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READING ROOM

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## Title 3—THE PRESIDENT

Memorandum of July 25, 1961

### [ CONCERNING THE COMMONWEALTH OF PUERTO RICO ]

*Memorandum for the Heads of the Executive Departments and Agencies*

THE WHITE HOUSE,  
Washington, July 25, 1961.

Because of the importance and significance of Puerto Rico in the relations of the United States with Latin America and other nations, it is essential that the executive departments and agencies be completely aware of the unique position of the Commonwealth, and that policies, actions, reports on legislation, and other activities affecting the Commonwealth should be consistent with the structure and basic principles of the Commonwealth.

On July 25, 1952, the Governor of Puerto Rico proclaimed the establishment of the Commonwealth of Puerto Rico under its constitution. This proclamation was the culmination of a series of legislative and electoral steps which began with the passage of Public Law 600, 81st Congress, 64 Stat. 319 (1950). Public Law 600 made provision for the organization of a constitutional government by the people of Puerto Rico. In a referendum, held on June 4, 1951, the proposals of this law received the overwhelming approval of the people of Puerto Rico.

Following approval, a Puerto Rican constitutional convention drafted a constitution, which was approved by a referendum held on March 3, 1952. The Congress in turn approved this constitution. Public Law 447, 82d Congress, 66 Stat. 327 (1952).

The Commonwealth structure, and its relationship to the United States which is in the nature of a compact, provide for self-government in respect of internal affairs and administration, subject only to the applicable provisions of the Federal Constitution, the Puerto Rican Federal Relations Act, and the acts of Congress authorizing and approving the constitution.

On November 27, 1953, the General Assembly of the United Nations recognized that the people of the Commonwealth of Puerto Rico, exercising effectively the right of self-determination in a free and democratic way, had achieved a new constitutional status and that, in view of this new status, it was appropriate that the United States should cease the transmission of information with regard to Puerto Rico under Article 73(e) of the Charter. U.N. Gen. Ass. Res. 748 (VIII) (1953).

All departments, agencies, and officials of the executive branch of the Government should faithfully and carefully observe and respect this arrangement in relation to all matters affecting the Commonwealth of Puerto Rico. If any matters arise involving the fundamentals of this arrangement, they should be referred to the Office of the President.

The legislative steps which have led to the achievement by Puerto Rico of Commonwealth status have made inapplicable the provisions of Executive Order No. 6726 of May 29, 1934, insofar as they pertain to or are connected with the administration of the Government of Puerto Rico. This order no longer applies to Puerto Rico.

This memorandum shall be published in the FEDERAL REGISTER.

JOHN F. KENNEDY

[F.R. Doc. 61-7103; Filed, July 25, 1961;  
4:05 p.m.]

# Rules and Regulations

## Title 9—ANIMALS AND ANIMAL PRODUCTS

### Chapter I—Agricultural Research Service, Department of Agriculture

#### SUBCHAPTER A—MEAT INSPECTION REGULATIONS

#### PART 27—IMPORTED PRODUCTS

#### SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS

#### PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALITIS), AND AFRICAN SWINE FEVER: PROHIBITED AND RESTRICTED IMPORTATIONS

#### Restrictions on Importations of Pork and Pork Products Because of African Swine Fever

On May 30, 1961, there was published in the *FEDERAL REGISTER* (26 F.R. 4743) a notice of proposed restrictions on the importation of pork and pork products because of African swine fever. After due consideration of all relevant material submitted in connection with such notice, and pursuant to the provisions of section 2 of the Act of February 2, 1903, as amended (21 U.S.C. 111), Parts 27 and 94 of Title 9, Code of Federal Regulations, are hereby amended in the following respects:

1. The headnote to Part 94 is amended to read as set forth above.
2. A new § 94.8 is added to Part 94 to read:

§ 94.8 Pork and pork products from countries where African swine fever exists.

African swine fever is potentially the most dangerous and destructive of all communicable swine diseases. The causative virus is highly virulent and may be present in pork and pork products originating in countries where the disease exists. The only known practical method of destroying the contagion of the disease in pork or pork products is by heat treatment. In view of these circumstances and in order to prevent the introduction and dissemination of the contagion of African swine fever, the regulations in this section are promulgated with respect to the importation of pork and pork products from the following countries where the disease exists:

All countries of Africa.  
Portugal.  
Spain.

(a) Pork or pork products will not be permitted entry into the United States from any country where African swine fever exists unless:

(1) Such pork or pork products have been sterilized by heat in hermetically sealed containers; or

(2) Such pork or pork products have been processed by heat to such extent that, upon inspection incident to entry into the United States, the meat has a thoroughly cooked appearance throughout; and when so directed by the Director of the Animal Inspection and Quarantine Division, such pork or pork products are consigned directly from the port of entry in the United States to a meat processing establishment operating under Federal meat inspection approved by the Director for further processing such pork or pork products by heat.

(b) Pork or pork products consigned from the port of entry to an approved establishment under the provisions of subparagraph (2) of paragraph (a) of this section shall be moved from the port of entry to the approved establishment under Customs seals or seals of the Animal Inspection and Quarantine Division and shall be otherwise handled as the Director of the Division may direct in order to guard against the introduction and dissemination of the contagion of African swine fever. Seals applied under this section shall not be broken except by persons authorized to do so by the Director of the Division.

(c) Pork or pork products imported into the United States from a country where African swine fever exists which do not meet the requirements specified in this section shall be seized, quarantined, and disposed of as the Director of the Animal Inspection and Quarantine Division may direct in order to guard against the introduction and dissemination of the contagion of the disease.

#### § 27.2 [Amendment]

3. Section 27.2(b) of Part 27 is amended by deleting the phrase "from countries in which the contagious and communicable disease of rinderpest or of foot-and-mouth disease exists" and substituting therefor the phrase "from countries in which the contagious and communicable disease of rinderpest, or of foot-and-mouth disease, or of African swine fever exists".

The foregoing amendments shall become effective on September 1, 1961.

(Sec. 2, 32 Stat. 792, as amended; 21 U.S.C. 111)

Done at Washington, D.C., this 21st day of July 1961.

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

[F.R. Doc. 61-7057; Filed, July 26, 1961; 8:50 a.m.]

## Title 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission [Docket 8282 c.o.]

#### PART 13—PROHIBITED TRADE PRACTICES

#### Robert M. Bent Co., Inc.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely*: § 13.1108-90 *Wool Products Labeling Act*. Subpart—Misbranding or mislabeling: § 13.1185 *Composition*: § 13.1185-90 *Wool Products Labeling Act*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements*: § 13.1852-80 *Wool Products Labeling Act*. (Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, Robert M. Bent Co., Inc., Boston, Mass., Docket 8282, June 13, 1961]

Consent order requiring a Boston, Mass., manufacturer to cease violating the Wool Products Labeling Act by labeling and invoicing as "85% cashmere, 15% wool", woolen stocks which contained a substantial quantity of other fibers than cashmere and wool, and by failing to label certain wool products as required.

The order to cease and desist is as follows:

*It is ordered*, That respondent Robert M. Bent Co., Inc., a corporation, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction in commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act, of wool fibers or other wool products, as such products are defined in and subject to said Wool Products Labeling Act do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to affix labels to such products showing each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

*It is further ordered*, That respondent Robert M. Bent Co., Inc., a corporation, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the offering



for sale, sale or distribution of wool fibers or other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from, directly or indirectly: Misrepresenting in sales invoices; shipping memoranda, or in any other manner, the fiber content of said products.

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

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

Issued: June 13, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 61-7035; Filed, July 26, 1961;  
8:48 a.m.]

[Docket 8082 c.o.]

### PART 13—PROHIBITED TRADE PRACTICES

#### Container Stapling Corp., and Blanche Schafroth

Subpart—Dealing on exclusive and tying basis: § 13.670 *Dealing on exclusive and tying basis*; § 13.670-10 *Clayton Act, Sec. 3*; § 13.670-20 *Federal Trade Commission Act*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 3, 38 Stat. 731; 15 U.S.C. 45, 14) [Cease and desist order, Container Stapling Corporation et al., Herrin, Ill., Docket 8082, June 13, 1961]

*In the Matter of Container Stapling Corporation, a Corporation, and Dr. Blanche Schafroth, Individually and as an Officer of Said Corporation*

Consent order requiring one of the nation's largest manufacturers of carton closing staples, stapling machines, parts, and accessories, to cease selling its products on the condition that purchasers not use or deal in similar products sold by its competitors, and that purchasers of its staplers and parts buy its staples for use therein.

The order to cease and desist is as follows:

*It is ordered*, That Container Stapling Corporation, a corporation, and its officers, directors, agents, representatives and employees, and Dr. Blanche Schafroth, as an officer of corporate respondent, directly or indirectly, or through any corporate, partnership or other device, in connection with the offering for sale, sale or distribution of carton closing staples, stapling machines, parts or accessories, in commerce, as "commerce" is defined in the Clayton Act and in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Selling or making any contract or agreement for the sale of any such products on the condition, agreement or understanding that the purchaser thereof shall not use, deal in or distribute similar products supplied by any competitor or competitors of respondents.

2. Selling or making any contract or agreement for the sale of stapling machines, parts or accessories on the condition that the purchasers thereof will buy the carton closing staples for use, or for resale for use, in the operation of respondents' carton closing stapling machines from respondents only.

*It is further ordered*, That the complaint herein be, and the same hereby is, dismissed as to respondent Dr. Blanche Schafroth individually only but not in her capacity as an officer of corporate respondent.

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

*It is ordered*, That respondents Container Stapling Corporation, a corporation, and Dr. Blanche Schafroth, as an officer of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 13, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 61-7036; Filed, July 26, 1961;  
8:48 a.m.]

[Docket 8293 c.o.]

### PART 13—PROHIBITED TRADE PRACTICES

#### Marcal Paper Mills, Inc.

Subpart—Discriminating in price under sec. 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Marcal Paper Mills, Inc., East Paterson, N.J., Docket 8293, June 10, 1961]

Consent order requiring a manufacturer of household paper products to cease violating section 2(d) of the Clayton Act by paying some customers advertising allowances which were not made available on proportionally equal terms to all other competing customers, such as a payment of \$200 for advertising its products made to a retail grocery chain with headquarters in Jacksonville, Fla.

The order to cease and desist is as follows:

*It is ordered*, That respondent, Marcal Paper Mills, Inc., a corporation, its officers, employees, agents, and representatives, directly or through any corporate or other device, in or in connection with the sale of household paper

products in commerce, as "commerce" is defined in the aforesaid Clayton Act, as amended, do forthwith cease and desist from: Making or contracting to make, to or for the benefit of any customer, any payment of anything of value as compensation or in consideration for any advertising or other services or facilities furnished by or through such customer, in connection with the handling, offering for sale, or sale of respondent's products, unless such payment or consideration is offered and otherwise made available on proportionally equal terms to all other customers competing in the distribution or resale of such products.

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

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

Issued: June 9, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 61-7037; Filed, July 26, 1961;  
8:48 a.m.]

## Title 6—AGRICULTURAL CREDIT

### Chapter IV—Commodity Credit Corporation, Department of Agriculture

#### SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

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

### PART 421—GRAINS AND RELATED COMMODITIES

#### Subpart—1961-Crop Wheat Loan and Purchase Agreement Program

##### SUPPORT RATES

The 1961 C.C.C. Grain Price Support Bulletin 1 (26 F.R. 2106), issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1961 was supplemented by 1961 C.C.C. Grain Price Support Bulletin 1, Supplement 1, Wheat (26 F.R. 3873) containing specific requirements applicable to price support operations on the 1961 wheat crop. These regulations are further supplemented as follows:

##### § 421.147 Support rates.

(a) *Basic support rates at designated terminal markets.* Basic support rates per bushel for grade No. 1 wheat stored in approved warehouses at the terminal markets listed below are as follows:

RULES AND REGULATIONS

Terminal market	Rate per bushel	
	Wheat produced in commercial area	Wheat produced in noncommercial area
Astoria, Oreg.	\$1.99	\$1.49
Portland, Oreg.	1.99	1.49
Kalama, Wash.	1.99	1.49
Longview, Wash.	1.99	1.49
Seattle, Wash.	1.99	1.49
Tacoma, Wash.	1.99	1.49
Vancouver, Wash.	1.99	1.49
Los Angeles, Calif.	2.07	1.55
Long Beach, Calif.	2.07	1.55
Oakland, Calif.	2.07	1.55
San Francisco, Calif.	2.07	1.55
Stockton, Calif.	2.07	1.55
Wilmington, Calif.	2.07	1.55
Louisville, Ky.	2.08	1.56
Memphis, Tenn.	2.08	1.56
Atchison, Kans.	2.09	1.57
Council Bluffs, Iowa.	2.09	1.57
Kansas City, Kans.	2.09	1.57
Kansas City, Mo.	2.09	1.57
Saint Joseph, Mo.	2.09	1.57
Omaha, Nebr.	2.09	1.57
Sioux City, Iowa.	2.09	1.57
Cairo, Ill.	2.09	1.57
Chicago, Ill.	2.09	1.57
East St. Louis, Ill.	2.09	1.57
Milwaukee, Wis.	2.09	1.57
St. Louis, Mo.	2.09	1.57
Duluth, Minn.	2.16	1.62
Minneapolis, Minn.	2.16	1.62
St. Paul, Minn.	2.16	1.62
Superior, Wis.	2.16	1.62
Albany, N.Y.	2.21	1.66
Baltimore, Md.	2.21	1.66
Norfolk, Va.	2.21	1.66
Philadelphia, Pa.	2.21	1.66
New York, N.Y.	2.21	1.66
Corpus Christi, Tex.	2.28	1.71
Galveston, Tex.	2.28	1.71
Houston, Tex.	2.28	1.71
Port Arthur, Tex.	2.28	1.71
New Orleans, La.	2.28	1.71
Baton Rouge, La.	2.28	1.71

(b) *Basic county support rates.* (1) The following basic county support rates per bushel are established for grade No. 1 wheat. Both farm-storage and country warehouse-storage loans, except as otherwise provided in paragraph (5) of § 421.143 will be made at the support rate established for the county in which the wheat is stored: *Provided, however,* That if the wheat is produced in the commercial wheat-producing area and stored outside the commercial wheat-producing area, the applicable rate shall be 133 1/3 percent of the rate where stored, or if the wheat is produced in the non-commercial wheat-producing area and stored in the commercial wheat-producing area, the applicable rate shall be 75 percent of the rate where stored.

(2) If two or more approved warehouses are located in the same or adjoining towns, villages or cities having the same domestic interstate freight rate, such towns, villages or cities shall be deemed to constitute one shipping point and the same support rate shall apply even though such warehouses are not all located in the same county. Such support rate shall be the highest support rate of the counties involved.

ALABAMA		Rate per bushel	
County			
All counties		\$1.92	
ALASKA			
All counties		\$1.65	
ARIZONA			
County	Rate per bushel	County	Rate per bushel
Apache	\$1.45	Graham	\$1.71
Cochise	1.76	Greenlee	1.53
Coconino	1.48	Maricopa	1.86
Gila	1.53	Mohave	1.56

ARIZONA—Continued			
County	Rate per bushel	County	Rate per bushel
Navajo	\$1.45	Santa Cruz	\$1.77
Pima	1.83	Yavapai	1.60
Pinal	1.86	Yuma	1.88

ARKANSAS			
County	Rate per bushel	County	Rate per bushel
Arkansas	\$1.97	Lee	\$1.97
Ashley	1.89	Lincoln	1.95
Baxter	1.79	Little River	1.89
Benton	1.74	Logan	1.75
Boone	1.77	Lonoke	1.97
Bradley	1.88	Madison	1.75
Calhoun	1.87	Marion	1.78
Carroll	1.75	Miller	1.90
Chicot	1.89	Mississippi	1.97
Clark	1.86	Monroe	1.97
Clay	1.97	Montgomery	1.79
Cleburne	1.97	Nevada	1.88
Cleveland	1.85	Newton	1.77
Columbia	1.90	Ouachita	1.88
Conway	1.94	Perry	1.80
Craighead	1.97	Phillips	1.97
Crawford	1.75	Pike	1.80
Crittenden	1.97	Poinsett	1.97
Cross	1.97	Polk	1.79
Dallas	1.86	Pope	1.79
Desha	1.96	Prairie	1.97
Drew	1.90	Pulaski	1.96
Faulkner	1.95	Randolph	1.97
Franklin	1.76	St. Francis	1.97
Fulton	1.84	Saline	1.84
Garland	1.83	Scott	1.79
Grant	1.85	Searcy	1.77
Greene	1.97	Sebastian	1.78
Hempstead	1.89	Sevier	1.81
Hot Spring	1.84	Sharp	1.84
Howard	1.81	Stone	1.82
Independence	1.90	Union	1.90
Izard	1.81	Van Buren	1.87
Jackson	1.97	Washington	1.75
Jefferson	1.94	White	1.97
Johnson	1.78	Woodruff	1.97
Lafayette	1.90	Yell	1.79
Lawrence	1.96		

CALIFORNIA			
County	Rate per bushel	County	Rate per bushel
Alameda	\$1.94	Placer	\$1.92
Alpine	1.83	Plumas	1.83
Amador	1.94	Riverside	1.89
Butte	1.89	Sacramento	1.94
Calaveras	1.94	San Benito	1.90
Colusa	1.90	San Bernardino	1.92
Contra Costa	1.94	San Diego	1.87
El Dorado	1.91	San Joaquin	1.96
Fresno	1.90	San Luis	1.96
Glenn	1.87	San Mateo	1.85
Humboldt	1.77	Obispo	1.85
Imperial	1.90	San Mateo	1.95
Inyo	1.75	Santa Barbara	1.87
Kern	1.86	Santa Clara	1.94
Kings	1.89	Santa Cruz	1.91
Lake	1.88	Shasta	1.81
Lassen	1.76	Sierra	1.75
Los Angeles	1.93	Siskiyou	1.81
Madera	1.91	Solano	1.93
Marin	1.94	Sonoma	1.93
Mariposa	1.92	Stanislaus	1.95
Mendocino	1.85	Sutter	1.91
Merced	1.93	Tehama	1.85
Modoc	1.81	Tulare	1.89
Mono	1.72	Tuolumne	1.95
Monterey	1.89	Ventura	1.93
Napa	1.93	Yolo	1.92
Orange	1.91	Yuba	1.91

COLORADO			
County	Rate per bushel	County	Rate per bushel
Adams	\$1.71	Custer	\$1.65
Alamosa	1.60	Delta	1.52
Arapahoe	1.71	Denver	1.71
Archuleta	1.52	Dolores	1.46
Baca	1.73	Douglas	1.71
Bent	1.72	Eagle	1.53
Boulder	1.71	Elbert	1.71
Chaffee	1.56	El Paso	1.71
Cheyenne	1.73	Fremont	1.66
Conejos	1.59	Garfield	1.52
Costilla	1.61	Grand	1.56
Crowley	1.71	Huerfano	1.68

COLORADO—Continued			
County	Rate per bushel	County	Rate per bushel
Jackson	\$1.59	Ouray	\$1.52
Jefferson	1.71	Phillips	1.74
Kiowa	1.73	Pitkin	1.52
Kit Carson	1.73	Prowers	1.73
La Plata	1.52	Pueblo	1.71
Larimer	1.71	Rio Blanco	1.52
Las Animas	1.70	Rio Grande	1.59
Lincoln	1.71	Routt	1.52
Logan	1.71	Saguache	1.59
Mesa	1.52	San Miguel	1.49
Moffat	1.52	Sedgwick	1.74
Montezuma	1.46	Summit	1.56
Montrose	1.52	Washington	1.71
Morgan	1.71	Weld	1.71
Otero	1.71	Yuma	1.73

CONNECTICUT	
County	Rate per bushel
All counties	\$1.49

DELAWARE			
County	Rate per bushel	County	Rate per bushel
Kent	\$2.04	Sussex	\$2.03
New Castle	2.04		

FLORIDA	
County	Rate per bushel
All counties	\$1.46

GEORGIA	
County	Rate per bushel
All counties	\$1.95

IDAHO			
County	Rate per bushel	County	Rate per bushel
Ada	\$1.63	Gem	\$1.63
Adams	1.61	Gooding	1.59
Bannock	1.59	Idaho	1.72
Bear Lake	1.57	Jefferson	1.57
Benewah	1.76	Jerome	1.59
Bingham	1.57	Kootenai	1.78
Blaine	1.57	Latah	1.76
Boise	1.62	Lemhi	1.57
Bonner	1.68	Lewis	1.73
Bonneville	1.57	Lincoln	1.59
Boundary	1.66	Madison	1.57
Butte	1.57	Minidoka	1.60
Camas	1.57	Nez Perce	1.78
Canyon	1.63	Oneida	1.59
Caribou	1.57	Owyhee	1.63
Cassia	1.61	Payette	1.64
Clark	1.56	Power	1.59
Clearwater	1.74	Shoshone	1.64
Custer	1.57	Teton	1.57
Elmore	1.61	Twin Falls	1.62
Franklin	1.59	Valley	1.61
Fremont	1.57	Washington	1.64

ILLINOIS			
County	Rate per bushel	County	Rate per bushel
Adams	\$1.84	Franklin	\$1.87
Alexander	1.87	Fulton	1.87
Bond	1.90	Gallatin	1.83
Boone	1.89	Greene	1.90
Brown	1.85	Grundy	1.90
Bureau	1.87	Hamilton	1.86
Calhoun	1.88	Hancock	1.84
Carroll	1.86	Hardin	1.79
Cass	1.87	Henderson	1.84
Champaign	1.89	Henry	1.86
Christian	1.87	Iroquois	1.91
Clark	1.87	Jackson	1.87
Clay	1.87	Jasper	1.86
Clinton	1.90	Jefferson	1.92
Coles	1.87	Jersey	1.90
Cook	1.94	Jo Daviess	1.86
Crawford	1.85	Johnson	1.83
Cumberland	1.87	Kane	1.92
De Kalb	1.90	Kankakee	1.92
DeWitt	1.87	Kendall	1.91
Douglas	1.89	Knox	1.86
DuPage	1.92	Lake	1.94
Edgar	1.87	LaSalle	1.89
Edwards	1.86	Lawrence	1.86
Effingham	1.87	Lee	1.88
Fayette	1.87	Livingson	1.88
Ford	1.87	Logan	1.87

ILLINOIS—Continued

County	Rate per bushel	County	Rate per bushel
McDonough	\$1.85	Randolph	\$1.92
McHenry	1.90	Richland	1.86
McLean	1.87	Rock Island	1.86
Macon	1.87	Saint Clair	1.90
Macoupin	1.90	Saline	1.83
Madison	1.91	Sangamon	1.87
Marion	1.87	Schuyler	1.86
Marshall	1.87	Scott	1.87
Mason	1.87	Shelby	1.88
Massac	1.88	Stark	1.87
Menard	1.87	Stephenson	1.86
Mercer	1.85	Tazewell	1.87
Monroe	1.92	Union	1.87
Montgomery	1.89	Vermillion	1.91
Morgan	1.87	Wabash	1.84
Moultrie	1.89	Warren	1.86
Ogle	1.88	Washington	1.90
Peoria	1.87	Wayne	1.86
Perry	1.87	White	1.83
Platt	1.87	Whiteside	1.86
Pike	1.86	Will	1.92
Pope	1.82	Williamson	1.87
Pulaski	1.87	Winnebago	1.87
Putnam	1.87	Woodford	1.87

INDIANA

County	Rate per bushel	County	Rate per bushel
Adams	\$1.83	Lawrence	\$1.89
Allen	1.83	Madison	1.84
Bartholomew	1.88	Marion	1.85
Benton	1.86	Marshall	1.94
Blackford	1.85	Martin	1.83
Boone	1.84	Miami	1.88
Brown	1.85	Monroe	1.91
Carroll	1.86	Montgomery	1.85
Cass	1.89	Morgan	1.83
Clark	1.92	Newton	1.91
Clay	1.86	Noble	1.84
Clinton	1.85	Ohio	1.85
Crawford	1.89	Orange	1.91
Davless	1.82	Owen	1.83
Dearborn	1.85	Parke	1.84
Decatur	1.87	Perry	1.85
De Kalb	1.83	Pike	1.83
Delaware	1.83	Porter	1.95
Dubois	1.86	Posey	1.86
Elkhart	1.88	Pulaski	1.92
Fayette	1.85	Putnam	1.84
Floyd	1.92	Randolph	1.84
Fountain	1.84	Ripley	1.86
Franklin	1.85	Rush	1.85
Fulton	1.94	Saint Joseph	1.93
Gibson	1.86	Scott	1.89
Grant	1.84	Shelby	1.85
Greene	1.83	Spencer	1.86
Hamilton	1.84	Starke	1.94
Hancock	1.85	Steuben	1.83
Harrison	1.85	Sullivan	1.86
Hendricks	1.85	Switzerland	1.86
Henry	1.85	Tiptecanoe	1.86
Howard	1.86	Tipton	1.84
Huntington	1.83	Union	1.85
Jackson	1.89	Vanderburgh	1.89
Jasper	1.93	Vermillion	1.91
Jay	1.83	Vigo	1.91
Jefferson	1.86	Wabash	1.86
Jennings	1.87	Warren	1.87
Johnson	1.85	Warrick	1.85
Knox	1.84	Washington	1.91
Kosciusko	1.88	Wayne	1.84
Lagrange	1.84	Wells	1.83
Lake	1.93	White	1.91
La Porte	1.94	Whitley	1.85

IOWA

County	Rate per bushel	County	Rate per bushel
Adair	\$1.87	Cass	\$1.89
Adams	1.89	Cedar	1.84
Allamakee	1.91	Cerro Gordo	1.92
Appanoose	1.83	Cherokee	1.88
Audubon	1.90	Chickasaw	1.91
Benton	1.89	Clarke	1.86
Black Hawk	1.90	Clay	1.90
Boone	1.88	Clayton	1.89
Bremer	1.90	Clinton	1.85
Buchanan	1.89	Crawford	1.90
Buena Vista	1.89	Dallas	1.86
Butler	1.90	Davis	1.82
Calhoun	1.89	Decatur	1.85
Carroll	1.89	Delaware	1.89

IOWA—Continued

County	Rate per bushel	County	Rate per bushel
Des Moines	\$1.83	Mills	\$1.91
Dickinson	1.91	Mitchell	1.93
Dubuque	1.88	Monona	1.90
Emmet	1.92	Monroe	1.83
Fayette	1.90	Montgomery	1.91
Floyd	1.92	Muscatine	1.83
Franklin	1.90	O'Brien	1.90
Fremont	1.91	Osceola	1.90
Greene	1.88	Page	1.90
Grundy	1.90	Palo Alto	1.91
Guthrie	1.87	Plymouth	1.88
Hamilton	1.90	Pocahontas	1.90
Hancock	1.91	Polk	1.88
Hardin	1.90	Pottawattamie	1.91
Harrison	1.91	Poweshiek	1.87
Henry	1.82	Ringold	1.86
Howard	1.92	Sac	1.88
Humbolt	1.90	Scott	1.85
Ida	1.87	Shelby	1.91
Iowa	1.87	Sioux	1.88
Jackson	1.84	Story	1.89
Jasper	1.88	Tama	1.89
Jefferson	1.81	Taylor	1.88
Johnson	1.87	Union	1.87
Jones	1.88	Van Buren	1.82
Keokuk	1.85	Wapello	1.82
Kossuth	1.91	Warren	1.86
Lee	1.84	Washington	1.85
Linn	1.89	Wayne	1.84
Louisa	1.83	Webster	1.90
Lucas	1.85	Winebago	1.93
Lyon	1.89	Wineshiek	1.91
Madison	1.86	Woodbury	1.88
Mahaska	1.86	Worth	1.93
Marion	1.85	Wright	1.90
Marshall	1.89		

KANSAS

County	Rate per bushel	County	Rate per bushel
Allen	\$1.87	Labette	\$1.87
Anderson	1.89	Lane	1.78
Atchison	1.91	Leavenworth	1.91
Barber	1.80	Lincoln	1.82
Barton	1.80	Linn	1.90
Bourbon	1.89	Logan	1.77
Brown	1.90	Lyon	1.87
Butler	1.83	McPherson	1.82
Chase	1.85	Marion	1.83
Chautauqua	1.85	Marshall	1.87
Cherokee	1.87	Meade	1.77
Cheyenne	1.76	Miami	1.91
Clark	1.77	Mitchell	1.82
Clay	1.84	Montgomery	1.87
Cloud	1.83	Morris	1.85
Coffey	1.88	Morton	1.74
Comanche	1.78	Nemaha	1.88
Cowley	1.83	Neosho	1.87
Crawford	1.87	Ness	1.80
Decatur	1.78	Norton	1.80
Dickinson	1.83	Osage	1.88
Doniphan	1.91	Osborne	1.82
Douglas	1.91	Ottawa	1.83
Edwards	1.80	Pawnee	1.80
Elk	1.85	Phillips	1.81
Ellis	1.80	Pottawatomie	1.87
Ellsworth	1.82	Pratt	1.80
Finney	1.77	Rawlins	1.77
Ford	1.79	Reno	1.82
Franklin	1.91	Republic	1.83
Geary	1.85	Rice	1.82
Gove	1.78	Riley	1.87
Graham	1.80	Rooks	1.81
Grant	1.76	Rush	1.80
Gray	1.77	Russell	1.81
Greeley	1.76	Saline	1.83
Greenwood	1.86	Scott	1.77
Hamilton	1.76	Sedgwick	1.83
Harper	1.82	Seward	1.75
Harvey	1.83	Shawnee	1.89
Haskell	1.77	Sheridan	1.78
Hodgeman	1.80	Sherman	1.76
Jackson	1.89	Smith	1.82
Jefferson	1.91	Stafford	1.80
Jewell	1.83	Stanton	1.75
Johnson	1.91	Stevens	1.75
Kearny	1.76	Sumner	1.83
Kingman	1.82	Thomas	1.77
Kiowa	1.80	Trego	1.80

KANSAS—Continued

County	Rate per bushel	County	Rate per bushel
Wabaunsee	\$1.87	Wilson	\$1.87
Wallace	1.76	Woodson	1.87
Washington	1.84	Wyandotte	1.91
Wichita	1.76		

KENTUCKY

County	Rate per bushel	County	Rate per bushel
Adair	\$1.90	Kenton	\$1.90
Allen	1.89	Knox	1.90
Anderson	1.91	Larue	1.90
Ballard	1.87	Laurel	1.91
Barren	1.89	Lawrence	1.91
Bath	1.91	Lee	1.91
Bell	1.90	Lewis	1.92
Boone	1.90	Lincoln	1.92
Bourbon	1.92	Livingston	1.87
Boyd	1.92	Logan	1.88
Boyle	1.92	Lyon	1.88
Bracken	1.91	McCracken	1.87
Breathitt	1.90	McCreary	1.90
Breckinridge	1.88	McLean	1.87
Bullitt	1.90	Madison	1.92
Butler	1.88	Magoffin	1.90
Caldwell	1.88	Marion	1.91
Calloway	1.87	Marshall	1.87
Campbell	1.90	Mason	1.91
Carlisle	1.87	Meade	1.88
Carroll	1.90	Menifee	1.90
Carter	1.91	Mercer	1.92
Casey	1.91	Metcalfe	1.89
Christian	1.88	Monroe	1.90
Clark	1.92	Montgomery	1.91
Clay	1.90	Morgan	1.90
Clinton	1.91	Muhlenberg	1.88
Crittenden	1.87	Nelson	1.91
Cumberland	1.90	Nicholas	1.91
Daviess	1.87	Ohio	1.88
Edmonson	1.88	Oldham	1.90
Elliott	1.91	Owen	1.91
Estill	1.91	Owsley	1.90
Fayette	1.92	Pendleton	1.91
Fleming	1.91	Powell	1.91
Franklin	1.91	Pulaski	1.92
Fulton	1.87	Robertson	1.91
Gallatin	1.90	Rockcastle	1.92
Garrard	1.92	Rowan	1.92
Grant	1.91	Russell	1.90
Graves	1.87	Scott	1.91
Grayson	1.89	Shelby	1.90
Green	1.91	Simpson	1.89
Greenup	1.92	Spencer	1.90
Hancock	1.88	Taylor	1.91
Hardin	1.89	Todd	1.88
Harrison	1.91	Trigg	1.88
Hart	1.89	Trimble	1.90
Henderson	1.87	Union	1.87
Henry	1.90	Warren	1.88
Hickman	1.87	Washington	1.92
Hopkins	1.88	Wayne	1.91
Jackson	1.90	Webster	1.87
Jefferson	1.90	Whitley	1.90
Jessamine	1.92	Wolfe	1.90
Johnson	1.90	Woodford	1.92

LOUISIANA

County	Rate per bushel
All counties	\$1.40

MAINE

All counties	\$1.46
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MARYLAND

County	Rate per bushel	County	Rate per bushel
Allegany	\$1.95	Howard	\$2.06
Anne		Kent	2.04
Arundel	2.03	Montgomery	2.02
Baltimore	2.03	Prince Georges	2.02
Calvert	2.01	Queen Annes	2.04
Caroline	2.04	St. Marys	2.02
Carroll	2.03	Somerset	2.01
Cecil	2.03	Talbot	2.04
Charles	2.01	Washington	1.99
Dorchester	2.03	Wicomico	2.03
Frederick	2.02	Worcester	2.02
Garrett	1.94		
Harford	2.03		



RULES AND REGULATIONS

**MASSACHUSETTS**

County	Rate per bushel
All counties	\$1.48

**MICHIGAN**

County	Rate per bushel	County	Rate per bushel
Alcona	\$1.69	Keweenaw	\$1.83
Alger	1.81	Lake	1.76
Allegan	1.82	Lapeer	1.81
Alpena	1.68	Leelanau	1.69
Antrim	1.69	Lenawee	1.82
Arenac	1.74	Livingston	1.82
Baraga	1.88	Luce	1.69
Barry	1.82	Mackinac	1.69
Bay	1.79	Macomb	1.83
Benzie	1.79	Manistee	1.75
Berrien	1.89	Marquette	1.84
Branch	1.83	Mason	1.76
Calhoun	1.83	Mecosta	1.76
Cass	1.86	Menominee	1.81
Charlevoix	1.68	Midland	1.79
Cheboygan	1.67	Missaukee	1.75
Chippewa	1.69	Monroe	1.83
Clare	1.79	Montcalm	1.79
Clinton	1.81	Montmorency	1.68
Crawford	1.70	Muskegon	1.79
Delta	1.81	Newaygo	1.78
Dickinson	1.81	Oakland	1.81
Eaton	1.82	Oceana	1.76
Emmet	1.67	Ogemaw	1.77
Genesee	1.81	Ontonagon	1.82
Gladwin	1.77	Osceola	1.76
Gogebic	1.90	Oscoda	1.77
Grand		Otsego	1.68
Traverse	1.73	Ottawa	1.82
Gratiot	1.81	Presque Isle	1.67
Hillsdale	1.82	Roscommon	1.70
Houghton	1.83	Saginaw	1.81
Huron	1.76	Saint Clair	1.82
Ingham	1.82	Saint Joseph	1.85
Ionia	1.81	Sanilac	1.79
Iosco	1.70	Schoolcraft	1.81
Iron	1.82	Shiawassee	1.81
Isabella	1.78	Tuscola	1.78
Jackson	1.82	Van Buren	1.84
Kalamazoo	1.85	Washtenaw	1.82
Kalkaska	1.69	Wayne	1.82
Kent	1.81	Wexford	1.76

**MINNESOTA**

County	Rate per bushel	County	Rate per bushel
Aitkin	\$1.97	Lincoln	\$1.91
Anoka	1.97	Lyon	1.92
Becker	1.90	McLeod	1.97
Beltrami	1.90	Mahnomen	1.89
Benton	1.96	Marshall	1.87
Big Stone	1.92	Martin	1.93
Blue Earth	1.95	Meeker	1.97
Brown	1.95	Mille Lacs	1.97
Carlton	1.98	Morrison	1.94
Carver	1.97	Mower	1.93
Cass	1.94	Murray	1.92
Chippewa	1.93	Nicollett	1.97
Chisago	1.97	Nobles	1.90
Clay	1.90	Norman	1.89
Clearwater	1.90	Olmsted	1.95
Cottonwood	1.93	Otter Tail	1.92
Crow Wing	1.94	Pennington	1.87
Dakota	1.97	Pine	1.96
Dodge	1.95	Pipestone	1.91
Douglas	1.93	Polk	1.88
Faribault	1.93	Pope	1.94
Fillmore	1.92	Ramsey	1.97
Freeborn	1.95	Red Lake	1.89
Goodhue	1.96	Redwood	1.94
Grant	1.92	Renville	1.95
Hennepin	1.97	Rice	1.97
Houston	1.92	Rock	1.90
Hubbard	1.91	Roseau	1.87
Isanti	1.97	Saint Louis	1.95
Itasca	1.95	Scott	1.97
Jackson	1.92	Sherburne	1.97
Kanabec	1.96	Sibley	1.97
Kandiyohi	1.96	Stearns	1.96
Kittson	1.85	Steele	1.95
Koochiching	1.87	Stevens	1.93
Lac Qui Parle	1.91	Swift	1.93
Lake of the Woods	1.88	Todd	1.94
Le Sueur	1.97	Traverse	1.92
		Wabasha	1.96

**MINNESOTA—Continued**

County	Rate per bushel	County	Rate per bushel
Wadena	\$1.93	Winona	\$1.95
Waseca	1.95	Wright	1.97
Washington	1.97	Yellow Medicine	1.93
Watonwan	1.94		
Wilkin	1.91		

**MISSISSIPPI**

County	Rate per bushel
All counties	\$1.86

**MISSOURI**

County	Rate per bushel	County	Rate per bushel
Adair	\$1.83	Livingston	\$1.89
Andrew	1.91	McDonald	1.85
Atchison	1.90	Macon	1.84
Audrain	1.86	Madison	1.87
Barry	1.85	Maries	1.87
Barton	1.87	Marion	1.86
Bates	1.90	Mercer	1.86
Benton	1.88	Miller	1.83
Bollinger	1.86	Mississippi	1.96
Boone	1.86	Moniteau	1.86
Buchanan	1.91	Monroe	1.85
Butler	1.96	Montgomery	1.88
Caldwell	1.90	Morgan	1.86
Callaway	1.86	New Madrid	1.97
Camden	1.83	Newton	1.85
Cape Girardeau	1.93	Nodaway	1.89
Carroll	1.89	Oregon	1.84
Carter	1.85	Osage	1.86
Cass	1.91	Ozark	1.79
Cedar	1.89	Pemiscot	1.97
Chariton	1.88	Perry	1.87
Christian	1.85	Pettis	1.88
Clark	1.85	Phelps	1.86
Clay	1.91	Pike	1.87
Clinton	1.91	Platte	1.91
Cole	1.84	Polk	1.87
Cooper	1.87	Pulaski	1.84
Crawford	1.88	Putnam	1.86
Dade	1.87	Ralls	1.86
Dallas	1.84	Randolph	1.85
Davies	1.90	Ray	1.90
De Kalb	1.91	Reynolds	1.83
Dent	1.85	Ripley	1.92
Douglas	1.82	Saint Charles	1.92
Dunklin	1.97	Saint Clair	1.89
Franklin	1.91	Sainte Genevieve	1.89
Gasconade	1.87	Saint Francois	1.88
Gentry	1.90	Saint Louis	1.92
Greene	1.85	Saline	1.89
Grundy	1.88	Schuyler	1.83
Harrison	1.88	Scotland	1.84
Henry	1.89	Scott	1.95
Hickory	1.87	Shannon	1.82
Holt	1.91	Shelby	1.85
Howard	1.86	Stoddard	1.95
Howell	1.80	Stone	1.84
Iron	1.87	Sullivan	1.86
Jackson	1.91	Taney	1.83
Jasper	1.87	Texas	1.82
Jefferson	1.92	Vernon	1.89
Johnson	1.90	Warren	1.91
Knox	1.84	Washington	1.89
Laclede	1.82	Wayne	1.85
Lafayette	1.90	Webster	1.83
Lawrence	1.85	Worth	1.89
Lewis	1.85	Wright	1.82
Lincoln	1.91		
Linn	1.87		

**MONTANA**

County	Rate per bushel	County	Rate per bushel
Beaverhead	\$1.49	Fergus	\$1.58
Big Horn	1.54	Flathead	1.56
Blaine	1.60	Gallatin	1.58
Broadwater	1.58	Garfield	1.68
Carbon	1.58	Glacier	1.58
Carter	1.71	Golden Valley	1.58
Cascade	1.58	Granite	1.58
Chouteau	1.58	Hill	1.58
Custer	1.69	Jefferson	1.55
Daniels	1.66	Judith Basin	1.58
Dawson	1.70	Lake	1.60
Deer Lodge	1.55		
Fallon	1.71		

**MONTANA—Continued**

County	Rate per bushel	County	Rate per bushel
Lewis and Clark	\$1.58	Ravalli	\$1.60
Liberty	1.58	Richland	1.70
Lincoln	1.56	Roosevelt	1.71
McCone	1.69	Rosebud	1.84
Madison	1.56	Sanders	1.62
Meagher	1.58	Sheridan	1.69
Mineral	1.62	Silver Bow	1.55
Missoula	1.62	Stillwater	1.58
Musselshell	1.61	Sweet Grass	1.58
Park	1.58	Teton	1.58
Petroleum	1.58	Toole	1.58
Phillips	1.63	Treasure	1.63
Pondera	1.58	Valley	1.66
Powder River	1.67	Wheatland	1.58
Powell	1.57	Wibaux	1.72
Prairie	1.69	Yellowstone	1.58

**NEBRASKA**

County	Rate per bushel	County	Rate per bushel
Adams	\$1.85	Jefferson	\$1.87
Antelope	1.86	Johnson	1.89
Arthur	1.76	Kearney	1.83
Banner	1.71	Keith	1.76
Blaine	1.80	Keya Paha	1.80
Boone	1.87	Kimball	1.71
Box Butte	1.75	Knox	1.84
Boyd	1.83	Lancaster	1.91
Brown	1.80	Lincoln	1.79
Buffalo	1.85	Logan	1.80
Burt	1.91	Loup	1.83
Butler	1.91	McPherson	1.80
Cass	1.91	Madison	1.87
Cedar	1.85	Merrick	1.87
Chase	1.76	Morrill	1.74
Cherry	1.78	Nance	1.88
Cheyenne	1.72	Nemaha	1.89
Clay	1.85	Nuckolls	1.85
Colfax	1.91	Otoe	1.91
Cuming	1.90	Pawnee	1.88
Custer	1.82	Perkins	1.76
Dakota	1.88	Phelps	1.83
Dawes	1.72	Pierce	1.87
Dawson	1.83	Platte	1.89
Deuel	1.74	Polk	1.89
Dixon	1.87	Red Willow	1.80
Dodge	1.91	Richardson	1.88
Douglas	1.91	Rock	1.81
Dundy	1.76	Saline	1.89
Fillmore	1.87	Sarpy	1.91
Franklin	1.83	Saunders	1.91
Frontier	1.80	Scotts Bluff	1.72
Furnas	1.81	Seward	1.90
Gage	1.89	Sheridan	1.74
Garden	1.75	Sherman	1.85
Garfield	1.84	Sioux	1.71
Gosper	1.82	Stanton	1.88
Grant	1.76	Thayer	1.87
Greeley	1.86	Thomas	1.80
Hall	1.86	Thurston	1.89
Hamilton	1.87	Valley	1.84
Harlan	1.82	Washington	1.91
Hayes	1.77	Wayne	1.86
Hitchcock	1.78	Webster	1.84
Holt	1.84	Wheeler	1.87
Hooker	1.78	York	1.88
Howard	1.86		

**NEVADA**

County	Rate per bushel	County	Rate per bushel
Churchill	\$1.37	Lyon	\$1.28
Clark	1.22	Mineral	1.14
Douglas	1.37	Nye	1.03
Elko	1.21	Ormsby	1.37
Esmeralda	1.08	Pershing	1.37
Eureka	1.21	Storey	1.37
Humboldt	1.28	Washoe	1.37
Lander	1.21	White Pine	.92
Lincoln	1.22		

**NEW HAMPSHIRE**

County	Rate per bushel
All counties	\$1.48

**NEW JERSEY**

County	Rate per bushel	County	Rate per bushel
Bergen	\$2.03	Camden	\$2.04
Burlington	2.03	Cape May	2.00



NEW JERSEY—Continued

County	Rate per bushel	County	Rate per bushel
Cumberland	\$2.03	Morris	\$2.02
Essex	2.03	Ocean	2.02
Gloucester	2.04	Passaic	2.01
Hunterdon	2.01	Salem	2.04
Mercer	2.03	Somerset	2.02
Middlesex	\$2.03	Sussex	2.02
Monmouth	2.02	Warren	2.00

NEW MEXICO

Bernalillo	\$1.68	Mora	\$1.68
Catron	1.59	Otero	1.71
Chaves	1.74	Quay	1.77
Colfax	1.67	Rio Arriba	1.52
Curry	1.78	Roosevelt	1.76
De Baca	1.73	Sandoval	1.68
Dona Ana	1.68	San Juan	1.31
Eddy	1.73	San Miguel	1.68
Grant	1.53	Santa Fe	1.65
Guadalupe	1.73	Sierra	1.68
Harding	1.71	Socorro	1.68
Hidalgo	1.66	Taas	1.59
Lea	1.77	Torrance	1.71
Lincoln	1.71	Union	1.72
Luna	1.66	Valencia	1.63
McKinley	1.53		

NEW YORK

Albany	\$2.05	Onelda	\$2.00
Allegany	1.97	Onondaga	1.98
Broome	1.98	Ontario	1.98
Cattaraugus	1.94	Orange	2.01
Cayuga	1.98	Orleans	1.97
Chautauqua	1.90	Oswego	1.98
Chemung	1.98	Otsego	2.00
Chenango	1.98	Putnam	2.01
Clinton	1.95	Rensselaer	2.04
Columbia	2.03	Rockland	2.00
Cortland	1.98	Saratoga	2.03
Delaware	1.99	Schnectady	2.04
Dutchess	2.01	Schoharie	2.02
Essex	1.96	Schuyler	1.98
Franklin	1.92	Seneca	1.98
Fulton	1.99	St. Lawrence	1.94
Genesee	1.98	Steuben	1.98
Greene	2.02	Suffolk	1.97
Herkimer	2.01	Sullivan	1.96
Jefferson	1.95	Tioga	1.98
Lewis	1.96	Tompkins	1.98
Livingston	1.98	Ulster	2.01
Madison	1.98	Warren	2.01
Monroe	1.98	Washington	2.02
Montgomery	2.04	Wayne	1.98
Nassau	1.99	Westchester	2.02
Niagara	1.98	Wyoming	1.98
		Yates	1.98

NORTH CAROLINA

County	Rate per bushel
All counties	\$1.97

NORTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Adams	\$1.77	McHenry	\$1.80
Barnes	1.87	McIntosh	1.83
Benson	1.82	McKenzie	1.73
Billings	1.76	McLean	1.80
Bottineau	1.78	Mercer	1.78
Bowman	1.76	Morton	1.79
Burke	1.77	Mountrail	1.77
Burlleigh	1.82	Nelson	1.84
Cass	1.88	Oliver	1.79
Cavalier	1.82	Pembina	1.84
Dickey	1.87	Pierce	1.81
Divide	1.75	Ramsey	1.83
Dunn	1.76	Ransom	1.87
Eddy	1.84	Renville	1.77
Emmons	1.82	Richland	1.91
Foster	1.85	Rquette	1.81
Golden Valley	1.73	Sargent	1.88
Grand Forks	1.87	Sheridan	1.82
Grant	1.77	Sioux	1.79
Griggs	1.86	Slope	1.73
Hettinger	1.77	Stark	1.77
Kidder	1.83	Steele	1.87
La Moure	1.85	Stutsman	1.85
Logan	1.83	Towner	1.82

NORTH DAKOTA—Continued

County	Rate per bushel	County	Rate per bushel
Trall	\$1.87	Wells	\$1.83
Walsh	1.84	Williams	1.76
Ward	1.78		

OHIO

Adams	\$1.82	Licking	\$1.84
Allen	1.83	Logan	1.82
Ashland	1.85	Lorain	1.85
Ashtabula	1.88	Lucas	1.83
Athens	1.84	Madison	1.83
Auglaize	1.83	Mahoning	1.87
Belmont	1.85	Marion	1.84
Brown	1.82	Medina	1.85
Butler	1.82	Meigs	1.82
Carroll	1.85	Mercer	1.83
Champaign	1.82	Miami	1.83
Clark	1.82	Monroe	1.85
Clermont	1.82	Montgomery	1.82
Clinton	1.82	Morgan	1.85
Columbiana	1.86	Morrow	1.84
Coshocton	1.85	Muskingum	1.85
Crawford	1.84	Noble	1.85
Cuyahoga	1.85	Ottawa	1.84
Darke	1.85	Paulding	1.83
Defiance	1.82	Perry	1.84
Delaware	1.84	Pickaway	1.83
Erie	1.84	Pike	1.82
Fairfield	1.84	Portage	1.85
Fayette	1.82	Preble	1.82
Franklin	1.84	Putnam	1.83
Fulton	1.82	Richland	1.85
Galla	1.82	Ross	1.83
Geauga	1.88	Sandusky	1.84
Greene	1.82	Scioto	1.82
Guernsey	1.85	Seneca	1.84
Hamilton	1.82	Shelby	1.83
Hancock	1.84	Stark	1.85
Hardin	1.84	Summit	1.85
Harrison	1.85	Trumbull	1.88
Henry	1.82	Tuscarawas	1.85
Highland	1.82	Union	1.84
Hocking	1.84	Van Wert	1.83
Holmes	1.85	Vinton	1.84
Huron	1.84	Warren	1.82
Jackson	1.82	Washington	1.85
Jefferson	1.86	Wayne	1.85
Knox	1.84	Williams	1.83
Lake	1.86	Wood	1.84
Lawrence	1.82	Wyandot	1.84

OKLAHOMA

Adair	\$1.80	Kingfisher	\$1.80
Alfalfa	1.80	Kiowa	1.80
Atoka	1.80	Latimer	1.80
Beaver	1.77	Le Flore	1.80
Beckham	1.80	Lincoln	1.80
Blaine	1.80	Logan	1.80
Bryan	1.80	Love	1.80
Caddo	1.80	McClain	1.80
Canadian	1.80	McCurtain	1.80
Carter	1.80	McIntosh	1.80
Cherokee	1.82	Major	1.80
Choctaw	1.80	Marshall	1.80
Cimarron	1.75	Mayes	1.84
Cleveland	1.80	Murray	1.80
Coal	1.80	Muskogee	1.80
Comanche	1.80	Noble	1.80
Cotton	1.80	Nowata	1.86
Craig	1.86	Okfuskee	1.80
Creek	1.80	Oklahoma	1.80
Custer	1.80	Okmulgee	1.80
Delaware	1.85	Osage	1.82
Dewey	1.79	Ottawa	1.86
Ellis	1.78	Pawnee	1.80
Garfield	1.80	Payne	1.80
Garvin	1.80	Pittsburg	1.80
Grady	1.80	Pontotoc	1.80
Grant	1.80	Pottawatomie	1.80
Greer	1.80	Pushmataha	1.80
Harmon	1.80	Roger Mills	1.79
Harper	1.77	Rogers	1.84
Haskell	1.80	Seminole	1.80
Hughes	1.80	Sequoyah	1.80
Jackson	1.80	Stevens	1.80
Jefferson	1.80	Texas	1.77
Johnston	1.80	Tillman	1.80
Kay	1.81	Tulsa	1.83

OKLAHOMA—Continued

County	Rate per bushel	County	Rate per bushel
Wagoner	\$1.83	Woods	\$1.79
Washington	1.86	Woodward	1.78
Washita	1.80		

OREGON

Baker	\$1.78	Lake	\$1.80
Benton	1.79	Lane	1.76
Clackamas	1.83	Lincoln	1.73
Clatsop	1.79	Linn	1.80
Columbia	1.81	Malheur	1.64
Coos	1.69	Marion	1.83
Crook	1.82	Morrow	1.83
Curry	1.68	Multnomah	1.86
Deschutes	1.82	Polk	1.81
Douglas	1.71	Sherman	1.85
Gilliam	1.84	Tillamook	1.85
Grant	1.82	Umatilla	1.82
Harney	1.59	Union	1.77
Hood River	1.85	Wallowa	1.74
Jackson	1.67	Wasco	1.88
Jefferson	1.85	Washington	1.85
Josephine	1.65	Wheeler	1.82
Klamath	1.81	Yamhill	1.83

PENNSYLVANIA

Adams	\$2.01	Lackawanna	\$1.97
Allegheny	1.90	Lancaster	2.01
Armstrong	1.92	Lawrence	1.89
Beaver	1.89	Lebanon	1.99
Bedford	1.94	Lehigh	2.01
Berks	2.01	Luzerne	1.97
Blair	1.93	Lycoming	1.95
Bradford	1.97	McKean	1.93
Bucks	2.03	Mercer	1.88
Butler	1.91	Mifflin	1.96
Cambria	1.92	Monroe	1.99
Carbon	1.99	Montgomery	2.03
Centre	1.94	Montour	1.96
Chester	2.02	Northampton	2.01
Clarion	1.90	Northum-	
Clearfield	1.92	berland	1.96
Clinton	1.94	Perry	1.98
Columbia	1.98	Pike	1.95
Crawford	1.88	Potter	1.92
Cumberland	1.99	Schuylkill	1.98
Dauphin	1.98	Snyder	1.96
Delaware	2.03	Somerset	1.93
Elk	1.93	Sullivan	1.98
Erie	1.88	Susquehanna	1.97
Fayette	1.92	Tioga	1.97
Forest	1.89	Union	1.96
Franklin	1.99	Venango	1.88
Fulton	1.97	Warren	1.88
Greene	1.90	Washington	1.89
Huntingdon	1.95	Wayne	1.96
Indiana	1.92	Westmoreland	1.91
Jefferson	1.92	Wyoming	1.98
Juniata	1.96	York	2.01

RHODE ISLAND

County	Rate per bushel
All counties	\$1.49

SOUTH CAROLINA

All counties	\$1.95
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SOUTH DAKOTA

Aurora	\$1.82	Douglas	\$1.83
Beadle	1.88	Edmunds	1.85
Bennett	1.76	Fall River	1.70
Bon Homme	1.84	Faulk	1.85
Brookings	1.90	Grant	1.90
Brown	1.87	Gregory	1.82
Brule	1.80	Haakon	1.77
Buffalo	1.80	Hamlin	1.90
Butte	1.71	Hand	1.86
Campbell	1.82	Hanson	1.87
Charles Mix	1.82	Harding	1.76
Clark	1.89	Hughes	1.83
Clay	1.88	Hutchinson	1.84
Codington	1.90	Hyde	1.84
Corson	1.79	Jackson	1.76
Custer	1.71	Jerauld	1.87
Davison	1.86	Jones	1.76
Day	1.88	Kingsbury	1.89
Deuel	1.90	Lake	1.89
Dewey	1.78	Lawrence	1.71

SOUTH DAKOTA—Continued

County	Rate per bushel	County	Rate per bushel
Lincoln	\$1.88	Sanborn	\$1.87
Lyman	1.78	Shannon	1.74
McCook	1.88	Spink	1.87
McPherson	1.85	Stanley	1.83
Marshall	1.88	Sully	1.81
Meade	1.74	Todd	1.79
Mellette	1.79	Tripp	1.80
Miner	1.88	Turner	1.88
Minnehaha	1.89	Union	1.88
Moody	1.90	Walworth	1.83
Pennington	1.74	Washabaugh	1.78
Perkins	1.77	Yankton	1.86
Potter	1.82	Ziebach	1.76
Roberts	1.90		

TENNESSEE

County	Rate per bushel	County	Rate per bushel
Anderson	\$1.95	Lauderdale	\$1.87
Bedford	1.92	Lawrence	1.91
Benton	1.89	Lewis	1.91
Bledsoe	1.93	Lincoln	1.93
Blount	1.96	Loudon	1.95
Bradley	1.95	McMinn	1.95
Campbell	1.95	McNairy	1.88
Cannon	1.91	Macon	1.90
Carroll	1.88	Madison	1.87
Carter	1.98	Marion	1.93
Cheatham	1.90	Marshall	1.92
Chester	1.88	Maury	1.91
Claiborne	1.97	Meigs	1.94
Clay	1.91	Monroe	1.96
Cocke	1.96	Montgomery	1.89
Coffey	1.92	Moore	1.92
Crockett	1.87	Morgan	1.94
Cumberland	1.93	Oblion	1.87
Davidson	1.90	Overton	1.92
Decatur	1.89	Perry	1.90
DeKalb	1.91	Pickett	1.92
Dickson	1.90	Polk	1.96
Dyer	1.87	Putnam	1.92
Fayette	1.87	Rhea	1.94
Fentress	1.93	Roane	1.94
Franklin	1.93	Robertson	1.89
Gibson	1.87	Rutherford	1.91
Giles	1.92	Scott	1.94
Grainger	1.96	Sequatchie	1.93
Greene	1.97	Sevier	1.96
Grundy	1.92	Shelby	1.87
Hamblen	1.97	Smith	1.91
Hamilton	1.94	Stewart	1.89
Hancock	1.98	Sullivan	1.99
Hardeman	1.88	Sumner	1.89
Hardin	1.89	Tipton	1.87
Hawkins	1.99	Trousdale	1.90
Haywood	1.87	Unicoi	1.97
Henderson	1.89	Union	1.96
Henry	1.88	Van Buren	1.92
Hickman	1.90	Warren	1.92
Houston	1.89	Washington	1.98
Humphreys	1.89	Wayne	1.90
Jackson	1.91	Weakley	1.87
Jefferson	1.96	White	1.92
Johnson	1.98	Williamson	1.91
Knox	1.96	Wilson	1.90
Lake	1.87		

TEXAS

County	Rate per bushel	County	Rate per bushel
Andrews	\$1.79	Carson	\$1.80
Archer	1.80	Castro	1.80
Armstrong	1.80	Chambers	1.99
Atascosa	1.91	Cherokee	1.94
Bailey	1.80	Childress	1.80
Bandera	1.89	Clay	1.82
Bastrop	1.93	Cochran	1.80
Baylor	1.80	Coke	1.80
Bee	1.91	Coleman	1.86
Bell	1.93	Collin	1.89
Bexar	1.92	Collingsworth	1.80
Blanco	1.92	Comal	1.93
Borden	1.80	Comanche	1.83
Bosque	1.91	Concho	1.86
Bowie	1.84	Cooke	1.84
Briscoe	1.80	Coryell	1.89
Brown	1.89	Cottle	1.80
Burleson	1.96	Crosby	1.80
Burnet	1.89	Culberson	1.72
Caldwell	1.93	Dallam	1.75
Calhoun	1.93	Dallas	1.89
Callahan	1.80	Dawson	1.80

TEXAS—Continued

County	Rate per bushel	County	Rate per bushel
Deaf Smith	\$1.80	Lubbock	\$1.80
Delta	1.87	Lynn	1.80
Denton	1.89	McCulloch	1.88
DeWitt	1.93	McLennan	1.93
Dickens	1.80	Martin	1.79
Dimmit	1.82	Mason	1.89
Donley	1.80	Maverick	1.78
Eastland	1.81	Medina	1.91
Edwards	1.80	Menard	1.86
Ellis	1.91	Midland	1.78
El Paso	1.70	Milam	1.95
Erath	1.85	Mills	1.89
Falls	1.93	Mitchell	1.80
Fannin	1.84	Montague	1.84
Fisher	1.80	Moore	1.78
Floyd	1.80	Motley	1.80
Foard	1.80	Navarro	1.92
Gaines	1.80	Nolan	1.80
Galveston	2.40	Ochiltree	1.78
Garza	1.80	Oldham	1.80
Gillespie	1.88	Palo Pinto	1.84
Glasscock	1.80	Parker	1.87
Goliad	1.93	Parmer	1.80
Gray	1.79	Pecos	1.72
Grayson	1.84	Potter	1.80
Guadalupe	1.93	Presidio	1.70
Hale	1.80	Randall	1.80
Hall	1.80	Real	1.86
Hamilton	1.85	Reeves	1.73
Hansford	1.77	Refugio	1.93
Hardeman	1.80	Roberts	1.78
Harris	2.09	Robertson	1.93
Hartley	1.78	Rockwall	1.89
Haskell	1.80	Runnels	1.84
Hays	1.93	San Saba	1.89
Hemphill	1.78	Schleicher	1.78
Hill	1.92	Scurry	1.80
Hockley	1.80	Shackelford	1.80
Hood	1.88	Sherman	1.77
Howard	1.80	Somervell	1.89
Hughes	1.71	Stephens	1.84
Hunt	1.88	Sterling	1.80
Hutchinson	1.78	Stewart	1.80
Irion	1.77	Sutton	1.76
Jack	1.84	Swisher	1.80
Jackson	1.96	Tarrant	1.90
Jeff Davis	1.71	Taylor	1.82
Johnson	1.91	Terry	1.80
Jones	1.80	Throckmorton	1.82
Karnes	1.91	Tom Green	1.80
Kaufman	1.90	Travis	1.93
Kendall	1.89	Uvalde	1.86
Kent	1.80	Van Zandt	1.89
Kerr	1.88	Victoria	1.93
Kimble	1.87	Waller	2.07
King	1.80	Ward	1.75
Kinney	1.81	Wharton	2.04
Knox	1.80	Wheeler	1.79
Lamar	1.84	Wichita	1.80
Lamb	1.80	Wilbarger	1.80
Lampasas	1.89	Williamson	1.93
Limestone	1.93	Wilson	1.91
Lipscomb	1.78	Wise	1.86
Live Oak	1.91	Yoakum	1.80
Llano	1.89	Young	1.84
Loving	1.73	Zavala	1.82

UTAH

County	Rate per bushel	County	Rate per bushel
Beaver	\$1.66	Piute	\$1.47
Box Elder	1.59	Rich	1.52
Cache	1.59	Salt Lake	1.61
Carbon	1.52	San Juan	1.47
Daggett	1.52	San Pete	1.48
Davis	1.61	Sevier	1.47
Duchesne	1.52	Summit	1.60
Emery	1.52	Tooele	1.61
Garfield	1.47	Utah	1.52
Grand	1.52	Utah	1.60
Iron	1.66	Wasatch	1.52
Juab	1.60	Washington	1.66
Kane	1.47	Wayne	1.47
Millard	1.62	Weber	1.61
Morgan	1.60		

VERMONT

County	Rate per bushel
All counties	\$1.48

VIRGINIA

County	Rate per bushel	County	Rate per bushel
Accomac	\$1.98	Louisa	\$1.97
Albermarle	1.97	Lunenburg	1.98
Alleghany	1.95	Madison	1.97
Amelia	1.98	Mathews	1.98
Amherst	1.97	Mecklenburg	1.97
Appomattox	1.98	Middlesex	1.98
Arlington	1.97	Montgomery	1.95
Augusta	1.97	Nansemond	1.97
Bath	1.95	Nelson	1.97
Bedford	1.97	New Kent	1.98
Bland	1.95	Norfolk	1.97
Botetourt	1.96	Northampton	1.98
Brunswick	1.97	Northumberland	1.98
Buchanan	1.95	Nottaway	1.98
Buckingham	1.98	Orange	1.97
Campbell	1.97	Page	1.97
Caroline	1.98	Patrick	1.96
Carroll	1.96	Pittsylvania	1.97
Charles City	1.98	Powhatan	1.98
Charlotte	1.98	Prince Edward	1.98
Chesterfield	1.98	Prince George	1.98
Clarke	1.97	Prince William	1.97
Craig	1.95	Princess Anne	1.97
Culpeper	1.97	Pulaski	1.96
Cumberland	1.98	Rappahannock	1.97
Dickenson	1.95	Richmond	1.98
Dinwiddie	1.98	Roanoke	1.98
Elizabeth City	1.98	Rockbridge	1.97
Essex	1.98	Rockingham	1.97
Fairfax	1.97	Russell	1.96
Fauquier	1.97	Scott	1.96
Floyd	1.96	Shenandoah	1.97
Fluvanna	1.97	Smyth	1.96
Franklin	1.96	Southampton	1.97
Frederick	1.97	Spotsylvania	1.98
Giles	1.95	Stafford	1.98
Gloucester	1.98	Surry	1.97
Goochland	1.98	Sussex	1.97
Grayson	1.96	Tazewell	1.95
Greene	1.97	Warren	1.97
Greensville	1.97	Warwick	1.98
Halifax	1.97	Washington	1.98
Hanover	1.98	Westmoreland	1.98
Henrico	1.98	Wise	1.96
Henry	1.96	Wythe	1.96
Highland	1.95	York	1.98
Isle of Wight	1.97		
James City	1.98		
King and Queen	1.98		
King George	1.98		
King William	1.98		
Lancaster	1.98		
Lee	1.96		
Loudoun	1.97		

WASHINGTON

County	Rate per bushel	County	Rate per bushel
Adams	\$1.80	Lewis	\$1.79
Asotin	1.76	Lincoln	1.79
Benton	1.83	Mason	1.78
Chelan	1.82	Okanogan	1.79
Clallam	1.70	Pacific	1.78
Clark	1.85	Pend Oreille	1.64
Columbia	1.81	Pierce	1.85
Cowlitz	1.83	San Juan	1.81
Douglas	1.80	Skagit	1.81
Ferry	1.55	Skamania	1.85
Franklin	1.82	Snohomish	1.83
Garfield	1.79	Spokane	1.76
Grant	1.81	Stevens	1.70
Grays Harbor	1.78	Thurston	1.80
Island	1.81	Wahkiakum	1.83
Jefferson	1.72	Walla Walla	1.82
King	1.86	Whatcom	1.80
Kitsap	1.76	Whitman	1.77
Kittitas	1.86	Yakima	1.82
Klickitat	1.85		

WEST VIRGINIA

County	Rate per bushel	County	Rate per bushel
Barbour	\$1.92	Doddridge	\$1.89
Berkeley	1.96	Fayette	1.98
Boone	1.91	Gilmer	1.90
Braxton	1.91	Grant	1.94
Brooke	1.89	Greenbrier	1.95
Cabell	1.89	Hampshire	1.95
Calhoun	1.90	Hancock	1.89
Clay	1.91	Hardy	1.95

WEST VIRGINIA—Continued

County	Rate per bushel	County	Rate per bushel
Harrison	\$1.91	Pleasants	\$1.88
Jackson	1.88	Pocahontas	1.95
Jackson	1.88	Preston	1.92
Kanawha	1.90	Putnam	1.89
Lewis	1.91	Raleigh	1.92
Lincoln	1.90	Randolph	1.94
Logan	1.91	Ritchie	1.89
McDowell	1.93	Roane	1.89
Marion	1.90	Summers	1.95
Marshall	1.89	Taylor	1.92
Mason	1.89	Tucker	1.94
Mercer	1.94	Tyler	1.88
Mineral	1.94	Upshur	1.92
Mingo	1.91	Wayne	1.90
Monongalia	1.90	Webster	1.93
Monroe	1.94	Wetzel	1.89
Morgan	1.95	Wirt	1.89
Nicholas	1.93	Wood	1.88
Ohio	1.89	Wyoming	1.92
Pendleton	1.95		

WISCONSIN

County	Rate per bushel	County	Rate per bushel
Adams	\$1.88	Marathon	\$1.90
Ashland	1.93	Marquette	1.82
Barron	1.94	Milwaukee	1.87
Bayfield	1.94	Monroe	1.90
Brown	1.83	Oconto	1.81
Buffalo	1.94	Oneida	1.85
Burnett	1.97	Outagamie	1.83
Calumet	1.84	Ozaukee	1.86
Chippewa	1.93	Pepin	1.96
Clark	1.90	Pierce	1.97
Columbia	1.86	Polk	1.97
Crawford	1.90	Portage	1.88
Dane	1.86	Price	1.91
Dodge	1.85	Racine	1.92
Door	1.79	Richland	1.85
Douglas	1.98	Rock	1.87
Dunn	1.95	Rusk	1.93
Eau Claire	1.94	Saint Croix	1.97
Florence	1.84	Sauk	1.86
Fond du Lac	1.85	Sawyer	1.94
Forest	1.88	Shawano	1.85
Grant	1.84	Sheboygan	1.85
Green	1.86	Taylor	1.91
Green Lake	1.83	Trempeleau	1.93
Iowa	1.82	Vernon	1.90
Iron	1.91	Vilas	1.85
Jackson	1.92	Walworth	1.88
Jefferson	1.87	Washburn	1.95
Juneau	1.89	Washington	1.86
Kenosha	1.92	Waukesha	1.87
Kewaunee	1.80	Waupaca	1.86
LaCrosse	1.91	Waushara	1.86
LaFayette	1.83	Winnebago	1.84
Langlade	1.85	Wood	1.90
Lincoln	1.85		
Manitowoc	1.84		

WYOMING

County	Rate per bushel	County	Rate per bushel
Albany	\$1.65	Natrona	\$1.57
Big Horn	1.54	Niobrara	1.67
Campbell	1.62	Park	1.54
Carbon	1.59	Platte	1.71
Converse	1.63	Sheridan	1.59
Crook	1.64	Sublette	1.52
Fremont	1.54	Sweetwater	1.52
Goshen	1.71	Teton	1.57
Hot Springs	1.54	Uinta	1.52
Johnson	1.60	Washakie	1.54
Laramie	1.71	Weston	1.66
Lincoln	1.52		

(c) Discounts and premiums for class, grade, variety and protein content.

Cents per bushel

(1) Class premiums and discounts:

(i) Premiums:

Hard Amber Durum <sup>1</sup>	+10
Amber Durum	+5

<sup>1</sup> Not applicable to any of the undesirable varieties listed in the variety discount schedule.

Cents per bushel

(ii) Discounts:

Red Durum	-20
Mixed Wheats (do not apply more than 1 of the Mixed Wheat discounts):	
Mixed Wheat (including Mixed Wheat containing less than 5 percent of wheats of the classes Durum and/or Red Durum)	-2
Mixed Wheat (containing from 5 percent to 10 percent of wheat of the classes Durum and/or Red Durum)	-6
Mixed Wheat (containing more than 10 percent of wheats of the classes Durum and/or Red Durum)	-15

(2) Grade premium and discount:

(i) Premium:

No. 1 Heavy (Hard Red Spring)	+1
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(ii) Discounts:

No. 2	-1
No. 3	-3
No. 4 on basis of test weight	-6

Cents per bushel

No. 5 on basis of test weight	-9
No. 4 or No. 5 because of containing Durum and/or Red Durum <sup>2</sup>	-6
Smut—Degree basis:	
Light Smutty	-2
Smutty	-6
Smut—Percentage basis:	
One-half of 1 percent	-1
One percent or over	-3
Garlic—Degree basis:	
Light Garlicky	-6
Garlicky	-15

(3) Variety discount:—20  
The following varieties listed by class will be subject to discount. This discount is in addition to any other applicable discount:

<sup>2</sup> These discounts are in addition to any other applicable numerical grade discount.  
<sup>3</sup> Not applicable to any of the mixed wheats or Red Durum. For discounts applicable to mixed wheat containing Durum and/or Red Durum, see subparagraph (1) (ii) above.

Hard Red Winter	Hard Red Spring	Durum	White	Soft Red Winter
Blue Jacket	C.T. 231	Golden Ball	Fifty-Fold	Kanqueen.
Cache <sup>3</sup>	Gasser	Peliss	Florence	Kawvale.
Chiefkan	Henry <sup>1</sup>	Pentad	Greeson	Nured.
Cimarron	Kenney		Rex	Seabreeze.
Early Blackhull	Premier		Sonora	
Kanking	Progress			
Kharkof MC 22	Russell <sup>2</sup>			
New Chief	Spinkoota			
Pawnee Sel. 33	Sturgeon			
Purkof				
Red Chief				
Red Hull				
Red Jacket				
Stafford				
Wasatch <sup>4</sup>				
Yogo				

<sup>1</sup> Except in Oregon, Washington, and Wisconsin.  
<sup>2</sup> Except in Wisconsin.

<sup>3</sup> Except in Idaho and Utah.  
<sup>4</sup> Except in Colorado, Idaho, and Utah.

(4) Protein Premiums:<sup>1</sup>

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

Protein content (percent)	Hard Red Winter	Hard Red Spring	Hard White wheat of the varieties Baart, Bluestem, and Burr
10.0-10.9	0	0	1
11.0-11.9	0	1	2
12.0-12.9	1	2	3
13.0-13.9	2	3	4
14.0-14.4	3	4	5
14.5-14.9	4	5	6
15.0-15.4	5	6	7
15.5-15.9	6	7	8
16.0-16.4	7	8	9
16.5-16.9	8	10	11
17.0-17.4	9	12	13
Over 17.4	(*)	(*)	(*)

<sup>2</sup> 2 cents for each 1/2 percent of protein over 17.4 percent. (Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Effective upon publication in the FEDERAL REGISTER.

Signed in Washington, D.C., July 20, 1961.

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

[F.R. Doc. 61-6947; Filed, July 26, 1961; 8:45 a.m.]

<sup>1</sup> Not applicable to any of the undesirable varieties listed in the variety discount schedule.

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Rye Loan and Purchase Agreement Program

SUPPORT RATES

The 1961 C.C.C. Grain Price Support Bulletin 1 (26 F.R. 2106), issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1961 was supplemented by 1961 C.C.C. Grain Price Support Bulletin 1, Supplement 1, Rye (26 F.R. 5738), containing specific requirements applicable to price support operations on the 1961 rye crop. These regulations are further supplemented as follows.

§ 421.487 Support rates.

Basic support rates for rye placed under loan or delivered under purchase agreements are set forth in this section.

(a) Basic support rates at designated terminal markets. Basic support rates per bushel for rye grading No. 2 or better, or grading No. 3 on the basis of test weight only, but otherwise grading No. 2 or better, stored in approved warehouses at the terminal markets listed below are as follows:



Terminal Market and Rate per Bushel

Omaha, Nebr.	\$1.24
Sioux City, Iowa	1.24
Duluth, Minn.	1.24
Minneapolis, Minn.	1.24
Saint Paul, Minn.	1.24
Superior, Wis.	1.24
Atchison, Kans.	1.27
Kansas City, Mo.	1.27
St. Joseph, Mo.	1.27
Chicago, Ill.	1.31
Milwaukee, Wis.	1.31
Memphis, Tenn.	1.32
St. Louis, Mo.	1.32
Galveston, Tex.	1.31
Houston, Tex.	1.31
Port Arthur, Tex.	1.31
Long Beach, Calif.	1.34
Los Angeles, Calif.	1.34
Oakland, Calif.	1.34
San Francisco, Calif.	1.34
Stockton, Calif.	1.34
Wilmington, Calif.	1.34
Astoria, Oreg.	1.32
Kalama, Wash.	1.32
Longview, Wash.	1.32
Portland, Oreg.	1.32
Seattle, Wash.	1.32
Tacoma, Wash.	1.32
Vancouver, Wash.	1.32
Albany, N.Y.	1.45
Baltimore, Md.	1.45
New York, N.Y.	1.45
Norfolk, Va.	1.45
Philadelphia, Pa.	1.45

(b) Basic county support rates. (1) The following basic county support rates per bushel are established for rye grading No. 2 or better, or rye grading No. 3 on the factor of test weight only, but otherwise grading No. 2 or better. Farm-storage loans and country warehouse storage loans, except as otherwise provided in § 421.483(b), will be based on the support rate established for the county in which the rye is stored.

(2) If two or more approved warehouses are located in the same or adjoining towns, villages, or cities having the same domestic interstate freight rate, such towns, villages, or cities shall be deemed to constitute one shipping point and the same support rate shall apply even though such warehouses are not all located in the same county. Such support rate shall be the highest support rate of the counties involved.

County	ALABAMA	Rate per bushel	
All counties		\$1.16	
County	ARIZONA	Rate per bushel	
All counties		\$1.06	
County	ARKANSAS	Rate per bushel	
All counties		\$1.04	
County	CALIFORNIA	Rate per bushel	
Colusa	\$1.17	Plumas	\$1.11
Contra Costa	1.22	Riverside	1.16
Glenn	1.15	San Joaquin	1.23
Kern	1.14	Shasta	1.09
Lassen	1.05	Sierra	1.03
Marin	1.22	Siskiyou	1.09
Merced	1.20	Sonoma	1.20
Modac	1.09	Stanislaus	1.22
Mono	1.01	Yuba	1.18
County	COLORADO	Rate per bushel	
Baca	\$0.92	Phillips	\$0.93
Bent	.92	Prowers	.93
Cheyenne	.93	Sedgwick	.93
Kiowa	.93	Yuma	.93
Kit Carson	.93	All other counties	.91
Las Animas	.90		

County	CONNECTICUT	Rate per bushel
All counties		\$1.15

County	DELAWARE	Rate per bushel
All counties		\$1.15

County	FLORIDA	Rate per bushel
All counties		\$1.21

County	GEORGIA	Rate per bushel
All counties		\$1.21

County	IDAHO	Rate per bushel	
Ada	\$0.97	Gem	\$0.98
Adams	.95	Gooding	.94
Bannock	.89	Idaho	1.06
Bear Lake	.90	Jefferson	.88
Benewah	1.10	Jerome	.93
Bingham	.88	Kootenai	1.09
Blaine	.91	Latah	1.10
Boise	.97	Lemhi	.88
Bonner	1.02	Lewis	1.07
Bonneville	.88	Lincoln	.92
Boundary	1.00	Madison	.88
Butte	.88	Minidoka	.92
Camas	.91	Nez Perce	1.10
Canyon	.98	Oneida	.88
Caribou	.90	Owyhee	.97
Cassia	.91	Payette	.99
Clark	.86	Power	.91
Clearwater	1.08	Shoshone	.99
Custer	.88	Teton	.88
Elmore	.96	Twin Falls	.91
Franklin	.88	Valley	.96
Fremont	.88	Washington	.99

County	ILLINOIS	Rate per bushel	
Adams	\$1.09	Lee	\$1.11
Alexander	1.11	Livingston	1.11
Bond	1.14	Logan	1.11
Boone	1.12	McDonough	1.08
Brown	1.09	McHenry	1.13
Bureau	1.10	McLean	1.11
Calhoun	1.12	Macon	1.11
Carroll	1.10	Maccoupin	1.14
Cass	1.11	Madison	1.15
Champaign	1.12	Marion	1.11
Christian	1.11	Marshall	1.10
Clark	1.11	Mason	1.11
Clay	1.11	Massac	1.11
Clinton	1.14	Menard	1.11
Coles	1.11	Mercer	1.08
Cook	1.17	Monroe	1.14
Crawford	1.08	Montgomery	1.13
Cumberland	1.11	Morgan	1.11
De Kalb	1.13	Moultrie	1.12
De Witt	1.11	Ogle	1.11
Douglas	1.12	Peoria	1.10
Du Page	1.15	Perry	1.11
Edgar	1.11	Piatt	1.11
Edwards	1.10	Pike	1.11
Effingham	1.11	Pope	1.07
Fayette	1.11	Pulaski	1.11
Ford	1.11	Putnam	1.10
Franklin	1.11	Randolph	1.11
Fulton	1.11	Richland	1.10
Gallatin	1.07	Rock Island	1.09
Greene	1.14	Saint Clair	1.14
Grundy	1.13	Saline	1.07
Hamilton	1.11	Sangamon	1.11
Hancock	1.08	Schuyler	1.11
Hardin	1.04	Scott	1.11
Henderson	1.08	Shelby	1.11
Henry	1.09	Stark	1.10
Iroquois	1.14	Stephenson	1.10
Jackson	1.11	Tazewell	1.11
Jasper	1.10	Union	1.11
Jefferson	1.11	Vermillion	1.14
Jersey	1.14	Wabash	1.08
Jo Daviess	1.09	Warren	1.09
Johnson	1.06	Washington	1.12
Kane	1.15	Wayne	1.10
Kankakee	1.15	White	1.08
Kendall	1.14	Whiteside	1.10
Knox	1.09	Will	1.15
Lake	1.17	Williamson	1.11
La Salle	1.12	Winnebago	1.10
Lawrence	1.11	Woodford	1.11

County	INDIANA	Rate per bushel	
Adams	\$1.06	Lawrence	\$1.04
Allen	1.06	Madison	1.07
Bartholomew	1.03	Marion	1.06
Benton	1.09	Marshall	1.09
Blackford	1.08	Martin	1.03
Boone	1.06	Miami	1.09
Brown	1.03	Monroe	1.04
Carroll	1.09	Montgomery	1.08
Cass	1.09	Morgan	1.04
Clark	1.01	Newton	1.11
Clay	1.09	Noble	1.07
Clinton	1.08	Ohio	1.01
Crawford	1.01	Orange	1.01
Davess	1.04	Owen	1.04
Dearborn	1.04	Parke	1.07
Decatur	1.04	Perry	.97
De Kalb	1.07	Pike	1.03
Delaware	1.06	Porter	1.13
Dubois	1.01	Posey	1.09
Elkhart	1.09	Pulaski	1.11
Fayette	1.06	Putnam	1.06
Floyd	1.01	Randolph	1.07
Fountain	1.07	Ripley	1.03
Franklin	1.07	Rush	1.06
Fulton	1.10	Saint Joseph	1.09
Gibson	1.09	Scott	1.01
Grant	1.08	Shelby	1.04
Greene	1.04	Spencer	.97
Hamilton	1.06	Starke	1.10
Hancock	1.06	Stauben	1.06
Harrison	1.01	Sullivan	1.09
Hendricks	1.06	Switzerland	.99
Henry	1.07	Tiptecanoe	1.09
Howard	1.09	Tipton	1.08
Huntington	1.07	Union	1.06
Jackson	1.03	Vanderburgh	1.12
Jasper	1.13	Vermillion	1.14
Jay	1.07	Vigo	1.14
Jefferson	1.01	Wabash	1.09
Jennings	1.02	Warren	1.10
Johnson	1.04	Warrick	1.00
Knox	1.07	Washington	1.01
Kosciusko	1.08	Wayne	1.06
Lagrange	1.07	Wells	1.06
Lake	1.14	White	1.12
La Porte	1.11	Whitley	1.08

County	IOWA	Rate per bushel	
Adair	\$1.03	Hamilton	\$1.01
Adams	1.05	Hancock	1.00
Allamakee	1.04	Hardin	1.02
Appanoose	1.06	Harrison	1.07
Audubon	1.06	Henry	1.04
Benton	1.05	Howard	1.02
Black Hawk	1.03	Humboldt	1.00
Boone	1.02	Ida	1.04
Bremer	1.03	Iowa	1.04
Buchanan	1.04	Jackson	1.08
Buena Vista	1.01	Jasper	1.02
Butler	1.01	Jefferson	1.05
Calhoun	1.03	Johnson	1.06
Carroll	1.05	Jones	1.07
Cass	1.05	Keokuk	1.04
Cedar	1.07	Kossuth	1.00
Cerro Gordo	1.01	Lee	1.08
Cherokee	1.02	Linn	1.06
Chickasaw	1.02	Louisa	1.06
Clarke	1.02	Lucas	1.03
Clay	1.01	Lyon	1.01
Clayton	1.05	Madison	1.02
Clinton	1.08	Mahaska	1.04
Crawford	1.06	Marion	1.03
Dallas	1.02	Marshall	1.03
Davis	1.06	Mills	1.07
Decatur	1.02	Mitchell	1.02
Delaware	1.05	Monona	1.06
Des Moines	1.08	Monroe	1.05
Dickinson	1.00	Montgomery	1.07
Dubuque	1.06	Muscatine	1.07
Emmett	1.02	O'Brien	1.02
Fayette	1.04	Osceola	1.01
Floyd	1.01	Page	1.06
Franklin	1.01	Palo Alto	1.00
Fremont	1.07	Plymouth	1.04
Greene	1.03	Pocahontas	1.01
Grundy	1.03	Polk	1.02
Guthrie	1.04	Pottawattamie	1.07

IOWA—Continued

County	Rate per bushel	County	Rate per bushel
Poweshiek	\$1.03	Wapello	\$1.05
Ringgold	1.01	Warren	1.02
Sac	1.03	Washington	1.05
Scott	1.08	Wayne	1.04
Shelby	1.07	Webster	1.02
Sioux	1.03	Winnebago	1.02
Story	1.02	Winneshiek	1.03
Tama	1.04	Woodbury	1.04
Taylor	1.04	Worth	1.02
Union	1.03	Wright	1.00
Van Buren	1.06		

KANSAS

County	Rate per bushel	County	Rate per bushel
Allen	\$1.06	Linn	\$1.09
Anderson	1.06	Logan	.96
Atchison	1.10	Lyon	1.06
Barber	1.00	McPherson	1.02
Barton	1.00	Marion	1.02
Bourbon	1.08	Marshall	1.06
Brown	1.08	Meade	.96
Butler	1.02	Miami	1.10
Chase	1.04	Mitchell	1.02
Chautauqua	1.04	Montgomery	1.06
Cherokee	1.06	Morris	1.04
Cheyenne	.95	Morton	.93
Clark	.97	Mortmah	1.06
Clay	1.03	Neosho	1.06
Cloud	1.03	Ness	.99
Coffey	1.07	Norton	1.00
Comanche	.98	Osage	1.07
Cowley	1.02	Osborne	1.01
Crawford	1.07	Ottawa	1.02
Decatur	.98	Pawnee	1.00
Dickinson	1.02	Phillips	1.00
Doniphan	1.08	Pottawatomie	1.06
Douglas	1.10	Pratt	1.00
Edwards	1.00	Rawlins	.96
Elk	1.04	Reno	1.01
Ellis	1.00	Republic	1.03
Ellsworth	1.01	Rice	1.01
Finney	.96	Riley	1.06
Ford	.99	Rooks	1.00
Franklin	1.09	Rush	1.00
Geary	1.04	Russell	1.00
Gove	.97	Saline	1.02
Graham	1.00	Scott	.96
Grant	.95	Sedgwick	1.02
Gray	.97	Seward	.95
Greeley	.95	Shawnee	1.08
Greenwood	1.05	Sheridan	.97
Hamilton	.95	Sherman	.95
Harper	1.01	Smith	1.01
Harvey	1.02	Stafford	1.00
Haskell	.96	Stanton	.94
Hodgeman	.99	Stevens	.95
Jackson	1.08	Sumner	1.02
Jefferson	1.09	Thomas	.96
Jewell	1.02	Trego	1.00
Johnson	1.10	Wabaunsee	1.06
Kearny	.95	Wallace	.95
Kingman	1.02	Washington	1.04
Klowa	1.00	Wichita	.95
Labette	1.06	Wilson	1.06
Lane	.97	Woodson	1.06
Leavenworth	1.10	Wyandotte	1.10
Lincoln	1.01		

KENTUCKY

County	Rate per bushel
All counties	\$1.15

LOUISIANA

All counties	\$1.06
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MAINE

All counties	\$1.15
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MARYLAND

All counties	\$1.15
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MASSACHUSETTS

All counties	\$1.15
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MICHIGAN

County	Rate per bushel	County	Rate per bushel
Alcona	\$0.96	Allegan	\$1.05
Alger	.98	Alpena	.95

MICHIGAN—Continued

County	Rate per bushel	County	Rate per bushel
Arenac	\$0.98	Lewanee	\$1.08
Baraga	.97	Livingston	1.06
Barry	1.05	Macomb	1.09
Bay	1.02	Manistee	.99
Benzie	1.03	Marquette	.98
Berrien	1.12	Mason	1.03
Branch	1.06	Mecosta	1.03
Calhoun	1.06	Menominee	1.02
Cass	1.09	Midland	1.03
Clare	1.03	Missaukee	.99
Clinton	1.04	Monroe	1.09
Crawford	.97	Montcalm	1.02
Delta	.99	Montmorency	.95
Dickinson	1.00	Muskegon	1.02
Eaton	1.05	Newaygo	1.01
Genesee	1.06	Oakland	1.07
Gladwin	1.00	Oceana	1.03
Gogebic	.99	Ogemaw	1.00
Grand		Ontonagon	.97
Traverse	.97	Osceola	1.03
Gratiot	1.04	Oscoda	1.00
Hillsdale	1.06	Ottawa	1.05
Huron	1.03	Roscommon	.97
Ingham	1.05	Saginaw	1.04
Ionia	1.04	Saint Clair	1.08
Iosco	.97	Saint Joseph	1.08
Iron	.98	Sanilac	1.06
Isabella	1.03	Shiawassee	1.05
Jackson	1.05	Tuscola	1.05
Kalamazoo	1.08	Van Buren	1.07
Kalkaska	.95	Washtenaw	1.08
Kent	1.04	Wayne	1.08
Lake	1.03	Wexford	1.01
Lapeer	1.06	All other counties	.94
Leelanau	.95		

MINNESOTA

County	Rate per bushel	County	Rate per bushel
Aitkin	\$1.06	Marshall	\$0.97
Anoka	1.06	Martin	1.02
Becker	1.00	Meeker	1.06
Beltrami	1.00	Mille Lacs	1.06
Benton	1.05	Morrison	1.04
Big Stone	1.01	Mower	1.03
Blue Earth	1.04	Murray	1.01
Brown	1.04	Nicollet	1.06
Carlton	1.07	Nobles	1.00
Carver	1.06	Norman	.98
Cass	1.03	Olmsted	1.04
Chippewa	1.02	Otter Tail	1.02
Chisago	1.06	Pennington	.97
Clay	.99	Pine	1.05
Clearwater	.99	Pipestone	1.00
Cottonwood	1.02	Polk	.97
Crow Wing	1.04	Pope	1.03
Dakota	1.06	Ramsey	1.06
Dodge	1.04	Red Lake	.98
Douglas	1.03	Redwood	1.03
Faribault	1.02	Renville	1.04
Fillmore	1.01	Rice	1.06
Freeborn	1.04	Rock	.99
Goodhue	1.05	Roseau	.96
Grant	1.01	Saint Louis	1.04
Hennepin	1.06	Scott	1.06
Houston	1.01	Sherburne	1.06
Hubbard	1.01	Sibley	1.06
Isanti	1.06	Stearns	1.05
Itasca	1.04	Steele	1.04
Jackson	1.01	Stevens	1.02
Kanabec	1.05	Swift	1.03
Kandiyohi	1.05	Todd	1.03
Kittson	.94	Traverse	1.01
Koochiching	.96	Wabasha	1.05
Lac Qui Parle	1.01	Wadena	1.03
Lake of the Woods	.97	Waseca	1.04
Le Sueur	1.06	Washington	1.06
Lincoln	1.01	Watsonwan	1.03
Lyon	1.02	Wilkin	1.00
McLeod	1.06	Winona	1.04
Mahnomen	.98	Wright	1.06
		Yellow	
		Medicine	1.02

MISSISSIPPI

County	Rate per bushel
All counties	\$1.15

MISSOURI

County	Rate per bushel	County	Rate per bushel
Adair	\$1.07	Linn	\$1.07
Andrew	1.09	Livingston	1.08
Atchison	1.06	McDonald	1.04
Audrain	1.10	Macon	1.08
Barry	1.04	Madison	1.11
Barton	1.06	Marion	1.11
Bates	1.09	Marion	1.10
Benton	1.07	Mercer	1.05
Bollinger	1.10	Miller	1.07
Boone	1.10	Mississippi	1.06
Buchanan	1.09	Moniteau	1.08
Butler	1.08	Monroe	1.09
Caldwell	1.09	Montgomery	1.12
Callaway	1.10	Morgan	1.07
Camden	1.07	New Madrid	1.07
Cape Girardeau	1.09	Newton	1.04
Carroll	1.08	Newton	1.04
Carter	.99	Newaygo	1.06
Cass	1.10	Oregon	.99
Cedar	1.08	Osage	1.10
Chariton	1.07	Ozark	1.00
Christian	1.04	Pemiscot	1.06
Clark	1.09	Perry	1.11
Clay	1.10	Pettis	1.07
Clinton	1.09	Phelps	1.10
Cole	1.09	Pike	1.11
Cooper	1.08	Platte	1.10
Crawford	1.12	Polk	1.06
Dade	1.06	Pulaski	1.08
Dallas	1.04	Putnam	1.05
Daviess	1.08	Ralls	1.10
De Kalb	1.09	Randolph	1.09
Dent	1.09	Ray	1.09
Douglas	1.01	Reynolds	1.07
Dunklin	1.06	Ripley	1.07
Franklin	1.14	Saint Charles	1.16
Gasconade	1.12	Saint Clair	1.08
Gentry	1.07	Saint Francois	1.12
Greene	1.04	Sainte Genevieve	1.13
Grundy	1.07	Saint Louis	1.16
Harrison	1.06	Saline	1.08
Henry	1.08	Schuyler	1.07
Hickory	1.06	Scotland	1.08
Holt	1.07	Scott	1.08
Howard	1.09	Shannon	.99
Howell	.99	Shelby	1.09
Iron	1.11	Stoddard	1.08
Jackson	1.10	Stone	1.03
Jasper	1.06	Sullivan	1.05
Jefferson	1.16	Taney	1.02
Johnson	1.09	Texas	1.01
Knox	1.08	Vernon	1.08
Laclede	1.07	Warren	1.15
Lafayette	1.09	Washington	1.13
Lawrence	1.04	Wayne	1.09
Lewis	1.10	Webster	1.05
Lincoln	1.14	Worth	1.06
		Wright	1.01

MONTANA

County	Rate per bushel	County	Rate per bushel
Beaverhead	\$0.84	Liberty	\$0.80
Big Horn	.73	Lincoln	.91
Blaine	.78	McCone	.80
Broadwater	.88	Madison	.89
Carbon	.77	Meagher	.80
Carter	.82	Mineral	.97
Cascade	.80	Missoula	.97
Chouteau	.80	Musselshell	.79
Custer	.80	Park	.80
Daniels	.77	Petroleum	.80
Dawson	.81	Phillips	.74
Deer Lodge	.91	Pondera	.80
Fallon	.81	Powder River	.78
Fergus	.80	Powell	.92
Flathead	.91	Prairie	.80
Gallatin	.88	Ravalli	.94
Garfield	.79	Richland	.81
Glacier	.81	Roosevelt	.81
Golden Valley	.79	Rosebud	.75
Granite	.93	Sanders	.97
Hill	.80	Sheridan	.80
Jefferson	.91	Silver Bow	.91
Judith Basin	.80	Stillwater	.79
Lake	.95	Sweet Grass	.80
Lewis and Clark	.80	Teton	.80
		Toole	.80

RULES AND REGULATIONS

MONTANA—Continued

County	Rate per bushel	County	Rate per bushel
Treasure	\$0.74	Wibaux	\$0.82
Valley	.77	Yellowstone	.79
Wheatland	.80		

NEBRASKA

County	Rate per bushel	County	Rate per bushel
Adams	\$1.02	Jefferson	\$1.05
Antelope	1.02	Johnson	1.05
Arthur	.94	Kearney	1.01
Banner	.89	Keith	.94
Blaine	.97	Keya Paha	.97
Boone	1.03	Kimball	.91
Box Butte	.92	Knox	1.00
Boyd	.99	Lancaster	1.07
Brown	.97	Lincoln	.96
Buffalo	1.01	Logan	.97
Burt	1.07	Loup	1.00
Butler	1.06	McPherson	.96
Cass	1.07	Madison	1.03
Cedar	1.01	Merrick	1.03
Chase	.94	Morrill	.91
Cherry	.94	Nance	1.04
Cheyenne	.91	Nemaha	1.05
Clay	1.02	Nuckolls	1.02
Colfax	1.06	Otoe	1.07
Cuming	1.06	Pawnee	1.06
Custer	.99	Perkins	.94
Dakota	1.04	Phelps	1.00
Dawes	.90	Pierce	1.03
Dawson	.99	Platte	1.05
Deuel	.93	Polk	1.05
Dixon	1.03	Red Willow	.98
Dodge	1.07	Richardson	1.06
Douglas	1.07	Rock	.97
Dundy	.94	Saline	1.05
Fillmore	1.04	Sarpy	1.07
Franklin	1.00	Saunders	1.07
Frontier	.98	Scotts Bluff	.89
Furnas	1.00	Seward	1.06
Gage	1.05	Sheridan	.91
Garden	.92	Sherman	1.01
Garfield	1.00	Sioux	.88
Gosper	1.00	Stanton	1.04
Grant	.93	Thayer	1.04
Greeley	1.02	Thomas	.96
Hall	1.02	Thurston	1.05
Hamilton	1.03	Valley	1.00
Harlan	1.00	Washington	1.07
Hayes	.94	Wayne	1.02
Hitchcock	.96	Webster	1.01
Holt	1.00	Wheeler	1.03
Hooker	.94	York	1.04
Howard	1.02		

NEVADA

County	Rate per bushel
All counties	\$0.96

NEW HAMPSHIRE

All counties	\$1.15
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NEW JERSEY

All counties	\$1.15
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NEW MEXICO

All counties	\$0.91
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NEW YORK

All counties	\$1.16
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NORTH CAROLINA

All counties	\$1.19
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NORTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Adams	\$0.87	Emmons	\$0.92
Barnes	.96	Foster	.94
Benson	.92	Golden Valley	.83
Billings	.87	Grand Forks	.96
Bottineau	.88	Grant	.87
Bowman	.86	Griggs	.96
Burke	.87	Hettinger	.87
Burleigh	.92	Kidder	.93
Cass	.98	La Moure	.95
Cavalier	.92	Logan	.93
Dickey	.96	McHenry	.90
Divide	.86	McIntosh	.93
Dunn	.87	McKenzie	.84
Eddy	.93	McLean	.90

NORTH DAKOTA—Continued

County	Rate per bushel	County	Rate per bushel
Mercer	\$0.89	Sheridan	\$0.92
Morton	.89	Sioux	.89
Mountrall	.87	Slope	.84
Nelson	.94	Stark	.87
Oliver	.89	Steele	.97
Pembina	.93	Stutsman	.95
Pierce	.91	Towner	.92
Ramsey	.93	Traill	.97
Ransom	.97	Walsh	.94
Renville	.87	Ward	.88
Richland	1.00	Wells	.93
Rolette	.91	Williams	.86
Sargent	.97		

OHIO

County	Rate per bushel	County	Rate per bushel
Adams	\$1.08	Licking	\$1.10
Allen	1.09	Logan	1.09
Ashland	1.11	Lorain	1.11
Ashtabula	1.13	Lucas	1.09
Athens	1.10	Madison	1.09
Auglaize	1.08	Mahoning	1.13
Belmont	1.11	Marion	1.10
Brown	1.08	Medina	1.11
Butler	1.08	Meigs	1.08
Carroll	1.11	Mercer	1.08
Champaign	1.08	Miami	1.08
Clark	1.08	Monroe	1.11
Clermont	1.08	Montgomery	1.08
Clinton	1.08	Morgan	1.11
Columbiana	1.12	Morrow	1.10
Coshocton	1.11	Muskingum	1.11
Crawford	1.10	Noble	1.11
Cuyahoga	1.11	Ottawa	1.10
Darke	1.08	Paulding	1.08
Defiance	1.08	Perry	1.10
Delaware	1.10	Pickaway	1.09
Erie	1.10	Pike	1.08
Fairfield	1.10	Portage	1.11
Fayette	1.08	Preble	1.08
Franklin	1.10	Putnam	1.09
Fulton	1.08	Richland	1.11
Gallia	1.08	Ross	1.09
Geauga	1.13	Sandusky	1.10
Greene	1.08	Scioto	1.08
Guernsey	1.11	Seneca	1.10
Hamilton	1.08	Shelby	1.08
Hancock	1.10	Stark	1.11
Hardin	1.10	Summit	1.11
Harrison	1.11	Trumbull	1.13
Henry	1.08	Tuscarawas	1.11
Highland	1.08	Union	1.10
Hocking	1.10	Van Wert	1.08
Holmes	1.11	Vinton	1.10
Huron	1.10	Warren	1.08
Jackson	1.08	Washington	1.11
Jefferson	1.12	Wayne	1.11
Knox	1.10	Williams	1.08
Lake	1.12	Wood	1.10
Lawrence	1.08	Wyandot	1.10

OKLAHOMA

County	Rate per bushel	County	Rate per bushel
Adair	\$1.00	Grant	\$1.00
Alfalfa	1.00	Greer	.89
Atoka	.92	Harmon	.89
Beaver	.93	Harper	.94
Beckham	.90	Haskell	.97
Blaine	.93	Hughes	.96
Bryan	.89	Jackson	.89
Caddo	.91	Jefferson	.89
Canadian	.93	Johnston	.91
Carter	.90	Kay	1.01
Cherokee	1.01	Kingfisher	.95
Choctaw	.89	Kiowa	.90
Cimarron	.92	Latimer	.95
Cleveland	.92	Le Flore	.95
Coal	.92	Lincoln	.95
Comanche	.90	Logan	.96
Cotton	.89	Love	.89
Craig	1.05	McClain	.91
Creek	1.00	McCurtain	.88
Custer	.91	McIntosh	.99
Delaware	1.04	Major	.95
Dewey	.91	Marshall	.90
Ellis	.92	Mayer	1.03
Garfield	.99	Murray	.90
Garvin	.91	Muskogee	1.00
Grady	.91	Noble	1.00

OKLAHOMA—Continued

County	Rate per bushel	County	Rate per bushel
Nowata	\$1.05	Rogers	\$1.03
Okfuskee	.96	Seminole	.84
Oklahoma	.93	Sequoyah	.94
Okmulgee	1.00	Stephens	.90
Osage	1.02	Texas	.93
Ottawa	1.05	Tillman	.88
Pawnee	1.00	Tulsa	1.02
Payne	.96	Wagoner	1.02
Pittsburg	.95	Washington	1.05
Pontotoc	.93	Washita	.91
Pottawatomie	.93	Woods	.99
Pushmataha	.92	Woodward	.94
Roger Mills	.90		

OREGON

County	Rate per bushel	County	Rate per bushel
Baker	\$1.09	Lake	\$1.08
Benton	1.13	Lane	1.10
Clackamas	1.16	Lincoln	1.07
Clatsop	1.13	Linn	1.13
Columbia	1.15	Malheur	.98
Coos	1.04	Marion	1.16
Crook	1.16	Morrow	1.17
Curry	1.02	Multnomah	1.19
Deschutes	1.16	Polk	1.15
Douglas	1.06	Sherman	1.18
Gilliam	1.18	Tillamook	1.18
Grant	1.16	Umatilla	1.16
Harney	.94	Union	1.11
Hood River	1.18	Wallowa	1.08
Jackson	.99	Wasco	1.21
Jefferson	1.18	Washington	1.18
Josephine	.99	Wheeler	1.16
Klamath	1.09	Yamhill	1.17

PENNSYLVANIA

County	Rate per bushel
All counties	\$1.15

RHODE ISLAND

All counties	\$1.15
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SOUTH CAROLINA

All counties	\$1.21
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SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Aurora	\$0.97	Jackson	\$0.88
Beadle	.97	Jerauld	.97
Bennett	.92	Jones	.91
Bon Homme	1.00	Kingsbury	.98
Brookings	.99	Lake	.99
Brown	.97	Lawrence	.85
Brule	.96	Lincoln	1.01
Buffalo	.96	Lyman	.93
Butte	.85	McCook	1.00
Campbell	.92	McPherson	.95
Charles Mix	.98	Marshall	.97
Clark	.98	Meade	.84
Clay	1.03	Mellette	.96
Codington	.99	Miner	.99
Corson	.89	Minnehaha	1.00
Custer	.87	Moody	.99
Davison	.99	Pennington	.85
Day	.98	Perkins	.87
Deuel	.99	Potter	.92
Dewey	.88	Roberts	.89
Douglas	.99	Sanborn	.97
Edmunds	.95	Shannon	.91
Fall River	.87	Spink	.97
Faulk	.95	Stanley	.92
Grant	1.00	Sully	.91
Gregory	.98	Todd	.96
Haakon	.87	Tripp	.97
Hamlin	.99	Turner	1.01
Hand	.96	Union	1.03
Hanson	.99	Walworth	.93
Harding	.86	Washabaugh	.88
Hughes	.93	Yankton	1.01
Hutchinson	1.00	Ziebach	.86
Hyde	.94		

TENNESSEE

County	Rate per bushel
All counties	\$1.16



TEXAS

County	Rate per bushel	County	Rate per bushel
Archer	\$1.01	Jones	\$1.01
Bosque	1.10	Karnes	1.13
Bowie	1.05	Lampasas	1.10
Brown	1.06	Limestone	1.14
Callahan	1.03	Lipscomb	.97
Cass	1.06	McCulloch	1.05
Clay	1.03	McLennan	1.12
Collin	1.08	Mason	1.06
Comanche	1.06	Montague	1.04
Concho	1.04	Moore	.98
Coryell	1.11	Ochiltree	.96
Dallam	.97	Palo Pinto	1.05
Denton	1.06	Parker	1.07
Eastland	1.05	Reeves	.91
Fannin	1.05	Roberts	.99
Fisher	1.01	Runnels	1.03
Gillespie	1.08	San Saba	1.06
Grayson	1.05	Sherman	.97
Hamilton	1.08	Smith	1.11
Hansford	.97	Tarrant	1.09
Hartley	.98	Taylor	1.02
Hemphill	.98	Wichita	1.02
Hood	1.06	Wise	1.06
Hunt	1.06	Young	1.04
Jack	1.04	All other counties	1.00
Johnson	1.09		

UTAH

County	Rate per bushel
All counties	\$0.91

VERMONT

All counties	\$1.15
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VIRGINIA

All counties	\$1.15
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WASHINGTON

County	Rate per bushel	County	Rate per bushel
Adams	\$1.14	Lewis	\$1.13
Asotin	1.10	Lincoln	1.12
Benton	1.16	Mason	1.12
Chelan	1.15	Okanogan	1.13
Cllalam	1.04	Pacific	1.12
Clark	1.18	Pend Oreille	.99
Columbia	1.14	Pierce	1.18
Cowlitz	1.17	San Juan	1.14
Douglas	1.14	Skagit	1.14
Ferry	.90	Skamania	1.18
Franklin	1.16	Snohomish	1.16
Garfield	1.13	Spokane	1.10
Grant	1.15	Stevens	1.04
Grays Harbor	1.12	Thurston	1.13
Island	1.16	Wahklakum	1.17
Jefferson	1.06	Walla Walla	1.16
King	1.18	Whatcom	1.14
Kitsap	1.10	Whitman	1.11
Kittitas	1.19	Yakima	1.16
Klickitat	1.18		

WEST VIRGINIA

County	Rate per bushel
All counties	\$1.15

WISCONSIN

County	Rate per bushel	County	Rate per bushel
Adams	\$1.05	Fond du Lac	\$1.08
Ashland	1.02	Forest	1.01
Barron	1.03	Grant	1.05
Bayfield	1.03	Green	1.09
Brown	1.06	Green Lake	1.07
Buffalo	1.03	Iowa	1.06
Burnett	1.06	Iron	1.00
Calumet	1.07	Jackson	1.04
Chippewa	1.02	Jefferson	1.10
Clark	1.02	Juneau	1.06
Columbia	1.07	Kenosha	1.15
Crawford	1.04	Kewaunee	1.04
Dane	1.09	La Crosse	1.04
Dodge	1.08	Lafayette	1.06
Door	1.03	Langlade	1.03
Douglas	1.07	Lincoln	1.02
Dunn	1.04	Manitowac	1.07
Eau Claire	1.03	Marathon	1.03
Florence	1.01	Marquette	1.02

WISCONSIN—Continued

County	Rate per bushel	County	Rate per bushel
Marquette	\$1.06	Sauk	\$1.06
Milwaukee	1.14	Sawyer	1.03
Monroe	1.05	Shawano	1.05
Oconto	1.04	Sheboygan	1.08
Oneida	1.01	Taylor	1.00
Outagamie	1.06	Trempealeau	1.02
Ozaukee	1.09	Vernon	1.04
Pepin	1.05	Vilas	.98
Pierce	1.06	Walworth	1.11
Polk	1.06	Washburn	1.04
Portage	1.05	Washington	1.09
Price	1.00	Waukesha	1.10
Racine	1.15	Waupaca	1.05
Richland	1.06	Waushara	1.06
Rock	1.10	Winnebago	1.07
Rusk	1.02	Wood	1.05
Saint Croix	1.06		

WYOMING

County	Rate per bushel
All counties	\$0.91

(c) Discount for ergot. Rye containing more than 3/10 of 1 percent ergot, but not more than 1 percent ergot shall be discounted as follows:

Ergot content (percent):	Discount (cents per bushel)
0.31 to 0.40	1
0.41 to 0.50	2
0.51 to 0.60	3
0.61 to 0.70	4
0.71 to 0.80	5
0.81 to 0.90	6
0.91 to 1.00	7

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

Effective upon publication in the FEDERAL REGISTER.

Signed in Washington, D.C., July 20, 1961.

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

[F.R. Doc. 61-6946; Filed, July 26, 1961; 8:45 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE FARM PRODUCTS INSPECTION ACT

PART 70—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF; AND UNITED STATES CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

Miscellaneous Amendments

Notice of the proposed issuance of amendments to the Regulations Governing the Grading and Inspection of Poultry and Edible Products Thereof and United States Classes, Standards, and Grades with Respect Thereto (7 CFR Part 70) was published in the FEDERAL REGISTER on June 2, 1961 (26 F.R. 4889). The amendments hereinafter promulgated are issued pursuant to authority

contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621 et seq.).

The amendments clarify the authority of the Administrator to issue instructions with respect to rendition of service under the regulations; require proper facilities for the performance of grading or inspection service on a resident basis; limit discoloration due to improper freezing and storage in A and B quality; require poultry to have been examined in an unfrozen state for quality factors if the consumer grade designations are to be applied; and make other minor changes, many of which are for the purpose of conforming Part 70 with the requirements of the poultry inspection regulations set forth in Part 81.

The amendments are essentially the same as proposed in the aforesaid notice of rule-making with the exception that the proposed requirement relating to the holding of turkeys in an unfrozen state for 12 hours if they are to be designated as Grade A has been withdrawn, and the proposal allowing designation of poultry carcasses and parts as U.S. Grade A only if they were graded and identified in an unfrozen state has been clarified to apply to all the consumer grade designations. It does not appear that further public participation in rule-making on these deviations from the original proposal would make additional information available to this Department. Therefore under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) it is found upon good cause that further public rule-making procedure on the amendments is unnecessary.

After consideration of all relevant material, the regulations in 7 CFR Part 70, as amended, are hereby further amended as follows:

1. Section 70.13 is changed to read:

§ 70.13 Supervision.

All grading service and all inspection service shall be subject to supervision at all times by the responsible station supervisor, State supervisor, circuit supervisor, area supervisor, and national supervisor. Such service shall be rendered in accordance with instructions issued by the Administrator where the facilities and conditions are satisfactory for the conduct of the service and the requisite graders and inspectors are available. Whenever the supervisor of a grader has evidence that such grader incorrectly graded a product, such supervisor shall take such action as is necessary to correct the grading and to cause any improper grade marks which appear on the product or containers thereof to be corrected prior to shipment of the product from the place of initial grading.

§ 70.14 [Amendment]

2. Section 70.14 is changed by deleting the first sentence and substituting therefor, "Except as otherwise provided in this section, dressed poultry may be graded or inspected under the regulations in this part only if it was processed in an official plant in accordance with

the regulations in this part, or in Part 81 of this chapter, or was imported from a country with an inspection system approved by the Administrator."

3. Section 70.20 is deleted and a new § 70.20 is added to read:

**§ 70.20 Facilities to be furnished for use of graders and inspectors in performing service on a resident basis.**

Facilities for proper sampling, weighing, and examination of poultry, products, and other articles under the regulations in this part shall be furnished by the official plant for use of inspectors and/or graders in the performance of their duties under the regulations.

**§ 70.93 [Amendment]**

4. Section 70.93(b) (3) is changed to read:

(3) The net weight or other appropriate measure of the contents, except that the Administrator may approve the use of labels for certain types of immediate containers which do not bear the net weight: *Provided*, That the retailer or distributor supplying the retailer agrees in writing to the Administrator to mark the true net weight on the label prior to display and sale thereof: *Provided further*, That the shipping container bears a statement "Net weight to be marked on consumer packages prior to display and sale": *And provided further*, That the total net weight of the contents of the shipping container shall be marked on such container. The net weight marked on immediate containers of edible products shall be the net weight of the edible products and shall not include the weights of the wet or dry packaging materials and giblets wrapping materials.

5. Section 70.93(f) is changed by adding at the end thereof the following: "Deviations from the form of labeling required under the regulations in this part may be approved by the Administrator: *Provided*, That the proposed labeling accords to the specifications of the foreign purchaser, that it is not in conflict with the laws of the country to which it is intended for export, and that the outside of the shipping container is labeled to show that it is intended for export; but if such product is sold or offered for sale in domestic commerce, all the requirements of the regulations in this part shall apply."

**§ 70.353 [Amendment]**

6. Section 70.353(h) is changed to read:

(h) *Freezing defects*. The carcass or part is practically free of defects resulting from freezing. Slight darkening of the flesh over the back and drumsticks is permitted provided the frozen bird has a generally bright appearance. Occasional pockmarks due to drying of the inner layer of skin (derma) may be present, provided that none exceeds the area of a circle  $\frac{1}{8}$  inch in diameter on chickens, guineas, ducks, and pigeons, and  $\frac{1}{4}$  inch in diameter on turkeys and geese.

**§ 70.354 [Amendment]**

7. Section 70.354(h) is changed to read:

(h) *Freezing defects*. The carcass or part may have moderate defects resulting from freezing. The skin and flesh shall have a sound appearance but may lack brightness. The carcass or part may have a few pockmarks due to drying of the inner layer of skin (derma), provided that no single area of overlapping pockmarks exceeds that of a circle  $\frac{1}{2}$  inch in diameter.

**§ 70.356 [Amendment]**

8. Section 70.356(a) is changed to read:

(a) The United States consumer grades for ready-to-cook poultry are applicable to poultry of the kinds and classes set forth in §§ 70.300 to 70.306, except as provided in paragraph (c) of this section, when each carcass or part has been graded by a grader in accordance with § 70.30 on an individual basis.

9. A new § 70.356(c) is added to read:

(c) Poultry carcasses and parts may be designated in accordance with the United States Consumer Grades for ready-to-cook poultry, only if they were graded and identified in an unfrozen state.

**§ 70.360 [Amendment]**

10. Section 70.360(a) is changed to read:

(a) The United States Wholesale Grades for dressed poultry and ready-to-cook poultry are applicable to dressed poultry and ready-to-cook poultry of the kinds and classes set forth in §§ 70.300 to 70.306 when graded as a lot by a grader in accordance with § 70.30 on the basis of an examination of each carcass in the lot or each carcass in a representative sample thereof and are based upon the United States standards for quality set forth in §§ 70.350 to 70.355.

**§ 70.364 [Amendment]**

11. Section 70.364(a) is changed to read:

(a) The United States Procurement Grades for ready-to-cook poultry are applicable to carcasses of ready-to-cook poultry of the kinds and classes set forth in §§ 70.300 to 70.306 when graded as a lot by a grader in accordance with § 70.30 on the basis of an examination of each carcass in the lot or each carcass in a representative sample thereof.

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624. Interprets or applies sec. 203, 60 Stat. 1087, as amended; 7 U.S.C. 1622)

Issued at Washington, D.C., the 24th day of July 1961, to become effective 30 days after publication in the FEDERAL REGISTER.

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

[F.R. Doc. 61-7063; Filed, July 26, 1961; 8:51 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter III—Federal Aviation Agency

#### SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-WA-75]

#### PART 600—DESIGNATION OF FEDERAL AIRWAYS

##### Alteration of Federal Airway; Change of Effective Date

On March 19, 1960, there was published in the FEDERAL REGISTER (25 F.R. 2360) an amendment to § 600.6139 of the regulations of the Administrator. This amendment, originally to be effective January 12, 1961, altered VOR Federal airway No. 139 between Providéncé, R.I., and Boston, Mass., concurrently with the commissioning of a VOR near Whitman, Mass. Subsequent to publication of this amendment, a "Modification of Amendments—Change of Effective Date" was published on December 1, 1960 (25 F.R. 12286) changing the effective date to September 21, 1961, due to a postponement of the commissioning date of the Whitman VOR.

The commissioning date of the Whitman VOR has again been rescheduled. Therefore, it is necessary to postpone the effective date of the above-mentioned amendment until February 8, 1962.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 59-WA-75 is hereby modified as follows: "effective 0001 e.s.t. September 21, 1961" is deleted and "effective 0001 e.s.t. February 8, 1962" is substituted therefor.

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

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

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

[F.R. Doc. 61-7025; Filed, July 26, 1961; 8:46 a.m.]

[Airspace Docket No. 60-AN-26]

#### PART 600—DESIGNATION OF FEDERAL AIRWAYS

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

##### Designation of Federal Airway and Associated Control Area; Change of Effective Date

On November 29, 1960, there were published in the FEDERAL REGISTER (25 F.R. 12172) amendments to Parts 600 and 601



of the regulations of the Administrator. These amendments, originally to be effective February 9, 1961, designated VOR Federal airway No. 504 and associated control area from Nenana, Alaska, to Fairbanks, Alaska, concurrently with the commissioning of a VOR near Fairbanks. Subsequent to the publication of these amendments, a "Modification of Amendments—Change of Effective Date" was published on January 25, 1961 (26 F.R. 712) changing the effective date to August 24, 1961, due to a postponement of the commissioning date of the Fairbanks VOR.

The commissioning date of the Fairbanks VOR has again been rescheduled. Therefore, it is necessary to postpone the effective date of the above-mentioned amendments until February 8, 1962.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 60-AN-26 is hereby modified as follows: "effective 0001 e.s.t. August 24, 1961." is deleted and "effective 0001 e.s.t. February 8, 1962." is substituted therefor.

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

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

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

[F.R. Doc. 61-7022; Filed, July 26, 1961;  
8:46 a.m.]

[Airspace Docket No. 60-NY-150]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

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

#### Revocation of Federal Airway

On February 11, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 1226) stating that the Federal Aviation Agency proposed to revoke Blue Federal airway No. 40 in its entirety, its associated control area and reporting points.

No adverse comments were received regarding the proposed amendments.

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

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

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

1. Section 600.640 Blue Federal airway No. 40 (Lebanon, N.H., to Burlington, Vt.)

2. Section 601.640 Blue Federal airway No. 40 control areas (Lebanon, N.H., to Burlington, Vt.)

3. Section 601.640 Blue Federal airway No. 40 (Lebanon, N.H., to Burlington, Vt.)

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

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

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

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

[F.R. Doc. 61-7023; Filed, July 26, 1961;  
8:46 a.m.]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

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

#### Designation of Federal Airway and Associated Control Area; Change of Effective Date

On March 22, 1961, there were published in the FEDERAL REGISTER (25 F.R. 2387) amendments to Parts 600 and 601 of the regulations of the Administrator. These amendments, originally to be effective January 12, 1961, designated VOR Federal airway No. 451 and its associated control area from New Bedford, Mass., to Boston, Mass., concurrently with the commissioning of a VOR near Whitman, Mass. Subsequent to publication of these amendments, a "Modification of Amendments—Change of Effective Date" was published on November 30, 1960 (25 F.R. 12235) changing the effective date to September 21, 1961, due to a postponement of the commissioning date of the Whitman VOR.

The commissioning date of the Whitman VOR has again been rescheduled. Therefore, it is necessary to postpone the effective date of the above-mentioned amendments until February 8, 1962.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 59-WA-104 is hereby modified as follows: "effective 0001 e.s.t. September 21, 1961" is deleted and "effective 0001 e.s.t. February 8, 1962" is substituted therefor.

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

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

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

[F.R. Doc. 61-7024; Filed, July 26, 1961;  
8:46 a.m.]

[Airspace Docket No. 60-FW-84]

## PART 601—SPECIAL USE AIRSPACE

### Alteration of Control Zone

On March 4, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 1921) stating that the Federal Aviation Agency proposed to alter the San Juan, P.R., control zone.

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

The Puerto Rico Ports Authority concurred with the proposed alteration of the San Juan control zone but requested that consideration be given to defining the control zone in simpler terms by use of an 8-mile radius circle centered on a geographical reference point with extensions. It is the policy of the Federal Aviation Agency to designate only that airspace required to efficiently contain the functions and procedures for which the airspace is intended. This often results in descriptions that may appear to be complex. The alteration of the present San Juan 8-mile control zone represents the minimum airspace considered necessary for a control zone at San Juan.

The Air Transport Association of America and the Department of the Air Force offered no objections. No other comments were received within the allotted time.

A review of the requirements for the east control zone extension indicates that this extension should be based on the San Juan VOR 087° True radial in lieu of the 088° True radial and action is taken herein to reflect this change.

Subsequent to the publication of the Notice, the Wave, Ocean and Tide intersections have been revoked, thereby eliminating the requirements for control zone extensions serving instrument approaches from these intersections. Therefore, no action is taken herein to designate extensions based on the San Juan VOR 334° and 352° True radials.

Although the notice referred to the San Juan International Airport (Isla Verde) and the Isla Grande Airport in the description of the control zone, the names of these airports are being corrected to Puerto Rico International Airport and San Juan Air Terminal (Isla Grande) respectively.

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

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

Section 601.2215 (14 CFR 601.2215) is amended to read:

§ 601.2215 San Juan, P.R., control zone.

Within a 5-mile radius of the Puerto Rico International Airport (Lat. 18°26'



40' N., Long. 66°00'20" W.), and within a 3-mile radius of the San Juan Air Terminal (Isla Grande) (Lat. 18°27'30" N., Long. 66°05'50" W.); within 2 miles either side of the 067° and the 281° bearings from the San Pat, P.R., RBN extending from the 5-mile radius zone to 12 miles W of the RBN, and within 2 miles either side of the 058° and 087° radials of the San Juan VOR extending from the 5-mile radius zone to 12 miles NE and E of the VOR.

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

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

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

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

[F.R. Doc. 61-7021; Filed, July 26, 1961; 8:46 a.m.]

[Airspace Docket No. 61-WA-117]

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

### Designation and Revocation of Reporting Points

The purpose of these amendments to § 601.7001 of the regulations of the Administrator is to revoke the Pacific, Calif., intersection as a low altitude VOR reporting point, and to designate the Nottingham, Md., VOR, Priest, Calif., VOR, Fellows, Calif., VOR, and Fallon, Nev., VOR as low altitude VOR reporting points.

Flight progress reports over designated locations, automatically initiated by pilots, facilitate air traffic management and assist the controller in the performance of his duties. However, due to continuous modernization of the airway structure, the need for reporting points at particular locations is constantly being revised. The actions taken herein reflect this changing need on the part of air traffic management.

Since these amendments are of a procedural nature and do not assign or reassign the use of navigable airspace, 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, these amendments 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 actions are taken:

In § 601.7001 (14 CFR 601.7001, 26 F.R. 4052), the following changes are made:

(a) In the text delete:

Pacific INT: The INT of the Mission Bay, Calif., VOR 320° and the Oceanside, Calif., VORTAC 279° radials.

(b) In the text add:

Nottingham, Md., VOR.  
Priest, Calif., VOR.  
Fellows, Calif., VOR.  
Fallon, Nev., VOR.

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

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

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

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

[F.R. Doc. 61-7026; Filed, July 26, 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 C—Food Additives Permitted in Animal Feed and Animal-Feed Supplements

##### ZOALENE WITH OLEANDOMYCIN

I. The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by The Dow Chemical Company, Midland, Michigan, and other relevant material, has concluded that the following amendment to the food additive zoalene in combination with oleandomycin in chicken feed should issue. Therefore, pursuant to the provisions of the act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), §§ 121.206 and 121.207 (21 CFR 121.206, 121.207; 26 F.R. 3246, 5369) are amended in the following respects:

1. Section 121.206 is amended as follows:

a. Paragraph (a) is amended by adding thereto the following new subparagraph (3):

§ 121.206 *Oleandomycin.*

(a) \* \* \*

(3) In chicken feed in combination with zoalene in accordance with the conditions prescribed in § 121.207.

b. Paragraph (b) is changed to read as follows:

(b) The oleandomycin activity may be adsorbed upon a suitable carrier vehicle that is not a food additive or which is specifically provided for by regulation in this chapter.

c. Paragraph (d)(3) is amended to read as follows:

(3) If the additive is to be used as prescribed in paragraph (a)(1) of this section, the label and labeling shall also include a statement that the preparation is not to be fed to laying hens.

d. Paragraph (d) is further amended by deleting subparagraph (4).

2. Section 121.207 is amended as follows:

a. The introduction to paragraph (a) is changed to read:

§ 121.207 *Zoalene.*

(a) It is used or intended for use in the prevention and control of coccidiosis in chickens caused by *Eimeria acervulina*, *Eimeria brunetti*, *Eimeria maxima*, *Eimeria necatrix*, or *Eimeria tenella*, in an amount not more than 125 parts per million (0.0125 percent) nor less than 63 parts per million (0.0063 percent), to be fed as prescribed in § 146.26(b)(45) of this chapter, and may be used in combinations as follows:

b. Paragraph (a)(1) is amended by adding thereto a new subdivision (iii):

(iii) *Oleandomycin*: Not less than 1 gram per ton (1.1 part per million, 0.00011 percent) nor more than 2 grams per ton (2.2 parts per million, 0.00022 percent) of the finished feed.

c. Paragraph (b) is amended by adding thereto the following new subparagraph (8):

(8) A statement of the conditions for which the additive is to be used.

II. Based upon an evaluation of the data before him and proceeding under the authority of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)), the Commissioner of Food and Drugs has further concluded that additional data have demonstrated that the tolerance of 2 parts per million for residues of zoalene in the muscle meat of chickens might on occasion be exceeded. A tolerance of 3 parts per million having been established as the maximum residue likely to occur when zoalene is fed in accordance with § 121.207 and 3 parts per million having been established as safe, § 121.1013 is amended in the following respects:

1. Paragraph (a) is amended by deleting the words "muscle meat and".

2. A new paragraph is inserted between paragraphs (a) and (b).

As amended, § 121.1013 reads as follows:

§ 121.1013 *Tolerances for residues of zoalene (3,5-dinitro-o-toluamide) and its metabolite 3-amino-5-nitro-o-toluamide.*

Tolerances are established as follows for residues of zoalene (3,5-dinitro-o-toluamide) and its metabolite 3-amino-5-nitro-o-toluamide in the edible tissues of chickens that have received medicated feed containing the food additive.

(a) 2 parts per million (0.0002 percent) in the uncooked fat of chickens.

(b) 3 parts per million (0.0003 percent) in the uncooked muscle meat of chickens.

(c) 6 parts per million (0.0006 percent) in the uncooked liver and kidneys of chickens.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

**Effective date.** This order shall be effective on the date of its publication in the FEDERAL REGISTER.

Dated: July 14, 1961.

(Sec. 409(c) (1), (4); 72 Stat. 1786; 21 U.S.C. 948(c) (1), (4))

[SEAL] **GEO. P. LARRICK,**  
*Commissioner of Food and Drugs.*

[F.R. Doc. 61-7039; Filed, July 26, 1961; 8:48 a.m.]

## Title 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55434]

#### PART 1—CUSTOMS DISTRICTS, PORTS AND STATIONS

##### Headquarters of Appraisers of Merchandise

The offices of the appraisers of merchandise in the following customs collection districts have been removed from the administrative jurisdiction of the respective collectors of customs and established as independent principal field offices effective on July 1, 1961:

District No.	Name of district	District No.	Name of district
47.....	Colorado.	19.....	Mobile.
34.....	Dakota.	15.....	North Carolina.
40.....	Indiana.	16.....	South Carolina.
42.....	Kentucky.	43.....	Tennessee.
1.....	Maine and New Hampshire.		

In order to reflect this change and to correct the addresses for district numbers 18, 24, and 25, the entries for the following districts in the list showing the locations of the headquarters of the appraisers of merchandise in § 1.6 of the Customs Regulations are amended to read as follows:

District No.	Name of district	Location of headquarters	Address of appraiser of merchandise
47	Colorado.....	Denver 2, Colo.....	Room 24, New Customhouse.
34	Dakota.....	Pembina, N. Dak.....	Federal Bldg.
24	El Paso.....	El Paso, Tex.....	1317 South El Paso St.
18	Florida.....	Miami 32, Fla.....	811 N.W. First Ave.
40	Indiana.....	Indianapolis 4, Ind.....	Room 32, Federal Bldg.
42	Kentucky.....	Louisville 2, Ky.....	Federal Bldg.
1	Maine and New Hampshire.....	Portland 3, Maine.....	312 Fore St.
19	Mobile.....	Mobile 4, Ala.....	Rm 144, U.S. Court House and Customhouse.
15	North Carolina.....	Wilmington, N.C.....	P. O. Box 780.
25	San Diego.....	San Diego 1, Calif.....	1415 Sixth Ave.
16	South Carolina.....	Charleston 8, S. C.....	200 East Bay St.
43	Tennessee.....	Memphis 3, Tenn.....	Room 249, Customhouse.

(E. S. 161, as amended, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 1624)

[SEAL]

**PHILIP NICHOLS, Jr.,**  
*Commissioner of Customs.*

Approved: July 20, 1961.

**A. GILMORE FLUES,**  
*Assistant Secretary of the Treasury.*

[F.R. Doc. 61-7015; Filed, July 26, 1961; 8:45 a.m.]

## Title 24—HOUSING AND HOUSING CREDIT

### Chapter II—Federal Housing Administration, Housing and Home Finance Agency

#### SUBCHAPTER A—GENERAL

#### PART 200—INTRODUCTION

##### Subpart D—Delegations of Basic Authority and Functions

##### MISCELLANEOUS AMENDMENTS

In Part 200 new section headings are added to the Table of Contents and

§ 200.78 is renumbered as § 200.81 as follows:

Sec.	
200.78	Accounts Officer and Deputies.
200.79	Insurance Officer and Deputy.
200.80	Fiscal Officer and Deputy.
200.81	Assistant Commissioner for Property Disposition and Deputy.

Section 200.77 is amended to read as follows:

§ 200.77 Assistant Commissioner-Comptroller and Deputy.

To the position of Assistant Commissioner-Comptroller, and under his general supervision to the position of Deputy Assistant Commissioner-Comptroller,

there is delegated the following basic authority and functions:

(a) To be responsible to the Commissioner for coordination and general supervision of the Procedures Branch, Financial Reports Branch, the Accounting Branch, the Insurance Branch, and the Fiscal Branch.

(b) To act with the Commissioner and under his direction in the determination of basic policy and be a member of the Executive Board.

(c) To be responsible to the Commissioner to devise and establish insurance fiscal servicing, accounting and fiscal procedures and to administer the fiscal policies and activities of FHA; and to provide or cause to be provided under his direction, technical advice, and guidance to all organizational elements of the FHA in the fields of accounting, electronic data processing, insurance fiscal servicing and fiscal matters.

(d) To be responsible to the Commissioner for the establishment and maintenance of appropriate accounting, fiscal and mortgage insurance controls and for the safeguarding of cash, notes, mortgages, negotiable instruments, checks, securities, debentures, contracts and properties.

(e) To develop and recommend policies, rules and procedures covering all phases of the settlement of Title I claims and the liquidation of defaulted Title I loans acquired in connection therewith.

(f) To exercise the authority of the Commissioner in any instance which is subject to the approval of the Commissioner in connection with the settlement of claims under section 2 of Title I of the National Housing Act and the liquidation of defaulted Title I loans acquired in connection therewith, including (1) the acceptance and execution of compromise agreements in the settlement of such claims; (2) the chargeoff of any amounts due FHA where the account has been compromised, or it is determined that the account is uncollectible or unrecoverable; (3) the execution of documents necessary to transfer title in and to any debt, contract claim, property, or security; (4) proofs of claim against bankrupt, insolvent or decedent estates; (5) releases of obligations to the FHA, including notes, judgments and other evidences of indebtedness; and (6) releases of liens of any sort held as security for such obligations, in those cases where the obligation has been paid in full.

(g) To direct and supervise periodic portfolio examinations of institutions insured under the provisions of section 2 of Title I of the National Housing Act.

(h) To recommend investments for the insurance funds of FHA, liquidation of investments and redemption of debentures and to maintain liaison with the Treasury Department in the execution of fiscal proposals.

(i) To certify financial statements.

(j) To designate certifying officers and to revoke such designation, to execute and submit to the Treasury Department necessary statements and schedules with respect thereto, and perform all functions pertaining to the bonding of FHA employees, pursuant to applicable stat-



utes, regulations, and the standards and procedures of the Secretary of the Treasury thereunder.

(k) To submit to the Treasury Department (1) authorizations for (i) purchase of U.S. Government securities, pursuant to agreements between mortgagors or other depositors and FHA and (ii) sale and disposition of U.S. Government securities purchased for mortgagors or other depositors, received as a result of assignment of insured mortgages or as a result of other agreements; (2) for safekeeping, U.S. Government securities deposited in accordance with mortgagor corporate charters, regulatory or special agreements and; (3) requests for withdrawal of U.S. Government securities.

(l) To provide or cause to be provided under his direction an integrated electronic data processing service to all organizational elements of the FHA including consultative and advisory services relating to surveying, programming and cost analysis of proposed conversions to such processing.

(m) To develop and maintain or cause to be developed and maintained under his direction a program for the fiscal servicing of all Commissioner-held home and project mortgages; to execute or cause to be executed under his direction all vouchers for expenditures from mortgagor's escrow accounts, for payment of taxes on home and project properties where title is vested in the Commissioner and, with respect to home properties acquired by the Commissioner, vouchers for payment of excess proceeds to effect final settlement on certificates of claim; and to execute and receipt or cause to be executed and receipted under his direction applications and receipts for any payments received representing refunds of taxes or other payments made by the Commissioner in connection with property acquired by the Commissioner under the provisions of the National Housing Act.

(n) To keep or cause to be kept under his direction the seal of the Administration and to employ the seal in the execution of Certificates of Claim issued to mortgagees; to certify as to delegations of authority by the Commissioner, and as to the truth or accuracy of copies of original papers or documents in the possession of FHA; to prepare and execute notarized affidavits for the use of U.S. Attorneys in presenting the fiscal status of Commissioner-held mortgages at foreclosure trials; and to maintain the Archives files of FHA.

(o) To recommend to the Commissioner (1) the terms and conditions under which FHA offers to sell purchase money mortgages and assigned mortgage notes to approved mortgagees, (2) upon approval of the recommendation makes offers for the sale of such mortgages and assigned notes, and (3) executes in the name of the Commissioner acceptance of such offers.

(p) To execute satisfactions of Commissioner-held mortgages when the mortgage indebtedness has been paid in full.

(q) To endorse checks or other negotiable instruments for deposit or collection and loss drafts relating to in-

surance coverage on Commissioner-held home and project mortgages.

(r) To approve or cause to be approved under his direction all expenditures and to receipt or cause to be received under his direction all vouchers necessary to carry out the provisions of the National Housing Act.

(s) To certify or cause to be certified under his direction that all required documents, information and approvals respecting each transaction are present; verify or cause to be verified under his direction the accuracy of the computations, the consistency of the information included in the various documents and determine or cause to be determined under his direction that the transactions are in strict accordance with all applicable regulations, decisions and laws.

(t) To approve or disapprove or cause to be approved or disapproved under his direction amounts claimed by mortgagees in their claim for debentures and certificate of claim, including amounts claimed for operating, protecting and preserving properties prior to conveyance to the Commissioner; to execute Certificates of Claim and certify the requisitions to the Treasury Department for the issuance of debentures; to certify vouchers for cash settlement of claims; and to approve or disapprove the purchase of debentures submitted by mortgagees in connection with mortgage insurance premium payments.

(u) To extend or cause to be extended under his direction the period of time for submission of fiscal data or title evidence supporting a mortgagee's application for debentures.

(v) To maintain or cause to be maintained under his direction liaison with the General Accounting Office, Treasury Department and other agencies of the Government on accounting, insurance fiscal servicing and fiscal matters and to collaborate with such departments and agencies in the formation of accounting and fiscal programs.

(w) To cancel or cause to be cancelled under his direction insurance endorsement on insured mortgages where a joint request for termination is made by the mortgagor and mortgagee, or where the insurance endorsement is otherwise to be cancelled.

(x) To take any action authorized to be taken by any branch or office within his jurisdiction.

Section 200.78 is amended to read as follows:

**§ 200.78 Accounts Officer and Deputies.**

To the position of Accounts Officer, and under his general supervision to the positions of Deputy Accounts Officer for General Accounting and Deputy Accounts Officer for Mortgage Note and Property Accounting, there is delegated the following basic authority and functions:

(a) To direct the activities of the Accounting Branch.

(b) To devise and establish accounting procedures and policies and to maintain official accounting records for all activities of the Administration.

(c) To provide technical advice and guidance to all organizational elements

of the Administration in the field of accounting.

(d) To maintain liaison with the General Accounting Office, Treasury Department and other agencies of the Government on accounting matters and to collaborate with such departments and agencies in the formation of accounting programs.

(e) To provide an integrated electronic data processing service to all organizational elements of the FHA including consultative and advisory services relating to surveying, programming and cost analysis of proposed conversions to such processing.

(f) To develop and maintain a program for the fiscal servicing of Commissioner-held home mortgages including the execution of vouchers for all related expenditures from mortgagors' escrow accounts.

(g) To execute vouchers for payment of taxes, insurance and repairs on home properties where title is vested in the Commissioner and for payments of excess proceeds to effect final settlement with mortgagees on certificates of claim and to mortgagors under provisions of the National Housing Act.

(h) To act with the Assistant Commissioner-Comptroller and under his direction in the determination of basic accounting policy.

Part 200 is amended by adding a new § 200.79 as follows:

**§ 200.79 Insurance Officer and Deputy.**

To the position of Insurance Officer, and under his general supervision to the position of Deputy Insurance Officer, there is delegated the following basic authority and functions:

(a) To direct the activities of the Insurance Branch.

(b) To devise and maintain procedures relating to the establishment of mortgage insurance records, the modification and termination of such insurance for home and project mortgages and to register Title I loans reported for insurance.

(c) To provide fiscal and technical advice and guidance with respect to mortgage modifications prior to administrative approval.

(d) To cancel insurance endorsement on insured mortgages when a joint request for termination is made by the mortgagor and mortgagee, or when the insurance endorsement is otherwise to be cancelled.

(e) To ascertain sufficiency of renewal and adjusted premium collections with respect to termination of insurance; authorize refund of unearned premiums collected or institute billing for the collection of premiums due.

(f) To authorize payment of earned distributive shares in the Participation Reserve Account of the Mutual Mortgage Insurance Fund to the rightful recipients thereof.

(g) To devise and maintain procedures relating to the fiscal servicing of Commissioner-held project mortgages and to execute vouchers for payment of all expenditures from mortgagor escrow accounts relating thereto.



(h) To develop and maintain fiscal procedures for the operation of Commissioner-owned project properties by agents of the Commissioner under contract for the management of such properties; to provide advice and guidance to those agents with respect to such fiscal procedures, and to execute vouchers for payment of real estate taxes, special assessments, hazard insurance, and repairs relating to such properties.

(i) To certify vouchers in payment of Title I claims in amounts representing the insurable loss sustained and to refund to the remitter of record any collection obtained in excess of the established indebtedness.

(j) To act with the Assistant Commissioner-Comptroller and under his direction in the determination of basic insurance fiscal servicing policy.

Part 200 is amended by adding a new § 200.80 as follows:

**§ 200.80 Fiscal Officer and Deputy.**

To the position of Fiscal Officer, and under his general supervision to the position of Deputy Fiscal Officer, there is delegated the following basic authority and functions:

(a) To direct the activities of the Fiscal Branch.

(b) To devise and establish fiscal procedures and to administer the fiscal policies and activities of the Administration.

(c) To approve all operating and property expenditures and receipt vouchers necessary to carry out the provisions of the National Housing Act upon his determination that they are in accordance with applicable regulations, decisions and laws.

(d) To certify that all required documents, information and approvals respecting operating and property expense and debenture transactions are present; verify the accuracy of the computations, the consistency of the information included in the various documents; and determine that the transactions are in strict accordance with all applicable regulations, decisions and law.

(e) To approve or disapprove amounts claimed by mortgagees in debentures or cash settlements, including amounts claimed for operating, protecting and preserving properties prior to conveyance to the Commissioner.

(f) To extend the period of time for submission of fiscal data or title evidence supporting a mortgagee's application for debentures.

(g) To execute in the Commissioner's name, in connection with Section 2 of Title I of the National Housing Act, (1) documents necessary to transfer title in and to any debt, contract claim, property, or security; (2) proofs of claim against bankrupt, insolvent or decedent estates; (3) releases of obligations to the FHA, including notes, judgments and other evidences of indebtedness; and (4) releases of liens of any sort held as security for such obligations, in those cases where the obligation has been paid in full; and to employ the seal of the Administration to certify as to the truth

or accuracy of such documents, proofs, or releases.

(h) To maintain liaison with the General Accounting Office, Treasury Department and other agencies of the Government on fiscal matters and to collaborate with such departments and agencies in the formation of fiscal programs.

(i) To act with the Assistant Commissioner-Comptroller and under his direction in the determination of basic fiscal policy.

**§ 200.81 [Renumbered]**

Section 200.78 is renumbered as § 200.81.

(Sec. 2, 48 Stat. 1246, as amended; sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61, as amended; sec. 712, 62 Stat. 1281, as amended; sec. 907, 65 Stat. 301, as amended; sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

Issued at Washington, D.C., July 24, 1961.

NEAL J. HARDY,  
Federal Housing Commissioner.

[F.R. Doc. 61-7071; Filed, July 26, 1961; 8:52 a.m.]

**Title 25—INDIANS**

**Chapter I—Bureau of Indian Affairs,  
Department of the Interior**

**SUBCHAPTER T—OPERATION AND  
MAINTENANCE**

**PART 221—OPERATION AND  
MAINTENANCE CHARGES**

**Crow Indian Irrigation Project,  
Montana**

On page 5398 of the FEDERAL REGISTER of June 16, 1961, Vol. 26, No. 115, there was published a notice of intention to amend § 221.13a, 221.13b, and 221.13c of Title 25, Code of Federal Regulations, dealing with the irrigable lands of the Crow Indian Irrigation Project, Montana, that are subject to the jurisdiction of the several irrigation districts. Purpose of this amendment is to establish the assessment charges for the season of 1962 and thereafter until further notice, and which charges are applicable to all irrigable lands in the Crow Indian Irrigation Project that are included in the irrigation districts organization that are subject to the jurisdiction of the three irrigation districts.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendments. No written communications were received. The amended regulations are adopted as set forth below.

1. Section 221.13a is amended to read as follows:

**§ 221.13a Charges, Big Horn Irrigation District.**

Pursuant to a contract executed by the Big Horn Irrigation District, Crow Indian Irrigation Project, Montana, and approved by the Secretary of the Interior

on June 28, 1948, notice is hereby given that an assessment of \$3.10 per acre is hereby fixed for the season of 1962 and subsequent years until further notice, for the operation and maintenance of the irrigation systems which serve that portion of the project within the confines and under the jurisdiction of the Big Horn Irrigation District. This assessment is applicable to an area of approximately 8,000 acres; does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

2. Section 221.13b is amended to read as follows:

**§ 221.13b Charges, Lower Little Horn and Lodge Grass Irrigation District.**

(a) Pursuant to a contract executed by the Lower Little Horn and Lodge Grass Irrigation District, Crow Indian Irrigation Project, Montana, and approved by the Secretary of the Interior on June 28, 1948, notice is hereby given that an assessment of \$3.10 per acre is hereby fixed for the season of 1962 and subsequent years until further notice, for the operation and maintenance of the irrigation systems which serve that portion of the project within the confines and under the jurisdiction of the Lower Little Horn and Lodge Grass Irrigation District. This assessment is applicable to an area of approximately 2,500 acres; does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

(b) Pursuant to a second contract executed by the above district and approved by the Assistant Secretary of the Interior on June 28, 1951, notice is hereby given that an assessment of fifteen cents (\$0.15) per acre is hereby fixed for the season of 1962 and subsequent years until further notice for the operation and maintenance of the Willow Creek storage works which serve storage water either directly or by substitution to that portion of the project within the confines and under the jurisdiction of the Lower Little Horn and Lodge Grass Irrigation District.

3. Section 221.13c is amended to read as follows:

**§ 221.13c Charges, Upper Little Horn Irrigation District.**

(a) Pursuant to a contract executed by the Upper Little Horn Irrigation District, Crow Indian Irrigation Project, Montana, and approved by the Secretary of the Interior on June 28, 1948, notice is hereby given that an assessment of \$3.10 per acre is hereby fixed for the season of 1962 and subsequent years until further notice for the operation and maintenance of the irrigation systems which serve storage water either directly or by substitution to that portion of the project within the confines and under the jurisdiction of the Upper Little Horn Irrigation District. This assessment includes an area of approximately 1,500 acres; does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

(b) Pursuant to a second contract executed by the above district and approved by the Assistant Secretary of the

Interior on June 28, 1951, notice is hereby given that an assessment of fifteen cents (\$0.15) per acre is hereby fixed for the season of 1962 and subsequent years until further notice, for the operation and maintenance of the Willow Creek storage works which serve storage water either directly or by substitution to that portion of the project within the confines and under the jurisdiction of the Upper Little Horn Irrigation District.

REINHOLT BRUST,  
Acting Area Director.

[F.R. Doc. 61-7041; Filed, July 26, 1961;  
8:48 a.m.]

## Title 30—MINERAL RESOURCES

### Chapter III—Office of Minerals Exploration, Department of the Interior

#### PART 301—REGULATIONS FOR OBTAINING FEDERAL ASSISTANCE IN FINANCING EXPLORATIONS FOR MINERAL RESERVES, EXCLUDING ORGANIC FUELS, IN THE UNITED STATES, ITS TERRITORIES AND POSSESSIONS

##### Miscellaneous Amendments

On page 2799 of the FEDERAL REGISTER of April 4, 1961, there was published a notice and text of proposed amendments of §§ 301.3, 301.5, and 301.9 of Title 30, Code of Federal Regulations. Section 301.3 is amended to add bismuth, gold, iron ore, silver, sulphur, and tellurium to the list of mineral commodities eligible for exploration assistance. Section 301.5 is amended to include Hawaii with the States comprising Region II. Section 301.9 remains unchanged.

Interested persons were given 30 days to submit written comments, suggestions, or objections to the proposed amendments. Sixty responses were received, of which all but three favored the proposed changes. Several correspondents requested the addition of boron and alumina to the list of minerals, but since neither of these minerals meet the criteria used in determining eligibility they will not be added to the list.

That portion of the proposed change in § 301.3 which would have allowed the Government to pay 75 percent of the cost authorized in exploration assistance contracts for 18 of the mineral commodities is withdrawn in response to the views expressed by the Appropriation Committees of the Congress in their reports on the 1962 appropriation bill (H.R. 6345). In commenting on this proposal the Appropriation Committee of the House of Representatives stated in part in its report No. 233, " \* \* \* Considering that repayment of the loan is not required unless the exploration is successful and then only after the mineral is actually produced, the Committee believes that the present Government contribution (50%) represents a fair share and is adequate to attract responsible individuals to the program \* \* \*".

Furthermore, the Appropriation Committee of the Senate stated in part in its report No. 294 that the opinion expressed in the conference report on the 1959 supplemental appropriations bill (H.R. 13450), expressing opposition to Government participation in excess of 50 percent has not changed in the ensuing period.

The need for changing § 301.9 is eliminated by the withdrawal of the proposed provision for 75 percent Government participation.

The amendments as set forth below shall become effective upon publication in the FEDERAL REGISTER.

STEWART L. UDALL,  
Secretary of the Interior.

JULY 20, 1961.

1. Section 301.3 is amended to read as follows:

§ 301.3 Eligible minerals or mineral products.

The following are eligible for Government financial assistance:

Antimony.	Mercury.
Asbestos.	Mica (strategic).
Bauxite.	Molybdenum.
Beryllium.	Monazite.
Bismuth.	Nickel.
Cadmium.	Platinum Group
Chromite.	Metals.
Cobalt.	Quartz Crystal
Columbium.	(piezoelectric).
Copper.	Rare Earths.
Corundum.	Rutile.
Diamond	Selenium.
(Industrial).	Silver.
Fluorspar.	Sulphur.
Gold.	Talc (block steatite).
Graphite (crucible	Tantalum.
flake).	Tellurium.
Iron Ore.	Thorium.
Kyanite (strategic).	Tin.
Lead.	Uranium.
Manganese.	Zinc.

§ 301.5 [Amendment]

2. The description of Region II in § 301.5 is amended to read as follows:

Region II—California, Hawaii, and Nevada—Office of Minerals Exploration, 113 Custom House, 555 Battery Street, San Francisco 11, California.

[F.R. Doc. 61-7054; Filed, July 26, 1961;  
8:50 a.m.]

## Title 41—PUBLIC CONTRACTS

### Chapter I—Federal Procurement Regulations

#### MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter I of Title 41 is amended as set forth below:

##### PART 1-1—GENERAL

1. The table of contents of Part 1-1 is amended by adding a reference to § 1-1.710, as follows:

Sec.	
1-1.710	Subcontracting with small business concerns and labor surplus area concerns.
1-1.710-1	General.
1-1.710-2	Small business and labor surplus area subcontracting program.

Sec.

1-1.710-3 Required clauses.

1-1.710-4 Responsibility for reviewing subcontracting program.

AUTHORITY: §§ 1-1.710 through 1-1.710-4 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

#### Subpart 1-1.7—Small Business Concerns

2. New § 1-1.710 is added as follows:

§ 1-1.710 Subcontracting with small business concerns and labor surplus area concerns.

§ 1-1.710-1 General.

It is the policy of the Government that small business and labor surplus area concerns be afforded an equitable opportunity to compete for subcontracts within their capabilities. To further this subcontracting policy, contract clauses and procedures for their use are prescribed in this section.

§ 1-1.710-2 Small business and labor surplus area subcontracting program.

Each contractor having a prime contract which contains the clause set forth hereafter in § 1-1.710-3(b) shall be required to establish and conduct a "Small Business and Labor Surplus Area Subcontracting Program" to include the following:

(a) Designate a liaison officer who will (1) maintain liaison with the procuring activity and SBA on small business matters and with duly authorized representatives of the Government on labor surplus area matters, (2) supervise compliance with the "Utilization of Small Business Concerns" and "Utilization of Concerns in Labor Surplus Areas" clauses, and (3) administer the contractor's "Small Business and Labor Surplus Area Subcontracting Program." (If deemed necessary, separate liaison officers may be appointed for small business matters and for labor surplus area matters.)

(b) Provide adequate and timely consideration of the potentialities of small business concerns and labor surplus area concerns in all "make-or-buy" decisions.

(c) Assure that small business concerns and labor surplus area concerns will have an equitable opportunity to compete for subcontracts, particularly by arranging solicitations, time for the preparation of bids, quantities, specifications, and delivery schedules so as to facilitate the participation of small business concerns and labor surplus area concerns.

(d) Maintain records showing (1) whether each prospective subcontractor is a small business concern, and (2) procedures which have been adopted to comply with the small business and labor surplus area policies set forth in this paragraph.

(e) Include the "Utilization of Small Business Concerns" and "Utilization of Concerns in Labor Surplus Areas" clauses in subcontracts which offer substantial small business or labor surplus area subcontracting opportunities.

(f) Require subcontractors having subcontracts in excess of \$1,000,000 which contain the clauses entitled "Utilization of Small Business Concerns" and "Utilization of Concerns in Labor Surplus Areas" to include the following:



Utilization of Small Business Concerns" and "Utilization of Concerns in Labor Surplus Areas" to establish and conduct a "Small Business and Labor Surplus Area Subcontracting Program."

(g) Submit such information on subcontracting to small business concerns and labor surplus area concerns as is called for by the contracting officer.

**§ 1-1.710-3 Required clauses.**

(a) The clauses (1) "Utilization of Small Business Concerns" set forth below, and (2) "Utilization of Concerns in Labor Surplus Areas" set forth in § 1-1.805-2, shall be included in all contracts in amounts exceeding \$5,000 except contracts which, including all subcontracts thereunder, are to be performed outside the United States, its possessions, and Puerto Rico.

(1) *Utilization of small business concerns.*

**UTILIZATION OF SMALL BUSINESS CONCERNS**

(a) It is the policy of the Government as declared by the Congress that a fair proportion of the purchases and contracts for supplies and services for the Government be placed with small business concerns.

(b) The Contractor agrees to accomplish the maximum amount of subcontracting to small business concerns that the Contractor finds to be consistent with the efficient performance of this contract.

[End of Clause]

(2) *Utilization of concerns in labor surplus areas.* (For text of clause Utilization of Concerns in Labor Surplus Areas see § 1-1.805-2.)

(b) The clause "Small Business and Labor Surplus Area Subcontracting Program," set forth below, shall be included in all contracts (except negotiated contracts with foreign concerns) in excess of \$1,000,000 which contain the clauses required by § 1-1.710-3(a) above and which, in the opinion of the procuring activity, offer substantial subcontracting possibilities; except that this clause shall not be included in contracts for the construction, alteration, or repair of buildings, bridges, roads, or other kinds of real property. Prime contractors to be awarded contracts not in excess of \$1,000,000, which in the opinion of the procuring activity offer substantial subcontracting possibilities, shall be urged to establish and conduct a "Small Business and Labor Surplus Area Subcontracting Program," to accept the following clause, and to follow the program described in § 1-1.710-2.

**SMALL BUSINESS AND LABOR SURPLUS AREA SUBCONTRACTING PROGRAM**

(a) The Contractor agrees to establish and conduct a program to afford small business concerns and labor surplus area concerns an equitable opportunity to compete for subcontracts within their capabilities. In this connection, the Contractor shall—

(1) Designate a liaison officer, who will (i) maintain liaison with the procuring activity and SBA on small business matters and with duly authorized representatives of the Government on labor surplus area matters, (ii) supervise compliance with the "Utilization of Small Business Concerns," and "Utilization of Concerns in Labor Surplus Areas" clauses, and (iii) administer the Contractor's Small Business and Labor Sur-

plus Area Program. (If deemed necessary, separate liaison officers may be appointed for small business matters and for labor surplus area matters);

(2) Provide adequate and timely consideration of the potentialities of small business concerns and labor surplus area concerns in all "make-or-buy" decisions;

(3) Assure that small business concerns and labor surplus area concerns will have an equitable opportunity to compete for subcontracts, particularly by arranging solicitations, time for the preparation of bids, quantities, specifications, and delivery schedules so as to facilitate the participation of small business concerns and labor surplus area concerns;

(4) Maintain records showing (i) whether each prospective subcontractor is a small business concern and (ii) procedures which have been adopted to comply with the policies set forth in this clause;

(5) Include the "Utilization of Small Business Concerns" and "Utilization of Concerns in Labor Surplus Areas" clauses in subcontracts which offer substantial small business or labor surplus area subcontracting opportunities; and

(6) Submit such information on subcontracting to small business concerns and labor surplus area concerns as is called for by the Contracting Officer.

(b) A "small business concern" is a concern that (1) is certified as a small business concern by the Small Business Administration, or (2) is independently owned and operated, is not dominant in its field of operation and, with its affiliates, employs either not more than 500 employees or, if the concern qualifies as a labor surplus area concern, not more than 625 employees.

(c) A "labor surplus area concern" is a concern which will perform, or cause to be performed, a substantial proportion of any contract awarded to it in "Areas of Substantial Labor Surplus" (also called "Areas of Substantial Unemployment"), so designated by the Department of Labor. A concern shall be deemed to perform a substantial proportion of a contract in a labor surplus area if the costs that the concern will incur on account of manufacturing or production performed in persistent or substantial labor surplus areas (by itself or its first-tier subcontractors) amount to more than 50 percent of the price of such contract.

(d) The Contractor further agrees to insert in any subcontract hereunder which is in excess of \$1,000,000 and which contains the clauses entitled "Utilization of Small Business Concerns" and "Utilization of Concerns in Labor Surplus Areas" provisions which shall conform substantially to the language of this clause, including this paragraph (d).

[End of Clause]

**§ 1-1.710-4 Responsibility for reviewing subcontracting program.**

The adequacy of the contractor's "Small Business and Labor Surplus Area Subcontracting Program" shall be reviewed by the procuring agency concerned, and any deficiencies shall be brought to the attention of the contractor's appropriately designated liaison officer with a request for corrective action.

3. The table of contents is amended to include new Subpart 1-1.8, as follows:

**Subpart 1-1.8—Labor Surplus Area Concerns**

Sec.	
1-1.800	Scope of subpart.
1-1.801	Definitions.
1-1.801-1	Labor surplus area concern.
1-1.801-2	Labor surplus area.
1-1.801-3	Small business concern.
1-1.802	Labor surplus area policies.

Sec.	
1-1.802-1	General policy.
1-1.802-2	Specific policies.
1-1.802-3	Buy American Act.
1-1.803	[Reserved].
1-1.804	Partial set-asides for labor surplus area concerns.
1-1.804-1	General.
1-1.804-2	Notice to bidders or offerors.
1-1.804-3	Award procedures.
1-1.804-4	Withdrawal of set-asides.
1-1.804-5	Contract authority.
1-1.805	Subcontracting.
1-1.805-1	General.
1-1.805-2	Required clause.
1-1.806	Depressed industries.
1-1.806-1	General.
1-1.806-2	Apparel industry (Notification No. 53).
1-1.806-3	Petroleum and petroleum products industry (Notification No. 58).
1-1.806-4	Shipbuilding industry (Notification No. 57).
1-1.806-5	Textile industry (Notification No. 38).
1-1.807	Report on preference procurement in labor surplus areas.

AUTHORITY: §§ 1-1.800 through 1-1.807 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), Defense Manpower Policy No. 4 (Revised), 25 F.R. 5283, 32A CFR Ch. I.

4. New Subpart 1-1.8 is added as follows:

**Subpart 1-1.8—Labor Surplus Area Concerns**

**§ 1-1.800 Scope of subpart.**

This subpart sets forth policies and procedures with respect to the placement of contracts in order to aid persistent or substantial labor surplus areas in the United States, its possessions, and Puerto Rico. This subpart implements Defense Manpower Policy No. 4 (Revised), June 6, 1960 (32A CFR Ch. I; 25 F.R. 5283).

**§ 1-1.801 Definitions.**

**§ 1-1.801-1 Labor surplus area concern.**

The term "labor surplus area concern" includes persistent labor surplus area concerns and substantial labor surplus area concerns as defined below:

(a) "Persistent labor surplus area concern" means a concern which will perform, or cause to be performed, a substantial proportion of a contract in pre-persistent labor surplus areas. A concern shall be deemed to perform a substantial proportion of a contract in persistent labor surplus areas if the costs that the concern will incur on account of manufacturing or production performed in such areas (by itself or its first-tier subcontractors) amount to more than 50 percent of the contract price.

(b) "Substantial labor surplus area concern" means a concern which will perform, or cause to be performed, a substantial proportion of a contract in substantial labor surplus areas. A concern shall be deemed to perform a substantial proportion of a contract in substantial labor surplus areas if the costs that the concern will incur on account of manufacturing or production performed in substantial labor surplus areas or in substantial and persistent labor surplus areas (by itself or its first-tier subcontractors) amount to more than 50 percent of the contract price.



### § 1-1.801-2 Labor surplus area.

The term "labor surplus area" means a geographical area which is a persistent labor surplus area or a substantial labor surplus area, or both, as defined below:

(a) "Persistent labor surplus area" means an area which (1) is classified by the Department of Labor as an "Area of Substantial and Persistent Labor Surplus" (also called "Area of Substantial and Persistent Unemployment") and is listed as such by that Department in conjunction with its publication "Area Labor Market Trends," or (2) is certified as an area of substantial and persistent labor surplus by the Department of Labor pursuant to a request by a prospective contractor.

(b) "Substantial labor surplus area" means an area which (1) is classified by the Department of Labor as an "Area of Substantial Labor Surplus" (also called "Area of Substantial Unemployment") and which is listed as such by that Department in conjunction with its publication "Area Labor Market Trends," or (2) is certified as an area of substantial labor surplus by the Department of Labor pursuant to a request by a prospective contractor.

### § 1-1.801-3 Small business concern.

For definition of small business concern, see Subpart 1-1.7.

### § 1-1.802 Labor surplus area policies.

#### § 1-1.802-1 General policy.

It is the policy of the Government to aid labor surplus areas by placing contracts with labor surplus area concerns, to the extent consistent with procurement objectives and where such contracts can be awarded at prices no higher than those obtainable from other concerns, and by encouraging prime contractors to place subcontracts with concerns which will perform a substantial proportion of the production in labor surplus areas.

#### § 1-1.802-2 Specific policies.

To further the general policy, the following specific policies shall be applied:

(a) Best efforts shall be used to award negotiated contracts to labor surplus area concerns. However, in no case may price differentials be paid for the purpose of carrying out this policy.

(b) Procurements shall be set aside for award to labor surplus area concerns in accordance with § 1-1.804.

(1) Where either a partial labor surplus area set-aside or a partial small business set-aside can be appropriately made for any given procurement, the set-aside shall be made for labor surplus area concerns.

(2) In order to accommodate both labor surplus area and small business policies, labor surplus area set-aside awards shall be made in accordance with the following order of priority: (i) Persistent labor surplus area concerns which are also small business concerns; (ii) other persistent labor surplus area concerns; (iii) substantial labor surplus area concerns which are also small business concerns; (iv) other substantial labor surplus area concerns; and (v) small

business concerns which are not labor surplus area concerns.

(c) Procurement agencies shall disseminate promptly to appropriate procurement personnel available publications and other information identifying labor surplus areas and production capabilities therein.

(d) The classification and certification of labor surplus areas by the Department of Labor shall be considered conclusive with respect to the particular procurement concerned.

(e) Concerns located in labor surplus areas, which are on appropriate bidders lists, shall be given the opportunity to submit bids or proposals on all procurements for which they are qualified, except where the procurement has been set aside in its entirety for a specific class of firms, such as small business concerns. Where less than a complete bidders list is to be used, pursuant to § 1-2.205-4, all prospective contractors in labor surplus areas shall be solicited, except that only a pro rata number of prospective labor surplus area concerns need be solicited when the bidders list is composed predominantly of labor surplus area concerns and the estimated award is not expected to be more than \$25,000.

(f) Subcontracting with concerns in labor surplus areas shall be encouraged in accordance with § 1-1.805.

(g) In the event of equal low bids, preference shall be given to labor surplus area concerns in accordance with § 1-2.407-6.

(h) Depressed industries shall be assisted in accordance with § 1-1.806.

(i) Procurement agencies shall cooperate with the Departments of Labor and Commerce, the Small Business Administration, and the Office of Civil and Defense Mobilization to achieve the objectives of this subpart.

(j) Procurement placed in labor surplus areas as a result of preference procedures shall be reported in accordance with § 1-1.807.

#### § 1-1.802-3 Buy American Act.

Any preference under the "Buy American Act" due to performance in labor surplus areas (see section 3(c) of Executive Order No. 10582 of December 17, 1954, which prescribes uniform procedures for certain determinations under the Buy American Act) shall be in addition to the assistance accorded pursuant to this subpart.

#### § 1-1.803 [Reserved]

#### § 1-1.804 Partial set-asides for labor surplus area concerns.

##### § 1-1.804-1 General.

(a) In accordance with the policies set forth in § 1-1.802, a portion (total set-asides shall not be made) of each procurement which is estimated to exceed \$10,000 shall be set aside by the contracting officer for labor surplus area concerns if:

(1) The procurement is severable into two or more economic production runs or reasonable lots; and

(2) One or more labor surplus area concerns, having the technical competency and productive capacity to fur-

nish a severable portion of the procurement at a reasonable price, is expected to submit bids or offers.

(b) If deemed practicable by the contracting officer, procurements between \$2,500 and \$10,000 may be partially set aside for labor surplus area concerns.

(c) In furtherance of the policy to assure that a fair proportion of the total purchases and contracts are placed with small business concerns, each labor surplus area set-aside shall provide that, in addition to labor surplus area concerns, small business concerns not performing in such areas are also eligible for award of any set-aside quantities not awarded to labor surplus area concerns (see § 1-1.804-2).

(d) None of the following is, in itself, sufficient cause for not making a labor surplus area set-aside:

(1) A large part of previous procurements of the item in question has been placed with labor surplus area concerns;

(2) The item to be purchased is on an established planning list under the Industrial Readiness Planning Program;

(3) The item to be purchased is on a Qualified Products List;

(4) A period of less than thirty days from the date of issuance of invitations for bids or requests for proposals is prescribed for the submission of bids or proposals; or

(5) The procurement is classified.

(e) Where it is determined that a portion of a procurement is to be set aside for labor surplus areas, the procurement shall be divided into a non-set-aside portion and a set-aside portion. Insofar as practical, the set-aside portion will be such as to make the maximum use of the capacity of labor surplus area concerns. Delivery terms and other terms applicable to the set-aside portion of an item and those applicable to the non-set-aside portion of that item shall be comparable.

#### § 1-1.804-2 Notice to bidders or offerors.

(a) Invitations for bids or requests for proposals, involving set-asides pursuant to this subpart, shall contain a notice substantially as set forth in either paragraph (b) or (c) below. Where the definition of a small business concern for a given industry differs from that set forth in the prescribed notices, the notice used shall be appropriately modified to reflect such definition. The notice used shall be made a part of each contract under the set-aside portion of the procurement.

(b) *Short-form notice.*

#### NOTICE OF LABOR SURPLUS AREA SET ASIDE

(a) *General.* A portion of this procurement, as identified elsewhere in the Schedule, has been set aside for award only to one or more labor surplus area concerns, and, to a limited extent, to small business concerns which do not qualify as labor surplus area concerns. Negotiations for award of the set-aside portion will be conducted only with responsible labor surplus area concerns (and small business concerns to the extent indicated below) which have submitted responsive bids or proposals on the non-set-aside portion at a unit price no greater than 120

percent of the highest award made on the non-set-aside portion. Negotiations for the set-aside portion will be conducted with such bidders in the following order of priority:

- Group 1. Persistent labor surplus area concerns which are also small business concerns.
- Group 2. Other persistent labor surplus area concerns.
- Group 3. Substantial labor surplus area concerns which are also small business concerns.
- Group 4. Other substantial labor surplus area concerns.
- Group 5. Small business concerns which are not labor surplus area concerns.

Within each of the above groups, negotiations with such concerns will be in the order of their bids on the non-set-aside portion, beginning with the lowest responsive bid. The set-aside portion shall be awarded at the highest unit price awarded on the non-set-aside portion, adjusted to reflect transportation and other cost factors which were considered in evaluating bids on the non-set-aside portion. However, the Government reserves the right not to consider token bids or other devices designed to secure an unfair advantage over other bidders eligible for the set-aside portion.

(b) *Definitions.*

(1) The term "labor surplus area" means a geographical area which is a persistent labor surplus area or a substantial labor surplus area, or both, as defined below:

(i) "Persistent labor surplus area" means an area which (A) is classified by the Department of Labor as an "Area of Substantial and Persistent Labor Surplus" (also called "Area of Substantial and Persistent Unemployment") and is listed as such by that Department in conjunction with its publication "Area Labor Market Trends," or (B) is certified as an area of substantial and persistent labor surplus by the Department of Labor pursuant to a request by a prospective contractor.

(ii) "Substantial labor surplus area" means an area which (A) is classified by the Department of Labor as an "Area of Substantial Labor Surplus" (also called "Area of Substantial Unemployment") and which is listed as such by that Department in conjunction with its publication "Area Labor Market Trends," or (B) is certified as an area of substantial labor surplus by the Department of Labor pursuant to a request by a prospective contractor.

(2) The term "labor surplus area concern" includes persistent labor surplus area concerns and substantial labor surplus area concerns as defined below:

(i) "Persistent labor surplus area concern" means a concern that agrees to perform, or cause to be performed, a substantial proportion of a contract in persistent labor surplus areas. A concern shall be deemed to perform a substantial proportion of a contract in persistent labor surplus areas if the costs that the concern will incur on account of manufacturing or production performed in such areas (by itself or its first-tier subcontractors) amount to more than 50 percent of the contract price.

(ii) "Substantial labor surplus area concern" means a concern that agrees to perform, or cause to be performed, a substantial proportion of a contract in substantial labor surplus areas. A concern shall be deemed to perform a substantial proportion of a contract in substantial labor surplus areas if the costs that the concern will incur on account of manufacturing or production performed in substantial labor surplus areas or in substantial and persistent labor surplus areas (by itself or its first-tier subcontractors) amount to more than 50 percent of the contract price.

(3) A "small business concern" is a concern that (i) is certified as a small business concern by the Small Business Administration, or (ii) is independently owned and operated, is not dominant in its field of operation and, with its affiliates, employs either not more than 500 employees or, if the concern qualifies as a labor surplus area concern, not more than 625 employees. In addition to meeting these criteria, a manufacturer or regular dealer submitting bids or proposals in his own name must agree to furnish in the performance of the contract end items manufactured or produced in the United States, its possessions, or Puerto Rico, by small business concerns; provided that this additional requirement does not apply in connection with construction or service contracts.

(c) *Identification of Areas of Performance.* Each bidder desiring to be considered for award as a labor surplus area concern on the set-aside portion of this procurement shall identify in his bid the geographical areas in which he proposes to perform, or cause to be performed, a substantial proportion of the production of the contract. If the Department of Labor classification of any such area changes after the bidder has submitted his bid, the bidder may change the areas in which he proposes to perform, provided that he so notifies the Contracting Officer before award of the set-aside portion. Priority for negotiation will be based upon the labor surplus classification of the designated production areas as of the time of the proposed award.

(d) *Agreement.* The bidder agrees that, if awarded a contract as a persistent labor surplus area concern under the set-aside portion of this procurement, he will perform, or cause to be performed, a substantial proportion of the production in areas classified at the time of award, or at the time of performance of the contract, as persistent labor surplus areas; and that if awarded a contract as a substantial labor surplus area concern under the set-aside portion of this procurement, he will perform, or cause to be performed, a substantial proportion of the production in areas classified at the time of award, or at the time of performance of the contract, as substantial or persistent labor surplus areas.)

[End of Notice]

(c) *Long-form notice.* Where it is anticipated that bids may be received which appear designed to take unfair advantage of other bidders, by devices such as unrealistically low bids on mere token quantities, the notice set forth below may be used instead of the short-form notice in paragraph (b) above.

NOTICE OF LABOR SURPLUS AREA SET ASIDE

(a) *General.* This procurement has been divided into two parts. All concerns, whether labor surplus area concerns or not, may participate, in accordance with customary procedures, in that portion of this procurement herein called the "non-set-aside portion." The quantities of the non-set-aside portion are set forth elsewhere in this Schedule. The other portion of the Items to be procured has been set aside for participation (1) by labor surplus area concerns, and (2) to a limited extent, by small business concerns which do not qualify as labor surplus area concerns. This is called the "set-aside portion" and awards therefor are made in accordance with special procedures set forth in paragraph (c) of this notice. Definitions of labor surplus area, labor surplus area concern, and small business concern are set forth in paragraph (d) of this notice.

(b) *Non-Set-Aside Portion and Award Procedure.*

(1) A bidder which is not a labor surplus area concern or is not a small business concern shall submit a bid *only* for the non-set-aside portion of the procurement. Award thereof will be made in accordance with customary procedures.

(2) A bidder which is a labor surplus area concern or a small business concern and is interested in receiving an award for a quantity of an Item not exceeding the quantity set forth in the non-set-aside portion of this procurement, should submit a bid in the same manner as other concerns bidding only on the non-set-aside portion. If such a bidder is interested in receiving an award for a quantity of an Item in addition to the quantity set forth in the non-set-aside portion, he *must* bid the *entire* quantity of the non-set-aside portion of the Item, and indicate such additional quantity of the Item as he desires to furnish by so specifying on the Bidder's Statement of Set-Aside Quantity Desired. Thus, the Bidder's Statement of Set-Aside Quantity Desired is not to be used unless the bidder has bid the *entire* quantity of an Item under the non-set-aside portion. However, a labor surplus area concern or small business concern which receives no award, or receives an award for less than the total quantity of an Item for which it submitted a bid under the non-set-aside portion, may be eligible for an award of the quantity it bid, or the unawarded quantity thereof, under the following procedure governing the set-aside portion:

(c) *Set-Aside Portion and Award Procedure.* Award of the set-aside portion of this procurement will be made after award has been completed on the non-set-aside portion. Award will be made only to labor surplus area or small business concerns which are found to be eligible in accordance with (1) below; on the basis of priorities for award set forth in (2) below; for quantities as provided in (3) below; and at prices determined in accordance with (4) below.

(1) *Eligibility.* To be eligible for consideration for the set-aside portion of an Item, the labor surplus area concern or small business concern must have submitted a responsive bid on such Item in accordance with the requirements of (b) (2) above at a unit price no greater than 120 percent of the highest unit price for such Item awarded under the non-set-aside portion. However, see (5) below when separate quantities are offered at different prices and see (6) below when separate quantities are offered at tie-in prices.

(2) *Priorities.* Negotiations for the set-aside portion will be conducted with eligible bidders in the following order of priority:

- Group 1. Persistent labor surplus area concerns which are also small business concerns.
- Group 2. Other persistent labor surplus area concerns.
- Group 3. Substantial labor surplus area concerns which are also small business concerns.
- Group 4. Other substantial labor surplus area concerns.
- Group 5. Small business concerns which are not labor surplus area concerns.

Within each of the above groups, negotiations for each Item will be conducted with eligible concerns in the order of their bids on the non-set-aside portion, beginning with the lowest responsive bid. However, see (5) below for the method of determining the bid when separate quantities are offered at different prices and see (6) below when separate quantities are offered at tie-in prices.

(3) *Quality.* The quantity of the set-aside portion of an Item which may be awarded to an eligible concern shall be as follows:

(i) Where a concern has not specified a quantity of the Item on the Bidder's State-



ment of Set-Aside Quantity Desired, the quantity shall be no greater than the quantity of such concern's bid on the non-set-aside portion of that Item, less the quantity, if any, of that Item awarded to that concern under the non-set-aside portion.

(ii) Where a concern has specified a quantity of the Item on the Bidder's Statement of Set-Aside Quantity Desired, the quantity shall be no greater than the total of the entire non-set-aside portion of the Item and the quantity thereof specified on the Bidder's Statement of Set-Aside Quantity Desired, less the quantity, if any, of that Item awarded to that concern under the non-set-aside portion.

(4) *Price.* The set-aside portion shall be awarded at the highest unit price awarded on the non-set-aside portion, adjusted to reflect transportation and other cost factors which were considered in evaluating bids on the non-set-aside portion. However, see (6) and (7) below for the highest unit price when the highest award is made as a result of tie-in bids or all-or-none type of qualification.

(5) *Separate Quantities at Different Prices.* Where a concern has submitted a bid for separate quantities of the non-set-aside portion of an Item at different prices, without conditioning the Government's right to accept one or more such quantities upon its concurrent acceptance of another quantity of the Item, each separate quantity shall be considered as a separate bid for the purpose of determining the eligibility of the concern with respect to the 120 percent limit prescribed in (c) (1) above, and for the purpose of determining under (c) (2) above the standing of that bid in the order of negotiations for the set-aside portion of that Item.

(6) *Separate Quantities at Tie-in-Prices.* Where a concern has submitted a bid for separate quantities of the non-set-aside portion of an Item at different prices, and has conditioned the Government's right to accept any one or more of such quantities upon its concurrent acceptance of another quantity of the Item, the weighted average of the prices for such conditioned quantities shall be considered the unit price for the purpose of determining, with respect to such conditioned quantities, (i) the eligibility of the firm with respect to the 120 percent limit of (c) (1) above, (ii) the priority status of the firm under (c) (2) above, and (iii) the highest unit price for awards under (c) (4) above if the highest award on the non-set-aside portion was made on such conditioned bid.

(7) *All or None Bids.* Where a concern has submitted an "all or none" bid for more than one Item and thereby has conditioned the Government's right to award any Item upon its concurrent award of another Item, the unit prices bid for each Item on an "all or none" basis shall be considered independent unit prices for the purpose of determining the eligibility and priority status of the concern for the set-aside portion of each Item. In no event will a set-aside award be made for an Item to such bidder at a higher unit price than his "all or none" unit price bid for the Item on the non-set-aside portion.

(d) *Definitions.*

(1) The term "labor surplus area" means a geographical area which is a persistent labor surplus area or a substantial labor surplus area, or both, as defined below.

(i) "Persistent Labor Surplus Area" means an area which (A) is classified by the Department of Labor as an "Area of Substantial and Persistent Labor Surplus" (also called "Area of Substantial and Persistent Unemployment") and is listed as such by that Department in conjunction with its publication "Area Labor Market Trends," or (B) is certified as an area of substantial and persistent labor surplus by the Department of Labor pursuant to a request by a prospective contractor.

(ii) "Substantial Labor Surplus Area" means an area which (A) is classified by the Department of Labor as an "Area of Substantial Labor Surplus" (also called "Area of Substantial Unemployment") and which is listed as such by that Department in conjunction with its publication "Area Labor Market Trends," or (B) is certified as an area of substantial labor surplus by the Department of Labor pursuant to a request by a prospective contractor.

(2) The term "labor surplus area concern" includes persistent labor surplus area concerns and substantial labor surplus area concerns as defined below:

(i) "Persistent labor surplus area concern" means a concern that agrees to perform, or cause to be performed, a substantial proportion of a contract in persistent labor surplus areas. A concern shall be deemed to perform a substantial proportion of a contract in persistent labor surplus areas if the costs that the concern will incur on account of manufacturing or production performed in such areas (by itself or its first-tier subcontractors) amount to more than 50 percent of the contract price.

(iii) "Substantial labor surplus area concern" means a concern that agrees to perform, or cause to be performed, a substantial proportion of a contract in substantial labor surplus areas. A concern shall be deemed to perform a substantial proportion of a contract in substantial labor surplus areas if the costs that the concern will incur on account of manufacturing or production performed in substantial labor surplus areas or in substantial and persistent labor surplus areas (by itself or its first-tier subcontractors) amount to more than 50 percent of the contract price.

(3) A "small business concern" is a concern that (i) is certified as a small business concern by the Small Business Administration, or (ii) is independently owned and operated, is not dominant in its field of operation and, with its affiliates, employs either not more than 500 employees or, if the concern qualifies as a labor surplus area concern, not more than 625 employees. In addition to meeting these criteria, a manufacturer or regular dealer submitting bids or proposals in his own name must agree to furnish in the performance of the contract end items manufactured or produced in the United States, its possessions, or Puerto Rico, by small business concerns; provided that this additional requirement does not apply in connection with construction or services contracts.

(e) *Identification of Areas of Performance.* Each bidder desiring to be considered for award as a labor surplus area concern on the set-aside portion of this procurement shall identify in his bid the geographical areas in which he proposes to perform, or cause to be performed, a substantial proportion of the production of the contract. The bidder shall notify the contracting officer if he changes, prior to award, such proposed geographical areas for performance. Priority for negotiation will be based upon the labor surplus classification of the designated production areas as of the time of the proposed award.

(f) *Agreement.* The bidder agrees that, if awarded a contract as a persistent labor surplus area concern under the set-aside portion of this procurement, he will perform, or cause to be performed, a substantial proportion of the production in areas classified at the time of award, or at the time of performance of the contract, as persistent labor surplus areas; and that if awarded a contract as a substantial labor surplus area concern under the set-aside portion of this procurement, he will perform, or cause to be performed, a substantial proportion of the production in areas classified at the time of award, or at the time of performance of the

contract, as substantial or persistent labor surplus areas.

(g) *Token Bids.* Notwithstanding the provisions of this Notice, the Government reserves the right, in determining eligibility or priority for set-aside negotiations, not to consider token bids or other devices designed to secure an unfair advantage over other bidders eligible for the set-aside portion.

(h) *Instruction for Indicating Portion of Set-Aside Quantity Desired.* The quantity of each Item which has been set aside is set forth on the attached Bidder's Statement of Set-Aside Quantity Desired, which is to be filled in only by labor surplus area concerns and small business concerns, as provided in (b) (2) above. Furthermore, it is to be used by such a bidder when (1) he has submitted a bid for the entire non-set-aside quantity of an Item, and (2) he desires a total quantity in excess of the non-set-aside quantity thereof. Whether or not a labor surplus area concern or small business concern may participate in the set-aside portion is dependent on its eligibility in accordance with (c) above. It should be noted, however, that to be eligible for the set-aside portion the bidder need not have filled in the Bidder's Statement of Set-Aside Quantity Desired. The latter should only be filled in where the bidder desires a quantity in excess of the non-set-aside quantity.

BIDDER'S STATEMENT OF SET-ASIDE QUANTITY DESIRED

1 Item No.	2 Set-aside quantity	3 Portion of set-aside quantity desired

[Columns numbered 1 and 2 will be filled in by the issuing office. Column No. 3 will be left blank for the bidder or offeror to fill in.]

[End of Notice]

§ 1-1.804-3 Award procedures.

(a) *Awarding the non-set-aside portion.* Awards on the non-set-aside portion shall be made in accordance with normal procurement procedures.

(b) *Awarding the set-aside portion.*

(1) After all awards have been made on the non-set-aside portion, award of the set-aside portion shall be effected by negotiation with eligible concerns as provided in the applicable Notice used. To determine whether a concern is eligible for preferential consideration as a labor surplus area concern the area classification of the Department of Labor in effect at the time of the award shall be used. Contracts for the set-aside portion shall specify the preferential status of the bidder or offeror on which the award was based.

(2) If equal low bids were received on the non-set-aside portion from concerns which are eligible for the set-aside portion, the concern which is awarded the non-set-aside portion (under the equal low bid procedures of § 1-2.407-6) shall have the first priority with respect to negotiations for the set-aside portion.

(c) *Non-awarded set-aside portion.* If any part of the set-aside quantity cannot be awarded by the method described in this § 1-1.804, any unawarded portion may be procured by advertising or negotiation, as appropriate, in accordance with existing regulations. A record of the reasons for failure to award the set-aside portion to labor surplus



area concerns shall be included in the contract file.

**§ 1-1.804-4 Withdrawal of set-asides.**

If, prior to the award of a contract involving a labor surplus set-aside, the contracting officer considers that the set-aside is detrimental to the public interest, e.g., because of unreasonable prices, the contracting officer shall withdraw the set-aside and complete the procurement by advertising or negotiation, as appropriate, in accordance with existing regulations. A record of the reasons for the withdrawal of any set-aside shall be made and included in the contract file.

**§ 1-1.804-5 Contract authority.**

Contracts for set-asides made under this subpart shall cite as legal authority for negotiation section 302(c)(1) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252(c)(1)), the revised Armed Services Procurement Act of 1947 (10 U.S.C. 2304(a)(1)), or other applicable proper authority (see § 1-3.201).

**§ 1-1.805 Subcontracting.**

**§ 1-1.805-1 General.**

In furtherance of the general policy stated in § 1-1.802, executive agencies shall encourage prime contractors to place subcontracts with concerns which will perform a substantial proportion of the production in areas of persistent or substantial labor surplus, in the order of priority described in § 1-1.802, where this can be done, consistent with efficient performance of contracts, at prices no higher than are obtainable elsewhere. (See § 1-1.710, Subcontracting with Small Business Concerns and Labor Surplus Area Concerns.)

**§ 1-1.805-2 Required clause.**

Executive agencies shall insert the following clause in all contracts in amounts exceeding \$5,000, except contracts which, including all subcontracts thereunder, are to be performed outside the United States, its possessions, and Puerto Rico:

**UTILIZATION OF CONCERNS IN LABOR SURPLUS AREAS**

It is the policy of the Government to place contracts with concerns which will perform such contracts substantially in areas of persistent or substantial labor surplus where this can be done, consistent with the efficient performance of the contract, at prices no higher than are obtainable elsewhere. The Contractor agrees to use his best efforts to place his subcontracts in accordance with this policy. In complying with the foregoing and with paragraph (b) of the clause of this contract entitled "Utilization of Small Business Concerns," the Contractor in placing his subcontracts shall observe the following order of preference: (1) persistent labor surplus area concerns which are also small business concerns; (2) other persistent labor surplus area concerns; (3) substantial labor surplus area concerns which are also small business concerns; (4) other substantial labor surplus area concerns; and (5) small business concerns which are not labor surplus area concerns.

[End of Clause]

**§ 1-1.806 Depressed industries.**

**§ 1-1.806-1 General.**

When an entire industry is depressed, the Director of Civil and Defense Mobilization may, under Defense Manpower Policy No. 4, establish appropriate measures on an industry-wide, rather than on an area, basis. Designations of such industries are made by Office of Civil and Defense Mobilization Notifications, and such industries will be given special treatment as specified therein. Sections 1-1.806-2 through 1-1.806-5 reflect pertinent requirements of such Notifications with respect to the industries indicated. No price differentials will be paid to carry out policies of these Notifications. Executive agencies shall report on procurement from these industries in accordance with § 1-1.807.

**§ 1-1.806-2 Apparel industry (Notification No. 53).**

(a) Notification No. 53, concerning the apparel industry, was issued July 19, 1952 (17 F.R. 6675). As used in this section, the term "apparel industry" means all of the industry identified in the "Standard Industrial Classification Manual," 1957 edition, issued by the Bureau of the Budget, under Major Group 23, except Group No. 239.

(b) There shall be no labor surplus area set-asides in this industry. Where feasible, under the same invitation, bids should be requested for jackets or coats and trousers as separate items so that bidders may bid in combinations of units, and if requirements warrant, at least an equal quantity of trousers should be included.

**§ 1-1.806-3 Petroleum and petroleum products industry (Notification No. 58).**

Notification No. 58, concerning placement of procurement contracts with the petroleum and petroleum products industry, was issued October 10, 1952 (17 F.R. 9053), and exempts the petroleum and petroleum products industry from the application of Defense Manpower Policy No. 4. Accordingly, there shall be no labor surplus area set-asides in this industry.

**§ 1-1.806-4 Shipbuilding industry (Notification No. 57).**

(a) Notification No. 57, concerning placement of procurement contracts with the shipbuilding industry, was issued August 28, 1952 (17 F.R. 7868) in the interest of preserving the skills and maintaining the productive facilities of the shipbuilding industry. As used in this paragraph, the "shipbuilding industry" includes establishments primarily engaged in building all types of ships, barges, canal boats and lighters of five gross tons and over, whether propelled by sail or motor power or towed by other craft. Establishments primarily engaged in fabricating structural assemblies or components for ships, or subcontractors engaged in ship painting, joinery, carpentry work, electrical wiring installation, etc., are not included.

(b) There shall be no labor surplus area set-asides in this industry. In placing shipbuilding contracts, preference shall be given, where practicable, to contractors which can perform the contracts without substantial use of overtime labor and without constructing new facilities. Also, to spread work among a larger number of private yards, bids or proposals shall be invited, and contracts awarded, on a small-lot basis rather than on a large-lot basis, to the extent practicable.

**§ 1-1.806-5 Textile industry (Notification No. 38).**

(a) Notification No. 38, concerning placement of procurement contracts with the textile industry, was issued June 4, 1952 (17 F.R. 4993). As used in this section, the term "textile industry" means all of the industry identified in the "Standard Industrial Classification Manual" under Major Group 22 (Textile Mill Products) and Industry Nos. 2391 and 2392 (curtains and draperies, and house-furnishings), except that it does not include industry No. 2298 (cordage and twine).

(b) No preference shall be given to any area or city in placing contracts in this industry. For the purpose of maintaining the effective functioning of the textile industry as a whole, procuring activities shall try to place contracts with manufacturers whose weaving operations (in the case of weaving or integrated mills) or whose spinning operations (in the case of spinning mills) during the period of performance of such contracts will not exceed 80 hours per week (not including other supporting activities).

(c) In all procurements from the textile industry which are estimated to exceed \$10,000, partial set-asides, exclusively for textile industry concerns whose "weaving" or "spinning" operations (as described in paragraph (b) above) will not exceed 80 hours per week, shall be made substantially in accordance with the procedures set forth in § 1-1.804, except that all "textile industry concerns whose weaving or spinning operations will not exceed 80 hours per week" will be treated as "labor surplus area concerns." The notice set forth in § 1-1.804-2 shall be designated "NOTICE OF 80-HOUR WEEK SET-ASIDE" and appropriately modified for use in accordance with this paragraph.

**§ 1-1.807 Report on preference procurement in labor surplus areas.**

(a) *Agencies required to report.* Each agency which places contracts to be performed in surplus labor areas under this Subpart 1-1.8 and § 1-2.407-6 shall report such procurement in accordance with this section. When procurement is performed by one agency for, and at the request of, another agency, the agency doing the procurement shall report.

(b) *Frequency and due date.* Reports shall be prepared quarterly and submitted, in triplicate, to the General Services Administration, Office of Administration, Systems and Procedures Division, General Services Building,

Washington 25, D.C., within 45 workdays after the close of each calendar quarter.

(c) *Preparation of report.*

(1) *Procurement to be reported.* Reports shall state the total dollar amount of procurement awards placed in labor surplus areas as a result of preference procedures under this Subpart 1-1.8 and § 1-2.407-6. Amendments and modifications shall be included to reflect the total value of such actions. Agencies entering into indefinite quantity contracts to be performed in labor surplus areas as a result of preference procedures shall estimate, in accordance with agency procedures, the total dollar amount of orders which will be placed thereunder and include such data in the report.

(2) *Report format.* No standard report form is prescribed. However, the data reported should be arranged in columns as follows:

Column 1: An alphabetical listing of the States (include for this purpose Puerto Rico and possessions) containing persistent or substantial labor surplus areas in which contracts awarded during the report period as the result of set-aside, tie-bid, or other preference procedure will be performed.

Column 2: An alphabetical listing, within each State, of persistent or substantial labor surplus areas in which such contracts will be performed. Underline the names of persistent labor surplus areas.

Column 3: For each area, the total dollar amount of such contract awards.

Total: Enter subtotal of all figures for persistent labor surplus areas and a grand total of Column 3.

(3) *Procurement from textile industry (Notification No. 38).* In addition to the requirements of subparagraph (2) above, any preference awards placed with the textile industry during the report period under the provisions of § 1-1.806-5, shall be reported as an addendum, and include the following information:

(i) Dollar amount of such awards placed with concerns which will perform in persistent or substantial labor surplus areas.

(ii) Dollar amount of such awards placed with concerns which will not perform in persistent or substantial labor surplus areas.

## PART 1-2—PROCUREMENT BY FORMAL ADVERTISING

### Subpart 1-2.2—Solicitation of Bids

1. Section 1-2.206 is revised as follows:

§ 1-2.206 Small business and labor surplus area set-asides.

See Subparts 1-1.7 and 1-1.8.

### Subpart 1-2.4—Opening of Bids and Award of Contracts

2. Section 1-2.407-6 is revised as follows:

§ 1-2.407-6 Equal low bids.

(a) In furtherance of the small business and labor surplus area policies set forth in Subparts 1-1.7 and 1-1.8, award shall be made in accordance with the following order of priority when two or more low bids are equal in all respects (taking into consideration cost of trans-

portation, cash discounts, and any other factors properly to be considered):

(1) Persistent labor surplus area concerns (as defined in section 1-1.801-1 (a)) that are also small business concerns (as defined in Subpart 1-1.7).

(2) Other persistent labor surplus area concerns.

(3) Substantial labor surplus area concerns (as defined in section 1-1.801-1 (b)) that are also small business concerns.

(4) Other substantial labor surplus area concerns.

(5) Small business concerns which do not qualify for any of the foregoing priorities but which will deliver the required end items to the Government from a plant, warehouse, or other establishment in a persistent labor surplus area at which the end items are either produced or available from stocks on hand.

(6) Other concerns which do not qualify for any of the foregoing priorities but which will deliver the required end items to the Government from a plant, warehouse, or other establishment in a persistent labor surplus area at which the end items are either produced or available from stocks on hand.

(7) Small business concerns which do not qualify for any of the foregoing priorities but which will deliver the required end items to the Government from a plant, warehouse, or other establishment in a substantial labor surplus area at which the end items are either produced or available from stocks on hand.

(8) Other concerns which do not qualify for any of the foregoing priorities but which will deliver the required end items to the Government from a plant, warehouse, or other establishment in a substantial labor surplus area at which the end items are either produced or available from stocks on hand.

(9) Other small business concerns.

(10) Any other concern.

(b) If the application of paragraph (a) above results in two or more bidders being eligible for award, the award shall be made by a drawing by lot limited to such bidders. If time permits, the bidders involved shall be given an opportunity to be present at the drawing by lot. Such drawing shall be witnessed by at least three persons and the contract file shall contain the names and addresses of those witnesses.

(c) In each award where preference is to be given under this section, the contracting officer shall, prior to award, obtain from such concern a written statement that it will perform, or cause to be performed, the contract in accordance with the circumstances justifying the priority.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

## PART 1-3—PROCUREMENT BY NEGOTIATION

### Subpart 1-3.2—Circumstances Permitting Negotiation

Section 1-3.201 is revised as follows:

§ 1-3.201 National emergency.

(a) *Authority.* Section 302(c) (1) of the Act (41 U.S.C. 252(c) (1)) provides

that purchases and contracts may be negotiated if "determined to be necessary in the public interest during the period of a national emergency declared by the President or by the Congress." At present, a state of national emergency exists by reason of Presidential Proclamation No. 2914 of December 16, 1950 (3 CFR).

(b) *Determination.* The Administrator of General Services has determined, pursuant to this section of the Act, that it is necessary in the public interest during this period of national emergency that contracts be negotiated by executive agencies to assist labor surplus areas and small business concerns as provided in paragraph (c) below.

(c) *Application.*

(1) The authority of this section of the Act shall be used, in accordance with the foregoing determination, to negotiate contracts in furtherance of the policies for assistance to labor surplus areas as are stated in the Office of Civil and Defense Mobilization Defense Manpower Policy No. 4 (Revised), June 6, 1960 (25 F.R. 5283). (See Subpart 1-1.8.)

(2) The authority of this section of the Act shall also be used, in accordance with the foregoing determination, to negotiate unilateral set-aside contracts with small business concerns, where small business joint set-aside determinations pursuant to Subpart 1-1.7 are not feasible, when it is determined by the contracting officer to be in the interest of (i) maintaining or mobilizing the Nation's full productive capacity, (ii) war or national defense programs, or (iii) assuring that a fair proportion of the total purchases and contracts for property and services for the Government are placed with small business concerns.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

## PART 1-7—CONTRACT CLAUSES

### Subpart 1-7.1—Fixed-Price Supply Contracts

1. Section 1-7.101-21 is revised as follows:

§ 1-7.101-21 Utilization of small business concerns.

Insert the clause set forth in section 1-1.710-3(a) under the conditions and in the manner prescribed in section 1-1.710-2.

2. The table of contents is amended to add the following:

Sec. 1-7.101-25 Utilization of concerns in labor surplus areas.

1-7.101-26 Small business and labor surplus area subcontracting program.

3. New § 1-7.101-25 is added as follows:

§ 1-7.101-25 Utilization of concerns in labor surplus areas.

Insert the clause set forth in section 1-1.805-2 under the conditions and in the manner prescribed in that section.

4. New § 1-7.101-26 is added as follows:



§ 1-7.101-26 Small business and labor surplus area subcontracting program.

Insert the clause set forth in section 1-1.710-3(b) under the conditions and in the manner prescribed in section 1-1.710-2.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

**Effective date.** These regulations are effective September 1, 1961, but may be observed earlier.

Dated: July 21, 1961.

JOHN L. MOORE,  
Administrator of General Services.

[F.R. Doc. 61-7061; Filed July 26, 1961; 8:51 a.m.]

## Title 43—PUBLIC LANDS: INTERIOR

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

#### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2446]

[82695]

#### WYOMING

### Revoking Executive Orders Pertaining to Fort D. A. Russell Target and Maneuver Reservation

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. The Executive order of November 4, 1879, reserving the following-described lands as a wood and timber reservation for use of the military posts of Forts Sanders and D. A. Russell and for Cheyenne Depot, is hereby revoked:

#### SIXTH PRINCIPAL MERIDIAN

T. 15 N., R. 71 W.,  
Secs. 20 and 30.

Containing 1280 acres.

2. The Executive order of February 25, 1880, adding the following-described lands to the reserve described in paragraph 1 hereof, is hereby revoked.

T. 15 N., R. 71 W.,  
Secs. 28 and 32.

Containing 1280 acres.

3. The Executive order of October 9, 1903, as modified by Executive Order No. 1192 of April 19, 1910, transferring to the War Department as a military reservation, the following-described lands which had been set aside by Proclamation of October 10, 1900, as the Crow Creek Forest Reserve, is hereby revoked:

T. 14 N., R. 71 W.,  
Secs. 1 to 30.

T. 15 N., R. 71 W.,  
Secs. 1 to 36.

T. 14 N., R. 72 W.,  
Secs. 1, 2, 11, and 12.

T. 15 N., R. 72 W.,  
Secs. 1, 2, and 3;

Secs. 10 to 15 incl.;

Secs. 22 to 27, incl.;

Secs. 34, 35, and 36.

Aggregating approximately 46,000 acres.

4. Proclamation No. 1259 of December 20, 1913, reserving the following-described lands for protection of the water supply of Fort D. A. Russell, is hereby revoked:

T. 13 N., R. 70 W.,

Sec. 2, N $\frac{1}{2}$ ;

Sec. 4, NW $\frac{1}{4}$ ;

Sec. 6, lot 4 and S $\frac{1}{2}$ ;

Sec. 8, N $\frac{1}{2}$ .

T. 14 N., R. 70 W.,

Sec. 2, E $\frac{1}{2}$ E $\frac{1}{2}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , and SW $\frac{1}{4}$ ;

Sec. 4, S $\frac{1}{2}$ ;

Sec. 6, N $\frac{1}{2}$ SE $\frac{1}{4}$ , lots 1, 2, 3, 4, 6, and 7;

Sec. 8, E $\frac{1}{2}$ E $\frac{1}{2}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ ;

Sec. 10, N $\frac{1}{2}$ N $\frac{1}{2}$  and S $\frac{1}{2}$ S $\frac{1}{2}$ ;

Sec. 12, NW $\frac{1}{4}$ ;

Sec. 14, W $\frac{1}{2}$ SW $\frac{1}{4}$  and SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;

Sec. 18, lot 1;

Sec. 22, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ , and SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;

Sec. 24, SW $\frac{1}{4}$ ;

Sec. 26, SE $\frac{1}{4}$ NE $\frac{1}{4}$  and W $\frac{1}{2}$ NW $\frac{1}{4}$ ;

Sec. 28, N $\frac{1}{2}$ N $\frac{1}{2}$ ;

Sec. 30, NW $\frac{1}{4}$ SE $\frac{1}{4}$ .

T. 15 N., R. 70 W.,

Sec. 20, N $\frac{1}{2}$ S $\frac{1}{2}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ , and SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;

Sec. 22, S $\frac{1}{2}$ SW $\frac{1}{4}$  and SE $\frac{1}{4}$ ;

Sec. 28, N $\frac{1}{2}$  and SW $\frac{1}{4}$ ;

Sec. 30, lot 1, NE $\frac{1}{4}$ NW $\frac{1}{4}$ , and SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;

Sec. 32, S $\frac{1}{2}$ N $\frac{1}{2}$  and S $\frac{1}{2}$ ;

Sec. 34, NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , and E $\frac{1}{2}$ SE $\frac{1}{4}$ ;

T. 13 N., R. 71 W.,

Sec. 2, S $\frac{1}{2}$ N $\frac{1}{2}$ .

T. 14 N., R. 71 W.,

Sec. 32, S $\frac{1}{2}$ N $\frac{1}{2}$ .

5. Executive Orders Nos. 2257 of October 14, 1915, No. 2291 of December 27, 1915, No. 2497 of December 7, 1916, No. 2523 of January 30, 1917, and No. 3040 of February 25, 1919, reserving the following-described lands for protection of the water supply of Fort D. A. Russell and the City of Cheyenne, are hereby revoked:

T. 14 N., R. 70 W.,

Sec. 10, N $\frac{1}{2}$ S $\frac{1}{2}$ ;

Sec. 26, (N $\frac{1}{2}$ S $\frac{1}{2}$ );

Sec. 28, S $\frac{1}{2}$ N $\frac{1}{2}$  and SW $\frac{1}{4}$ .

T. 15 N., R. 70 W.,

Sec. 26, NW $\frac{1}{4}$  and E $\frac{1}{2}$ ;

Sec. 32, N $\frac{1}{2}$ N $\frac{1}{2}$ .

6. Executive Order No. 5592 of April 3, 1931, transferring the following-described lands from the jurisdiction of the Secretary of the Interior to the Secretary of War, is hereby revoked; and the lands transferred to the control and administration of the Secretary of the Interior:

T. 13 N., R. 70 W.,

Sec. 2, (N $\frac{1}{2}$ );

Sec. 4, (NW $\frac{1}{4}$ );

Sec. 6, lot 4 and S $\frac{1}{2}$ ;

Sec. 8, N $\frac{1}{2}$ .

T. 14 N., R. 70 W.,

Sec. 2, E $\frac{1}{2}$ E $\frac{1}{2}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , and SW $\frac{1}{4}$ ;

Sec. 4, S $\frac{1}{2}$ ;

Sec. 6, lots 1, 2, 3, 4, 6, 7, and N $\frac{1}{2}$ SE $\frac{1}{4}$ ;

Sec. 8, N $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ S $\frac{1}{2}$ , and N $\frac{1}{2}$ SW $\frac{1}{4}$ ;

Sec. 10, N $\frac{1}{2}$ N $\frac{1}{2}$  and S $\frac{1}{2}$ ;

Sec. 12, NW $\frac{1}{4}$ ;

Sec. 14, W $\frac{1}{2}$ SW $\frac{1}{4}$  and SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;

Sec. 18, lot 1;

Sec. 22, (NE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ , and SE $\frac{1}{4}$ SW $\frac{1}{4}$ );

Sec. 24, SW $\frac{1}{4}$ ;

Sec. 26, (N $\frac{1}{2}$ S $\frac{1}{2}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , and W $\frac{1}{2}$ NW $\frac{1}{4}$ );

Sec. 28, N $\frac{1}{2}$  and SW $\frac{1}{4}$ ;

Sec. 30, NW $\frac{1}{4}$ SE $\frac{1}{4}$ .

T. 15 N., R. 70 W.,

Sec. 20, N $\frac{1}{2}$ S $\frac{1}{2}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ , and SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;

Sec. 22, SE $\frac{1}{4}$ , and S $\frac{1}{2}$ SW $\frac{1}{4}$ ;

Sec. 26, (NW $\frac{1}{4}$  and E $\frac{1}{2}$ );

Sec. 28, N $\frac{1}{2}$  and SW $\frac{1}{4}$ ;

Sec. 30, lot 1, NE $\frac{1}{4}$ NW $\frac{1}{4}$  and (SE $\frac{1}{4}$ SW $\frac{1}{4}$ );

Sec. 32;

Sec. 34, NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , and E $\frac{1}{2}$ SE $\frac{1}{4}$ .

T. 13 N., R. 71 W.,

Sec. 2, S $\frac{1}{2}$ N $\frac{1}{2}$ .

T. 14 N., R. 71 W.,

Sec. 32, S $\frac{1}{2}$ N $\frac{1}{2}$ ;

Sec. 34.

7. Executive Order No. 4245 of June 5, 1925, as amended by Public Land Order No. 1897 of July 10, 1959, establishing the Pole Mountain District of the Medicine Bow National Forest is hereby amended by deleting the last three paragraphs thereof pertaining to use of the lands by the War Department, and by adding thereto the following paragraph, "All lands of the United States in the Pole Mountain District of the Medicine Bow National Forest shall remain national forest lands and hereafter shall be subject to the laws, rules and regulations of the national forest of which they are a part."

8. Much of the land has been patented and a considerable area is a part of the Pole Mountain District of the Medicine Bow National Forest. The public lands affected by this order are those described in Paragraphs 5 and 6 hereof, except those included in brackets, which have been patented, and total 7,641.85 acres.

9. The public lands released from withdrawal by this order are hereby restored to the operation of the public land laws, subject to any existing valid rights, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals, provided, that until 10:00 a.m. on January 19, 1962, the State of Wyoming shall have a preferred right to apply to select the lands in accordance with Subsection (c) of Section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852). The national forest lands, however, shall be open only to such forms of disposition as may by law be made of national forest lands beginning 10:00 a.m. on August 25, 1961.

10. The public lands released from withdrawal by this order other than national forest lands, shall be open to location under the mining laws and to applications and offers under the mineral leasing laws beginning 10:00 a.m. on January 19, 1961, subject to applicable law and regulations in 43 CFR.

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

JULY 20, 1961.

[F.R. Doc. 61-7053; Filed, July 26, 1961; 8:50 a.m.]



# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Ch. IX]

[AO-330]

### ONIONS GROWN IN WESTERN OREGON

#### Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Marketing Agreement and Order

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 this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and order regulating the handling of onions grown in designated counties of Western Oregon, to be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674) hereinafter called the "act."

Interested persons may file exceptions to this recommended decision with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., not later than the close of business on the 15th day after its publication in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

**Preliminary statement.** The public hearing, on the record of which the proposed marketing agreement and order (hereinafter referred to collectively as the "proposed order") were formulated, was held at Brooks, Oregon, on May 17-18, 1961, pursuant to notice thereof which was published April 19, 1961 in the FEDERAL REGISTER (26 F.R. 3311). Such notice set forth the proposed marketing agreement and order sponsored by producers and handlers of onions in Western Oregon, as represented by the Western Oregon Onion Growers Association.

**Material issues.** The material issues presented on the record of the hearing are as follows:

- (1) The existence of the right to exercise Federal jurisdiction;
- (2) The need for the proposed regulatory program to effectuate the declared purposes of the act;
- (3) The definition of the commodity and determination of the production area to be covered by the proposed order;
- (4) The identity of the persons and transactions to be regulated; and
- (5) The specific terms and provisions of the proposed order including:

(a) Definitions of terms used therein which are necessary and incidental to attain the declared objectives of the act, and including all those set forth in the notice of hearing, among which are those applicable to the following additional terms and provisions:

(b) The establishment, maintenance, composition, powers, duties, and operation of a committee which shall be the administrative agency for assisting the Secretary in the administration of the program;

(c) The authority to incur expenses and to levy assessments on onions handled;

(d) The authority for the establishment of onion marketing research and development projects;

(e) The authority for limiting the handling of onions grown in the production area;

(f) The methods for establishing minimum standards of quality and maturity;

(g) The authority for establishing special regulations applicable to the handling of onions for specified purposes or to specified outlets including modifications of, or amendments to, grade, size, quality, and other regulations;

(h) The necessity for inspection and certification of shipments;

(i) The relaxation of regulations in hardship cases and the methods and procedures applicable thereto;

(j) The procedure for establishing reporting requirements for handlers;

(k) The requirement of compliance with all provisions of the proposed order and with regulations issued pursuant thereto; and

(l) Additional terms and conditions as set forth in sections 82 through 95 of the notice of hearing published in the FEDERAL REGISTER (26 F.R. 3311) April 19, 1961, which are common to marketing agreements and marketing orders.

**Findings and conclusions.** The findings and conclusions on the aforementioned material issues are as follows:

(1) The Western Oregon production area, as that term is defined in the proposed order and as hereinafter used, is an important commercial producer of late summer crop onions. It includes the sections commonly referred to as Brooks-Labish, Gaston and Sherwood in the Willamette Valley of Oregon.

The major portion of the onions grown in this production area enter fresh market channels with the bulk of such movement going to destinations outside the production area in interstate and foreign commerce. It was testified that Western Oregon onions are marketed in many states of the Union. They are also exported to several countries, including Canada, Cuba, Central American countries, and the Netherlands. However, major markets for Western Oregon onions are the large terminal markets on the West Coast such as Los

Angeles, San Francisco, San Diego, Portland, and Seattle, also the Hawaiian Islands and Canada, with many shipments going to such midwestern cities as Chicago, Kansas City, and Milwaukee.

Exhibit No. 7 contains a table giving rail unloads of onions in 100 U.S. and 5 Canadian cities during 1959. This table shows carlot unloads of Oregon onions, including onions grown in Western Oregon, in 89 of the 100 U.S. cities and in all 5 of the Canadian cities listed. The largest number of rail unloads in the order of volume were made in Los Angeles, New York, Philadelphia, and Chicago. Also, exhibit 7's table of truck unloads in 1959 shows the largest number of truck unloads of Oregon onions were made in San Francisco, Los Angeles, Portland, and Vancouver, British Columbia.

The chief competition to Western Oregon produced onions is from onions grown in Washington, California, and the Idaho-Eastern Oregon production areas. Additional competition is felt from onions produced in Utah, Colorado, and in other late summer producing areas. Onions from the production area as well as from these competing areas are marketed during the same period in the same markets. As a consequence of excessive supplies of onions generally, prices received for Western Oregon onions, as well as for other onions, tend to be depressed. Thus, Western Oregon onions directly burden and affect the supply of onions in interstate and foreign commerce and in turn onions produced in other states directly burden and affect the supply of onions in all markets including markets in Oregon.

Local markets within the production area receive substantial quantities of onions produced in Western Oregon as well as from competing areas such as Idaho, Washington, and California. For example, buyers of onions located in Portland, Oregon, including a chain store repacking plant, receive supplies of onions from the production area as well as from competing areas. These onions are sold and distributed to stores within the production area, the State of Oregon, and other states. Thus production area onions compete directly in intrastate as well as in interstate and foreign commerce with onions produced in other states. They burden the supply of onions in these markets and in turn are burdened by supplies from other states. Market prices, including shipping point prices, for Western Oregon onions are affected by supplies from competing states and in turn prices in competing states are affected by supplies from Western Oregon.

Handlers of Western Oregon onions maintain close communication with receiving markets both within the production area and outside the production area. Both shipping point sellers and terminal receivers exchange information as to supplies and prices. Prices at

shipping points in the production area and at terminals outside the production area tend to move together around average price levels each day. Factors affecting supplies at shipping points are soon known and reflected in prices both at shipping points and receiving markets. Also, shifts in supplies at terminal markets, either in quantity or quality on hand, affect prices at terminals and, due to rapid, constant communication, such changes in supplies and prices are soon reflected in the offerings and bids between these buyers and sellers, and the resultant sales prices are reflected in prices to growers in the production area.

On the basis of the foregoing, it is hereby found and determined that all handling of onions grown in the production area, whether for distribution outside the production area or within the production area, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce. The right to exercise Federal jurisdiction with respect to the proposed order for Western Oregon onions hereinafter set forth is therefore established.

(2) The need for the proposed marketing order for Western Oregon onions is supported by substantial evidence in the record of hearing.

The Western Oregon onion producing and marketing industry is an important factor in the economy of the Willamette Valley of Oregon, and particularly of that of the several communities in its producing districts. It also makes an important contribution to the economy of the State and the area as a whole.

About 1,800 acres of peat soil in this area are planted to onions each year. In addition, there is a small acreage of onions planted on mineral soil. The number of onion growers in the area ranges from 133 to 148, with the same farmers, as a rule, growing onions each year. From 80 to 90 percent of the producers receive the major portion of their income from onions including a large number who depend entirely on onions for their income. A large percentage of the land is rented or on shares. Land rental costs range from \$100 to \$150 per acre per year. The typical grower farms about 20 acres of onions a year deriving 75 to 90 percent of his income from onion production. Other crops grown in the area to a minor extent include strawberries, grain, and filberts.

Western Oregon's production in 1960 totaled approximately 1.3 million 50-pound sacks, compared to 1.7 million sacks in 1959 and a ten-year 1949-58 average of approximately 1.3 million 50-pound sacks.

Harvesting generally starts in August, with approximately 200 carloads, or about ten percent of the crop, moved to market at harvest time. Most of the onions are held in common storage until they are sold during the fall and winter. Common storage holdings are generally moved out by the middle of March. About 400 to 500 carloads, 20 to 25 percent of the crop, are placed in cold storage with movement out of cold storage generally completed early in May.

Prices of Western Oregon onions have varied widely from year to year with most crops returning less than the parity equivalent to producers. During the 10-year 1951-60 period, as shown in Exhibit 9, the gross returns to producers ranged from a low of \$787,000 in 1959 to a high of \$3,444,000 in 1952, and averaged \$1,606,300. During this period the season average price to producers ranged from a low of \$0.90 per hundredweight in 1959 to a high of \$4.10 per hundredweight in 1952. Such prices returned less than parity equivalent in six years out of the ten, parity in one year, and more than parity equivalent in three years out of the ten. The 1960 crop returns to producers averaged 43 percent of parity equivalent and the 1959 crop price averaged only 34 percent of the parity equivalent.

Western Oregon onion producers, as represented by the proponent witnesses at the hearing, outlined their marketing problems together with proposals for solving them through marketing order regulations as follows.

The predominant onion variety produced in this area is the "Oregon Danver" which is peculiar to this particular area and no other. This onion variety is a locally selected and inbred strain of the Yellow Globe Danver which has been produced locally for several decades. It is a good keeping onion, classified by the trade as a hard onion and it stores extremely well compared to other varieties. Since the Oregon Danver is a separate and distinct variety peculiar to this area and for which a special demand has been established over the years, anything that can be done by the local industry to improve its reputation in the market by way of improving the quality, size, and appearance of the pack marketed, as well as restricting the marketing of certain sizes when they are in surplus, should be beneficial to the local producers regardless of what other areas may do with other varieties.

The most serious marketing problem in this area is that of undersize. The Oregon Danver variety does not tend to grow to large sizes. A typical breakdown by sizes includes the following: Cannery Boiler—1½ inches or less in diameter, 2-3 percent of the crop; Boiler—1½ inches to 2 inches in diameter, 13-15 percent; Medium—2 inches to 3 inches in diameter, 70-75 percent; and Jumbo—over 3 inches in diameter, 8-10 percent of the crop.

The bulk of onions marketed are sold as "medium" size. Onions of one inch to one and a half inches in diameter are mostly canned. However, "boilers", onions of 1½ inches to 2 inches in diameter, are normally sold in fresh market channels for which the demand is limited at a price that will return anything to the grower. Usually the supply of "boilers" exceeds such limited demand. When this condition exists growers receive little or nothing for their "boilers" and these small onions compete with, and depress the price of "medium" size onions. It is especially important, therefore, that these small onions be kept off the domestic fresh

market in years when the possibility of any net profit is remote.

During the past two years voluntary attempts were made to remove these small onions from the market so as not to depress the price of medium size onions, however, these efforts were not very successful. As these small size onions substitute for and replace medium size onions, the price of medium size onions could be strengthened by limiting the shipment of boilers to certain non-competitive outlets, such as for export under safeguards, during periods of surplus supplies.

In seasons of bad weather conditions the onions are often stained by rain and sometimes they are affected by neck rot. These conditions tend to lower the quality and the appearance of the onions which in turn lowers the price received by the producers of such onions. By limiting the grade and quality of the onions permitted to be marketed under marketing order regulations, the quality of the onions marketed can be held to high standards and thereby maintain the production area's good reputation in the market. This in turn would mean better acceptance in the market and hence better prices to producers.

Another price depressing factor which is considered to be a serious marketing problem in this production area is the practice by some handlers and producer-handlers of packaging onions in used bags. Used bags are generally associated with poor quality. Onions packaged in used bags, whether they be used burlap potato bags or used mesh bags, do not present a good pack appearance and sell for a lower price than onions packed in new bags. The price discount for onions sold in used bags is generally more than the difference in price between the new and used bags. This in turn has a tendency to force the price of the better quality onions marketed in new bags down toward the price level of onions packed in used bags since market price reports do not generally specify "used bags" in reporting prices. More serious, however, is the fact that one handler will undercut the price of his competitor by packing in used bags. These practices tend to weaken and undermine a steady market and start a cycle of price declines. They also harm the reputation of production area onions. Witnesses testified that in some cases used bags might be permitted for shipments to export markets or to repackers with proper safeguards. However, if proper restrictions or pack regulations were made effective to limit the use of used bags to those outlets which would not seriously endanger the price structure for onions marketed in normal fresh market channels, one of the area's most serious marketing problems could be corrected.

For several years this area has had compulsory inspection. In this respect the change to a marketing order with compulsory inspection requirements would not be so drastic as in areas which have no compulsory inspection. However, there is an exemption of up to one ton which may presently be marketed at any time without inspection.



Testimony indicates that some No. 2's and other poor quality onions are handled by peddlers and by grower-handlers who transport onions to nearby markets, generally in used bags, which practice has also been detrimental to the reputation of the area's onions. It was indicated that most such handling of poor quality onions is permitted under the exemption from inspection of any shipment under one ton. Under a marketing order, if it is found that the one ton exemption is too big a loophole and damaging to the market price and the reputation of the area's onions, a tighter restriction could be issued. This could reduce the exemption to a smaller quantity and thus protect the normal market channels from poor quality, price depressing competition.

Onions are a commodity for which the demand is very stable, that is, inelastic. Excessive supplies cause sharp declines in price, and the reverse is also true. A decrease in supply will result in a more than proportionate increase in price. By having authority in the proposed order to regulate shipments of onions by grades, sizes and qualities, it will be possible to remove the lower grades, the small discounted sizes, and to permit the marketing of only the better quality and sizes, thereby establishing a reputation in the trade for consistently good quality onions. The withholding of poor grades and qualities, and small sizes of onions from markets also reduces the available supply of such onions. By reducing the quantity marketed, as well as by eliminating the discounted qualities and sizes, producers' prices for onions marketed should thereby be improved.

Finally, it was testified that it is impossible to know what problems lay ahead, as each season is often different from the one before. By having a committee of producers and handlers representing the production area, the members can meet together and work out solutions to these problems to the mutual benefit of onion producers and handlers. Also, if other onion producing areas should later adopt marketing order programs, as have two producing areas to date, this area's committee can meet and cooperate with other areas' committees to help solve their more serious problems.

(3) Certain terms and provisions of the proposed order should be defined and explained for the purpose of designating specifically their applicability and limitations whenever they are used.

The term "onions" is defined to specify the commodity covered by the proposed order and with respect to which the terms and provisions of the proposed order are applicable. The agricultural commodity, botanically known as "*Allium cepa*," is commonly known to producers and handlers in the production area as "onions." Such term is defined to include all varieties of onions which are grown within the production area, but it does not include onion sets, green onions, and pickling onions as these do not compete with the commodity covered and are easily distinguishable from it by producers and handlers.

"Production area" is defined to include all the territory in the Counties of Mult-

nomah, Clackamas, Marion, Linn, Lane, Benton, Lincoln, Polk, Yamhill, Tillamook, Clatsop, Columbia, and Washington in the State of Oregon.

Commercial production of onions is concentrated in three sections of this production area but some onions are grown or potentially may be grown, in each of the counties listed. It is a logical geographical area comprising the north-western portion of the State. This is a contiguous area in which the same varieties of onions are grown under similar conditions. Also, onions marketed from this area share in, and compete in, common markets during the same season. The boundary lines of this production area do not cut through any commercial onion producing section.

Two other onion producing sections are in the State of Oregon but they are not included in the proposed definition. One is Malheur County in Eastern Oregon where a different type of onion is produced and which is already included under a separate Federal marketing order. The other is in Southern Oregon, a considerable distance from this area and where a different type of onion is also produced. All territory included within the boundaries of the production area, as defined, constitutes the smallest regional production area which is practical and consistent with the policy of the act. Accordingly, the production area should be defined as including all 13 counties as hereinafter set forth in the proposed order.

(4) The terms "handler" and "shipper" are synonymous and they should be defined to identify the persons who handle onions in the manner described and set forth in the definition of "handle." The persons who are subject to the regulations and upon whom rest the obligations of complying with regulations authorized by the proposed order are identified and established under the definition of handler. Any person who is engaged in the act or acts of handling onions grown in the production area, or who causes such onions to be handled, is a handler. Such persons are responsible for the grade, size, and quality of the onions delivered to transportation agencies, or which are transported or sold in the current of commerce so as to directly burden, obstruct, or affect such commerce. The responsibility for handling often involves more than one person. Persons who make sales of onions are handlers. Also, any person who transports onions in the current of commerce within the production area or between the production area and any point outside thereof is a handler. Each party is subject to the definition of handler and is responsible for complying with regulations issued under the proposed order.

A common or contract carrier transporting onions which are owned by another person is performing a handling function. Such handling, however, should be exempted from the proposed order since such carriers are not responsible for the grade, size, quality or pack of the onions being transported. Neither are they the persons who cause the introduction of such onions into the stream

of commerce. The only interest of a common or contract carrier in such onions is to transport them for a service charge to destinations given by others. The person or persons delivering onions to a common or contract carrier should be responsible for compliance under the proposed order. As defined, therefore, the term "handler" or "shipper" means any person, except a common or contract carrier of onions owned by another person, who handles onions or causes onions to be handled.

"Handle" and "ship" are synonymous and they should be defined in the proposed order to determine the particular marketing activities including selling and transporting, which place the onions in commerce within the production area or between the production area and any point outside thereof. Handling (transporting or selling) of onions under the proposed order would begin after the harvest of the onions and include each of the successive selling or transporting activities with respect to such onions. The term "handle" should not be limited to any one action or function, but should include any and all such activities and functions. It is desirable and appropriate that the definition of "handle" should include each of the marketing activities, except those specifically excluded, so that each person who performs, or causes to be performed, any such activity with respect to onions would be responsible for seeing to it that the onions are handled in accordance with requirements of the proposed order.

The record shows that usual harvest operations in this area begin with the pulling of the onions and placing them in windrows. A pulling machine is used for this operation. The onions are then left to cure while the outer scales and neck become dry. Frequently, because of rain, it is necessary to turn the onions during the curing period. After curing, the onions are loaded into tote boxes holding 1000 to 1200 pounds each. The filled tote boxes are generally carried on a truck to the storage shed where they are removed by a forklift truck and stacked for storage. Some growers still prefer to load the onions directly into trucks and then store them in large bins rather than in tote boxes. These operations are usually performed by producers. The act provides that no order shall be applicable to any producer in his capacity as a producer. Growing onions, that is, the planting and care of onions in the field through growth to harvesting, is a producer function within the above exception.

Most of the onions produced in Western Oregon, approximately 90 percent of the crop, are sold, field-run, by the growers to established packing house operators. There are six onion packing houses located in the Willamette Valley. Growers deliver field-run onions to packing houses and are paid for their onions on the basis of the packed-out weight of the various sizes.

The sale, transportation, or delivery of field-run onions to a packing house located in the production area for grading and packing, or to a storage for storing, should be excepted from the defini-



dition of "handle." Such onions have not yet been prepared for market nor are they in their existing condition being transported to market. Most sellers and buyers do not consider them as yet suitable or appropriate for commercial transactions in the commodity, and as such, they have not yet entered the stream of commerce.

The packing house operator performs the topping, sizing, grading and packaging. He is responsible for preparing the onions for market. He determines the grade, size, quality and container of the onions. He also sells the onions or consigns them, thus placing them in the current of commerce. He ships the onions, thus transporting them in the current of commerce. Each of these activities by itself is a handling operation and, as such, makes the person responsible for it a handler, subject to the rules and regulations issued under the order.

Approximately ten percent of the onions grown in the production area are topped, graded, sized, and packed by the producers of the onions. Such producers sometimes sell their onions to truckers who come into the production area to purchase onions, or they transport the onions to market either within the production area or outside the production area, and sell them. Each of these activities is a handling function and causes the person responsible for it to become a handler. When a grower performs a handling function he becomes a handler. The act of placing the onions in the current of commerce, either by sale or transportation, makes him a handler, subject to the rules and regulations issued under the order. If a trucker or peddler purchases onions within the production area, he too, becomes a handler and is also subject to the rules and regulations issued under the order.

With the exception of the activities which are specifically excepted, all sales and transportation of Western Oregon onions produced in the production area are included in the definition of "handle" as set forth in the proposed order, except sales at retail by a person in his capacity as a retailer. Handling may be performed or caused by one or more persons, such as a packing house operator or his agent, a producer in his capacity as a handler, a trucker, a broker, or any other person engaged in marketing onions. The failure of any one person to comply with marketing regulations does not relieve subsequent handlers from their responsibilities of compliance with such regulations.

(5) Certain terms and provisions of the proposed order should be defined and explained for the purpose of designating specifically their applicability and limitations whenever they are used.

(a) The definition of "Secretary" should include not only the Secretary of Agriculture of the United States, the official charged by law with the responsibility for such programs, but also, in order to recognize the fact that it is physically impossible for him to perform personally all of the functions and duties imposed upon him by law, any other officer or employee of the United States

Department of Agriculture who is, or who may hereafter be, authorized to act in his stead.

The definition of "act" provides the appropriate legal citation for the statute pursuant to which the proposed regulatory program is to be operative.

The definition of "person" follows the definition of that term as set forth in the act, and will insure that it will have the same meaning as when used in the act.

"Producer" should be defined to mean any person who is engaged in a proprietary capacity in the production of onions within the production area and who is producing such onions for market. The term is used in determining the eligibility of persons to vote for, and to serve as producer members or alternates on the committee.

Since a person is defined as an individual, partnership, corporation, association, or any other business unit, each such person establishes a legal entity. Each person, or legal entity, whether an individual, partnership, joint venture, or corporation, engaged in the production of onions for market, should be classified as a producer and he should be allowed to participate in the rights and privileges accorded a producer under the proposed order. The term producer should be limited to those who have an ownership interest in the onions which gives them title or authority to pass title to such onions.

"Grading" is defined as being synonymous with "preparation for market." It means the topping and separation of the onions into grades, sizes and packs for market purposes. Since it has been a long standing practice of onion growers in the Western Oregon area to store onions with the tops on, contrary to the practice in other areas, the steps necessary to prepare the onions for market begin with the topping. This is the operation of removing the tops completely from the onions and it is normally performed by a mechanical onion topper. After the onions have passed over the topper, they flow onto a sorting table where obviously damaged onions and foreign matter are removed by hand. From there the onions are conveyed onto a sizing machine which consists of a series of belts which separate the onions into distinct size ranges. Then the sized onions pass over a series of revolving brushes to give them a cleaner appearance and they are discharged onto a final sorting table where any defective onions are picked out by hand prior to packaging.

There are variations in the process of grading, but the essential features are the topping and separating of the onions into market classifications in accordance with trade demands, so that the onions which are to go to consumer markets will be separated from those which are considered generally unmarketable, or marketable in different outlets.

Definitions of "grade" and "size" are incorporated in the proposed order to enable persons affected thereby to determine the basis for application of grade and size limitations to the product they handle. "Grade" and "size," the essential terms in which regulations are is-

sued, should be defined as encompassing the meanings assigned these terms in official United States Standards for onions issued by the United States Department of Agriculture, or in Oregon Standards for onions. Also, the definition includes modifications or amendments to such standards, and any variations from such standards which may be specified in regulations under the proposed order. Regulations can then incorporate such terms (grade and size) with the constant meaning assigned them in the standards.

The term "pack" is commonly used in the onion trade and refers to one or more of the factors relating to grade, size, quality, and type or condition of container, or a combination of all of these factors. For example, "U.S. No. 1 quality, 2 to 3 inches, 50-lb. sacks," is considered by the trade as a specific pack. In this case "sacks" is generally interpreted to mean "new mesh bags" since Western Oregon onions are mostly packed in new 50-pound mesh bags. However, some production area onions are shipped in other sizes and types of containers. In addition, the onions may be of different grades, or of different sizes. It is essential that the committee should have authority to recommend, and the Secretary to approve, regulations in terms of packs, and to define and establish such packs in terms of size tolerances, grades allowed, weight of contents, and the type or condition of the container. The definition of the term "pack" should, therefore, be as set forth in the proposed order.

The term "container" should be defined in the proposed order to mean a sack, box, bag, crate, hamper, basket, package, or any other receptacle used in the packaging, transportation, sale, or other handling of onions. This definition would also include "master containers" which are sometimes used for packaging smaller containers. Thus, the definition of "container" should be sufficiently broad to include each of the various shipping receptacles in which Western Oregon onions are sold, or move to market, and for which different regulations could be applicable.

The term "varieties" is included in the proposed order so that the committee may consider the differences in the characteristics of onions in connection with its recommendations for regulations. The principal variety grown in the production area at the present time is the Oregon Yellow Globe Danver, commonly referred to as the Oregon Danver. In addition, about 8 percent of the acreage is planted to the variety Southport Red Globe and a few hybrid varieties which are being developed experimentally and in a minor way shipped commercially. These include such hybrids as Surprise and Empire. New varieties and hybrids may be introduced and may become commercially important. The definition of varieties as set forth in the proposed order is appropriate for determining the different varieties, or types of onions, grown in the production area so that a basis for regulating differently by different varieties, or regulating some and not regulating others, may be established.

The definition of "committee" is incorporated in the proposed order to identify the administrative agency which is responsible for assisting the Secretary in the administration of the program. Committee is defined to mean the Western Oregon Onion Marketing Committee. Such committee is authorized by the act and the definition thereof minimizes the use of words in referring to this administrative agency in the proposed order.

"Fiscal period" should be defined to mean the period beginning and ending on the dates recommended by the committee and approved by the Secretary. This definition provides authority for the committee and the Secretary to set the beginning of the fiscal period relatively close to the beginning of the shipping season. Such flexibility is essential in the event changes in the beginning date of the shipping season should take place in the future.

"District" should be defined in the proposed order to provide a basis for the nomination and selection of committee members. It means each of the geographic sections, or divisions of the production area, as initially established or as later re-established. The proposed division into districts is adequate and equitable and should provide a practical basis for the purpose intended.

The term "export" means shipment of onions to any destination which is not within the 48 contiguous States or the District of Columbia of the United States. Separate treatment for export shipments may be necessary because the requirements of certain export markets may differ from those of the domestic market. Therefore different or special regulations, or even no regulations, may be justified with respect to such shipments.

(b) The Western Oregon Onion Marketing Committee consisting of 9 members (6 producers and 3 handlers) is the administrative agency sponsored by the industry to aid the Secretary in administering the proposed order and in carrying out the declared policy of the act. A committee composed of 9 members, with a like number of alternates, will provide adequate industry representation and assure reasonable judgment and deliberation with respect to recommendations made to the Secretary, and in the discharge of other committee duties. More producers are on the proposed committee than handlers because marketing orders are intended primarily for the benefit of producers. However, restrictions under the proposed order will be at the handler level, so it is also appropriate for handlers to have representation on the committee. Handlers are usually in closer touch with the marketing situation, and their advice and counsel should be available to the committee.

The proposed order should provide that an alternate be selected for each member of the committee so that, in the event a member is sick or should otherwise be unable to attend a meeting, the district or group which he represents will have adequate representation on the committee. This provides a logical method for representation at all times. Also, alternates can relieve members by serving on subcommittees or performing

other assigned tasks necessary for the administration of the program. Such alternates should have the same qualifications as members.

Each member and alternate selected to represent producers in a particular district should be an individual who is a producer, or an officer or employee of a corporate producer or other type of business unit engaged in producing onions in such district. Similarly, each member or alternate selected to represent handlers should be an individual who is a handler, or an officer or employee of a corporate handler or other type of business unit engaged in handling onions in the production area.

The term of office for committee members and alternates under the proposed program should be for two years. Terms of office should begin on July 1 and should end as of June 30, of the second year, except for initial committee membership. Terms of individual members should be so determined that about one-half of the committee would be selected each year so as to provide continuity of experience on the committee. Committee members and alternates should serve during the term of office for which they are selected and until their successors are selected and have qualified.

July 1 is an appropriate date for the beginning of a term of office because it is after the harvest and sale of one crop and prior to the beginning of a new marketing season. This date will allow time for the new committee to organize and observe the prospective crop before making any recommendations.

Three districts, each of which includes a well known producing section, are established in the proposed order to provide a geographical basis for the selection of committee membership. Producers and handlers within the production area commonly recognize and accept the districts as set forth and customarily consider onion supplies and marketing problems in terms of these districts.

Redistricting authority is necessary in the proposed order to enable the committee and the Secretary to consider from time to time whether the basis for representation has changed or could be improved and how such improvement may be made. Future shifts or other changes in onion production within the production area cannot be foreseen at the present time. Therefore, it is desirable to provide flexibility of operations so that if it would be in the best interests of the industry to readjust districts or reapportion membership, the committee may so recommend and the Secretary may approve such action.

The guides and limitations set forth in the proposed order which should be considered in making changes in districts or reapportionment of members are appropriate and desirable. Recommendations for such changes should be made well in advance of the intended effective date. Also, changes should not be made effective less than 30 days prior to the date on which terms of office begin. Also, no recommendations for redistricting or reapportionment should be made less than six months prior to the date the change is to be made. These

safeguards are desirable so that producers and handlers may become well acquainted with any redistricting or reapportionment of members prior to the nominations.

The Secretary has the legal authority for the selection of the members and alternates of the committee, but the industry should have the responsibility for recommending proper and appropriate nominees to the Secretary so that he may select the membership from such nominees or from other eligible persons. The proposed order provides that the Secretary shall select three producer members and their alternates from District No. 1, two producer members and their alternates from District No. 2, and one producer member and his alternate from District No. 3. Three handlers and their alternates are to be selected from the production area at large. Proponents have given careful consideration to the proposed method of selection and they believe it will provide fair and adequate representation for each district in proportion to each district's acreage and production of onions.

The nomination procedure outlined in the proposed order will provide a means of making available to the Secretary the names of prospective members and alternates desired by the industry to serve on the committee.

Since it will not be possible for the proposed program to be made effective much in advance of the 1961 marketing season, growers and handlers should be permitted to submit nominations for committee members and alternates in advance of the issuance of the order. Initial nomination meetings for this purpose may be sponsored by the United States Department of Agriculture or by any other agency or group requested by the Department.

The responsibility for calling subsequent nomination meetings should be with the committee as one of its administrative duties. The committee may call upon other existing organizations or agencies, such as the Extension Service, the Field Office of the Fruit and Vegetable Division, U.S. Department of Agriculture, or growers and shippers associations to assist in conducting such nomination meetings.

Meetings for nominating members of subsequent committees and their alternates should be held or caused to be held by the committee not later than June 1 of each year. Inasmuch as the term of office is proposed to begin as of July 1 of each year, nomination meetings should be held in sufficient time to assure that nominations for members and alternates will be supplied the Secretary in time for him to select members and alternates prior to the beginning of each new term of office. At least one nominee should be designated for each position which is to be filled.

Nominations should be supplied in such manner and form as the Secretary may prescribe. The industry, through the committee, should provide enough information about each nominee so the Secretary may be able to determine if such person is qualified for the particular position.



Only producers should participate in designating nominees for producer members and alternates, and only handlers may participate in designating handler nominees. Such persons should be actively engaged in the production or handling of onions in the district (in the case of a producer) or in the production area (in the case of a handler). If a person is engaged in producing onions in more than one district such person should elect the district within which he wishes to participate in electing producer nominees. Each producer will thereby have the same voice in the nomination of committee members.

Regardless of the number of districts in which a person produces or handles onions, as the case may be, each person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries and affiliates and representatives in nominating members and alternates for the committee. This provision is deemed necessary as an appropriate safeguard for the protection of all growers and handlers participating in their respective meetings irrespective of the size of an individual's operations. This limitation, however, is construed to mean that one vote may be cast for each position which is to be filled.

If a person is both a producer and a handler he may vote either as a producer or as a handler by selecting the group with which he wishes to participate. Such person may not vote both as a producer and a handler because to do so would enable him to participate in nominations to a greater degree than persons who are only producers or only handlers.

To provide an administrative agency at all times to administer the proposed order, the Secretary should be allowed to select committee members and alternates without regard to nominations if, for any reason, nominations are not submitted to him in conformance with the procedure prescribed therein. Such selection should be on the basis of the representation provided in the proposed order to insure that all producers and handlers in the production area are fairly and adequately represented on the committee.

Each person selected by the Secretary as a committee member or alternate should qualify by promptly filing with the Secretary a written acceptance of his willingness and intention to serve in such capacity. This requirement is necessary so that the Secretary will have definite knowledge that the person appointed is willing to serve and that the position has been filled.

It is also desirable and necessary that the Secretary be authorized to fill vacancies on the committee without regard to nominations if the names of nominees to fill such vacancies are not made available to him within 30 days after such vacancy occurs. This requirement is necessary to maintain continuity of the committee operations and to insure that all portions of the production area are adequately represented in the conduct of committee business.

To insure that all portions of the production area are adequately represented in the conduct of the committee's busi-

ness and that the continuity of operation is not interrupted, the proposed order should provide for alternate members on the committee. Each alternate should be authorized to act in the place and stead of the member during the member's temporary absence, or in the case of the death, removal, resignation, or disqualification of a member. The alternate should serve as member until a new member is selected and has qualified. In the event the member and his alternate are unable to attend a committee meeting, the member or the committee should designate any other alternate member from the same group (producer or handler) to serve in such member's place. This is an appropriate provision to assure adequate attendance of committee meetings.

The committee should be permitted to request the attendance of alternates at any or all meetings regardless of whether the members are present or not. This would be desirable at times especially when the committee is considering important matters and when it is necessary to have a greater expression of industry opinion.

The proposed order provides that seven of the nine committee members are necessary to constitute a quorum. This number would assure ample representation from the districts. If a lesser number is permitted to carry on committee business it is possible that some districts would not be represented and this would not be fair or equitable to those affected. Proponents testified that six concurring votes should be required to pass any motion or to approve any committee action. This would represent more than a simple majority of those voting and would result in greater assurance that action taken by the committee will reflect industry support.

The committee should be authorized to vote by telephone, telegraph, or other means of communication, as it may be necessary at times for the committee to act more promptly than a meeting in person would allow, or if the matter to be considered would not justify the expense of an assembled meeting. The chairman, or other persons delegated to conduct telephone, telegraph, or other similar meetings, should exhaust reasonable efforts to get in touch with each member or his alternate. Records of such meetings should show the extent and tenor of discussions with each member or alternate, and written confirmation of each vote cast. A unanimous vote of all members participating in such action should be required to properly protect the industry's interests.

At assembled meetings all votes should be cast in person. This would insure that a person voting on a motion or any committee action will have had an opportunity to participate in the committee's discussion and present the views of the producers or handlers he represents.

Committee members and alternates while on committee business will necessarily incur some expenses. Reasonable expenses, which may include travel and living expenses, should be reimbursed so as to avoid personal financial loss to members which might otherwise occur because of their service to the commit-

tee. Also, compensation of not to exceed \$10.00 per day, or portion thereof, should be authorized in addition to the above, since committee members or alternates may incur additional expense with respect to their own affairs when attending to committee affairs. These provisions should also extend to alternate members and to members of a subcommittee when performing official duties.

The committee should be given those specific powers which are set forth in section 8c(7)(c) of the act because such powers are granted by the enabling statutory authority and they are necessary for an administrative agency, such as the Western Oregon Onion Marketing Committee, to carry out its proper functions.

The committee's duties as set forth in the proposed order are necessary for the discharge of its responsibilities. The duties established for the committee are generally similar to those specified for administrative agencies under programs of this character. They are reasonable and necessary if the committee is to function in the manner prescribed under the act and the proposed order. It should be recognized that the duties specified are not necessarily all inclusive and it is probable that there are other duties which the committee may need to perform which are incidental to, and not inconsistent with, these specified duties.

(c) The committee should be authorized to incur such expenses as the Secretary finds are reasonable and legitimate expenses incidental to the proper administration of the proposed order. Authorized expenses should include such items as salaries for the committee manager, clerical help, field personnel, office equipment, supplies, maintenance, travel, expenses and compensation for committee members and alternates. The authority to incur expenses should not be confined to a predetermined list, but committee funds may not be used for other industry programs such as advertising.

Expenses incurred by the committee in operating the proposed order must, under the act, be borne by handlers. The fairest and most practical way of distributing the costs of the program among handlers is to require each handler who first handles onions to pay his pro rata share of such expenses on the basis of the ratio of his total onion shipments to the total shipments by all first handlers during each fiscal period. The first handler is most generally the person who is the applicant for inspection on each shipment. In addition, such person is usually the one who starts the commodity on its way to market. For onions which are not inspected, the handler responsible for assessment should continue to be the one who should be so designated by the committee. The requirement that first handlers pay assessments will preclude multiple assessments on onions that are handled more than once.

The committee should be required to prepare a budget at the beginning of each fiscal period showing estimates of income and expenditures necessary for the administration of the order for such period. The budget should be presented to the Secretary with an analysis of its



components and an explanation thereof in the form of a report. The committee should be authorized to recommend a rate of assessment to the Secretary which is designed to bring in during each fiscal period sufficient income to cover expenses incurred by the committee. No increase should be made in the total budget without prior recommendation of the committee and approval of the Secretary. However, the committee should have authority to over-expend individual budget items so long as the total does not exceed the amount approved by the Secretary.

The rate of assessment should be established by the Secretary on the committee's recommendation, which should be based on estimated expenses and the volume of shipments during a fiscal period. Such rate should be applied on a fair and equitable unit basis, such as a 50-pound bag, hundredweight, carload or truckload.

Each handler, therefore, who ships onions as the first handler thereof, should pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro-rata share of the program's expenses, so that the committee may have adequate funds to carry on its operations on a current basis.

Should developments indicate that assessments collected, or to be collected, during any fiscal period will not provide sufficient income to cover committee expenses, the committee should be authorized to recommend that the Secretary approve an amended budget and fix an increased rate of assessment. If such a revised budget is approved, together with an increased rate of assessment, such increased rate should be retroactive to the beginning of the fiscal period, so as to avoid inequities among handlers.

Proponents testified that the committee should have authority to continue assessments for the maintenance and functioning of the committee even though grade, size, or other regulations may not be in effect for a certain period.

If, at the close of a fiscal period the committee has a carry-over of funds in excess of expenses, and such funds are not retained in a reserve, handlers should be entitled to a proportionate refund. Such refunds, calculated on the basis of assessments collected, should be credited to contributing handlers against their operations for the following fiscal period, unless payment should be demanded, in which event the proportionate refund should be paid.

Good business practice requires provision for contingencies. The committee should be authorized, with approval of the Secretary, to set aside excess funds in a reserve or reserves to be used for specified purposes. Such reserves could be used to allow the committee to function at the beginning of a season prior to the time assessment income is available; to cover any deficits during a fiscal period in which assessment income is not sufficient to cover expenses; or to pay any expenses incurred during any period when any or all of the provisions of the order are suspended or inoperative. A reserve fund would be especially needed in the event the order is ever terminated. If and when the

committee should be required to liquidate its affairs, expenses will necessarily be involved. Funds may be set aside from year to year for reserves, provided they do not exceed approximately one year's expenses.

Any balance remaining after liquidation should be prorated, to the extent practical, to the persons from whom such funds were collected.

All funds received by the committee may be used only for administration of the proposed order. The committee should be required to maintain books and records clearly reflecting the true and up-to-date operations of its affairs, so that its administration may be subject to inspection at any time by the Secretary. This is merely a sound business practice.

Each member and each alternate, as well as employees, agents, and other persons working for or on behalf of the committee should be required to account for all receipts and disbursements, funds, property, or records for which they are responsible and the Secretary should have the authority, at any time, to ask for such accounting.

Whenever any person ceases to be a member or alternate of the committee he should be required to account for all receipts, disbursements, funds, property, books, records, and other committee assets for which he is responsible. Such person should also be required to execute assignments or such other instruments as may be appropriate to vest in his successor, or any agency or person designated by the Secretary, the right to all such property and all claims vested in such person.

If the committee should recommend that the operations of the marketing order should be suspended, or if no regulations should be in effect for a part or all of a marketing season, the committee should be authorized to recommend, as a practical measure, that one or more of its members, or any other person, should be designated by the Secretary to act as a trustee or trustees during such period. This would provide a practical method for taking care of the committee's business affairs during periods of inactivity and would permit resumption of operations with a minimum of delay.

(d) One of the important functions of the committee would be to provide for marketing research and development projects designed to assist, improve, or promote the marketing, distribution and consumption of onions. The act, as amended, permits such projects and such authorization should be included in the proposed order.

Research into market development, transportation, containers, and methods of handling, are examples which the committee may deem worthy of investigation.

As the industry and the committee become more aware of the value of and need for marketing research and development, projects will undoubtedly be initiated, the need for which will not have been foreseen early in committee operations. Therefore, the committee should have the authority to budget for,

and to recommend the approval of such projects which would improve or promote the marketing, distribution, or consumption of onions. After approval by the Secretary, the committee should be empowered to engage in or contract for such projects, to spend funds for that purpose, and to consult and cooperate with other agencies with regard to their establishment. All such projects should receive the prior approval of the Secretary.

(e) The declared policy of the act is to establish and maintain such orderly marketing conditions for onions, among other commodities, as will tend to establish parity prices therefor, and to establish and maintain such minimum standards of quality and maturity and such grading and inspection requirements as will be in the public interest. The regulation of onion shipments as authorized in the proposed order provides a means of carrying out such policy.

The procedures and methods outlined in the proposed order for the development of marketing policies provide a practical basis for the committee to obtain appropriate and adequate information relating to onion marketing problems. As a prerequisite to making recommendations with respect to limitations of shipments in accordance with the proposed order, the committee should be required to consider and develop a marketing policy for the handling of onions.

A marketing policy should set forth the over-all plan of the committee for orderly marketing of onions during the ensuing season, including, to the extent practical, the kinds of regulations that may be desirable. Such marketing policy should be made known to producers and handlers in the production area as soon as possible at the beginning of each season in order to give them ample time to familiarize themselves with proposed regulations and to make any objections which they believe are necessary. It should also be made available to the Secretary to aid him in considering the recommendations of the committee for regulations.

The factors set forth in the proposed order which the committee should consider in developing its marketing policy are necessary for a proper evaluation of the market outlook. The committee should have available all of the latest crop, supply, and price information for its area and competing areas. It should know, from information available and from the informed members themselves the condition and quality of the crop in its area as well as in competing areas. The committee members themselves will be informed concerning problems peculiar to the area, such as weather conditions, disease, quality and maturity of the crop, and will be able to consider these factors in determining the marketing policy.

If the marketing policy statement should need amending or modification during a season due to changed conditions the committee should be authorized to do so and the Secretary should receive a report regarding the revised policy. The committee should give the same publicity to each revised policy

report as is given to the initial report for the season in order to notify producers and handlers of the changes.

The Western Oregon Onion Marketing Committee, as the local administrative agency under the proposed order should be authorized to recommend such grade, size, quality, and other regulations authorized by the proposed order, and amendments thereto, as will tend to effectuate the declared policy of the act. It is the key to successful operation of the proposed marketing program that the committee should have such responsibility.

The Secretary should look to the committee, which reflects the thinking of the industry, for its views and recommendations for promoting more orderly marketing conditions in the interest of improving returns to producers. The committee should be responsible for determining the need for and the type of regulations for each season or period. The committee, on making recommendations to the Secretary, should utilize all information and experience at its command and should justify its recommendations with supporting facts, considerations, and conclusions.

Evidence introduced at the hearing shows that the proposed order should contain authority to regulate the grades, sizes, qualities, and packs of onions which may be handled in any or all portions of the production area during any period. Such regulations may be issued as a result of recommendations and information submitted by the committee, as aforementioned, or other information which may be available to the Secretary which indicates that such regulations would tend to effectuate the declared purpose of the act. Such regulations should apply to all onions handled unless shipped under modifications authorized by the proposed order.

The grade, size, quality, and pack of onions which are shipped to market at any particular time have a direct effect on returns to producers. It is a fact that poorer grades and less desirable sizes and packs of onions marketed return lower producer prices than do better grades, sizes, and packs. Shipments of immature, stained, or watersoaked onions, or onions damaged by neck rot, sunburn, or other defects, not only return little to the producer but depress prices received for good quality onions and harm the reputation of production area onions thus decreasing the demand therefor.

As previously indicated, supplies of "boilers," i.e., onions of 1½ to 2 inches in diameter, are quite often in surplus and difficult to dispose of at a profitable return to the growers. These small onions usually return little or nothing to the producer and they compete with and depress the prices of "medium" size onions which comprise the major portion of the crop marketed. Since size is such an important price factor in the marketing of onions, it is necessary that the proposed order should include authority for the regulation of the sizes of onions which may be marketed.

Barring unforeseen decreases in onion production, there is generally a sufficient volume of onions harvested in the pro-

duction area so that the shipment of only the better grades, sizes, and qualities of onions to the fresh market could fill market demands. It is important, therefore, that the proposed order should provide authority for the committee to recommend, and the Secretary to issue, regulations governing the handling of onions so that only such grades, sizes, and qualities of onions may be shipped as could improve growers' returns. Maturity is a factor of grade and, as such, would be included within the authority to regulate by grades. The withholding of poor quality and undesirable sizes of onions also would reduce the supply available for market which in turn should increase the demand and price for the good quality and sizes marketed.

Adverse weather conditions may occur during a crop year in one portion of the production area and not in other portions of such area. Hail or heavy rain storms often affect one district more than another. Because of these circumstances, and in order to provide equity among producers and handlers, authority should be provided in the proposed order to permit regulation in any or all portions of the production area, as well as differently for different portions of the production area, of onions handled thereunder.

The proposed order should contain authority to regulate packs, and to regulate differently for different packs. This would assist the onion industry in the production area in its merchandising efforts to provide the most acceptable packs to enhance its reputation in the trade. It is the usual practice in the production area to prepare specific packs for market. The most common pack in this area is referred to as: U.S. No. 1, 2 to 3 inches, new 50-pound sacks. Other packs include smaller sized onions packed in consumer size packages. Also, onions sold for export are often of different grades and sizes, and packed in different containers. Most of the 50-pound sacks are new onion mesh bags. However, as was previously mentioned, some handlers and producer-handlers have packed onions in used burlap and used mesh bags. Onions packed in used bags do not present a good appearance and sell for a lower price than onions packed in new bags. Such packs, when sold in normal fresh market channels, have a depressing effect on prices of all production area onions and are damaging to the reputation of production area onions. However, it was testified that used bags, when limited to shipments for special purposes, such as for export and to repackers, would not endanger the price structure for onions marketed in the usual wholesale channels and, therefore, shipments in used bags may be permitted to repackers and for export under safeguards.

The grade, size and quality of the onions are to be regulated under the proposed order so that only the better quality and preferred sizes will be offered to the trade. To pack such onions in used bags, whether they be used potato bags or used onion sacks, would be detrimental to the pack and would defeat the objectives of the grade and size regulations. Therefore, it is essential that the

committee should have the authority to recommend, and the Secretary to issue, regulations in terms of packs and to define and establish such packs in terms of grades allowed, size ranges and tolerances, weight of contents, and the types and condition of containers. Such authority is considered to be necessary and incidental to effectuate the other provisions of the order.

Each variety of onions has its own distinguishing characteristics. While only a small percentage of the production in Western Oregon at the present time consists of varieties other than the Oregon Danver, new varieties and hybrids may become commercially important. Due to the fact that conditions, such as price, supply and demand vary at times for different varieties of onions, authority should be flexible enough to permit different grade and size regulations for different varieties during any period.

It is also important that the proposed order should provide authority for the committee to recommend, and the Secretary to fix, through rules and regulations, the size, weight, capacity, dimensions or pack of the containers which may be used in the packaging or handling of onions. If malpractices should develop, such as the use of off-size, or deceptive containers, or with respect to the net weights of containers, it is necessary that authority should be available for the committee, with the approval of the Secretary, to correct any abuses which may develop and to prohibit the use of undesirable or deceptive containers. This authority, however, should not be used to close the door on experimenting with new containers or to prevent the commercial use of any new or superior containers which may be developed.

The proposed order should provide for prompt notification of the committee by the Secretary whenever he takes action with respect to regulations and the committee should promptly notify the industry of any such actions. This requirement is appropriate and necessary for the proper and efficient administration of the program.

(f) The committee should be authorized to recommend and the Secretary to establish such minimum standards of quality and maturity and such grading and inspection requirements during any or all periods when onion prices reach the equivalent parity as will be in the public interest. Some onions are of such low quality and undesirable size that they do not give consumer satisfaction at any time and consumers do not receive proper value for their expenditures for such low quality onions even when prices are above parity so it would not be in the public interest either of producers or consumers to permit shipments of such poor quality onions irrespective of the price level. The proposed order, therefore, should contain authority for the establishment of such minimum standards of quality and maturity as will be in the public interest and such grading and inspection requirements as may be necessary to insure such minimum standards of quality and maturity are met. Proponents testified on the need for container and



pack regulations in above parity situations. Testimony indicated that eliminating pack and container regulations when prices are over parity would not assure consumers any additional quantities of onions. Rather, it would be in the public interest to offer consumers those grades, sizes and qualities of onions packed in preferred containers even when prices to growers are above parity.

The proposed order should provide for the amendment, modification, suspension or termination of regulations whenever such action is warranted upon recommendation of the committee or other available information. The need for this authority is obvious in that flexibility will oftentimes be required to adjust regulations to effectuate the declared policies of the act. Likewise, it is obvious that if regulations no longer tend to effectuate the declared policy of the act they should be terminated.

The proposed order is intended primarily to improve orderly marketing conditions with respect to commercial shipments, that is, carlots or truck lots of onions going into the markets. However, some smaller shipments are made which constitute a very minor percentage of the total movement and are much smaller in volume than what is normally considered a commercial shipment. It may be an accommodation sale which most handlers deal in from time to time, or they may give their product to friends. Such handling would be in a nuisance category insofar as requirements under the order would be concerned. Therefore, authority should be contained in the proposed order to relieve such shipments from regulations, assessments, or inspection, or any combination thereof, when such is in the best interest of the program.

(g) The Secretary should be authorized upon the basis of the recommendations and information submitted by the committee to modify, suspend or terminate regulations with respect to the handling of onions for purposes other than for disposition in normal trade channels. Onions moving to or serving such outlets are usually handled in a different manner, or such outlets usually accept different grades, sizes, qualities, packs and containers, or different prices are returned, or combinations of such considerations may apply. Such shipments usually do not have any appreciable effect on the marketing of the great bulk of onions handled in commercial markets. The proposed order should provide authority for the committee to give appropriate consideration to the handling of onions for such purposes so that every opportunity may be taken to improve orderly marketing conditions for onions thereby tending to increase total returns to onion growers in the production area.

Such outlets would be for relief or for charity, experimental purposes, export, processing, or for other purposes which may become apparent in the future and which would be specified by the committee and approved by the Secretary. Most shipments intended for relief or for charity are usually by the way of

donation and the committee should have authority to recommend waiving of the requirements in regard to these shipments in that they do not interfere with regular commercial movement. It is normal for some onions to be shipped within and outside the production area for processing, primarily canning and dehydration. Since commodities for canning or freezing are exempted from regulation by the act, onions cannot be restricted by grade, size, or similar limitations under the proposed order. However, requiring proper evidence that such onions are not diverted into fresh market channels may be necessary to protect the fresh market from shipments of grades and sizes otherwise excluded. Shipments of onions for dehydration could be subject to regulations under the order, but onions for dehydration frequently, if not usually, reflect a special demand for varieties, grade, or sizes not readily acceptable in fresh markets. Therefore, onions for dehydration should be accorded special consideration.

Shipments are sometimes made for experimental purposes. Since these experiments are intended to benefit the industry as a whole, no particular purpose would be served by the application of all the requirements of the proposed order to such shipments. Some export markets accept or prefer certain grades, sizes, and packs which normally are discounted for domestic markets. The proposed order should provide for appropriate modification, suspension, or termination of regulations with respect to movement of onions to export outlets so that these demands can be met and the sale of the onions grown in the production area will continue to such markets.

Other outlets or special purposes may develop that are not known at this time. The committee should be authorized, with approval of the Secretary, to provide special treatment through modification, suspension, or termination of regulations applicable to other special outlets with distinctive demand characteristics which may develop in the future.

The authority for modifying, suspending, or terminating grade, size, quality, assessment, or inspection regulations should be accompanied by additional administrative authority for the committee to recommend, and the Secretary to prescribe, adequate safeguards to prevent shipments for such purposes from entering marketing channels contrary to provisions of such special regulations. Authority for the establishment of safeguards should include such limitations or appropriate qualifications on shipments which are necessary and incidental for proper and efficient administration of the proposed order.

(h) Inspection and certification of onions is a common practice in the production area since it is compulsory under State law. There is no other practical or feasible method of determining officially that onion shipments meet requirements of the order except through inspection and certification by the Federal-State Inspection Service. The Federal-State Inspection Service has operated in Western Oregon for a number of years and onion producers and han-

dlers throughout the production area are well acquainted with the service and with the inspection which it offers on shipments of onions. The service is available throughout the entire production area and reasonably prompt inspection can be given at all shipping points. Inspection and certification requirements should apply to all onions shipped under the proposed order except when relieved therefrom pursuant to rules and regulations applicable to minimum quantities or special purpose shipments.

Inspection and certification requirements are necessary so that the shipper as well as subsequent handlers, the committee, and other interested parties may determine if shipments comply with the regulations in effect and applicable to such shipments. Effective regulation of the handling of onions grown in the production area requires evidence that each shipment is in compliance with regulations under the order and the provision for inspection and certification affords the practical means of establishing the fact that the shipments do comply and can be so identified.

Responsibility for obtaining inspection should fall primarily on the handler who first handles regulated onions after they have been prepared for market since he is usually the person responsible for the grade, size, quality, pack, and container in which the onions are being shipped or handled. However, each handler, regardless of whether the first or subsequent handler, should be required to bear responsibility for determining that each of his shipments is inspected and certified. Inspection and certification is essential to proper administration of the order so that a determination may be made as to whether each shipment accords with regulations issued thereunder. The handler who first handles onions should be required to obtain such inspection. Subsequent handlers should not be permitted to handle onions unless a properly issued inspection certificate, valid under the terms of the order, applies to such onions. If a handler should receive onions which have not been inspected he should be responsible for having them inspected before selling or transporting them. This procedure avoids the potential shift of responsibility which would be expected to occur in the absence of making each handler responsible for inspection and certification of any uninspected onions handled by him. This requirement is also necessary so that the committee can obtain evidence in the form of inspection certificates to determine whether the requirements of regulations in effect are being met.

Whenever onions subject to regulation have been inspected, but are later dumped from the containers in which they were inspected, or the lot on which the inspection certificate was issued is broken up, such onions can no longer be specifically identified with reference to the inspection certificate. If any such lot of onions should thereafter be repacked, the repacked onions have a new identity. Any subsequent handling of such onions should be in compliance with regulations in effect. Otherwise, effective regulation will not be obtained.



Therefore, the order should provide that the committee may require the person who handles onions after they have been repacked, resorted, or regraded, to have such onions reinspected and recertified prior to further handling so that the shipper thereof as well as subsequent handlers and the committee may determine that such repacked onions comply with regulations in effect.

The committee may prescribe rules and regulations, subject to approval by the Secretary, whereby any or all onions inspected shall be identified by appropriate seals, stamps, or tags affixed to the containers by the handler. In areas where warehouse or lot inspections are used, compliance problems under a marketing order program can be more difficult than in other areas where all lots are inspected at the time of loading. Also, in areas where truck movement is relatively important, compliance can be a problem. Both of these situations apply to the production area. The marking or stamping of containers could be used if it was found that uninspected lots were being substituted for inspected warehouse lots. It is concluded that the provision for identifying shipments or containers by marking or labeling under appropriate rules and regulations recommended by the committee and approved by the Secretary may be necessary and incidental to successful operation of the proposed order, and should be included therein.

The committee with the approval of the Secretary should be authorized to determine the length of time an inspection certificate is valid insofar as the requirements of the proposed order are concerned. Such requirement is appropriate and necessary especially with respect to warehouse lot inspections which might be administratively desirable to accommodate handlers and truckers, also with respect to onions placed in storage. Onions held in common storage will not keep as well or for as long a period as onions placed in refrigerated storage. For this reason authority should be granted to set different time limits on the validity of inspection certificates for different storage circumstances.

Copies of inspection certificates issued pursuant to the requirements of the proposed order should be supplied to the committee promptly so it can discharge its administrative responsibilities under the program.

The committee should be authorized to recommend, and the Secretary to issue, regulations requiring that onions transported by motor vehicle shall be accompanied by a copy of the inspection certificate issued thereon or by other approved evidence of inspection. These requirements may include the surrender of such documents to such authority or agency as designated by the Secretary upon committee recommendation. The committee is authorized under the proposed order to administer its terms and provisions and this procedure enables the committee to enforce regulations in connection with the movement of onions by motor vehicles. Since an ever increasing percentage of onions produced

in the production area move by truck, such authority is necessary to effectuate the other provisions of the proposed order.

(i) A producer, whose onions have been adversely affected by acts beyond his control or by acts beyond reasonable expectation, such as floods, hail or other weather hazards, and who, because of regulations issued under the order, would be prevented from shipping as large a proportion of his crop as the average for his area, should be permitted to apply for an exemption from such regulations in order to obtain equitable treatment. To provide equity among producers the committee should be given authority to issue exemption certificates to qualified applicants for exemption. The committee, by reason of its knowledge of conditions and problems applicable to production area onions, should be well qualified to judge each applicant's case in a fair and equitable manner and to fix the quantity of exempted onions which an applicant may ship.

The provisions contained in the notice of hearing relevant to the procedure to be followed in issuing exemption certificates, in investigating exemption claims, and in appealing exemption determinations, are necessary to the orderly and equitable operation of the proposed order.

(j) The committee should have authority, with the approval of the Secretary, to require that handlers submit to it such reports and information as are needed to perform its functions. It is difficult to anticipate every type of report, or kind of information, which the committee may need in administering the program, but it should have the authority, subject to the approval of the Secretary, to request reports and information if needed, of the type set forth in the proposed order. Reports furnished to the committee should be submitted in such manner and at such times as the committee, with approval of the Secretary, may designate. Such reporting procedures should accord with the need and requirements of the committee which are essential to administration of the order because changing conditions may warrant changes in the forms and methods of reporting. The right to approve, modify, change, or rescind, any requests by the committee for information should be retained by the Secretary in order to protect handlers from unreasonable requests for reports.

Since it is possible that a question may arise with respect to compliance with the proposed order, each handler should maintain complete records of his handling and disposition of onions for a period of not less than two years subsequent to the termination of each crop year.

Any or all reports and records submitted for committee use by handlers shall remain under appropriate protective classification and be disclosed to none other than persons authorized by the Secretary. Such reports would become part of the committee's and the Secretary's records. Any reported information released to the industry should

be on a composite basis, and no such release of information should disclose either the identity of the handlers or their operations.

(k) Except as provided in the proposed order, no handler should be permitted to handle onions, the handling of which is prohibited by the proposed order or pursuant to regulations issued under the proposed order. If the program is to be effective, no handler should be permitted to evade its provisions since such action on the part of one handler, although possibly of small impact on the industry measured by the proportion of onions handled by him, would in any appreciable aggregate, tend to impair operation of the program and otherwise render it ineffective.

(l) The provisions of sections 82 through 95, as published in the FEDERAL REGISTER of April 19, 1961 (26 F.R. 3311), and as hereinafter set forth, are common to marketing agreements and orders now operating. Also, the provisions of sections 93 through 95, as hereinafter set forth, are included in other marketing agreements now operating. Each of these sections sets forth certain rights, obligations, privileges, or procedures which are necessary and appropriate for the effective operation of the proposed order. These provisions are incidental to, and not inconsistent with, sections 8c (6) and (7) of the act, and are necessary to effectuate the other provisions of the proposed order and to effectuate the declared policy of the act. The substance of such provisions, therefore, should be included in the proposed order.

*General findings.* Upon the basis of evidence introduced in the hearing and the record thereof it is found that:

(1) The marketing order hereinafter set forth, and all of the terms and provisions thereof, will tend to effectuate the declared policy of the act with respect to onions produced in the production area, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish as prices to the producers thereof parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such onions above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such onions as will be in the public interest;

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

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

(4) The marketing order prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of onions grown in the production area; and

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

*Recommended marketing agreement and order.* The following marketing agreement and order are recommended as the detailed means by which the aforesaid conclusions may be carried out:

#### DEFINITIONS

##### Section 1. Secretary.

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

##### Sec. 2. Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (sec. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

##### Sec. 3. Person.

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

##### Sec. 4. Production area.

"Production area" means the Counties of Multnomah, Clackamas, Marion, Linn, Lane, Benton, Lincoln, Polk, Yamhill, Tillamook, Clatsop, Columbia, and Washington, in the State of Oregon.

##### Sec. 5. Onions.

"Onions" means all varieties of *Allium cepa* commonly known as onions, except onion sets, green onions and pickling onions.

##### Sec. 6. Handler.

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

##### Sec. 7. Handle.

"Handle" is synonymous with "ship" and means to sell or transport onions, or cause onions to be sold or transported, within the production area or between the production area and any point outside thereof. (Such term shall not include the transportation, sale, or

delivery of onions within the production area for grading or storing therein.)

##### Sec. 8. Producer.

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

##### Sec. 9. Grading.

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

##### Sec. 10. Grade and size.

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

(a) United States Standards for Grades of Onions (Other than Bermuda-Granex and Creole Types) (§§ 51.2830 to 51.2850 of this title), or any other United States Standards for onions or amendments thereto, or modifications thereof, or variations based thereon, recommended by the committee and approved by the Secretary; or

(b) Oregon Standards for onions, or amendments thereto, or modifications thereof, or variations based thereon.

##### Sec. 11. Pack.

"Pack" means a quantity of onions specified by weight, grade, size, or numerical limits, or by type or condition of container, or any combination of these, recommended by the committee and approved by the Secretary.

##### Sec. 12. Container.

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

##### Sec. 13. Varieties.

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

##### Sec. 14. Committee.

"Committee" means the Western Oregon Onion Marketing Committee, established pursuant to section 22.

##### Sec. 15. Fiscal period.

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

##### Sec. 16. District.

"District" means each of the geographic divisions of the production area initially established pursuant to section 24 or as re-established pursuant to section 25.

##### Sec. 17. Export.

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

#### COMMITTEE

##### Sec. 22. Establishment and membership.

The Western Oregon Onion Marketing Committee, consisting of nine members, six of whom shall be producers and three of whom shall be handlers, is hereby established. For each member of the committee there shall be an alternate.

##### Sec. 23. Term of office.

(a) The term of office of committee members and their respective alternates shall be for two years and shall begin as of July 1 and end as of June 30. The terms shall be so determined that about one-half of the total committee membership shall terminate each year.

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

##### Sec. 24. Districts.

For the purpose of selecting committee members, the following districts of the production area are hereby initially established:

*District No. 1.* Marion, Linn, Lane, Benton, Polk and Lincoln Counties, and that portion of Multnomah and Clackamas Counties lying East of the Willamette River, in the State of Oregon.

*District No. 2.* That portion of Yamhill County lying West of Highway 219 and that portion of Washington County lying West and North of a line beginning at the junction of the southern boundary of Washington County and Highway 219, thence North along Highway 219, to its junction with Highway 210, thence Northeast along Highway 210 to its junction with Highway 10, and thence East along Highway 10 to the junction with the Western boundary of Multnomah County; and Tillamook, Clatsop and Columbia Counties in the State of Oregon.

*District No. 3.* Those portions of Yamhill and Washington Counties not included in District No. 2, and those portions of Multnomah and Clackamas Counties lying West of the Willamette River, in the State of Oregon.

##### Sec. 25. Redistricting.

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

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

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

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

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

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



redistricting or reapportionment may be made less than six months prior to such date.

#### Sec. 26. Selection.

The Secretary shall select members and respective alternates from districts established pursuant to section 24 or 25. Initial selections shall be as follows:

- District No. 1.* Three producer members and alternates;
  - District No. 2.* Two producer members and alternates;
  - District No. 3.* One producer member and alternate.
- Production area at large.* Three handler members and alternates.

#### Sec. 27. Nominations.

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

(a) A meeting or meetings of producers and handlers shall be held for each district to nominate members and alternates for the committee. For nominations to the initial committee, the meetings may be sponsored by the United States Department of Agriculture or by any agency or group requested to do so by such Department. For nominations for succeeding members and alternates on the committee, the committee shall hold such meetings or cause them to be held prior to May 1, of each year, after the effective date of this subpart;

(b) At each such meeting at least one nominee shall be designated for each position as member and for each position as alternate member on the committee;

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

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

(e) Regardless of the number of districts in which a person produces or handles onions, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives in designating nominees for committee members and alternates. An eligible voter's privilege of casting only one vote as aforesaid shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

#### Sec. 28. Failure to nominate.

If nominations are not made within the time and in the manner specified in section 27, the Secretary may, without regard to nominations, select the committee members and alternates, which selection shall be on the basis of the representation provided for in sections 22 through 26.

#### Sec. 29. Acceptance.

Any person selected as a committee member or alternate shall qualify by

filing a written acceptance promptly after being notified of such selection.

#### Sec. 30. Vacancies.

To fill any committee vacancies, the Secretary may select such members, or alternates from unselected nominees on the current nominee list from the district involved, or from nominations made in the manner specified in section 27. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, which selection shall be made on the basis of the representation provided for in sections 24 to 26.

#### Sec. 31. Alternate members.

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

#### Sec. 32. Procedure.

(a) Seven members of the committee shall be necessary to constitute a quorum. Six concurring votes shall be required to pass any motion or approve any committee action. At assembled meetings all votes shall be cast in person.

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

#### Sec. 33. Expenses and compensation.

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

#### Sec. 34. Powers.

The committee shall have the following powers:

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

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

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

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

#### Sec. 35. Duties.

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

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

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

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

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

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

(f) To prepare a marketing policy;

(g) To recommend marketing regulations to the Secretary;

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

(i) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee, and such minutes, books, and records shall be subject to examination at any time by the Secretary or by his authorized agent or representative. Minutes of each committee meeting shall be reported promptly to the Secretary. At the end of each marketing season a statistical and historical annual report of operations shall be furnished to the Secretary.

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

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

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

#### EXPENSES AND ASSESSMENTS

#### Sec. 40. Expenses.

The committee is authorized to incur such expenses as the Secretary may find



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

#### Sec. 41. Budget.

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

#### Sec. 42. Assessments.

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

(b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of the committee's recommendations and other available information. Such rates may be applied to specified containers used in the production area.

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

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

#### Sec. 43. Accounting.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, such excess shall be accounted for in accordance with one of the following:

(1) If such excess is not retained in a reserve, as provided in subparagraph (2) of this paragraph, it shall be refunded proportionately to the persons from whom it was collected.

(2) The committee, with the approval of the Secretary, may establish and maintain during one or more fiscal periods reserve funds equal to approximately one fiscal period's expenses. Such reserve funds may be used for all expenses authorized pursuant to section 40.

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

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

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

#### RESEARCH AND DEVELOPMENT

##### Sec. 48. Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of onions. The expenses of such projects shall be paid from funds collected pursuant to section 42.

#### REGULATIONS

##### Sec. 50. Marketing policy.

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

(b) Marketing policy statements relating to recommendations for regulations shall give appropriate considera-

tion to onion supplies for the season, with special consideration to:

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

(2) Estimates of supplies in competing areas;

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

(4) Anticipated marketing problems;

(5) Level and trend of consumer income; and

(6) Other relevant factors.

##### Sec. 51. Recommendations for regulations.

Upon complying with the requirements of section 50, the committee may recommend regulations to the Secretary whenever it finds that such regulations as are provided for in this subpart will tend to effectuate the declared policy of the act.

##### Sec. 52. Issuance of regulations.

(a) The Secretary shall limit by regulation the handling of onions grown within the production area by any one or more of the methods hereinafter set forth whenever he finds from the recommendations and information submitted by the committee, or from other available information that such regulations would tend to effectuate the declared policy of the act.

(b) Such regulations may:

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

(2) Fix the size, capacity, weight, dimensions, or pack of the container, or containers, used in handling onions.

(3) Limit the handling of onions by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity during any period when season average prices are expected to exceed the parity level.

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

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

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

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

##### Sec. 53. Handling for special purposes.

Regulations in effect pursuant to section 42, 52, or 60 may be modified, suspended, or terminated to facilitate handling of onions for:

(a) Relief or charity;

(b) Experimental purposes;

(c) Export;

(d) Processing, and

(e) Other purposes which may be recommended by the committee, and approved by the Secretary.

#### Sec. 54. Safeguards.

The committee, with the approval of the Secretary, may establish through rules such requirements as may be necessary to establish that shipments made pursuant to section 53 were handled and used for the purpose stated.

#### Sec. 55. Notification of regulation.

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

### INSPECTION

#### Sec. 60. Inspection and certification.

(a) Whenever the handling of onions is regulated pursuant to section 52, or at other times when recommended by the committee and approved by the Secretary, no handler shall handle onions unless they are inspected by an authorized representative of the Federal or Federal-State Inspection Service and are covered by a valid inspection certificate, except when relieved from such requirements pursuant to section 52(c) or section 54, or paragraph (b) of this section.

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

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

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

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

(f) The committee may recommend and the Secretary may require that no handler shall transport or cause the transportation of onions by motor vehicle or by other means unless such shipment is accompanied by a copy of the Inspection Certificate issued thereon, or other document authorized by the committee to indicate that such inspection has been performed. Such certifi-

cate or document shall be surrendered to such authority as may be designated.

### EXEMPTIONS

#### Sec. 70. Policy.

Any producer whose onions have been adversely affected by acts beyond his control or by acts beyond reasonable expectation and who, by reason of any regulation issued pursuant to section 52, is or will be prevented from shipping or having shipped during the then current marketing season, or a specific portion thereof, as large a proportion of his onion crop as the average proportion shipped or to be shipped during comparable portions of the season by all producers in his immediate area of production may apply to the committee for exemptions from such regulations for the purpose of obtaining equitable treatment under such regulations.

#### Sec. 71. Rules and procedures.

The committee may adopt, with approval of the Secretary, the rules and procedures for handling exemptions, for issuing certificates of exemption, for committee determinations with respect to areas and averages, and for such other procedures as may be necessary to carry out the provisions in this section and section 70.

#### Sec. 72. Granting exemptions.

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

(a) That the grade, size, or quality of the applicant's onions have been adversely affected by those acts determined pursuant to section 71 to be beyond the applicant's control or by acts beyond reasonable expectation;

(b) That by reason of regulations issued pursuant to section 52, in case of an applicant who is a producer, he will be prevented from shipping or having shipped as large a proportion of his production as the average proportion of production shipped by all producers in said applicant's immediate area of production during the season, or a specific portion thereof.

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

#### Sec. 73. Investigation.

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

#### Sec. 74. Appeal.

If any applicant for exemption is dissatisfied with the committee's determination on his application, an appeal may be filed with the committee. Appeals must be taken promptly, within time limits under the rules, from the committee's determination. Applicant's appeals shall provide evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application,

examine all available evidence, and make a final determination concerning the application within a reasonable time, as limited by rules. The committee shall notify the appellant of the final determination and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

### REPORTS

#### Sec. 75. Reports.

Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee in such manner and at such time as it may prescribe, such reports and other information as may be necessary for the committee to perform its duties under this part. Where necessary for determining compliance with regulations, the committee may request reports from individual handlers with respect to specific sales, transportation, or other handling of onions.

(a) Such reports may include, but are not necessarily limited to, the following: (1) The quantities of onions received by a handler; (2) the quantities disposed of by a handler segregated as to the respective quantities subject to particular regulations and not subject to regulation; (3) the date of each such disposition and the identification of the carrier transporting such onions, and (4) identification of the inspection certificates relating to the onions which were handled pursuant to section 52 or section 53, or both.

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

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

### COMPLIANCE

#### Sec. 81. Compliance.

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

### MISCELLANEOUS PROVISIONS

#### Sec. 82. Right of the Secretary.

The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall



be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

**Sec. 83. Effective time.**

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

**Sec. 84. Termination.**

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

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

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers who, during a representative period, have been engaged in the production of onions for market: *Provided*, That such majority has, during such representative period produced for market more than fifty percent of the volume of such onions produced for market.

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

**Sec. 85. Proceeding after termination.**

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

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

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

upon the members of the committee and upon the said trustees.

**Sec. 86. Effect of termination or amendments.**

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulation issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

**Sec. 87. Duration of immunities.**

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

**Sec. 88. Agents.**

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

**Sec. 89. Derogation.**

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

**Sec. 90. Personal liability.**

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

**Sec. 91. Separability.**

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

**Sec. 92. Amendments.**

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

**Sec. 93. Counterparts.**

This agreement may be executed in multiple counterparts and when one

counterpart is signed by the Secretary all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.<sup>1</sup>

**Sec. 94. Additional parties.**

After the effective date hereof, any handler who has not previously executed this agreement may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges and immunities conferred by this agreement shall then be effective as to such new contracting party.<sup>1</sup>

**Sec. 95. Order with marketing agreement.**

Each signatory handler favors and approves the issuance of an order by the Secretary regulating the handling of onions in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such an order.<sup>1</sup>

Copies of this notice of recommended decision may be procured from the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D.C., or may be there inspected.

Dated: July 24, 1961.

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

[F.R. Doc. 61-7064; Filed, July 26, 1961;  
8:51 a.m.]

## FEDERAL AVIATION AGENCY

[ 14 CFR Parts 600, 601 ]

[Airspace Docket No. 61-LA-15]

### FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

#### Alteration of Federal Airway and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.6107 and 601.6107 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airway No. 107 is designated in part from the Los Angeles, Calif., VOR via the INT of the Los Angeles VOR 139° and the Long Beach, Calif., VORTAC 287° True radials; INT of the Long Beach VORTAC 287° and the Fillmore, Calif., VORTAC 163° True radials; to the Fillmore VORTAC. The Federal Aviation Agency is considering the redesignation of Victor 107 from the Los Angeles VOR via the INT of the Los Angeles VOR 292°

<sup>1</sup> Applicable only to the proposed agreement.

and the Fillmore VORTAC 163° True radials; to the Fillmore VORTAC including a west alternate from the Los Angeles VOR to the Fillmore VORTAC via the INT of the Los Angeles VOR 292° and the Oxnard, Calif., VOR 107° True radials and the Oxnard VOR. The portions of this airway that would coincide with the Point Mugu, Calif., Restricted Areas R-2519 and R-2520 would be excluded.  
(Airspace Docket No. 61-LA-15)

The control areas associated with the proposed segment of Victor 107 and the west alternate would extend upward from 700 feet above the surface to the base of the continental control area. Separate actions will be initiated to implement on an area basis Amendment 60-21 to Part 60 of the Civil Air Regulations.

The alteration of Victor 107 as proposed would provide an additional arrival route to the Los Angeles International Airport for traffic arriving from over the Fillmore VORTAC. The proposed Victor 107 west alternate would provide a route between Fillmore and Oxnard for traffic arriving or departing the Oxnard/Ventura area. It would also provide a route for aircraft operating between Los Angeles International Airport and airports in the Santa Barbara-Oxnard/Ventura areas.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 21, 1961.

CHARLES W. CARMODY,  
Chief, Airspace Utilization Division.  
(F.R. Doc. 61-7019; Filed, July 26, 1961; 8:46 a.m.)

[ 14 CFR Parts 600, 601 ]

[ Airspace Docket No. 61-NY-17 ]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Alteration

In a Notice of Proposed Rule Making published in the FEDERAL REGISTER as Airspace Docket No. 61-NY-17 on April 26, 1961 (26 F.R. 3572), it was stated that the Federal Aviation Agency proposed to designate the control area associated with the segment of low altitude VOR Federal airway No. 149 proposed between Georgetown, N.Y., and Utica, N.Y., to extend upward from 1,200 feet above the surface, or if appropriate, 500 feet beneath the Instrument Flight Rules minimum en route altitude when established.

Subsequent to the publication of the Notice, it has been determined that the application of Amendment 60-21 to Part 60 of the Civil Air Regulations to the control area associated with this segment of Victor 149 should be deferred until such time as all control areas associated with the other airways in the vicinity of Georgetown and Utica can be altered by applying Amendment 60-21. Accordingly, action is hereby taken to alter the original Notice by proposing that the control area associated with the segment of Victor 149 from Georgetown to Utica extend upward from 700 feet above the surface to the base of the continental control area.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material will be extended to August 31, 1961.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), I hereby give notice that the time within which comments will be received for consideration on Airspace Docket No. 61-NY-17 is extended to August 31, 1961. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica, N.Y.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 21, 1961.

CHARLES W. CARMODY,  
Chief, Airspace Utilization Division.  
(F.R. Doc. 61-7020; Filed, July 26, 1961; 8:46 a.m.)

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[ 42 CFR Part 72 ]

INTERSTATE QUARANTINE

Drinking Water Standards

Notice is hereby given that the Surgeon General of the Public Health Service

with the approval of the Secretary of Health, Education, and Welfare proposes to amend Subpart J and a related section as set out below.

This revision of the Drinking Water Standards has been undertaken in consultation with an advisory committee, whose membership included representatives of the State and Federal Governments, scientific associations, the public and industries. Recognizing the growing problems created by technological advances, the revision includes, for the first time, limiting concentrations on radioactivity and provides limits for several new chemicals as well as a gross limit for the concentration of some types of synthetic chemicals.

Interested persons may submit written data, views or arguments (in duplicate) in regard to the proposed regulations to the Surgeon General, Public Health Service, Washington 25, D.C. All relevant material received not later than 30 days after the publication of this notice will be considered.

§ 72.1 [Amendment]

1. Section 72.1(1) would be amended to read:

(1) *Potable water.* Water which meets the standards prescribed in the Public Health Service Drinking Water Standards (see Subpart J of this part).

2. Subpart J would be amended to read as follows:

Subpart J—Drinking Water Standards

§ 72.201 Definitions of terms.

As used in this subpart, the following terms shall have the meanings set out below:

(a) "Adequate protection by natural means" involves one or more of the following processes of nature that produces water consistently meeting the requirements of these Standards: dilution, storage, sedimentation, sunlight, aeration, and the associated physical and biological processes which tend to accomplish natural purification in surface waters and, in the case of ground waters, the natural purification of water by infiltration through soil and percolation through underlying material and storage below the ground water table.

(b) "Adequate protection by treatment" means any one or any combination of the controlled processes of coagulation, sedimentation, absorption, filtration, disinfection, or other processes which produce a water consistently meeting the requirements of these Standards. This protection also includes processes which are appropriate to the source of supply; works which are of adequate capacity to meet maximum demands without creating health hazards, and which are located, designed, and constructed to eliminate or prevent pollution; and conscientious operation by well-trained and competent personnel whose qualifications are commensurate with the responsibilities of the position and acceptable to the reporting agency and the certifying authority.

(c) "Certifying Authority" means the Surgeon General of the United States



Public Health Service or his duly authorized representatives. Reference to the certifying authority is applicable only for those water supplies to be certified for use on carriers subject to this part.

(d) "The coliform group" includes all organisms considered in the coliform group as set forth in Standard Methods for the Examination of Water and Wastewater, current edition, prepared and published jointly by the American Public Health Association, American Water Works Association, and Water Pollution Control Federation.

(e) "Health hazards" mean any conditions, devices, or practices in the water supply system and its operation which create, or may create, a danger to the health and well-being of the water consumer. An example of a health hazard is a structural defect in the water supply system, whether of location, design, or construction, which may regularly or occasionally prevent satisfactory purification of the water supply or cause it to be polluted from extraneous sources.

(f) "Pollution", as used in these Standards, means the presence of any foreign substance (organic, inorganic, radiological, or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water.

(g) "Reporting agencies" means the respective official State health agencies or their designated representatives.

(h) "The standard sample" for the bacteriological test shall consist of:

(1) For the bacteriological fermentation tube test, five (5) standard portions of either:

- (i) Ten milliliters (10 ml)
- (ii) One hundred milliliters (100 ml)

(2) For the membrane filter technique, not less than fifty milliliters (50 ml).

(i) "Water supply system" includes the works and auxiliaries for collection, treatment, storage, and distribution of the water from the sources of supply to the free-flowing outlet of the ultimate consumer.

**§ 72.202 Source and protection.**

(a) The water supply should be obtained from the most desirable source which is feasible, and effort should be made to prevent or control pollution of the source. If the source is not adequately protected by natural means, the supply shall be adequately protected by treatment.

(b) Frequent sanitary surveys shall be made of the water supply system to locate and identify health hazards which might exist in the system. The manner and frequency of making these surveys, and the rate at which discovered health hazards are to be removed shall be in accordance with a program approved by the reporting agency and the certifying authority.

(c) Approval of water supplies shall be dependent in part upon:

(1) Enforcement of rules and regulations to prevent development of health hazards;

(2) Adequate protection of the water quality throughout all parts of the system, as demonstrated by frequent surveys;

(3) Proper operation of the water supply system under the responsible charge of personnel whose qualifications are acceptable to the reporting agency and the certifying authority;

(4) Adequate capacity to meet peak demands without development of low pressures or other health hazards; and

(5) Record of laboratory examinations showing consistent compliance with the water quality requirements of these Standards.

(d) For the purpose of application of these Standards, responsibility for the conditions in the water supply system shall be considered to be held by:

(1) The water purveyor from the source of supply to the connection to the customer's service piping; and

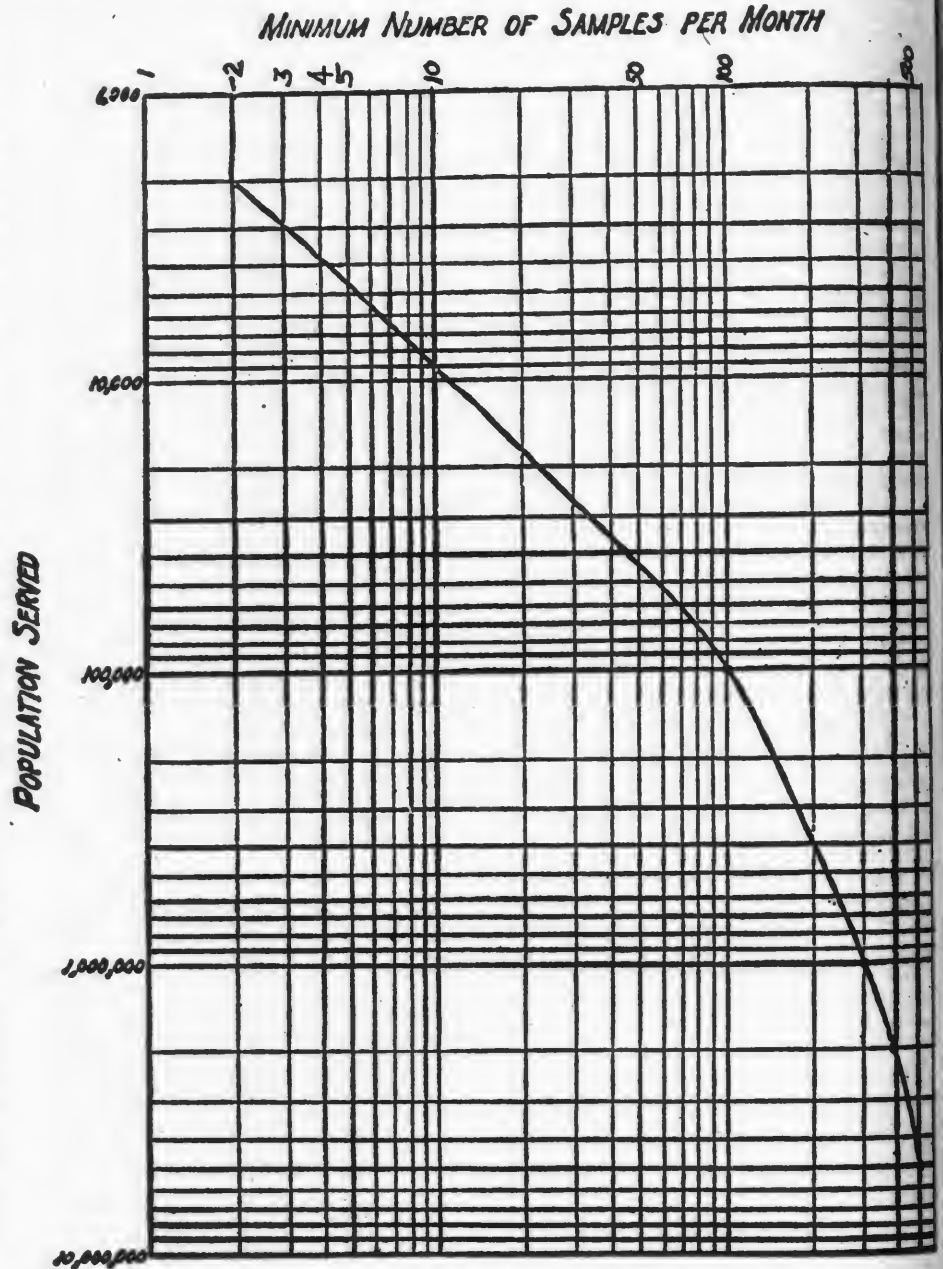
(2) The owner of the property served and the municipal, county, or other au-

thority having legal jurisdiction from the point of connection to the customer's service piping to the free-flowing outlet of the ultimate consumer.

**§ 72.203 Bacteriological quality.**

(a) *Sampling.* (1) Compliance with the bacteriological requirements of these Standards shall be based on examinations of samples collected at representative points throughout the distribution system. The frequency of sampling and the location of sampling points shall be established jointly by the reporting agency and the certifying authority after investigation by either agency, or both, of the source, method of treatment, and protection of the water concerned.

(2) The minimum number of samples to be collected from the distribution system and examined each month should be in accordance with the number on the graph in Figure I, for the population served by the system. For the purpose of uniformity and simplicity in applica-



tion, the number determined from the graph should be in accordance with the following: For a population of 25,000 and under—to the nearest 1; 25,001 to 100,000—to the nearest 5; and over 100,000—to the nearest 10.

(3) In determining the number of samples examined monthly, the following samples may be included, provided all results are assembled and available for inspection and the laboratory methods and technical competence of the laboratory personnel are approved by the reporting agency and the certifying authority:

- (i) Samples examined by the reporting agency.
- (ii) Samples examined by local government laboratories.
- (iii) Samples examined by the water works authority.
- (iv) Samples examined by commercial laboratories.

(4) The laboratories in which these examinations are made and the methods used in making them shall be subject to inspection at any time by the designated representatives of the certifying authority and the reporting agency. Compliance with the specified procedures and the results obtained shall be used as a basis for certification of the supply.

(5) Daily samples collected following a bacteriological unsatisfactory sample as provided in paragraph (b) (1), (2), and (3) of this section shall be considered as special samples and shall not be included in the total number of samples examined. Neither shall such special samples be used as a basis for prohibiting the supply: *Provided*, That (i) when waters of unknown quality are being examined, simultaneous tests are made on multiple portions of a geometric series to determine a definitive coliform content, (ii) immediate and active efforts are made to locate the cause of pollution, (iii) immediate action is taken to eliminate the cause, and (iv) samples taken following such remedial action are satisfactory.

(b) *Limits*. The presence of organisms of the coliform group as indicated by samples examined shall not exceed the following limits:

(1) When 10 ml standard portions are examined, not more than 10 percent in any month shall show the presence of the coliform group. The presence of the coliform group in three or more 10 ml portions of a standard sample shall not be allowable if this occurs:

- (i) In two consecutive samples;
- (ii) In more than one sample per month when less than 20 are examined per month; or
- (iii) In more than five percent of the samples when 20 or more are examined per month.

When organisms of the coliform group occur in three or more of the 10 ml portions of a single standard sample, daily samples from the same sampling point shall be collected promptly and examined until the results obtained from at least two consecutive samples show the water to be of satisfactory quality.

(2) When 100 ml standard portions are examined, not more than 60 percent

in any month shall show the presence of the coliform group. The presence of the coliform group in all five of the 100 ml portions of a standard sample shall not be allowable if this occurs:

- (i) In two consecutive samples;
- (ii) In more than one sample per month when less than five are examined per month; or
- (iii) In more than 20 percent of the samples when five or more are examined per month.

When organisms of the coliform group occur in all five of the 100 ml portions of a single standard sample, daily samples from the same sampling point shall be collected promptly and examined until the results obtained from at least two consecutive samples show the water to be of satisfactory quality.

(3) When the membrane filter technique is used, the arithmetic mean coliform density of all standard samples examined per month shall not exceed one per 100 ml. Coliform colonies per standard sample shall not exceed 3/50 ml, 4/100 ml, 7/200 ml, or 13/500 ml in:

- (i) Two consecutive samples;
- (ii) More than one standard sample when less than 20 are examined per month; or
- (iii) More than five percent of the standard samples when 20 or more are examined per month.

When coliform colonies in a single standard sample exceed the above values, daily samples from the same sampling point shall be collected promptly and examined until the results obtained from at least two consecutive samples show the water to be of satisfactory quality.

§ 72.204 Physical characteristics.

(a) *Sampling*. The frequency and manner of sampling shall be determined by the reporting agency and the certifying authority. Under normal circumstances samples should be collected one or more times per week from representative points in the distribution system and examined for turbidity, color, threshold odor, and taste.

(b) *Limits*. Drinking water should contain no impurity which would cause offense to the sense of sight, taste, or smell. Under general use, the following limits should not be exceeded:

- Turbidity—5 units.
- Color—15 units.
- Threshold odor number—3.

§ 72.205 Chemical characteristics.

(a) *Sampling*. (1) The frequency and manner of sampling shall be determined by the reporting agency and the certifying authority. Under normal circumstances, analyses for substances listed below need be made only semi-annually. If, however, there is some presumption of unfitness because of the presence of undesirable elements, compounds, or materials, periodic determinations for the suspected toxicant or material should be made more frequently and an exhaustive sanitary survey should be made to determine the source of the pollution. Where the concentration of a substance is not expected to increase in processing and distribution,

available and acceptable source water analyses performed in accordance with standard methods may be used as evidence of compliance with these Standards.

(2) Where experience, examination, and available evidence indicate that particular substances are consistently absent from a water supply or below levels of concern, semi-annual examinations for those substances may be omitted when approved by the reporting agency and the certifying authority.

(3) The burden of analysis may be reduced in many cases by using data from acceptable sources. Judgment concerning the quality of water supply and the need for performing specific local analyses may depend in part on information produced by such agencies as (i) the U.S. Geological Survey, which determines chemical quality of surface and ground waters of the United States and publishes these data in "Water Supply Papers" and other reports, and (ii) the U.S. Public Health Service which determines water quality related to pollution (or the absence of pollution) in the principal rivers of the Nation and publishes these data annually in "National Water Quality Network." Data on pollution of waters as measured by carbon chloroform extracts (CCE) may be found in the latter publication.

(b) *Limits*. Drinking water shall not contain impurities in concentrations which may be hazardous to the health of the consumers. It should not be excessively corrosive to the water supply system. Substances used in its treatment shall not remain in the water in concentrations greater than required by good practice. Substances which may have deleterious physiological effect, or for which physiological effects are not known, shall not be introduced into the system in a manner which would permit them to reach the consumer.

(1) The following chemical substances should not be present in a water supply in excess of the listed concentrations where, in the judgment of the reporting agency and the certifying authority, other more suitable supplies are or can be made available.

Substance	Concentration in mg/l
Alkyl Benzene Sulfonate (ABS)-----	0.5
Arsenic (As)-----	0.01
Chloride (Cl)-----	250
Copper (Cu)-----	1.0
Carbon Chloroform Extract (CCE)---	0.2
Cyanide (CN)-----	0.01
Flouride (F)-----	(*)
Iron (Fe)-----	0.3
Manganese (Mn)-----	0.05
Nitrate <sup>1</sup> (NO <sub>3</sub> )-----	45
Phenols-----	0.001
Sulfate (SO <sub>4</sub> )-----	250
Total Dissolved Solids-----	500
Zinc (Zn)-----	5

\* See 72.205(b) (3).

<sup>1</sup> In areas in which the nitrate content of water is known to be in excess of the listed concentration, the public should be warned of the potential dangers of using the water for infant feeding.

(2) The presence of the following substances in excess of the concentrations listed shall constitute grounds for rejection of the supply:



Substance	Concentration in mg/l
Arsenic (As)-----	0.05
Barium (Ba)-----	1.0
Cadmium (Cd)-----	0.01
Chromium (Hexavalent) (Cr+ <sup>6</sup> )-----	0.5
Cyanide (CN)-----	0.2
Fluoride (F)-----	(*)
Lead (Pb)-----	0.05
Selenium (Se)-----	0.01
Silver (Ag)-----	0.05

\* See 72.205(b) (3).

(3) (i) When fluoride is naturally present in drinking water, the concentration should not average more than the appropriate upper limit in Table I. Presence of fluoride in average concentrations greater than two times the optimum values in Table I shall constitute grounds for rejection of the supply.

(ii) Where fluoridation (supplementation of fluoride in drinking water) is practiced, the average fluoride concentration shall be kept within the upper and lower control limits in Table I.

TABLE I

Annual average of maximum daily air temperatures *	Recommended Control Limits (Fluoride concentrations in mg/l)		
	Lower	Optimum	Upper
50.0-53.7-----	0.9	1.2	1.7
53.8-58.3-----	0.8	1.1	1.5
58.4-63.8-----	0.8	1.0	1.3
63.9-70.6-----	0.7	0.9	1.2
70.7-79.2-----	0.7	0.8	1.0
79.3-90.5-----	0.6	0.7	0.8

\* Based on temperature data obtained for a minimum of five years.

(iii) In addition to the sampling required by paragraph (a) of this section, fluoridated and defluoridated supplies shall be sampled with sufficient frequency to determine that the desired fluoride concentration is maintained.

#### § 72.206 Radioactivity.

(a) *Sampling.* (1) The frequency of sampling and analysis for radioactivity shall be determined by the reporting agency and the certifying authority after consideration of the likelihood of significant amounts being present. Where concentrations of Ra<sup>226</sup> or Sr<sup>90</sup> may vary considerably, quarterly samples composited over a period of three months are recommended. Samples for determination of gross activity should be taken and analyzed more frequently.

(2) As indicated in § 72.205(a), data from acceptable sources may be used to

indicate compliance with these requirements.

(b) *Limits.* (1) The effects of human radiation exposure are viewed as harmful and any unnecessary exposure to ionizing radiation should be avoided. The concentrations of radioactivity specified below for drinking water are intended to limit intake of these substances by this route so that total radiation exposure of population groups does not exceed appropriate Radiation Protection Guides recommended by the Federal Radiation Council. Concentrations which exceed, on the average, the values presented below for a period of one year shall constitute grounds for rejection of the supply. Where the total intake of Ra<sup>226</sup> and Sr<sup>90</sup> from all sources has been determined, these limits may be adjusted by the reporting agency and the certifying authority so that the total intake of Ra<sup>226</sup> and Sr<sup>90</sup> will not exceed 7.3  $\mu\mu\text{c}$  per day and 73  $\mu\mu\text{c}$  per day respectively.

Radionuclides	Concentrations in $\mu\mu\text{c/liter}$
Radium <sup>226</sup> -----	3
Strontium <sup>90</sup> -----	10
Gross Beta Activity (Strontium <sup>90</sup> and alpha emitters absent <sup>1</sup> )-----	1000

<sup>1</sup> Absent is taken here to mean a negligibly small fraction of the above specific limits, where the limit for unidentified alpha emitters is taken as the listed limit for Ra<sup>226</sup>.

(2) When mixtures of Radium<sup>226</sup>, Strontium<sup>90</sup>, and other radionuclides are present, the above limiting values shall be modified to assure that the combined intake is not likely to result in radiation exposure in excess of the Radiation Protection Guides recommended by the Federal Radiation Council.

#### § 72.207 Recommended analytical methods.

(a) Analytical methods to determine compliance with the requirements of these Standards shall be those specified in Standard Methods for the Examination of Water and Wastewater, Am. Pub. Health Assoc., current edition and those specified as follows:

(1) Barium: Methods for the Collection and Analyses of Water Samples, Water Supply Paper No. 1454, Rainwater, F. H. & Thatcher, L. L., U.S. Geological Survey, Washington, D.C.

(2) Carbon Chloroform Extract (CCE): Manual for Recovery and Identification of Organic Chemicals in Water, Middleton, F. M., Rosen, A. A.,

and Burttschell, R. H., Robert A. Taft Sanitary Engineering Center, PHS, Cincinnati, Ohio.

(3) Radioactivity: Laboratory Manual of Methodology, Radionuclide Analyses of Environmental Samples, Technical Report R59-6, Robert A. Taft Sanitary Engineering Center, PHS, Cincinnati, Ohio, and Methods of Radiochemical Analysis, Technical Report No. 173, Report of the Joint WHO-FAO Committee, 1959, World Health Organization.

(4) Selenium: Suggested Modified Method for Colorimetric Determination of Selenium in Natural Water, Magin, G. B., Thatcher, L. L., Rettig, S., and Levine, H., J. Am. Water Works Assoc. 52, 1199 (1960).

(b) *Organisms of the coliform group.* All of the details of techniques in the determination of bacteria of this group, including the selection and preparation of apparatus and media, the collection and handling of samples and the intervals and conditions of storage allowable between collection and examination of the water sample, shall be in accordance with Standard Methods for the Examination of Water and Wastewater, current edition, and the procedures shall be those specified therein for:

(1) The Membrane Filter Technique, Standard Test, or

(2) The Completed Test, or

(3) The Confirmed Test, procedure with brilliant green lactose bile broth,<sup>1</sup> or

(4) The Confirmed Test, procedure with Endo or eosin methylene blue agar plates.<sup>1</sup>

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Interprets or applies sec. 361, 58 Stat. 703; 42 U.S.C. 264)

Dated: June 16, 1961.

[SEAL] LUTHER L. TERRY,  
Surgeon General.

Approved: July 20, 1961.

ABRAHAM RIBICOFF,  
Secretary.

[F.R. Doc. 61-6985; Filed, July 26, 1961; 8:45 a.m.]

<sup>1</sup> The Confirmed Test is allowed, provided the value of this test to determine the sanitary quality of the specific water supply being examined is established beyond reasonable doubt by comparisons with Completed Tests performed on the same water supply.

# Notices

## CIVIL AERONAUTICS BOARD

[Docket No. 11096]

### SEVEN SEAS AIRLINES, INC.

#### Enforcement Proceeding; Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the above matter previously set to be heard July 26, 1961, has been continued at the request of the Board's Bureau of Enforcement and respondent, and is now set to be heard October 2, 1961, at 10:00 a.m., e.d.s.t. in Room 911, Universal Building, Florida and Connecticut Avenues NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., July 24, 1961.

[SEAL] RUSSELL A. POTTER,  
Hearing Examiner.

[F.R. Doc. 61-7070; Filed, July 26, 1961; 8:52 a.m.]

## DEPARTMENT OF THE TREASURY

### Coast Guard

[CGFR 61-31]

#### KAPOK OR FIBROUS GLASS BUOYANT VESTS, MODELS, AK, CKM, CKS, AF, CFM, AND CFS

##### Termination of Manufacturers' Approvals

1. Various items of lifesaving equipment used on certain motorboats and other pleasure craft are required by the act of April 25, 1940, as amended (46 U.S.C. 526-526u), other navigation and vessel inspection laws, and various regulations in 46 CFR Chapter I to be of types approved by the Commandant, United States Coast Guard. The procedures governing the granting of approvals and the suspension, cancellation, termination, or withdrawal of approvals are set forth in 46 CFR 2.75-1 to 2.75-50, inclusive. With respect to kapok or fibrous glass buoyant vests, the Commandant revised the specification in 46 CFR 160.047 and in conjunction therewith terminated the manufacturers' approvals of kapok or fibrous glass buoyant vests, Models AK, CKM, CKS, AF, CFM, and CFS, for motorboats of classes A, 1, or 2 not carrying passengers for hire, effective July 1, 1961, which was published in the FEDERAL REGISTER of June 16, 1960 (25 F.R. 5392).

2. This document is to notify all concerned that Approval Nos. 160.047/1/0 through 160.047/285/0, for kapok or fibrous glass buoyant vests, Models AK,

CKM, CKS, AF, CFM, and CFS, were terminated on July 1, 1961.

3. By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167-32, dated September 23, 1958 (23 F.R. 7605), and R.S. 4405, as amended, 4462, as amended and secs. 6 and 17, 54 Stat. 164, as amended, 166, as amended (46 U.S.C. 375, 416, 526e, 526p), and implementing regulations in 46 CFR Chapter I, the following actions have been ordered:

a. All Approval Nos. 160.047/1/0 to 160.047/285/0, inclusive have been terminated effective July 1, 1961.

b. All items of equipment bearing Approval Nos. 160.047/1/0 to 160.047/285/0, inclusive, for kapok or fibrous glass buoyant vests, Models AK, CKM, CKS, AF, CFM, and CFS, manufactured prior to July 1, 1961, may be placed in service on motorboats of classes A, 1, or 2 not carrying passengers for hire and/or continued in use so long as such vests are in good and serviceable condition.

Dated: July 19, 1961.

[SEAL]

A. C. RICHMOND,  
Admiral, U.S. Coast Guard,  
Commandant.

[F.R. Doc. 61-7013; Filed, July 26, 1961; 8:45 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

#### CALIFORNIA

#### Amended Notice of Termination of Proposed Withdrawal and Reservation of Lands

JULY 18, 1961.

The description of lands in Federal Register Document 61-3478, appearing

on page 3328 of the issue for April 19, 1961, is amended to read as follows:

The lands affected by this notice are the public lands located in the following described sections:

#### MT. DIABLO MERIDIAN

- T. 31 S., R. 44 E.,  
Secs. 1-3, inclusive;  
Secs. 10-15, inclusive;  
Secs. 22-27, inclusive;  
Secs. 34-36, inclusive.
- T. 31 S., R. 45 E., partially surveyed,  
Secs. 1-36, inclusive.
- T. 31 S., R. 46 E.,  
Secs. 3-10, inclusive;  
Secs. 15-22, inclusive;  
Secs. 27-34, inclusive.
- T. 32 S., R. 44 E.,  
Secs. 1-3, inclusive;  
Secs. 10-15, inclusive;  
Secs. 22-27, inclusive;  
Secs. 34-36, inclusive.
- T. 32 S., R. 45 E.,  
Secs. 1-35, inclusive.
- T. 32 S., R. 46 E.,  
Secs. 3-10, inclusive;  
Secs. 15-22, inclusive;  
Secs. 27-30, inclusive.

GEORGE H. WHEATLEY,  
Acting Manager, Land Office,  
Los Angeles, California.

[F.R. Doc. 61-7058; Filed, July 26, 1961; 8:50 a.m.]

#### CALIFORNIA

#### Redelegation of Authority by State Director for Certain Officers To Enter Into Contracts and Leases

JULY 17, 1961.

In accordance with authority contained in the Bureau of Land Management Order 679 of June 27, 1961, the following classes of employees are authorized to take action for and in behalf of the State Director in matters listed in section 1(a) of the above order when the amount in any such contract does not exceed that shown for the particular class of employee.

Working titles	Other Federal Agencies FSS Schedule or other approved contracts	Open market transactions			
		P.O. 4-140	P.O. SF 44	Credit card	Cash
State and District Administrative Assistants (Officers).....	No limit.....	\$2,000	\$1,000	\$50	XXXXX
District Managers.....	Do.....	2,000	1,000	50	XXXXX
Field Employees <sup>1</sup> .....	XXXXXXXXXXXXXXXXXXXXXXXXXXXX	XXXXX	1,100	50	XXXXX
Land Office Managers.....	\$1,500.....	1,000	100	XXXXX	XXXXX
Field Cadastral Surveyors.....	\$1,000.....	1,000	500	50	XXXXX
Imprest Fund Cashiers.....	XXXXXXXXXXXXXXXXXXXXXXXXXXXX	XXXXX	XXXXX	XXXXX	\$50

<sup>1</sup> As specifically authorized by the State Director or District Manager.

To become effective upon publication. Authority delegated may not be redelegated.

NEAL D. NELSON,  
State Director.

[F.R. Doc. 61-7042; Filed, July 26, 1961; 8:48 a.m.]



## IDAHO

## Delegation of Authority Regarding Contracts

JULY 20, 1961.

Pursuant to the authority contained in Order No. 679, of the Director, Bureau of Land Management, the following classes of employees are authorized to enter into contracts for construction up to \$2,000, and supplies (including the rental of equipment) or services up to \$2,500 and to make open market purchases up to \$2,500.

Chief, Division of Administration, District Managers, Administrative Assistants.

The State Director may, in writing, further delegate authorization to make emergency purchases to any qualified employee of the Bureau of Land Management.

All contracts entered into under this authority must conform with applicable regulations and statutory requirements, and are subject to availability of appropriations.

JOE T. FALLINI,  
State Director.

[F.R. Doc. 61-7044; Filed, July 26, 1961;  
8:49 a.m.]

## UTAH

## Notice of Delegation of Purchasing Authority

JULY 19, 1961.

Pursuant to authority contained in Order No. 679 of Director, Bureau of Land Management dated June 27, 1961, I hereby redelegate to the following listed officers of the Bureau of Land Management for the State of Utah, effective this date, authority to enter into contracts for construction, supplies, services (including rental of equipment), and to make open market purchases within the limitation here indicated:

District Managers: Contracts for construction, services, and supplies, \$2,000 per contract; Open Market Purchase, \$1,000 per purchase.

State Administrative Officer: Open Market Purchase, \$1,000 per purchase.

Land Office Manager: Open Market Purchase, \$1,000 per purchase.

This authority shall be exercised in accordance to applicable limitations set forth in the Federal Property and Administration Services Act of 1949, as amended and in accordance with applicable policies, procedures, and controls prescribed by the General Services Administration.

R. D. NIELSON,  
State Director.

[F.R. Doc. 61-7045; Filed, July 26, 1961;  
8:49 a.m.]

[State Order No. 10]

## WYOMING

## Redelegation of Authority To Specified Classes of Employees

JULY 20, 1961.

Pursuant to the authority contained in Section One of Order No. 679 of the

Associate Director of the Bureau of Land Management, the following are authorized to enter into contracts for supplies, or services (including rental of equipment), as provided above, when the amounts in each contract does not exceed amounts indicated below:

District Managers and State Administrative Officers:	
Construction .....	\$2000
Equipment rental.....	2000
Supplies and materials.....	2500
State and District Administrative Assistants:	
Construction .....	1000
Equipment rental.....	1000
Supplies and materials.....	1000
District Clerks in those offices not staffed with Administrative Assistant, and Survey Party Crew Chiefs:	
Supplies and materials.....	500

The authority contained herein may not be redelegated.

ED PIERSON,  
State Director.

[F.R. Doc. 61-7046; Filed, July 26, 1961;  
8:49 a.m.]

## IDAHO

## Notice of Proposed Withdrawal and Reservation of Lands

JULY 20, 1961.

The Department of Agriculture has filed an application, Serial Number Idaho 012650 for the withdrawal of the lands described below, from all forms of appropriation under the General Mining Laws, except the Mineral Leasing Laws, subject to valid existing rights. The applicant desires the land for a campground.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 2237, Boise, Idaho.

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:

BOISE MERIDIAN, IDAHO  
PAYETTE NATIONAL FOREST  
Little Ramey Campground

Beginning at a point where Little Ramey Creek enters Big Creek, thence northwesterly along the north high water line of Big Creek for 10 chains; thence N. 28° E., for 5 chains; thence S. 63° E. for 11 chains to a point on Little Ramey Creek which is 5 chains upstream from its mouth; thence S. 63° E. for 13 chains; thence S. 22° W. to a point on the north bank of Big Creek; thence northwesterly along the high water line of Big Creek to the mouth of Little Ramey Creek, the point of beginning and located wholly within the following described subdivisions of unsurveyed land which will be when surveyed:

T. 21 N., R. 11 E.,  
Sec. 7; E½NE¼, NE¼SE¼;  
Sec. 8; SW¼NW¼, NW¼SW¼.

The area described aggregates 12 acres, more or less.

JOE T. FALLINI,  
State Director.

[F.R. Doc. 61-7047; Filed, July 26, 1961;  
8:49 a.m.]

## SOUTH DAKOTA

## Notice of Proposed Withdrawal and Reservation of Lands

JULY 19, 1961.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial Number M-044185(SD) for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the General Mining Laws, subject to existing rights. The applicant desires the land for recreation purposes and the protection of administrative facilities.

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

LAWRENCE COUNTY, SOUTH DAKOTA

T. 3 N., R. 5 E.,  
Sec. 27, Lot 7.  
Total area: 24.73 acres.

PENNINGTON COUNTY, SOUTH DAKOTA

T. 1 S., R. 6 E.,  
Sec. 12, Lots 4, 5, 6, 8, E½NW¼SE¼,  
E½W½NW¼SE¼;  
Sec. 13, Lot 1.  
Total area: 121.22 acres.

Total area described aggregates 145.95 acres.

GEORGE L. TUVCOFF,  
Acting State Director.

[F.R. Doc. 61-7048; Filed, July 26, 1961;  
8:49 a.m.]

[W-0150181]

## WYOMING

## Notice of Proposed Withdrawal and Reservation of Lands

JULY 19, 1961.

The Bureau of Reclamation, United States Department of Interior, has filed an application, Serial No. Wyoming 0150181, for the withdrawal of lands described below, from all forms of appropriation under the first form of withdrawal as provided by section 3 of the Act of June 17, 1902 (32 Stat. 388).

Grazing administration will remain under the jurisdiction of the Bureau of Land Management until such time as the lands are actually required for reclamation purposes.

The applicant desires the land for the right-of-way of the Yellowtail Reservoir, Yellowtail Unit, Lower Bighorn Division, Missouri River Basin Project.

For a period of thirty 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 State Director, Bureau of Land Management, Department of the Interior, P.O. Box 929, Cheyenne, Wyoming.

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:

SIXTH PRINCIPAL MERIDIAN, WYOMING

- T. 57 N., R. 94 W.,  
Sec. 6, Lots 1, 2, SE $\frac{1}{4}$ NE $\frac{1}{4}$ .
- T. 58 N., R. 94 W.,  
Sec. 31, W $\frac{1}{2}$ SE $\frac{1}{4}$ .

The above areas aggregate 200.6 acres.

THOMAS H. FLOYD, Jr.,  
Land Office Manager.

[F.R. Doc. 61-7049; Filed, July 26, 1961;  
8:49 a.m.]

[Document No. 253]

ARIZONA

Revocation of Small Tract Classification; Correction

Revocation of Small Tract Classification Order No. 25, dated October 27, 1953, as corrected.

Arizona Document No. 249, published July 3, 1961, Federal Register Document 61-6213, is hereby amended to correct the last paragraph to delete Sec. 14: Lots 1 thru 8, T. 15 S., R. 12 E., G&SRM, from the provisions of Public Land Order 317, as amended.

However, both Secs. 11 and 14 are included in Small Tract Classification Order No. 25, as corrected, and as stated in first paragraph of subject Document No. 249.

Dated: July 21, 1961.

RAYMOND C. CLEGHORN,  
Acting State Director.

[F.R. Doc. 61-7051; Filed, July 26, 1961;  
8:50 a.m.]

[Classification 67]

ARIZONA

Small Tract Classification; Amendment

In Federal Register Document 61-5652, appearing on page 5532 of the issue for June 21, 1961, the following changes should be made:

Paragraph 8 is hereby amended to read:

8. Any tracts not sold when offered in the course of bidding and on which no qualifying mailed bid has been received, will be offered at public auction upon the motion of any qualified bidder beginning at 10:30 a.m., on August 24, 1961 in the United States Land Office, Room 3204 (Third Floor), Federal Building, 230 North First Avenue, Phoenix 25, Arizona. The remaining tracts will continue subject to nomination and auction at that address each succeeding Thursday at 10:30 a.m. (except holidays) until all tracts are sold or until the auction is declared closed by the Manager, United States Land Office.

Dated: July 20, 1961.

RAYMOND C. CLEGHORN,  
Acting State Director.

[F.R. Doc. 61-7050; Filed, July 26, 1961;  
8:49 a.m.]

[Classification No. 34]

NEVADA

Small Tract Classification; Amendment

1. Effective July 21, 1961 Federal Register Document 49-4828 appearing in the issue of June 15, 1949, is revoked as to the following described lands:

MOUNT DIABLO MERIDIAN, NEVADA

- T. 15 N., R. 20 E.,  
Sec. 32, E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ .

Containing 20 acres.

2. The lands included in this amendment are located in Ormsby County adjacent to Stewart, Nevada. The elevation is approximately 4,750 feet above sea level. The topography is gently rolling and the soil supports the usual growth of desert shrubs. The winters are cold and the summers are extremely hot with cool nights.

3. The lands have been re-examined and found proper for disposal to the Ormsby County School District for school site purposes under the Recreation and Public Purposes Act.

MAX W. BRIDGE,  
Acting State Director,  
Nevada.

JULY 21, 1961.

[F.R. Doc. 61-7052; Filed, July 26, 1961;  
8:50 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

JULY 20, 1961.

The United States Department of Agriculture has filed an application, Serial Number Sacramento 050710 for the withdrawal of the lands described below, from location and entry under the general mining laws, subject to existing valid claims. The applicant desires the land for a recreation site in the National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 1000, California Fruit Building, 4th and J Streets, Sacramento 14, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, CALIFORNIA  
TAHOE NATIONAL FOREST  
Sierra City Recreation Site

- T. 20 N., R. 12 E.,  
Sec. 27: That part of the S $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$  lying south of the North Yuba River, and S $\frac{1}{2}$ SW $\frac{1}{4}$ .

The area described aggregates approximately 90 acres.

WALTER E. BECK,  
Manager, Land Office,  
Sacramento.

[F.R. Doc. 61-7062; Filed, July 26, 1961;  
8:51 a.m.]

Geological Survey

CERTAIN PRODUCING OIL AND GAS FIELDS

Definition of Known Geologic Structures

Former paragraph (c) of § 227.0, Part 227, Title 30, Chapter II Code of Federal Regulations (1947 Supp.), codification of which has been discontinued by a document published in Part II of the FEDERAL REGISTER dated December 31, 1948, is hereby supplemented by the addition of the following list of defined structures effective as of the dates shown.

Name of Field, Effective Date, and Acreage

(1) CALIFORNIA

- McKittrick (Revision), May 16, 1961, 4,435.
- Midway (Revision), May 19, 1961, 28,811.
- Prado Dam, November 21, 1960, 200.

(2) COLORADO

- Douglas Creek-Dragon Trail (Revision), December 10, 1960, 50,300.
- North McCallum (Revision), November 28, 1960, 5,862.
- South McCallum (Revision), October 23, 1960, 5,325.

(3) KANSAS

- McKinney, October 20, 1960, 103,136.

(4) MONTANA

- Flat Coulee, February 17, 1961, 1,600.
- Pumpkin Creek, February 15, 1961, 6,608.
- Whitlash (Revision), February 8, 1961, 14,678.

(4a) MISSISSIPPI

- Pistol Ridge-Maxie (Revision), March 7, 1961, 25,879.
- Roxie, July 12, 1960, 1,751.
- Thompson Creek, October 31, 1960, 640.



## (5) NEW MEXICO

El Mar (Revision), March 10, 1961, 3,200.  
San Juan (Revision and Consolidation),  
May 9, 1961, 1,941,717.

## (6) NORTH DAKOTA

Bear Den, January 2, 1961, 1,480.  
Croft, January 17, 1961, 1,000.  
Fryburg-Scoria, October 13, 1960, 12,791.  
Lost Bridge, October 23, 1959, 480.  
Rocky Ridge, February 6, 1961, 640.

## (7) OKLAHOMA

Cheyenne Valley, November 4, 1960, 2,124.

## (9) WYOMING

Desert Springs (Revision), November 4,  
1960, 24,974.  
Little Worm Creek, May 19, 1961, 920.  
Lost Cabin, March 22, 1961, 1,680.  
Mush Creek-Skull Creek (Revision), No-  
vember 25, 1960, 21,108.  
Nowood, May 9, 1960, 766.  
Raven Creek, February 27, 1961, 1,600.  
Red Springs, March 10, 1961, 80.  
Rozet (Revision), February 13, 1961, 6,238.  
Slattery, March 8, 1961, 1,392.  
South Elk Basin (Revision), June 7, 1960,  
2,380.  
State Line-Little Snake (Colorado and  
Wyoming), January 26, 1961, 13,668.  
Timber Creek, March 8, 1961, 640.  
Wertz Dome (Revision), November 13, 1960,  
1,769.

ARTHUR A. BAKER,  
*Acting Director.*

JULY 19, 1961.

[F.R. Doc. 61-7040; Filed, July 26, 1961;  
8:48 a.m.]

## National Park Service

[Order 3, Amdt. 8]

## ASSISTANT REGIONAL DIRECTOR

### Delegation of Authority Regarding Execution and Approval of Con- tracts for Construction, Supplies, Equipment and Services

Sections No. 4, 5, 6, 7, and 8 are hereby  
renumbered 5, 6, 7, 8, and 9 respectively.

A new section 4, and reading as fol-  
lows is added:

**SEC. 4. Assistant Regional Director.**  
The Assistant Regional Director may  
execute and approve contracts not in  
excess of \$200,000 for construction, sup-  
plies, equipment and services. This au-  
thority may be exercised by the As-  
sistant Regional Director in behalf of  
any office or area for which the Region  
One Office serves as the field finance  
office.

(National Park Service Order No. 14 (19 F.R.  
8824); 39 Stat. 535; 16 U.S.C., 1952 ed., sec.  
2. Region One Order No. 3 (21 F.R. 1493))

Dated: May 29, 1961.

ELBERT COX,  
*Regional Director, Region One  
Office, Richmond, Virginia.*

[F.R. Doc. 61-7055; Filed, July 26, 1961;  
8:50 a.m.]

## DEPARTMENT OF COMMERCE

## Bureau of Foreign Commerce INTERNATIONAL CHEMICAL CORP. ET AL.

## Probation Export Denial Order

In the matter of International Chemi-  
cal Corporation, Kleyman Export Cor-  
poration, Leslie Kleyman Corporation,  
500 Fifth Avenue, New York, New York;  
Case No. 293.

The Director of the Investigation  
Staff, Bureau of Foreign Commerce,  
United States Department of Commerce,  
charged the International Chemical Cor-  
poration, Kleyman Export Corporation,  
and Leslie Kleyman Corporation, all of  
500 Fifth Avenue, New York, New York  
(hereinafter collectively referred to as  
Kleyman, unless otherwise indicated),  
with violations of the Export Control  
Act of 1949, as amended, and regulations  
promulgated thereunder by a charging  
letter dated February 28th, 1961. The  
charges set forth alleged violations in  
connection with the failure to place  
destination control notices on all copies  
of commercial invoices used by Kley-  
man in export transactions from the  
United States.

The respondents, represented by a  
single counsel for all three firms which  
have a basic identity of ownership, ad-  
mitted the facts charged and discussed  
the issues with officials of the Bureau of  
Foreign Commerce (hereafter referred  
to as the BFC), and pursuant to § 382.10  
of the export control regulations, by  
agreement with the Director, Investiga-  
tion Staff, proposed that a consent order,  
substantially in the form of Parts I  
through IV hereof, be entered against  
them. The respondents in consenting to  
the issuance of such order admitted their  
failure to comply with the regulation re-  
quiring a destination control notice on  
their commercial invoices and all copies  
thereof, but maintained that their fail-  
ure did not result from wilfulness.

The charging letter, respondents' an-  
swers and admissions, and their pro-  
posals, together with evidentiary and  
other supplementary data were presented  
to the Compliance Commissioner herein.  
The Compliance Commissioner, having  
carefully reviewed all of such materials,  
approved such proposals, and reported  
the facts of the case to the undersigned  
Director, Office of Export Supply, with  
his recommendations.

After reviewing and considering the  
entire record of this case and the Com-  
pliance Commissioner's report and rec-  
ommendations, I hereby make the fol-  
lowing findings of fact.

1. Since January 1957 investigators  
from the Investigation Staff, BFC, had  
called attention of the Kleyman group to  
the failure of their employees to include  
on commercial invoices, and all copies  
thereof, used for export transactions  
from the United States, the destination

control notices required by § 379.10 of  
the Export Regulations.

2. Various misunderstandings about  
which documents in the firms' files were  
subject to this requirement resulted in  
further violations being uncovered by  
the Investigation Staff in the years 1958,  
1959, and 1960.

3. In addition through error or inad-  
vertence a substantial number of com-  
mercial invoices sent abroad in the  
course of exportations from the United  
States by the respondents also failed to  
contain the required destination control  
clauses.

4. While the absence of these control  
clauses is frequently given by foreign  
consignees and forwarders as an excuse  
in diversion cases, and is a most signifi-  
cant burden to the BFC in establishing  
unauthorized diversions, no such diver-  
sions occurred as a result of the errors  
and nonfeasance charged and admitted  
in this case.

**Conclusions.** And from the foregoing  
I have concluded:

(A) that the Kleyman respondents  
failed to place destination control no-  
tices on all commercial invoices used in  
exportations from the United States and  
on all copies thereon, in violation of Ex-  
port Regulations, § 379.10(c); and

(B) that these failures were not with  
wilful intent to violate the regulation.

Now, after reading the record herein  
and giving careful consideration to the  
proposals and the report and recom-  
mendations of the Compliance Commis-  
sioner, and taking into consideration  
among other things the full and com-  
plete cooperation of the Kleyman  
group with the BFC in its investigation,  
its prompt revision of its procedures and  
forms so as to minimize the possibility  
of future export control violations, and  
being of the opinion that the proposed  
order is fair and necessary to achieve  
effective enforcement of the law: *It is  
hereby ordered, That:*

I. (1) The respondent corporations  
herein shall be denied all privileges of  
participating, directly or indirectly, in  
any manner or capacity in expo-  
rtation of any commodity from the  
United States to any foreign destina-  
tion for a period of two months from  
the date of this order, which period shall  
be held conditionally in abeyance upon  
the respondents' full compliance with  
the terms of this denial order and the  
export regulations during the period of  
five months from the date of this order.  
In the event, however, that it be found  
by the Director, Office of Export Sup-  
ply, BFC, or such other official as may  
at that time be exercising his respon-  
sibility that the respondent corpora-  
tions have knowingly violated the terms  
of this order or the export regulations  
during the said five months, the BFC  
may summarily and without giving no-  
tice to the respondents, at the time that  
it determines such violations have oc-  
curred, issue a supplemental order which  
shall deny to the respondents all privi-  
leges of participation in an exportation

for the two months' period which had been conditionally held in abeyance, or for a lesser period, and shall revoke all validated licenses then outstanding as to which any of the respondents may be a party.

(2) Such action shall not thereby limit the Bureau of Foreign Commerce from taking such other and further action based on such violations as it shall deem warranted, as provided in § 382.16. In the event such supplemental order is issued, the respondents shall have the right of hearing and appeal therefrom as provided in the export regulations.

II. Without limitation of the generality of Part I., (1) and (2) hereof, participation in an exportation shall be deemed to include and prohibit the aforesaid respondents' participation, directly or indirectly in any manner or capacity (a) as a party or as a representative of a party to any export license application, (b) in the preparation or filing of any export license application or documents to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control documents, (d) in the receiving, ordering, buying, selling, using or disposing in any foreign country of any commodities or technical data in whole or in part exported or to be exported from the United States, and (e) in the financing, forwarding, transporting, or other servicing of such exports from the United States.

III. The aforesaid denials of export privileges in Part I (1) at this time or in the future conditional upon the happening of future violations shall extend not only to the respondents, but also to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or any other connection in the conduct of trade in which may be involved exports from the United States or services connected therewith.

IV. During the respective periods of time when, and to the extent that the respondents herein are denied export privileges pursuant to this order, no person or business organization shall, without prior disclosure to and specific authorization from the BFC, directly or indirectly in any manner or capacity (a) apply for, obtain, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation or re-exportation of any commodity or technical data, or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation or re-exportation of any commodity or technical data exported or to be exported from the United States, or when any respondent herein may have any interest in, or may obtain any benefit from the transaction, directly or indirectly.

Dated: July 14, 1961.

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

[F.R. Doc. 61-7038; Filed, July 26, 1961; 8:48 a.m.]

[DO 85 (Revised)]

Office of the Secretary  
BUREAU OF THE CENSUS  
Organization and Functions

JUNE 8, 1961.

The material appearing at 25 F.R. 9693-9695 of October 8, 1960, is amended by addition of this Appendix.

APPENDIX A

BUREAU OF THE CENSUS; REGIONAL OPERATING OFFICES

The location of the Regional Operating Offices of the Bureau of the Census and the areas over which they have jurisdiction are as follows:

Name of region and location of regional operating office

1. Boston Region, Boston, Mass.
2. New York City Region, New York, N.Y.
3. Philadelphia Region, Philadelphia, Pa.
4. Charlotte Region, Charlotte, N.C.
5. Atlanta Region, Atlanta, Ga.
6. Detroit Region, Detroit, Mich.
7. Chicago Region, Chicago, Ill.
8. St. Paul Region, St. Paul, Minn.
9. Kansas City Region, Kansas City, Mo.
10. Dallas Region, Dallas, Tex.
11. Denver Region, Denver, Colo.
12. Los Angeles Region, Los Angeles, Calif.
13. Seattle Region, Seattle, Wash.

Regional limits are established as follows:

1. *Boston Region.* The States of Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, and the States of New York and Connecticut, excluding those counties assigned to the New York City Region.
2. *New York City Region.* New York City and adjacent counties in the States of New York, Connecticut, and New Jersey.
3. *Philadelphia Region.* The States of Pennsylvania, Maryland, Delaware, and the State of New Jersey, excluding those counties assigned to the New York City region.
4. *Charlotte Region.* The States of Virginia, West Virginia, North Carolina, South Carolina, Kentucky, and northeastern part of the State of Tennessee.
5. *Atlanta Region.* The States of Mississippi, Alabama, Georgia, Florida, and the State of Tennessee, excluding the northeastern part of the State assigned to the Charlotte Region.
6. *Detroit Region.* The States of Michigan and Ohio.
7. *Chicago Region.* The States of Illinois and Indiana.
8. *St. Paul Region.* The States of North Dakota, South Dakota, Minnesota, Wisconsin, and Iowa.
9. *Kansas City Region.* The States of Nebraska, Kansas, and Missouri.
10. *Dallas Region.* The States of Oklahoma, Arkansas, Texas, and Louisiana.
11. *Denver Region.* The States of Wyoming, Utah, Colorado, Arizona, New Mexico, and southern half of the State of Idaho.
12. *Los Angeles Region.* The States of California, Nevada, and Hawaii.
13. *Seattle Region.* The States of Washington, Oregon, Montana, Alaska, and northern part of the State of Idaho.

LUTHER H. HODGES,  
Secretary of Commerce.

[F.R. Doc. 61-7066; Filed, July 26, 1961; 8:52 a.m.]

[DO 87 (Revised)]

COAST AND GEODETIC SURVEY  
Organization and Functions

JUNE 21, 1961.

The material appearing at 25 F.R. 6991-6993 of July 23, 1960, is amended by addition of this Appendix.

APPENDIX A

COAST AND GEODETIC SURVEY; FIELD ORGANIZATIONS

Field organization and location

District offices—

- Los Angeles District, Los Angeles, Calif.
- San Francisco District, San Francisco, Calif.
- Tampa District, Tampa, Fla.
- Honolulu District, Honolulu, Hawaii.
- New Orleans District, New Orleans, La.
- Baltimore District, Baltimore, Md.
- Boston District, Boston, Mass.
- Kansas City District, Kansas City, Mo.
- New York District, New York, N.Y.
- Portland District, Portland, Oreg.
- Fort Worth District, Fort Worth, Tex.
- Norfolk District, Norfolk, Va.
- Seattle District, Seattle, Wash.

Observatories—

- Barrow Magnetic Observatory, Barrow, Alaska.
- College Magnetic and Seismological Observatory, College, Alaska.
- Sitka Magnetic and Seismological Observatory, Sitka, Alaska.
- Byrd Station Magnetic and Seismological Observatory, Byrd Station, Antarctica.
- South Pole Station Magnetic and Seismological Observatory, South Pole Station, Antarctica.
- Tucson Magnetic and Seismological Observatory, Tucson, Ariz.
- Ukiah Latitude Observatory, Ukiah, Calif.
- Guam Magnetic and Seismological Observatory, Guam, Mariana Islands.
- Honolulu Magnetic and Seismological Observatory, Ewa, Oahu, Hawaii.
- Gaithersburg Latitude Observatory, Gaithersburg, Md.
- San Juan Magnetic and Seismological Observatory, Santurce, P.R.
- Fredericksburg Magnetic Observatory, Corbin, Va.

LUTHER H. HODGES,  
Secretary of Commerce.

[F.R. Doc. 61-7067; Filed, July 26, 1961; 8:52 a.m.]

[DO 117 (Revised)]

FEDERAL MARITIME BOARD; MARITIME ADMINISTRATION

Organization and Functions

The material appearing at 25 F.R. 6934-6937 of July 21, 1960 is amended by addition of this Appendix.

APPENDIX A

FEDERAL MARITIME BOARD—MARITIME ADMINISTRATION; FIELD ORGANIZATIONS

Field organization and location

- Atlantic Coast District (Headquarters), New York, N.Y.:
- Area representatives: Baltimore, Md. Norfolk, Va.
- Gulf Coast District (Headquarters), New Orleans, La.:
- Area representatives: Mobile, Ala. Galveston, Tex.

Pacific Coast District (Headquarters), San Francisco, Calif.:  
Area representatives:  
Los Angeles (San Pedro), Calif.  
Portland, Oreg.  
Seattle, Wash.

LUTHER H. HODGES,  
Secretary of Commerce.

[F.R. Doc. 61-7068; Filed, July 26, 1961;  
8:52 a.m.]

[DO 91 (Revised)]

## WEATHER BUREAU

### Organization and Functions

JUNE 21, 1961.

The material appearing at 21 F.R. 5241 of July 13, 1956, as amended by 22 F.R. 3263 of May 9, 1957, is superseded, and the material appearing at 25 F.R. 4487 of May 20, 1960, is amended by this Appendix.

#### APPENDIX A

##### WEATHER BUREAU, FIELD ORGANIZATIONS

###### Field organization and location

The following abbreviations are used in this list:

DMO—District Meteorological Office.  
NHRP—National Hurricane Research Project.  
NSSP—National Severe Storms Project.  
NWRC—National Weather Records Center.  
WBAS—Weather Bureau Airport Station.  
WBO—Weather Bureau Office.  
WBSC—Weather Bureau State Climatologist.  
WRPC—Weather Records Processing Center.  
PSO—Pacific Supervisory Office.  
RAO—Regional Administrative Office.  
RFC—River Forecast Center.  
WBAS, Abilene, Tex.  
WBO, Agana, Guam, Mariana Islands.  
WBAS, Akron, Ohio.  
WBAS, Alamosa, Colo.  
WBAS, WBO, Albany, N.Y.  
WBAS, Albuquerque, N. Mex.  
WBAS, Alexandria, La.  
WBAS, Allentown, Pa.  
WBAS, Alpena, Mich.  
WBAS, Amarillo, Tex.  
ROA, WBAS, Anchorage, Alaska.  
WBAS, Annette, Alaska.  
WBO, Apalachicola, Fla.  
WBO, NWRC, Asheville, N.C.  
WBAS, Astoria, Oreg.  
WBAS, WBSC, Athens, Ga.  
WBAS, Atlanta, Ga.  
WBAS, Atlantic City, N.J.  
WBAS, RFC, Augusta, Ga.  
WBAS, Austin, Tex.  
WBAS, Bakersfield, Calif.  
WBAS, Baltimore, Md.  
WBAS, Barrow, Alaska.  
WBAS, Barter Island, Alaska.  
WBAS, Baton Rouge, La.  
WBAS, Bethel, Alaska.  
WBAS, Billings, Mont.  
WBAS, Binghamton, N.Y.  
WBAS, Birmingham, Ala.  
WBAS, Bishop, Calif.  
WBAS, Bismarck, N. Dak.  
WBAS, Block Island, R.I.  
WBAS, Blue Canyon, Calif.  
WBAS, Boise, Idaho.  
WBAS, WBSC, Boston, Mass.  
WBAS, Bridgeport, Conn.  
WBAS, Bristol, Tenn.  
WBAS, Brownsville, Tex.  
WBAS, Buffalo, N.Y.  
WBAS, Burbank, Calif.  
WBAS, Burlington, Iowa.  
WBAS, Burlington, Vt.  
WBO, Burns, Oreg.  
WBO, Burrwood, La.  
WBO, Cairo, Ill.  
WBSC, Champaign, Ill.

WBAS, Canton Island, Pacific.  
WBO, Cape Hatteras, N.C.  
WBO, Cape Henry, Va.  
WBAS, Caribou, Maine.  
WBAS, Casper, Wyo.  
WBAS, Charleston, S.C.  
WBAS, Charleston, W. Va.  
WBAS, Charlotte, N.C.  
WBAS, WRPC, Chattanooga, Tenn.  
WBAS, Cheyenne, Wyo.  
WBAS (Midway), Chicago, Ill.  
WBAS (O'Hare), Chicago, Ill.  
WBO (University), Chicago, Ill.  
WBO (Downtown), Chicago, Ill.  
WBAS, WBO, RFC, Cincinnati, Ohio.  
WBAS, Clayton, N. Mex.  
WBAS, Cleveland, Ohio.  
WBAS, Cold Bay, Alaska.  
WBAS, Colorado Springs, Colo.  
WBAS, WBSC, Columbia, Mo.  
WBAS, Columbia, S.C.  
WBAS, Columbus, Ga.  
WBAS, WBSC, Columbus, Ohio.  
WBAS, Concord, N.H.  
WBO, Concordia, Kans.  
WBAS, Cordova, Alaska.  
WBAS, Corpus Christi, Tex.  
WBAS, Dallas, Tex.  
WBAS, Dayton, Ohio.  
WBAS, Daytona Beach, Fla.  
WBO, Del Rio, Tex.  
WBAS, WBSC, Denver, Colo.  
WBAS, WBSC, Des Moines, Iowa.  
WBAS (Willow Run), Detroit, Mich.  
WBAS (Metropolitan), Detroit, Mich.  
WBAS (City Airport), Detroit, Mich.  
WBO, Devils Lake, N. Dak.  
WBAS, Dodge City, Kans.  
WBAS, Dubuque, Iowa.  
WBAS, Duluth, Minn.  
WBAS, Elko, Nev.  
WBAS, El Paso, Tex.  
WBAS, Ely, Nev.  
WBAS, Erie, Pa.  
WBO, Escanaba, Mich.  
WBAS, Eugene, Oreg.  
WBO, Eureka, Calif.  
WBAS, Evansville, Ind.  
WBAS, Fairbanks, Alaska.  
WBAS, Fargo, N. Dak.  
WBAS, Flagstaff, Ariz.  
WBAS, Flint, Mich.  
WBAS, Florence, S.C.  
WBAS, Fort Myers, Fla.  
WBAS, Fort Smith, Ark.  
WBAS, Fort Wayne, Ind.  
RAO, WBAS, Fort Worth, Tex.  
WBAS, Frederick, Md.  
WBAS, Fresno, Calif.  
WBSC, Gainesville, Fla.  
WBAS, WBO, Galveston, Tex.  
WBAS, Glasgow, Mont.  
WBAS, Goodland, Kans.  
WBAS, Grand Island, Nebr.  
WBAS, Grand Junction, Colo.  
WBAS, Grand Rapids, Mich.  
WBAS, Great Falls, Mont.  
WBAS, Green Bay, Wis.  
WBAS, Greensboro, N.C.  
WBAS, Greenville, S.C.  
WBAS, Harrisburg, Pa.  
WBAS, RFC, Hartford, Conn.  
WBAS, Havre, Mont.  
WBAS, Helena, Mont.  
WBAS, Hilo, Hawaii.  
PSO, WBAS, Honolulu, Hawaii.  
WBAS, WBO, Houston, Tex.  
WBO, Huntington, W. Va.  
WBAS, Huntsville, Ala.  
WBAS, WBSC, Huron, S. Dak.  
WBAS, Indianapolis, Ind.  
WBAS, International Falls, Minn.  
WBAS, Jackson, Miss.  
WBAS, Jacksonville, Fla.  
WBAS, Johnston Island, Pacific.  
WBAS, Juneau, Alaska.  
WBAS, Kalispell, Mont.  
RAO, DMO, WBAS, RFC, WRPC, NSSP,  
Kansas City, Mo.  
WBAS, Key West, Fla.  
WBAS, King Salmon, Alaska.

WBAS, Knoxville, Tenn.  
WBO, Koror, Pacific.  
WBAS, Kotzebue, Alaska.  
WBAS, LaCrosse, Wis.  
WBSC, Lafayette, Ind.  
WBAS, Lake Charles, La.  
WBO, Lakeland, Fla.  
WBO, Lancaster, Pa.  
WBAS, Lander, Wyo.  
WBAS, WBSC, Lansing, Mich.  
WBAS, Laredo, Tex.  
WBAS, Las Vegas, Nev.  
WBAS, Lewiston, Idaho.  
WBAS, Lexington, Ky.  
WBAS, Lihue, Hawaii.  
WBO, Lincoln, Nebr.  
WBAS, Little Rock, Ark.  
WBAS, Long Beach, Calif.  
WBAS, WBO, Los Angeles, Calif.  
WBAS, Louisville, Ky.  
WBAS, Lubbock, Tex.  
WBAS, Lynchburg, Va.  
WBAS, McGrath, Alaska.  
WBAS, Macon, Ga.  
WBAS, WBSC, Madison, Wis.  
WBAS, Majuro, Pacific.  
WBAS, Mansfield, Ohio.  
WBO, Marquette, Mich.  
WBAS, Meacham, Oreg.  
WBAS, Medford, Oreg.  
WBAS, WBO, Memphis, Tenn.  
WBAS, Meridian, Miss.  
DMO, WBAS, NHRP, Miami, Fla.  
WBAS, Midland, Tex.  
WBAS, Milford, Utah.  
WBAS, Milwaukee, Wis.  
WBAS, WBO, Minneapolis, Minn.  
WBAS, Missoula, Mont.  
WBAS, Mobile, Ala.  
WBAS, Moline, Ill.  
WBAS, Montgomery, Ala.  
WBO, Mount Shasta, Calif.  
WBAS, Muskegon, Mich.  
WBAS, Nantucket, Mass.  
WBAS, Nashville, Tenn.  
WBAS, New Haven, Conn.  
WBAS, WBO, New Orleans, La.  
RAO, WBO, New York, N.Y.  
WBAS (International), New York, N.Y.  
WBAS (LaGuardia), New York, N.Y.  
WBAS, Newark, N.J.  
WBAS, Nome, Alaska.  
WBAS, Norfolk, Nebr.  
WBAS, Norfolk, Va.  
WBAS, North Platte, Nebr.  
WBAS, Oakland, Calif.  
WBAS, Oklahoma City, Okla.  
WBAS, Olympia, Wash.  
WBAS, Omaha, Nebr.  
WBAS, Orlando, Fla.  
WBO, Parkersburg, W. Va.  
WBAS, Pendleton, Oreg.  
WBO, Pensacola, Fla.  
WBAS, Peoria, Ill.  
WBAS, Philadelphia, Pa.  
WBAS, Phoenix, Ariz.  
WBAS, WBO, Pittsburgh, Pa.  
WBAS, Pittsfield, Mass.  
WBAS, Pocatello, Idaho.  
WBO, Pomona, Calif.  
WBO, Ponape, Pacific.  
WBAS, Port Arthur, Tex.  
WBAS, Portland, Maine.  
WBAS, WBO, RFC, Portland, Oreg.  
WBAS, Prescott, Ariz.  
WBAS, Providence, R.I.  
WBAS, Pueblo, Colo.  
WBAS, Raleigh, N.C.  
WBAS, Rapid City, S. Dak.  
WBAS, Raton, N. Mex.  
WBO, Reading, Pa.  
WBAS, Red Bluff, Calif.  
WBAS, Reno, Nev.  
WBAS, Richmond, Va.  
WBAS, Roanoke, Va.  
WBAS, Rochester, Minn.  
WBAS, Rochester, N.Y.  
WBAS, Rockford, Ill.  
WBAS, Rome, Ga.  
WBAS, Roseburg, Oreg.  
WBAS, Roswell, N. Mex.  
WBAS, WBO, Sacramento, Calif.



- WBAS, St. Cloud, Minn.
- WBAS, St. Joseph, Mo.
- WBAS, RFC, St. Louis, Mo.
- WBAS, St. Paul Island, Alaska.
- WBAS, Salem, Oreg.
- RAO, WBAS, Salt Lake City, Utah.
- WBAS, San Angelo, Tex.
- WBAS, San Antonio, Tex.
- WBO, Sandberg, Calif.
- WBAS, San Diego, Calif.
- WBO, Sandusky, Ohio.
- WBAS, WBSC, WRPC, San Francisco, Calif.
- WBAS, WBSC, San Juan, P.R.
- WBAS, Santa Maria, Calif.
- WBAS, Sault Ste. Marie, Mich.
- WBAS, Savannah, Ga.
- WBAS, Scottsbluff, Nebr.
- WBAS, Scranton, Pa.
- WBAS (Boeing), Seattle, Wash.
- WBAS (Seattle-Tacoma), WBO, Seattle, Wash.
- WBO, Sexton Summit, Oreg.
- WBAS, Shemya, Alaska.
- WBAS, Sheridan, Wyo.
- WBAS, Shreveport, La.
- WBAS, Silver City, N. Mex.
- WBAS, Sioux City, Iowa.
- WBAS, Sioux Falls, S. Dak.
- WBAS, South Bend, Ind.
- WBAS, Spartanburg, S.C.
- WBAS, Spokane, Wash.
- WBAS, Springfield, Ill.
- WBAS, Springfield, Mo.
- WBO, Stampede Pass, Wash.
- WBO, Stoneville, Miss.
- WBO, Swan Island, West Indies.
- WBAS, Syracuse, N.Y.
- WBAS, Tallahassee, Fla.
- WBAS, Tampa, Fla.
- WBO, Tatoosh Island, Wash.
- WBAS, Texarkana, Ark.
- WBO, Thomasville, Ga.
- WBAS, Toledo, Ohio.
- WBAS, WBSC, Topeka, Kans.
- WBO, Trenton, N.J.
- WBAS, Truk, Pacific.
- WBAS, Tucson, Ariz.
- WBAS, RFC, Tulsa, Okla.
- WBAS, Valdosta, Ga.
- WBAS, Valentine, Nebr.
- WBO, Vicksburg, Miss.
- WBAS, Victoria, Tex.
- WBAS, Waco, Tex.
- WBAS, Wake Island, Pacific.
- WBO, Walla Walla, Wash.
- DMO, Washington, D.C.
- WBAS, Waterloo, Iowa.
- WBO, Wenatchee, Wash.
- WBAS, Wendover, Utah.
- WBAS, West Palm Beach, Fla.
- WBAS, Wichita, Kans.
- WBAS, Wichita Falls, Tex.
- WBAS, Williamsport, Pa.
- WBO, Williston, N. Dak.
- WBAS, Wilmington, Del.
- WBAS, Wilmington, N.C.
- WBAS, Winnemucca, Nev.
- WBAS, Winslow, Ariz.
- WBAS, Winston Salem, N.C.
- WBAS, Worcester, Mass.
- WBAS, Yakima, Wash.
- WBAS, Yakutat, Alaska.
- WBO, Yap, Pacific.
- WBAS, Youngstown, Ohio.
- WBAS, Yuma, Ariz.

LUTHER H. HODGES,  
Secretary of Commerce.

[F.R. Doc. 61-7065; Filed, July 26, 1961;  
8:52 a.m.]

[Dept. Order No. 172]

**UNITED STATES TRAVEL SERVICE**

**Organization and Functions**

SECTION 1. *Purpose.* The purpose of this order is to establish the United States Travel Service and to define its functions and responsibilities.

SEC. 2. *Establishment and organization.* .01 Pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 5 of 1950, and the International Travel Act of 1961 (P.L. 87-63), there is hereby established as a primary organization unit of the Department of Commerce the United States Travel Service.

.02 The United States Travel Service shall be headed by a Director, appointed by the President, by and with the advice and consent of the Senate, who shall report and be responsible to the Secretary of Commerce. The Director shall be assisted by such staff as he may require to perform the functions and discharge the responsibilities set forth herein.

SEC. 3. *Delegation of authority.* .01 Subject to such policies and limitations as the Secretary of Commerce may prescribe, the Director, United States Travel Service, shall perform the functions and exercise the powers and authorities vested in the Secretary of Commerce by the International Travel Act of 1961 (P.L. 87-63).

.02 The Director may redelegate any power or authority conferred on him by this order to such officers of the United States Travel Service as may be necessary in the performance of the functions assigned by this order.

SEC. 4. *Functions and responsibilities.* .01 The Director shall be responsible for administering the International Travel Act of 1961, and to carry out the purpose of the Act shall:

1. Develop, plan and carry out a comprehensive program designed to stimulate and encourage travel to the United States by residents of foreign countries for the purpose of study, culture, recreation, business, and other activities as a means of promoting friendly understanding and good will among peoples of foreign countries and of the United States;

2. Encourage the development of tourist facilities, low cost unit tours, and other arrangements within the United States for meeting the requirements of foreign visitors;

3. Foster and encourage the widest possible distribution of the benefits of travel at the cheapest rates between foreign countries and the United States consistent with sound economic principles;

4. Encourage the simplification, reduction, or elimination of barriers to travel, and the facilitation of international travel generally;

5. Collect, publish, and provide for the exchange of statistics and technical information, including schedules of meetings, fairs, and other attractions, relating to international travel and tourism.

.02. In the performance of these duties the Director—

1. Shall utilize the facilities and services of existing agencies of the Federal Government to the fullest extent possible;

2. May, as he deems appropriate, consult and cooperate with individuals, businessmen, and organizations engaged in or concerned with international travel; including local, State, Federal, and for-

eign governments and international agencies;

3. May, as he deems appropriate, obtain by contract or otherwise the advice and services of qualified professional organizations and personnel;

4. May, after consultation with the Secretary of State, establish such offices in foreign countries as he deems necessary and desirable.

.03 The Director shall provide secretarial services and staff for the Travel Advisory Committee and the Interdepartmental Travel Policy Committee.

SEC. 5. *Transfer of personnel, records, funds, and property.* .01. There are hereby transferred to the United States Travel Service all the personnel, records, funds, and property of the Bureau of Foreign Commerce heretofore allocated to international travel functions and activities.

.02 The Executive Assistant to the Secretary acting through appropriate offices of the Department shall determine and arrange for the transfer of personnel, funds, records, and equipment of the Bureau of Foreign Commerce as provided herein.

*Effective date.* July 1, 1961.

LUTHER H. HODGES,  
Secretary of Commerce.

[F.R. Doc. 61-7069; Filed, July 26, 1961;  
8:52 a.m.]

**ATOMIC ENERGY COMMISSION**

[Docket No. 50-189]

**AMERICAN RADIATOR AND STANDARD SANITARY CORP.**

**Notice of Proposed Issuance of Construction Permit and Facility License**

Please take notice that, unless within fifteen days after the publication of this notice in the FEDERAL REGISTER a request for a formal hearing is filed with the United States Atomic Energy Commission by the applicant or in the case of an intervener a petition for leave to intervene and a request for hearing is filed as provided by the Commission's rules of practice (Title 10, Chapter I, Part 2), the Commission proposes to issue to American Radiator and Standard Sanitary Corporation, a construction permit substantially in the form annexed authorizing construction at Mountain View, California of a 15 watt (thermal) Argonaut-type nuclear research reactor.

Notice is also hereby given that if the Commission issues the construction permit, the Commission may without further prior public notice convert the construction permit to a Class 104 license authorizing operation of the facility if it is found that the facility has been constructed in compliance with the terms and conditions contained in the construction permit and in conformity with the provisions of the Atomic Energy Act of 1954, as amended, and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of such license would not be in

accordance with the provisions of the Act.

Petitions for leave to intervene and requests for formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (1) the application and amendments thereto and (2) a hazards analysis prepared by the Hazards Evaluation Staff of the Division of Licensing and Regulation, both on file at the AEC's Public Document Room. A copy of item (2) above may be obtained at the AEC's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 21st day of July 1961.

For the Atomic Energy Commission.

**M. B. BILES,**  
*Chief, Test & Power Reactor  
Safety Branch, Division of  
Licensing and Regulation.*

#### PROPOSED CONSTRUCTION PERMIT

1. By application dated June 14, 1961, and amendments thereto dated June 29, 1961, and June 30, 1961 (hereinafter collectively referred to as "the application"), American Radiator and Standard Sanitary Corporation (hereinafter "American-Standard") requested a Class 104 license, defined in § 50.21 of Part 50, "Licensing of Production and Utilization Facilities", Title 10, Chapter I, CFR, authorizing construction and operation at American-Standard's site in Mountain View, California, of a nuclear reactor (hereinafter referred to as "the reactor") described as a 15 watt (thermal) graphite and light water-moderated reactor, designated the "UTR Test Reactor" of the UTR-1 series.

2. The Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The reactor will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities".

B. The reactor will be used in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act").

C. American-Standard is financially qualified to construct and operate the reactor in accordance with the regulations contained in Title 10, Chapter I, CFR, to assume financial responsibility for the payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time.

D. American-Standard is technically qualified to design and to construct the reactor.

E. American-Standard has submitted sufficient information to provide reasonable assurance that the reactor can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

F. The issuance of a construction permit to American-Standard will not be inimical

to the common defense and security or to the health and safety of the public.

3. Pursuant to the Atomic Energy Act of 1954 and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", the Commission hereby issues a construction permit to American-Standard to construct the reactor as a utilization facility. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Atomic Energy Act of 1954 and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

A. The earliest date for the completion of the reactor is August 15, 1961. The latest date for completion of the reactor is November 15, 1961. The term "completion date" as used herein means the date on which construction of the reactor is completed except for the introduction of the fuel material.

B. The site proposed for the location of the reactor is the location in Mountain View, California, specified in the application.

4. Upon completion (as defined in paragraph "1" above) of the construction of the reactor in accordance with the terms and conditions of this permit, and upon finding that the facility authorized has been constructed and will operate in conformity with the application, and the provisions of the Act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the Act, the Commission will issue a Class 104 license to American-Standard pursuant to section 104c of the Act, which license shall expire ten years after the date of this construction permit.

Date of issuance:

For the Atomic Energy Commission.

[F.R. Doc. 61-7016; Filed, July 26, 1961;  
8:45 a.m.]

[Docket No. 50-187]

#### NORTHROP CORP.

#### Notice of Issuance of Construction Permit

Please take notice that no request for a formal hearing having been filed following the publication of notice of the proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued Construction Permit No. CPRR-63 authorizing Northrop Corporation to construct a TRIGA Mark F nuclear reactor designed to operate at a thermal power of 100 kilowatts on its site in Hawthorne, California. Notice of the proposed action was published in the FEDERAL REGISTER on July 4, 1961, 26 F.R. 6004.

Dated at Germantown, Maryland, this 20th day of July 1961.

For the Atomic Energy Commission.

**M. B. BILES,**  
*Chief, Test & Power Reactor  
Safety Branch, Division of  
Licensing and Regulation.*

[F.R. Doc. 61-7017; Filed, July 26, 1961;  
8:45 a.m.]

## FEDERAL POWER COMMISSION

[Project Nos. 832, 1852]

### IDAHO

#### Correction of Vacation of Land Withdrawals

JULY 21, 1961.

Notice of vacation of withdrawals appearing in the FEDERAL REGISTER (26 F.R. 4409) issued Saturday, May 20, 1961, is corrected to read lot 5, SW $\frac{1}{4}$ NW $\frac{1}{4}$  section 1, T. 13 N., R. 7 E., instead of lot 5, NW $\frac{1}{4}$ SW $\frac{1}{4}$ .

**JOSEPH H. GUTRIDE,**  
*Secretary.*

[F.R. Doc. 61-7027; Filed, July 26, 1961;  
8:47 a.m.]

[Docket No. DA-4-Michigan]

### MICHIGAN

#### Lands Withdrawn in Power Site Classification No. 318

JULY 21, 1961.

The Bureau of Land Management, United States Department of the Interior, has requested that the Commission give consideration to the restoration to entry of the following-described lands pursuant to the filing of an application, under serial No. BLM 042114, by the State of Michigan to acquire said lands, among others, under the exchange provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269):

MICHIGAN MERIDIAN, MICHIGAN

T. 44 N., R. 31 W.,  
Sec. 23, lots 8 and 11.

The above-described lands are withdrawn in Power Site Classification No. 318, dated June 10, 1940, and that portion of the lands lying below the 1374-foot elevation was also reserved pursuant to the filing on September 13, 1940, of an application for a license for Project No. 1759.

The lands originally bordered the south shore of the Michigamme River, now backed up by construction of the dam for Project No. 1759 to form the project reservoir.

It appears that the power value of the lands is being fully utilized under the present operation.

The Commission finds:

(1) The power value of the above-described lands is fully protected by the reservation made in connection with Project No. 1759.

(2) It has no objection to the revocation by the Secretary of the Interior of Power Site Classification No. 318 insofar as such withdrawal pertains to the above-described lands.

(3) A determination under section 24 of the Federal Power Act as hereinafter provided is justified.

The Commission determines: The value of that portion of the above-described lands reserved in connection



with Project No. 1759—being that portion lying below the 1374-foot elevation—will not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act, as amended, subject to the prior rights of the licensee for Project No. 1759 and its successors to use said lands for project purposes as contemplated in the license issued therefor; and subject to the condition that the United States, its permittees or licensees will not be held liable for any damage to structures or improvements placed on said lands resulting from the operation or maintenance of the facilities in Project No. 1759.

The lands subject to this determination remain in a withdrawn status until the Bureau of Land Management, Department of the Interior, issues a formal order of restoration, and no preference right to the lands is acquired by the filing of the request or by this action taken by the Commission with respect to the lands.

By the Commission.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 61-7028; Filed, July 26, 1961;  
8:47 a.m.]

[Docket Nos. G-13055, etc.]

**CARTER-JONES DRILLING CO.**

**Notice of Severance**

JULY 21, 1961.

Notice is hereby given that the application filed by Anadarko Production Company, in Docket No. CI61-542 heretofore scheduled for a hearing to be held in Washington, D.C., on July 27, 1961, at 9:30 a.m., e.d.s.t., in the consolidated proceedings entitled Carter-Jones Drilling Company, Operator, et al., Docket Nos. G-13055, et al. is severed therefrom, for such disposition as may be appropriate.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 61-7029; Filed, July 26, 1961;  
8:47 a.m.]

[Docket No. RP62-1]

**CITIES SERVICE GAS CO.**

**Order Suspending Proposed Revised Tariff Sheets and Providing for Hearing**

JULY 21, 1961.

On June 21, 1961, Cities Service Gas Company (Cities Service) tendered for filing Sixth Revised Sheets Nos. 4, 5, 7, 8, 10, and 19; Seventh Revised Sheets Nos. 12 and 14; and Eighth Revised Sheet No. 16 to its FPC Gas Tariff, Second Revised Volume No. 1 and Sixth Revised Sheet No. 27 to its FPC Gas Tariff, Original Volume No. 2,<sup>1</sup> to become effective

<sup>1</sup>In addition, the company filed revised copies of Table of Contents and Indices of Purchasers. Seventh Revised Sheet No. 14 and Eighth Revised Sheet No. 16 relate to the sale of gas for resale for industrial use only.

July 23, 1961, proposing an annual increase in its rates and charges of \$8,684,900 annually or 16.0 percent over the rates in effect for the year ended March 31, 1961, as adjusted.

In support of the proposed increase, Cities Service has submitted adjusted cost data for twelve months ended March 31, 1961. Operating expenses are adjusted for salary and wage increases (including a wage increase granted to employees effective May 21, 1961) and to normalize increased purchase gas costs during the period. Other major adjustments are the use of a 6¾ percent rate of return with associated income taxes and increased depreciation rates.

The supporting cost data submitted by Cities Service which may be questionable include, inter alia, (1) increased depreciation rates (2) 6¾ percent rate of return; (3) purchased gas costs, (4) classification of costs, (5) revenues from main line gasoline plant extraction, and (6) Federal income taxes.

The increased rates and charges provided for in Sixth Revised Sheets Nos. 4, 5, 7, 8, 10, and 19; Seventh Revised Sheets Nos. 12 and 14; and Eighth Revised Sheet No. 16 to Cities Service's FPC Gas Tariff, Second Revised Volume No. 1 and Sixth Revised Sheet No. 27 to Cities Service's FPC Gas Tariff, Original Volume No. 2 have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

*The Commission finds:* It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon an early public hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Sixth Revised Sheets Nos. 4, 5, 7, 8, 10, and 19; Seventh Revised Sheets Nos. 12 and 14; and Eighth Revised Sheet No. 16 to Cities Service's FPC Gas Tariff, Second Revised Volume No. 1 and Sixth Revised Sheet No. 27 to Cities Service's FPC Gas Tariff, Original Volume No. 2 and that the above-designated tariff sheets, except Seventh Revised Sheet No. 14 and Eighth Revised Sheet No. 16, which relate to industrial sales for resale only, be suspended and the use thereof be deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act [18 CFR Ch. I], a public hearing shall be held on September 13, 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 Cities Service's FPC Gas Tariffs, Second Revised Volume No. 1 and Original Volume No. 2, as proposed to be amended by Sixth Revised Sheets Nos. 4, 5, 7, 8, 10, and 19; Seventh Revised Sheets Nos. 12 and 14; and Eighth Revised Sheet No. 16 to Cities Service's FPC Gas Tariff, Second Revised Volume No. 1 and Sixth Revised Sheet No. 27 to Cities Service's FPC Gas Tariff, Original Volume No. 2.

(B) At the hearing hereinabove ordered, Cities Service shall present its direct case in this proceeding. Thereafter, the presiding examiner shall exercise control of the progress of the hearing and shall grant such recesses and specify such procedures as may be authorized by the Commission's rules of practice and procedure.

(C) Pending such hearing and decision thereon Sixth Revised Sheets Nos. 4, 5, 7, 8, 10 and 19; and Seventh Revised Sheet No. 12 to Cities Service's FPC Gas Tariff, Second Revised Volume No. 1 and Sixth Revised Sheet No. 27 to Cities Service's FPC Gas Tariff, Original Volume No. 2 be and they are each hereby suspended and the use thereof deferred until December 23, 1961, and until such further time as they may be made effective in the manner prescribed by the Natural Gas Act.

(D) Seventh Revised Sheet No. 14 and Eighth Revised Sheet No. 16 to Cities Service's FPC Gas Tariff, Second Revised Volume No. 1, are hereby accepted for filing and are allowed to become effective July 23, 1961.

(E) Notices of intervention 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 1.37 (f)) on or before September 5, 1961.

By the Commission.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 61-7030; Filed, July 26, 1961;  
8:47 a.m.]

[Docket Nos. G-8925, G-14927]

**HUMBLE OIL & REFINING CO.**

**Order Severing Proceeding and Granting and Denying Motions To Terminate Proceedings**

JULY 7, 1961.

The above-named Respondent has heretofore tendered for filing proposed increased rates which were suspended and subsequently placed in effect subject to refund. Respondent has filed motions to terminate the proceedings in the above-listed docket numbers, stating as grounds therefor that the increased rates do not exceed the applicable area price levels as set forth in the Commission's Statement of General Policy No. 61-1. The changes are contained in the following rate schedules as supplemented:

Docket No.	Rate schedule No.	Supplement No.
G-8925.....	35	2
G-14927.....	12	14
G-14927.....	14	12
G-14927.....	22	13

The increased rate in Docket No. G-8925 is equal to or less than the applicable area price level established by the Statement of General Policy No. 61-1, issued September 28, 1960. In conformity with the Statement of General Policy No. 61-1, and for the reasons therein stated, the proceeding in Docket No. G-8925 should be terminated. Consistent with this action, the proceeding in



Docket No. G-8925 should be severed from the Area Rate Proceeding, et al., Docket No. AR61-2, et al., with which it was consolidated by order issued May 10, 1961.

In the Statement of General Policy No. 61-1, the Commission said that the price standards thereby established apply to pipeline quality gas as that term is generally understood in each area. The gas sold under Respondent's rate schedules indicated above, in Docket No. G-14927, is generally not of pipeline quality. When an adjustment is made for the processing charge to bring the gas up to pipeline quality, the rate exceeds the applicable area price level. Accordingly, Respondent's motion to terminate the proceeding in Docket No. G-14927 should be denied.

The Commission finds:

(1) It is appropriate and in the public interest to sever the proceeding in Docket No. G-8925, as hereinafter ordered.

(2) For the reason hereinabove stated, Respondent's obligation to refund in the

proceeding in Docket No. G-8925 should be discharged.

(3) For the reasons hereinabove stated, Respondent's motion for termination in Docket No. G-14927 should be denied.

The Commission orders:

(A) The proceeding in Docket No. G-8925 is hereby severed from the Area Rate Proceeding, et al., Docket No. AR61-2, et al.

(B) The proceeding in Docket No. G-8925 is hereby terminated.

(C) Respondent's obligation to refund in Docket No. G-8925 is hereby discharged.

(D) Respondent's motion to terminate the proceeding in Docket No. G-14927 is hereby denied.

By the Commission.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 61-7031; Filed, July 26, 1961; 8:47 a.m.]

[Docket No. RI61-534—RI61-541]

PAN AMERICAN PETROLEUM CORP.  
ET AL.

Order Providing for Hearings on and  
Suspension of Proposed Changes  
in Rates<sup>1</sup>

JUNE 26, 1961.

Pan American Petroleum Corp. (Operator), et al., Docket No. RI61-534; Texaco Inc., Docket No. RI61-535; Texaco Inc. (Operator), et al., Docket No. RI61-536; Gulf Oil Corp., Docket No. RI61-537; Pan American Petroleum Corp., Docket No. RI61-538; Texaco Seaboard, Inc., Docket No. RI61-539; The British-American Oil Producing Co., Docket No. RI61-540; Columbian Fuel Corp., Docket No. RI61-541.

The above-named Respondents have tendered for filing proposed changes in presently-effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual change	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket No.
									Rate in effect	Proposed increased rate	
RI61-534...	Pan American Petroleum Corp. (Operator), et al., P.O. Box 591, Tulsa 2, Okla.	197	2	Phillips Petroleum Co., Fuhrman-Mascho Field, Andrews County, Tex.	\$2,534	6-1-61	<sup>2</sup> 7-2-61	12-2-61	11.5	12.5	
RI61-535...	Texaco Inc., P.O. Box 2332, Houston, Tex.	88	14	Texas Eastern Transmission Corp., <sup>1</sup> Rudman and West Cosden Fields, Bee County, Tex.	367	6-1-61	<sup>2</sup> 7-2-61	12-2-61	15.2778	15.6111	RI61-42
	do.....	89	16	Texas Eastern Transmission Corp., <sup>1</sup> San Domingo Field, Bee County, Tex.	718	6-1-61	<sup>2</sup> 7-2-61	12-2-61	15.2778	15.6111	RI61-42
	do.....	90	13	do.....	334	6-1-61	<sup>2</sup> 7-2-61	12-2-61	15.2778	15.6111	RI61-42
	do.....	96	13	Texas Eastern Transmission Corp., <sup>1</sup> Holzmark-Wilcox Field, Bee County, Tex.	1,368	6-1-61	<sup>2</sup> 7-2-61	12-2-61	15.2778	15.6111	RI61-42
RI61-536...	Texaco Inc. (Operator), et al.	97	17	Texas Eastern Transmission Corp., <sup>1</sup> South Karon, Hostetter, North Hostetter, and South Cabeza Creek Fields, Bee, Goliad and McMullen Counties, Tex.	11,508	6-1-61	<sup>2</sup> 7-2-61	12-2-61	15.2778	15.6111	RI61-42
RI61-537...	Gulf Oil Corp., P.O. Drawer 2100, Houston 1, Tex.	43	4	Natural Gas Pipe Line Co. of America, Quindno and Quindono North Fields, Roberts County, Tex.	36,503	6-1-61	<sup>2</sup> 7-18-61	12-18-61	12.0	13.0	
RI61-538...	Pan American Petroleum Corp., P.O. Box 591, Tulsa 2, Okla.	19	9	Mississippi River Fuel Corp., Woodlawn Field, Harrison County, Tex.	133	6-2-61	<sup>2</sup> 7-5-61	12-5-61	14.1344	14.6392	G-1678
RI61-539...	Texaco Seaboard Inc., P.O. Box 2332, Houston, Tex.	10	14	Texas Eastern Transmission Corp., <sup>1</sup> North Karon Field, Live Oak County, Tex.	59	6-5-61	<sup>2</sup> 7-6-61	12-6-61	15.2778	15.6111	RI61-42
RI61-539...	Texaco Seaboard Inc.	20	11	Texas Eastern Transmission Corp., <sup>1</sup> Nordheim Field, DeWitt and Karnes Counties, Tex.	1,927	6-5-61	<sup>2</sup> 7-6-61	12-6-61	15.7778	16.1111	RI61-42
RI61-540...	The British-American Oil Producing Co., P.O. Box 749, Dallas 21, Tex.	17	3	American Louisiana Pipe Line Co., Cameron Field, Cameron Parish, La.	90,740	6-5-61	<sup>2</sup> 7-6-61	12-6-61	19.75	23.0	
RI61-541...	Columbian Fuel Corp., 380 Madison Avenue, New York 17, N.Y.	26	4	Northern Natural Gas Co., Hugoton Field, Morton, Seward, and Stevens Counties, Kans.	4,481	6-5-61	<sup>2</sup> 7-6-61	12-6-61	12.0	17.0	

<sup>1</sup> Texas Eastern has filed protests in the above-docketed proceedings, stating that the favored-nation provisions have not been triggered and that in each instance the rate filing is premature and improper and unjustified.

<sup>2</sup> The stated effective date in each instance is that requested by respondent.

<sup>3</sup> The stated effective date in each instance is the first day after expiration of the required statutory notice.

<sup>4</sup> The pressure base is 14.65 psia.  
<sup>5</sup> The pressure base is 15.025 psia.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon the dates to be fixed by notice from the Secretary concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

(B) Pending hearing and decision thereon, each of the above-designated

supplements is hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought

<sup>1</sup> This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention 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 and 1.37(f)) on or before August 25, 1961.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 61-7033; Filed, July 26, 1961;  
8:47 a.m.]

[Docket No. RI 60-92 etc.]

**OHIO OIL CO. ET AL.**

**Order Granting Continuance of Hearing**

JUNE 19, 1961.

The Ohio Oil Company, Docket Nos. RI60-92, G-12037, G-13465, G-13521, G-16688, G-16672, G-17275, G-17986, G-19763; The Ohio Oil Company, (Operator), et al., G-20185.

The Ohio Oil Company (Ohio) on June 7, 1961, filed a motion requesting that the hearings scheduled to reconvene herein on June 26, 1961, be postponed and continued until September 19, 1961. The resumption of hearings on June 26, 1961, has been fixed by our order issued herein March 28, 1961.

It now appears that due to the Commission staff's delay in serving part of its direct case, the time originally allowed Ohio for preparation to cross-examine the staff's case should now be extended.

The Commission finds: The postponement of hearings as requested by Ohio in the aforementioned motion is necessary and appropriate to the prompt and orderly disposition of these proceedings.

The Commission orders: Hearings now scheduled to resume in these consolidated proceedings are hereby postponed and continued and shall resume on September 19, 1961, at the same hour and place fixed by the Presiding Examiner.

By the Commission.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 61-7032; Filed, July 26, 1961;  
8:47 a.m.]

**FEDERAL RESERVE SYSTEM**

**MORGAN NEW YORK STATE CORP.**

**Notice of Receipt of Application for Approval of Acquisition of Shares of Banks**

Notice is hereby given that the Board of Governors of the Federal Reserve System has received an application by Morgan New York State Corporation, Albany, New York, pursuant to section 3(a)(1) of the Bank Holding Company

Act of 1956 (12 U.S.C. 1842) for the Board's prior approval of action to become a bank holding company through acquisition by that corporation of 100 percent of the voting shares of Morgan Guaranty Trust Company of New York, New York, New York, Manufacturers and Traders Trust Company, Buffalo, New York, Lincoln Rochester Trust Company, Rochester, New York, First Trust & Deposit Company, Syracuse, New York, and the state banks or trust companies into which will be converted The National Commercial Bank and Trust Company of Albany, Albany, New York, The Oneida National Bank and Trust Company of Central New York, Utica, New York, and First-City National Bank of Binghamton, New York, Binghamton, New York.

In determining whether to approve this application, the Board is required by said Act to take into consideration the following factors: (1) The financial history and condition of the company and the banks concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than thirty days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington 25, D.C.

Dated at Washington, D.C., this 21st day of July 1961.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,  
Secretary.

[F.R. Doc. 61-7034; Filed, July 26, 1961;  
8:47 a.m.]

**INTERSTATE COMMERCE COMMISSION**

**FOURTH SECTION APPLICATIONS FOR RELIEF**

JULY 24, 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. 37274: *Class rates—Sea-Land Service, Inc.* Filed by Sea-Land Service, Inc. (No. 33), for itself, and interested carriers. Rates on various commodities moving on less-than-truckload and any quantity class rates, loaded in trailers and transported over joint

motor-water, water-motor, and motor-water-motor routes of applicant motor carriers and Sea-Land Service, Inc., between points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, Rhode Island, New Jersey, New York, Pennsylvania, Vermont, Virginia, and West Virginia, on the one hand, and points in Florida on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 34 to Sea-Land Service, Inc., tariff I.C.C. 278.

FSA No. 37275: *Salt from Kansas points to Minnesota points.* Filed by Western Trunk Line Committee, Agent (No. A-2199), for interested rail carriers. Rates on salt (not table salt), crushed, evaporated or screened, not further processed for human consumption, in bulk, in carloads; from specified points in Kansas, to specified points in Minnesota.

Grounds for relief: Market competition.

By the Commission.

[SEAL] HAROLD D. MCCOY,  
Secretary.

[F.R. Doc. 61-7059; Filed, July 26, 1961;  
8:51 a.m.]

[Notice 524]

**MOTOR CARRIER TRANSFER PROCEEDINGS**

JULY 24, 1961.

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

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

No. MC-FC 64099. By order of July 20, 1961, The Transfer Board approved the transfer to Milam Truck Line, Inc., Cameron, Tex., of Permits in Nos. MC 111008, MC 111008 Sub 3, MC 111008 Sub 4, MC 111008 Sub 5, MC 111008 Sub 8, and MC 111008 Sub 10, issued May 11, 1954, June 10, 1954, August 14, 1956, June 15, 1956, July 19, 1956, and September 17, 1959, respectively, to Jesse Kirk, Jr., doing business as Jesse Kirk, Jr., Truck Line, Palestine, Tex., authorizing the transportation of: Salt and salt products, and empty containers used in the transportation thereof, from, to or between specified points in Arkansas, Louisiana, New Mexico, and Texas. Emory B. Camp, Drawer 522, Cameron, Tex., attorney for applicants.

No. MC-FC 64187. By order of July 20, 1961, The Transfer Board approved the transfer to Raymond Bollinger,

Schuylkill Haven, Pa., of Certificate in No. MC 112449 Sub 1, issued April 8, 1958, to Douglas H. Mervine, doing business as Mervine Trucking Company, Schuylkill Haven, Pa., authorizing the transportation of: Coal, from points in Lackawanna, Luzerne, and Schuylkill Counties, Pa., to New Brunswick, N.J., and points in New Jersey within 35 miles of New Brunswick, with no transportation for compensation on return except as otherwise authorized. Robert H. Shertz, Suite 601, 226 South 16th Street, Philadelphia 2, Pa., attorney for applicants.

No. MC-FC 64242. By order of July 20, 1961, The Transfer Board approved the transfer to Smith Transportation Company, Inc., 1045 Front Street, Evanston, Wyo., of Certificate No. MC 112062, issued June 3, 1957, to James G. Smith, doing business as Smith Transportation Company, Evanston, Wyo., authorizing the transportation of passengers and their baggage, during the season extending from June 1 to December 31, both inclusive, of each year, over regular route, between Salt Lake City, Utah, and Evanston, Wyo., serving all intermediate points between Salt Lake City and Mirror Lake Lodge, Utah, including Mirror Lake Lodge; and passengers and their baggage in the same vehicle with passengers, in charter operations, over irregular routes, from Evanston, Kemmerer, Mountain View, and Lyman, Wyo., and Woodruff and Randolph, Utah, to points within 300 miles of Evanston, Wyo., in Montana, Wyoming, Colorado, Utah, Nevada, and Idaho, and return.

No. MC-FC 64262. By order of July 20, 1961, The Transfer Board approved the transfer to Daniel Ralph Oxborrow, 14 Connors Court, Ely, Nevada, of Certificate No. MC 72543, issued November 26, 1951, to Ivan M. Lewis, Box 331, East Ely, Nevada, authorizing the transportation of: Livestock, over irregular routes, from points within 50 miles of Battle Mountain, Nev., to Battle Mountain, with no transportation for compensation on return except as otherwise authorized; ore and concentrates, and mining machinery, equipment, and supplies, over irregular routes, between points in Nevada within 100 miles of Battle Mountain, Nev., including Battle Mountain except that service is not authorized between points on U.S. Highway 40; and between points in Nevada within 150 miles of Ely, Nev., including Nev.

No. MC-FC 64308. By order of July 20, 1961, The Transfer Board approved the transfer to C. G. Todd Trucking Co., Inc., Dallas, Texas, of Certificate No. MC 108942, issued November 2, 1949, to C. G.

Todd and Guy W. Todd, a partnership, doing business as C. G. Todd Trucking Company, Dallas, Texas, authorizing the transportation of: Machinery, materials, supplies, and equipment, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, over irregular routes, between points and places in Texas. James W. Hightower, 136 Wynnewood Professional Building, Dallas 24, Tex., attorney for applicants.

No. MC-FC 64352. By order of July 20, 1961, The Transfer Board approved the transfer to John M. Hindman and Ray H. Hindman, a partnership, doing business as Hindman Transfer, Butler, Pa., of Certificate No. MC 47361, issued December 23, 1949, to George C. Hindman, John M. Hindman, and Ray H. Hindman, a partnership, doing business as Hindman Transfer, Butler, Pa., authorizing the transportation over irregular routes, of coeprage, from East Butler, Pa., to Cleveland, Ohio; silicate, from Cleveland, Ohio, to East Butler, Pa.; general commodities, excluding household goods and commodities in bulk, between Butler, Pa., on the one hand, and, on the other, points in Pennsylvania within 15 miles of Butler; breeding cattle and race and show horses, between points in Butler County, Pa., on the one hand, and, on the other, Louisville, Ky., and points in New York and Ohio; and household goods between points in that part of Pennsylvania south of U.S. Highway 28, and north of U.S. Highway 30, including points on the indicated portions of the highways specified, on the one hand, and, on the other, points in Connecticut, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Virginia, and West Virginia. J. Campbell Brandon, Savings & Trust Building, Butler, Pa., attorney for applicants.

[SEAL] HAROLD D. MCCOY,  
Secretary.

[F.R. Doc. 61-7060; Filed, July 26, 1961;  
8:51 a.m.]

## OFFICE OF CIVIL AND DEFENSE MOBILIZATION

H. BURKE HORTON

### Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsec-

tion 710(b) (6) of the Defense Production Act of 1950, as amended.

3,000 shares, \$1.00 par, Teletrak Corp.

This amends statement published February 8, 1961 (26 F.R. 1146).

Dated: July 14, 1961.

H. BURKE HORTON,

[F.R. Doc. 61-7018; Filed, July 26, 1961;  
8:45 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3842]

BLACK BEAR INDUSTRIES, INC.

Order Summarily Suspending Trading

JULY 21, 1961.

The common stock, par value 15 cents a share, of Black Bear Industries, Inc. (Formerly Black Bear Consolidated Mining Co.) being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 15(a) (4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, July 23, 1961, to August 1, 1961, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F.R. Doc. 61-7056; Filed, July 26, 1961;  
8:50 a.m.]



CUMULATIVE CODIFICATION GUIDE—JULY

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