Minimum altitude over Tustin Int# on final approach crs, 1800'; over Plant Int##, 600'.
Crs and distance, Tustin Int# to airport, 192°—6.2 mi; Plant Int## to airport, 192°—2.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.4 mi after passing Plant Int##, climb to 2000' on R-203 to Newport Int.
*Weather service 0600 to 2300.
**Chino Int: Int SNA R-008 and ONT-VOR R-255.
***Olive Int: Int SNA-VOR R-008 and LGB-VOR R-063.
#Tustin Int: Int SNA-VOR R-008 and LGB-VOR R-080.
##Plant Int: Int SNA-VOR R-008 and LGB-VOR R-098.

City, Santa Ana; State, Calif.; Airport Name, Orange County; Elev., 54'; Fac. Class., VOR; Ident., SNA; Procedure No. TerVOR-21, Amdt. Orig.; Eff. Date, 8 Apr. 61, or on com. of facility

TERMINAL 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	
Lamar Int	ALW-VOR	Direct	3000	T-dn	300-1	300-1	200-½
AW-LFR	ALW-VOR	Direct	3000	C-dn	600-1	600-1	600-1½
Int ALW-VOR R-195 and PSC-VOR R-097.	ALW-VOR	Direct	2200	S-dn-02	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn West side of crs, 195° Outbnd, 015° Inbnd, 3000′ within 10 miles.
Facility on airport.
Minimum altitude over facility on final approach crs, 1600′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, left climbing turn to 3000′ on R-334 within 10 miles.
CAUTION: High terrain East of airport.

City, Walla Walla; State, Wash.; Airport Name, Walla Walla City-County; Elev., 1205′; Fac. Class., BVOR; Ident., ALW; Procedure No. TerVOR-02, Amdt. Orig.; Eff. Date, 8 Apr. 61

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

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach 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	
Baton Rouge LFR	LOM	Direct	1200	T-dn	300-1	300-1	200-½
Baton Rouge VOR	LOM	Direct	1500	C-dn	400-1	500-1	500-1½
Morganza Int	LOM	Direct	1200	S-dn-13	*300-¾	*300-¾	*300-¾
River Int	LOM (Final)	Direct	1300	A-dn	600-2	600-2	600-2
Woodville Int	River Int	Direct	1400				

Procedure turn W side of NW crs, 306° Outbnd, 126° Inbnd, 1300′ within 10 mi. Beyond 10 mi NA.
Minimum altitude at G.S. int inbnd, 1300′.
Altitude of G.S. and distance to approach end of rny at OM 1300—3.8, at MM 240°—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1500′ on SE crs ILS within 20 miles or, when directed by ATC, (1) turn left, climb to 1400′ on R-080 BTR-VOR within 10 mi of Creole Int or (2) turn left, climb to 1900′ on R-040 BTR-VOR within 20 mi.
*400-¾ required when glide slope not utilized. Approach lights not installed.

City, Baton Rouge; State, La.; Airport Name, Ryan; Elev., 70′; Fac. Class., ILS; Idcnt., I-BTR; Procedure No. ILS-13, Amdt. 7; Eff. Date, 8 Apr. 61; Sup. Amdt. No. 6; Dated, 21 Feb. 59

BR-LFR	Creole Int	Direct	1500	T-dn	300-1	300-1	200-½
BTR-VOR	Creole Int	Direct	2000	C-dn	400-1	500-1	500-1½
Int SE crs ILS BTR-VOR R-109	Amite Int	Direct	1400	S-dn-31	400-1	400-1	400-1
Amite Int	Creole Int (Final)	Direct	900	A-dn	800-2	800-2	800-2

Procedure turn E side SE crs, 126° outbnd, 306° inbnd, 1400′ within 10 mi of Creole Int. NA beyond 10 mi.
No glide slope.
Minimum altitude over Creole Int, 900′.
Crs and distance, Creole Int to airport, 306°—3.0.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 mi after passing Creole Int, climb to 1300′ on NW crs ILS within 10 mi of LOM, or when directed by ATC, turn right, climb to 1900′ on R-040 within 20 mi.

City, Baton Rouge; State, La.; Airport Name, Ryan; Elev., 70′; Fac. Class., ILS; Ident., I-BTR; Procedure No. ILS-31, Amdt. 3; Eff. Date, 8 Apr. 61; Sup. Amdt. No. 2; Dated, 22 Mar. 58

Huron LFR	LOM	Direct	2500	T-dn	300-1	300-1	200-½
Huron VOR	LOM	Direct	2500	C-d	400-1	500-1	500-1½
				C-n	400-1½	500-1½	500-1½
				S-dn-12	300-¾	300-¾	300-¾
				A-dn	800-2	800-2	800-2

Procedure turn W side NW crs, 298° Outbnd, 118° Inbnd, 2500′ within 10 miles.
Minimum altitude at G.S. interception inbnd, 2500′.
Altitude of G.S. and distance to approach end of rny at OM 2433—3.8, at MM 1488—0.4.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2800′ on SE crs ILS within 15 miles or, when directed by ATC, climb to 3000′ on NE crs HK-LFR within 20 miles.
CAUTION: Radio tower 1484′ MSL 1¼ mi S of airport.
NOTE: No approach lights.

City, Huron; State, S. Dak.; Airport Name, Howes Municipal; Elev., 1287′; Fac. Class., ILS; Ident., I-HON; Procedure No. ILS-12, Amdt. 4; Eff. Date, 8 Apr. 61; Sup. Amdt. No. 3 (ILS portion Comb. ILS-ADF); Dated, 29 Oct. 55

Lafayette VOR	LOM	Direct	1300	T-dn	300-1	300-1	200-½
Lafayette RBn	LOM	Direct	1300	C-dn	400-1	500-1	500-1¼
Bar Int	LOM (Final)	Direct	1300	S-dn-19	300-¾	300-¾	300-¾
				A-dn	600-2	600-2	600-2

Procedure turn West side of crs, 013° Outbnd, 193° Inbnd, 1500′ within 10 mi. Beyond 10 mi NA.
Minimum altitude at glide slope interception inbnd, 1500′.
Altitude of glide slope and distance to approach end of Runway at OM, 1500′—5.2 mi; at MM, 236′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1500′ on S crs of ILS within 10 miles or, when directed by ATC, turn right, climb to 1500′ on R-280 of Lafayette VOR within 10 miles.

City, Lafayette; State, La.; Airport Name, Lafayette Municipal; Elev., 42′; Fac. Class., ILS; Ident., I-LFT; Procedure No. ILS-19, Amdt. Orig.; Eff. Date, 8 Apr. 61

ILS 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	
Kansas City LFR	LOM	Direct	2500	T-dn	300-1	300-1	300-1
Kansas City VOR	LOM	Direct	2500	C-dn	700-1	700-1	700-1½
Kansas City VOR	N crs ILS	Direct	2500	A-dn	800-2	800-2	800-2
Liberty RBN	LOM	Direct	2500				
Liberty RBN	N crs ILS	Direct	2500				
Farley RBN	LOM	Direct	2500				
Farley RBN	N crs ILS	Direct	2500				
Blue Springs VOR	LOM	Direct	3000				

Radar transition to final approach course authorized. Aircraft will be released for final approach without procedure turn on inbound approach course at least 3.0 miles from MKC LOM. Information for radar terminal area transition altitudes on Kansas City Radar procedure. Radar transition altitudes are determined from radar site.

Procedure turn W side of crs, 004° Outbnd, 184° Inbnd, 2500′ within 10 miles. NA beyond 10 mi account ATC.

Minimum altitude at glide slope interception inbnd, 2500′.

Altitude of glide slope and distance to approach end of Runway at LOM, 2558′—4.4 mi; at Bluff FM, 1460′—0.7 mi.

Crs, Bluff FM to airport, 223°.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make right climbing turn to 2500′ and intercept 310° brng to Farley RBn, then proceed to and hold at Farley RBn or, when directed by ATC, make right climbing turn, climb to 2500′ on SW crs KS-LFR within 25 miles, or if VHF equipped only, make right climbing turn, climb to 2500′ on R-210 MKC-VOR within 25 miles.

CAUTION: Obstruction 1423′ MSL 2.6 miles SE airport, 1946′ MSL tower 5.4 mi SE airport, cracking plant 911′ and stack 835′ MSL 0.5 mi ESE approach end Runway 36, TV tower 2049′ MSL 4.0 mi SSE airport. Takeoffs to S and SW when weather is below 1000-3 will intercept a 210° ADF crs from ILS-LMM or R-185 MKC-VOR as soon as practicable. After takeoff maintain course until reaching 2500′ MSL prior to making left turn due to 2049′ MSL TV tower 4.0 mi SSE of airport. When KMBC TV tower is not visible (5.4 mi SE of airport) on N, NE, E, and SE takeoffs, climb to 2500′ MSL on 090° ADF crs from KS-LFR prior to turning towards tower.

AIR CARRIER NOTES: No reduction in 2-engine takeoff minimums authorized when ILS is inoperative except on Rnwy 31. 200-½ authorized on Runway 31 only.

City, Kansas City; State, Kans.; Airport Name, Fairfax; Elev., 746′; Fac. Class., ILS; Ident., I-MKC; Procedure No. ILS-22, Amdt. 2; Eff. Date, 8 Apr. 61; Sup. Amdt. No. 1; Dated, 4 Mar. 61

Klamath Falls LFR	LOM	Direct	7500	T-dn	500-1	500-1	500-1
Klamath Falls VOR	LOM	Direct	7500	C-d	800-1	800-1	800-1½
				C-n	800-2	800-2	800-2
				S-dn-32	500-1	500-1	500-1
				A-dn	1000-2	1000-2	1000-2

Procedure turn East side of crs, 138° Outbnd, 318° Inbnd, 7500′ within 10 miles. Beyond 10 mi NA. All turns E side of crs.

Minimum altitude at glide slope interception inbnd, 6700′.

Altitude of glide slope and distance to approach end of Runway at LOM, 5968′—5.8 mi; at MM, 4349′—0.6 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing LMM, immediate left climbing turn and climb via LMT-VOR R-255 and FJS-VOR R-012 to 10,500′ at Pinehurst Int or, when directed by ATC, immediate left climbing turn and climb to 8000′ on R-255 within 10 miles.

NOTE: For Military use only. Civil use NA.

City, Klamath Falls; State, Oreg.; Airport Name, Kingsley Field; Elev., 4088′; Fac. Class., ILS; Ident., I-LMT; Procedure No. ILS-32, Amdt. Orig.; Eff. Date, 8 Apr. 61

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

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition	Ceiling and visibility minimums			
	Condition	2-engine or less		More than 2-engine, more than 65 knots
		65 knots or less	More than 65 knots	
	Precision approach			
FI-LFR to Eielson Air Force Base approved GCA patterns, 2500′.	T-dn-All	300-1	300-1	200-½
Fairbanks Surveillance Radar approved maneuvering area, via FI-LFR or EA RBn to Eielson approved GCA patterns, 2500′.	C-dn-31 and 13	600-2	600-2	600-2
	S-dn-31 and 13	200-½	200-½	200-½
	A-dn-31 and 13	600-2	600-2	600-2
	Surveillance approach			
	T-dn-All	300-1	300-1	200-½
	C-dn-31	700-2	700-2	700-2
	C-dn-13	600-2	600-2	600-2
	S-dn-31	700-2	700-2	700-2
	S-dn-13	600-2	600-2	600-2
	A-dn-31 and 13	800-2	800-2	800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—

Runway 13: Climb on crs 130′ to AF RBn, turn right, proceed direct to FI-LFR, climbing to 6000′ or radar vector by Fairbanks departure control.

Runway 31: Turn left, climbing to 6000′ on crs 175°, then proceed direct to FI-LFR or radar vector by Fairbanks departure control.

NOTE: Closed to all civil air traffic except in emergency or when given special authorization by USAF. See Alaska Airman's Guide for authorizing organizations.

City, Fairbanks; State, Alaska; Airport Name, Eielson AFB; Elev., 548′; Fac. Class., Eielson; Ident., Radar; Procedure No. 1, Amdt. Orig.; Eff. Date, 8 Apr. 61

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Radar terminal area maneuvering sectors and altitudes				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
All bearings are from radar site with sector azimuths progressing clockwise:				Surveillance approach			
247°	113°	0–20 mi	*2200	T–dn–A11	300–1	300–1	200–½
113°	147°	0–20 mi	2100	C–dn–22#	500–1	500–1	500–1½
147°	247°	0–20 mi	**2000	C–dn–4, 13, 31	400–1	500–1	500–1½
				S–dn–22#	500–1	500–1	500–1
				S–dn–4, 13, 31	400–1	400–1	400–1
				A–dn–4, 13, 31, 22.	800–2	800–2	800–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb straight ahead to 2600′ and proceed via the FWA–VOR R–001 to Monroe Int or, when directed by ATC, climb straight ahead to 2600′ and proceed via the FWA–VOR R–218 to Rock Creek Int.
NOTE: Aircraft executing missed approach may, after being reidentified, be radar controlled.
#CAUTION: Do not descend below 1500′ MSL until radar advises passing radar fix 3.0 mi from end of Runway 22 due to 1155′ tower 3.8 mi NE.
*2600′ within 3 mi of 1649′ MSL tower 6.6 mi North.
**2100′ within 3 mi of 1067′ MSL tower 22 mi SW.

City, Fort Wayne; State, Ind.; Airport Name, Baer Field; Elev., 801′; Fac. Class., Fort Wayne; Ident., Radar; Procedure No. 1, Amdt. Orig.; Eff. Date, 8 Apr. 61

000	360	Within 30 mi	14,000	Surveillance approach			
				T–dn–34L&R, 16L&R, 14, & 32.	300–1	300–1	200–½
				T–dn–25	300–1	NA	NA
				T–dn–7	500–2	NA	NA
				C–dn–A11	500–1	600–1	600–1½
				S–dn–34L&R, 16R.	400–1	400–1	400–1
				S–dn–16L	600–1	600–1	600–1
				A–dn–A11	800–2	800–2	800–2

Radar transitions and vectoring authorized with approved radar patterns and sector altitudes.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make climbing turn to the west and climb to 9000′ on West crs LFR or R–248 SLC–VOR within 20 miles or, when directed by ATC, climb to 10,000′ in a right-hand one-minute pattern on R–329 or North crs LFR within 12 mi.
NOTE: Aircraft executing a missed approach will not climb above 6500′ until West of LFR or VOR.

City, Salt Lake City; State, Utah; Airport Name, Salt Lake City No. 1; Elev., 4222′; Fac. Class., Salt Lake City; Ident., Radar; Procedure No. 1, Amdt. 2; Eff. Date, 8 Apr. 61; Sup. Amdt. No. 1; Dated, 27 Apr. 57

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 March 2, 1961.

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

[F.R. Doc. 61–2055; Filed, Mar. 22, 1961; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 240—RULES AND REGULATIONS UNDER THE SECURITIES EXCHANGE ACT OF 1934

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

PART 259—FORMS PRESCRIBED UNDER THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

PART 274—FORMS PRESCRIBED UNDER THE INVESTMENT COMPANY ACT OF 1940

Miscellaneous Amendments

The Securities and Exchange Commission has adopted revised forms for reporting security holdings and transactions pursuant to section 16(a) of the Securities Exchange Act of 1934, section 17(a) of the Public Utility Holding Company Act of 1935 and section 30(f) of the Investment Company Act of 1940.

Previously, the following separate forms were prescribed for statements under each of the statutes referred to: Forms 4, 5, and 6 under the Securities Exchange Act of 1934; Forms U–17–1 and U–17–2 under the Public Utility Holding Company Act of 1935; and Forms N–30F–1 and N–30F–2 under the Investment Company Act of 1940. All of these forms have been consolidated into two forms designated Forms 3 and 4 which are to be used, respectively, for the filing of initial statements of beneficial ownership of securities and statements of changes in such beneficial ownership under all three of these statutes.

In connection with the adoption of the revised forms the Commission has adopted the changes set forth below in the related rules under the three statutes. The draft of the proposed rule changes published for comment contained a definition of the term "person" which would have included in such term any group or syndicate the members of which are acting in concert with respect to the acquisition, disposition, holding or voting of securities of an issuer. The draft also included a proposed new rule relating to the reporting of interests in securities held by corporations and business trusts. The Commission has concluded that these two proposals require further study and consideration and has not included them in the rules set forth below. It is contemplated that these matters will be taken up at a later date in connection with certain other additional changes in the rules under section 16(a) of the Securities Exchange Act of 1934.

I. Section 240.16a–1 is amended to read as follows:

§ 240.16a–1 Filing of statements.

(a) Initial statements of beneficial ownership of equity securities required by section 16(a) of the act shall be filed on Form 3 (§ 249.103 of this chapter). Statements of changes in such beneficial ownership required by that section shall be filed on Form 4 (§ 249.204). All such statements shall be prepared and filed in accordance with the requirements of the applicable form.

(b) A person who is already filing statements pursuant to section 16(a) of the act need not file an additional statement on Form 3 (§ 249.103 of this chapter) when an additional class of equity securities of the same issuer becomes

listed and registered on a national securities exchange or when he assumes another or an additional relationship to the issuer; for example, when an officer becomes a director.

(c) Any issuer which has equity securities listed on more than one national securities exchange may designate one such exchange as the only exchange with which reports pursuant to section 16(a) of the act need be filed. Such designation shall be made in writing and shall be filed with the Commission and with each national securities exchange on which any equity security of the issuer is listed. After the filing of such designation the securities of such issuer shall be exempted with respect to the filing of statements pursuant to section 16(a) of the act with any exchange other than the designated exchange.

II. Section 240.16a–3 is amended to read as follows:

§ 240.16a–3 Disclaimer of beneficial ownership.

Any person filing a statement may expressly declare therein that the filing of such statement shall not be construed as an admission that such person is, for the purpose of section 16 of the act, the beneficial owner of any equity securities covered by the statement.

III. Section 240.16a–6 is amended to read as follows:

§ 240.16a–6 Certain transactions subject to section 16(a).

The acquisition or disposition of any transferable option, put, call, spread or straddle shall be deemed such a change in the beneficial ownership of the security to which such privilege relates as to require the filing of a statement reflecting the acquisition or disposition of such privilege. Nothing in this section, however, shall exempt any person from filing the statements required upon the exercise of such option, put, call, spread or straddle.

IV. Section 240.16a–7 is amended to read as follows:

§ 240.16a–7 Statements filed under more than one act.

Any person required to file a statement under both section 16(a) of the act and section 17(a) of the Public Utility Holding Company Act of 1935 or section 30(f) of the Investment Company Act of 1940 may file a single statement containing the required information which will be deemed to be filed under both acts. To comply with the requirement of section 16(a), where applicable, that statements be filed with national securities exchanges, a duplicate original of such statement shall be filed with such exchanges or with the exchange designated pursuant to § 240.16a–1(c).

(Sec. 16(a), 48 Stat. 896, 15 U.S.C. 78p; and sec. 23(a), 48 Stat. 901 as amended, 15 U.S.C. 78w)

V. Section 249.103 is adopted, and reads as follows:

§ 249.103 Form 3, initial statement of beneficial ownership of securities.

This form is prescribed for initial statements of beneficial ownership of securities filed pursuant to section 16(a) of the Securities Exchange Act of 1934.

VI. Section 249.104 is amended to read as follows:

§ 249.104 Form 4, statement of changes in beneficial ownership of securities.

This form is prescribed for statements of changes in beneficial ownership of securities filed pursuant to section 16(a) of the Securities Exchange Act of 1934.

§ 249.105 [Revocation]

VII. Section 249.105 *Form 5, for reporting ownership of equity securities,* is revoked.

§ 249.106 [Revocation]

VIII. Section 249.106 *Form 6, for reports by persons who have just become officers or directors or security holders of more than 10 percent of any class of equity security,* is revoked.

(Sec. 16(a), 48 Stat. 896, 15 U.S.C. 78p; and sec. 23(a), 48 Stat. 901 as amended, 15 U.S.C. 78w)

§ 250.70 [Amendment]

IX. Footnote 4 of § 250.70 is amended to read as follows:

[4] Forms 3 and 4 have been prescribed for the reports which section 17(a) of the act requires to be filed by officers and directors of registered holding companies.

X. In § 250.70(b)(4), the material within parentheses is amended to read as follows: "(on Forms 3 and 4 in the manner prescribed for directors of registered holding companies.)"

XI. Section 250.72 is adopted and reads as follows:

§ 250.72 Filing of statements pursuant to section 17(a).

(a) Initial statements of beneficial ownership of securities required by section 17(a) of the act shall be filed on Form 3 (§ 259.217a). Statements of changes in such beneficial ownership required by that section shall be filed on Form 4 (§ 259.217b). All such statements shall be prepared and filed in accordance with the requirements of the applicable form.

(b) The rules under section 16(a) of the Securities Exchange Act of 1934 shall apply to statements filed pursuant to paragraph (a) of this section to the extent that such rules are pertinent.

(Sec. 17(a), 49 Stat. 830, 15 U.S.C. 79q; and sec. 20(a), 49 Stat. 833, 15 U.S.C. 79t)

XII. Section 259.217a is amended to read as follows:

§ 259.217a Form 3, initial statement of beneficial ownership of securities.

This form is prescribed for initial statements of beneficial ownership of securities filed pursuant to section 17(a) of the Public Utility Holding Company Act of 1935.

XIII. Section 259.217b is amended to read as follows:

§ 259.217b Form 4, statement of changes in beneficial ownership of securities.

This form is prescribed for statements of changes in beneficial ownership of securities filed pursuant to section 17(a) of the Public Utility Holding Company Act of 1935.

(Sec. 17(a), 49 Stat. 830, 15 U.S.C. 79q; and sec. 20(a), 49 Stat. 833, 15 U.S.C. 79t)

XIV. Section 270.30f–1 is amended to read as follows:

§ 270.30f–1 Filing of statements pursuant to section 30(f).

(a) Initial statements of beneficial ownership of outstanding securities required by section 30(f) of the act shall be filed on Form 3 (§ 274.202 of this chapter). Statements of changes in such beneficial ownership required by that section shall be filed on Form 4 (§ 274.203 of this chapter). All such statements shall be prepared and filed in accordance with the requirements of the applicable form.

(b) The rules under section 16(a) of the Securities Exchange Act of 1934 shall apply to statements filed pursuant to paragraph (a) of this section to the extent that such rules are pertinent.

(c) No statements need be filed pursuant to section 30(f) of the act by an affiliated person of an investment adviser in his capacity as such if such person is solely an employee, other than an officer, of such investment adviser.

§ 270.30f–2 [Revocation]

XV. Section 270.30f–2 *Form for statement of changes in beneficial ownership of securities of closed-end investment companies,* is revoked.

§ 270.30f–3 [Revocation]

XVI. Section 270.30f–3 *Exemptions from section 30(f),* is revoked.

(Sec. 30(f), 54 Stat. 836, 15 U.S.C. 80a–29; and sec. 38(a), 54 Stat. 841, 15 U.S.C. 80a–37)

XVII. Section 274.202 is amended to read as follows:

§ 274.202 Form 3, initial statement of beneficial ownership of securities.

This form is prescribed for initial statements of beneficial ownership of securities filed pursuant to section 30(f) of the Investment Company Act of 1940.

XVIII. Section 274.203 is amended to read as follows:

§ 274.203 Form 4, statement of changes in beneficial ownership of securities.

This form is prescribed for statements of changes in beneficial ownership of securities filed pursuant to section 30(f) of the Investment Company Act of 1940.

(sec. 30(f), 54 Stat. 836, 15 U.S.C. 80a–29; and sec. 38(a), 54 Stat. 841, 15 U.S.C. 80a–37)

The foregoing action is taken pursuant to the Securities Exchange Act of 1934, particularly sections 16(a) and 23(a) thereof; the Public Utility Holding Company Act of 1935, particularly sections

17(a) and 20(a) thereof; and the Investment Company Act of 1940, particularly sections 30(f) and 38(a) thereof.

Such action shall be effective March 9, 1961, except that any person required to file a statement on Form 3 or 4 may at his option use the appropriate form as heretofore in effect for any statement filed with Commission or any national securities exchange prior to January 1, 1962.

NOTE: Forms 3 and 4 filed as part of original document. Printed copies of these forms with blank spaces for filling in the required information will be available at a later date.

By the Commission.

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

MARCH 9, 1961.

[F.R. Doc. 61-2547; Filed, Mar. 22, 1961; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2306]

[Misc. 1735085]

UTAH

Partially Revoking Executive Order No. 1032 of February 25, 1909; Revoking Executive Order No. 4391 of March 11, 1926

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 1032 of February 25, 1909, so far as it reserved parts of townships 3 and 4 South, ranges 11 and 12 West of the Uinta Meridian, Utah, comprising the Strawberry Valley Reservoir Site, as segregated by the broken lines upon diagrams which were attached to the order, for use of the Department of Agriculture as a preserve and breeding ground for native birds, to be known as the Strawberry Valley Reservation, the name of which was changed to Strawberry Valley National Wildlife Refuge by Proclamation No. 2416 of July 25, 1940, is hereby revoked.

2. Executive Order No. 4391 of March 11, 1926, reserving the following-described lands as an addition to the Strawberry Valley Reservation, is hereby revoked:

UINTA MERIDIAN

T. 3 S., R. 11 W.,
Sec. 7, SE¼;
Sec. 8, S½;
Sec. 9, S½;
Sec. 10, SW¼;
Secs. 15, W½, SE¼;
Secs. 16 and 17;
Sec. 18, E½;
Sec. 19, E½;
Secs. 20, 21, 22, 27, 28, and 29;
Sec. 30, E½;
Sec. 31, E½; SW¼;
Secs. 32, 33, and 34.
T. 4 S., R. 11 W.,
Secs. 3, 4, 5, and 6;
Sec. 8, E½;
Sec. 9;
Sec. 10, W½.
T. 3 S., R. 12 W.,
Sec. 36, SE¼.
T. 4 S., R. 12 W.,
Sec. 1, NE¼.

The tracts described aggregate 14,070.08 acres.

3. The lands are included in withdrawals for reclamation and other purposes, and most are under the care, management and control of the Strawberry Valley Water Users Association pursuant to a contract of September 28, 1926, as amended and modified, between that Association and the United States.

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

MARCH 16, 1961.

[F.R. Doc. 61-2546; Filed, Mar. 22, 1961; 8:47 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

PART 213—ADMINISTRATION OF LANDS UNDER TITLE III OF THE BANKHEAD-JONES FARM TENANT ACT BY THE FOREST SERVICE

National Grasslands

A new § 213.5 is added to read as follows:

§ 213.5 Grouping of the National Grasslands into administrative units and providing specific designations therefor.

The National Grasslands in the following states and counties are grouped and designated as indicated:

States and counties	*National grassland*
Colorado:	
Weld	Pawnee National Grassland.
Baca, Las Animas, Otero	Comanche National Grassland.
Idaho:	
Oneida, Power	Curlew National Grassland.
Kansas:	
Morton, Stevens	Cimarron National Grassland.
Nebraska:	
Dawes, Sioux	Oglala National Grassland.
New Mexico:	
Colfax, Harding, Mora, Union	Kiowa National Grassland.
North Dakota:	
Grant, Sioux	Cedar River National Grassland.
Ransom, Richland	Sheyenne National Grassland.
Billings, Golden Valley, McKenzie, Slope	Little Missouri National Grassland.
Oklahoma:	
Cimarron	Rita Blanca National Grassland.
Roger Mills	Black Kettle National Grassland.
Oregon:	
Jefferson	Crooked River National Grassland.
South Dakota:	
Custer, Fall River, Jackson, Pennington	Buffalo Gap National Grassland.
Corson, Perkins, Ziebach	Grand River National Grassland.
Jones, Lyman, Stanley	Fort Pierre National Grassland.
Texas:	
Montague, Wise	Cross Timbers National Grassland.
Dallam	Rita Blanca National Grassland.
Fannin	Caddo National Grassland.
Wyoming:	
Campbell, Converse, Crook, Niobrara, Weston	Thunder Basin National Grassland.

(Sec. 213.5 issued under 50 Stat. 525, as amended, 7 U.S.C. 1010-1012; 36 CFR 213.2)

The effective date of these designations is April 1, 1961.

Done at Washington, D.C., this 16th day of March 1961.

RICHARD E. MCARDLE,
Chief, Forest Service.

[F.R. Doc. 61-2552; Filed, Mar. 22, 1961; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 33—SPORT FISHING

Swan Lake National Wildlife Refuge, Missouri

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

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MISSOURI

SWAN LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Swan Lake National Wildlife Refuge, Missouri, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 3,600 acres or 80 percent of the total water area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West

Lake Street, Minneapolis 8, Minnesota. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Crappies, channel cat, black bass, buffalo, shad and other minor species as permitted by State regulations.

(b) Open season: April 1, 1961, through September 10, 1961; daylight hours only.

(c) Daily creel limits:

Crappies, 30.
Channel Cat, 10.
Black Bass, 10.
Buffalo and shad, no limit.

Creel limits for other minor species as prescribed by State regulations.

(d) Methods of fishing:

1. Pole and line, trotline, throwline, limb line, bank line, jig or block line, artificial lures, hooks, and bait are permitted; game fish may not be used for bait. No more than three unlabeled poles or more than thirty-three (33) hooks in the aggregate, may be used by any person at one time. Hooks may not be left unattended for more than 24 hours while in use. Hooks attached to throwlines or trotlines shall be staged not less than 2 feet apart. Trotlines and throwlines may not be attached together. Minnow traps, trotlines, throwlines, limb lines, bank lines, and liveboxes shall be plainly labeled with the owner's name and address.

2. No person shall use any electrical device, explosive, poison or chemical to kill, or stupefy fish, or take or attempt to take fish by rock or hand fishing, with or without hook.

3. The use of boats, canoes, and similar floating devices, without motors, is permitted.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

2. A Federal permit is not required to enter the public fishing area.

3. The provisions of this special regulation are effective to September 11, 1961.

R. W. BURWELL,
Regional Director, Bureau of Sport Fisheries and Wildlife.

MARCH 15, 1961.

[F.R. Doc. 61-2541; Filed, Mar. 22, 1961; 8:46 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[No. 32153]

PART 10—UNIFORM SYSTEM OF ACCOUNTS FOR RAILROAD COMPANIES

Revenues From Water Transfers

At a session of the Interstate Commerce Commission, division 2, held at its office in Washington, D.C., on the 10th day of March A.D. 1961.

Having under consideration a notice of proposed rule making published in the FEDERAL REGISTER January 10, 1961 (26 F.R. Part 170) which proposed an amendment of the Uniform System of Accounts for Railroad Companies by canceling the several accounts for revenues from water transfers and providing a single new account for the revenues from the service previously includible in the canceled accounts. No comments or objections to the proposal have been received; therefore:

It is ordered, That the amendments set forth below and made a part hereof shall become effective April 1, 1961; and

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

(Sec. 20, 24 Stat. 386, as amended. 49 U.S.C. 20)

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY,
Secretary.

Amendments to the Uniform System of Accounts applicable to revenue from water transfers:

Amend Part 10; §§ 10.113, 10.114, 10.115, and 10.116, in the following particulars.

Item No. 1. Cancel the following section numbers, titles, texts, and the notes thereto: § 10.113 *Water transfers-freight;* § 10.115 *Water transfers-passenger;* § 10.115 *Water transfers-vehicles and livestock;* and § 10.116 *Water transfers-other*.

Item No. 2. Add the following new section number, title, texts, and note to the section, in substitution for the four above-cancelled sections:

§ 10.113 Water transfers.

(a) This account shall include the revenue from the transfer by water (ferriage, lighterage, and floatage) of passengers, freight, vehicles and livestock, upon the basis of lawful local tariff rates.

(b) This account also shall include revenue from water transfers of other traffic, such as the revenue from towing beyond lighterage limits and all other towing for which an extra charge is made; insurance of freight afloat when billed out at other than cost; storage of freight afloat; grain overage in boats; pumping performed for outside parties; and from other similar sources.

(c) To this account shall be charged amounts payable to other companies or individuals for extra lighterage, extra towing, and for all other service when such payments represent revenue collected and credited to this account and not a direct expense.

NOTE: No revenue shall be included in this account for water transfers of passengers or shipments upon the basis of arbitraries out of rates for transportation involving rail line haul.

[F.R. Doc. 61-2555; Filed, Mar. 22, 1961; 8:48 a.m.]

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLES

PART 205—REPORTS OF MOTOR CARRIERS

Motor Carrier Quarterly Report Form QPA (Class I Carriers of Passengers)

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 7th day of February A.D. 1961.

The matter of the quarterly reports of Class I motor carriers of passengers being under further consideration, and the changes to be made by this order being minor changes in the data to be furnished, rule-making procedures under section 4(a) of the Administrative Procedure Act, 5 U.S.C. 1003, being deemed unnecessary:

It is ordered, That § 205.11 of the order of October 22, 1956, in the matter of quarterly reports from Class I motor carriers of passengers be, and it is hereby modified and amended with respect to reports for the quarter ended March 31, 1961, and subsequent quarters, to read as shown below.

It is further ordered, That § 205.11, be, and it is hereby, modified and amended to read as follows:

§ 205.11 Quarterly reports of passenger revenues, expenses, and statistics.

Commencing with reports for the quarter ended March 31, 1961, and for subsequent quarters thereafter, until further order, all Class I common and contract motor carriers of passengers, as defined in § 181.02-1 of this chapter, viz., carriers having average gross operating revenues (including interstate and intrastate) of $200,000 or over annually, from passenger motor carrier operations, are required to file quarterly reports in accordance with Motor Carrier Quarterly Report Form QPA (Class I Carriers of Passengers),[1] which is attached to and made a part of this section. Such quarterly report shall be filed in triplicate in the office of the Bureau of Motor Carriers, Interstate Commerce Commission, for the District in which the carrier is domiciled, within 30 days after the close of the period to which it relates.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304. Interpret or apply sec. 220, 49 Stat. 563, as amended; 49 U.S.C. 320)

And it is further ordered, That copies of this order and of Motor Carrier Quarterly Report Form QPA (Passenger) shall be served on all Class I common and contract motor carriers of passengers subject to its terms, and on every trustee, receiver, executor, administrator, or assignee of any such motor carrier, and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 61-2556; Filed, Mar. 22, 1961; 8:49 a.m.]

[1] Filed as part of the original document.

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 3]

DISCRIMINATION IN USING PARK AREAS

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 3 of the act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3) it is proposed to amend § 3.46 as set forth below.

The purpose of the amendment is to conform to present policy requirements of the Federal Government that persons entering into contracts with the United States for the use of public property shall not maintain discriminatory employment practices with respect to race, color, creed or national origin.

It is the policy of the Department of the Interior wherever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the National Park Service, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

MARCH 20, 1961.

Section 3.46 is amended to read as follows:

§ 3.46 Discrimination in furnishing public accommodations, in using park areas, and employment practices in park areas.

The operator of any public facility or accommodation in a park area and its employees, including, but not limited to, the District of Columbia Recreation Board and its personnel, the District of Columbia Armory Board and its personnel, and any subcontractor or sublessee, while using park areas are prohibited from (a) publicizing the facilities, accommodations or any activity conducted therein in any manner that would directly or inferentially reflect upon or question the acceptability of any person or persons because of race, creed, color, or national origin; (b) discriminating by segregation or otherwise against any persons or persons because of race, creed, color, or national origin by refusing to furnish such person or persons any accommodation, facility, service or privilege offered to or enjoyed by the general public; and (c) discriminating against any employee or applicant for employment because of race, creed, color, or national origin in connection with any activity provided for or permitted by its contract, subcontract, lease, sublease, or permit. The aforesaid provision (c) shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoffs or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

[F.R. Doc. 61–2557; Filed, Mar. 22, 1961; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 932]

[Docket No. AO–33–A24]

MILK IN FORT WAYNE, IND., MARKETING AREA

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

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the Fort Wayne, Indiana, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C. not later than the close of business the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Fort Wayne, Indiana, on August 2–4, 1960, pursuant to notice thereof which was issued June 29, 1960 (25 F.R. 6294).

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

1. Extension of the marketing area.
2. Modification of the classification, transfer and allocation provisions.
3. The method of determining minimum prices.
4. Distribution of proceeds to producers.
5. Revision of provisions with respect to unpriced milk.
6. Obligations of nonpool distributing plants with route distribution in the marketing area.
7. Modification of definitions and other administrative provisions.

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

1. The marketing area should be extended to include all the territory within the counties of Adams, Allen, DeKalb, Huntington, Lagrange, Noble, Steuben, Wells, Whitley all in the State of Indiana, together with all municipal corporations therein and all institutions owned or operated by the Federal, State or County government located wholly or partially within the area.

The present marketing area is limited to the city of Fort Wayne in Allen County. The number of handlers currently regulated is seven. The extension of the marketing area would fully regulate approximately 15 additional handlers.

Presently regulated handlers distribute fluid milk products through the entire area proposed. One of these handlers distributes approximately 50 percent of his fluid products outside the present marketing area but within the area proposed. Two other handlers now regulated also have a substantial distribution in the nine counties proposed to be regulated. It is necessary to include the entire area to encompass the major sales areas of all handlers who would be brought under regulation by expansion of the market to include the territory in which presently regulated handlers have a substantial volume of their distribution. Order No. 32 handlers and handlers regulated by other orders distribute from 35 to more than 90 percent of the fluid milk products in each of the counties herein recommended to be included in the marketing area.

Several of the milk distributors located outside the present marketing area and disposing of fluid milk products in the nine-county area do have sales in Allen County, some of them within the present city limits of Fort Wayne. Producers supplying these handlers are intermingled with producers presently supplying the Fort Wayne market.

Dairy farmers delivering to plants in the nine-county area outside of the present marketing area receive prices for their milk which are based on uniform prices paid under the Fort Wayne, North Central or Northeastern Ohio orders, rather than on the utilization of their milk based on a classified price plan. Distributing plants located in the extended marketing area have a high Class I utilization as compared to the market-wide utilization of handlers now regulated. Hence, the operators of these

distributing plants, on the average, pay less for Class I milk than do handlers presently regulated by the Fort Wayne order.

Most of the sales of all fully regulated handlers would be made within the proposed marketing area. Seventeen of the handlers to be fully regulated have little, if any, route distribution of fluid milk products outside the extended marketing area. Four fully regulated handlers would have sales outside the proposed area. Two of these handlers, with 75 percent of their route sales in the enlarged Fort Wayne area, would be regulated under the Indianapolis order if the Fort Wayne area was not extended. Another handler with 25 percent of his route distribution outside the proposed marketing area competes with unregulated milk distributors and with handlers regulated by Southern Michigan, Order No. 24. The fourth of these handlers sells less than 15 percent of his Class I sales outside the proposed area. Another handler located within the proposed marketing area distributed 90 percent or more of his sales of fluid milk products in the State of Ohio. It is anticipated that this handler will be only partially regulated under the Fort Wayne order.

Many of the milk distributors that would be regulated by the extension of the marketing area purchase their reserve supply of fluid milk from the Wayne Cooperative Milk Producers Association.

Fluid milk products sold for consumption in the principal communities in the proposed area must be approved by health authorities who administer health ordinances generally patterned after the United States Public Health Service Milk Ordinance and Code. Within this area the health standards are substantially identical. The marketing area as herein proposed to be extended is a practicable area for purposes of regulation in effectuating the declared policy of the Act.

The provisions of the present Fort Wayne order as amended by the changes recommended below will afford an appropriate regulation for the enlarged marketing area.

2. The provisions relating to classification, transfers and allocation of skim milk and butterfat should be modified.

The order presently provides for the classification of skim milk and butterfat according to the form in which, or the purpose for which, it is used as either Class I or Class II. This classified-use plan should be continued with only minor modifications.

The Class II classification should be modified to include any skim milk which is dumped after prior notification to and opportunity for verification by the market administrator. Skim milk and butterfat used for livestock feed to the extent that appropriate records for such utilization are maintained by the handler should also be classified as Class II. The only trade outlets for surplus milk for many handlers are located at considerable distances from processing plants. Transportation costs are such that it is uneconomical for these handlers to ship relatively small quantities of such unneeded items to processing plants. Skim milk and butterfat used to produce eggnog or disposed of in bulk in the form of milk, skim milk, buttermilk and sweet cream to commercial food processors, manufacturers of candy, soup and bakery products and used in such products should be classified as Class II. The health departments having jurisdiction in the marketing area do not require that eggnog be made from Grade A milk. Skim milk and butterfat used to produce products not generally required to be made from producer milk are customarily defined as Class II. If Class II classification were not provided for sales of these products, handlers would be placed at a disadvantage in competing for such sales. Health regulations require, however, that sour cream be made from Grade A milk. These regulations also require that sour cream products (i.e. products made from a sour cream base but with food additives) and labeled Grade A must be made from the Grade A milk supply. It has been long established that products required to be made from Grade A milk are included in Class I. Therefore, any sour cream product that is labeled Grade A or sour cream should be retained in Class I milk.

The classification of shrinkage has been modified to accommodate changes herein recommended with respect to cooperative associations as handlers of their member producers' milk supply handled in farm bulk tanks and the diversion of milk from pool plants to the pool plant of another handler. The maximum shrinkage allowance of skim milk and butterfat in Class II should be limited to:

(a) Two percent of receipts of milk at a pool plant directly from producers, plus

(b) One and one-half percent of receipts from a cooperative association in farm bulk tanks except that, if the handler operating the pool plant files with the market administrator notice that he is purchasing such milk on the basis of farm weights determined by farm bulk tank calibrations, the applicable percentage should be 2 percent, plus

(c) One and one-half percent of receipts in bulk tanks from other pool plants, less

(d) One and one-half percent of the disposition in bulk tanks from pool plants to all other milk plants, and plus

(e) One-half percent of receipts of producer milk in the case of a cooperative association with respect to milk in farm bulk tanks, unless the operator of the pool plant purchases such milk on the basis of farm weights.

Plants which are operated in a reasonably efficient manner and for which accurate records of receipts and utilization are maintained should not have plant loss in excess of the maximums provided. Any shrinkage in excess of the maximum should be classified as Class I.

Uniformity of costs to handlers and simplicity of accounting are achieved if, so far as possible, Class I utilization each month is assigned to current receipts of producer milk. This can be accomplished by classification of closing inventory as Class II and allocation of opening inventory to Class I only when current receipts of producer milk (except allowable Class II shrinkage) are less than Class I sales. In such case the handler should pay the difference between the Class II price of such milk in the preceding month and the current Class I price. The volume on which this charge is made should not exceed the volume (in excess of allowable Class II shrinkage) for which producers were paid at the Class II price in the preceding month. It is concluded that this method of accounting for inventory will preserve the priority of assignment of current producer reciepts to current Class I use for each month and therefore is more appropriate than using the proposed system of inventory variations.

Provisions relating to transfers of fluid milk, skim milk or cream in bulk to nonpool plants should be revised. Transfers or diversions from a pool plant in the form of bulk milk or skim milk to a nonpool plant not regulated by another order but located within 250 miles of the Allen County, Indiana, Courthouse or as cream to a nonpool plant, wherever located, may be classified as Class II if the receipts of fluid milk products in the nonpool plant during the month from pool plants and from plants at which milk is priced pursuant to another order issued pursuant to the Act do not exceed the "Class II usage" of such nonpool plant. The system of determining the "Class II usage" at the nonpool plant is set forth in detail in the order. In the event that receipts of fluid milk products from plants fully regulated by any Federal order at the nonpool plant exceed the Class II usage, such receipts shall be classified as Class I. Any such Class I shall be assigned pro rata to the receipts from each pool plant and each plant at which milk is classified and priced under another order issued pursuant to the Act. The Fort Wayne market is not the regular source of the reserve milk supplies for nonregulated markets. Therefore, Fort Wayne producers have no claim of priority to such Class I sales in such other markets resulting from transfers from pool plants to nonpool plants in such markets. The highest valued uses should be assigned first to dairy farmers regularly supplying Grade A milk to the nonregulated market. The provisions herein outlined are provided to assure such assignment.

The transfers of milk or skim milk in bulk to nonpool plants not regulated by an order and located more than 250 miles from the Allen County, Indiana, Courthouse should be classified as Class I. While it was proposed that a limitation of 150 miles be used, it is concluded that a limitation of 250 miles would more adequately describe an area wherein handlers may dispose of skim milk and butterfat not needed by order handlers for Class I purposes. There are within this radius ample facilities to handle all of the reserve supplies of whole milk of the market which are not needed for Class I use, and because of the transportation cost involved, it is impractical to move milk or skim milk any greater distance for other than Class I utili-

zation. Within such an area it is possible for the market administrator to verify the utilization of such milk without incurring unreasonable expenses. Beyond that area the verification of such utilization would place an undue burden on the staff of the market administrator and the cost would be excessive. On the other hand, cream for manufacturing purposes being much less bulky may be shipped by handlers to outlets considerable distances from the marketing area. Under the proposal which has been recommended, herein, if the cream is moved without Grade A certification, if each container bears a tag or label stating that the contents are for manufacturing use only and the cream is invoiced as suitable for manufacturing use only, such cream could be classified as Class II if the market administrator is given sufficient notification that he may physically verify that these requirements are complied with. Cream which has been handled in the manner described, can be assumed to be utilized in a Class II product. It will not be necessary for the market administrator to travel unnecessary distances to verify the utilization of cream which may not be utilized in Class I at the point of destination.

Skim milk and butterfat transferred or diverted in bulk to a plant fully regulated by another order should be classified as Class I if so classified and allocated as Class I under such other order (or Class II under Order No. 41). If classified and allocated to any other class under any other order the classification under Order No. 32 would be as Class II.

The allocation procedure should be revised. Presently the allocation provision does not distinguish between other source milk received in bulk fluid form from such milk received in the form of powder or condensed. Neither does it distinguish the difference between other source milk received from regulated and unregulated sources. In general the procedure requires that skim milk and butterfat in producer milk in each pool plant be assigned to Class I before any other milk is so assigned. This is necessary to insure the effectiveness of the classified pricing system of the order. A method of assigning utilization of milk to receipts from different sources which will carry out this objective is set forth in detail in the order. The revised allocation procedure with respect to other source milk will facilitate the application of payments on unpriced milk. It will have the further effect of providing the same treatment of fluid milk products in consumer packages whether distributed on routes in the marketing area or to pool plants by handlers fully regulated under another order.

3. The method of determining minimum prices in the order should be modified.

The present order provides that the basic formula price shall be the highest of the prices paid dairy farmers by local condenseries, the price computed by using butter and cheese prices, or a butter-powder formula price. During the past six years the butter-cheese formula price has not been used as the basic formula price and it should be deleted from the amended order.

The order should be revised to provide the use of prices paid farmers at 10 midwest condenseries as a part of the basic formula price. The use of the higher of the present butter-powder formula or the average price paid dairy farmers at 10 midwest condenseries will appropriately reflect the nationwide market for most manufactured products. Had these prices been used during the past three years the basic formula price would have been increased an average of 4 to 5 cents.

The Class I price should be established at a level which, in conjunction with the Class II price hereinafter concluded to be appropriate, will result in returns to producers high enough to maintain an adequate, but not excessive, supply of quality milk to meet the requirements of consumers in the marketing area, including the necessary reserves. Class I prices must also be in alignment with those prevailing in other nearby regulated markets and should not be at levels which exceed the cost of obtaining milk of acceptable quality and regular availability from alternative sources. This objective can best be effectuated by establishing the Class I price for the Fort Wayne order at the level of the basic formula price plus $1.20.

The order presently provides for seasonal differentials above the basic formula price that range from $0.75 to $1.60 per hundredweight seasonally and average $1.16 on an annual basis. Until recently the resulting Class I price was adjusted as the relationship of the supply of producer milk to gross Class I sales varied. The supply demand provisions of the present order were suspended October 1, 1960, because of the wide and erratic movement of the supply-demand adjustor which was disrupting the normal inter-market alignment of class prices. During the past six years, prior to its suspension, the supply-demand adjustor added on an annual average slightly more than $0.08 per hundredweight to the Class I price. Thus, the annual average differential as provided herein will approximate the same level of Class I prices as the current provisions of the Fort Wayne order. Seasonality in prices to producers should be reflected in a "Louisville Plan" discussed elsewhere in this decision.

The revision of the definitions of producer and producer milk and the extension of the marketing area are expected to make substantial changes in the amount of producer milk received at pool plants in this market. It is anticipated that the order regulating the handling of milk in the Indianapolis, Indiana, marketing area will also make changes in the amount of producer milk received and the total amount of gross Class I sales in the Fort Wayne marketing area. Under these circumstances it is very difficult to forecast accurately what the supply-demand relationships might be following the issuance of an amended order for this market. Based on the recent history of the market, a differential of $1.20 should be used in determining the Class I price through March 31, 1963, and no provision should be made for its adjustment as the supply of producer milk may change in relation to Class I sales. During the intervening time sufficient data should become available to provide a basis for judgment as to the future level of the Class I price and the need for adjusting such price as the supplies may vary in relation to demand.

So that handlers and producers may know the cost of Class I milk early in the month the order is further modified to provide that the basic formula should be based on the designated prices of the preceding month rather than the current month. This modification will make it possible for the market administrator to announce Class I prices for the current month on or before the 6th day of each month.

The basic formula is appropriate to use in determining the Class II price. The one recommended herein is slightly higher than the basic formula price provided in the present order. It will maintain the price for excess milk at the maximum level consistent with facilitating its movement to manufacturing outlets when not required for Class I purposes. It will further provide appropriate alignment with Class II prices in nearby Federal order markets.

It was proposed that a lower price be determined for butterfat used in the manufacture of butter during the months of April through July. The Class II milk utilized by handlers in this market is predominantly in the higher valued Class II products of cottage cheese and ice cream. During these months there is a demand within reasonable distances for butterfat for ice cream manufacturing. To provide a lower Class II price for that used in butter would tend to encourage handlers not to seek the higher valued outlets available. It is therefore concluded, that butterfat used to produce butter should not be priced seasonally.

Multiplying the Chicago butter price by .125 and by .115 will provide an appropriate means for adjusting the Class I and Class II prices, respectively, in this market for each one-tenth percent variation in the butterfat content of milk used in these classes.

The present order provides for the determination of the handler Class I butterfat differential by multiplying the Chicago butter price by .13. The Class II differential in the present order is determined in the same manner as provided herein. The revised handler Class I butterfat differential places more value on the skim portion of milk than prevails under the present order provisions. This differential will recognize the change in consumer demand for skim milk and butterfat and will give some encouragement to increase the disposition of butterfat in Class I outlets.

To coordinate the Class I price and the Class I butterfat differential, the Class I butterfat differential should be based on the average price of butter in the preceding month. This will provide handlers and producers with knowledge of the Class I price a month in advance

of the present provisions of the order. The Class II price and butterfat differential should continue to be based on the current month's prices.

So that the returns to producers will reflect the actual value of their butterfat at the class prices the butterfat differential to producers should be calculated at the average of the Class I and Class II butterfat differentials weighted by the proportion of butterfat classified in each class during the month.

4. A "Louisville Plan" of fall production incentive payments should be utilized in distributing returns to producers to provide the incentive to level production that is provided by the seasonal Class I differentials in the present order. Such a plan provides for setting aside a portion of the payments made by handlers for producer milk during the spring months of flush production and for the distribution of the amounts withheld to producers on the basis of their deliveries during the fall months of production.

Under the plan proposed by producers and herein adopted the amount withheld from the pool would be eight percent of the Class I price times the hundredweight of producer milk deliveries during the months of April, May, and June. One-third of this set aside would be added to the value of producer milk in determining the uniform prices during each of the following months of September, October, and November. This is the same rate as provided for in the Indianapolis order. Thus, alignment of prices with this market is facilitated.

This incentive plan will tend to encourage a more even pattern of production throughout the year. In this way, an appropriate impetus is provided to obtain greater production during the fall months of normally low seasonal production and to discourage the production of unnecessary milk supplies in the spring months of flush production. The average of blend prices to producers for April, May and June during the past three years has been about 80 cents per hundredweight below the blend prices for September, October and November. It is estimated that the Louisville plan will increase the average seasonal difference in blend prices to producers from 80 cents per hundredweight to more than $1.00. Thus, this incentive plan provides a substitute for the seasonal pricing provisions on the present order.

5. The provisions of the present order with respect to compensatory payments on unpriced milk at pool plants should be modified to apply only when receipts from producers exceed 110 percent of Class I utilization at all plants in the market during the month.

When the total market receipts of producer milk are less than 110 percent of total Class I sales during a month it is possible that some handlers would have to purchase milk from outside the market for their Class I sales. In the past, when supplies of producer milk in the Fort Wayne market have been low relative to Class I sales other nearby sources have also been in short supply. Under these circumstances, there is no competitive advantage to be gained by the use of other source milk, and compensatory payments would not be necessary in this market.

No compensatory payment should be required on milk which is classified and priced as Class I under any other Federal order. The alignment of Class I prices for the Fort Wayne, Indiana, market with those for other Federal orders prevents any significant competitive advantage to Fort Wayne handlers who purchase other Federal order milk.

Because of the number and locations of the additional plants which will be brought under regulation it is appropriate that the compensatory payment on other source milk allocated to Class I should be adjusted to reflect the location of the plant at which such other source milk was received from farmers. This will tend to equalize the cost of unpriced other source milk among regulated handlers.

Other source milk used in the form of nonfat dry milk or condensed skim milk should be considered to be from a source at the location of the pool plant at which it is used. The plant where such products are made would be difficult to ascertain and the transportation cost is relatively small for such concentrated products.

6. Under the present order handlers who have route distribution of Class I milk in the marketing area from nonpool plants must pay the difference between the Class I and Class II price on the volume disposed of from routes in the area. In connection with the expansion of the marketing area operators of such nonpool distributing plants should be given the choice of paying dairy farmers from whom they receive Grade A milk the use value of such milk as computed pursuant to all terms and provisions of the order or making payments to the producer-settlement fund in accordance with the present order.

The effectiveness of the minimum price regulation can be maintained by providing alternative methods of determining compensatory payments at a nonpool distributing plant. Subject to proper reporting and the maintenance of adequate records, the operator of such plant should be given an opportunity to choose between payment into the producer-settlement fund of:

(1) An amount equal to the volume of Class I milk disposed of in the marketing area times the difference between the applicable Class I and Class II prices, or

(2) The amount by which total payments to dairy farmers delivering to such plant are less than the total obligation to producers which would be due if such plant were a pool plant.

If the partially regulated handler elects to make payments under the first option, the regulation would be protected in the same manner and to the same extent as is provided with respect to compensatory payments on other source milk at pool plants. If the handler chooses to pay the full utilization value of his milk either directly to his own farmers, or by combination of payments to his farmers and to the producer-settlement fund, he will not have an advantage in terms of the minimum order class prices on his sales of Class I milk in the marketing area. His total minimum obligation for milk will be determined in the same manner as if he were a fully regulated handler. Affording this second option to partially regulated nonpool plants will adequately protect the regulatory plan in this market. Handlers in a position to use this option do not exist to an extent which would permit any significant diversion of the revenue derived from Class I sales in the marketing area to handlers only incidently associated with the market and thereby dissipate the returns to dairy farmers who are primarily engaged in producing an adequate and dependable supply of approved milk for the marketing area. Neither is there any likelihood that handlers who might exercise this option would be able to secure a competitive advantage over fully regulated handlers in the procurement of milk from dairy farmers.

Under this option, the operator of the nonpool plant would be required to file a complete report of receipts and utilization. From such reports, subject to audit, the value of his milk would be computed at the class prices and adjusted for location and butterfat content in the same manner as for a pool plant. From this utilization value the market administrator would subtract the payments to the Grade A dairy farmers who constitute the regular supply of milk for the nonpool plant as verified from the producer payroll. Only such payments would be allowed as had been made to such farmers by the 15th day following the end of the month. The payment would be the gross amount paid to such farmers for milk at the nonpool plant. Bona fide deductions for supplies and services, such as hauling, would be allowed as authorized in writing by the dairy farmer.

The assessment of administrative expense should depend upon which option is chosen by the nonpool distributor. If he elects to make a compensatory payment on his in-area sales he should be required to pay administrative expense only on such quantities of milk disposed of in the marketing area. If he elects the payment to his own dairy farmers based on the utilization value of his milk he should pay administrative expense on his entire receipts of milk from Grade A dairy farmers and any other receipts from unpriced sources which are allocated to Class I milk. The second option necessitates as much verification of the reports and utilization by the market administrator as at a pool plant and the assessment should be computed on the same basis.

7. Due both to the length of time since the order was last revised and to the expansion of the marketing area as provided herein it is desirable to revise certain definitions and administrative provisions of the order.

The Fort Wayne order was last revised in 1954. Since that date many changes in marketing milk in this area have occurred. The largest cooperative association now operates pool plants under the Northeastern Ohio marketing order. There are extensive intermarket move-

ments of milk by handlers regulated under the Chicago, South Bend-La Porte-Elkhart and North Central Ohio orders and by handlers in the Indianapolis, Indiana, market. While at the time of the hearing only a small portion of the supply of producer milk was handled through farm bulk tanks, it is anticipated that this form of marketing milk will develop rapidly. These and other changes in the market provided the basic reasons for the revision of the order as herein provided.

Producer should be defined as a person, other than a producer-handler, who produces Grade A milk, in conformity with the sanitation requirements issued by duly constituted health authorities and whose milk is received at a pool plant or diverted within the limits provided herein. The present order provides that a producer must have certification issued by the Fort Wayne Board of Health. With the extension of the marketing area as outlined herein to include areas beyond the city limits of Fort Wayne it is practical and necessary to provide that any dairy farmer who produces Grade A milk in conformity with sanitation requirements issued by any duly constituted health authority should be eligible to become a producer under this order.

To designate clearly what milk will be subject to the pricing and pooling provisions of this order a handler should be defined as:

(1) Any person in his capacity as the operator of a pool plant;

(2) The operator of any nonpool distributing plant with route distribution in the area;

(3) A cooperative association with respect to milk of its members diverted for the account of such association from a pool plant to a nonpool plant; or

(4) A cooperative association with respect to the milk of those producer members which is delivered from the farm to the pool plant of another handler for the account of the cooperative association. The milk so delivered shall be considered as having been received by the cooperative association at the location of the plant to which it was delivered.

The handler receives the milk of producers and thus must be held responsible for reporting its receipt and utilization. The handler is the one responsible for the payment for producer milk at not less than specified minimum prices. Producer-handlers and other operators of distributing plants should be handlers in order that the market administrator may require reports of such persons to determine their status at any given time.

The present order provides that any cooperative association is a handler with respect to (1) producer milk caused by it to be delivered to a pool plant for which milk such association is authorized to receive payment, or (2) milk certified by the Fort Wayne Board of Health for disposition within the marketing area as fluid milk which such association caused to be delivered, for its account, to a nonpool plant. It was proposed to amend this provision to provide that any cooperative association operating a nonpool plant within the marketing area would be a handler with respect to milk as outlined in points (1) and (2) of the previous sentence. The expansion of the marketing area to include nine counties in Indiana and the increase in the receipt of milk at pool plants in farm bulk tanks make such a provision impractical under the present marketing conditions in this area. The definition of a handler contained herein will provide for specific accountability of the milk to be priced and pooled under the order.

Producer-handler should be defined as a dairy farmer who operates a distributing plant but receives no milk from other dairy farmers or nonpool plants. It is further provided, that the maintenance, care and management of the dairy animals and other resources necessary to produce his own farm milk production and the processing and/or distribution of fluid milk products must be the personal enterprise and at the personal risk of the producer-handler.

A distributing plant should be defined as a plant in which fluid milk products are processed and packaged and from which Grade A fluid milk products are disposed of on a route in the marketing area.

A supply plant should be defined as a plant at which milk is received from dairy farmers and from which Grade A fluid milk products are moved to a distributing plant.

A pool plant should meet certain performance standards in order to determine its status as a regular and substantial supplier of fluid milk in the marketing area. In order to qualify as a pool plant a distributing plant should (1) dispose of 10 percent or more of its total receipts of Grade A milk on routes in the marketing area, and (2) have a total disposition of fluid milk products on routes equal to 50 percent or more of its total receipts of Grade A milk. In order to qualify as a pool plant a supply plant should move to and have utilized at distributing pool plants 50 percent or more of its receipts from dairy farmers. If a supply plant meets this pooling requirement during each of the months of September through December, it should retain pool status during the following January through August unless the operator of the supply plant notifies the market administrator in writing before the first day of the month of his intention to withdraw his plant as a pool plant. If a supply plant becomes a nonpool plant it shall thereafter be a nonpool plant until it again meets the shipping requirements set forth herein.

The revised definition of a pool plant is necessary to insure (1) that the producers sharing in the uniform price of the marketwide pool be those delivering to plants from which a substantial portion of the milk received at such a plant is disposed of as fluid milk products in the marketing area; and (2) that the receipts of those plants which primarily serve markets outside the marketing area be excluded from sharing in the pool. Thus, it is provided that those plants that make sales of fluid milk products on routes in the marketing area equal to 10 percent or more of total receipts of Grade A milk should be regarded as pool plants.

Distributing plants normally distribute on routes a high proportion of their receipts of Grade A milk as fluid milk products. Disposition of not less than 50 percent of its Grade A receipts on routes in the form of fluid milk products in any month would indicate that the plant is primarily a milk distributing plant. Route disposal would serve to distinguish those plants that may qualify as pool plants through route distribution from those which must qualify as supply plants. Route is defined in the order to include all deliveries of fluid milk products other than a delivery in bulk form to any milk processing plant.

The present order provides that a distributing plant be a pool plant if 10 percent of its receipts is disposed of as Class I on routes which are wholly or partially within the marketing area. Thus, a plant could qualify as a pool plant with only a very small percentage of its Class I disposition within the marketing area. Requiring 10 percent of its receipts to be disposed of within the marketing area will insure that a plant, to be pooled, has a substantial association with the market. This revised requirement will not affect the status of any distributing plant now pooled under the order.

Producer milk should be defined as all skim milk and butterfat received at a pool plant directly from producers or from a cooperative association, and milk diverted by the operator of a pool plant or by a cooperative association under specified conditions. In the Fort Wayne marketing area the operators of pool plants do not generally divert milk production of a producer to the pool plant of another handler. However, circumstances do occasionally arise when it is more practical and economic to move milk directly from the farm to the pool plant of another handler. Therefore, it is reasonable to permit such movements of milk between pool plants. The purpose of the diversion privilege is to facilitate the movement of milk to nonpool plants when all of the supply of Grade A milk in the market is not needed for Class I purposes. Allowing for unlimited diversion to nonpool plants during those months when the reserve supplies of milk are heaviest will contribute to the economic movement of milk to nonpool plants. Unlimited diversion, however, is neither necessary nor desirable during the other months of the year when producer milk regularly associated with the market is needed to supply the Class I needs of the market. However, it is necessary during the short supply season to enable handlers to divert milk on weekends or holidays or under unusual circumstances when the milk is not needed to fill the Class I needs of the market. It is, therefore, provided that the operator of a pool plant may divert the milk production of a producer from a pool plant to a nonpool plant for any number of days during the months of January through August. Diversion by

the operator of a pool plant to a nonpool plant should be limited to not more than one-half of the days of production of such producer during the months of September through December. A cooperative association would be similarly limited to the diversion of the milk production of its producer members from a pool plant or directly from the farm to a nonpool plant.

Milk diverted for the account of the operator of a pool plant, or a cooperative association, from a pool plant to a nonpool plant shall be considered to have been received at the pool plant from which diverted.

Other source milk should be defined as all skim milk and butterfat contained in fluid milk products received by a handler at his plant(s) (except producer milk, inventory of fluid milk products at the beginning of the month, and fluid milk products received from pool plants), products other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month and any disappearance of nonfluid milk products not otherwise accounted for. Any receipts from a producer-handler would be other source milk since such person is neither a producer nor the operator of a pool plant.

Fluid milk product should be defined to mean milk, skim milk, buttermilk, flavored milk, flavored milk drinks, concentrated milk disposed of for fluid consumption (other than in hermetically sealed cans), cream, sweet or sour, any mixture of cream and milk or skim milk (except frozen cream, aerated cream products, eggnog, milk shake mixes, ice cream, ice cream mixes, other frozen desserts and sterilized products packaged in hermetically sealed containers) and sour cream products labeled Grade A. The items designated as fluid milk products pursuant to this definition are those products, which, when disposed of by handlers, are considered as Class I milk.

Provision should be made for payment of interest on overdue obligations. The requirement that interest be paid on overdue obligations will encourage prompt payments, thereby making for efficient transactions under the order. Dates on which accounts are due under the order allow adequate time for payment of the principal without an interest charge. A rate equal to one-half of one percent with respect to any unpaid obligation, to or from the market administrator, is an appropriate and economically sound payment for each month or fraction thereof that the obligation is overdue. Under this provision, any unpaid portion of the obligation would be increased one-half of one percent on the first day of the month following the date such obligation is due and on the first day of each succeeding month until such obligation is paid. This procedure will give reasonable time to receive actual payments of obligations before the application of interest.

The order has been completely redrafted to properly coordinate the provisions of the regulation in its entirety.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

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

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

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

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Fort Wayne, Indiana, marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

DEFINITIONS

DEFINITIONS

§ 932.1 Act.

Act means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 932.2 Secretary.

Secretary means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 932.3 Department.

Department means the United States Department of Agriculture.

§ 932.4 Person.

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

§ 932.5 Cooperative association.

Cooperative association means any cooperative marketing association of producers which the Secretary determines:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To be engaged in making collective sales, or marketing milk or its products for its members.

§ 932.6 Fort Wayne, Indiana, marketing area.

Fort Wayne, Indiana, marketing area, hereinafter called the "marketing area," means all the territory within the counties of Adams, Allen, De Kalb, Huntington, Lagrange, Noble, Steuben, Wells, and Whitley, all in the State of Indiana, together with all municipal corporations therein and all institutions owned or operated by the Federal, State or County Government located wholly or partially within the county.

§ 932.7 Producer.

Producer means any person, except a producer-handler, who, in compliance with the Grade A inspection requirements of a duly constituted health authority, produces milk for distribution as fluid milk products within the marketing area or produces milk acceptable for fluid consumption at Federal, State or municipal institutions, which milk is received at a pool plant or is diverted pursuant to § 932.14.

§ 932.8 Handler.

Handler means:

(a) Any person in his capacity as the operator of a pool plant(s); or

(b) The operator of any nonpool distributing plant with route distribution in the area; or

(c) A cooperative association with respect to milk of its producer members diverted for the account of such association from a pool plant to a nonpool plant; or

(d) A cooperative association with respect to the milk of its producer members which is delivered from the farm to the pool plant(s) of another handler for the account of the cooperative association, if the cooperative association, on or before the first day of the month in which such milk is received from producers, has notified, in writing, both the market administrator and the handler to whom the milk is delivered that it wishes to be the handler for such milk. The cooperative association shall be considered the handler for such milk effective the first day of the month following receipt of such notice and milk so delivered shall be considered as having been received by the cooperative association at the location of the plant to which it was delivered.

§ 932.9 Producer-handler.

Producer-handler means a person who:

(a) Operates a distributing plant at which no fluid milk or fluid milk products are received during the month except that of his own farm milk production or that which is transferred from a pool plant(s); and

(b) Assumes as his personal enterprise and risk the processing and/or distribution of fluid products and the maintenance, care and management of dairy animals and other resources necessary to produce his own farm milk production.

§ 932.10 Distributing plant.

Distributing plant means any plant at which fluid milk products are processed and packaged and from which Grade A fluid milk products are disposed of on a route(s) in the marketing area.

§ 932.11 Supply plant.

Supply plant means any plant at which Grade A milk is received from dairy farmers and from which fluid milk products are moved to a distributing plant.

§ 932.12 Pool plant.

Pool plant means:

(a) A distributing plant, other than that of a producer-handler or one described in § 932.61, from which during the month:

(1) Disposition of fluid milk products in the marketing area on routes is equal to 10 percent or more if its total receipts of Grade A milk; and

(2) Total disposition of fluid milk products on routes is equal to 50 percent or more of its total receipts of Grade A milk;

(b) A supply plant from which during the month 50 percent or more of its receipts of Grade A milk from dairy farmers is moved to and received at a pool plant(s) described in paragraph (a) of this section. Any supply plant that was a pool plant during each of the months of September through December shall continue to be a pool plant the following months of January through August unless the operator of such plant notifies the market administrator in writing before the first day of any such month of his intention to withdraw such plant as a pool plant, in which case such plant shall thereafter be a nonpool plant until it again meets the shipping requirements set forth in this paragraph.

§ 932.13 Nonpool plant.

Nonpool plant means any milk processing or distributing plant in any month in which it is not a pool plant.

§ 932.14 Producer milk.

Producer milk means all skim milk and butterfat which is:

(a) Received at a pool plant directly from producers or from a cooperative association; or

(b) Diverted by the operator of a pool plant or by a cooperative association, subject to the following conditions:

(1) The operator of a pool plant may divert the milk production of a producer to the pool plant of another handler for not more than one-half of the days of production during the month;

(2) During January through August the operator of a pool plant may divert the milk production of a producer from a pool plant to a nonpool plant on any number of days during the month and during the months of September through December on not more than one-half of the days of production of such producer during the month;

(3) During January through August a cooperative association may divert the milk production of a producer from a pool plant to a nonpool plant on any number of days of the month and during the months of September through December on not more than one-half of the days of production of such producer during the month;

(4) Milk diverted for the account of the operator of a pool plant shall be considered to have been received at the pool plant from which diverted; and

(5) Milk diverted for the account of a cooperative association shall be considered to have been received at the location of the pool plant from which diverted.

§ 932.15 Other source milk.

Other source milk means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except:

(1) Fluid milk products received from pool plants;

(2) Producer milk; and

(3) Inventory of fluid milk products on hand at the beginning of the month;

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month; and

(c) Any disappearance of nonfluid milk products not otherwise accounted for.

§ 932.16 Fluid milk product.

Fluid milk product means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, concentrated milk disposed of for fluid consumption (other than in hermetically sealed cans), cream, sweet or sour, and any mixture of cream and milk or skim milk (except frozen cream, aerated cream products, eggnog, milk shake mixes, ice cream, ice cream mixes, other frozen desserts and sterilized products packaged in hermetically sealed containers) and sour cream products labeled Grade A.

§ 932.17 Route.

Route means a delivery (including delivery by a vender or sale from a plant or plant store) of any fluid milk product, other than a delivery in bulk form to any milk processing plant.

§ 932.18 Chicago butter price.

Chicago butter price means the simple average, as computed by the market administrator, of the daily wholesale sell-

ing prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 932.20 Designation.

The agency for the administration of this part shall be a market administrator, appointed by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by, the Secretary.

§ 932.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) Administer its terms and provisions;

(b) Receive, investigate, and report to the Secretary complaints of violations;

(c) Make such rules and regulations as are necessary to effectuate its terms and provisions; and

(d) Recommend amendments to the Secretary.

§ 932.22 Duties.

The market administrator shall perform all the duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this part;

(c) Obtain a bond in a reasonable amount, and with satisfactory surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay from the funds received pursuant to § 932.86, the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 932.85, that are necessarily incurred by him in the maintenance and functioning of his office, and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary, and furnish such information and reports as the Secretary may request;

(g) Verify all reports and payments of each handler by audit, or such other investigation as may be necessary, of such handler's records and facilities and of the records and facilities of any other person upon whose utilization the classification of skim milk and butterfat depends;

(h) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports or payments required by this part;

(i) Prepare and disseminate to producers, handlers and the public, general information as he deems necessary;

(j) On or before the dates specified herein, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the following:

(1) The 6th day of each month, the Class I milk price and the Class I butterfat differential, both for the current month; and the Class II milk price, and the Class II butterfat differential, both for the preceding month; and

(2) The 14th day of each month, the uniform price and the producer butterfat differential for the preceding month;

(k) On or before the 12th day after the end of each month report to each cooperative association which so requests the amount and class utilization of milk caused to be delivered by such association, either directly or from producers who have authorized such association to receive payments for them to each handler to whom the cooperative sells milk. For the purpose of this report the milk caused to be so delivered by an association shall be prorated to each class in the proportion that the total receipts of milk received from producers by such handler were used in each class.

REPORTS, RECORDS AND FACILITIES

§ 932.30 Reports of receipts and utilization.

By mailing on or before the 6th day after the end of each month, or by delivery not later than the 8th day after the end of the month, each handler, except a producer-handler and a handler pursuant to § 932.61, shall report to the market administrator for such month, reporting separately for each of his pool plants, in the detail and on the forms prescribed by the market administrator, as follows:

(a) The quantities of skim milk and butterfat contained in:

(1) Receipts of milk from producers, including receipts of the handler's own production;

(2) The quantities of skim milk and butterfat contained in milk and milk products received from other pool plants and a cooperative association which is a handler pursuant to § 932.8(d);

(3) The quantities of skim milk and butterfat contained in other source milk, including milk which has been classified and priced under other Federal orders;

(b) The inventories of skim milk and butterfat on hand at the beginning and the end of the month;

(c) The utilization of all skim milk and butterfat required to be reported by this section, including a separate statement of the disposition of Class I milk outside the marketing area; and

(d) Such other information with respect to the receipts and utilization of milk and milk products as the market administrator may require.

§ 932.31 Payroll reports.

(a) Each handler, except a producer-handler and a handler pursuant to § 932.61 or § 932.62, shall report to the market administrator in the detail and on forms prescribed by the market administrator the following:

(1) On or before the 25th day after the end of each month for each producer or cooperative association from whom milk was received during the preceding month the following:

(i) His name and address;

(ii) The total pounds and butterfat content of milk received during the month;

(iii) The amount of any deductions authorized in writing by such producer to be made from payments due for milk delivered; and

(iv) The prices paid and the net amount of the payment to each producer;

(b) Each handler operating a nonpool distributing plant who does not elect to make payments as required pursuant to § 932.62(a) shall report to the market administrator on or before the 25th day after the end of the month for each dairy farmer from whom milk was received the same information as required pursuant to paragraph (a)(1) of this section.

§ 932.32 Other reports.

Each producer-handler and each handler pursuant to § 932.61 shall make reports to the market administrator at such time and in such manner as the market administrator may request.

§ 932.33 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations together with such facilities as are necessary for the market administrator to verify or establish the correct data which are required to be reported pursuant to this part and the payments required to be made pursuant to this part.

§ 932.34 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act, or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further notification from the market administrator. In either case, the market administrator shall give further written notifi-

cation to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 932.40 Skim milk and butterfat to be classified.

The skim milk and butterfat to be reported by each handler pursuant to § 932.30 shall be classified each month by the market administrator pursuant to the provisions of § 932.41 through § 932.47.

§ 932.41 Classes of utilization.

Subject to the conditions set forth in §§ 932.42 to 932.47 the classes of utilization shall be as follows:

(a) *Class I.* Class I shall be all skim milk and butterfat:

(1) Disposed of in the form of fluid milk products, except those classified pursuant to paragraphs (b) (2), (3), (4), and (5); and

(2) Not accounted for as Class II.

(b) *Class II.* Class II shall be:

(1) All skim milk and butterfat used to produce any product other than a fluid milk product;

(2) All skim milk and butterfat disposed of in bulk to commercial food processors and used in a food product;

(3) All skim milk authorized by the market administrator to be dumped;

(4) All skim milk and butterfat accounted for as disposed of for livestock feed;

(5) The inventories of fluid milk products on hand at the end of the month;

(6) The shrinkage of other source milk; and

(7) In shrinkage of skim milk and butterfat, respectively, not to exceed the following:

(i) Two percent of the milk received at a pool plant directly from producers; plus

(ii) One and one-half percent of receipts from a cooperative association in farm bulk tanks, except that, if the handler operating the pool plant files with the market administrator notice that he is purchasing such milk on the basis of farm weights determined by farm bulk tank calibrations, the applicable percentage shall be two percent; plus

(iii) One and one-half percent of receipts in bulk tanks from other pool plants; less

(iv) One and one-half percent of disposition in bulk tanks from pool plants to all other milk plants; and plus

(v) One-half percent of receipts of producer milk by a cooperative association with respect to milk delivered in farm bulk tanks, unless the exception provided in subdivision (ii) of this paragraph applies.

§ 932.42 Assignment of shrinkage.

The market administrator shall determine the assignment of shrinkage to Class II as follows:

(a) Determine the total shrinkage of skim milk and butterfat for each handler; and

(b) Assign the shrinkage of skim milk and butterfat pro rata between milk received (1) directly from producers, from a cooperative association in its capacity as a handler and from other pool plants and (2) other source milk received in the form of fluid milk products.

§ 932.43 Responsibility of handlers.

In establishing the classification of skim milk and butterfat as required by this part, the burden rests upon the handler who first receives such skim milk or butterfat to establish to the satisfaction of the market administrator that such skim milk or butterfat should not be classified as Class I.

§ 932.44 Transfers.

Skim milk and butterfat disposed of by handler, either by transfers or diversions shall be classified:

(a) As Class I if transferred in the form of fluid milk products to and utilized at the pool plant of another handler unless utilization as Class II is claimed by both handlers in their reports pursuant to § 932.30, and the amount of skim milk or butterfat so assigned to Class II does not exceed the amount of skim milk or butterfat remaining in Class II at either plant after the subtraction of other source milk pursuant to § 932.46. In no case shall the assignment to Class I in the transferee plant exceed the difference between its total receipts of milk and milk products and its total utilization of such milk and milk products in Class II.

(b) As Class I if transferred in the form of fluid milk products to and utilized at a plant operated by a producer-handler;

(c) As Class I if transferred in the form of bulk fluid milk products to, and utilized at, a nonpool plant that is a fully regulated plant under another order issued pursuant to the Act, and if it is classified and allocated as Class I (or Class II under Order No. 41; Part 941 of this chapter) under such other order or as Class II if classified and allocated to any other class under such other order. In the event such nonpool plant receives skim milk and butterfat from two or more plants regulated by an order(s) other than that under which it is regulated the amount classified in each class shall be a pro rata share of such receipts allocated to that class;

(d) As Class I if transferred, in the form of bulk milk or skim milk, to and utilized at a nonpool plant, except as specified in paragraphs (b) and (c) of this section, located more than 250 miles from the Allen County Courthouse in Fort Wayne, Indiana, using the shortest accessible highway distance available for such transportation; and

(e) (1) As Class I milk if transferred in the form of bulk milk or skim milk to and utilized at a nonpool plant except as specified in paragraphs (b), (c), and (d) of this section located within 250 miles of the Allen County Courthouse in Fort Wayne, Indiana (using the shortest accessible highway distance available for such transportation) unless:

(i) The transferring handler claims Class II use in his report submitted pursuant to § 932.30;

(ii) The operator of the nonpool plant maintains books and records which are made available for examination upon request by the market administrator and which are adequate for verification of such Class II use; and

(iii) Such plant receives Grade A milk from dairy farmers who are its regular source of supply; and

(2) If these conditions are met the market administrator shall classify as follows:

(i) Determine the use of all skim milk and butterfat in such nonpool plant; and

(ii) Allocate receipts from Grade A farmers to the highest use beginning with Class I. Allocate transferred milk to Class I to the extent remaining, except that if receipts from this and other Federal orders exceed the amount remaining, the amount of such transferred milk allocated to Class I shall be determined by prorating the amount of milk available for Class I allocation in accordance with the receipts from all such plants at the transferee plant; and

(f) As Class I if transferred in the form of bulk cream to and utilized at a nonpool plant except as specified in paragraphs (b) and (c) of this section, unless the handler:

(1) Claims classification as Class II; and

(2) Establishes that (i) such cream was transferred without Grade A certification, (ii) each container was tagged or labeled to show that the contents were for manufacturing use only, (iii) the transfers of such cream was invoiced as suitable for manufacturing use only; and (iv) affords the market administrator at least 48 hours prior notice so that he may verify such shipment.

§ 932.45 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors, the reports submitted by each handler pursuant to this part and compute the total pounds of skim milk and butterfat, respectively, in each class at each of the plants of such handler.

§ 932.46 Allocation of skim milk and butterfat classified.

The pounds of skim milk in each class allocated to producer milk shall be determined each month for each handler as follows:

(a) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified pursuant to § 932.41(b)(7);

(b) Subtract from the pounds of skim milk in Class I the pounds of skim milk received in the form of fluid milk products in consumer-type packages subject to the pricing and pooling provisions of another order issued pursuant to the Act and disposed of as Class I in the same package as received: *Provided*, That this paragraph shall not apply to skim milk in any product if the same product is processed and packaged in the same size and type of container in the pool plant during the month;

(c) Subtract from the remaining pounds of skim milk in each class, in

series beginning with Class II, the pounds of skim milk received as other source milk other than in the form of fluid milk products;

(d) Subtract from the total pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk received in the form of fluid milk products, except as specified in paragraphs (b) and (e) of this section;

(e) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk subject to the Class I pricing and payment provisions of another order issued pursuant to the Act, except as specified in pargraph (b) of this section;

(f) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(g) Subtract from the pounds of skim milk remaining in each class, the pounds of skim milk received from pool plants of other handlers in such class pursuant to § 932.44(a);

(h) Add to the remaining pounds of skim milk in Class II the pounds subtracted pursuant to paragraph (a) of this section; and

(i) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the remaining pounds of skim milk in each class in series beginning with Class II. Any amount so subtracted shall be known as overage.

§ 932.47 Allocation of butterfat classified.

Allocate the pounds of butterfat in each class to producer milk in the same manner as that prescribed for skim milk in § 932.46.

§ 932.48 Computation of total producer milk in each class.

The amounts computed pursuant to §§ 932.46 and 932.47 shall be combined into one total for each class and the weighted average butterfat content of producer milk in each class shall be determined.

Minimum Prices

§ 932.50 Basic formula price.

The basic formula price per hundredweight of milk to be used in determining class prices for each month shall be the higher of the prices per hundredweight of milk of 3.5 percent butterfat content computed by the market administrator pursuant to paragraphs (a) and (b) of this section rounded to the nearest cent:

(a) The average of the basic (or field) prices ascertained to have been paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator by the Department or by the companies indicated as follows:

Present Operator and Location
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus amounts pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the Chicago butter price, subtract three cents, and then multiply by 4.2; and

(2) From the simple average of the weighted averages of the carlot prices per pound of spray and roller process nonfat dry milk solids for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.2.

§ 932.51 Class prices.

The respective minimum prices per hundredweight to be paid by each handler, f.o.b. his plant, for milk received from producers or from a cooperative association during the month shall be as follows:

(a) Class I milk price. Through March 31, 1963 the price for Class I milk of 3.5 percent butterfat content shall be the basic formula price for the preceding month plus $1.20; and

(b) Class II milk price. The price for Class II milk of 3.5 percent butterfat content shall be the basic formula price.

§ 932.52 Butterfat differentials to handlers.

For each class of milk containing more or less than 3.5 percent butterfat, the class price calculated pursuant to § 932.51 shall be increased or decreased, respectively, for each one-tenth of a percent of butterfat at a rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.125;

(b) *Class II price.* Multiply the Chicago butter price for the month by 0.115.

§ 932.53 Location differentials to handlers.

For that milk which is received from producers at a pool plant located 60 miles or more from the Allen County Courthouse, Fort Wayne, Indiana, by the shortest accessible highway distance as determined by the market administrator, and which is transferred to another pool plant in the form of fluid milk products and assigned to Class I milk pursuant to the proviso of this section, or otherwise classified as Class I milk, the price specified in § 932.51(a) shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

Distance from the Allen County Courthouse, Fort Wayne, Indiana (miles):	*Rate per hundredweight (cents)*
60 but less than 70	10.0
For each additional 10 miles or fraction thereof an additional	1.5

In calculating such adjustment transfers may be assigned to Class I only to the extent that Class I disposition at the transferee plant exceeds receipts from producers and cooperative associations pursuant to § 932.8(d) at such plant. Such assignment to transferor plants shall be made first to plants at which no location adjustment credit is applicable and then in sequence to plants at which the lowest rate of such adjustment credit would apply.

§ 932.54 Equivalent price provision.

Whenever the provisions of this part require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose and the specific price is not reported or published, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

Application of Provisions

§ 932.60 Producer-handler.

Sections 932.40 through 932.54 and §§ 932.61 through 932.86 shall not apply to a producer-handler.

§ 932.61 Handlers subject to other Federal orders.

In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing agreement or order issued pursuant to the Act and whose milk is classified and priced under such other order, the provisions of this part shall not apply except that the handler shall, with respect to his total receipts of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and he shall allow verification of such reports by the market administrator.

§ 932.62 Obligations of handler operating a nonpool distributing plant.

In lieu of payments required pursuant to §§ 932.80 through 932.85, each handler, other than a producer-handler or one exempt pursuant to § 932.61, who operates, during the month, a nonpool distributing plant, shall pay to the market administrator for deposit in the producer-settlement fund and the administrative assessment fund, as the case may be, as follows:

(a) If such handler so elects in writing at the time of reporting pursuant to § 932.30, the amounts computed as follows:

(1) On or before the 13th day after the end of the month, for the producer-settlement fund, an amount equal to the difference between the value of the Class I milk disposed of during the month in the marketing area on routes at the applicable Class I price for the month and

the value of such milk at the Class II price; and

(2) On or before the 13th day after the end of the month, as his pro rata share of expense of administration, the rate specified in § 932.86 with respect to Class I milk disposed of in the marketing area on routes; or

(b) Except as the handler may elect the option pursuant to paragraph (a) of this section, he shall pay the amounts as follows:

(1) On or before the 25th day after the end of the month, for the producer-settlement fund, the amount specified in paragraph (a)(1) of this section, or any plus amount resulting from the following computation, whichever is less:

(i) Compute an amount equal to the value of milk which would be computed pursuant to § 932.70 for milk received from dairy farmers at such plant for such month if such plant had been a pool plant; and

(ii) Deduct the gross payments made by the handler to dairy farmers for milk received at such plant for such month. Gross payments to be included in this computation shall be limited to cash payments made to the dairy farmer or his assignee on or before the date of the report pursuant to § 932.31(b), plus the value of any supplies as evidenced by a delivery ticket signed by the dairy farmer; and

(2) On or before the 13th day after the end of the month, as his pro rata share of the expense of administration, an amount equal to that which would have been computed pursuant to § 932.86 had such plant been a pool plant.

§ 932.63 Rate of payment on other source milk.

The following rates of payment on other source milk to be applied pursuant to § 932.70 shall be effective only in the months when the total receipts of producer milk are 110 percent or more of the total amount from all sources classified as Class I:

(a) On other source milk received other than in the form of fluid milk products, subtract the Class II price adjusted by the Class II butterfat differential from the Class I price adjusted by the Class I butterfat differential; and

(b) On other source milk received in the form of fluid milk products, subtract the Class II price adjusted by the Class II butterfat differential from the Class I price adjusted by the Class I butterfat differential, and adjust such difference by the location differential applicable at a pool plant of the same location as the nonpool plant(s) supplying such other source milk. Such adjustment to be made first at the nonpool plant at which no location differential applies and then in sequence at the plants at which the lowest location differential would apply.

Determination of Prices to Producers

§ 932.70 Computation of value of producer milk.

The value of milk received from producers during the month by each handler shall be the sum resulting from the following computations:

(a) For each handler who received milk from producers multiply the quantity of milk received from producers in each class, as computed pursuant to § 932.48, by the applicable respective class prices (adjusted pursuant to §§ 932.52 and 932.53);

(b) Multiply the pounds of overage deducted from each class pursuant to § 932.46(i) and the corresponding step of § 932.47 by the applicable class price;

(c) Multiply the skim milk and butterfat subtracted from Class I pursuant to § 932.46(c) and the corresponding step of § 932.47 by the rate as determined pursuant to § 932.63(a);

(d) Multiply the difference between the Class II price for the preceding month and the Class I price for the current month by the lesser of:

(1) The hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 932.46(f) and the corresponding step of § 932.47; or

(2) The amount classified as Class II (except shrinkage) during the preceding month;

(e) Multiply the skim milk and butterfat subtracted from Class I pursuant to § 932.46(d) and the corresponding step of § 932.47 by the rate pursuant to § 932.63(b); and

(f) Multiply the skim milk and butterfat subtracted from Class I pursuant to § 932.46(f) and the corresponding step of § 932.47 by the rate pursuant to § 932.63 (a) or (b), as the case may be, which:

(1) Is in excess of the sum of:

(i) The quantity for which payment is computed pursuant to paragraph (d) of this section; and

(ii) The quantity subtracted for the preceding month from Class II pursuant to § 932.46(e) and the corresponding step of § 932.47; and

(2) Is also not in excess of the quantity subtracted from Class II pursuant to § 932.46 (c) and (d) in the preceding month.

§ 932.71 Computation of the uniform price.

For each month, the market administrator shall compute the uniform price (f.o.b. pool plants at which no location adjustments are applicable) per hundredweight of producer milk of 3.5 percent butterfat content, as follows:

(a) Combine into one total the values computed pursuant to § 932.70 for the producer milk received by all handlers who submit reports pursuant to § 932.30 and are not in violation of § 932.82 for the preceding month;

(b) Subtract for each of the months of April, May, and June an amount equal to 8 percent of the Class I price multiplied by the quantity of producer milk;

(c) Add during each of the months of September, October, and November, one-third of the total amount subtracted pursuant to paragraph (b) of this section;

(d) Subtract if the average butterfat content of producer milk included in these computations is greater than 3.5 percent or add if such average butterfat content is less than 3.5 percent an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential pursuant to § 932.72 and multiplying the resulting figure by the hundred weight of milk;

(e) Add an amount equal to the sum of the deduction to be made from producer payments for location differentials pursuant to § 932.73;

(f) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund, adjusting for paragraph (b) or (c) of this section, as the case may be;

(g) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section; and

(h) Subtract not less than 4 cents nor more than 5 cents.

§ 932.72 Butterfat differential to producers.

In making payments pursuant to § 932.70 there shall be added to, or subtracted from, the uniform price of milk of 3.5 percent butterfat content, for each one-tenth of one percent of butterfat in such producer milk above or below 3.5 percent, as the case may be, a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a) and (b) of § 932.52 weighted by the pounds of butterfat in producer milk in Class I and II, respectively, with the result rounded to the nearest tenth of a cent.

§ 932.73 Location differential to producers.

In making payments for milk pursuant to § 932.80 a handler may deduct from the uniform price computed pursuant to § 932.71 the rate specified in § 932.53 applicable to the location of the pool plant at which such milk was received or deemed to have been received.

Payments

§ 932.80 Time and method of payment for producer milk.

Each handler shall make payment as follows:

(a) On or before the 17th day after the end of the month during which the milk was received, to each producer to whom payment is not made pursuant to paragraph (c) of this section, at not less than the uniform price for such month computed pursuant to § 932.71, adjusted by the butterfat differential computed pursuant to § 932.72, subject to location adjustments to producers pursuant to § 932.73, and less the amount of the payment made pursuant to paragraph (b) of this section: *Provided*, That if by such date such handler has not received full payment pursuant to § 932.83, he may reduce his total payments to all producers uniformly by not more than the amount of reduction in payment from the market administrator; he shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator;

(b) On or before the last day of each month, to each producer for whom pay-

ment is not made pursuant to paragraph (d) of this section for milk received from him during the first 15 days of the month at not less than the Class II price for the preceding month;

(c) To a cooperative association with respect to milk for which the cooperative association is a handler on or before the 10th day of each month for milk which is caused to be delivered to such handlers during the preceding month at not less than the value of such milk at the applicable class prices; and

(d) Pay to a cooperative association, which is authorized to collect payments for its members and so requests, on or before the 13th and 28th days of each month in lieu of payments pursuant to paragraphs (a) and (b), respectively, of this section, an amount equal to the gross sum due for all milk received from member producers, less amounts owed by each member producer to the handler for supplies purchased from him on prior written order as evidenced by a delivery ticket signed by the producer and also submit to the cooperative association the following:

(1) On or before the 10th day of each month written information which shows for each member producer:

(i) The total pounds of milk received during the preceding month;

(ii) The total pounds of butterfat contained in such milk;

(iii) The number of days on which milk was received; and

(iv) The amounts withheld by the handler in payment for supplies sold; and

(2) On or before the 24th day of each month, written information which shows for each member producer the total pounds of milk received during the first 15 days of the current month.

§ 932.81 Producer settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit the amounts subtracted pursuant to § 932.70(b) and appropriate payments made by handlers pursuant to § 932.62, § 932.82 and all appropriate payments pursuant to § 932.84 and out of which he shall make payments pursuant to §§ 932.83 and 932.71 (c) and all appropriate payments pursuant to § 932.84.

§ 932.82 Payments to the producer-settlement fund.

On or before the 15th day after the end of each month, each handler shall pay to the market administrator any amount by which the value of his milk as computed pursuant to § 932.70 for such month, is greater than the amount owed by him for such milk at the appropriate uniform price adjusted by the producer butterfat and location differentials.

§ 932.83 Payments out of the producer-settlement fund.

On or before the 17th day after the end of each month the market administrator shall pay to each handler any amount by which the value of his milk computed pursuant to § 932.70 for such month is less than the amount owed by him for such milk at the appropriate uniform prices adjusted by the producer butterfat and location differentials. If at such time the unobligated balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

§ 932.84 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provision under which such error occurred.

§ 832.85 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 932.80, shall deduct 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight, as may be prescribed by the Secretary and shall pay such deductions to the market administrator on or before the 15th day of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduction specified in paragraph (a) of this section) make such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 15th day after the end of each month, pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount of milk for which such deduction was computed for each producer.

§ 932.86 Expense of administration.

As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of each month four cents per hundredweight, or such amount not exceeding four cents per hundredweight as the Secretary may prescribe with respect to:

(a) All receipts within the month of milk from producers, including milk of such handler's own production;

(b) Any other source milk allocated to Class I pursuant to § 932.46(c) and (d) and the corresponding steps of § 932.47; and

(c) The amount of milk for which a payment is computed pursuant to § 932.62 (a)(2) or (b)(2).

§ 932.87 Overdue accounts.

Any unpaid obligation of a handler or of the market administrator pursuant to §§ 932.62, 932.82, 932.83, 932.84(a), 932.85(a), or 932.86 shall be increased one-half of one percent on the first day of the month following after the date such obligation is due and on the first day of each succeeding month until such obligation is paid. Any remittance received by the market administrator postmarked prior to the first of the month shall be considered to have been received when postmarked.

§ 932.88 Termination of obligations.

The provisions of this section shall apply to an obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the

part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

§ 932.90 Effective time.

The provisions of this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 932.91.

§ 932.91 Suspension or termination.

The Secretary may suspend or terminate this part or any provision thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

§ 932.92 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

§ 932.93 Liquidation.

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 932.94 Agents.

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

§ 932.95 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D.C., this 17th day of March 1961.

ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 61-2550; Filed, Mar. 22, 1961; 8:48 a.m.]

[7 CFR Part 953]

[Docket No. AO-144-A9]

LEMONS GROWN IN CALIFORNIA AND ARIZONA

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Amendment of Amended Marketing Agreement and Order Regulating Handling

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to the proposed amendment of the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), hereinafter referred to collectively as the "order," regulating the handling of lemons grown in California and Arizona, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601-674), hereinafter referred to as the "act." Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D.C., not later than the close of business of the fifteenth day after publication thereof in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing, on the record of which the proposed amendment of the order is formulated, was initiated by the Agricultural Marketing Service as a result of proposals submitted by Pure Gold, Inc., Sunkist Growers, Inc., and Western Fruit Growers Sales Co. In accordance with the applicable provisions of the aforesaid rules of practice and procedure, a notice that such public hearing would be held on October 27, 1960, in Room 535, Federal Building, 312 North Spring Street, Los Angeles, California, was published in the FEDERAL REGISTER (25 F.R. 9684) on October 8, 1960.

Material issues. The material issues presented on the record of the hearing were concerned with amending the order to:

(1) Authorize marketing research and development projects;

(2) Revise the definition of the term "lemons available for current shipment," as it relates to the lemons in District 2, to include only lemons which are marketable in fresh fruit channels under existing State laws;

(3) Increase to 20 percent the permitted tolerance for overshipment of the weekly allotment; and

(4) Require a minimum of eight concurring votes to recommend an increase in the weekly allotment whenever such recommendation is not made at an assembled meeting of the administrative committee.

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

(1) The provisions of the order should be amended to extend the scope of activities thereunder by authorizing the committee to undertake marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of lemons. The expenses of such projects, as authorized by the act, are to be paid out of assessment income.

Through the medium of research, the committee should be able to develop information on improved methods of handling and marketing lemons which would be of value to the industry in establishing more orderly marketing and expanding market outlets. It was indicated, at the hearing, that marketing research designed to expand and promote the marketing of lemons in new and existing market outlets needs to be undertaken. Also, new and better methods of controlling market diseases, particularly decay, need to be developed. It was pointed out, however, that the scope and character of the projects that may be undertaken should not be limited more than is specified in the act. The committee should be in a position to undertake any marketing research and development project, authorized by the act, as the circumstances indicate would tend to broaden the market for lemons.

The work in connection with any such marketing research and development project should, of course, be performed in the most economical and efficient manner possible. Thus, the committee should avail itself of the facilities of either public or private agencies in carrying out authorized research activities if it would be more economical or expeditious to do so. It is not intended that the research activities of the committee duplicate work already performed or underway by other agencies. However, it may be that additional research, or more intensive study than that underway, may be needed; in which case the committee should cooperate with the other agencies concerned in carrying out the particular project.

As the Secretary is charged with the responsibility for administration of the order, plans for research and development projects should be submitted for his approval prior to conduct of the work.

(2) The total quantity of lemons that may be handled each week when volume limitations are in effect under the order is allocated among handlers on the basis of the proportion of the total quantity

of lemons available for current shipment that is controlled by each handler. The lemons available for current shipment in District 2 are those lemons which have been delivered to the handlers in such district during the preceding 20-week period.

It was testified at the hearing that lemons have been picked up off the ground, and crops not suitable for marketing in fresh fruit channels have been harvested by handlers solely for the purpose of increasing the proportion of the weekly shipments which is allocated to such handlers. This practice increases marketing costs and thus reduces total grower returns. The order should be amended, therefore, to exclude such lemons from the computation of lemons available for current shipment.

The notice of hearing proposed that only those lemons which are marketable in fresh fruit channels under existing state laws should be considered as available for purposes of this computation. The evidence of record indicates, however, that such laws impose certain quality standards at the time lemons are actually marketed in fresh fruit channels, whereas the computation here required must be made at an earlier point of time because lemons usually are stored for varying periods prior to being marketed. Such state laws thus can, at most, be utilized for this purpose in an anticipatory manner.

The order, therefore, should contain a provision to the effect that only lemons which may reasonably be expected to meet the applicable requirements of law for marketability when later marketed may be counted for purposes of this computation. Because of the problems of projecting these standards into future marketings, and the technical problems involved in doing this, it is desirable to provide for the issuance of rules to be prescribed by the committee, with the approval of the Secretary, which will set forth in greater detail the calculations to be made. The Lemon Administrative Committee, because of its intimate knowledge of the lemon industry, is well qualified to initiate such rules as will be appropriate to reflect applicable standards for marketing in fresh fruit channels. In establishing such rules it must be recognized, also, that certain adjustments and allowances may be appropriate or necessary to a suitable formula for ascertaining whether lemons presently to be counted reasonably have the potential to meet requirements for marketing in fresh fruit channels applicable at the time of shipment.

(3) Under the current provisions of the order, handlers are authorized to overship their respective allotments in an amount not to exceed 10 percent of such allotment or one carload, whichever is the greater. Any such overshipment by a handler is offset by deduction of an equal amount of allotment from that which such handler otherwise would receive the following week. The overshipment privilege was made a part of the order as a handler experiences difficulty in handling during a week the exact number of boxes of lemons authorized by the allotment issued to him for such week and some flexibility of operation is necessary.

The evidence of record shows that additional flexibility could be provided without adversely affecting the purposes of the program regulations. The demand for lemons often increases sharply due to changes in the weather or other conditions. Thus, the demand during a particular week may be underestimated when the level of regulation for that week is being considered. If the increased demand develops at the end of the week, some sales of lemons may be lost as it may then be too late to increase the weekly volume of shipments. It was testified that increasing the permitted percentage of overshipments would tend to correct this situation. On the other hand, should all handlers ship lemons in an amount equal to their respective allotments plus the proposed 20 percent overshipment tolerance and the demand did not justify shipments in such quantity, shipments could be "cutback" under the following week's allotment to the extent required to offset the unjustified overshipments.

The order should be amended, therefore, to increase the permitted overshipment of allotment to 20 percent or one carload, whichever quantity is the greater.

(4) Provision is currently made in the order for increasing the quantity of lemons that may be handled during any week whenever such an increase is deemed desirable. In some seasons in the past, such increases often were initiated by means of a telephone poll of the members of the committee. Recently, however, the weekly meetings of the committee have been held on Tuesday and any necessary increase in the volume of shipments for the then current week generally have been considered at such meetings.

It was proposed in the notice of hearing, and witnesses supported this proposal at the hearing, that when an increase in a weekly allotment is recommended on the basis of a telephone vote, an additional member be required to approve the increase over that required when such action is taken at an assembled meeting. It was contended that such a provision should result in the committee giving more serious consideration to its recommendation for volume limitation made at its weekly assembled meeting; and that the original recommendation, so made, would be for a quantity nearer to the quantity it was expected the market would take under the existing conditions than now is the case.

Representatives of a large grower cooperative marketing organization opposed the proposed change in the voting procedure. This organization is responsible for marketing about 75 percent of the lemons produced in the production area. Even so, it was pointed out, its representation on the committee equals only one-half of the total industry representation. Such division was accepted by this organization in a spirit of cooperation and with the belief that the program should be operated in such manner. The proposal was opposed, therefore, primarily as a matter of principal, rather than because it was believed that the operation of the program would be materially impaired.

Both those opposing and those favoring the proposal indicated that, because the weekly assembled meetings of the committee now are held on Tuesday, there would be few times that there would be occasion to have a telephone vote on the question of increasing the weekly allotment. Thus the proposed change in voting procedure currently has little significance. It was agreed also, however, that it is important that the members of the committee have all of the available marketing information when the advisable quantity of lemons to be shipped is being considered so that the best possible decision can be made. It is not practicable, except at an assembled meeting of the committee, to make available to each committee member all of the current information concerning the supply and demand conditions for lemons. Hence, it appears reasonable to make the provisions of the order such that telephone voting on increasing the weekly allotment would be discouraged. However, emergency situations can occur so that it would not be practical to prohibit consideration of increases in such allotment except at an assembled meeting.

The evidence of record indicates that in the past there has been little, if any, difficulty in securing the proposed number of votes in a telephone poll of the committee members when conditions warranted an increase in the allotment. It does not appear that the situation would be changed greatly if the proposal were adopted.

While the proposal in the notice, and most of the evidence at the hearing, related to voting by telephone, the same conditions exist whenever an assembled meeting is not held. It is concluded, therefore, that the order should be amended to require at least eight concurring votes in order for the committee to recommend an increase in allotment whenever such votes are cast at other than an assembled meeting of the committee.

General findings. (1) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

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

(3) The marketing agreement, as amended, and as hereby proposed to be

amended, and the order, as amended, and as hereby proposed to be amended, are limited in their application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act;

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

(5) All handling of lemons grown in the designated production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Rulings on proposed findings and conclusions. December 5, 1960, was fixed as the latest date for the filing of briefs with respect to the facts presented in evidence at the hearing and the findings and conclusions which should be drawn therefrom. No brief was filed.

Recommended amendment of the marketing agreement and order. The following amendment of the amended marketing agreement and order is recommended as the detailed means by which the aforesaid conclusions may be carried out:

§ 953.12 [Amendment]

1. The provisions of paragraph (b) of § 953.12 *Lemons available for current shipment* are deleted and the following substituted in lieu thereof:

(b) With respect to District 2, the total quantity of lemons which, in accordance with standards prescribed by the committee with the approval of the Secretary, potentially are marketable as fresh fruit under applicable laws and which were delivered to the handlers in such district during the preceding 20-week period.

§ 953.28 [Amendment]

2. The first sentence in paragraph (a) of § 953.28 *Procedure* is revised to read as follows: "Seven members of the committee shall constitute a quorum and any action of the committee shall require at least seven concurring votes except that at least eight concurring votes shall be required to recommend an increase in the quantity of lemons fixed under § 953.52 when the voting on such action is not at an assembled meeting."

3. A new § 953.33 is added as follows:

§ 953.33 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 lemons, the expense of such projects to be paid from funds collected pursuant to this part.

§ 953.57 [Amendment]

4. The words "ten percent" are deleted from the first sentence in § 953.57 *Overshipments* and the words "twenty percent" are substituted in lieu thereof.

Dated: March 20, 1961.

ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 61-2573; Filed, Mar. 22, 1961; 8:51 a.m.]

[7 CFR Part 1033]

ONIONS GROWN IN SOUTH TEXAS

Expenses and Rate of Assessment

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth, which were recommended by the South Texas Onion Committee, established pursuant to Marketing Agreement No. 143 and Marketing Order No. 133 (7 CFR Part 1033; 26 F.R. 704).

This marketing order regulates the handling of onions grown in designated counties of South Texas, and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 10 days following publication of this notice in the FEDERAL REGISTER.

§ 1033.201 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the South Texas Onion Committee, established pursuant to Marketing Agreement No. 143 and this part, to enable such committee to perform its functions pursuant to the provisions of the aforesaid marketing agreement and order during the fiscal period February 6, 1961, through January 31, 1962, will amount to $40,000.

(b) The rate of assessment to be paid by each handler pursuant to Marketing Agreement No. 143 and this part shall be one cent ($0.01) per 50-pound sack of onions, or the equivalent quantity thereof, handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in the said marketing agreement and order.

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

Dated: March 17, 1961.

FLOYD F. HEDLUND,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 61-2551; Filed, Mar. 22, 1961; 8:48 a.m.]

Commodity Stabilization Service

[7 CFR Parts 723, 725, 727]

CIGAR-FILLER TOBACCO, CIGAR-BINDER TOBACCO AND CIGAR-FILLER AND BINDER TOBACCO; BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED AND VIRGINIA SUN-CURED TOBACCO; MARYLAND TOBACCO

Marketing, Collection of Marketing Penalties, and Records and Reports, 1961–62 Marketing Year

Notice is hereby given that, pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301, 1311–1315, 1372–1375), the Agricultural Adjustment Act of 1949 (63 Stat. 1051), as amended, and the Agricultural Act of 1956 (70 Stat. 188), as amended, marketing quota regulations are being prepared governing the issuance of marketing cards for marketing and price support purposes, the identification of tobacco for purposes of marketing restrictions and price support, the collection and refund of penalties, and the records and reports incident thereto on the marketing of cigar-binder (types 51 and 52) tobacco, cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco, burley tobacco, flue-cured tobacco, fire-cured (type 21) tobacco, fire-cured (types 22, 23, and 24) tobacco, dark air-cured tobacco, Virginia sun-cured tobacco, and Maryland tobacco for the 1961–62 marketing year.

It is contemplated that the regulations for the 1961–62 marketing year will be substantially the same as those issued for the 1960–61 marketing year (25 F.R. 3927, 4538, cigar-binder and cigar-filler and binder; 25 F.R. 3935, 4538, 8775, burley, flue-cured, fire-cured, dark air-cured and Virginia sun-cured; 25 F.R. 9033, Maryland) except for the proposed changes set forth herein.

The changes presently being considered are as follows:

1. The provisions now contained in § 725.1131(t) (2) and (3) in the 1960–61 regulations would be clarified to read as follows:

(2) Any tobacco (i) that has similar growth characteristics while growing in a field on a farm, or (ii) any cured tobacco that has the same characteristics and corresponding qualities, colors, and lengths of either burley, flue-cured, fire-cured, dark air-cured, or Virginia sun-cured tobacco, shall be considered, respectively, either burley, flue-cured, fire-cured, dark air-cured, or Virginia sun-cured tobacco without regard to any factors of historical or geographical nature which cannot be determined by examination of the tobacco.

(3) For the purpose of discovering and identifying all tobacco subject to marketing quotas the term "tobacco" with respect to any farm located in an area

in which either burley, flue-cured, fire-cured, dark air-cured, or Virginia sun-cured tobacco is normally produced shall include all acreage of tobacco (without regard to the definition of "tobacco" herein), unless the county committee with the approval of the State committee (i) determines that, under subparagraph (2) of this paragraph, all or a part of such acreage should not be considered as either burley, flue-cured, fire-cured, dark air-cured, or Virginia sun-cured tobacco, or (ii) determines, from satisfactory proof furnished by the operator of the farm, that a part or all of the production of such acreage has been certified by the Agricultural Marketing Service under the Tobacco Inspection Act (7 U.S.C. 511), and regulations issued pursuant thereto, as a kind of tobacco not subject to marketing quotas. Any amount of tobacco so determined as a kind of tobacco not subject to marketing quotas shall be converted to acres on the basis of the average yield per harvested acre of tobacco grown on the farm in 1961 for the purpose of determining the harvested acreage of such kind of tobacco produced on the farm.

The provisions now contained in §§ 723.1131(m) (2) and (3) and 727.1131 (t) (1) and (2) in the 1960–61 regulations would be similarly changed.

2. The provisions now contained in the 1960–61 regulations in §§ 723.1135(e), 725.1135(e) and 727.1135(e) would be clarified to provide that, for the purpose of issuing marketing cards, all acreage of tobacco on a farm would be considered to be in excess of the farm acreage allotment so long as the acreage determination is refused either (a) the county committee or its representative or (b) the State committee or its representative, by the farm operator or any producer on the farm.

3. The provisions now contained in the 1960–61 regulations in §§ 723.1138(b) (1) (ii), 725.1138(a) (1) (ii), and 727.1138 (b) (1) (ii) would be clarified to provide for the issuance of an excess marketing card showing the full rate of penalty where tobacco is harvested from a farm and the farm operator or any producer on the farm prevents (a) the county committee or its representative or (b) the State committee or its representative from obtaining information necessary to determine the correct acreage of tobacco on a farm.

4. The provisions now contained in the 1960–61 regulations in § 723.1138(b) (3) (iii) would be amended to read:

(iii) For any kind of tobacco physically harvested from a farm in 1961 from an acreage in excess of the acreage allotment for the farm and disposed of in accordance with § 723.1245(a) unless the county committee, or the county office manager on behalf of the county committee, determines that the acreage of tobacco was not measured or re-measured, as the case may be, and the farm operator notified in sufficient time to afford the farm operator an opportunity to dispose of the excess acreage prior to harvest.

The provisions now contained in §§ 725.1138(a) (3) (iii) and 727.1138(b) (3) (iii) in the 1960–61 regulations would be similarly changed.

5. The provisions now contained in §§ 723.1138(b) (3), 725.1138(a) (3), and 727.1138(b) (3) in the 1960–61 regulations would be enlarged to provide for the issuance of an excess marketing card showing zero penalty only if the director of a publicly owned Agricultural Experiment Station failed to furnish the information and report required under §§723.1138(c) (2), 725.1138(d) (2), and 727.1138 (d) (2) in the 1960–61 regulations before farmers in the county begin the planting of tobacco.

6. The provisions now contained in §§ 723.1145, 725.1145, and 727.1145 in the 1960–61 regulations would be changed to make it clear that, in disposing of excess tobacco representative of the entire 1961 crop in order to come within the allotment, disposition may take place before, during or after completion of harvest. A new provision would be added to provide in the case of excess flue-cured tobacco to be destroyed in the field, representative tobacco means plants which have not been partially harvested (cropped) more than twice. Excess representative flue-cured tobacco acreage to be destroyed in the field from a farm, which has not been partially harvested (cropped) more than twice, shall be from an acreage amount equivalent to the acreage in excess of the allotment divided by the percent of tobacco unharvested. For example, the acreage in excess of the allotment is 1.42 acres, and the tobacco unharvested is 80 percent; the acreage to be disposed of would be (1.42 ÷ 80%) 1.77 acres.

7. The provisions now contained in §§ 723.1146(a) and 725.1146(a) in the 1960–61 regulations would be changed to require any person acting in the capacity of a field assistant to show on the "County Copy" of the Memorandum of Sale from marketing cards, Forms MQ–76, MQ–76–D, and MQ–77, any name shown as seller on a floor sheet which is not the name of the person to whom the marketing card was issued.

8. The provisions now contained in §§ 723.1147, 725.1147, and 727.1147 in the 1960–61 regulations would be changed to show the average market price for the 1960–61 marketing year for each of the kinds of tobacco covered by said regulations. Similarly, the applicable rate of penalty per pound upon marketings of excess tobacco during the 1961–62 marketing year for each of the kinds of tobacco covered by said regulations would be included.

9. The provisions now contained in §§ 723.1149a(d) (2), 725.1149a(d) (2), and 727.1149a(d) (2) in the 1960–61 regulations would be changed to read:

(2) Neither the farm operator nor any producer on the farm had actual knowledge of the error in time to adjust the excess acreage prior to harvest of tobacco from the farm.

10. The provisions now contained in §§ 725.1153(g) and 725.1154(e) in the 1960–61 regulations would be amended to provide for the waiving of the provisions therein upon the director determining there is no discount variety flue-cured tobacco available for marketing.

11. The provisions now contained in §§ 725.1153 (h), (i), (j), and (k) and 727.1153 (g), (h), (i), and (j) in the 1960–61 regulations would be changed to require that warehousemen engaged in the business of holding sales of tobacco at a public auction shall keep such records as are necessary to make reports on a revised MQ–80, Daily Auction Warehouse Report, to show the information heretofore reported pursuant to regulations, under the above-cited paragraphs, on (a) Form MQ–80—(Tobacco), Auction Warehouse Report (season report), (b) Form MQ–81—(Tobacco), Report of Penalties (weekly report), (c) Form MQ–86—(Tobacco), Report of Resales (daily report), and (d) Form MQ–83—(Tobacco), Field Assistant Report (daily report). Forms MQ–81, MQ–83, MQ–86, and MQ–80 as designated under prior regulations, would be eliminated.

12. The provisions now contained in §§ 725.1154 and 727.1154 in the 1960–61 regulations would be changed, in the case of nonwarehouse purchases, to require the dealer to transmit the Memoranda of Sale to the State office together with the MQ–79, Dealer's Record, on which such transactions were recorded.

All persons who desire to submit written data, views and recommendations in connection with the above proposals, or wish to suggest other changes in the present regulations, should file the same with the Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D.C., within ten days after the date of the publication of this notice in the FEDERAL REGISTER.

Issued at Washington, D.C., this 20th day of March 1961.

H. D. GODFREY,
Administrator,
Commodity Stabilization Service.

[F.R. Doc. 61–2575; Filed, Mar. 22, 1961; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 7, 8, 14]

[Docket No. 13952]

COAST AND SHIP STATIONS

Survival Craft Stations and Frequencies

In the matter of amendment of Parts 7, 8, and 14 of the Commission's rules relative to implementation of certain requirements of the Geneva Radio Regulations (1959) regarding survival craft stations and frequencies and other particulars for coast and ship stations; Docket No. 13952.

The Commission having under consideration an informal request, filed March 15, 1961, by Pacific American Steamship Association, requesting an extension of time in which to file comments directed to the Commission's notice of proposed rule making in this Docket;

It appearing that the petitioner, an association representing eighteen mem-

ber steamship companies, was not able to provide its member companies with copies of the Commission's proposal in sufficient time to allow them to study it and submit comments by March 20, 1961, the due date for the filing of comments to the major portions of the Docket; and

It further appearing that the delay in obtaining copies of the proposal in Docket No. 13952 was due to circumstances beyond the control of the petitioner; and

It further appearing that the public interest would be served by granting the extension of time requested by the petitioner; and

It is ordered, That the request of Pacific American Steamship Company is hereby granted and the time for filing comments to the major portions of Docket No. 13952 is hereby extended from March 20, 1961 to April 3, 1961;

It is further ordered, That reply comments, concerning the same portions of the Docket, must be filed on or before April 13, 1961;

It is further ordered, That the dates for filing comments and reply comments (i.e., May 20, 1961, and May 30, 1961, respectively) to "Rivers" frequencies and Alaskan frequencies in Docket 13952 as extended by Order of March 8, 1961, remain unchanged.

Adopted: March 17, 1961.

Released: March 20, 1961.

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

[F.R. Doc. 61-2568; Filed, Mar. 22, 1961; 8:50 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Filing of Plat of Survey and Order Providing for Opening of Public Lands

MARCH 15, 1961.

1. Plat of the extension survey of the lands described below will be officially filed in the Anchorage Land Office, Anchorage, Alaska, effective at 10:00 a.m., April 1, 1961.

SEWARD MERIDIAN

T. 13 N., R. 1 E.,
Sec. 4: All;
Sec. 5: All;
Sec. 9: All;
Sec. 10: W½.
Containing 2,240 acres.
T. 14 N., R. 1 E.,
Sec. 30: Lots 1, 2, E½SW¼, SE¼;
Sec. 31: Lots, 1, 2, 3, 4, E½NW¼E½SW¼, NE¼, SW¼;
Sec. 32: All;
Sec. 33: All.
Containing 2,220.94 acres.
T. 14 N., R. 1 W.,
Sec. 14: S½;
Sec. 23: All;
Sec. 25: All;
Sec. 26: All;
Sec. 36: All.
Containing 2,880 acres.

2. The land lies in the Eagle River area approximately 20 miles northeasterly from Anchorage.

On each side of the valley are steep mountain slopes, covered with humus stunted timber, dense brush, and broken ledge outcroppings.

The timber is spruce, aspen, birch and cottonwood. The major undergrowth is alder, devil's club, willows, low-bush cranberries, high-bush cranberries, rose-bushes, wild raspberreis, currants, and various unidentified plants.

The Eagle River winds down the valley and is fed by the Eagle River glacier at the head of the valley and by numerous small mountain streams.

3. Power Site Classification Number 107, dated June 12, 1925, withdraws all unsurveyed lands lying within ¼ mile of the Eagle River described by the following subdivisions:

SEWARD MERIDAN

T. 13 N., R 1 E.,
Sec. 4: W½NW¼, SE¼NW¼, SW¼, W½SE¼, SE¼SE¼;
Sec. 5: All;
Sec. 9: All;
Sec. 10: W½W½.
T. 14 N., R 1 E.,
Sec. 30: Lots 1, 2, E½SW¼, W½SE¼, SE¼SE¼;
Sec. 31: All;
Sec. 32: W½NW¼, SW¼, S½SE¼.
T. 14 N., R. 1 W.,
Sec. 23: S½NW¼, SW¼, S½SE¼;
Sec. 25: W½NE¼, W½, SE¼;
Sec. 26: N½, E½SW¼, SE¼;
Sec. 36: N½, NE¼SW¼, N½SE¼, SE¼SE¼.

4. Power Site Classification Number 399, dated March 29, 1950, withdraws unsurveyed lands below the 500 foot contour level along the Eagle River, not included in Power Site Classification Number 107, described by subdivisions as follows:

SEWARD MERIDIAN

T. 14 N., R. 1 W.,
Sec. 23: NW¼SE¼;
Sec. 26: NW¼NW¼.

5. Subject to valid existing rights and the requirements of applicable law, the lands described in paragraph one of this order and not withdrawn by paragraph three, are hereby open to filing of applications, selections and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager, Anchorage Land Office, beginning on the date of this order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraph:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws, other than those mentioned under paragraph (1) and applications and offers under the mineral leasing laws presented prior to 10:00 a.m., on June 29, 1961, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning 10:00 a.m., on June 29, 1961.

6. Persons claiming preference rights based upon valid settlement statutory preference or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

7. Applications for these lands, which shall be filed in the Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent such regulations are applicable.

Applications under the homestead and homesite laws shall be governed by the regulations contained in Parts 64, 65, and 166 of Title 43 of the Code of Federal Regulations.

8. Inquiries concerning these lands shall be addressed to the Manager, Anchorage Land Office, Anchorage, Alaska.

WARNER T. MAY,
Manager.

[F.R. Doc. 61-2549; Filed, Mar. 22, 1961; 8:48 a.m.]

[Classification No. 122]

NEVADA

Small Tract Classification; Amendment

Effective March 16, 1961, paragraph 1 is revoked as to the following described public lands:

MOUNT DIABLO PRINCIPAL MERIDIAN

T. 18 N., R. 20 E.,
Sec. 34, NW¼SW¼SE¼.
Containing 10 acres.

The lands included in this revocation have been examined and found to be suitable for disposal under the Recreation or Public Purposes Act for school site purposes to the County of Washoe, Nevada.

E. J. PALMER,
State Supervisor.

MARCH 16, 1961.

[F.R. Doc. 61-2542; Filed, Mar. 22, 1961; 8:47 a.m.]

[Classification No. 197]

NEVADA

Small Tract Classification

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F.R. 2473), I hereby classify the following described public lands, totaling 20 acres in Ormsby County, Nevada, as suitable for direct sale for residence purposes under the Small Tract Act:

MOUNT DIABLO PRINCIPAL MERIDIAN

T. 16 N., R. 20 E.,
Sec. 31, NW¼NW¼SE¼, SE¼NW¼SE¼.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to publication under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid.

4. All valid applications filed prior to February 2, 1959, will be granted, as soon

as possible, the preference right provided for by 43 CFR 257.5.

E. J. PALMER,
State Supervisor.

MARCH 17, 1961.

[F.R. Doc. 61-2543; Filed, Mar. 22; 1961; 8:47 a.m.]

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 17, 1961.

The Bureau of Reclamation, United States Department of the Interior, has filed an application, Serial Number M-039671(SD) for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the general mining laws. The applicant desires the land for reclamation purposes in connection with the Angostura Unit, Missouri River Basin Project.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Montana.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BLACK HILLS MERIDIAN

T. 9 S., R. 5 E.
Sec. 10: NW¼SW¼.

J. R. PENNY,
State Supervisor.

[F.R. Doc. 61-2544; Filed, Mar. 22, 1961; 8:47 a.m.]

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 15, 1961.

The Bureau of Reclamation, United States Department of the Interior has filed an application, Serial Number M-040242 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the general mining laws, but not the mineral leasing laws. The applicant desires the land for the construction of bypass canal that will increase capacity of the supply works of the Pishkun Reservoir.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Montana.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MONTANA PRINCIPAL MERIDIAN

T. 22 N., R. 8 W.,
Sec. 22: SE¼NE¼.

J. R. PENNY,
State Supervisor.

[F.R. Doc. 61-2545; Filed, Mar. 22, 1961; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-59]

TEXAS AGRICULTURAL AND MECHANICAL COLLEGE SYSTEM

Notice of Issuance of Utilization Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 3, set forth below, to License No. R-23. The amendment provides additional safeguards for the operation by the licensee of its reactor Model AGN-201, Serial No. 106, located on its campus at College Station, Texas. The Commission has found that operation of the reactor in accordance with the terms and conditions of the license, as amended, will not present any undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since the operation of the reactor in accordance with the terms of the license as amended does not present any substantial changes in the hazards to the health and safety of the public from those presented by the previously approved operation of the reactor.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within thirty days after issuance of the license amendment. 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, Washington, D.C. For further details see Docket No. 50-59 on file at the AEC's Public Document Room.

Dated at Germantown, Md., this 16th day of March 1961.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Acting Director, Division of Licensing and Regulation.

[License No. R-23; Amdt. 3]

License No. R-23, as amended, which authorizes Texas Agricultural and Mechanical College System to operate its reactor Model AGN-201, Serial No. 106, located on its campus at College Station, Texas, is hereby amended by adding the following additional conditions thereto:

1. The scram setting on the logarithmic scale micro-microammeter shall be set so that the power level at which the scram is to occur shall not exceed twice the licensed maximum power level and the period at which a scram is to occur shall not be less than five seconds.

2. The range selectors for the two linear channels shall be set so that the operator cannot switch to a scale on which the power level at which a scram is to occur is more than the twice the licensed maximum power.

3. The reactor shall not be operated with any of the scram signals by-passed.

4. The control rod and safety rod magnet circuits shall reverse the current direction for the magnets at the time any scram relay is actuated.

5. The licensee shall, at least once during each month when the reactor is operated, check the ability of all safety rods and control rods to drop when the scram instrumentation is actuated. A record shall be made of each instance in which one or more rods fails to scram when called upon to do so.

6. If one or more of the safety or control rods fails to scram when called upon to do so, the reactor shall immediately be shut down and shall not be started up until:

A. The probable cause of the scram malfunction has been determined and remedied; and

B. Cognizant reactor supervisory personnel and, to the extent applicable, the local reactor hazards committee have reviewed and concurred in the remedial action taken; and

C. A written record is made by the licensee of the events in A. and B. above.

7. The effectiveness of the corrective measures taken pursuant to condition 6 above shall be verified by scramming the rods, which had previously failed to scram, several times under conditions similar to those under which they had failed. A written record of these tests shall be made. Should the rod again fail to scram during the tests, the reactor shall be shut down and the steps described in condition 6 above and this condition 7 shall be repeated.

This amendment is effective thirty days after the date of issuance.

Date of issuance: March 16, 1961.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Acting Director,
Division of Licensing and Regulation.

[F.R. Doc. 61-2526; Filed, Mar. 22, 1961; 8:45 a.m.]

[Docket No. 50-59]

TEXAS AGRICULTURAL AND MECHANICAL COLLEGE SYSTEM

Notice of Issuance of Order

Please take notice that the Atomic Energy Commission has issued the order, set forth below, for the modification of License No. R-23 issued to The Texas Agricultural and Mechanical College System by adding one condition to its license to provide additional safeguards for the operation of its reactor, Model AGN-201, Serial No. 106, located near College Station, Texas. The Commission has found that the public health,

interest, and safety require such modification.

In accordance with the Commission's rules of practice (10 CFR Part 2) a formal hearing on the matter of the issuance of the order will be held if a written request therefor from the licensee is received within thirty days after issuance of the order. Any request for a hearing by the licensee or a petition for leave to intervene may be filed by mail with the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery 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 Docket No. 50–59 on file at the AEC's Public Document Room.

Dated at Germantown, Md., this 16th day of March 1961.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Acting Director, Division of Licensing and Regulation.

By a notice dated December 21, 1960, the Atomic Energy Commission notified Texas Agricultural and Mechanical College System (hereinafter referred to as "the licensee"), that the Commission would issue an order for the modification of License No. R–23 under which the licensee possesses and operates a Model AGN–201 nuclear reactor by the addition of eight stated conditions.

The notice provided that if the licensee agreed to the addition of these conditions to its license without the issuance of a formal order it should so advise the Commission within 30 days from its receipt of the notice. The notice further provided that if the Commission does not receive the licensee's consent an appropriate order would be issued for modification of the license in which event the licensee will be offered the opportunity for a formal public hearing in the matter.

The licensee, in a letter dated January 19, 1961, agreed to the addition of seven of the conditions but objected to one condition which prohibits moving the fixed fuel discs of the reactor.

It is hereby found that the public health, interest, and safety require that License No. R–23 be modified by the condition hereinafter set forth and that no further notice be provided.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the regulations contained in Parts 2 and 50 of the Commission's regulations, Title 10, Code of Federal Regulations: *It is ordered,* That:

License No. R–23 is hereby modified by the addition of the following condition, the modification to be effective thirty days after the date of issuance of this order.

The licensee shall not conduct any experiment involving moving of the fixed fuel discs of the reactor unless authorized by an amendment to this license.

The licensee may request a formal hearing with respect to this order, or any part thereof, by filing a written request for hearing with the Office of the Secretary, United States Atomic Energy Commission, Washington 25, D.C., within fifteen days after the date of this order. Filing of a written request for hearing may also be accomplished in person either in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or the Office of the Secretary, Germantown, Maryland.

Pursuant to § 2.202(b) of the Commission's rules of practice, (10 CFR Part 2), a timely filing of a request for formal hearing with respect to this order or any part thereof, shall stay the order, or such part of the order, pending determination of the issues by the Commission.

Dated at Germantown, Md., this 16th day of March 1961.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Acting Director, Division of Licensing and Regulation.

[F.R. Doc. 61–2527; Filed, Mar. 22, 1961; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 61–FW–12]

CONSTRUCTION OF RADIO ANTENNA STRUCTURE

Notice of No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to the aviation industry for comment and has conducted an aeronautical study to determine its effect upon the utilization of airspace:

The Mustang Fuel Corporation, Oklahoma City, Oklahoma, proposes to erect a radio antenna structure eight miles southwest of Edmond, Oklahoma, at latitude 35°41'00" north, longitude 97°35'46" west. The overall height of the structure would be 1520 feet above mean sea level (406 feet above ground level).

No aeronautical objection was received as a result of the circularization. The aeronautical study by the Agency revealed that the proposed structure would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, I find that the proposed structure, at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection thereto from an airspace utilization standpoint be interposed by the Agency, provided that the structure will be obstruction marked and lighted in accordance with applicable rules and standards.

This finding will be effective upon the date of its publication in the FEDERAL REGISTER.

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

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

[F.R. Doc. 61–2528; Filed, Mar. 22, 1961; 8:45 a.m.]

[OE Docket No. 61–KC–13]

PROPOSED ALTERATION OF RADIO ANTENNA STRUCTURE

Notice of No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to the aviation industry for comment and has conducted an aeronautical study to determine its effect upon the utilization of airspace:

The Michigan Bell Telephone Company, Detroit, Michigan, proposes to increase by 19 feet the overall height of an existing radio antenna structure, located near Perkins, Michigan, at latitude 45°57'50" north, longitude 87°04'22" west. The new overall height of the structure would be 1164 feet above mean sea level (369 feet above ground level).

No aeronautical objections were received as a result of the circularization. The aeronautical study by the Agency revealed that the proposed structure height increase would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, I find that this proposed structure increase in height to the mean sea level elevation specified herein would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection thereto from an airspace utilization standpoint be interposed by the Agency, provided that the structure will be obstruction marked and lighted in accordance with applicable rules and standards.

This finding will be effective upon the date of its publication in the FEDERAL REGISTER.

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

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

[F.R. Doc. 61–2529; Filed, Mar. 22, 1961; 8:45 a.m.]

[OE Docket No. 61–FW–18]

CONSTRUCTION OF RADIO ANTENNA STRUCTURE

Notice of No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to the aviation industry for comment and has conducted an aeronautical study to determine its effect upon the utilization of airspace:

The American Telephone and Telegraph Company, Kansas City, Missouri, proposes to erect a radio antenna structure twelve miles northeast of Laredo, Texas at latitude 27°35'04" north, longtitude 99°17'48" west. The overall height of the structure would be 875 feet above mean sea level (163 feet above ground level).

No aeronautical objection was received as a result of the circularization. The aeronautical study by the Agency revealed that the proposed structure would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, I find that the proposed structure, at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection thereto from an airspace utilization standpoint be interposed by the Agency.

This finding will be effective upon the date of its publication in the FEDERAL REGISTER.

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

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

[F.R. Doc. 61–2530; Filed, Mar. 22, 1961; 8:45 a.m.]

[OE Docket No. 61-LA-2]

CONSTRUCTION OF TELEVISION ANTENNA TOWER

Notice of No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to the aviation industry for comment and has conducted an aeronautical study to determine its effect upon the utilization of airspace:

Liberty Television, Inc., proposes to erect a television antenna structure near Eugene, Oregon, at latitude 44°06'58" north, longitude 122°59'55" west. The overall height of the proposed structure would be 2,385 feet above mean sea level (255 feet above ground).

No substantial objections were received as a result of the circularization. The aeronautical study disclosed that the proposed structure would penetrate the outer conical surface of the "Joint Industry Government Tall Structures Committee Final Report" criteria as applied to Springfield Airport by 1,544 feet. This criteria is not limiting in nature but requires aeronautical study of such cases. In this instance, the study revealed that there would be no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, I find that this proposed structure at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection thereto from an airspace utilization standpoint be interposed by the Agency, provided that the structure will be obstruction marked and lighted in accordance with applicable rules and standards.

This finding will be effective upon the date of its publication in the FEDERAL REGISTER.

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

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

[F.R. Doc. 61-2531; Filed, Mar. 22, 1961; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13976; FCC 61M-458]

ASPEN BROADCASTING CO.

Order Scheduling Prehearing Conference

In re application of Myron J. Kammeyer, Edward L. Vestal and Theodore B. Gazarian, d/b as Aspen Broadcasting Co., Aspen, Colorado, Docket No. 13976, File No. BP-13082; for construction permit.

The Hearing Examiner having under consideration the above-entitled proceeding;

It is ordered, This 17th day of March 1961, that all parties, or their attorneys, who desire to participate in the proceeding, are directed to appear for a prehearing conference, pursuant to the provisions of § 1.111 of the Commission's rules, at the Commission's offices in Washington, D.C., at 10:00 a.m., March 28, 1961.

Released: March 20, 1961.

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

[F.R. Doc. 61-2558; Filed, Mar. 22, 1961; 8:49 a.m.]

[Docket Nos. 13989, 13990; FCC 61-349]

BAR NONE, INC., AND INDEPENDENT BROADCASTING CORP.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Bar None, Inc., Dishman, Washington, requests: 1430 kc, 1 kw, Day, Docket No. 13989, File No. BP-12909; Independent Broadcasting Corporation, Spokane, Washington, requests: 1440 kc, 5 kw, Day, Docket No. 13990, File No. BP-13243; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 15th day of March 1961;

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

It appearing that, except as indicated by the issues specified below, both applicants are legally, technically, and otherwise qualified; that Bar None, Inc., is financially qualified; and that Independent Broadcasting Corporation may not be financially qualified, to construct and operate their instant proposals; and

It further appearing that the following matters are to be considered in connection with the issues specified below:

1. The two proposed operations are approximately five miles apart and are mutually exclusive owing to electrical interference.

2. The two stock subscribers in Independent Broadcasting Corporation are each committed to purchase $7,750 in capital stock, and each is committed to loan the applicant corporation $20,000. However, the personal balance sheets of neither subscriber appear to show adequate liquid assets with which to meet the proposed commitments.

It further appearing that by petition received February 24, 1961, Bar None, Inc., requested that the certain issues be specified in this Order with respect to the Independent Broadcasting Corporation proposal, but that all such issues were relative only to the proposed nighttime operation of Independent Broadcasting Corporation and have been rendered moot by subsequent amendment of the Independent application to specify daytime operation only; and

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

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

1. To determine the areas and populations which would receive primary service from each of the instant proposals and the availability of other primary service to such areas and populations.

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

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

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

It is further ordered, That, in the event of a grant of the application of Independent Broadcasting Corporation, the construction permit shall contain a condition that permittee shall be responsible for the installation and adjustment of suitable filter circuits or other equipment which may be necessary to prevent objectionable reradiation or cross-modulation with existing broadcast stations.

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

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: March 20, 1961.

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

[F.R. Doc. 61-2559; Filed, Mar. 22, 1961; 8:49 a.m.]

[Docket Nos. 13977-13979; FCC 61M-459]

BIG HORN COUNTY MUSICASTERS, ET AL.

Order Scheduling Prehearing Conference

In re applications of D. Gene Williams and Delbert Bertholf d/b as Big

Horn County Musicasters, Hardin, Montana, Docket No. 13977, File No. BP-13399; Elizabeth H. Brown, Kenneth Nybo, Charles B. Sande, Ben N. Forbes, Weymouth D. Symmes, A. L. La Bar, Rockwood Brown, Jr., Neal H. Brown, Barbara B. Bixby and Keith Brown, a Co-partnership d/b as Billings Broadcasting Co. (KBMY), Billings, Montana, Docket No. 13978, File No. BP-13470; KXLO Broadcast, Inc. (KXLO), Lewistown, Montana, Docket No. 13979, File No. BP-14144; for construction permits.

It is ordered, This 17th day of March 1961, that a prehearing conference, pursuant to § 1.111 of the Commission's rules, will be held in the above-entitled matter at 10:00 a.m., April 6, 1961, in the Commission's offices in Washington, D.C.

Released: March 20, 1961.

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

[F.R. Doc. 61-2560; Filed, Mar. 22, 1961; 8:49 a.m.]

[Docket Nos. 13980, 13981; FCC 61M-460]

AUBREY H. ISON ET AL.

Notice of Conference

In re applications of Aubrey H. Ison, James A. McCulla and Paul C. Masterson, Lompoc, California, Docket No. 13980, File No. BP-13445; Stanley R. Bookstein, Lompoc, California, Docket No. 13981, File No. BP-14420; for construction permits.

Notice is hereby given that a prehearing conference in the above-entitled proceeding will be held at 2:00 p.m., on Friday, April 7, 1961, in Washington, D.C.

Dated: March 17, 1961.

Released: March 20, 1961.

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

[F.R. Doc. 61-2561; Filed, Mar. 22, 1961; 8:49 a.m.]

[Docket Nos. 13991, 13992; FCC 61-350]

BEN S. McGLASHAN (KGFJ) AND SUN STATE BROADCASTING SYSTEM, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Ben S. McGlashan (KGFJ), Los Angeles, California, has: 1230 kc, 250 w,[1] U, requests: 1230 kc, 250 w,[1] 1 kw-LS,[1] U, Docket No. 13991, File No. BP-13123; Sun State Broadcasting System, Inc., San Fernando, California, requests: 1210 kc, 10 kw, DA, Day, Docket No. 13992, File No. BP-14056; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 15th day of March 1961;

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

It appearing that, except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal; and

It further appearing that, the Commission, in a prehearing letter dated October 27, 1960, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that, Mr. McGlashan proposes to increase the power of Station KGFJ from 250 watts to 1000 watts (when station KPPC is not operating) utilizing its present roof-top antenna, such usage being in contravention of § 3.188(d) of the Commission's rules; but that a waiver of said rule has been requested and good cause shown therefor; and

It further appearing that, the proposal of Sun State Broadcasting System, Inc. is for daytime operation on a domestic Class I-A channel; and that in the event of favorable consideration in hearing proceedings, further action will be withheld in accordance with the provisions of § 1.351 of the rules pending conclusion of the proceedings in Docket 6741; and

It further appearing that, the proposed transmitter site of Sun State Broadcasting System, Inc., is in close proximity with steep hills located in the direction of maximum directional antenna suppression, and that a question is raised as to whether a satisfactory proof-of-performance can be made in the event the application of Sun State Broadcasting System should receive favorable consideration; and,

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

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

(1) To determine the areas and populations which would receive primary service from the proposal of Sun State Broadcasting System, Inc. and the availability of other primary service to such areas and populations.

(2) To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station KGFJ and the availability of other primary service to such areas and populations.

(3) To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

(4) To determine whether the instant proposal of Sun State Broadcasting System, Inc., would cause objectionable interference to Station KGFJ, Los Angeles, California, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

(5) To determine whether interference received from Station KGFJ would affect more than ten percent of the population within the normally protected primary service area of the instant proposal of Sun State Broadcasting System, Inc., in contravention of § 3.28(c)(3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said Section.

(6) To determine whether there is a reasonable possibility that the tower height and location proposed by Sun State Broadcasting System, Inc. would constitute a menace to air navigation.

(7) To determine, in view of presence of steep hills in the vicinity of the proposed transmitter site of Sun State Broadcasting System, Inc., located in the direction of maximum signal suppression, whether a satisfactory proof of performance can be made in the event of a grant of the application.

(8) To determine whether any overlap of 2 mv/m and 25 mv/m contours will occur with respect to the existing and proposed operations of KGFJ and the proposal of Sun State Broadcasting System, Inc.

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

(10) To determine, in the light of the evidence adduced pursuant to the foregoing issues which of the instant applications should be granted.

It is further ordered, That, the Federal Aviation Agency is made a party to the proceeding with respect to the air menace issue only.

It is further ordered, That, if the proposal of the Sun State Broadcasting System, Inc., is favored in the hearing, it will be held without final action, pur-

[1] Power reduced to 100 w when KPPC is operating.

suant to § 1.351 of the Commission rules, pending conclusion of the proceeding in Docket No. 6741 concerning the "Clear channel" matter.

It is further ordered, That, in event of a grant of the proposal of Ben S. McGlashen, any grant shall contain the condition that permittee accept such interference as may be imposed by other existing Class IV stations in the event they are subsequently authorized to increase power to one kilowatt, and the further condition that permittee shall submit with application for license antenna resistance measurements made in accordance with § 3.54 of the Commission rules.

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

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: March 20, 1961.

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

[F.R. Doc. 61-2562; Filed, Mar. 22, 1961; 8:49 a.m.]

[Docket Nos. 13998, 13999; FCC 61-354]

LORENZO W. MILAM ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Lorenzo W. Milam, Seattle, Washington, req.: 107.7 Mc, No. 299; 14.8 kw; 186.3 ft., Docket No. 13998, File No. BPH-3004; L. N. Ostrander and G. A. Wilson dba Eastside Broadcasting Company, Seattle, Washington, req.: 107.7 Mc, No. 299; 39.1 kw; 1117 ft., Docket No. 13999, File No. BPH-3263; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 15th day of March 1961;

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

It appearing that except as indicated by the issues specified below, the instant applicants are legally, technically, financially, and otherwise qualified to construct and operate the proposed stations, but that the proposed operations would involve mutually destructive interference; and

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

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

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

2. To determine, on a comparative basis, which of the instant proposals would better serve the public interest, convenience and necessity in the light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the said applications.

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

It is further ordered, That in the event of a grant of the application of Lorenzo W. Milam, the construction permit shall contain a condition requiring that Station KOL request permission from the Commission to determine power of KOL by the indirect method; that during the installation of the FM antenna KOL shall maintain the directional antenna system as closely as possible to values appearing in the license; and that upon completion of the installation KOL shall submit sufficient data to show that the directional antenna pattern remains substantially unchanged, but if there is any change in the antenna or common point resistance, KOL shall submit Forms 302 to report the change.

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

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: March 20, 1961.

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

[F.R. Doc. 61-2563; Filed, Mar. 22, 1961; 8:49 a.m.]

[Docket Nos. 13969, 13970; FCC 61M-456]

NICHOLASVILLE BROADCASTING CO. AND JESSAMINE BROADCASTING CO.

Order Continuing Hearing Conference

In re applications of Pierce E. Lackey, F. E. Lackey, and Kathrine Peden, d/b as Nicholasville Broadcasting Co., Nicholasville, Kentucky, Docket No 13969, File No. BP-13253; Inman S. Wood and Paul Everman, d/b as Jessamine Broadcasting Co., Nicholasville, Kentucky, Docket No. 13970, File No. BP-13358; for construction permits.

It is ordered, This 17th day of March 1961, on the Hearing Examiner's own motion that the prehearing conference heretofore scheduled for 9:30 a.m., on March 27, 1961, at the Offices of the Commission in Washington, D.C., is postponed to March 29, 1961, at the same hour and place.

Released: March 17, 1961.

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

[F.R. Doc. 61-2564; Filed, Mar. 22, 1961; 8:50 a.m.]

[Docket Nos. 13987, 13988; FCC 61-345]

OLEAN BROADCASTING CORP. AND WIRY, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Olean Broadcasting Corporation, Plattsburg, New York, requests: 920 kc, 1 kw, Day, Docket No. 13987, File No. BP-13091; WIRY, Inc., Lake Placid, New York, requests: 920 kc, 1 kw, Day, Docket No. 13988, File No. BP-13345; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 15th day of March 1961;

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

It appearing that, except as indicated by the issues specified below, each of the instant applicants is legally, technically, and otherwise qualified to construct and operate their instant proposals, but that neither of the applicants appears to be financially qualified; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

1. Owing to extensive mutual interference, the proposed operations appear to be mutually exclusive.

2. Upon the basis of the information submitted, neither applicant has established requisite financial qualifications:

(a) The balance sheet of March 31, 1959, submitted by Olean Broadcasting Corporation does not appear to show cash or liquid assets available over and above those needed to meet current obligations, as required by Section III, Paragraph 4(d), of the application form. Moreover, Commission records indicate that the applicant's stations, WMNS, Olean, New York, and WSET, Glens Falls, New York (in which applicant is majority stockholder) operated at a loss in 1959.

(b) The financial plans of WIRY, Inc. apparently depend upon securing funds through loans. The information submitted in this regard is incomplete in the following respects:

(1) the loan agreements are addressed to Charles B. Britt for his benefit and not the applicant, WIRY, Inc.;

(2) the loan agreements fail to show the security to be posted for the loan;

(3) the financial statements of the lenders are not complete, pursuant to the requirements of Section III, Paragraph 4 (c) and (d) of the application form.

3. The proposal of Olean Broadcasting Corporation appears to involve an overlap of the 2 and 25 mv/m contours with Canadian Station CBM, Montreal, Quebec, in contravention of § 3.37 of the rules.

4. By letter of April 11, 1960, the New York Regional Airspace Committee noted that the antenna proposal of Olean Broadcasting Corporation had been circularized for aviation industry comment; that objecting comments to the proposed construction had been received; that the applicant had been requested by letter of January 22, 1960, to relocate and advise the Committee within thirty days; and that no further reply had been received from the applicant.

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

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

1. To determine the areas and populations which would receive primary service from each of the instant proposals and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from either of the instant proposals.

3. To determine whether either applicant is financially qualified to construct and operate its instant proposal.

4. To determine whether there is a reasonable possibility that the tower height and location proposed by Olean Broadcasting Corporation would constitute a menace to Air navigation.

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

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

It is further ordered, That the Federal Aviation Agency is made a party to the proceeding with regard to Issue Number 4, regarding possible menace to air navigation.

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

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: March 20, 1961.

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

[F.R. Doc. 61-2565; Filed, Mar. 22, 1961; 8:50 a.m.]

[Docket No. 13984; FCC 61-342]

ROGER S. UNDERHILL

Order To Show Cause

In the matter of revocation of license of Roger S. Underhill for Standard Broadcast Station WIOS, Tawas City-East Tawas, Michigan, Docket No. 13984.

The Commission having under consideration, among other things, (1) the record and its final "Decision" (20 RR 978) in the case of Capitol Broadcasting Co., et al. (Docket Nos. 11848 and 11849); (2) the Hearing Examiner's "Initial Decision" in said case (18 RR 883); and (3) various applications and matters more specifically described hereinafter; and

It appearing that, on February 25, 1957, Underhill filed an application (BP-11,115) with the Commission for a permit to construct a new standard broadcast station using the frequency 1050 kc at Tawas City-East Tawas, Michigan, wherein he proposed to finance said construction by means of "Existing Capital" of $11,000, an equipment supplier's deferred credit of $14,507.74, and a loan from Capitol for $3,000; that on June 10, 1957, Underhill amended said application so as to change the requested frequency to 1480 kc; that the Commission granted said application on September 5, 1957; that on March 25, 1958, Underhill filed an application for an extension of time to construct Station WIOS which was granted by the Commission on April 7, 1958; that on September 15, 1958, and on August 21, 1959, the Commission granted Underhill program test authority and a license, respectively, for Station WIOS without prejudice to whatever action the Commission might deem appropriate as a result of its final determination in the Capitol-Pomeroy proceedings (Docket Nos. 11848–11849); and

It further appearing that, Underhill is the President and thirty-five (35) percent stockholder of Capitol, which filed an application with the Commission on May 24, 1956, for a permit to construct a new standard broadcast station at East Lansing, Michigan, using the frequency 730 kc; that W. A. Pomeroy (Pomeroy) filed an application for a new standard broadcast station at Tawas City-East Tawas, Michigan, on 730 kc; that on October 22, 1956, said applications were designated for consolidated hearing; that on September 7, 1960, in its Decision, the Commission denied the Capitol application; that in its Memorandum Opinion and Order, released January 10, 1961, the Commission denied, in all respects, a petition by Capitol for rehearing of and oral argument on said Decision of September 7, 1960; and

It further appearing that, in its Decision of September 7, 1960, the Commission concluded, among other things, as follows:

16. It has been demonstrated that Capitol was aware of Underhill's intent to file at Tawas, understood the purpose of such filing, acquiesced therein, and financially sponsored Underhill in the project; its association with Underhill is so close that it must answer for any improprieties commited by Underhill in the Tawas venture.

In addition, Capitol must suffer adverse conclusions being drawn as to its qualifications because of Underhill's misrepresentations to the Commission concerning the financial sponsorship of the Tawas project, the apparent purpose of which was to conceal the extent to which Capitol was involved in the Tawas venture. In view of this purpose, we cannot characterize Underhill's failure to report the changes in financing as "carelessness," or his extreme reluctance while testifying to disclose his $28,000 indebtedness to Capitol as "nervousness"—both of which the Bureau would have us do.

17. We concur with the examiner's conclusion that the sole purpose of Underhill's filing at Tawas was to benefit Capitol's position vis-a-vis Pomeroy. We have considered the decisions cited by the Bureau and Capitol

in support of the proposition that, so long as an applicant has the intent to construct and operate the station applied for, his motives are immaterial, and are of the view that they are not controlling. In the instant case, the circumstances surrounding Underhill's filing are aggravated by (1) his early attempt to sell the Tawas construction permit, which was clearly inconsistent with his original expression of a desire to own and operate a station in Tawas; (2) his concealment and misrepresentation of Capitol's financial sponsorship of the project; and (3) his evasiveness and lack of candor as a witness in the instant proceeding. In view of the foregoing, we are not persuaded that Capitol possesses the qualifications required of a licensee of this Commission, and its application will be denied.

It further appearing that, the applications filed by Underhill and Capitol, contained the following statements, among others:

The applicant represents that this application is not filed for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.

All the statements made in the application and attached exhibits are considered material representations, and all the exhibits are a material part hereof and are incorporated herein as if set out in full in the application.

The applicant, or the undersigned on the applicant's behalf, states that he has endeavored to supply full and correct information as to all matters which are relevant to this application and that he has done so as to all matters within his own knowledge;

and

It further appearing that, Underhill has submitted to the Commission applications which contained statements of fact known by him to be false; that he has willfully or repeatedly failed to observe the provisions of §§ 1.304, 1.322, 1.323, and 1.325 of the Commission's rules; and that the conditions which have come to the attention of the Commission would warrant it in refusing to grant Underhill a license or permit on an original application;

It is ordered, This 15th day of March 1961, That, pursuant to the provisions of sections 312(a)(1), 312(a)(2), 312(a)(4), and 312(c) of the Communications Act of 1934, as amended, Roger S. Underhill is directed to show cause why an order revoking his license for standard broadcast Station WIOS, Tawas City-East Tawas, Michigan, should not be issued, and to appear and give evidence with respect thereto at a hearing [1] to be held at the Commission's offices in Washington, D.C., at a time to be specified by subsequent order, said time in no event to be less than 30 days after receipt of this order; and

It is further ordered, That, the Acting Secretary of the Commission send a copy of this Order by Certified Mail—Return Receipt Requested to Roger S. Underhill.

Released: March 20, 1961.

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

[F.R. Doc. 61-2566; Filed, Mar. 22, 1961; 8:50 a.m.]

[1] Section 1.77(c) of the Commission's rules provides that a licensee, in order to avail itself of the opportunity to be heard, shall, in person or by its attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that it will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. See § 1.78(a) of the Commission's rules as amended December 12, 1960. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. See § 1.78(b) of the Commission's rules as amended December 12, 1960. In the event the right to a hearing is waived, the Chief Hearing Examiner will terminate the hearing proceeding and certify the case to the Commission. Thereupon the matter will be determined by the Commission in the regular course of business and an appropriate order will be entered. See §§ 1.78 (c), (d) and (e) of the Commission's rules as amended December 12, 1960.

[Docket Nos. 13994-13997; FCC 61-353]

WAGNER BROADCASTING CO. ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of John Andrew Wagner, John Russell Wagner, Carrie Helen Wagner, d/b as Wagner Broadcasting Company, Woodland, California, requests: 780 kc, 1 kw, Day, Docket No. 13994, File No. BP-8555; Elbert H. Dean and Richard E. Newman, Clovis, California, requests: 790 kc, 500 w, Day, Docket No. 13995, File No. BP-12728; Reid W. Dennis tr/as Dennis Broadcasting, Reno, Nevada, requests: 790 kc, 1 kw, Day, Docket No. 13996, File No. BP-13548; Charles W. Jobbins, Grass Valley, California, requests: 790 kc, 1 kw, Day, Docket No. 13997, File No. BP-13964; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 15th day of March 1961;

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

It appearing that, except as indicated by the issues specified below, each applicant is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal except that Reid W. Dennis, tr/as Dennis Broadcasting, may not be financially qualified; and

It further appearing that the Commission in a prehearing letter dated December 2, 1960 notified the applicants herein and other applicants since dismissed and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that, by letter of December 12, 1960, counsel for Reid W. Dennis requested that Mr. Dennis' proposal be placed in the pending file until the applicant has had an opportunity to procure a new transmitter site and submit an appropriate amendment; but that the Commission is of the opinion that the applications herein should be designated for hearing without further delay since an applicant may amend his application after designation for hearing pursuant to § 1.311(b) upon showing a good cause; and

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

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

1. To determine the areas and populations which would receive primary service from each of the instant proposals and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

3. To determine whether the instant proposal of Elbert H. Dean and Richard E. Newman would cause objectionable interference to Stations KGO, San Francisco, California, KABC, Los Angeles, California, and KUZZ, Bakersfield, California, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the instant proposal of Dennis Broadcasting would cause objectionable interference to Station KDAN, Eureka, California, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether the instant proposal of Charles W. Jobbins would cause objectionable interference to Stations KDAN, Eureka, California and KGO, San Francisco, California, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

6. To determine whether the interference received by each instant proposal from any of the other proposals herein and any existing stations would affect more than ten percent of the population within its normally protected primary service area in contravention to § 3.28(c) (3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said section.

7. To determine whether Reid W. Dennis, tr/as Dennis Broadcasting is financially qualified to construct and operate his proposed station.

8. To determine whether there is a reasonable possibility that the tower height and location proposed by Reid W. Dennis, tr/as Dennis Broadcasting would constitute a menace to air navigation.

9. To determine whether overlap of the 2 mv/m and 25 mv/m contours would occur between the instant proposal of Charles W. Jobbins and the existing operation of Station KGO, San Francisco, California in contravention of § 3.37 of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

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

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

It is further ordered, That American Broadcasting-Paramount Theatres, Inc., Licensee of Stations KGO and KABC, and Valley Radio Corporation and Radio KDAN, Inc., licensees of Stations KUZZ and KDAN, respectively, are made parties to the proceeding with respect to their existing operations.

It is further ordered, That the Federal Aviation Agency IS MADE A PARTY to the proceeding with respect to Issue Number 8, concerning menace to air navigation.

It is further ordered, That, if the proposal of Wagner Broadcasting Company is favored in the hearing, it will be held without final action, pursuant to § 1.351 of the Commission rules, pending conclusion of the proceedings in Docket No. 6741 concerning the "Clear Channel" matter.

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

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: March 20, 1961.

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

[F.R. Doc. 61-2567; Filed, Mar. 22, 1961; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RP61-8]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Order Setting Hearing and Prescribing Procedure

MARCH 16, 1961.

On August 29, 1960, Natural Gas Pipeline Company of America (Natural Gas), and Peoples Gulf Coast Natural Gas Pipeline Company (Peoples Gulf) each tendered for filing proposed tariff revisions which would increase the annual rates and charges of each company for sales of natural gas subject to the jurisdiction of the Commission. By order issued September 30, 1960, in Docket Nos. RP61-8 and RP61-9, the Commission suspended the tariff revisions proposed by Natural Gas and Peoples Gulf until March 1, 1961, and thereafter until such time as they are made effective in the manner prescribed by the Natural Gas Act, and also provided for hearings concerning the lawfulness of the respective FPC Gas Tariffs, as proposed to be revised.

By order issued November 23, 1960, in Docket Nos. RP61-8 and RP61-9, Natural Gas was granted permission to file a single FPC Gas Tariff to supersede its FPC Gas Tariff and that of Peoples Gulf. This action followed the merger of Peoples Gulf into Natural Gas. The single FPC Gas Tariff filed by Natural Gas reflected the rate increase filed in Docket Nos. RP61-8 and RP61-9, except for approximately $75,000, or a presently estimated combined proposed rate increase of $4,125,000. The order issued November 23 also terminated the proceeding in Docket No. RP61-9 without prejudice to the ultimate disposition of the proceeding in Docket No. RP61-8. The single FPC Gas Tariff filed by Natural Gas, like the proposed tariff revisions it superseded, has been suspended until March 1, 1961, and thereafter until such time as it is made effective in the manner prescribed by the Natural Gas Act.

No hearing has been held to determine the lawfulness of the increased rates proposed in this proceeding, nor has any decision been rendered therein.

It has also been indicated informally to the staff that a conference held after the hearing is continued for cross-examination and concerning all pending rate cases involving Natural Gas would be appropriate.

The Commission finds:

As hereinafter ordered, it is in the public interest and necessary in the proper administration of the Natural Gas Act that:

(1) Hearing in the above-entitled proceeding should commence on June 20, 1961.

(2) Natural Gas should present its case-in-chief in this proceeding upon commencement of the hearing, whereupon this proceeding should be continued to a date to be fixed by the presiding examiner to permit preparation of cross-examination.

The Commission orders:

(A) A public hearing shall be held commencing June 20, 1961, at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the lawfulness of the rates, charges, classifications and services contained in the FPC Gas Tariff of Natural Gas, as proposed to be revised in this proceeding.

(B) Upon commencement of the hearing on June 20, 1961, Natural Gas shall present its case-in-chief. The hearing shall then be continued to a date to be fixed by the presiding examiner to permit preparation of cross-examination.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-2539; Filed, Mar. 22, 1961; 8:46 a.m.]

[Docket No. CP61-94]

HOUSTON TEXAS GAS AND OIL CORP.

Notice of Application and Date of Hearing

FEBRUARY 27, 1961.

Take notice that on September 28, 1960, Houston Texas Gas and Oil Corporation (Houston, Texas) filed in Docket No. CP61-94 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a positive displacement meter in its existing metering station near Auburndale, Florida, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The proposed facilities will be used to make sales of natural gas for resale to Central Florida Gas Corporation (Central Florida), an existing customer. The deliveries of gas through these facilities will amount to an average of 250 therms (25 Mcf) per day and 90,000 therms (9,000 Mcf) per year. Houston Texas' estimated cost of construction will be $2,200 which will be financed from current funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 31, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 27, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-2593; Filed, Mar. 22, 1961; 8:51 a.m.]

TARIFF COMMISSION

[7-103, 7-105]

ALSIKE CLOVER SEED AND CREEPING RED FESCUE SEED

Notice of Change in Date of Hearings

Notice is hereby given that the public hearings in connection with the investigations instituted under section 7 of the Trade Agreements Extension Act of 1951 with respect to Alsike clover seed and creeping Red Fescue seed, heretofore scheduled for 10 a.m. e.d.s.t., on June 6, 1961 (26 F.R. 1419), and June 27, 1961 (26 F.R. 2064), respectively, have been rescheduled for 10 a.m., e.d.s.t., on June 20 and June 21, 1961, respectively.

Issued: March 20, 1961.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 61-2569; Filed, Mar. 22, 1961; 8:50 a.m.]

[AA1921-18]

RAYON STAPLE FIBER FROM BELGIUM

Notice of Hearing

Notice is hereby given that the United States Tariff Commission, on March 20, 1961, ordered a public hearing held in connection with the investigation instituted under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), with respect to rayon staple fiber from Belgium. Notice of the institution of the investigation was published in the FEDERAL RERISTER on March 2, 1961 (26 F.R. 1848).

The hearing will be held in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C., beginning at 10 a.m., e.d.s.t., on May 3, 1961. Interested parties desiring to appear and to be heard at such hearing should notify the Secretary of the Commission, in writing, at least three days in advance of the date set for the hearing.

Issued: March 20, 1961.

By order of the Tariff Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 61-2570; Filed, Mar. 22, 1961; 8:50 a.m.]

[AA1921—17]

RAYON STAPLE FIBER FROM FRANCE

Notice of Hearing

Notice is hereby given that the United States Tariff Commission, on March 20, 1961, ordered a public hearing held in connection with the investigation instituted under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), with respect to rayon staple fiber from France. Notice of the institution of the investigation was published in the FEDERAL REGISTER on March 2, 1961 (26 F.R. 1849).

The hearing will be held in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C., beginning at 10 a.m., e.d.s.t., on May 2, 1961. Interested parties desiring to appear and to be heard at such hearing should notify the Secretary of the Commission, in writing, at least three days in advance of the date set for the hearing.

Issued: March 20, 1961.

By order of the Tariff Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 61-2571; Filed, Mar. 22, 1961; 8:50 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 311]

ARKANSAS

Declaration of Disaster Area

Whereas, it has been reported that during the month of March 1961, because of the effects of certain disasters, damage resulted to residences and business property located in Carroll, Faulkner, Johnson, Perry, White and Woodruff Counties in the State of Arkansas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid Counties and areas adjacent thereto, suffered damage or destruction resulting from tornado and accompanying conditions occurring on or about March 12, 1961.

Offices: Small Business Administration Regional Office, Fidelity Building, 1000 Main Street, Dallas 2, Tex. Small Business Administration Branch Office, Rector Building, Room 620, 405 West Third Street, Little Rock, Ark.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to September 30, 1961.

Dated: March 14, 1961.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 61-2548; Filed, Mar. 22, 1961; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

WILBUR F. DUERINGER

Statement of Changes in Financial Interests

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

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

This statement is made as of March 12, 1961.

WILBUR F. DUERINGER.

MARCH 13, 1961.

[F.R. Doc. 61-2553; Filed, Mar. 22, 1961; 8:48 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

ACTING REGIONAL ADMINISTRATOR, REGION V (FORT WORTH)

Designation

The Deputy Regional Administrator, Region V (Fort Worth), Housing and

Home Finance Agency, is hereby designated to serve as Acting Regional Administrator, Region V, during the vacancy in the position of Regional Administrator, Region V, with all the powers, functions, and duties delegated or assigned to the Regional Administrator.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of the 18th day of March 1961.

[SEAL] ROBERT C. WEAVER,
Housing and Home Finance Administrator.

[F.R. Doc. 61-2592; Filed, Mar. 22, 1961; 8:51 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 20, 1961.

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

LONG-AND-SHORT HAUL

FSA No. 36972: *Sand, gravel, and crushed stone to Danville and Tilton, Ill.* Filed by Illinois Freight Association, Agent (No. 126), for interested rail carriers. Rates on sand, gravel and crushed stone, as described in the application, in carloads, from Attica, Dickason Pit, LaFayette, Olin, and Terre Haute, Ind., and Lehigh, Ill., to Danville or Tilton, Ill.

Grounds for relief: Motor-truck competition.

Tariffs: Supplement 7 to Chicago & Eastern Illinois Railroad Company's tariff I.C.C. 330, and other schedules named in the application.

FSA No. 36973: *Gravel from Terre Haute, Ind., to Altamont, Ill.* Filed by Illinois Freight Association, Agent (No. 127), for Chicago & Eastern Illinois Railroad Company. Rates on gravel, road surfacing, as described in the application, in carloads, from Terre Haute, Ind., to Altamont, Ill.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 7 to Chicago & Eastern Illinois Railroad Company's tariff I.C.C. 330.

FSA No. 36974: *Substituted service—L&N for Service Lines, Inc.* Filed by Central and Southern Motor Freight Tariff Association, Incorporated, Agent (No. 50), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between East St. Louis, Ill., on the one hand, and Chattanooga and Nashville, Tenn., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 5 to Central and Southern Motor Freight Tariff Association, Incorporated, tariff MF-I.C.C. 228.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-2554; Filed, Mar. 22, 1961; 8:48 a.m.]

CUMULATIVE CODIFICATION GUIDE—MARCH

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