



# FEDERAL REGISTER

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Washington, Friday, November 10, 1961

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# FEDERAL REGISTER

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# Presidential Documents

## Title 3—THE PRESIDENT

### Executive Order 10974

#### ESTABLISHING THE PRESIDENT'S COMMISSION ON CAMPAIGN COSTS

By virtue of the authority vested in me as President of the United States it is ordered as follows:

SECTION 1. There is hereby established the President's Commission on Campaign Costs, hereinafter referred to as the Commission. The Commission shall be composed of not more than twelve members, each of whom shall be appointed by the President from among persons outside the Government. One of the members of the Commission shall be designated by the President as Chairman thereof.

SEC. 2. It shall be the function of the Commission to prepare and present to the President recommendations with respect to improved ways of financing expenditures required of nominees for the offices of President and Vice President. As may be appropriate, the Commission shall examine and inquire into, and assemble information with respect to, the costs of campaigning in Presidential elections and such other matters or considerations as may be relevant to the development of the Commission's recommendations to the President.

SEC. 3. All who may be in a position to do so are requested to furnish the Commission information pertinent to its work and to otherwise facilitate the Commission's work.

SEC. 4. Each member of the Commission shall receive compensation of \$75 for each day such member is engaged upon the work of the Commission. The Commission is authorized to appoint such personnel as may be necessary to assist the Commission in connection with the performance of its functions

without regard to the civil service and classification laws but no individual shall receive compensation at a rate in excess of \$15,000 per annum. The Commission is authorized to obtain services in accordance with the provisions of section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); the compensation for such services shall not exceed the rate of \$75 per diem in the case of an individual.

SEC. 5. The compensation of the members and employees of the Commission, lawful allowances therefor, and any other necessary expenses arising in connection with the work of the Commission shall be paid from the appropriation appearing under the heading "Special Projects" in title I of the General Government Matters, Department of Commerce, and Related Agencies Appropriation Act, 1962, 75 Stat. 269. Such payments shall be made without regard to the provisions of section 3681 of the Revised Statutes and section 9 of the Act of March 4, 1909, 35 Stat. 1027 (31 U.S.C. 672 and 673).

SEC. 6. The General Services Administration is hereby designated as the agency which shall provide administrative services for the Commission on a reimbursable basis.

SEC. 7. The Commission in its discretion may transmit to the President such preliminary or interim report or reports as it may deem appropriate. It shall transmit its principal report to the President not later than April 30, 1962, and such additional supporting materials thereafter as it deems appropriate. The Commission shall terminate not later than 120 days after the date of its transmittal of its principal report to the President.

JOHN F. KENNEDY

THE WHITE HOUSE,  
November 8, 1961.

[F.R. Doc. 61-10852; Filed, Nov. 9, 1961;  
11:03 a.m.]

# Rules and Regulations

## Title 6—AGRICULTURAL CREDIT

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

#### SUBCHAPTER C—EXPORT PROGRAMS

[Announcement CN-EX-13, Amdt. 1]

#### PART 482—COTTON

##### Subpart—1961-62 Cotton Export Program—Payment-in-Kind

#### REDEMPTION OF COTTON EXPORT PAYMENT CERTIFICATES

In order to provide for presentation of Cotton Export Payment Certificates to the New Orleans ASCS Commodity Office through banking channels for cash redemption, paragraph (c) of § 482.411 of the 1961-62 Cotton Export Program—Payment-in-Kind regulations (Announcement CN-EX-13) dated April 20, 1961 (26 F.R. 3516), is hereby amended to read as follows:

#### § 432.411 Cotton export payment certificates.

(c) *Redemption.* The certificate will be redeemable by CCC at face value (1) in payment for upland cotton purchased for unrestricted use under CCC sales announcements providing for acceptance of such certificate, (2) in repayment of 1961-crop upland cotton loans which are outstanding under the CCC cotton loan program, or (3) for cash, if it has not been used to obtain cotton under (1) or (2) of this subparagraph and if it is presented to the New Orleans office for payment not earlier than 60 days after issuance and not later than the expiration date of the certificate. CCC will offer to execute agreements with commercial banks under which such banks may present certificates to the New Orleans office through Federal Reserve banks or branch banks for cash redemption, and certificate holders may arrange with the commercial banks which execute such agreements with CCC to have their certificates presented for cash redemption through banking channels.

(Secs. 4, 5, 62 Stat. 1070, as amended; sec. 203, 70 Stat. 188; 15 U.S.C. 714b, 714c, 7 U.S.C. 1853)

*Effective date.* This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on November 6, 1961.

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

[F.R. Doc. 61-10745; Filed, Nov. 9, 1961; 8:47 a.m.]

## Title 7—AGRICULTURE

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

#### SUBCHAPTER A—MARKETING ORDERS

[Navel Orange Reg. 214]

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

##### Limitation of Handling

#### § 914.514 Navel Orange Regulation 214.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this

meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the afore said recommendation of the committee and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act to make this section effective during the period herein specified; and compliance with this section will not require a special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 8, 1961.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., November 12, 1961, and ending at 12:01 a.m., P.s.t. November 19, 1961, are hereby fixed as follows:

- (i) District 1: 145,871 cartons;
- (ii) District 2: Unlimited movement;
- (iii) District 3: 40,000 cartons;
- (iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: November 9, 1961.

PAUL A. NICHOLSON,  
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-10855; Filed, Nov. 9, 1961 11:17 a.m.]

[Lemon Reg. 925]

#### PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

##### Limitation of Handling

#### § 953.1032 Lemon Regulation 925.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter

provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 7, 1961.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., November 12, 1961, and ending at 12:01 a.m., P.s.t., November 19, 1961, are hereby fixed as follows:

- (i) District 1: 23,250 cartons;
- (ii) District 2: 116,250 cartons;
- (iii) District 3: 79,050 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

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

Dated: November 9, 1961.

PAUL A. NICHOLSON,  
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-10854; Filed, Nov. 9, 1961; 11:17 a.m.]

[Lime Reg. 13; Lime Reg. 12 Terminated]

## PART 1001—LIMES GROWN IN FLORIDA

### Quality and Size Regulation

#### § 1001.313 Lime Regulation 13.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 101, as amended (7 CFR Part 1001), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Florida Lime Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found and determined, in accordance with paragraph (5) of section 602 of the said act, that it is necessary to continue regulation of the handling of limes, as hereinafter provided, in order to avoid a disruption of the orderly marketing of the remainder of the current lime crop, and such regulation will be in the public interest.

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

(b) *Order.* (1) Lime Regulation 12 (26 F.R. 6805) is hereby terminated at 12:01 a.m., e.s.t., November 10, 1961.

(2) During the period beginning at 12:01 a.m., e.s.t., November 10, 1961, and ending at 12:01 a.m., e.s.t., April 1, 1962, no handler shall handle:

(i) Any limes of the group known as true limes (also known as Mexican, West Indian, and Key limes and by other synonyms), grown in the production area, which do not meet the requirements of at least U.S. No. 2 grade for Persian (Tahiti) limes, except as to color;

(ii) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties), grown in the production area, which do not grade at least U.S. Combination, Mixed Color, with not less than 75 percent, by count, of the limes in each container thereof grading at least U.S. No. 1, Mixed Color, and the remainder thereof grading not less than U.S. No. 2, Mixed Color; or

(iii) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which are of a size smaller than 1 1/8 inches in diameter: *Provided*, That not to exceed 10 percent, by count, of the limes in any container may fail to meet this requirement.

(3) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Persian (Tahiti) Limes (§§ 51.1000-51.1016 of this title).

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

Dated: November 9, 1961.

PAUL A. NICHOLSON,  
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-10857; Filed, Nov. 9, 1961; 12:05 p.m.]

## SUBCHAPTER B—PROHIBITIONS OF IMPORTED COMMODITIES

[Lime Reg. 6, Amdt. 2]

### PART 1069—LIMES

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), the provisions of paragraph (a) of § 1069.6 (Lime Regulation 6; 26 F.R. 4327, 6808) are hereby amended to read as follows:

(a) On and after the effective time hereof, the importation into the United States of any lot of limes which in the aggregate exceeds 250 pounds, net weight, is prohibited unless:

(1) Such limes of the group known as true limes (also known as Mexican, West Indian, and Key limes and by other synonyms) meet the requirements of at least the U.S. No. 2 grade for Persian (Tahiti) limes, except as to color;

(2) Such limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) meet the requirements of at least the U.S. Combination, Mixed Color, grade with not less than 75 percent, by count, of the limes in each container thereof grading not less than U.S. No. 1, Mixed Color, and the remainder thereof grading not less than U.S. No. 2, Mixed Color;

(3) Such limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) are of a size not smaller than 1 1/8 inches in diameter: *Provided*, That not to exceed 10 percent, by count, of the limes in any container may fail to meet this requirement; and

(4) Each such importation is made in conformance with the General Regulation (7 CFR Part 1060) applicable to the importation of listed commodities and the requirements of this regulation: *Provided*, That the provisions of § 1060.4 (e) of the General Regulations shall not apply.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this

amendment beyond that hereinafter specified (5 U.S.C. 1001-1011) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), which makes such regulation necessary; (b) such regulation imposes the same restrictions on imports of limes as the grade, size, and quality restrictions being made applicable to the shipment of limes grown in Florida under Lime Regulation 13 (§ 1001.313) which becomes effective November 10, 1961; (c) compliance with this import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this regulation relieves restrictions on the importation of Persian limes.

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

Dated, November 9, 1961, to become effective at 12:01 a.m., e.s.t., November 10, 1961.

PAUL A. NICHOLSON,  
Acting Director, Fruit and  
Vegetable Division, Agricultural  
Marketing Service.

[F.R. Doc. 61-10858; Filed, Nov. 9, 1961;  
12:05 p.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter III—Federal Aviation Agency

#### SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-NY-52]

#### PART 600—DESIGNATION OF FEDERAL AIRWAYS

#### PART 601—DESIGNATION OF CON- TROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CON- TROL AREAS

#### Alteration of Federal Airways, Asso- ciated Control Areas and Reporting Points

On October 7, 1961, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (26 F.R. 9515) stating that the Federal Aviation Agency proposed to alter the airway structure in the Washington, D.C., terminal area and to redescribe the Springfield, Va., intermediate altitude VOR reporting point.

No adverse comments were received regarding the proposed amendments. However, the Air Transport Association of America made the following comment which concerns the designation of VOR Federal Airway No. 140:

We notice that the portion of the airway which would coincide with the Quantico, Va., Restricted Area, R-6608, is excluded. We assume that aircraft flying the 079° radial of Casanova on departure to the southwest from Washington will be provided radar surveillance services and vectors as may be necessary so as not to encroach on the restricted area.

In answer to this comment, the Federal Aviation Agency normally provides radar surveillance services and vectors to aircraft departing the Washington terminal area consistent with the safe and efficient movement of air traffic. The Federal airway system is designated to provide an adequate buffer between the airway centerline and designated restricted areas. It is the responsibility of the pilot of an aircraft operating on an IFR flight plan to confine his flight path within the confines of the appropriate airway and to remain clear of designated special use airspace.

The present description of low altitude VOR Federal airway No. 140 excludes the portions of this airway within the limits of the Washington, D.C., Prohibited Area (P-56) and the Fort Dix, N.J., Restricted Area (R-25). Section 600.3, "Extent of Federal airways," provides for the exclusion of all prohibited areas from Federal airways, and, as presently aligned, Victor 140 no longer conflicts with R-25. Accordingly, action is taken herein to delete reference to P-56 and R-25 from the description of Victor 140. The Federal Aviation Agency proposes to decommission the Riverdale, Md., RBN after the Washington VOR is commissioned at Washington National Airport. Thus, an intersection of VOR radials will be substituted for the RBN in the description of Victor 3. Victor 3 will be further altered by the substitution of the Brooke VORTAC 011° for the 012° radial to form a more accurate intersection at Springfield, Va.

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

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

1. Section 600.6223 (14 CFR 600.6223, 26 F.R. 1754, 2344) is amended to read:  
§ 600.6223 VOR Federal airway No. 223 (Herndon, Va., to Harrisburg, Pa.).

From the Herndon, Va., VORTAC to the Harrisburg, Pa., VORTAC.

2. Section 601.6223 (14 CFR 601.6223) is amended to read:

§ 601.6223 VOR Federal airway No. 223 control areas (Herndon, Va., to Harrisburg, Pa.).

All of VOR Federal airway No. 223.

3. Section 600.6265 (14 CFR 600.6265) is amended to read:

§ 600.6265 VOR Federal airway No. 265 (Westminster, Md., to Dunkirk, N.Y.).

From the Westminster, Md., VOR via the INT of the Westminster VOR 345° and the Harrisburg, Pa., VORTAC 196° radials; Harrisburg VORTAC; Phillipsburg, Pa., VORTAC; Bradford, Pa., VOR; Jamestown, N.Y., VOR; to the Dunkirk, N.Y., VOR.

#### § 601.6265 [Amendment]

4. Section 601.6265 (14 CFR 601.6265) is amended as follows: In the caption "Linden, Va.," is deleted and "Westminster, Md.," is substituted therefor.

#### § 600.6003 [Amendment]

5. Section 600.6003 (14 CFR 600.6003) is amended as follows:

a. In the caption "McLean, Va.," is deleted and "Springfield, Va.," is substituted therefor.

b. In the text "Brooke, Va., VOR; to the INT of the Brooke VOR 012° Tru and the Herndon, Va., VOR 118° Tru radials. From the Riverdale, Md., RBN via the Westminster, Md., VOR;" is deleted and "Brooke, Va., VORTAC; to the INT of the Brooke VORTAC 011 and the Herndon, Va., VORTAC 144 radials. From the INT of the Baltimore Md.; VORTAC 224° and the Westminster, Md., VOR 179° radials via the Westminster VOR;" is substituted therefor.

#### § 601.6003 [Amendment]

6. Section 601.6003 (14 CFR 601.6003) is amended as follows: In the caption "McLean, Va.," is deleted and "Springfield, Va.," is substituted therefor.

7. Section 600.6143 (14 CFR 600.6143; 26 F.R. 10428) is amended to read:

§ 600.6143 VOR Federal airway No. 14 (Fort Mill, S.C., to Montebello, Va.)

From the Fort Mill, S.C., VOR via the Greensboro, N.C., VOR, including a west alternate via the INT of the Fort Mill VOR 005° and the Greensboro VOR 238 radials; Lynchburg, Va., VORTAC; to the Montebello, Va., VOR.

#### § 601.6143 [Amendment]

8. Section 601.6143 (14 CFR 601.6143; 26 F.R. 10428) is amended as follows: In the caption "Washington, D.C.," is deleted and "Montebello, Va.," is substituted therefor.

#### § 600.6004 [Amendment]

9. Section 600.6004 (14 CFR 600.6004; 26 F.R. 2220, 3275) is amended as follows:

a. In the caption "McLean, Va.," is deleted and "Doncaster, Va.," is substituted therefor.

b. In the text "Herndon, Va., VOR; to the INT of the Herndon VOR 118° Tru and the Brooke, Va., VOR 012° Tru radials," is deleted and "Herndon, Va VORTAC to the INT of the Herndon VORTAC 144° and the Washington, D.C VOR 189° radials," is substituted therefor.

#### § 601.6004 [Amendment]

10. Section 601.6004 (14 CFR 601.6004; 26 F.R. 3275) is amended as follows: In the caption "McLean, Va.," is deleted and "Doncaster, Va.," is substituted therefor.

#### § 600.1520 [Amendment]

11. Section 600.1520 (26 F.R. 1079) is amended as follows: In the text "to the Herndon, Va., VOR," is deleted and "Herndon, Va., VOR; to the INT of the Herndon VOR 144° and the Linden, Va VOR 095° radials." is substituted therefor.

§ 600.6008 [Amendment]

12. Section 600.6008 (14 CFR 600.6008, 26 F.R. 8170) is amended as follows: In the text "Martinsburg, W. Va., omnirange station; to the Washington, D.C., terminal omnirange station." is deleted and "Martinsburg, W. Va., VORTAC; INT of the Martinsburg VORTAC 119° and the Washington, D.C., VOR 321° radials; to the Washington VOR, including an S alternate from the Martinsburg VORTAC to the Washington VOR via the INT of the Martinsburg VORTAC 168° and the Linden, Va., VOR 095° radials; and the INT of the Linden VOR 095° and the Washington VOR 245° radials." is substituted therefor.

§ 600.6157 [Amendment]

13. Section 600.6157 (14 CFR 600.6157, 26 F.R. 573, 1754, 2344, 3462, 6810) is amended as follows: In the text "INT of the Brooke VORTAC 045° True and the Washington VOR 190° radials;" is deleted and "INT of the Brooke VORTAC 045° and the Washington VOR 189° radials;" is substituted therefor.

§ 600.6092 [Amendment]

14. Section 600.6092 (14 CFR 600.6092, 26 F.R. 1754, 2344) is amended as follows: In the text "INT of the Front Royal VOR 112° and the Washington VOR 249° radials; to the Washington, D.C., TVOR." is deleted and "INT of the Front Royal VOR 112° and the Washington, D.C., VOR 245° radials; to the Washington VOR." is substituted therefor.

§ 600.6144 [Amendment]

15. Section 600.6144 (14 CFR 600.6144, 26 F.R. 1754, 2344) is amended as follows: In the text "INT of the Linden VOR 095° True and the Washington, D.C., VOR 249° True radials; to the Washington VOR." is deleted and "INT of the Linden VOR 095° and the Washington, D.C., VOR 245° radials; to the Washington VOR." is substituted therefor.

§ 600.6174 [Amendment]

16. Section 600.6174 (14 CFR 600.6174, 26 F.R. 1754, 2344) is amended as follows: In the text "INT of the Linden VOR 095° and the Washington, D.C., VOR 249° True radials; to the Washington VOR." is deleted and "INT of the Linden VOR 095° and Washington, D.C., VOR 245° radials; to the Washington VOR." is substituted therefor.

§ 600.1526 [Amendment]

17. Section 600.1526 (26 F.R. 1079, 1754, 2344) is amended as follows: In the text "INT of the Linden VOR 095° and the Washington, D.C., VOR 249° radials; to the Washington VOR." is deleted and "INT of the Linden VOR 095° and the Washington, D.C., VOR 245° radials; to the Washington VOR." is substituted therefor.

§ 600.6140 [Amendment]

18. Section 600.6140 (14 CFR 600.6140, 26 F.R. 1754, 2219, 2344, 2640) is amended as follows: In the text "Casanova, Va., VOR; the point of INT of the Front Royal VOR 112° and the

Washington VOR 249° radials; Washington, D.C., TVOR; Baltimore, Md., VOR; Millville, N.J., VOR; Coyle, N.J., VOR; to the Idlewild, N.Y., VORTAC. The portions of this airway which lie within the geographical limits of, and between the designated altitudes of, the Washington Prohibited Area (P-56) and the Fort Dix Restricted Area (R-25) are excluded during these areas' times of designation." is deleted and "Casanova, Va., VORTAC; INT of the Casanova VORTAC 079° and the Washington, D.C., VOR 175° radials; Washington VOR; Baltimore, Md., VORTAC; Millville, N.J., VOR; Coyle, N.J., VORTAC; to the Idlewild, N.Y., VOR, excluding the airspace within R-6608." is substituted therefor.

§ 600.6155 [Amendment]

19. Section 600.6155 (14 CFR 600.6155) is amended as follows: In the text "to the Casanova, Va., VOR. The portion of this airway which lies within the geographic limits of, and between the designated altitudes of, Camp Pickett Restricted Area (R-44) is excluded during this restricted area's time of designation." is deleted and "Casanova, Va., VORTAC; INT of the Casanova VORTAC 066° and the Washington, D.C., VOR 321° radials; to the Washington VOR, excluding the airspace within R-6602." is substituted therefor.

§ 601.6155 [Amendment]

20. In the caption of § 601.6155 (14 CFR 601.6155) "Raleigh, Ga." is deleted and "Washington, D.C." is substituted therefor.

§ 601.7003 [Amendment]

21. Section 601.7003 (26 F.R. 1079) is amended as follows: In the text "Springfield, Va., INT: INT of the Herndon, Va., VOR 145° and the Linden, Va., VOR 095° radials." is deleted and "Springfield, Va., INT: INT of the Herndon, Va., VOR 144° and the Linden, Va., VOR 095° radials." is substituted therefor.

These amendments shall become effective 0001 e.s.t., December 14, 1961.

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

Issued in Washington, D.C., on November 8, 1961.

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

[F.R. Doc. 61-10818; Filed, Nov. 9, 1961; 8:53 a.m.]

[Airspace Docket No. 61-WA-203]

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

**Designation, Modification and Revocation of Reporting Points**

The purpose of these amendments to §§ 601.7001 and 601.7003 of the regulations of the Administrator is to revoke designated reporting points that the Federal Aviation Agency has determined are no longer required for air traffic management purposes; designate new reporting points and modify the location

of existing designated 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, because of the continuous modernization of the airway structure of the United States, the need for reporting points at particular locations is constantly being revised. Thus the actions taken herein reflect this changing need on the part of air traffic control.

Since these amendments are of a procedural nature and do not assign or reassign the use of navigable airspace, compliance with the notice and public procedure requirements of the Administrative Procedures Act is 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 30 days after publication.

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

1. In § 601.7001 (14 CFR 601.7001, 26 F.R. 643, 3852) the following changes are made:

a. In the text delete:

County INT: The INT of the Chadron, Ohio, VORTAC 280° True and the Cleveland, Ohio, VORTAC 069° True radials.

Point Dume Intersection: The intersection of the Fillmore, Calif., omnirange 163° True and the Long Beach, Calif., omnirange 287° True radials.

Reedsville INT: The INT of the Tower City, Pa., VOR direct radial to the Tyrone, Pa., VOR with the Harrisburg, Pa., VOR direct radial to the Philipsburg, Pa., VOR.

Riverhead, N.Y., omnirange station.  
Tannersville, Pa., VORTAC.

West Point INT: The INT of Poughkeepsie, N.Y., VOR 220° True and the Wilton, Conn., VOR 295° True radials.

Pacolma Intersection: The intersection of the Fillmore, Calif., omnirange 111° True and the Los Angeles, Calif., omnirange 355° True radials.

b. In the text add:

Dunkirk, N.Y., VOR.  
Tyrone, Pa., VORTAC.  
Carrolltown, Pa., VOR.

Mentor INT: INT of the Cleveland, Ohio, VORTAC 069° and the Akron, Ohio, VORTAC 337° True radials.

c. In the text the Leesburg and Spring Glen intersections are amended to read:

Leesburg INT: INT of the Waterloo, N.J., VOR 023° and the Sea Isle, N.J., VOR 324° True radials.

Spring Glen INT: INT of the Wilton, Conn., VOR 295° and the Huguenot, N.Y., VORTAC 006° True radials.

2. In § 601.7003 (26 F.R. 1079) the Elmira, N.Y. and Stony Fork, Pa., intersections are amended to read:

Elmira, N.Y., INT: INT of the Wellsville, N.Y., VOR 089° and the Syracuse, N.Y., VOR 211° radials.

Stony Fork, Pa., INT: INT of the Bradford, Pa., VOR 095° and the Philipsburg, Pa., VOR 031° radials.

These amendments shall become effective 0001 e.s.t., December 14, 1961.

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

Issued in Washington, D.C., on November 8, 1961.

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

[F.R. Doc. 61-10786; Filed, Nov. 9, 1961;  
8:51 a.m.]

[Airspace Docket No. 61-WA-167]

## PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS AND HIGH ALTITUDE NAVIGATIONAL AIDS

### Designation of Jet Route and Jet Advisory Area

On September 14, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 8600) stating that the Federal Aviation Agency proposed to designate Jet Route No. 14 and an associated en route radar jet advisory area from Amarillo, Texas, to Atlanta, Ga.

The Department of the Army interposed no objection provided that necessary safety procedures are adopted which will insure that aircraft utilizing this route do not penetrate Restricted Areas R-2402 and R-2102 when being utilized by the Using Agency. It is incumbent upon pilots to fly J-14 along the direct courses between the navigational aids or fixes defining this route. Minute errors either in ground or airborne equipment may result in some deviation from these courses. However, the segments of J-14 which are in proximity to R-2402 and R-2102 are aligned so that they will bypass these restricted areas at a distance which will compensate for the acceptable systems error factor. No other comments were received within the allotted time.

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

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

1. In § 602.100 Jet routes (26 F.R. 7079) the following is added:

Jet Route No. 14 (Amarillo, Tex., to Atlanta, Ga.).

From Amarillo, Tex., via Oklahoma City, Okla.; Little Rock, Ark.; Birmingham, Ala.; to Atlanta, Ga.

2. In § 602.200 En route jet advisory areas (26 F.R. 7079) the following is added:

Jet Route No. 14 jet advisory area. Radar—Amarillo, Tex., to Atlanta, Ga.

These amendments shall become effective 0001 e.s.t. December 14, 1961.

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

Issued in Washington, D.C., on November 8, 1961.

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

[F.R. Doc. 61-10787; Filed, Nov. 9, 1961;  
8:51 a.m.]

## Title 21—FOOD AND DRUGS

### Chapter 1—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

##### NYSTATIN

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by E. R. Squibb and Sons, Division of Olin Mathieson Chemical Corporation, Georges Road, New Brunswick, New Jersey, and other relevant material, has concluded that the following amendment to § 121.220 of the food additive regulations should issue with respect to nystatin, when used for the prevention or treatment of crop mycosis and mycotic diarrhea in turkeys. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic 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), § 121.220 (21 CFR 121.220 (26 F.R. 6239)) is amended in the following respects:

1. Paragraph (a)(1) is amended by inserting the words "turkeys and" after the words "diarrhea in". As amended, subparagraph (1) reads as follows:

§ 121.220 Nystatin.

(a) \* \* \*

(1) For the prevention or treatment of crop mycosis and mycotic diarrhea in turkeys and chickens, including laying hens, as follows:

2. Paragraph (c)(4)(ii) is amended by inserting the word "turkeys" after the words "diarrhea in". As amended, subdivision (ii) reads as follows:

(c) \* \* \*

(4) \* \* \*

(ii) A statement that the medicated feed is to be used solely for the prevention or treatment of crop mycosis and mycotic diarrhea in turkeys, chickens, and laying hens, whichever is appropriate.

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.

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

Dated: November 6, 1961.

JOHN L. HARVEY,  
Deputy Commissioner of  
Food and Drugs.

[F.R. Doc. 61-10751; Filed, Nov. 9, 1961;  
8:48 a.m.]

## Title 41—PUBLIC CONTRACTS

### Chapter 1—Federal Procurement Regulations

#### PART 1-5—SPECIAL AND DIRECTED SOURCES OF SUPPLY

#### Use of Excess Personal Property as a Source of Supply

Part 1-5 is amended as set forth below:

1. The table of contents is amended to include new Subpart 1-5.3 as follows:

##### Subpart 1-5.3—Excess Personal Property

Sec.

1-5.300 Scope of subpart.

1-5.301 Definition of excess personal property.

1-5.302 Policy.

1-5.303 Implementation of policy.

1-5.304 Assistance by General Services Administration in filling requirements from excess.

AUTHORITY: §§ 1-5.300 to 1-5.304 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

2. New Subpart 1-5.3 is added to read as follows:

##### Subpart 1-5.3—Excess Personal Property

###### § 1-5.300 Scope of subpart.

This subpart sets forth policies and related material regarding the use of excess personal property as a source of supply. This subpart does not include, modify, or supersede instructions concerning the reassignment of personal property within executive agencies and the transfer of excess, or other instructions concerning the utilization of Government-owned personal property, which are contained in Chapter III, Title 1, Personal Property Management, Regulations of the General Services Administration.

###### § 1-5.301 Definition of excess personal property.

"Excess personal property" means any personal property under the control of any Federal agency which is not required for its needs and the discharge of its responsibilities, as determined by the head thereof.

###### § 1-5.302 Policy.

To the fullest extent practicable, agencies shall use excess personal property as the first source of supply in

fulfilling their requirements and requirements of their cost-type contractors.

**§ 1-5.303 Implementation of policy.**

(a) In giving effect to the policy stated in § 1-5.302, agencies should provide that:

(1) Personnel authorized to approve actions for procurement or other acquisition of personal property will make positive efforts to obtain excess before such actions are undertaken.

(2) Personnel mentioned in (1) of this § 1-5.303(a) will receive available information concerning excess personal property from appropriate General Services Administration regional offices.

(b) Prior to procurement or other acquisition of property, careful and receptive consideration shall be given to utilization of known usable excess personal property of a similar type, including the possibility of substitution of adaptation of excess items not identical with requested items, whether the excess items are unused, rehabilitated, or in used condition, and regardless of whether the intended acquisition would be from General Services Administration stores stock or from other sources of supply.

**§ 1-5.304 Assistance by General Services Administration in filling requirements from excess.**

(a) Information regarding the availability of excess personal property may be obtained through the following:

(1) Personal contact with the General Services Administration or the holding installation.

(2) Review of excess personal property catalogs and bulletins circularized by the General Services Administration.

(3) Submission of personal property requirements to the regional offices of the General Services Administration. (GSA Form 1539, Request for Excess Personal Property, is available for this purpose.)

(4) Examination and inspection of reports and samples of excess personal property assembled for this purpose in General Services Administration regional offices.

(b) The General Services Administration will assist agencies in meeting their requirements for property of the types excepted from reporting as excess by subsection 302.02, Chapter III, Title 1, Personal Property Management, Regulations of the General Services Administration. Federal agencies requiring such property should contact the appropriate General Services Administration regional office. General Services Administration area utilization officers, stationed at key military excess generating points throughout the United States, are screening and offering for Government use non-reported excess personal property as it becomes available for transfer.

*Effective date.* These regulations are effective immediately.

Dated: November 7, 1961.

BERNARD L. BOUTIN,  
Acting Administrator  
of General Services.

[F.R. Doc. 61-10810; Filed, Nov. 9, 1961;  
8:51 a.m.]

## Title 32—NATIONAL DEFENSE

### Chapter VI—Department of the Navy

#### SUBCHAPTER G—MISCELLANEOUS RULES

#### PART 765—RULES APPLICABLE TO THE PUBLIC

##### Visitors on Vessels Under Construction or Conversion

1. Section 765.4 is revised to read as follows:

##### § 765.4 Visitors on vessels under construction or conversion.

(a) No visitor shall be allowed to go on board vessels of the Navy under construction or conversion except on the authority of the Chief, Bureau of Ships, or his authorized field representative at the site of construction or conversion; and no such permission shall be given to anyone not known to be an American citizen of good standing and repute.

(b) Visitors representing foreign governments, or known to be other than American citizens shall not be permitted to visit such vessels except by authority of the Chief of Naval Operations (Office of Naval Intelligence); and they shall in all cases be accompanied by an authorized naval representative. The official accompanying such visitor shall report to the Chief of Naval Operations (Chief of Naval Intelligence) in writing whenever the visitor expresses an undue interest in information that he is not authorized to receive, or expresses feelings inimical to the best interests of the United States.

(R.S. 161, sec. 5031, 70A Stat. 278, as amended, 5 U.S.C. 22, 10 U.S.C. 5031)

By direction of the Secretary of the Navy.

[SEAL] W. C. MOTT,  
Rear Admiral, U.S. Navy,  
Judge Advocate General of the Navy.

NOVEMBER 6, 1961.

[F.R. Doc. 61-10752; Filed, Nov. 9, 1961;  
8:48 a.m.]

## Title 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

#### PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

#### PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

#### PART 14—PUBLIC FIXED STATIONS AND STATIONS OF THE MARITIME SERVICES IN ALASKA

#### Change of Terminology To Denote Kilocycles Per Second and Megacycles Per Second

The Commission having under consideration the desirability of using the terms kc/s and Mc/s, in lieu of kc and Mc, to denote kilocycles per second and megacycles per second, respectively, in Parts 7, 8, and 14 of its rules and regulations;

It appearing, that this method of expressing frequencies and bands is in consonance with the Geneva Radio Regulations (1959) and international practice and has already been incorporated in the Commission's rules, Part 2, Frequency Allocations and Radio Treaty Matters, General Rules and Regulations; and

It further appearing that the amendment adopted herein is editorial in nature, thus making compliance with the public notice and rule making procedures prescribed by section 4 (a) and (b) of the Administrative Procedure Act unnecessary, and for the same reason, compliance with the effective date provisions of section 4 (c) of the Administrative Procedure Act is not required; and

It further appearing that the amendment adopted herein is issued pursuant to authority contained in sections 4(i), 5(d) (1), and 303(r) of the Communications Act of 1934, as amended, and section 0.341(a) of the Commission's Statement of Organization, Delegations of Authority and Other Information;

*It is ordered,* This 3d day of November 1961, that effective November 13, 1961, Parts 7, 8, and 14 of the Commission's rules are amended as follows: The terms "kc" and "Mc" are changed to read "kc/s" and "Mc/s", respectively, wherever they appear, in Parts 7, 8, and 14.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: November 6, 1961.

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

[F.R. Doc. 61-10781; Filed, Nov. 9, 1961;  
8:52 a.m.]

#### PART 18—INDUSTRIAL, SCIENTIFIC, AND MEDICAL EQUIPMENT

##### Procedure for Type Approval; Medical Diathermy Equipment

The Commission, having under consideration the desirability of making certain editorial changes in Part 18 of its rules and regulations; and

It appearing that the amendment adopted herein involves the internal organization of the Commission and that it is editorial in nature, and hence that section 4 of the Administrative Procedure Act is inapplicable; and

It further appearing that the amendment adopted herein is issued pursuant to authority contained in sections 4(i), 5(d) (1), and 303(r) of the Communications Act of 1934, as amended, and section 0.341(a) of the Commission's Statement of Organization, Delegation of Authority and Other Information.

*It is ordered,* This 3d day of November 1961, that, effective November 13, 1961, the note at the end of § 18.14 is amended to read as follows:

§ 18.14 Procedure for type approval.

\* \* \* \* \*  
NOTE: Medical diathermy equipment operated on 915 Mc/s, 2450 Mc/s, 5800 Mc/s or 21,125 Mc/s will be eligible for type approval upon a determination by the Chief

## RULES AND REGULATIONS

Engineer of compliance with the requirements of the Commission's public notice and order of December 26, 1946, which requirements are set forth in § 18.7.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: November 6, 1961.

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

[F.R. Doc. 61-10780; Filed, Nov. 9, 1961;  
8:52 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

Internal Revenue Service

[ 26 CFR Part 48 ]

### MANUFACTURERS EXCISE TAX ON MOTOR VEHICLES AND PARTS OR ACCESSORIES THEREFOR

#### Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] BERTRAND M. HARDING,  
Acting Commissioner  
of Internal Revenue.

The following regulations are prescribed under sections 4061, 4062, and 4063 of the Internal Revenue Code of 1954, as amended, relating to taxes on motor vehicles and parts or accessories therefor. Except where otherwise specifically provided, these regulations are applicable to sales of motor vehicles and parts or accessories therefor on or after January 1, 1959. Regulations under § 48.4061(a)-2, relating to bonding of importers, were published in Treasury Decision 6499, approved October 24, 1960, 25 F.R. 10347.

#### Subpart H—Motor Vehicles, Tires, Tubes, Tread Rubber, Gasoline, and Lubricating Oil

##### AUTOMOTIVE AND RELATED ITEMS

###### MOTOR VEHICLES

- Sec.  
48.4061(a) Statutory provisions; imposition of tax; automobiles.  
48.4061(a)-1 Imposition of tax.  
48.4061(a)-2 Bonding of importers.  
48.4061(a)-3 Definitions.  
48.4061(a)-4 Parts or accessories sold on or in connection with chassis, bodies, etc.

- Sec.  
48.4061(a)-5 Sale of automobile bodies and chassis.  
48.4061(b) Statutory provisions; imposition of tax; parts and accessories.  
48.4061(b)-1 Imposition of tax.  
48.4061(b)-2 Definition of parts or accessories.  
48.4061(b)-3 Rebuilt, reconditioned, or repaired parts or accessories.  
48.4062(a) Statutory provisions; definitions; certain articles considered as parts.  
48.4062(a)-1 Specific parts or accessories.  
48.4062(b) Statutory provisions; definitions; sale price of rebuilt parts.  
48.4062(b)-1 Rebuilt parts or accessories sold on an exchange basis.  
48.4063 Statutory provisions; exemptions.  
48.4063-1 Tax-free sales of bodies to chassis manufacturers.  
48.4063-2 Other tax-free sales.

#### Subpart H—Motor Vehicles, Tires, Tubes, Tread Rubber, Gasoline, and Lubricating Oil

##### AUTOMOTIVE AND RELATED ITEMS

###### MOTOR VEHICLES

#### § 48.4061(a) Statutory provisions; imposition of tax; automobiles.

Sec. 4061. *Imposition of tax*—(a) *Automobiles*. There is hereby imposed upon the following articles (including in each case parts or accessories therefor sold on or in connection therewith or with the sale thereof) sold by the manufacturer, producer, or importer a tax equivalent to the specified percent of the price for which so sold:

- (1) Articles taxable at 10 percent, except that on and after October 1, 1972, the rate shall be 5 percent—  
Automobile truck chassis.  
Automobile truck bodies.  
Automobile bus chassis.  
Automobile bus bodies.  
Truck and bus trailer and semitrailer chassis.  
Truck and bus trailer and semitrailer bodies.  
Tractors of the kind chiefly used for highway transportation in combination with a trailer or semitrailer.

A sale of an automobile truck, bus, truck or bus trailer or semitrailer shall, for the purposes of this paragraph, be considered to be a sale of the chassis and of the body.

- (2) Articles taxable at 10 percent except that on and after July 1, 1962, the rate shall be 7 percent—  
Automobile chassis and bodies other than those taxable under paragraph (1).  
Chassis and bodies for trailers and semitrailers (other than house trailers) suitable for use in connection with passenger automobiles.

A sale of an automobile, trailer, or semitrailer shall, for the purpose of this paragraph, be considered to be a sale of the chassis and of the body.

[Sec. 4061(a) as amended and in effect Jan. 1, 1959, and as amended by sec. 3(a)(1), Tax Rate Extension Act 1959 (73 Stat. 157); sec. 202(a)(1), Public Debt and Tax Rate Extension Act 1960 (74 Stat. 290); sec. 204, Federal-Aid Highway Act 1961 (75 Stat. 126); sec. 3(a)(1), Tax Rate Extension Act 1961 (75 Stat. 193)]

#### § 48.4061(a)-1 Imposition of tax.

(a) *In general*. Section 4061(a) imposes a tax on the sale by the manufacturer, producer, or importer of the following articles (including in each case parts or accessories therefor sold on or in connection therewith or with the sale thereof):

- (1) Automobile truck and bus chassis and bodies;  
(2) Truck and bus trailer and semitrailer chassis and bodies;  
(3) Tractors of the kind chiefly used for highway transportation in combination with a trailer or semitrailer;  
(4) Other automobile chassis and bodies; and  
(5) Chassis and bodies for trailers and semitrailers (other than house trailers) suitable for use in connection with passenger automobiles.

#### (b) *Rates and computation of tax*.

(1) Tax is imposed on the sale of the articles enumerated in section 4061(a) and paragraph (a) of this section at the rate applicable on the date on which the article is sold, as specified below:

- (i) Automobile truck and bus chassis and bodies, truck and bus trailers and semitrailers, and tractors sold—

	Percent
(a) During the period January 1, 1959, to September 30, 1972, inclusive—	10
(b) On or after October 1, 1972—	5

- (ii) Other automobile chassis and bodies sold—

	Percent
(a) During the period January 1, 1959, to June 30, 1962, inclusive—	10
(b) On or after July 1, 1962—	7

(2) The tax is computed by applying to the price for which the article is sold the rate in effect at the time of the sale. For definition of the term "price" and for application of the tax to leases of articles, see sections 4216 and 4217, respectively, and the regulations thereunder contained in Subpart M of this part.

(c) *Liability for tax*. The tax imposed by section 4061(a) is payable by the manufacturer, producer, or importer making the sale.

(d) *Nonhighway vehicles*. A chassis or body specified in section 4061(a) (see paragraph (a) of this section) which is not designed for highway use is not subject to the tax imposed by such section. The following are examples of vehicles which are not designed for highway use, and, therefore, not taxable: Road graders, bulldozers, power shovels, earth movers, farm tractors, motor-driven vehicles designed and adapted for use in pulling or drawing vehicles around the premises of factories and railway stations, and small trucks for handling baggage and trunks at railway stations.

(e) *Trailers*. (1) A trailer or semitrailer chassis or body primarily designed for highway use in combination with a taxable truck, bus, or tractor is subject

to the tax imposed by section 4061(a) (1). Trailers and semitrailers which are suitable for use in combination with passenger automobiles, but which are not house trailers, are subject to the tax imposed by section 4061(a) (2). A trailer designed for use in combination with a passenger automobile which is to be used for purposes other than living or sleeping, commonly referred to as a "utility trailer", is an example of a trailer taxable under section 4061(a) (2). The tax attaches even though the trailer or semitrailer may have equipment to perform functions other than in connection with the transportation of property or persons. However, no tax under section 4061(a) attaches to that part of the selling price of the complete unit which is reasonably attributable to such equipment provided that such part of the selling price is billed separately on the invoice to the customer or can be otherwise established by adequate records.

(2) Examples of trailers and semitrailers subject to the tax imposed by section 4061(a) (1) are:

(i) General purpose pole trailers, combination pole and cable reel trailers, transformer trailers, machinery trailers, tilt-top implement trailers, reel dollies, pole dollies, and highway logging dollies.

(ii) Low-bed trailers or semitrailers designed for transporting heavy equipment over the highways.

(3) A farm wagon primarily designed for use on farms, although it may be used on the highway, illustrates a type of vehicle which is not a trailer within the meaning of section 4061(a).

#### § 48.4061(a)-2 Bonding of importers.

NOTE: For regulations under this section 48.4061(a)-2 (26 CFR 48.4061(a)-2), see Treasury Decision 6499, approved October 24, 1960 (25 F.R. 10347).

#### § 48.4061(a)-3 Definitions.

For purposes of the tax imposed by section 4061, unless otherwise expressly indicated:

(a) *Automobile truck.* The term "automobile truck" includes automobile buses, and truck and bus trailers and semitrailers.

(b) *Other automobile.* The term "other automobile" means all automobiles other than automobile trucks, and includes trailers and semitrailers suitable for use in connection with passenger automobiles, but does not include house trailers.

(c) *Tractor.* The term "tractor" means any tractor chiefly used for highway transportation in combination with a trailer or semitrailer.

#### § 48.4061(a)-4 Parts or accessories sold on or in connection with chassis, bodies, etc.

(a) *In general.* The tax attaches in respect of parts or accessories for articles specified in section 4061(a) sold on or in connection therewith or with the sale thereof at the rate applicable to the sale of the basis article. The tax attaches in such case whether or not the parts or accessories are billed separately. For the tax applicable to parts or accessories which are not sold on or in connection

with the sale of a taxable chassis, body, or tractor, see § 48.4061(b)-1.

(b) *Essential equipment.* If taxable chassis, bodies, or tractors are sold by the manufacturer, producer, or importer without parts or accessories which are considered equipment essential for the operation or appearance of such articles, the sale of such parts or accessories will be considered, in the absence of evidence to the contrary, to have been made in connection with the sale of the basic article even though they are shipped separately at the same time or on a different date. For example, if a manufacturer sells to any person a chassis and the bumpers for such chassis, or sells a taxable tractor and the fifth wheel and attachments, the tax applies to such parts or accessories at the same rate as on the chassis or tractor regardless of the method of billing or the time at which the shipments were made.

#### § 48.4061(a)-5 Sale of automobile bodies and chassis.

(a) *Sale of complete vehicle.* An automobile truck or other automobile for purposes of the tax consists of two parts, namely, a body and a chassis. The tax applies to the sale by the manufacturer of each. Thus, if the purchaser of a taxpaid chassis attaches to it a body manufactured by him and sells the completed vehicle, he is liable for tax based on the sale price of the body only. However, the tax attaches to the selling price of the unit unless adequate records are available to show the portion of the total selling price attributable to the body.

(b) *Bodies and chassis which are subject to different tax rates.* If different rates of tax apply to the body and the chassis and the completed vehicle is sold as a unit, the tax is computed at the appropriate rate on the portion of the selling price applicable to each. Thus, if the manufacturer of a truck body installs it on a passenger automobile chassis manufactured by him, the sale of the body and chassis (if the sale is made at a time when the applicable rates are different) must be recorded and billed separately and the tax is based on the separate sale price of the body and chassis at the rate applicable to each. The respective selling prices of the body and chassis must include all parts and accessories made a part thereof, or attached thereto, or sold in connection therewith. When doubt exists as to whether a part or accessory should be included in the sale price of the body or of the chassis, the rate of tax will be determined according to whether it is customary to sell such part or accessory with bodies or with chassis when bodies or chassis are sold separately.

#### § 48.4061(b) Statutory provisions; imposition of tax; parts and accessories.

Sec. 4061. *Imposition of tax.* \* \* \*

(b) *Parts and accessories.* There is hereby imposed upon parts or accessories (other than tires and inner tubes and other than automobile radio and television receiving sets) for any of the articles enumerated in subsection (a) sold by the manufacturer, producer, or importer a tax equivalent to 8 percent of the price for which so sold, except that on and after July 1, 1962, the rate shall be 5 percent.

[Sec. 4061(b) as amended and in effect Jan. 1, 1959, and as amended by sec. 3(a) (1), Tax Rate Extension Act 1959 (73 Stat. 157); sec. 202(a) (1), Public Debt and Tax Rate Extension Act 1960 (74 Stat. 290); sec. 3(a) (1), Tax Rate Extension Act 1961 (75 Stat. 193)]

#### § 48.4061(b)-1 Imposition of tax.

(a) *In general.* Section 4061(b) imposes a tax on the sale by the manufacturer, producer, or importer of parts or accessories (other than tires and inner tubes and other than automobile radio and television receiving sets) for any of the articles enumerated in section 4061(a) (see paragraph (a) of § 48.4061(a)-1).

(b) *Rates of tax.* Tax is imposed on the sale of parts or accessories for any of the articles enumerated in section 4061(a) at the rates specified below:

	Percent
(1) Parts or accessories sold during the period January 1, 1959, to June 30, 1962, inclusive.....	8
(2) Parts or accessories sold on or after July 1, 1962.....	5

The tax is computed by applying to the price for which the part or accessory is sold the rate in effect at the time of the sale. For definition of the term "price" see section 4216 and the regulations thereunder contained in Subpart M of this part.

(c) *Liability for tax.* The tax imposed by section 4061(b) is payable by the manufacturer, producer, or importer making the sale.

#### § 48.4061(b)-2 Definition of parts or accessories.

(a) *In general.* The term "parts or accessories" includes (1) any article the primary use of which is to improve, repair, replace, or serve as a component part of an automobile truck or bus chassis or body, or other automobile chassis or body, or taxable tractor, (2) any article designed to be attached to or used in connection with such chassis, body, or tractor to add to its utility or ornamentation, and (3) any article the primary use of which is in connection with such chassis, body, or tractor, whether or not essential to its operation or use. The term "parts or accessories" includes all articles which have reached such a stage of manufacture as to be commonly known as parts or accessories whether or not fitting operations are required in connection with their installation. An article shall not be deemed to be a taxable part or accessory even though it is designed to be attached to the vehicle or to be primarily used in connection therewith if the article is in effect the load being transported and the primary function of the article is to serve a purpose unrelated to the vehicle as such. For example, a construction derrick attached to a truck is not a taxable part or accessory inasmuch as the derrick is the load of the truck and its use is in connection with construction work at a construction site rather than in connection with the transportation or loading or unloading function of the truck. On the other hand, an article such as a towing cradle or loading or unloading equipment designed to be attached to or to be primarily used in connection with a

truck is a taxable part or accessory inasmuch as the article contributes to the load-carrying function of the truck. The term "parts or accessories" does not include tires, inner tubes, or automobile radio or television receiving sets, since these articles are expressly exempted by section 4061(b) from the tax. However, the term "parts or accessories" includes tire valves designed for use on tires or tubes for articles taxable under section 4061(a).

(b) *Articles of a general use.* The term "parts" or accessories" does not include articles which are not used primarily in the manufacture, repair, etc., of automobile trucks, other automobiles, or tractors, but have a general use in the manufacture, repair, etc., of various articles. For example, commodities such as ball and roller bearings, bolts, nuts, washers, screws, nails, tacks, rivets, pins, studs, cotters, pipe fittings such as plugs, tees, ells, and elbows, drain cocks, grease cups, oilers, and similar articles are not of themselves parts or accessories unless so constructed as to be used primarily in the manufacture, repair, etc., of automobile trucks, other automobiles, or tractors. On the other hand, parts for automobile parts or accessories are in themselves taxable unless they are articles of a type not specifically designed for use primarily in the automobile field. For example, the tax applies to the sale of gears, flexible shafts, and flexible housings designed as replacement parts for automotive speedometers; as well as replacement parts for automobile engines, transmissions, differentials, steering mechanisms, timers, windshield-wiper motors, and other automobile parts or accessories.

(c) *Materials of a general use.* The term "parts or accessories" also does not include material such as glass, cloth, leather, matting, linoleum, and other materials sold in rolls or by the foot, such as brake lining, tape, binding, wire, cable, metal and rubber tubing, packing, conduit, and similar material. However, when any such material is cut or otherwise transformed by any person into an automobile part or accessory (whether in connection with an immediate installation or otherwise and regardless of who installs the part or accessory), tax attaches at the time such part or accessory is sold by such person.

(d) *Examples of articles taxable as parts or accessories.* Examples of articles which are taxable as parts or accessories are: Automobile air conditioners; baby seats for automobiles; automobile beds; automobile hammocks; automobile clutches; bottle warmers and heating pads designed to operate from an automobile cigarette lighter; automobile radio antennae; automobile license plate frames; automobile clocks; automobile mirrors and mirror brackets; purses for carrying parking meter coins or cases for carrying registration cards when designed for attachment to an automobile; safes primarily designed for use in taxable motor vehicles; electric bulbs primarily designed and adapted for use on automobiles; automobile floor mats; jacks of the mechanical or hydraulic

bumper, screw, ratchet, scissors, or other type primarily designed to be carried as accessories in automobiles as distinguished from jacks designed especially for use in garages and repair shops; dollies of the type commonly known as converter dollies which are used as connectors to convert semitrailers to full trailers; tool kits recommended for use with automobiles; automobile seat covers of any construction whether they are ready-made or custom fitted; fitted truck top covers; glass cut to size for installation in automobiles; and automobile bearings, such as automobile crankshaft or connecting rod bearings.

(e) *Effective date.* This section shall be effective with respect to sales made on or after the first day of the first month which begins more than 30 days after the date of publication of this section in the FEDERAL REGISTER. For the definition of parts or accessories applicable to sales thereof prior to such first day, see § 40.4061(b)-2 of this chapter (Manufacturers and Retailers Excise Tax Regulations).

(f) *Cross references.* For provisions relating to the tax imposed upon:

(1) Tires and inner tubes, see section 4071 and the regulations thereunder contained in Subpart H of this part;

(2) Automobile radio and television receiving sets, see section 4141 and the regulations thereunder contained in Subpart J of this part; and

(3) Fare registers and fare boxes for use on buses and automobiles, see section 4191 and the regulations thereunder contained in Subpart L of this part.

#### § 48.4061(b)-3 Rebuilt, reconditioned, or repaired parts or accessories.

(a) *Rebuilt parts or accessories.* Rebuilding of automobile parts or accessories, as distinguished from reconditioning or repairing, constitutes manufacturing, and the rebuilder of such parts or accessories is liable for the tax imposed by section 4061(b) with respect to his sales of such rebuilt parts or accessories. Major operations, such as re-boring or other machining, rewinding, etc., of any type, performed on a used automobile part or accessory to put the article into usable condition constitute rebuilding. The person owning the part or accessory being rebuilt is the manufacturer of the article and is liable for the tax on his sale of the rebuilt part or accessory. The tax attaches whether the machining or other operation is performed by the rebuilder himself or by some other person in his behalf. For example, the tax attaches with respect to sales of (1) rebuilt batteries, (2) re-babbitted or machined connecting rods, (3) reassembled clutches after operations such as the resurfacing of clutch plates, (4) rewound armatures, (5) reassembled generators or starter motors containing armatures rewound or commutators turned down on a lathe by or for the person reassembling the generator or starter motor, (6) reground or re-metallized crankshafts, and (7) engines in which blocks are machined (such as cylinders rebored or new sleeves inserted with or without cylinders being rebored) or new blocks installed. For provisions

relating to the sale price of rebuilt parts or accessories, see § 48.4062(b)-1.

(b) *Reconditioned parts or accessories.* The mere disassembling, cleaning, and reassembling (with any necessary replacements of worn parts) of automobile parts or accessories, such as fuel pumps, water pumps, carburetors, distributors, shock absorbers, windshield-wiper motors, brake shoes, clutch disks, voltage regulators, and other parts or accessories, are regarded as reconditioning operations rather than the manufacturing or production of rebuilt parts or accessories. The sale of a reconditioned part or accessory is not subject to tax if previous to the reconditioning there had been a prior sale of such part or accessory in the United States. Any new taxable parts or accessories produced, or purchased tax free for use in further manufacture, and used as replacements in reconditioning such units are subject to tax when used by the reconditioner.

(c) *Repaired parts or accessories.* The tax does not apply to the amount paid for the repair of automobile parts or accessories for the owner thereof. Repairing consists of the restoration, whether by rebuilding or reconditioning, of an owner's part or accessory to usable condition for his own use rather than for sale. The person who performs the repairing must retain in his possession evidence or documents from which the nontaxable nature of the operation can be ascertained. Any person engaged in rebuilding parts or accessories for purposes of sale incurs liability for tax with respect to his own use of any part or accessory rebuilt by him for sale.

(d) *Effective date.* This section shall be effective with respect to sales made on or after the first day of the first month which begins more than 30 days after the date of publication of this section in the FEDERAL REGISTER. For regulations applicable to sales prior to such first day of rebuilt, reconditioned, or repaired parts or accessories, see § 40.4061(b)-3 of this chapter (Manufacturers and Retailers Excise Tax Regulations).

#### § 48.4062(a) Statutory provisions; definitions; certain articles considered as parts.

SEC. 4062. *Definitions*—(a) *Certain articles considered as parts.* For the purposes of section 4061, spark plugs, storage batteries, leaf springs, coils, timers, and tire chains, which are suitable for use on or in connection with, or as component parts of, any of the articles enumerated in section 4061(a), shall be considered parts or accessories for such articles whether or not primarily adapted for such use.

[Sec. 4062(a) as in effect Jan. 1, 1959]

#### § 48.4062(a)-1 Specific parts or accessories.

Spark plugs, storage batteries, leaf springs, coils, timers, and tire chains, which are suitable for use on or in connection with, or as component parts of, automobile trucks, other automobiles, tractors, or other vehicles enumerated in section 4061(a), are considered parts of, or accessories for, such articles whether or not primarily designed or adapted for such use.

**§ 48.4062 (b) Statutory provisions; definitions; sale price of rebuilt parts.**

Sec. 4062. *Definitions.* \* \* \*

(b) *Sale price of rebuilt parts.* In determining the sale price of a rebuilt automobile part or accessory there shall be excluded from the price, in accordance with regulations prescribed by the Secretary or his delegate, the value of a like part or accessory accepted in exchange.

[Sec. 4062(b) as in effect Jan. 1, 1959]

**§ 48.4062 (b)-1 Rebuilt parts or accessories sold on an exchange basis.**

The sale price of a rebuilt part or accessory on which the tax is to be computed shall not include the value of a like part or accessory accepted in exchange. The total amount charged in excess of the amount allowed for a like article accepted in an exchange will be the basis for tax. For example, if a rebuilt automobile engine is sold for \$100, plus another automobile engine, the tax on the rebuilt engine will be computed on the basis of \$100.

**§ 48.4063 Statutory provisions; exemptions.**

SEC. 4063. *Exemptions*—(a) *Specific articles exempt from tax on automobiles.* The tax imposed under section 4061(a) (2) shall not apply in the case of house trailers or tractors.

(b) *Sales to manufacturers.* Under regulations prescribed by the Secretary or his delegate, the tax under section 4061 shall not apply in the case of sales of bodies by the manufacturer, producer, or importer to a manufacturer or producer of automobile trucks or other automobiles to be sold by such vendee. For the purposes of section 4061, such vendee shall be considered the manufacturer or producer of such bodies.

[Sec. 4063 as in effect Jan. 1, 1959]

**§ 48.4063-1 Tax-free sales of bodies to chassis manufacturers.**

The tax imposed by section 4061 shall not apply to bodies sold by the manufacturer thereof to a manufacturer (but not an importer) of automobile trucks or other automobiles to be sold by the purchaser. Thus, a manufacturer of automobile truck bodies or other automobile bodies is permitted to sell such bodies tax free to manufacturers of automobile truck chassis or other automobile chassis. However, there is no similar provision with respect to the sale of an automobile truck chassis or other automobile chassis to manufacturers of automobile truck bodies or other automobile bodies. In order to effect a tax-free sale of a body as provided in this paragraph, both the seller and purchaser must comply with the registration and other requirements of section 4222 and the regulations thereunder contained in Subpart N of this part. A chassis manufacturer who purchases a body tax free as provided in this paragraph shall, for purposes of application of the tax imposed by section 4061(a), be considered the manufacturer of such body.

**§ 48.4063-2 Other tax-free sales.**

For provisions relating to tax-free sales of articles referred to in section 4061, see—

(a) Section 4221, relating to certain tax-free sales;

(b) Section 4222, relating to registration; and

(c) Section 4223, relating to special rules pertaining to further manufacture; and the regulations thereunder contained in Subpart N of this part.

[F.R. Doc. 61-10758; Filed, Nov. 9, 1961; 8:49 a.m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Stabilization and Conservation Service

#### [ 7 CFR Part 728 ]

#### WHEAT

### Notice of Proposed Amendments to the Wheat Marketing Quota Regulations for 1961 and Subsequent Crop Years

The Department of Agriculture has under consideration the formulation and issuance of amendments to the Wheat Marketing Quota Regulations for 1961 and Subsequent Crop Years which are required by the provisions of sections 122 and 124 of the Agricultural Act of 1961 (75 Stat. 294, approved August 8, 1961).

The exact wording of the proposed amendments is set out below. The wording of these amendments would incorporate into the regulations the provisions of the legislation. With respect to proposed amendment number 4, the statute states that acreage diverted from the production of wheat under subsection (a) (as well as under subsection (c)) of section 124 of the Agricultural Act of 1961 shall not be considered underplanting of the wheat acreage allotment for the purpose of releasing wheat of a crop prior to 1962 which was stored to avoid or postpone marketing penalty. The acreage diverted in 1962 under subsection (a) of section 124 of said act could not be considered underplanting for this purpose in any event, since the 1962 effective farm acreage allotment for marketing quota purposes represents the allotment remaining after the mandatory ten per centum reduction in 1962 allotments required by the Agricultural Act of 1961 had been made and acreage represented by the ten per centum reduction is the only acreage which may be diverted under subsection (a) of section 124 of the Act. Proposed amendment number 5 would provide, in conformity with the statute, that in determining underproduction of the 1962 wheat crop for the purpose of releasing wheat of a prior crop stored to avoid or postpone marketing penalty the normal yield times the acreage diverted from the production of wheat under subsection (a) (as well as subsection (c)) of section 124 of the Agricultural Act of 1961 shall be considered actual production of 1962 crop wheat. As indicated above, the acreage diverted under said subsection (a) is acreage in excess of the effective 1962 farm acreage allotment for marketing quota purposes; however, the producer will receive payment for diverting

such acreage and the statute provides that if such a diversion payment is received the normal production of such diverted acreage will be regarded as actual production in determining underproduction credit.

It is proposed that the amendments be as follows:

1. Section 728.1149 would be amended by adding at the end thereof a new sentence to read as follows: "Notwithstanding any other provision of this section the farm marketing excess of wheat of the 1962 crop shall be twice the normal production of the wheat acreage in excess of the 1962 farm acreage allotment but if the producer establishes to the satisfaction of the Secretary the actual production of wheat of the 1962 crop on the farm, the farm marketing excess shall be such actual production less the actual production of the 1962 farm wheat acreage allotment, but not in excess of the difference between such actual production on the farm and the normal production of the 1962 farm wheat acreage allotment."

2. Section 728.1162 would be amended by adding at the end thereof a new sentence to read as follows: "Notwithstanding the first sentence of this section, the rate of penalty for the 1962 crop of wheat shall be 65 percent the parity price of wheat as of May 1962."

3. Section 728.1180(a) would be amended to read as follows:

(a) *Conditions of exemption.* A farm marketing quota for wheat for any crop shall not be applicable to any farm on which the wheat acreage for such crop is not in excess of 15 acres, or with respect to the 1961 and prior crops wheat the normal production of the wheat acreage is less than 200 bushels. Notwithstanding the first sentence of this subsection, a farm marketing quota for the 1962 crop of wheat shall be applicable to any farm on which the acreage of wheat for 1962 exceeds the smaller of (1) 13.5 acres, or (2) the highest number of acres actually planted to wheat on the farm for harvest in any of the calendar years 1959, 1960 or 1961.

4. Section 728.1169(h) would be amended by changing the sixth sentence thereof to read as follows: "For the purpose of this paragraph the acreage if any, diverted from the production of wheat under an unexpired conservation reserve contract or an unexpired great plains conservation program contract under the 1962 wheat stabilization program pursuant to subsection (a) or (c) of section 124 of the Agricultural Act of 1961 will not be considered underplanted wheat acreage."

5. Section 728.1169(i) would be amended by changing the last sentence thereof to read as follows: "For the purpose of this paragraph, any acreage considered to be diverted from the production of wheat under a conservation reserve contract or a great plains contract under Paragraph (h) of this section or to have been diverted from the production of wheat under the 1962 wheat stabilization program pursuant to subsection (a) or (c) of section 124 of the Agricultural Act of 1961 will

deemed to have produced the normal production of wheat when determining the actual production for the farm."

Prior to the issuance of the proposed amendments any data, views or recommendations pertaining thereto which are submitted in writing to the Director, Grain Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington 25, D.C., will be given consideration, provided such submissions are postmarked not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D.C., on November 6, 1961.

H. D. GODFREY,  
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-10746; Filed, Nov. 9, 1961; 8:47 a.m.]

### [ 7 CFR Part 927 ]

[Docket No. AO-71-A-42]

## MILK IN NEW YORK-NEW JERSEY MARKETING AREA

### Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the market administrator's office, 205 East 42d Street, New York 17, New York, beginning at 10:00 a.m., e.s.t., on November 16, 1961, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the New York-New Jersey marketing area.

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

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

Proposed by the Metropolitan Cooperative Milk Producers Bargaining Agency, Dairymen's League Cooperative, Eastern Milk Producers Cooperative Association and Mutual Federation of Independent Cooperatives Inc.

**Proposal No. 1.** Amend § 927.40(a) so that the computation of prices established for Class I-A milk for the month of December 1961 and subsequent months will not reflect the reduction in the volume of milk utilized for fluid use during October and November 1961, resulting from a strike of dairy plant employees and drivers.

Proposed by the Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service:

**Proposal No. 2.** Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 205 East 42nd Street, New York 17, New York, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Signed at Washington, D.C., on November 7, 1961.

ROBERT G. LEWIS,  
Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-10785; Filed, Nov. 9, 1961; 8:53 a.m.]

### [ 7 CFR Part 1024 ]

[Docket Nos. AO-123-A24, AO-308-A2]

## MILK IN OHIO VALLEY MARKETING AREA

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

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Secretary, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the Ohio Valley marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the close of business the 4th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

**Preliminary statement.** The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Louisville, Kentucky, on September 18-27, 1961, pursuant to notice thereof which was issued August 30, 1961 (26 F.R. 8105). Proposals considered at this hearing pertained to (1) the consolidation under a single order of two marketing areas where the handling of milk is presently regulated by the Louisville-Lexington (Order No. 46) and the Ohio Valley (Order No. 124) Federal milk orders and (2) the amendment of the two separate orders irrespective of whether the proposed consolidation is or is not adopted.

This recommended decision relates only to the material issue of whether or

not Order No. 124 should be amended to provide that a cooperative association may be the handler for bulk tank milk of its producer members for which it assumes responsibility for the handling from the farm to a pool plant, such amendment to include appropriate conforming changes throughout the order. Other material issues on the record are reserved for a further decision on this record.

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

The definition of a handler should be modified to include a cooperative association with respect to milk of its producer members which is picked up in bulk at the farm by tank trucks owned by, operated by, or under contract to such association and delivered in such trucks (or in trucks into which the milk is reloaded) to pool plants. Other provisions of the order should be modified to conform to the proposed handler definition.

Kyana Milk Producers, Inc., a producer cooperative association in the Ohio Valley market, requested that Order No. 124 be amended to allow a cooperative association to be the handler on bulk tank milk of its producer members for which it assumes responsibility for the handling from the time the milk is loaded at the farm into a tank truck until it is delivered to a pool plant. For pricing purposes, such milk would be considered as having been received by the association at the location of the plant to which it was delivered. This association, whose membership includes most of the producers on this market, asked that the Department take the earliest possible action on this issue separately from other issues on the record because of the marketing problems encountered by the association in supplying handlers and in disposing of milk in excess of Class I market requirements.

A similar proposal was made by a group of eight proprietary handlers regulated under Order No. 124. The proposal differed, however, in that it would not provide an option but would require a cooperative association controlling the movement of bulk tank milk of its producer members in the manner previously specified to be the handler for such milk. Also, under the handlers' proposal such milk would be considered for purposes of quantity and butterfat measurements as received by a cooperative association at the producer's farm.

Kyana Milk Producers presently assumes the responsibility for supplying the Class I needs of the handlers in the Ohio Valley market and for disposing of the market's excess milk supplies not needed by these handlers. Such disposals are made to nonpool plants inasmuch as the association has no manufacturing facilities.

In performing these functions, Kyana Milk Producers arranges for and directs the movement of milk from its members' farms to the distributing plants or surplus disposal outlets. The majority of producers on this market have installed farm tanks from which the milk, com-

monly referred to as bulk tank milk, is picked up by pumping it into tank trucks. The association has contracts with all of the haulers moving such milk and owns the tanks on the trucks. A sample of each member's milk shipment is delivered to one of the association's three laboratories located in Dale and Evansville, Indiana, and Owensboro, Kentucky, for butterfat testing purposes. Records of the members are maintained either at Evansville or Louisville. Kyana Milk Producers has direct knowledge and complete records of quantities of milk and of butterfat tests for each member. Purchasing handlers, on the other hand, have only indirect knowledge of such data and pay the association for the milk on the basis of information of milk weights and tests supplied by the association.

To meet the requirements of handlers in the market, it is often necessary for the association to split a tank truck load of milk between several handlers or to change from day to day the plant to which a member's milk is delivered. A need for reloading milk from farm pickup tank trucks to trucks of larger capacity may occur. These situations make it difficult or impossible for purchasing handlers to obtain adequate information for maintaining producer records on such milk except indirectly through the cooperative association. The handling of reserve milk by the association, which involves intermittent diversion of a producer's milk to nonpool plants, also complicates the record keeping for pool plant operators. The establishment of producer butterfat tests for a partial month's deliveries also constitute a special problem when a producer delivers to more than one handler during the month.

Because of these circumstances, a cooperative association should be provided the option of being the handler for bulk tank milk of its producer members. This change in the handler definition and other changes in order provisions recommended herein will meet the problems described by producers and handlers with respect to the handling and accounting for such milk.

A cooperative association desiring to be the handler for bulk tank milk of its members should notify the market administrator and the handler to whom the delivery is made that it intends to act in such a capacity. Such notification should be given prior to the time of delivery.

A delivery of milk to a pool plant by a cooperative association in this capacity as a handler should be considered as an interhandler transfer of milk and accounted for as to quantity and classification in the same manner as other interhandler transfers. The provision covering classification of interhandler transfers in effect allows the transferor and transferee handler to agree that the milk is entirely Class I. The provision should preclude, however, any overclassification in Class I of milk so transferred by a cooperative association. In the absence of any agreement between the cooperative association and the transferee handler as to the classification of such milk, classification should

be pro rata to the remaining milk in each class after the assignment of other source milk, transfers from other pool plants, and beginning inventory. So that appropriate location differentials to handlers and producers may apply, milk so delivered by a cooperative association should be considered as received from producers by such association at the location of the pool plant to which it was delivered.

A cooperative association acting as the handler for bulk tank milk would be a pooling handler and should make payments to, or receive payments from, the producer-settlement fund, as the case requires, with respect to such milk. Reports of receipts from each producer, disposition, classification, payroll reports, and any other necessary reports should be required of the cooperative association as a handler in this capacity.

Since it is the general practice to commingle the milk of several bulk tank producers in a tank truck, the identity of an individual producer's milk is lost at the moment such milk is pumped from the farm bulk tank into the tank truck. Inasmuch as each producer's milk must be accounted for on an individual basis, the quantity of milk as measured at the farm must necessarily be the quantity for which the first handler receiving the milk must account for to the pool.

Proposals were made by producers and handlers to change the shrinkage provisions of the order to conform with the proposed handler definition applicable to a cooperative association acting as a receiving handler for bulk tank milk.

The provisions of the order relating to shrinkage now provide an allowance of 2 percent, which is divided in the case of interplant transfers on the basis of 0.5 percent to a plant first receiving the milk and 1.5 percent to the transferee plant. These percentages refer to the quantities of receipts, except other source milk, which may be classified as Class II milk. The excess shrinkage over such percentages in Class I milk. The order recognizes diversion of a producer's milk by a pool plant operator to another pool plant, and in such case the 2 percent shrinkage allowance applies at the plant where the milk is physically received. No shrinkage allowance applies to milk diverted to nonpool plants.

Kyana Milk Producers proposed that shrinkage allowance on bulk tank milk for which a cooperative association elects to be the handler be divided between the association and the handler to whom the milk is delivered. The cooperative association would be allowed up to 0.5 percent shrinkage and the operator of the pool plant would be allowed up to 1.5 percent shrinkage on the milk delivered to his plant. Under this arrangement, the cooperative association would account for the milk on the basis of farm measurements and individual producer butterfat tests. Kyana Milk Producers proposed, also, that should a pool plant operator elect to purchase bulk tank milk from a cooperative association on the basis of quantity measurement determined at the farm, the entire 2 percent shrinkage allowance would accrue to the plant operator.

A proprietary handler supported the shrinkage proposals of Kyana Milk Producers. The group of handlers who proposed that a cooperative association be the handler on bulk tank milk asked that the shrinkage allowed for the plant receiving the milk from the cooperative association be computed on the weight and butterfat test as determined at the plant.

It is concluded that the shrinkage allowance on bulk tank milk for which cooperative association elects to be the handler should be divided in the manner proposed between the cooperative association and the plant to which the milk is delivered. Such a division of shrinkage is in accord with the normal expectation of greater shrinkage in processing milk than occurs in handling milk prior to processing and generally conform with the present provisions of the order regarding shrinkage. The proposed optional arrangement under which the percent shrinkage allowance would apply to a handler if he elects to purchase such bulk tank milk from a cooperative association on the basis of the quantity determined at the producer's farm and the butterfat tests of the individual producers is adopted. The handler should notify the market administrator before the date he submits his monthly report, applicable to such milk, of his intent to purchase milk in this manner. If the handler did not so elect, the 1 percent rate of shrinkage allowance would apply to the quantity of milk received from the cooperative.

In conformance with the preceding conclusions as to the method of computing shrinkage allowances, the prorating of total shrinkage to the several types of milk receipts should be modified so that shrinkage will be prorated to the total pounds of other source milk on the one hand, and on the other hand to the total pounds of milk to which shrinkage allowances apply.

The order should provide that a handler receiving bulk tank milk from a cooperative association acting as the handler for such milk should pay the association an amount not less than the value of the milk computed at the applicable class prices for the location of his plant where the milk is physically received. Such payments should be made by the 14th day of the month following the month in which such milk is received.

Section 1024.86 of the order now establishes for each handler the pro rata share of the expense of administration of the order by applying a specified rate of payment on the quantities of milk received by each handler. The rate of payment presently applies to all receipts of producer milk. The definition of producer milk, however, is modified by the language adopted herein to include bulk tank milk received from a producer by a cooperative association acting as the handler for such milk. In order to maintain pro rata sharing of the expense of administration by handlers operating pool plants, the operation of which entails the bulk of the market administrator's verification and auditing program, the provision should specify that

such handlers continue to pay the administrative expense on all milk received which moves directly from producers' farms to the pool plant, whether the milk is or is not received from a cooperative association acting in the capacity of a handler.

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

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

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

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

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

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

#### § 1024.10 [Amendment]

1. In § 1024.10 insert after the word "farmers" wherever it appears the following parenthetical phrase: "(including

such milk received from a cooperative association in its capacity as a handler pursuant to § 1024.17(c))."

#### § 1024.12 [Amendment]

2. In § 1024.12 delete the period at the end of paragraph (b) and add the following language: "or by a cooperative association in its capacity as a handler pursuant to § 1024.17(c)."

#### § 1024.13 [Amendment]

3. In § 1024.13 redesignate paragraphs (b) and (c) as paragraphs (c) and (d), respectively, and insert a new paragraph (b) to read as follows:

(b) Received from producers by a cooperative association in its capacity as a handler pursuant to § 1024.17(c);

#### § 1024.14 [Amendment]

4. In § 1024.14(a) delete subparagraph (2) and substitute the following:

(2) producer milk and milk received from a cooperative association in its capacity as a handler pursuant to § 1024.17(c), and

5. Delete § 1024.17 and substitute the following:

#### § 1024.17 Handler.

"Handler" means:

(a) Any person who operates a fluid milk plant;

(b) Any cooperative association with respect to milk diverted by it in accordance with the conditions set forth in § 1024.13; and

(c) Any cooperative association with respect to the milk of its producer members which is delivered for the account of the cooperative association from the farm to the pool plant(s) of another handler in a tank truck owned by, operated by, or under contract to such cooperative association if the cooperative association has notified in writing prior to delivery both the market administrator and the handler to whom the milk is delivered that it wishes to be the handler for such milk. Such milk shall be considered as having been received by the cooperative association at the location of the plant to which it was delivered.

#### § 1024.30 [Amendment]

6. In § 1024.30(a)(1) delete subdivision (ii) and substitute the following:

(ii) Fluid milk products received from other pool plants and milk received from a cooperative association in its capacity as a handler pursuant to § 1024.17(c);

#### § 1024.31 [Amendment]

7. In § 1024.31(b)(1) delete the language preceding subdivision (i) and delete subdivision (i) and substitute the following: "On or before the 20th day after the end of the month his producer or dairy farmer payroll for such month which shall show for each producer or dairy farmer, as the case may be (and for each pool plant and for each fluid milk plant subject to § 1024.75(b) in the case of those handlers operating such plants): (i) The total pounds of milk received, including for the months of April through July the total pounds of base and excess milk for each producer;".

#### § 1024.41 [Amendment]

8. In § 1024.41(b) delete subparagraph (5) and substitute the following:

(5) in shrinkage, excluding shrinkage of other source milk, not to exceed the following:

(i) Two percent of skim milk and butterfat, respectively, in producer milk physically received at a pool plant; plus

(ii) One and one-half percent of skim milk and butterfat, respectively, in milk received at a pool plant from a cooperative association in its capacity as a handler pursuant to § 1024.17(c), except that if the handler of such pool plant files notice with the market administrator on or before the date he submits his monthly report applicable to such milk pursuant to § 1024.30 that he is purchasing such milk on the basis of weights determined at the farm from farm bulk tank measurements the applicable percentage shall be two percent; plus

(iii) One and one-half percent of skim milk and butterfat, respectively, in fluid milk products received at a pool plant in bulk as a transfer from other pool plants; less

(iv) One and one-half percent of skim milk and butterfat, respectively, in fluid milk products transferred in bulk from a pool plant to other plants; and plus

(v) One-half of one percent of skim milk and butterfat, respectively, in producer milk received by a cooperative association in its capacity as a handler pursuant to § 1024.17(c) unless the exception provided in subdivision (ii) of this subparagraph applies; and

#### § 1024.42 [Amendment]

9. In § 1024.42 delete paragraphs (a) and (b) and substitute the following:

(a) Compute the total shrinkage for each handler, or for each pool plant in the case of those handlers operating pool plants, by subtracting the skim milk and butterfat, respectively, classified as Class I milk pursuant to § 1024.41(a)(1) and as Class II milk pursuant to § 1024.41(b)(1), (2), (3), and (4) (subject to the provisions of §§ 1024.43 through 1024.45) from the receipts of the skim milk and butterfat, respectively, required to be reported pursuant to § 1024.30, and

(b) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraphs (a) of this section, to (1) of the total of the pounds of milk received from producers (excluding milk diverted by the handler), received from a cooperative association in its capacity as a handler pursuant to § 1024.17(c), and received from other pool plants as transfers in the form of fluid milk products in bulk in excess of transfers of such products in bulk to other plants, and (2) the total pounds of other source milk received in bulk in the form of fluid milk products.

#### § 1024.44 [Amendment]

(10) In § 1024.44 delete the introductory text preceding paragraph (a) and delete paragraph (a) and substitute the following:

Skim milk or butterfat disposed of by a handler from a pool plant or by a cooperative association in its capacity as

a handler pursuant to § 1024.17(c) shall be classified as follows:

(a) As Class I milk if transferred or diverted in the form of a fluid milk product to a pool plant of the same handler or of another handler unless utilization in Class II is claimed by the handler or handlers, as the case may be, in their reports submitted pursuant to § 1024.30 or such milk is classified pursuant to paragraph (b) of this section: *Provided*, That the skim milk or butterfat so classified as Class II milk shall be limited to the amount of skim milk or butterfat, respectively, remaining in Class II milk in the transferee plant after making the assignments pursuant to § 1024.46(a) (1) through (4) and the corresponding steps of § 1024.46(b) and any additional amounts of skim milk or butterfat so transferred shall be classified as Class I milk: *And provided further*, That for transfers or diversions between pool plants, if the transferor or diverting plant has other source milk during the month, the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the highest priced available class utilization to the producer milk at both plants: *And provided also*, That in no case shall the assignment of transferred skim milk or butterfat to Class I in the transferee plant exceed the difference between the transferee plant's total receipts of milk and milk products and the utilization by the transferee plant in Class II;

11. In § 1024.44 redesignate paragraphs (b), (c), and (d) as paragraphs (c), (d), and (e), respectively, and insert a new paragraph (b) to read as follows:

(b) If a specified utilization of skim milk and butterfat transferred to a pool plant of another handler by a cooperative association in its capacity as a handler pursuant to § 1024.17(c) is not claimed by both handlers pursuant to paragraph (a) of this section, such skim milk and butterfat shall be classified pro rata to the respective amounts remaining in each class at the pool plant of the receiving handler after making the assignments pursuant to § 1024.46(a) (7) and the corresponding step of § 1024.46 (b);

#### § 1024.45 [Amendment]

12. In § 1024.45 delete the language preceding the proviso and substitute the following: "For each month the market administrator shall correct for mathematical and other obvious errors the reports of receipts and utilization submitted pursuant to § 1024.30 by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler:"

#### § 1024.46 [Amendment]

13. In § 1024.46(a) delete subparagraph (1) and substitute the following:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk classified pursuant to § 1024.41(b)(5) (i) through (iv);

14. In § 1024.46(a) delete the word "and" in subparagraph (7), redesignate subparagraph (8) as subparagraph (9)

and insert a new subparagraph (8) to read as follows:

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received from a cooperative association in its capacity as a handler pursuant to § 1024.17(c) according to its classification determined pursuant to § 1024.44 (a) or (b); and

#### § 1024.53 [Amendment]

15. In § 1024.53 delete the language preceding the mileage schedule and substitute the following: "For that milk received from producers or from a cooperative association in its capacity as a handler pursuant to § 1024.17(c) at a pool plant located 80 miles or more from the County Courthouse in Evansville, Indiana, or Owensboro, Kentucky, whichever is nearer, by the shortest hard-surfaced highway distance, as determined by the market administrator, and which is classified as Class I milk, the price specified in § 1024.51(a) shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received:"

#### § 1024.60 [Amendment]

16. In § 1024.60 insert after the word "plant(s)" which appears in the language preceding the proviso the words "and by a cooperative association in its capacity as a handler pursuant to § 1024.17 (b) or (c)".

#### § 1024.61 [Amendment]

17. In § 1024.61(b) insert after the word "plant" the words "or is received by a cooperative association in its capacity as a handler pursuant to § 1024.17 (b) or (c)".

#### § 1024.70 [Amendment]

18. In § 1024.70 delete paragraph (b) and substitute the following:

(b) Add an amount computed by multiplying the pounds of any overage deducted from each class pursuant to § 1024.46(a) (9) and the corresponding step in § 1024.46(b) by the applicable class price(s);

#### § 1024.71 [Amendment]

19. In § 1024.71 delete paragraph (a) and substitute the following:

(a) Combine into one total the values computed pursuant to § 1024.70 for all handlers operating pool plants and for all cooperative associations in their capacity as handlers pursuant to § 1024.17 (b) or (c) who made the reports prescribed in § 1024.30 and who made the payments pursuant to §§ 1024.80 and 1024.82 for the preceding month;

#### § 1024.74 [Amendment]

20. In § 1024.74(a) delete the colon at the end of the introductory text preceding subparagraph (1) and add the following language: "and each cooperative association which is a handler pursuant to § 1024.17 (b) or (c):"

#### § 1024.75 [Amendment]

21. In § 1024.75(b)(1) change the reference listed in the second proviso

as "§ 1024.44 (c) or (d)" to read "§ 1024.44 (d) or (e)".

#### § 1024.80 [Amendment]

22. In § 1024.80 add a new paragraph (g) to read as follows:

(g) In the case of milk received by a handler from a cooperative association in its capacity as a handler pursuant to § 1024.17(c), such handler shall pay on or before the 14th day after the end of each month to such cooperative association for milk so received during the month an amount not less than the value of such milk computed at the applicable class prices for the location of the plant of the buying handler at which such milk was physically received.

#### § 1024.82 [Amendment]

23. In § 1024.82 delete the words "his pool plant(s)".

#### § 1024.83 [Amendment]

24. In § 1024.83 delete the words "his pool plant(s)".

#### § 1024.85 [Amendment]

25. In § 1024.85(b) insert after the word "received" the words "from producers or by a cooperative association in its capacity as a handler pursuant to § 1024.17(c)".

26. Delete § 1024.86 and substitute the following:

#### § 1024.86 Expense of administration.

As his pro rata share of the expense of the administration of this part, each handler, excluding a cooperative association in its capacity as a handler pursuant to § 1024.17(c), shall pay to the market administrator on or before the 12th day after the end of each month cents per hundredweight or such lesser amount as the Secretary may prescribe for each hundredweight of skim milk and butterfat contained in his receipt during the month of (a) producer milk (including such handler's own farm production), (b) milk received from a cooperative association in its capacity as a handler pursuant to § 1024.17(c), and (c) other source milk allocated to Class I milk pursuant to § 1024.46(a) (3) at the corresponding step of § 1024.46(b). A handler operating a fluid milk plant which is a nonpool plant shall pay administrative assessments in accordance with § 1024.75.

Signed at Washington, D.C., on November 6, 1961.

JAMES T. RALPH,  
Assistant Secretary.

[F.R. Doc. 61-10747; Filed, Nov. 9, 1961 8:48 a.m.]

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### [ 36 CFR Part 7 ]

### VICKSBURG NATIONAL MILITARY PARK, MISSISSIPPI

#### Use of Radiomicrowaves (Radar)

Notice is hereby given that pursuant to the authority contained in section 3

the act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), Departmental Order 2640 (16 F.R. 5846), National Park Service Order No. 14 (19 F.R. 8824), Regional Director, Region One, Order No. 3 (21 F.R. 1493), as amended, it is proposed to amend Title 36 CFR Part 7 as set forth below. The purpose of this amendment is to permit the use of radiomicrowaves (radar) or other electrical timing devices in checking the speed of motor vehicles at Vicksburg National Military Park.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Superintendent, Vicksburg National Military Park, Box 349, Vicksburg, Mississippi, within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

R. K. RUNDLELL,  
Superintendent,  
Vicksburg National Military Park.

Section 7.51 is amended by designating the present text as paragraph (a) (1) and by adding a new subparagraph (2) to read as follows:

§ 7.51 Vicksburg National Military Park.

- (a) *Speed.* (1) \* \* \*
- (2) Speed electronically checked. The speed of any motor vehicle may be checked on any park road within Vicksburg National Military Park by the use of radiomicrowaves or other electrical device. Signs which read "Speed Checked by Radar" or "Speed Radar Enforced" shall be posted at each entrance to the park from all public access roads and streets.

[F.R. Doc. 61-10733; Filed, Nov. 9, 1961; 8:45 a.m.]

**DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE**

Food and Drug Administration  
[ 21 CFR Part 1 ]

**DRUGS AND DEVICES**

**Prescription Drugs; Proposed Change in Labeling Requirements**

The full disclosure requirements of § 1.106(b) of the prescription drug regulations represent an important step forward to insure that practitioners who prescribe these drugs are supplied with the necessary information. The purpose of the regulations will not be achieved, however, unless the necessary information is printed in such a manner as to make it easily read by those to whom it is directed. Some circulars, brochures, etc., have been encountered where this conspicuousness was lacking principally because of the small size type used, lack of contrasting background, or the selection of a paper stock not sufficiently opaque to prevent the printing on one side from showing through to the other. Therefore, the Commissioner

of Food and Drugs, under the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)), and delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), proposes to amend the regulations providing for proper labeling of drugs in accordance with section 502(f) of the Federal Food, Drug, and Cosmetic Act (21 CFR 1.106; 26 F.R. 295), as set forth below:

It is proposed to amend § 1.106 *Drugs and devices; directions for use* in the following respects:

1. By adding to paragraph (b) the following new subparagraph (6):

(b) *Exemption for prescription drugs.*

(6) The printing of any labeling required by subparagraphs (3), (4), and (5) of this paragraph shall:

(i) Set forth information about any relevant hazards, contraindications, side effects, and precautions, using such type size and being so placed as to bear a direct and reasonable relationship to the type size and placement of statements dealing with indications for the use of the drug.

(ii) Be in easily readable style of type of not less than 8-point size.

(iii) Be on a contrasting background.

(iv) Be so printed that, if both sides of a sheet are used, the printing on one side shall not be visible from the other; *Provided, however,* That the requirement of subdivision (ii) of this subparagraph shall not apply to a reprint of an article from a scientific journal if such reprint is in the same size and style of type as was used in the original publication in such journal; *and provided further,* That the requirement of subdivision (ii) of this subparagraph may be waived by the Commissioner of Food and Drugs if he finds that compliance would be impracticable in any specific instance and that alternative printing will be sufficiently readable by practitioners for whom the printed material is intended.

2. By adding to paragraph (c) the following new subparagraph (7):

(c) *Exemption for veterinary drugs.*

(7) The printing of any labeling required by subparagraphs (3), (4), and (5) of this paragraph shall:

(i) Set forth information about any relevant hazards, contraindications, side effects, and precautions, using such type size and being so placed as to bear a direct and reasonable relationship to the type size and placement of statements dealing with indications for the use of the drug.

(ii) Be in easily readable style of type of not less than 8-point size.

(iii) Be on a contrasting background.

(iv) Be so printed that, if both sides of a sheet are used, the printing on one side shall not be visible from the other; *Provided, however,* That the requirement of subdivision (ii) of this subparagraph shall not apply to a reprint of an article from a scientific journal if such reprint is in the same size and style of type as was used in the original publica-

tion in such journal; *And provided further,* That the requirement of subdivision (ii) of this subparagraph may be waived by the Commissioner of Food and Drugs if he finds that compliance would be impracticable in any specific instance and that alternative printing will be sufficiently readable by practitioners for whom the printed material is intended.

3. By adding to paragraph (d) the following new subparagraph (6):

(d) *Exception for prescription devices.*

(6) The printing of any labeling required by subparagraphs (3), (4), and (5) of this paragraph shall:

(i) Set forth information about any relevant hazards, contraindications, side effects, and precautions, using such type size and being so placed as to bear a direct and reasonable relationship to the type size and placement of statements dealing with indications for the use of the drug.

(ii) Be in easily readable style of type of not less than 8-point size.

(iii) Be on a contrasting background.

(iv) Be so printed that, if both sides of a sheet are used, the printing on one side shall not be visible from the other; *Provided, however,* That the requirement of subdivision (ii) of this subparagraph shall not apply to a reprint of an article from a scientific journal if such reprint is in the same size and style of type as was used in the original publication in such journal; *And provided further,* That the requirement of subdivision (ii) of this subparagraph may be waived by the Commissioner of Food and Drugs if he finds that compliance would be impracticable in any specific instance and that alternative printing will be sufficiently readable by practitioners for whom the printed material is intended.

Any interested person may, within 30 days from the publication of this notice in the FEDERAL REGISTER, submit written views and comments on these proposed amendments. Such comments should be submitted in triplicate and addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C.

Dated: November 6, 1961.

JOHN L. HARVEY,  
Deputy Commissioner  
of Food and Drugs.

[F.R. Doc. 61-10743; Filed, Nov. 9, 1961; 8:47 a.m.]

**DEPARTMENT OF COMMERCE**

Maritime Administration

[ 46 CFR Parts 201, 206, 221, 298, 299 ]

**MISCELLANEOUS AMENDMENTS TO CHAPTER**

**Notice of Proposed Rule Making; Extension of Time for Filing Comments**

In F.R. Doc. 61-9709 appearing in the FEDERAL REGISTER issue of October 11,

1961 (26 F.R. 9600) notice of proposed rule making was issued under 46 CFR Parts 201, 206, 221, 298, 299 relative to the establishment of user charges or fees.

Pursuant to action of the Maritime Administrator and the Maritime Subsidy Board taken on November 7, 1961, notice is hereby given that the time for submitting data, views or arguments regarding said proposed rules is extended to the close of business on November 24, 1961.

By order of the Maritime Administrator and the Maritime Subsidy Board.

Dated: November 7, 1961.

JAMES S. DAWSON, Jr.,  
*Secretary.*

[F.R. Doc. 61-10763; Filed, Nov. 9, 1961;  
8:50 a.m.]

## FEDERAL AVIATION AGENCY

[ 14 CFR Parts 600, 601 ]

[Airspace Docket No. 60-FW-111]

### FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

#### Withdrawal of Proposal To Alter Federal Airways and Associated Control Areas and To Alter Control Area Extension

In a notice of proposed rule making published in the FEDERAL REGISTER as Airspace Docket No. 60-FW-111 on January 27, 1961 (26 F.R. 848), it was stated that the Federal Aviation Agency proposed to designate a south alternate, and associated control areas, to VOR Federal airway No. 178 between Paducah, Ky., and Central City, Ky.; extend VOR Federal airway No. 179, and associated control areas, southeastward from Paducah to Graham, Tenn.; and alter the Hopkinsville, Ky., control area extension.

Subsequent to publication of the notice, a review of the requirements for controlled airspace in the Hopkinsville area has indicated that, upon implementation of the provisions of Amendment 60-21 to Part 60 of the Civil Air Regulations, numerous changes will be required in the dimensions of the controlled airspace proposed in the Notice. The need for these changes will be considered in an Amendment 60-21 implementation study to be made on an area basis in which requirements for controlled airspace in the Hopkinsville area will be correlated with requirements in adjacent areas. In addition, the airway structure actions proposed in the Notice will require further review based on the study of the controlled airspace requirements in the Hopkinsville area. Accordingly, the Notice is being withdrawn, and a new proposal will be issued upon completion of the study.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the proposal contained in Airspace Docket No. 60-FW-111 is withdrawn.

(Sec. 307(a) of the Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 6, 1961.

W. THOMAS DEASON,  
*Assistant Chief,*  
*Airspace Utilization Division.*

[F.R. Doc. 61-10755; Filed, Nov. 9, 1961;  
8:49 a.m.]

[ 14 CFR Parts 600, 601 ]

[Airspace Docket No. 60-LA-99]

### FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

#### Alteration of Proposed Redesignation of Control Area Extension

In a notice of proposed rule making published in the FEDERAL REGISTER as Airspace Docket No. 60-LA-99 on July 22, 1961 (26 F.R. 6602), it was stated the Federal Aviation Agency proposed, in addition to other actions, to redesignate the Idaho Falls, Idaho, control area extension (§ 601.1198) as the area within 5 miles either side of the Idaho Falls VOR 030° True radial extending from the VOR to low altitude VOR Federal airway No. 298 and the area west of Idaho Falls bounded on the east and southeast by low altitude VOR Federal airway No. 21 and on the west by low altitude VOR Federal airway No. 257. It was further stated that this altered control area extension would provide protection for aircraft arriving, departing and executing holding procedures at Idaho Falls.

Subsequent to the publication of the Notice, the controlled airspace requirements were reviewed attendant to the provisions of new aircraft holding pattern procedures to become effective January 1, 1962. It has been determined that additional controlled airspace, beyond that proposed in the notice, will be required to encompass the increased dimensions of the holding pattern areas. Accordingly, action is hereby taken to alter the portion of the original Notice concerning the control area extension by proposing a control area extension bounded on the north by low altitude VOR Federal airway No. 298, on the east by a line 9 miles southeast of and parallel to the Idaho Falls VOR 030° and 210° True radials, on the south by latitude 43°14'00" N., and on the west by low altitude VOR Federal airway No. 257. This would provide additional controlled airspace for the protection of aircraft, under the new holding pattern concept, at the Idaho Falls VOR and at the Rigby Intersection (intersection of the Idaho Falls VOR 030° and the Dubois, Idaho, VOR 155° True radials).

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 November 30, 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. 60-LA-99 is extended to November 30,

1961. Communications should be submitted in triplicate to the Regional Manager, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif.

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 November 6, 1961.

W. THOMAS DEASON,  
*Assistant Chief,*  
*Airspace Utilization Division.*

[F.R. Doc. 61-10754; Filed, Nov. 9, 1961;  
8:49 a.m.]

[ 14 CFR Part 601 ]

[Airspace Docket No. 61-LA-87]

### CONTROLLED AIRSPACE

#### Alteration of Control Area Extension; Alteration and Designation of Transition 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 Part 601 and §§ 601.1038 and 601.10004 of the regulations of the Administrator, the substance of which is stated below.

Effective January 1, 1962, new aircraft holding pattern procedures will be implemented by the Federal Aviation Agency. These procedures have been developed to accommodate the increasing variety of aircraft speeds and operating altitudes in the IFR environment. In addition, the procedures will provide for the containment of aircraft holding maneuvers within the holding pattern areas designed for such operation. However, it is recognized that a number of these holding pattern areas will require the designation of additional controlled airspace to encompass the increased dimensions of such areas. Thus, with the designation of additional controlled airspace, the pilot need only adhere to the standardized operating procedures and limitations for his type aircraft to remain within controlled airspace.

To fulfill additional airspace requirements for the implementation of these procedures in the Great Falls Air Route Traffic Control Center area, the FAA is considering the following airspace actions:

1. The Missoula, Mont., transition area (§ 601.10004) would be redesignated to extend upward from 1,200 feet above the surface within 10 miles southwest and 7 miles northeast of the Missoula VOR 298° and 118° True radials extending from 9 miles southeast to 20 miles northwest of the VOR, including the airspace northwest of Missoula within a 35-mile area radius of the Missoula VOR bounded on the southwest by VOR Federal airway No. 2 and on the northeast by VOR Federal airway No. 231; and south of Missoula within 5 miles either side of the Missoula VOR 180° True radial extending from VOR Federal airway No. 2

to 12 miles south of the VOR. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Missoula VOR.

2. The Whitehall, Mont., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles north and 7 miles south of the Whitehall VOR 096° and 276° True radials extending from 9 miles west to 20 miles east of the VOR. This would provide protection for aircraft in holding patterns at the Whitehall VOR.

3. The Bozeman, Mont., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles north and 7 miles south of the Bozeman VOR 278° and 098° True radials extending from 9 miles east to 20 miles west of the VOR. This would provide protection for aircraft in holding patterns at the Bozeman VOR.

4. The Cut Bank, Mont., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles northeast and 7 miles southwest of the Cut Bank VOR 151° and 331° True radials extending from 9 miles northwest to 20 miles southeast of the VOR. This would provide protection for aircraft in holding patterns at the Cut Bank VOR.

5. The Great Falls, Mont., control area extension (§ 601.1038) would be altered by adding the airspace within 12 miles northwest and 8 miles southeast of the Great Falls VOR 074° True radial extending from the present Great Falls control area extension boundary to 61 miles northeast of the VOR; within 12 miles south and 8 miles north of the Great Falls VOR 271° True radial extending from the Great Falls control area extension 45-mile radius area to 56 miles west of the VOR; including the airspace southwest of Great Falls bounded on the northeast by the present Great Falls control area extension 45-mile radius area, on the east by a line 6 miles west of and parallel to the Great Falls VOR 180° True radial, on the south by low altitude VOR Federal airway No. 2, on the west by a line 8 miles northwest of and parallel to the Great Falls VOR 222° True radial. This would provide additional airspace for the protection of aircraft in holding patterns at the Shonkin Intersection (intersection of the Great Falls VOR 074° and the Lewistown, Mont., VOR 308° True radials), the Simms Intersection (intersection of the Great Falls VOR 271° and the Helena, Mont., VOR 352° True radials), the Wolf Creek Intersection (intersection of the Great Falls VOR 222° and the Helena VOR 352° True radials), and at the Helena VOR.

6. The Butte, Mont., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles east and 7 miles west of the Butte VOR 002° and 182° True radials extending from 9 miles south to 20 miles north of the VOR. This would provide protection for aircraft in holding patterns at the Butte VOR.

7. The Lewistown, Mont., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles south and 7 miles north

of the Lewistown VOR 289° and 109° True radials extending from 9 miles east to 20 miles west of the VOR. This would provide protection for aircraft in holding patterns at the Lewistown VOR.

Because of the time limitation imposed by the effective date of the revised holding pattern procedures, implementation of the provisions of Amendment 60-21 to the Civil Air Regulations, Part 60, Air Traffic Rules is being deferred in those instances where the alteration of a control area extension is being proposed. Upon completion of the review of the controlled airspace requirements presently being conducted attendant to these provisions, separate airspace action will be initiated to convert the control area extension to a transition area with an appropriate controlled airspace floor assignment.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Manager, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within twenty 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 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 C-226, 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 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 November 6, 1961.

W. THOMAS DEASON,  
Assistant Chief,  
Airspace Utilization Division.

[F.R. Doc. 61-10753; Filed, Nov. 9, 1961;  
8:49 a.m.]

### [ 14 CFR Part 601 ]

[ Airspace Docket No. 61-WA-178 ]

#### CONTROLLED AIRSPACE

#### Alteration of Control Area Extensions and Designation of Transition Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Fed-

eral Aviation Agency is considering amendments to Part 601 and §§ 601.1137, 601.1171, 601.1195, 601.1206, 601.1209, 601.1239, 601.1367, 601.1463, and 601.10009 of the regulations of the Administrator, the substance of which is stated below.

Effective January 1, 1962, new aircraft holding pattern procedures will be implemented by the Federal Aviation Agency. These procedures have been developed to accommodate the increasing variety of aircraft speeds and operating altitudes in the IFR environment. In addition, the procedures will provide for the containment of aircraft holding maneuvers within the holding pattern areas designed for such operation. However, it is recognized that a number of these holding pattern areas will require the designation of additional controlled airspace to encompass the increased dimensions of such areas. Thus, with the designation of additional controlled airspace, the pilot need only adhere to the standardized operating procedures and limitations for his type aircraft to remain within controlled airspace.

To fulfill additional controlled airspace requirements for the implementation of these procedures in the El Paso, Tex., Air Route Traffic Control Center area, the FAA is considering the following airspace actions:

1. The Big Spring, Tex., control area extension (§ 601.1137) would be altered to add the airspace north of Big Spring within 12 miles west and 12 miles east of the Webb AFB, TACAN 014° True radial extending from the Big Spring control area extension 35-mile radius area to 26 miles north. The portion of this control area extension which would coincide with Webb AFB Restricted Area (R-6308) would be used only after obtaining prior approval from appropriate authority. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Webb AFB TACAN DME fix, 50 miles north of the TACAN.

2. The El Paso, Tex., control area extension (§ 601.1171) would be altered to add the airspace northeast and east of El Paso beyond the present limits of the El Paso control area extension bounded on the east by longitude 105°17'00" W., on the south by low altitude VOR Federal airway No. 16, on the northwest by the western boundary of low altitude VOR Federal airway No. 280, on the north by latitude 32°11'00" N. This would provide additional controlled airspace for the protection of aircraft holding northeast and east of the El Paso VORTAC on low altitude VOR Federal airway Nos. 280, 16, and 94.

3. The San Angelo, Tex., control area extension (§ 601.1195) would be altered to add the airspace southeast of San Angelo within 11 miles southwest and 7 miles northeast of the San Angelo VOR 112° True radial extending from the San Angelo control area extension 35-mile radius area to 12 miles southeast. This would provide protection for aircraft holding at the Eden Intersection (intersection of the San Angelo VOR 112° and the Junction, Texas VOR 342° True radials).

4. The Midland, Tex., control area extension (§ 601.1206) would be altered to add the airspace north of Midland bounded on the east by the Big Spring, Tex., control area extension (§ 601.1137), on the south by the Midland control area extension 25-mile radius area, on the west by longitude 102°13'30" W., and on the north by a line extending from latitude 33°06'00" N., longitude 102°13'30" to latitude 33°06'00" N., longitude 101°55'50" W. The portion of this control area extension that would coincide with the Reese AFB, Tex., Restricted Area (R-6305), and the Webb AFB, Tex., Restricted Area (R-6307) would be used only after obtaining prior approval from appropriate authority. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Mustang Intersection (intersection of the Midland VOR 007° and the Big Spring VOR 260° True radials), the Pat Intersection (intersection of the Midland VOR 007° and the Big Spring VOR 286° True radials) and the Welch Intersection (intersection of the Lubbock, Tex., VORTAC 188° and the Hobbs, N. Mex., VOR 077° True radials).

5. The Columbus, N. Mex., control area extension (§ 601.1209) would be redesignated as that airspace bounded on the south by low altitude VOR Federal airways No. 16 north alternate east of Columbus and No. 16 west of Columbus, on the west by longitude 108°00'00" W., on the north by latitude 32°36'00" N., and on the east by longitude 106°43'00" W. and the El Paso, Tex., control area extension (§ 601.1171). This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Deming, N. Mex., VOR, the Crater Intersection (intersection of the Columbus VOR 058° and the Deming VOR 112° True radials), the Fairacres Intersection (intersection of the Deming VOR 088° and the Truth or Consequences, N. Mex., VOR 162° True radials) and the Columbus VOR.

6. The Lubbock, Tex., control area extension (§ 601.1239) would be redesignated as the airspace within a 25-mile radius of the Lubbock radio range in the southwest, northwest and northeast quadrants of the radio range and within a 40-mile radius of the radio range in the southeast quadrant of the radio range; including the airspace within 12 miles north and 8 miles south of the Lubbock VOR 277° True radial extending from the Lubbock control area extension 25-mile radius area to 23 miles west; within 12 miles northwest and 8 miles southeast of the Lubbock VOR 261° True radial extending from the Lubbock control area extension 25-mile radius area to 27 miles southwest, and within 12 miles east and 12 miles west of the Lubbock VOR 008° True radial extending from the Lubbock control area extension 25-mile radius area to 26 miles north. The portions of this control area extension which would coincide with the Reese AFB, Tex., Restricted Areas (R-6304, R-6305) and the Webb AFB Restricted Area (R-6308) would be used only after prior approval from the appropriate authority. This would provide additional controlled air-

space for the protection of aircraft in holding patterns at the Pep Intersection (intersection of the Lubbock VOR 277° and the Hobbs, N. Mex., VOR 028° True radials), the Whiteface Intersection (intersection of the Lubbock VOR 261° and the Hobbs VOR 028° True radials), the Hale Intersection (intersection of the Lubbock VOR 008° and the Texico, Tex., VOR 122° True radials), and the Plainview Intersection (intersection of the Lubbock VOR 008° and the Texico, VOR 104° True radials).

7. The Wink, Tex., control area extension (§ 601.1367) would be redesignated as that airspace bounded on the south by a line extending from latitude 31°27'00" N., longitude 103°02'00" W., to latitude 31°27'00" N., longitude 103°30'00" W., on the southwest by a line extending from latitude 31°27'00" N., longitude 103°30'00" W., to latitude 31°41'30" N., longitude 103°30'00" W., thence clockwise along the arc of a 20-mile radius circle centered on the Wink VOR to the Midland, Tex., control area extension (§ 601.1206); thence west and southwest via the boundary of the Midland control area extension to the point of beginning. This would provide additional controlled airspace south, west and north of Wink to provide protection for aircraft in holding patterns at the Wink VOR and at the Pyote Intersection (intersection of the Wink VOR 166° and the Midland VOR 243° True radials). Portions of the present Wink control area extension not included in the description of the proposed control area extension have been omitted to minimize dual designation of controlled airspace. These portions are contained within the Midland control area extension (§ 601.1206).

8. The Hudspeth, Tex., control area extension (§ 601.1463) would be altered to add the airspace southeast of Hudspeth within a 20-mile radius of the Hudspeth VOR bounded on the northeast by low altitude VOR Federal airway No. 198 and on the west by the present Hudspeth control area extension. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Hudspeth VOR.

9. The Carlsbad, N. Mex., transition area (§ 601.10009) would be altered to add the airspace northeast of Carlsbad extending upward from 1,200 feet above the surface within a 20-mile radius of the Carlsbad VOR bounded on the southwest by low altitude VOR Federal airway No. 83 and on the southeast by low altitude VOR Federal airway No. 94, and to lower the floor of controlled airspace to 1,200 feet above the surface within a 10-mile radius of the Carlsbad VOR in the portion of the transition area presently designated west of Carlsbad. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Carlsbad VOR.

10. The Culberson, Tex., transition area would be designated to extend upward from 1,200 feet above the surface within 12 miles north and 7 miles south of the Culberson VOR 089° and 269° True radials extending from 20 miles west to 9 miles east of the VOR, and within 10 miles southwest and 7 miles

northeast of the Culberson VOR 117° and 297° True radials extending from 20 miles southeast to 9 miles northwest of the VOR. This transition area would provide protection for aircraft in holding patterns at the Culberson VOR.

11. The Pinon, N. Mex., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles either side of the Pinon VOR 035° and 219° True radials extending from 20 miles northeast to 20 miles southwest of the VOR, excluding the portion that would coincide with the Mc Gregor, N. Mex., Restricted Area (R-5103). This would provide protection for aircraft in holding patterns at the Pinon VOR.

12. The Hobbs, N. Mex., transition area would be designated to extend upward from 1,200 feet above the surface within the area bounded on the northeast and east by a line extending from latitude 32°56'45" N., longitude 102°46'15" W to latitude 32°44'45" N., longitude 102°46'15" W., thence southeast to latitude 32°18'15" N., longitude 102°18'50" W.; bounded on the southeast by low altitude VOR Federal airway No. 11 on the southwest by a line extending from latitude 32°07'00" N., longitude 102°48'40" W., to latitude 32°32'00" N longitude 103°12'00" W., thence clockwise along the arc of a 15-mile radius circle centered on the Hobbs VOR to latitude 32°57'45" N., longitude 103°08'20" W., thence to the point of beginning. The portion of this control area extension that would coincide with the Webb AFB, Tex., Restricted Area (R-6307) would be used only after prior approval from appropriate authority. This transition area would provide protection for aircraft in holding patterns at the Hobbs VOR, the Andrews Intersection (intersection of the Hobbs VOR 132° and the Wink, Texas, VOR 031° True radials), the Pipe Line Intersection (intersection of the Midland VOR 311° and the Wink VOR 066° True radials) and the Goldsmith Intersection (intersection of the Midland VOR 283° and the Wink VOR 066° True radials).

13. The Matador, Tex., transition area would be designated to extend upward from 1,200 feet above the surface within 12 miles northwest and 8 miles southeast of the Lubbock, Tex., VOR 061° True radial extending from 10 miles southwest to 22 miles northeast of the Matador Intersection (intersection of the Lubbock VOR 063° and the Guthrie, Tex., VOR 293° True radials). This transition area would provide protection for aircraft in holding patterns at the Matador Intersection.

14. The Fort Stockton, Tex., transition area would be designated to extend upward from 1,200 feet above surface within 10 miles either side of the Fort Stockton VORTAC 097° and 274° True radials extending from 20 miles east to 20 miles west of the VORTAC. The portion of this transition area that would coincide with the Webb AFB, Tex., Restricted Area (R-6306) would be used only after obtaining prior approval from appropriate authority. This transition area would provide protection for aircraft in holding patterns east and west of the Fort Stockton VORTAC.

Because of the time limitations imposed by the effective date of the revised holding pattern procedures, implementation of the provisions of Amendment 60-21 to the Civil Air Regulations, Part 60, Air Traffic Rules is being deferred in those instances where the alteration of control area extensions is being proposed. Upon completion of the review of the controlled airspace requirements presently being conducted attendant to these provisions, separate airspace action will be initiated to convert the control area extensions to transition areas with appropriate controlled airspace floor assignments.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within fifteen 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 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 C-226, 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 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 November 6, 1961.

W. THOMAS DEASON,  
Assistant Chief,  
Airspace Utilization Division.

[F.R. Doc. 61-10756; Filed, Nov. 9, 1961;  
8:49 a.m.]

## [ 14 CFR Part 601 ]

[Airspace Docket No. 61-WA-190]

### CONTROLLED AIRSPACE

#### Alteration of Control Area Extensions and Designation of Transition 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 Part 601 and §§ 601.1055, 601.1224 and 601.1270 of the regulations of the Administrator, the substance of which is stated below.

Effective January 1, 1962, new aircraft holding pattern procedures will be implemented by the Federal Aviation Agency. These procedures have been developed to accommodate the increasing variety of aircraft speeds and operating altitudes in the IFR environment. In addition, the procedures will provide for the containment of aircraft holding maneuvers within the holding pattern areas designed for such operation. However, it is recognized that a number of these holding pattern areas will require the designation of additional controlled airspace to encompass the increased dimensions of such areas. Thus, with the designation of additional controlled airspace, the pilot need only adhere to the standardized operating procedures and limitations for his type aircraft to remain within controlled airspace.

To fulfill additional controlled airspace requirements for the implementation of these procedures in New York, N.Y., Air Route Traffic Control Center area, the FAA is considering the following airspace actions:

1. The Elmira, N.Y., control area extension (§ 601.1055) would be altered to add the airspace southeast of Elmira bounded on the northwest by the Elmira control area extension 15-mile radius area, on the east by a line 8 miles east of and parallel to the Elmira VOR 166° True radial, on the south by low altitude VOR Federal airway No. 116, and on the west by low altitude VOR Federal airway No. 31. This would provide additional airspace for the protection of aircraft in holding patterns at the Grover Intersection (intersection of the Williamsport, Pa., VORTAC 346° and the Stonyfork, Pa., VORTAC 098° True radials).

2. The Williamsport, Pa., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles northeast and 7 miles southwest of the Williamsport VORTAC 127° and 307° True radials extending from 9 miles southeast to 20 miles northwest of the VORTAC; within 10 miles south and 7 miles north of the Hughesville, Pa., radio beacon 271° and 091° True bearings extending from 9 miles west to 20 miles east of the Hughesville radio beacon; within 10 miles north and 7 miles south of the Milton, Pa., VORTAC 094° and 274° True radials extending from 20 miles east to 9 miles west of the VORTAC; and within 12 miles south and 8 miles north of the Williamsport VORTAC 281° True radial extending from 9 miles west to 41 miles west of the VORTAC. This would provide protection for aircraft in holding patterns at the Williamsport VORTAC, Milton VOR, Hughesville radio beacon and the Trout Run Intersection (intersection of the Williamsport VORTAC 281° and the Selinsgrove, Pa., VORTAC 342° True radials).

3. The Philipsburg, Pa., control area extension (§ 601.1224) would be altered to add the airspace east of Philipsburg bounded on the northwest by low altitude VOR Federal airway No. 58, on the northeast by low altitude VOR Federal airway No. 170 and on the south by low altitude VOR Federal airway No. 30; and the airspace southeast of Philips-

burg bounded on the north by low altitude VOR Federal airway No. 30, on the southeast by low altitude VOR Federal airway No. 106 and on the southwest by low altitude VOR Federal airway No. 33. This would provide additional airspace for the protection of aircraft in holding patterns at the Reedsville Intersection (intersection of the Harrisburg VORTAC 312° and the Tower City, Pa., VOR 279° True radials), and Coburn Intersection (intersection of the Philipsburg VORTAC 098° and the Williamsport VORTAC 227° True radials).

4. The Harrisburg, Pa., control area extension (§ 601.1270) would be altered to add the airspace northwest of Harrisburg bounded on the northwest by low altitude VOR Federal airway No. 106, on the northeast by low altitude VOR Federal airway No. 33, on the south by low altitude VOR Federal airway No. 12 and on the west by low altitude VOR Federal airway No. 501; the airspace north of Harrisburg bounded on the north by low altitude VOR Federal airway No. 276, on the east by low altitude VOR Federal airway No. 31, on the southeast by the Harrisburg control area extension 15-mile radius area, and on the southwest by low altitude VOR Federal airway No. 33; and the airspace southeast of Harrisburg bounded on the north by low altitude VOR Federal airway No. 474, on the southeast by low altitude VOR Federal airway No. 251, and on the southwest by low altitude VOR Federal airway No. 31. This would provide additional airspace for the protection of aircraft in holding patterns at the Germantown Intersection (intersection of the Harrisburg VORTAC 273° and the Philipsburg, Pa., VORTAC 153° True radials), Mount Union Intersection (intersection of the Harrisburg VORTAC 273° and the Philipsburg VORTAC 174° True radials), Greenpark Intersection (intersection of the Harrisburg VORTAC 312° and the Selinsgrove, Pa., VORTAC 222° True radials), Reedsville Intersection, Liverpool Intersection (intersection of the Tower City VOR 279° and the Selinsgrove VORTAC 191° True radials), and the Bigmont Intersection (intersection of the Harrisburg VORTAC 165° and the Lancaster, Pa., VOR 262° True radials).

5. The Salisbury, Md., transition area would be designated to extend upward from 1,200 feet above the surface within 10 miles southeast and 7 miles northwest of the Salisbury VOR 027° and 207° True radials extending from 9 miles southwest to 20 miles northeast of the VOR, excluding the portion which coincides with the Patuxent, Md., Restricted Area, R-4006. This would provide protection for aircraft in holding patterns at the Salisbury VOR.

6. The Lancaster, Pa., transition area would be designated to extend upward from 1,200 feet above the surface within 12 miles northeast and 8 miles southwest of the West Chester, Pa., VORTAC 288° True radial extending from 9 miles northwest to 41 miles northwest of the VORTAC. This would provide protection for aircraft in holding patterns at the Gap Intersection (intersection of the West Chester VORTAC 288° and the Pottstown, Pa., VOR 237° True radials),

7. The Shenandoah, Pa., transition area would be designated to extend upward from 1,200 feet above the surface within 12 miles south and 8 miles north of the Selinsgrove, Pa., VORTAC 083° True radial extending from 10 miles east to 43 miles east of the VORTAC, excluding the portion which would coincide with the proposed Williamsport transition area. This would provide protection for aircraft in holding patterns at the Shenandoah Intersection (intersection of the Selinsgrove VORTAC 083° and the Tower City, Pa., VOR 040° True radials).

8. The Stonyfork, Pa., transition area would be designated to extend upward from 1,200 feet above the surface within 11 miles southeast and 7 miles northwest of the Stonyfork VORTAC 029° and 209° True radials extending from 4 miles northeast to 26 miles southwest of the VORTAC and within 10 miles south and 7 miles north of the Stonyfork VORTAC 278° and 098° True radials extending from 9 miles west to 20 miles east of the VORTAC excluding the portion which would coincide with the proposed Williamsport, Pa., transition area. This would provide protection for aircraft in holding patterns at the Stonyfork VORTAC and the Blackwell Intersection (intersection of the Slate Run, Pa., VOR 101° and the Stonyfork VORTAC 209° True radials).

9. The Montrose, Pa., transition area would be designated to extend upward from 1,200 feet above the surface within 12 miles southwest and 8 miles northeast of the Wilkes-Barre, Pa., VOR 325° True radial extending from 13 miles northwest to 46 miles northwest of the VOR. This would provide protection for aircraft in holding patterns at the Montrose Intersection (intersection of the Wilkes-Barre VOR 325° and the DeLancey, N.Y., VOR 234° True radials).

Because of the time limitations imposed by the effective date of the revised holding pattern procedures, implementation of the provisions of Amendment 60-21 to the Civil Air Regulations, Part 60, Air Traffic Rules is being deferred in those instances where the alteration of control area extensions is being proposed. Upon completion of the review of the controlled airspace requirements presently being conducted attendant to these provisions, separate airspace action will be initiated to convert the control area extensions to transition areas with appropriate controlled airspace floor assignments.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within twenty 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 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 C-226, 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 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 November 6, 1961.

W. THOMAS DEASON,  
Assistant Chief,  
Airspace Utilization Division.

[F.R. Doc. 61-10757; Filed, Nov. 9, 1961;  
8:49 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Part 3 ]

[Docket No. 14229; FCC 61-1314]

### FOSTERING EXPANDED USE OF UHF TELEVISION CHANNELS; AND DEINTER- MIXTURE OF CERTAIN CITIES EAST OF THE MISSISSIPPI RIVER

In the matter of fostering expanded use of UHF television channels, Docket No. 14229; and in the matters of deintermixture of Madison, Wis.; Rockford, Ill.; Hartford, Conn.; Erie, Pa.; Binghamton, N.Y.; Champaign, Ill.; Columbia, S.C.; and Montgomery, Ala., Docket Nos. 14239; 14240; 14241; 14242; 14243; 14244; 14245; 14246.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 1st day of November 1961:

1. The Commission has before it for disposition several requests from parties for an extension of time to file comments in all or some of the above-designated rule making proceedings.<sup>1</sup> We also have before us a "Petition to Defer Proceedings", filed on October 24, 1961, by The Association of Maximum Service Telecasters, Inc. (MST), in all of the above-docketed proceedings.

<sup>1</sup> Request filed; parties, and dockets: Oct. 25, 1961; Greater Rockford Television, Inc., Rockford, Ill. (WREX-TV); 14229-14240. Oct. 30, 1961; Midwest Television, Inc., Champaign, Ill. (WCIA); 14229, 14244. Oct. 31, 1961; Purdue University, Lafayette, Ind.; 14229. Oct. 31, 1961; The Broadcasting Company of the South, Columbia, S.C. (WIS-TV) and Montgomery, Ala. (WSFA-TV); 14229, 14245, 14246. Oct. 31, 1961; Association of Maximum Service Telecasters, Inc.; 14229, 14239-14246 (inclusive).

2. Comments are now due in each of these proceedings on December 4, 1961. Reply comments are due on January 8, 1962. The original deadline for comments was October 2, 1961, and for reply comments, November 2, 1961. The 60-day extension to December 4, 1961, was provided in response to the requests of a number of parties (including subject petitioners) for at least a 6-months extension of time from October 2, 1961, for filing comments in these proceedings.<sup>2</sup> We were of the view at that time that an additional 60-days for filing comments in these proceedings was ample and that, in the circumstances, more time for comments was not warranted.

3. All of the subject petitioners now request a 4-month minimum extension of time from December 4, 1961, to April 4, 1962, for filing comments except Greater Rockford Television, Inc., which asks for an extension to March 4, 1962.

4. MST also requests in its petition to defer these proceedings that we postpone all rule making and further consideration of the proposals therein until at least six months after the date on which the last of the following shall have occurred: (a) the Congress shall have completed consideration of and action on proposed legislation authorizing the Commission to prescribe the frequencies that television receivers shipped in interstate commerce must be able to receive; (b) the Congress shall have completed its planned hearings, investigations and consideration of legislation with respect to shifting VHF television stations to UHF channels; and (c) the Commission shall have made available to parties interested in these proceedings all of the information requested in the "Petition for Additional Required Information" filed October 24, 1961. It further requests that the Commission should in no event consider taking affirmative action to effectuate its proposals until six months after the study of UHF television in New York City.

5. The Commission has carefully considered the reasons upon which the petitioners ground their requests for more time for comments and for postponement of these rule making proceedings. Balancing the requirements of the parties and the desirability of meaningfully concluding these proceedings, we have decided to grant a two-month extension from December 4, 1961, to February 5, 1962, for filing comments in Docket No. 14229, and to extend the time for filing reply comments in the proceeding from January 8, 1962, to March 9, 1962. We are persuaded that this further extension is warranted in Docket No. 14229 but not in the individual market deintermixture proceedings in Docket Nos. 14239-14246 because of the greater complexity and scope of the overall allocations policy and technical questions to be resolved in that docket. We also have come to the conclusion that it is desirable to lessen the burden upon parties planning to submit comments and data both in Docket No. 14229 and in the individual market de-

<sup>2</sup> Order Extending Time for Filing Comments and Reply Comments (FCC 61-1037) adopted September 1, 1961, and released September 5, 1961.

intermixture proceedings by setting a later deadline for comments in the overall UHF allocations proceeding.

6. At the same time, we are hereby denying the MST request to defer the proceedings for what is, in effect, an indeterminate period. It may be noted, however, that the next session of Congress and our New York UHF experiment are likely to be substantially underway before the settlement of the complex questions involved in these proceedings is accomplished.

7. Accordingly, it is ordered, That the time for filing comments in Docket No. 14229 is extended from December 4, 1961, to February 5, 1962, the time for filing reply comments in the said docket is extended from January 8, to March 9, 1962, and that the subject petitions, in all other respects, are denied.

Released: November 3, 1961.

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

[F.R. Doc. 61-10782; Filed, Nov. 9, 1961;  
8:52 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[ 17 CFR Part 275 ]

[Release 40 IA-122]

### RULES AND REGULATIONS, INVEST- MENT ADVISERS ACT OF 1940

#### Custody or Possession of Funds or Securities of Clients

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt a rule under the Investment Advisers Act of 1940 to require investment advisers who have custody or possession of funds or securities of clients to segregate the securities and hold them in safekeeping and to set up a separate trust account in a bank for funds belonging to each client. The proposed rule would be adopted under the Investment Advisers Act of 1940, and particularly sections 206(4) and 211(a) thereof.

Section 206(4) of the Act prohibits any investment adviser from engaging in any

act, practice or course of business which is fraudulent, deceptive or manipulative, and gives the Commission the power, by rules and regulations, to define and prescribe means reasonably designed to prevent such acts, practices, and courses of business. The proposed rule is designed to implement these provisions by requiring an investment adviser who has custody or possession of funds or securities of any client to maintain them in such a way that they will be insulated from and not be jeopardized by any unlawful activities or financial reverses, including insolvency, of the investment adviser. The proposed rule would make it a fraudulent, deceptive or manipulative act, practice or course of business within the meaning of section 206(4) of the Act for any investment adviser who has custody or possession of any funds or securities in which any client has a beneficial interest to do any act or to take any action with respect to any such funds or securities unless (1) all such securities of each such client are segregated, marked to indicate the name and address of the client, and held in safekeeping in a place free from risk of destruction or other loss; (2) all such funds of each such client are deposited in a separate bank account as trustee for the particular client; and (3) the investment adviser sends each such client a monthly statement of the funds and securities in his possession, indicating their location and the manner in which they are being held.

Since certain members of national securities exchanges and registered broker-dealers must maintain specified standards of financial responsibility under the Commission's § 240.15c3-1 or applicable rules of the exchanges of which they are members, the proposed rule would exempt from these requirements registered broker-dealers subject to § 240.15c3-1 and members of exchanges whose members are exempt from § 240.15c3-1 by paragraph (b) (2) thereof.

The text of the proposed rule would be substantially as follows:

#### § 275.206(4)-2 Custody or Possession of Funds or Securities of Clients.

(a) It shall constitute a fraudulent, deceptive or manipulative act, practice or course of business within the meaning of section 206(4) of the Act, for any

investment adviser who has custody or possession of any funds or securities in which any client has any beneficial interest, to do any act or take any action, directly or indirectly, with respect to any such funds or securities, unless:

(1) All such securities of each such client are segregated, marked to indicate the name and address of the client who has the beneficial interest therein, and held in safekeeping in some place reasonably free from risk of destruction or other loss; and

(2) All such funds of each such client are deposited in a bank in a separate bank account for each such client, the account to be in the name of the investment adviser as trustee for the particular client; and

(3) Such investment adviser sends to each such client, at least once each month, an itemized statement of the funds and securities of such client in the custody or possession of such investment adviser, indicating their location and the manner in which they are being held.

(b) This rule shall not apply to an investment adviser also registered as a broker-dealer under section 15 of the Securities Exchange Act of 1934 if (1) such broker-dealer is subject to and in compliance with Rule 15c3-1 (§ 240.15c3-1) under the Securities Exchange Act of 1934, or (2) such broker-dealer is a member of an exchange whose members are exempt from Rule 15c3-1 (§ 240.15c3-1) under the provisions of paragraph (b) (2) thereof, and such broker-dealer is in compliance with all rules and settled practices of such exchange imposing requirements with respect to financial responsibility and the segregation of funds or securities carried for the account of customers.

(Sec. 206(4), 54 Stat. 852, as amended, 15 U.S.C. 80b-6; sec. 211(a), 54 Stat. 855, as amended, 15 U.S.C. 80b-11)

All interested persons are invited to submit their views and comments on the proposed rule on or before December 8, 1961. All such communications will be available for public inspection.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,  
Secretary.

NOVEMBER 3, 1961

[F.R. Doc. 61-10738; Filed, Nov. 9, 1961;  
8:46 a.m.]

# Notices

## DEPARTMENT OF STATE

[Public Notice 199]

[Delegation of Authority No. 104]

### FOREIGN ASSISTANCE ACT OF 1961 AND CERTAIN RELATED ACTS

#### Delegation of Authority

By virtue of the authority vested in me by the Foreign Assistance Act of 1961 (75 Stat. 424) (hereinafter referred to as the Act), the Executive Order of November 3, 1961, entitled "Administration of Foreign Assistance and Related Functions" (hereinafter referred to as the Executive Order), Executive Order No. 10900, and section 4 of the Act of May 26, 1949 (63 Stat. 111), it is ordered as follows:

#### SECTION 1. *Establishment of the Agency for International Development.*

(a) There is established in the Department of State an agency to be known as the Agency for International Development (hereinafter referred to as the Agency) which shall be headed by an Administrator (hereinafter referred to as the Administrator), as provided in section 102(b) of the Executive Order.

(b) Effective on the date of abolition of the corporate Development Loan Fund and the International Cooperation Administration, the offices, entities, functions, property, records, and funds of the International Cooperation Administration, not otherwise disposed of by the Act, and the offices, entities, functions, property, and records of the corporate Development Loan Fund and the records of the Export-Import Bank of Washington transferred to the Department of State by or pursuant to section 602 (a) and (b) of the Executive Order shall be placed in the Agency. The personnel, offices, entities, property, records, and funds of the corporate Development Loan Fund and the International Cooperation Administration may be utilized by the Administrator prior to the abolition of the corporate Development Loan Fund and the International Cooperation Administration. The Office of Small Business shall be in the Agency.

(c) The officers provided for in sections 624(a) (2) and (3) of the Act shall exercise such functions as the Administrator deems appropriate. Personnel of the International Cooperation Administration and the corporate Development Loan Fund may be detailed to the Agency upon its establishment. On the date of abolition of the International Cooperation Administration and the corporate Development Loan Fund, such of the personnel of those agencies as the Administrator shall deem necessary shall be transferred to the Agency.

(d) The Administrator is hereby designated effective on the date of the abolition of the corporate Development Loan Fund as the officer to whom shall be transferred and (1) who shall accept

the assets of, assume the obligations and liabilities of, and exercise the rights established or acquired for the benefit of, or with respect to, the corporate Development Loan Fund, and (2) who shall accept the assets, obligations, liabilities of, and rights established or acquired for the benefit of, or with respect to, the Export-Import Bank of Washington which are referred to in section 621(e) of the Act.

(e) The Administrator is hereby designated effective on the date of the abolition of the corporate Development Loan Fund as the person to be sued in the event of default in the fulfillment of the obligations of the corporate Development Loan Fund, and in the event of default in the fulfillment of those obligations of the Export-Import Bank of Washington referred to in section 621(e) of the Act.

#### SEC. 2. *Functions of the Administrator.*

(a) Exclusive of the functions otherwise delegated or reserved to the Secretary of State herein there are hereby delegated to the Administrator:

(1) The functions conferred upon the Secretary of State by section 101 of the Executive Order.

(2) The functions conferred upon the Secretary of State by section 622(c) of the Act, to be exercised in consultation with the Under Secretary of State, the Under Secretary of State for Economic Affairs, and the Deputy Under Secretary of State for Political Affairs, as appropriate.

(3) The functions of negotiating, concluding, and terminating international agreements under the Act and the Act to provide for assistance in the development of Latin America and in the reconstruction of Chile, and for other purposes, subject to the concurrences required by Department Circular No. 175.

(4) Those functions referred to in section 605(a) of the Executive Order with respect to the use of funds pursuant to section 643(c) of the Act which were conferred upon the Secretary of State and the corporate Development Loan Fund.

(5) The functions conferred upon the Secretary or Department of State by Executive Order No. 10900, exclusive of those so conferred by sections 3, 4(d) (8) (to the extent it relates to sections 104 (h), (o), and (p) of the Agricultural Trade Development and Assistance Act of 1954), 4(d) (10), (11), (12), and (14) of that order.

(6) The function conferred upon the Secretary of State by section 2 of the Act to provide for assistance in the development of Latin America and in the reconstruction of Chile, and for other purposes.

(7) The functions conferred upon the Secretary of State under any provision of law, other than the Act and the Foreign Service Act of 1946, pertaining specifically, or generally applicable, to For-

eign Service Reserve officers, Foreign Service Staff officers and employees, and alien clerks and employees, including the authority to prescribe or issue regulations, orders, and instructions in pursuance of such provisions of law.

(8) The functions conferred upon the Secretary of State by the determination of the President, pursuant to section 604 (a) of the Act, dated October 18, 1961.

(b) The authority of the Foreign Service Act of 1946 to appoint, employ, and assign personnel, which the Administrator is authorized to exercise pursuant to section 625(d) (2) of the Act, and the provisions of the Foreign Service Act which shall apply to personnel so appointed or assigned shall consist of:

(1) The authority available to the Secretary of State under the Foreign Service Act of 1946 (including section 571 of that Act) relating to Foreign Service Reserve officers, Foreign Service Staff officers and employees, and alien clerks and employees.

(2) The authority available to the Secretary of State under sections 1021 through 1071 of the Foreign Service Act of 1946.

(3) The authority available to the Board of Foreign Service under the Foreign Service Act of 1946.

(4) The authority to prescribe or issue in pursuance of the Foreign Service Act of 1946 and the Act, such regulations, orders, and instructions, as may be incidental to, or necessary for, or desirable in connection with, the carrying out of the provisions of section 625(d) (2) of the Act or the provisions of this Delegation of Authority.

(5) The prohibitions contained in sections 1001 through 1005 of the Foreign Service Act of 1946.

(c) The Administrator shall be the officer with whom the Secretary of Defense shall consult pursuant to section 202 of the Executive Order.

(d) The concurrence of the Secretary of State shall be required with respect to the exercise by the Administrator of so much of the functions herein delegated pursuant to section 625(d) (1) of the Act as consists of authorization of compensation at any of the rates provided for the Foreign Service Reserve and Staff by the Foreign Service Act of 1946 for persons employed or assigned by agencies of the United States Government, other than the Agency.

Sec. 3. *Allocation of funds.* (a) There are hereby allocated to the Administrator the funds allocated to the Secretary of State by subsection (a) of section 501 of the Executive Order.

(b) The Administrator may allocate or transfer as appropriate any of the funds allocated to him to any agency or part thereof for obligation or expenditure thereby consistent with applicable law.

Sec. 4. *Successorship.* The Agency and the Administrator shall be deemed to be the successor of the International Cooperation Administration and the Director thereof, respectively, with respect to all functions delegated or redelegated to the International Cooperation Administration or the Director thereof.

Sec. 5. *Authorization to Department of Defense.* The Secretary of Defense is authorized to perform any functions authorized by section 625(d) (1) of the Act to the extent that they relate to other functions under the Act administered by the Secretary of Defense: *Provided,* That the authorization pursuant to section 625(d) (1) of the Act of compensation at any of the rates provided for the Foreign Service Reserve and Staff by the Foreign Service Act of 1946 shall be subject to the concurrence of the Secretary of State.

Sec. 6. *Functions reserved to the Secretary of State or otherwise provided for.* (a) There are hereby reserved to the Secretary of State: (1) The function conferred upon the President by section 511(b) of the Act insofar as such function has been delegated to the Secretary of State by section 101 of the Executive Order.

(2) The functions conferred upon the President by sections 301(c) and 620(b) of the Act and the first sentence of section 143 of the Mutual Security Act of 1954.

(3) So much of the functions conferred upon the President by section 624(b) of the Act as consists of fixing the rate of compensation of the Administrator.

(4) The function conferred upon the President by section 624(e) (1) of the Act of appointing the Deputy and Assistant Inspector Generals, Foreign Assistance.

(5) The function conferred upon the Secretary of State by the second sentence of section 624(e) (6) of the Act and section 514 of the Mutual Security Act of 1954.

(6) The function conferred upon the President by section 625(a) of the Act with respect to personnel in the Department of State, other than in the Agency.

(7) The functions conferred upon the President by section 108 of the Foreign Assistance and Related Agencies Appropriation Act, 1962.

(b) The following functions are hereby delegated to officers of the Department of State as indicated:

(1) To the Assistant Secretary of State for Economic Affairs:

(A) Those functions conferred upon the President by the Mutual Defense Assistance Control Act of 1951.

(B) Those functions conferred upon the Secretary of State as Administrator by the Mutual Defense Assistance Control Act of 1951.

(C) Those functions conferred upon the President by sections 601(b) (2) and 601(b) (3) of the Act.

(2) To the Administrator, Bureau of Security and Consular Affairs:

(A) Those functions conferred upon the President by section 405(a) of the Mutual Security Act of 1954.

(B) Those functions conferred upon the President by section 414 of the Mutual Security Act of 1954.

(c) The Administrator, Bureau of Security and Consular Affairs, shall carry out the activities authorized by sections 405(c), 405(d), and 451(c) of the Mutual Security Act of 1954, except so much of the activities under section 451(c) of that Act as relates to programs administered by the Department of Health, Education, and Welfare on behalf of Cuban refugees.

(d) The Administrator and the Secretary of Defense are authorized to make the designations and standards provided for in section 625(g) of the Act with regard to their respective functions under the Act.

(e) The Administrator and any other officer to whom functions are delegated by this Delegation of Authority may, to the extent consistent with law, delegate or assign any of the functions delegated or assigned to him by this Delegation of Authority and authorize any of his subordinates to whom functions are so delegated or assigned successively to redelegate or reassign any of such functions.

(f) The Administrator and any other officer to whom functions are delegated by this Delegation of Authority may promulgate from time to time, to the extent consistent with law, such rules and regulations as may be necessary and proper to carry out any of his functions.

Sec. 7. *General provisions.* (a) Any reference in this Delegation of Authority to any Act, order, determination, or Delegation of Authority shall be deemed to be a reference to such Act, order, determination, or Delegation of Authority as amended from time to time. Any reference in this Delegation of Authority to provisions of any appropriation Act shall be deemed to include a reference to any hereafter enacted provisions of law which are the same or substantially the same as such appropriation Act provisions.

(b) This Delegation of Authority supersedes Delegation of Authority No. 85-10 of February 2, 1961, Redelegation of Authority No. 85-10A of February 2, 1961, and Delegation of Authority No. 103-1 of September 13, 1961: *Provided,* That all determinations, authorizations, regulations, rulings, certificates, orders, directives, contracts, agreements, and other actions made, issued, or entered into with respect to any function affected by this Delegation of Authority and not revoked, superseded, or otherwise made inapplicable before the effective date of this Delegation of Authority shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

(c) Notwithstanding any provision of this Delegation of Authority, the Secretary of State may at any time exercise any function delegated to any officer of

the Department of State, including the Agency, by this Delegation of Authority.

(d) This Delegation of Authority shall be deemed to have become effective on September 30, 1961.

Dated: November 3, 1961.

[SEAL] CHESTER BOWLES,  
Acting Secretary of State.

[F.R. Doc. 61-10742; Filed, Nov. 9, 1961;  
8:47 a.m.]

## DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Dept. Order 167-46]

[CGFR 61-43]

### COMMANDANT, U.S. COAST GUARD

Delegation of Functions

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950 and by 14 U.S.C. 631, there are transferred to the Commandant, U.S. Coast Guard, those functions of the Secretary of the Treasury under Public Law 87-167, the Oil Pollution Act, 1961 (75 Stat. 402-407) which are related to the Coast Guard.

The Commandant may make provision for the performance by subordinates in the Coast Guard of any of the functions transferred except the prescribing of rules and regulations.

Dated: November 6, 1961.

[SEAL] DOUGLAS DILLON,  
Secretary of the Treasury.

[F.R. Doc. 61-10759; Filed, Nov. 9, 1961;  
8:50 a.m.]

[1961 Dept. Circular No. 1069]

### 3¼ PERCENT TREASURY NOTES OF SERIES E-1963

Offering of Notes

NOVEMBER 6, 1961.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States for notes of the United States, designated 3¼ percent Treasury Notes of Series E-1963, in exchange for 2½ percent Treasury Bonds of 1961, maturing November 15, 1961, in amounts of \$1,000 or multiples thereof. The amount of the offering under this circular will be limited to the amount of maturing bonds tendered in exchange and accepted. The books will be open only on November 6 through November 9, 1961, for the receipt of subscriptions for this issue.

2. In addition to the offering under this circular, holders of the maturing bonds are offered the privilege of exchanging them for 3¾ percent Treasury Bonds of 1966 (additional issue), or 3¾ percent Treasury Bonds of 1974 (additional issue), which offerings are set forth in Department Circulars Nos. 1070

and 1071, respectively, issued simultaneously with this circular.

II. *Description of notes.* 1. The notes will be dated November 15, 1961, and will bear interest from that date at the rate of 3¼ percent per annum, payable on a semiannual basis on February 15 and August 15, 1962, and on February 15, 1963. They will mature February 15, 1963, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000, \$1,000,000, \$100,000,000, and \$500,000,000. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of notes applied for; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for notes allotted hereunder must be made on or before November 15, 1961, or on later allotment, and may be made only in 2½ percent Treasury Bonds of 1961, maturing November 15, 1961, which will be accepted at par, and should accompany the subscription. Coupons dated November 15, 1961, should be detached from the maturing bonds in coupon form by holders and cashed when due. In the case of registered bonds, final interest due on November 15, 1961, will be paid by check drawn in accordance with the assignments on the bonds surrendered, or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District.

V. *Assignment of registered bonds.* 1. Treasury Bonds of 1961 in registered form tendered in payment for notes offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C. The bonds must be delivered at the expense and risk of the holder. If the notes are desired registered in the same name as the bonds surrendered, the assignment should be to "The Secretary of the Treasury for exchange for 3¼ percent Treasury Notes of Series E-1963"; if the notes are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 3¼ percent Treasury Notes of Series E-1963 in the name of \_\_\_\_\_"; if notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 3¼ percent Treasury Notes of Series E-1963 in coupon form to be delivered to \_\_\_\_\_".

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts; to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL]

DOUGLAS DILLON,  
Secretary of the Treasury.

[F.R. Doc. 61-10760; Filed, Nov. 9, 1961;  
8:50 a.m.]

[1961 Department Circular No. 1070]

### 3¼ PERCENT TREASURY BONDS OF 1966

#### Offering of Bonds

NOVEMBER 6, 1961.

I. *Offering of bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at 99.75 percent of their face value, from the people of the United States for bonds of the United States, designated 3¼ percent Treasury Bonds of 1966, in exchange for 2½ percent Treasury Bonds of 1961, maturing November 15, 1961. The cash payment due subscribers on account of the issue price of the new bonds will be paid as provided in section IV hereof. The amount of the offering under this circular will be limited to the amount of

maturing bonds tendered in exchange and accepted. The books will be open only on November 6 through November 9, 1961, for the receipt of subscriptions for this issue.

2. In addition to the offering under this circular, holders of the maturing bonds are offered the privilege of exchanging them for 3¼ percent Treasury Notes of Series E-1963, or 3⅞ percent Treasury Bonds of 1974 (additional issue), which offerings are set forth in Department Circulars Nos. 1069 and 1071, respectively, issued simultaneously with this circular.

II. *Description of bonds.* 1. The bonds now offered will be an addition to and will form a part of the series of 3¼ percent Treasury Bonds of 1966 issued pursuant to Department Circular No. 1054, dated October 31, 1960, will be freely interchangeable therewith, and are identical in all respects therewith except that interest on the bonds to be issued under this circular will accrue from November 15, 1961. Subject to the provision for the accrual of interest from November 15, 1961, on the bonds now offered, the bonds are described in the following quotation from Department Circular No. 1054:

1. The bonds will be dated November 15, 1960, and will bear interest from that date at the rate of 3¼ percent per annum, payable semiannually on May 15 and November 15 in each year until the principal amount becomes payable. They will mature May 15, 1966, and will not be subject to call for redemption prior to maturity.

2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of \$500, \$1,000, \$5,000, \$10,000, \$100,000, and \$1,000,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of bonds applied for; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in

full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment for the face amount of bonds allotted hereunder must be made on or before November 15, 1961, or on later allotment, and may be made only in a like face amount of 2½ percent Treasury Bonds of 1961, maturing November 15, 1961, which should accompany the subscription. Coupons dated November 15, 1961, should be detached from the maturing bonds in coupon form by holders and cashed when due. In the case of registered bonds, final interest due on November 15, 1961, will be paid by check drawn in accordance with the assignments on the bonds surrendered, or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District. A cash payment of \$2.50 per \$1,000 on account of the issue price of the new bonds will be made to subscribers. The payments will be made in the case of bearer bonds following their acceptance and in the case of registered bonds following discharge of registration.

V. *Assignment of registered bonds.* 1. Treasury Bonds of 1961 in registered form tendered in payment for bonds offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C. The bonds must be delivered at the expense and risk of the holder. If the new bonds are desired registered in the same name as the bonds surrendered, the assignment should be to "The Secretary of the Treasury for exchange for 3¾ percent Treasury Bonds of 1966"; if the new bonds are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 3¾ percent Treasury Bonds of 1966 in the name of \_\_\_\_\_"; if new bonds in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 3¾ percent Treasury Bonds of 1966 in coupon form to be delivered to \_\_\_\_\_".

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL]

DOUGLAS DILLON,  
Secretary of the Treasury.

[F.R. Doc. 61-10761; Filed, Nov. 9, 1961; 8:50 a.m.]

[1961 Department Circular No. 1071]

### 3¾ PERCENT TREASURY BONDS OF 1974

#### Offering of Bonds

NOVEMBER 6, 1961.

I. *Offering of bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at 99.00 percent of their face value, from the people of the United States for bonds of the United States, designated 3¾ percent Treasury Bonds of 1974, in exchange for 2½ percent Treasury Bonds of 1961, maturing November 15, 1961. The cash payment due subscribers on account of the issue price of the new bonds will be paid as provided in section IV hereof. The amount of the offering under this circular will be limited to the amount of maturing bonds tendered in exchange and accepted. The books will be open only on November 6 through November 9, 1961, for the receipt of subscriptions for this issue.

2. In addition to the offering under this circular, holders of the maturing bonds are offered the privilege of exchanging them for 3¼ percent Treasury Notes of Series E-1963, or 3¾ percent Treasury Bonds of 1966 (additional issue), which offerings are set forth in Department Circulars Nos. 1069 and 1070, respectively, issued simultaneously with this circular.

II. *Description of bonds.* 1. The bonds now offered will be an addition to and will form a part of the series of 3¾ percent Treasury Bonds of 1974 issued pursuant to Department Circular No. 1000, dated November 20, 1957, will be freely interchangeable therewith, and are identical in all respects therewith except that interest on the bonds to be issued under this circular will accrue from November 15, 1961. Subject to the provision for the accrual of interest from November 15, 1961, on the bonds now offered, the bonds are described in the following quotation from Department Circular No. 1000:

1. The bonds will be dated December 2, 1957, and will bear interest from that date at the rate of 3¾ percent per annum, payable on a semi-annual basis on May 15 and November 15, 1958, and thereafter on May 15 and November 15 in each year until the principal amount becomes payable. They will mature November 15, 1974, and will not be subject to call for redemption prior to maturity.

2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of \$500, \$1,000, \$5,000, \$10,000, \$100,000, and \$1,000,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of regis-

tered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. Any bonds issued hereunder which upon the death of the owner constitute part of his estate, will be redeemed at the option of the duly constituted representatives of the deceased owner's estate, at par and accrued interest to day of payment,<sup>1</sup> *Provided:*

(a) That the bonds were actually owned by the decedent at the time of his death; and

(b) That the Secretary of the Treasury be authorized to apply the entire proceeds of redemption to the payment of Federal estate taxes.

Registered bonds submitted for redemption hereunder must be duly assigned to "The Secretary of the Treasury for redemption, the proceeds to be paid to the District Director of Internal Revenue at \_\_\_\_\_ for credit on Federal estate taxes due from estate of \_\_\_\_\_." Owing to the periodic closing of the transfer books and the impossibility of stopping payment of interest to the registered owner during the closed period, registered bonds received after the closing of the books for payment during such closed period will be paid only at par with a deduction of interest from the date of payment to the next interest payment date,<sup>2</sup> bonds received during the closed period for payment at a date after the books reopen will be paid at par plus accrued interest from the reopening of the books to the date of payment. In either case checks for the full six months' interest due on the last day of the closed period will be forwarded to the owner in due course. All bonds submitted must be accompanied by Form PD 1782,<sup>3</sup> properly completed, signed and certified, and by proof of the representatives' authority in the form of a court certificate or a certified copy of the representatives' letters of appointment issued by the court. The certificate, or the certification to the letters, must be under the seal of the court, and except in the case of a corporate representative, must contain a statement that the appointment is in full force and be dated within six months prior to the submission of the bonds, unless the certificate or letters show that the appointment was made within one year immediately prior to such submission. Upon payment of the bonds appropriate memorandum receipt will be forwarded to the representatives, which will be followed in due course by a formal receipt from the District Director of Internal Revenue.

6. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of bonds applied for; and any

<sup>1</sup> An exact half-year's interest is computed for each full half-year period irrespective of the actual number of days in the half year. For a fractional part of any half year, computation is on the basis of the actual number of days in such half year.

<sup>2</sup> The transfer books are closed from April 16 to May 15 and from October 16 to November 15 (both dates inclusive) in each year.

<sup>3</sup> Copies of Form PD 1782 may be obtained from any Federal Reserve Bank or from the Treasury Department, Washington, D.C.

action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment for the face amount of bonds allotted hereunder must be made on or before November 15, 1961, or on later allotment, and may be made only in a like face amount of 2½ percent Treasury Bonds of 1961, maturing November 15, 1961, which should accompany the subscription. Coupons dated November 15, 1961, should be detached from the maturing bonds in coupon form by holders and cashed when due. In the case of registered bonds, final interest due on November 15, 1961, will be paid by check drawn in accordance with the assignments on the bonds surrendered or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District. A cash payment of \$10.00 per \$1,000 on account of the issue price of the new bonds will be made to subscribers. The payments will be made in the case of bearer bonds following their acceptance and in the case of registered bonds following discharge of registration.

V. *Assignment of registered bonds.* 1. Treasury Bonds of 1961 in registered form tendered in payment for bonds offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C. The bonds must be delivered at the expense and risk of the holder. If the new bonds are desired registered in the same name as the bonds surrendered, the assignment should be to "The Secretary of the Treasury for exchange for 3⅞ percent Treasury Bonds of 1974"; if the new bonds are desired registered in another name the assignment should be to "The Secretary of the Treasury for exchange for 3⅞ percent Treasury Bonds of 1974 in the name of -----"; if new bonds in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 3⅞ percent Treasury Bonds of 1974 in coupon form to be delivered to -----".

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering,

which will be communicated promptly to the Federal Reserve Banks.

[SEAL]

DOUGLAS DILLON,  
Secretary of the Treasury.

[F.R. Doc. 61-10762; Filed, Nov. 9, 1961; 8:50 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management OUTER CONTINENTAL SHELF OFF CALIFORNIA

#### Phosphate Lease Offer

NOVEMBER 6, 1961.

Pursuant to section 8 of the Outer Continental Shelf Lands Act (67 Stat. 462; 43 U.S.C. sec. 1331 et seq.) and the regulations issued thereunder (43 CFR Part 201), sealed bids addressed to the Manager, Outer Continental Shelf Office, Bureau of Land Management, Department of the Interior, Post Office Box 14, Los Angeles 54, California, will be received on or before 10:00 a.m., P.s.t., on December 15, 1961, for leases for phosphate of sixteen tracts of the Outer Continental Shelf, adjacent to the State of California. Bids will be opened in Hearing Room No. 1, Main Street Floor, U.S. Post Office and Court House, 312 North Spring Street, Los Angeles, California. Bids may be delivered in person to Hearing Room No. 1, Main Street Floor, U.S. Post Office and Court House, 312 North Spring Street, Los Angeles, California, between 8:30 a.m., P.s.t., and 10:00 a.m., P.s.t., December 15, 1961. Bids received after 10:00 a.m., P.s.t., December 15, 1961 will not be considered.

All bids must be submitted in accordance with applicable regulations, particularly 43 CFR 201.20, 201.21, and 201.22. Bids will be considered on the basis of the highest cash bonus offered for a tract but no total bid amounting to less than \$3 per acre or fraction thereof will be considered. Overriding royalty, payments out of production, logarithmic or sliding scale bids will not be considered. No bid for less than a full tract, as listed below, will be considered. A separate bid, in a separate sealed envelope, must be submitted for each tract. The envelope should be endorsed "Sealed bid for phosphate lease, California, (insert number of tract), not to be opened until 10:00 a.m., P.s.t., December 15, 1961." Bids may not be modified or withdrawn unless the modifications or withdrawals are received prior to the time fixed for filing of the bids. Bidders must submit with each bid one-fifth of the amount bid in cash or by cashier's check, bank draft, certified check or money order payable to the order of the Bureau of Land Management and file a showing of citizenship as required by 43 CFR 201.22. The successful bidder for each tract will be required to pay the remainder of the bid and the first year's annual rental of 50 cents per acre and furnish an acceptable surety bond in the sum of \$10,000 prior to issuance of each phosphate lease. In lieu of a \$10,000 bond for each lease, the successful bidder may furnish a full area bond in the sum of \$100,000 as provided in 43 CFR 201.51.

The deposits of other bidders will be returned. The right is reserved to reject any or all bids. Bidders are warned against violation of section 1860, Title 18 U.S.C. prohibiting unlawful combination or intimidation of bidders.

The leases will be issued for a term of 10 years and so long thereafter as phosphate is being produced from the leased area or other operations for the production of phosphate as approved by the Secretary are being conducted. The leases will provide for an annual rental of 50 cents per acre for the first and second years of the leases and \$1 per acre for each year thereafter; a minimum royalty commencing after production of \$2 per acre for each year in lieu of rental; and a royalty of 5 percent (but not less than 30 cents a short ton) of the gross value of the output of the lease deposits at the point of shipment to market. The leases will also provide for the suspension of operations during war or national emergency, or in the interest of national security. Copies of the lease agreement may be obtained from the Manager, Land Office, Bureau of Land Management, Bartlett Building, 215 West 7th Street, Los Angeles, California, or from the Regional Oil and Gas Supervisor, Geological Survey, Room 1012, Bartlett Building, 215 West 7th Street, Los Angeles, California.

The tracts offered for bid are as follows:

OUTER CONTINENTAL SHELF LEASING MAP  
ZONE 6—SAN DIEGO AREA (SPECIAL)  
(California Offshore Operations)

Tract No.	Description (blocks)	Acreage
1	Block 13 N., 32 W., SW¼	1,440
2	Block 13 N., 33 W., S½	2,880
3	Block 13 N., 34 W., S½	2,880
4	Block 13 N., 35 W., S½ and NW¼	4,320
5	Block 12 N., 32 W., All	5,760
6	Block 12 N., 33 W., All	5,760
7	Block 12 N., 34 W., All	5,760
8	Block 12 N., 35 W., All	5,760
9	Block 11 N., 32 W., All	5,760
10	Block 11 N., 33 W., All	5,760
11	Block 11 N., 34 W., All	5,760
12	Block 11 N., 35 W., All	5,760
13	Block 10 N., 32 W., All	5,760
14	Block 10 N., 33 W., All	5,760
15	Block 10 N., 34 W., All	5,760
16	Block 10 N., 35 W., All	5,760

Bidders are requested to submit their bids in the following form:

Manager,  
Outer Continental Shelf Office,  
Bureau of Land Management,  
Department of the Interior,  
Post Office Box 14,  
Los Angeles 54, Calif.

#### Phosphate Lease Bid

The following bid is submitted for a phosphate lease on land of the Outer Continental Shelf specified below:

Tract No.	Total amount bid
Amount per acre	Amount submitted with bid
----- (Signature) -----	
----- (Address) -----	

**Important.** The bid must be accompanied by one-fifth of the total amount bid. This amount may be in cash, money order, cashier's check, certified check, or bank draft.

A separate bid must be made for each tract.

H. R. HOCHMUTH,  
Associate Director.

[F.R. Doc. 61-10741; Filed, Nov. 9, 1961; 8:46 a.m.]

**CIVIL AERONAUTICS BOARD**

[Docket 7723 etc.]

**REOPENED TRANSPACIFIC ROUTE CASE (INTERNATIONAL PHASE)**

**Notice of Hearing**

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on November 20, 1961, at 10:00 a.m., e.s.t., in Room 725, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served September 12, 1961, Board orders E-17230, adopted April 26, 1961, and E-17516, adopted September 29, 1961, and all other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

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

[SEAL] WILLIAM J. MADDEN,  
Hearing Examiner.

[F.R. Doc. 61-10764; Filed, Nov. 9, 1961; 8:50 a.m.]

**DEPARTMENT OF AGRICULTURE**

**Agricultural Marketing Service**

[P. & S. Docket No. 5]

**PEORIA UNION STOCK YARDS CO., INC.**

**Notice of Petition for Modification of Rate Order**

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on December 23, 1959 (18 A.D. 1406), authorizing the respondent, The Peoria Union Stock Yards Company, Inc., Peoria, Illinois, to assess the current temporary schedule of rates and charges to and including December 31, 1961, unless modified or extended by further order before the latter date.

On October 30, 1961, a petition was filed on behalf of the respondent re-

questing authority to modify, as soon as possible, the current temporary schedule of rates and charges as indicated below, and requesting that the current schedule, as so modified, be continued in effect to and including December 31, 1963.

**SECTION I—YARDAGE**

Item 1. Yardage charges will be assessed on all livestock (or deadstock) sold through these yards or resold by regular selling agencies at the following rate in cents per head:

	Present	Proposed
Cattle	90	105
Calves (300 lbs. and under)	45	53
Hogs	30	35
Sheep and goats	25	29

Item 2. Charges will be collected on all livestock resold on the market (except as specified in Items 1 and 3 of this section) at the following rate in cents per head:

	Present	Proposed
Cattle	45	53
Calves	23	27
Hogs	15	18
Sheep	13	15

Item 4. Charges will be collected on all livestock consigned direct to packers for immediate slaughter and without change of ownership, at the following rate in cents per head:

	Present	Proposed
Cattle	50	53
Calves	25	27
Hogs	16	18
Sheep	13	15

The modification, if authorized, will produce additional revenue for the respondent and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Depart-

ment of Agriculture, Washington 25, D.C., within 15 days after the publication of this notice.

Done at Washington, D.C., this 7th day of November 1961.

CLARENCE H. GIRARD,  
Director, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 61-10744; Filed, Nov. 9, 1961; 8:47 a.m.]

**Agricultural Research Service**

**IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGHTERED LIVESTOCK**

**Supplemental List of Humane Slaughterers**

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR 181.1 the following table lists additional establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.) which have been officially reported as humanely slaughtering and handling the species of livestock respectively designated for such establishments in the table. This list supplements the list previously published under the Act (26 F.R. 10242) for October and represents those establishments and species which were reported too late to be included in the earlier list or which have come into compliance with respect to species indicated since the completion of the reports on which the earlier list was based. The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods:

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Great Falls Meat Co.	301	(*)					
Webb Packing Co.	316	(*)					
Midland Empire Packing Co., Inc.	339	(*)	(*)				
The Lundy Packing Co.	413					(*)	
Armour and Co.	477	(*)					
Idaho Meat Packers.	46	(*)	(*)	(*)		(*)	
Black Hills Packing Co.	554	(*)				(*)	
Frosty Morn Meats, Inc.	576	(*)	(*)			(*)	
Swift and Co.	608	(*)					
Eastern Oregon Meat Co., Inc.	611	(*)	(*)	(*)		(*)	
H. H. Keim Co.	630	(*)	(*)	(*)		(*)	
Pierce Packing Co., Inc.	691	(*)				(*)	
Carter Packing Co.	698	(*)	(*)				
Dale Packing Co., Inc.	777	(*)					
Wells and Davies Packing Co.	860	(*)	(*)			(*)	
T. L. Lay Packing Co.	967	(*)				(*)	

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

C. H. FALS,  
Director, Meat Inspection Division, Agricultural Research Service.

[F.R. Doc. 61-10784; Filed, Nov. 9, 1961; 8:53 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14280, 14281; FCC 61M-1741]

### BARREN COUNTY BROADCASTING CO. AND JOHN M. BARRICK

#### Order Continuing Hearing Conference

In re applications of Lewis M. Ownes, John A. Hartnett and Carl R. Thomale d/b as Barren County Broadcasting Company, Glasgow, Kentucky, Docket No. 14280, File No. BP-13996, Requests: 1440 kc, 1 kw, D, III; John M. Barrick, Glasgow, Kentucky, Docket No. 14281, File No. BP-14641, Requests: 1440 kc, 1 kw, D, III; for construction permits.

Upon oral request of counsel for John M. Barrick, and with the consent of the other parties herein: *It is ordered*, This 6th day of November, nunc pro tunc, that the prehearing conference heretofore scheduled for November 6, 1961, at 9:00 a.m., in Washington, D.C., is postponed to November 14, 1961, at 10:00 a.m., pending action upon a joint request of the parties looking toward dismissal of the application of Barren County Broadcasting Company.

Released: November 6, 1961.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
*Acting Secretary.*

[F.R. Doc. 61-10766; Filed, Nov. 9, 1961;  
8:50 a.m.]

[Docket Nos. 14357, 14358; FCC 61-1307]

### HIGSON-FRANK RADIO ENTERPRISES AND SBB CORP.

#### Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of James D. Higson and Peter Frank d/b as Higson-Frank Radio Enterprises, Houston, Texas, Docket No. 14357, File No. BP-13809, Requests: 1520 kc, 500 w, 250 w(CH), Day; SBB Corporation, Houston, Texas, Docket No. 14358, File No. BP-14632, Requests: 1520 kc, 1 kw, DA, Day; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 1st day of November 1961:

The Commission having under consideration the above-captioned and described applications;

It appearing, that except for matters involved in the issues set forth below, each of the subject applicants possesses the basic requisite qualifications to construct and operate its subject proposal; and

It further appearing, that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The subject co-channel proposals for Houston are mutually exclusive. Both applicants propose daytime oper-

ation, but SBB Corporation has requested a power of 1 kilowatt, employing a directional antenna, while Higson-Frank Radio Enterprises proposes 500 watt omnidirectional operation with power reduced to 250 watts during critical hours. For this reason, areas and population to receive service from the proposals will not be entirely identical.

2. The proposed operation of Higson-Frank Radio Enterprises involves varying amounts of mutual interference with four additional pending applications—those of General Communications, Inc., File No. BMP-9060 (KXKW); and the mutually destructive applications of Radio Orange, File No. BP-13739, KWEN Broadcasting Company, File No. BP-13627, and Vidor Broadcasting Company, File No. BP-14619. However, since the subject Higson-Frank proposal receives interference resulting in a total population loss of less than ten percent, and since none of the proposals noted above will receive population losses in excess of ten percent, the subject Higson-Frank proposal will not be consolidated with the others for hearing. Any grant of the Higson-Frank proposal will be conditioned upon acceptance of interference resulting from a subsequent grant of the other proposals noted above.

3. Similarly, the proposal of SBB Corporation would involve mutual interference with the pending applications of Radio Orange, BP-13627, and Vidor Broadcasting Company, File No. BP-14619, and would receive interference from the pending application of General Communications, Inc., File No. BMP-9060. For reasons identical to those set forth in the preceding paragraph, the SBB Corporation application will not be consolidated with the others and, if granted, will be, appropriately conditioned.

4. The SBB Corporation proposal appears to cause slight interference to the existing operation of Station KGBC, Galveston, Texas, two channels removed. Additionally, measurement data made from the proposed site in pertinent directions is needed to establish whether there will be overlap of the 2 mv/m and 25 mv/m contours between KGBC and the proposed Houston station.

5. It does not appear that the SBB Corporation proposed operation will provide a signal of 25 mv/m or greater over the business area of Houston, nor does it appear that a minimum signal of 5 mv/m will be provided to all residential sections of the city. Accordingly, a question exists as to compliance with the requirements of § 3.188(b)(1)(2) of the Commission rules.

6. The proposed program schedule submitted with the Higson-Frank Radio Enterprises application appears to be substantially identical to the schedule submitted with an earlier Higson-Frank application for Fresno, California. A question is raised, therefore, as to whether the applicant has undertaken to ascertain the particular programming needs of the Houston area. Even apart from questions involving the schedule's origination, substantial discrepancies exist between the programming there

shown and the programming percentages submitted in Section IV of the application form. It will be necessary to examine these questions in hearing prior to any comparative consideration of programming as between the two subject applicants for Houston.

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

*It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and population which would receive primary service from each of the subject proposals and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of SBB Corporation would cause objectionable interference to Station KGBC, Galveston, Texas, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine the efforts made by Higson-Frank Radio Enterprises to ascertain the programming needs and interests of the area to be served and the manner in which Higson-Frank Radio Enterprises proposes to meet such needs and interests.

4. To determine whether the instant proposal of SBB Corporation would provide coverage of the city sought to be served, as required by § 3.188(b)(1) and (2) of the Commission rules, and, if not, whether circumstances exist which would warrant a waiver of said sections.

5. To determine whether overlap of the 2 and 25 mv/m contours would occur between the instant proposal of SBB Corporation and the existing operation of Station KGBC, Galveston, Texas, in contravention of § 3.37 of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

6. To determine, on a comparative basis, which of the instant proposals would better serve the public interest, convenience and necessity in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

a. Background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

b. The proposals of each of the applicants with respect to the management and operation of the proposed station.

c. The programming service proposed in each of the said applications.

7. To determine, in the light of the evidence adduced pursuant to the forego-

ing issues which, if either, of the instant applications should be granted.

*It is further ordered,* That the Galveston Broadcasting Company, licensee of Station KGBC, Galveston, Texas, is made a party to the proceeding.

*It is further ordered,* That in the event of a grant of the application of Higson-Frank Radio Enterprises, the construction permit shall contain the following conditions:

1. Permittee shall be responsible for the installation and adjustment of suitable filter circuits or any other equipment that may be necessary to prevent excessive re-radiation and/or cross modulation due to proximity of the antenna system with other structures.

2. Permittee shall submit sufficient field intensity measurement data before program tests are authorized to prove that the radiation efficiency of the antenna system meets the minimum efficiency requirements of the Commission's records.

3. Permittee shall accept any interference that may result due to a subsequent grant of the General Communications Inc., File No. BMP-9060 (KXKW) and from any one of the applications of Radio Orange, File No. BP-13739, KWEN Broadcasting Company, File No. BP-13627 or the Vidor Broadcasting Co., File No. BP-14619.

*It is further ordered,* That in the event of a grant of the application of SBB Corporation, the construction permit shall contain the following condition: Permittee shall accept any interference that may result due to a subsequent grant of either the KWEN Broadcasting Company, File No. BP-13627, or the Vidor Broadcasting Company, File No. BP-14619, and from General Communications Incorporated, File No. BMP-9060.

*It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants and respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

*It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(c) of the rules.

*It is further ordered,* That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals

set forth in the application will be effectuated.

Released: November 6, 1961.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
*Acting Secretary.*

[F.R. Doc. 61-10767; Filed, Nov. 9, 1961;  
8:51 a.m.]

[Docket No. 14314; FCC 61M-1732]

### KOFE, INC. (KOFE)

#### Order Continuing Hearing Conference

In re application of KOFE, Inc. (KOFE), Pullman, Washington, Docket No. 14314, File No. BML-1929; for modification of license.

Upon the Hearing Examiner's own motion: *It is ordered,* This 3d day of November 1961, that the prehearing conference now scheduled for November 22, 1961, be, and the same is hereby rescheduled for November 29, 1961, 9:00 a.m., in the Offices of the Commission, Washington, D.C.

Released: November 6, 1961.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
*Acting Secretary.*

[F.R. Doc. 61-10768; Filed, Nov. 9, 1961;  
8:51 a.m.]

[Docket No. 14350; FCC 61M-1733]

### MIA ENTERPRISES, INC. (KWBE)

#### Order Scheduling Hearing

In re application of Mia Enterprises, Inc. (KWBE), Beatrice, Nebraska, Docket No. 14350, File No. BP-13878; for construction permit.

*It is ordered,* This 3d day of November 1961, that Walther W. Guenther will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 8, 1962, in Washington, D.C.; and: *It is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Thursday, December 14, 1961.

Released: November 6, 1961.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
*Acting Secretary.*

[F.R. Doc. 61-10769; Filed, Nov. 9, 1961;  
8:51 a.m.]

[Docket Nos. 14360-14363; FCC 61-1311]

### M & M TELECASTERS ET AL.

#### Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of L. E. Manseau and Daniel E. Molina d/b as M & M Telecasters, Santa Maria, California, Docket No. 14360, File No. BPCT-2891; Mili Acquistapace, James H. Ranger, Burns Rick, Marion A. Smith, and Ed J. Zu-

chelli d/b as Central Coast Television, Santa Maria, California, Docket No. 14361, File No. BPCT-2903; Thomas B. Friedman, tr/as Elson Electronics Company, Santa Maria, California, Docket No. 14362, File No. BPCT-2904; Santa Maria Telecasting Corporation, Santa Maria, California, Docket No. 14363, File No. BPCT-2919; for construction permits for new Television Broadcast Stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 1st day of November 1961;

The Commission having under consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 12, assigned to Santa Maria, California; and

It appearing, that the above-captioned applications are mutually exclusive in that operation by all the applicants, as proposed, would result in mutually destructive interference and that, therefore, a hearing is necessary in order to determine, on a comparative basis, which of the above-captioned applications would better serve the public interest, convenience and necessity; and

It further appearing, that the following matters are to be, considered in connection with the issues specified below:

(a) The proposal of M & M Telecasters:

1. Cash in the approximate amount of \$112,500 will be required for down payment on the equipment, for buildings, miscellaneous items and for initial working capital. The partnership agreement provides that the two partners will contribute capital equally which in this case amounts to \$56,225 each. Mr. Molina's balance sheet lists assets consisting of cash and stocks in the total amount of \$107,568.83. However, net current and liquid assets of cash and stocks listed on major exchanges amounts to only \$44,-334 which when reduced by Mr. Molina's \$25,500 commitment for 20 percent of Station KFIF in Tucson leaves only \$19,-334 available for the instant proposal. Consequently, the Commission cannot make the finding that M & M Telecasters is financially qualified.

2. The specified height above mean sea level of the proposed site as shown in Exhibit I is less than the height derived from the "ORCUTT, CALIF. USGS" quadrangle. Therefore, other submitted elevations based upon the height above mean sea level of the proposed site are considered erroneous.

3. The antenna gain in decibels specified in Section V-C do not correspond to that filed with the Commission by the manufacturer.

4. The proposed antenna system and site has been initially determined by the FAA to be a menace to air navigation.

5. Section V-C of the application specifies the main studio location as Santa Maria, while the engineering statement indicates the main studio location will be located at the transmitter site 8.5 miles southeast of Santa Maria.

(b) The proposal of Elson Electronics Company:

1. Cash requirements for down payment on equipment, construction, and for initial working capital, amount to approximately \$181,500. Additionally, Mr. Friedman has commitments of \$44,233 in connection with an application (BP-13946) for a permit to construct a standard broadcast radio station in Seven Hills, Ohio and an option to purchase stock in and to make a loan to one of the shareholders in Station KOBV, Tucson, Arizona. It is proposed to finance the construction and operation of the proposed station from existing capital of \$150,000 and a loan of \$75,000 from Mr. and Mrs. Mills. However, Mr. Friedman's balance sheet does not show sufficient liquid assets to meet his commitments, and the balance sheet of Mr. and Mrs. Mills does not indicate an ability to lend Mr. Friedman \$75,000 as proposed.

2. As plotted on the most recent copies of Engineers quadrangle (Tepusquet Peak, California 1942, Scale 1/62500), the geographic coordinates specified for the antenna site do not agree with the site descriptions and site photo.

3. No determination has yet been made by the FAA as to whether the proposed antenna system and site would constitute a menace to air navigation.

(c) The proposal of Santa Maria Telecasting Corporation:

1. It appears that cash in the approximate amount of \$298,000 will be required for construction and initial operation of the proposed station. This is to be financed by the sale of stock in the amount of \$300,000. The subscribers to stock, with the exception of Mr. Brooks and Mr. Rea, have not shown in the material submitted with the application current and liquid assets sufficient in amount to meet their commitments.

2. The geographic coordinates, specified for the antenna site do not agree with the description and photos of the proposed site.

3. The specified height above mean sea level of the proposed site as shown in Exhibit V-C2 is less than the height derived from the "Solvang, California" quadrangle. Accordingly, other submitted elevations based upon the specified height above mean sea level of the proposed site are considered erroneous.

4. In view of the above, the proposed effective radiated power for the correct antenna height above average terrain would exceed that permitted by § 3.614 (b) (2) of the rules.

5. The profile graph submitted for the radial through the principal city does not extend through the city as required by § 3.684 (d) of the rules.

6. No determination has yet been made by the FAA as to whether the proposed antenna system and site would constitute a menace to air navigation.

It further appearing, that Central Coast Television has, in accordance with the provisions of § 3.613(b) of the rules, requested a waiver of § 3.613(a) of the rules to permit it to locate its main studio one half mile north of the city limits of Santa Maria; that the Central Coast Television has shown good cause for a grant of the requested waiver; and that,

therefore, no issue with respect to main studio is proposed; and

It further appearing, that upon due consideration of the above-captioned applications, the Commission finds that pursuant to section 309(e) of the Communications Act of 1934, as amended, a hearing is necessary; that Central Coast Television is legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast station; that M & M Telecasters, Elson Electronics Company and Santa Maria Telecasting Corporation are legally qualified to construct, own and operate the proposed television qualified except with respect to the issues specified below:

*It is ordered*, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine whether M & M Telecasters, Elson Electronics Company and Santa Maria Telecasting Corporation are financially qualified to construct, own and operate the proposed television broadcast stations.

(2) To determine the correct antenna site elevation above mean sea level, antenna height above average terrain, overall antenna height above mean sea level and height of radiation center above mean sea level of the proposals of M & M Telecasters and Santa Maria Telecasting Corporation.

(3) To determine the precise geographic coordinates for the antenna sites proposed by Elson Electronics Company and Santa Maria Telecasting Corporation.

(4) To determine whether the antenna systems and sites proposed by M & M Telecasters, Elson Electronics and Santa Maria Telecasting Corporation would constitute menaces to air navigation.

(5) To determine the specific rating in decibels of the antenna proposed by M & M Telecasters.

(6) To determine the maximum allowable effective radiated power for the precise antenna height above average terrain at the site proposed by Santa Maria Telecasting Corporation.

(7) To determine whether the profile graph submitted by Santa Maria Telecasting Corporation for the radial through the principal city complies with the provisions of § 3.684(d) of the rules.

(8) To determine on a comparative basis which of the operations proposed in the above-captioned applications would better serve the public interest, convenience and necessity in light of the significant differences between the applicants as to:

(a) The background and experience of each bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the proposed television broadcast stations.

(c) The programming service proposed in each of the above-captioned applications.

(9) To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

*It is further ordered*, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the applications will be effectuated.

*It is further ordered*, That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence in the issues specified in this order.

*It is further ordered*, That, the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362 (c) of the rules.

Released: November 6, 1961.

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

[F.R. Doc. 61-10770; Filed, Nov. 9, 1961;  
8:51 a.m.]

[Docket Nos. 14275, 14276; FCC 61M-1738]

#### LITTLE JOE ENTERPRISES (WJOE) AND SARASOTA-CHARLOTTE BROADCASTING CORP.

##### Order Continuing Hearing

In re applications of Robert D. Sidwell, tr/as Little Joe Enterprises (WJOE), Ward Ridge, Florida, Docket No. 14275, File No. BP-14059; Sarasota-Charlotte Broadcasting Corporation, Englewood, Florida, Docket No. 14276, File No. BP-14211; for construction permits.

Pursuant to the agreements reached at the prehearing conference held on November 3, 1961, the evidentiary hearing in the above-entitled proceeding now scheduled for December 4, 1961 is continued to January 9, 1962.

*It is so ordered*, This the 3d day of November 1961.

Released: November 6, 1961.

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

[F.R. Doc. 61-10771; Filed, Nov. 9, 1961;  
8:51 a.m.]

[Docket Nos. 14007, 14008; FCC 61M-1737]

**VERNON E. PRESSLEY AND FOLKWAYS BROADCASTING CO., INC. (WTCW)****Order Continuing Hearing**

In re applications of Vernon E. Pressley, Canton, North Carolina, Docket No. 14007, File No. BP-12872; Folkways Broadcasting Company, Inc. (WTCW), Whitesburg, Kentucky, Docket No. 14008, File No. BP-13526; for construction permits.

The Hearing Examiner having before him a Petition for Continuance of Hearing in the above-entitled proceeding filed by Vernon E. Pressley on November 2, 1961, in which it is requested that hearing with regard to issue 10 be continued from November 13, 1961, to November 24, 1961; and

It appearing that Folkways Broadcasting Company, Inc. has indicated that they do not intend to participate further in the proceeding and that the Broadcast Bureau, the only other party to the proceeding, has no objection to the requested continuance;

*It is ordered*, This 3d day of November 1961, that the above-described petition for continuance is granted; and the hearing now scheduled for November 13, 1961, is continued to November 24, 1961.

Released: November 6, 1961.

FEDERAL COMMUNICATIONS  
COMMISSION,[SEAL] BEN F. WAPLE,  
Acting Secretary.[F.R. Doc. 61-10772; Filed, Nov. 9, 1961;  
8:51 a.m.]

[Docket Nos. 14318, 14319; FCC 61M-1746]

**COLUMBIA BASIN MICROWAVE CO.****Order Scheduling Hearing**

In re applications of Columbia Basin Microwave Company, Docket No. 14318, File No. 1464-C1-R-61, for renewal of the license for Station KOY40, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Ephrata, Washington; Docket No. 14319, File No. 4082-C1-AL-61 for consent to assignment of the license for Station KOY40, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Ephrata, Washington, from Patricia Hughes, d/b as Columbia Basin Microwave Company to Columbia Basin Microwave Company, Inc.

*It is ordered*, This 6th day of November 1961, that Asher H. Ende will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 24, 1962, in Washington, D.C.; *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 11:00 a.m., Friday, December 15, 1961.

Released: November 7, 1961.

FEDERAL COMMUNICATIONS  
COMMISSION,[SEAL] BEN F. WAPLE,  
Acting Secretary.[F.R. Doc. 61-10773; Filed, Nov. 9, 1961;  
8:51 a.m.]

[Docket No. 14279; FCC 61M-1727]

**QUINCY VALLEY BROADCASTERS****Order Continuing Hearing Conference**

In re application of Donald R. Nelson, L. D. Adcox, Gene R. Johnsick and Richard C. Singleton, d/b as Quincy Valley Broadcasters, Quincy, Washington, Docket No. 14279, File No. BR-3607; for renewal of license of Station KPOR.

The Hearing Examiner having under consideration a motion filed November 1, 1961, requesting that the prehearing conference now scheduled to begin on Monday, November 6, 1961, be continued to a date not earlier than December 8 or December 11, 1961; and

It appearing that the reason for the requested continuance is the inability of Donald R. Nelson, one of the principals, and of his counsel to come to Washington on November 6, 1961, without being subjected to great expense and inconvenience; and

It further appearing that there are no objections to immediate favorable action on the motion and good cause for granting the motion having been shown;

*It is ordered*, This the 2d day of November 1961, that the request for continuance is granted and the prehearing conference is continued from Monday, November 6, 1961, to Monday, December 11, 1961, beginning at 10:00 a.m. in the offices of the Commission, Washington, D.C.

Released: November 3, 1961.

FEDERAL COMMUNICATIONS  
COMMISSION,[SEAL] BEN F. WAPLE,  
Acting Secretary.[F.R. Doc. 61-10774; Filed, Nov. 9, 1961;  
8:51 a.m.]

[Docket No. 14359; FCC 61-1309]

**ROUNSAVILLE OF MIAMI BEACH, INC. (WFUN)****Order Designating Application for Hearing on Stated Issues**

In re application of Rounsville of Miami Beach, Inc. (WFUN), South Miami, Florida, Docket No. 14359, File No. BML-1941; has: 790kc, 5kw, DA-2, U, South Miami; req: 790kc, 5kw, DA-2, U, Miami; for modification of license.

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 1st day of November, 1961;

The Commission having under consideration the above-captioned and described application;

It appearing, that, except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing, that the following matters are to be considered in connection with the issues specified below:

1. This applicant requests modification of license to change the designation of station location from South Miami, Florida, to Miami, Florida, and to locate the main studio at MacArthur Terminal on MacArthur Causeway, Miami Beach, Florida. In view of the requested studio

location, the applicant requests waiver of § 3.30(a) of the rules which provides that the studio be located at the place where the station is located or alternatively at the transmitter site.

2. Station WFUN was originally licensed to serve Miami Beach. On September 10, 1958 authority was granted to change frequency, increase power, hours of operation and for change of designation to South Miami. The population loss was excessive due to interference received at night, but the proposal met one of the exceptions to § 3.28(c) (now § 3.28(d)) since the authorization brought the first nighttime station to South Miami. Had the application been for operation to serve Miami, the proposal would have been in contravention of this rule. This current proposal of WFUN to be designated a Miami station is similarly in contravention of this rule. The applicant alleges that § 3.28(d) is not applicable to the instant proposal since no change in operation is proposed; but in the event that it is, a waiver of this rule is requested.

3. Station WFUN is the only station either AM or FM licensed for South Miami, Florida, although there is outstanding a construction permit for an AM station to serve Miami-South Miami. Since the only station licensed for South Miami will be removed if this application were granted, a question obtains as to whether this would be in the public interest.

4. Renewal of license of Stations WYLD, New Orleans, Louisiana and WLOU, Louisville, Kentucky, which have common ownership with Station WFUN, have been deferred. Thus, if favorable action is taken on the instant application, the instrument of authorization will be made conditional subject to whatever action the Commission may deem appropriate with regard to renewal of license of the aforesaid stations.

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

*It is ordered*, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether the instant proposal is in compliance with § 3.30(a) of the Commission rules with respect to location of the main studio, and, if not, whether circumstances exist which would warrant a waiver of said section.

2. To determine whether interference received from authorized operations would affect more than ten percent of the population within the normally protected primary service area of the instant proposal in contravention of § 3.28(d) (3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

3. To determine the nature of the programming of other standard broadcast stations providing primary service to South Miami and the extent to which

such programming is designed to meet the local civic, social, and public needs of the population residing in South Miami.

4. To determine the needs of South Miami for the standard broadcast service now provided by WFUN and the needs of Miami for the service of WFUN operating as proposed.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the above-described application would serve the public interest, convenience and necessity.

*It is further ordered*, That in the event of a grant of the instant application the instrument of authorization shall contain a condition that it is granted without prejudice to whatever action the Commission may deem appropriate with regard to renewal of license of Stations WYLD, New Orleans, Louisiana and WLOU, Louisville, Kentucky.

*It is further ordered*, That, to avail itself of the opportunity to be heard, the applicant herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

*It is further ordered*, That the applicant herein shall, pursuant to section 311(a) (2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(c) of the rules.

Released: November 6, 1961.

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

[F.R. Doc. 61-10775; Filed, Nov. 9, 1961;  
8:52 a.m.]

[Docket No. 14074; FCC 61M-1731]

**STRAFFORD BROADCASTING CORP.  
(WWNH)**

**Order Continuing Hearing**

In re application of Strafford Broadcasting Corporation (WWNH) Rochester, New Hampshire, Docket No. 14074, File No. BP-13053; for construction permit.

Upon oral request of counsel for the Broadcast Bureau and with the consent of the other party, it is ordered, this 3d day of November 1961, that the hearing in the above-entitled matter presently scheduled for November 9, 1961, be, and the same is, hereby continued to November 15, 1961.

Released: November 6, 1961.

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

[F.R. Doc. 61-10776; Filed, Nov. 9, 1961;  
8:52 a.m.]

[Docket Nos. 13736, 14282; FCC 61M-1736]

**WINDBER COMMUNITY BROADCAST-  
ING SYSTEM AND RIDGE RADIO  
CORP.**

**Order After Prehearing Conference**

In re applications of Dr. E. Z. Eperjessy, Louis Popp and William H. Myers d/b as Windber Community Broadcasting System, Windber, Pennsylvania, Docket No. 13736, File No. BP-13475; Ridge Radio Corporation, Windber, Pennsylvania, Docket No. 14282, File No. BP-13682; for construction permits.

The Hearing Examiner having under consideration proceedings during prehearing conference held in the above-entitled matter on November 3, 1961;

*It is ordered*, This 3d day of November 1961, that the hearing is hereby scheduled to commence at 10 a.m., January 10, 1962, at the Commission's offices, Washington, D.C.;

*It is ordered further*, That so much of the direct cases as are to be in written form will be exchanged among counsel, with a copy of each exhibit provided the hearing examiner, by December 27, 1961, and that rebuttal exhibits, if any, are to be similarly exchanged by January 8, 1962;

*It is ordered further*, That the procedural ground rules for the future conduct of the hearing agreed upon, or directed, during the course of the prehearing conference are hereby approved and adopted and are incorporated by reference to the transcript of said prehearing conference with the same force and effect as if set forth verbatim herein.

Released: November 6, 1961.

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

[F.R. Doc. 61-10777; Filed, Nov. 9, 1961;  
8:52 a.m.]

[Docket Nos. 14351-14353; FCC 61M-1734]

**WOLVERINE BROADCASTING CO.  
ET AL.**

**Order Scheduling Hearing**

In re applications of John C. Lane, Elizabeth B. Barrett & Edward Fitzgerald, d/b as Wolverine Broadcasting Company, Wyoming, Michigan, Docket No. 14351, File No. BP-13842; William Kuiper, William Eugene Kuiper and Peter J. Vanden Bosch, d/b as Muskegon Heights Broadcasting Company, Muskegon Heights, Michigan, Docket No. 14352, File No. BP-14039; Wayne Stebbins, tr/as Grand Valley Broadcasting Company, Saranac, Michigan, Docket No. 14353, File No. BP-14487; for construction permits.

*It is ordered*, This 3d day of November 1961, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 8, 1962, in Washington, D.C.: *And, it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding

officer at 9:00 a.m., Tuesday, December 12, 1961.

Released: November 6, 1961.

FEDERAL COMMUNICATIONS  
COMMISSION,  
BEN F. WAPLE,  
*Acting Secretary.*

[F.R. Doc. 61-10778; Filed, Nov. 9, 1961;  
8:52 a.m.]

[Docket No. 14365; FCC 61-1315]

**NEIGHBORLY BROADCASTING CO.,  
INC.**

**Order To Show Cause**

In the matter of revocation of license of The Neighborly Broadcasting Co., Inc., for FM Broadcast Station WLOV, Cranston, Rhode Island; Docket No. 14365.

The Commission having under consideration (1) the outstanding license issued to The Neighborly Broadcasting Co., Inc., authorizing it to operate FM Broadcasting Station WLOV in the public interest, convenience and necessity on Channel 260 at Cranston, Rhode Island; (2) the Commission's issuances of Official Notices of Violation to Station WLOV; (3) the licensee's actions and responses to the said Notices of Violation; and (4) other information available to the Commission; and

It appearing, that on November 30, 1960, an Official Notice of Violation (FCC Form 793) was issued which specified twelve instances of WLOV's non-compliance with Commission rules and regulations; and

It further appearing, that the licensee's answer, dated January 8, 1961, to the Official Notice of Violation represented to the Commission that certain corrective action had been taken and would be taken to insure compliance with the Commission's rules; and

It further appearing, that a subsequent reinspection of Station WLOV on March 23, 1961, revealed many violations which were the same as or similar to those cited following the prior inspection; and

It further appearing, that on April 3, 1961, another Official Notice of Violation was issued specifying the repetitive violations as follows:

Item 1 (§ 3.265(c))—No First Class radio-telephone operator employed on a full-time basis.

Item 2 (§ 3.267(b))—Station operating at reduced power approximately 68 percent that of full power since inspection on November 22, 1960, without any notification, to Engineer-in-Charge, Boston, Massachusetts.

Item 3 (§ 3.258(b)(2))—No notification to Engineer-in-Charge, Boston, Massachusetts, that plate ammeter was defective. Many logs show no plate current readings.

Item 4 (§ 3.281(b)(5)(1))—No records kept during experimental period while station was being operated.

(b) (Section 3.281(b)(4)(ii))—No entries in operating log when plate ammeter defective.

(c) (Section 3.281)—No logs from February 12 to 24, 1961.

Item 5 (§ 3.283)—Program logs not being signed both on and off duty by operators.

Item 6 (§ 3.254(b))—Proof of Performance Measurements not available.

Item 7 (§ 3.931)—CONELRAD receiver defective—found to be turned off during inspection; and

It further appearing, that with respect to the cited violations of § 3.265(c) of the rules following each inspection the licensee willfully provided information which contained misrepresentations in that a full-time first-class operator was not in fact employed when so listed as employed by licensee; and

It further appearing, that the licensee has been inconsistent in his oral and written responses with respect to making the necessary equipment performance measurements (§ 3.254(b)), installing and properly maintaining the necessary CONELRAD equipment (§ 3.931) and maintaining program and operating logs (§ 3.281); and that such inconsistencies amount to misrepresentations or demonstrate a lack of candor; and

It further appearing, that in April and May, 1961, Station WLOV either operated with reduced power or was silent for more than ten days without observing the requirements of § 3.267(b) and § 3.261(b) of the Commission's rules, although licensee was fully aware of such requirements; and

It further appearing, that by its actions the licensee of Station WLOV has willfully and repeatedly violated or failed to observe the requirements of §§ 3.254(b), 3.258(b)(2), 3.261(b), 3.265(c), 3.267(b), 3.268, 3.281(a) and (b), 3.283 and 3.931 of the Commission's rules; and

It further appearing, that the licensee may not be financially qualified as evidenced by the general condition of the station and its equipment, the staffing of the station, the lack of telephone service, the failure to pay employees, and the termination of the lease for its transmitter site;

It is ordered, This 1st day of November 1961, pursuant to the provisions of sections 312(a)(1), 312(a)(2), 312(a)(3), 312(a)(4), and 312(c) of the Communications Act of 1934, as amended, that The Neighborly Broadcasting Co., Inc. is directed to show cause why an order revoking its license for FM Broadcasting Station WLOV, Cranston, Rhode Island, should not be issued, and to appear and give evidence with respect thereto at a hearing<sup>1</sup> to be held at

<sup>1</sup> Section 1.77(c) of the Commission's rules provides that a licensee in order to avail itself of the opportunity to be heard shall, in person or by its attorney file with the Commission, within thirty days of the receipt of the Order to Show Cause, a written statement stating that it will appear at the hearing and present evidence on the matter specified in the Order. In the event it would not be possible for respondent to appear for hearing in the proceeding scheduled to be held in Providence, Rhode Island, he should advise the Commission of the reasons for such inability within five days of the receipt of this Order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. See § 1.78(a) of the Commission's rules as amended December 12, 1960. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the Order to Show Cause. See § 1.78(b) of the Commission's rules as amended December 12, 1960. In the event the right to a hearing is

Providence, Rhode Island, at a time and place to be specified by subsequent order, said time in no event to be less than 30 days after receipt of this order; and

It is further ordered, That the Acting Secretary of the Commission send a copy of this order by Certified Mail—Return Receipt Requested to The Neighborly Broadcasting Co., Inc.

Released: November 6, 1961.

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

[F.R. Doc. 61-10779; Filed, Nov. 9, 1961;  
8:52 a.m.]

## FEDERAL POWER COMMISSION

[Docket No. CP62-73]

### ARKANSAS LOUISIANA GAS CO.

#### Notice of Application and Date of Hearing

NOVEMBER 3, 1961.

Take notice that on September 21, 1961, Arkansas Louisiana Gas Company (Applicant), Slattery Building, Shreveport, Louisiana, filed in Docket No. CP62-73 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of routine budget-type natural gas transmission facilities from time to time during the calendar year 1962 to enable Applicant to connect new industrial consumers purchasing gas directly from its interstate transmission system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The facilities proposed to be constructed hereunder include lateral lines, taps, measuring and regulating, and other necessary delivery equipment at a total estimated cost not to exceed \$750,000, with no individual project to exceed a cost of \$200,000.

The estimated total annual volume of natural gas involved under this application is approximately 10,000,000 Mcf which will be delivered to direct industrial customers for use in ovens, kilns, internal-combustion engines, boilers, vats, dryers, and other direct-fired equipment for agricultural, oil and gas processing, manufacturing, mining and ore processing, forestry, and national defense purposes.

No increase in main line capacity is proposed hereunder, and the total maximum volume of gas involved should not adversely affect Applicant's gas supply or its service to existing customers.

Applicant states that the authority requested herein does not authorize the construction or operation of facilities to

be constructed hereunder, and the total maximum volume of gas involved should not adversely affect Applicant's gas supply or its service to existing customers. Applicant states that the authority requested herein does not authorize the construction or operation of facilities to be constructed hereunder, and the total maximum volume of gas involved should not adversely affect Applicant's gas supply or its service to existing customers. Applicant states that the authority requested herein does not authorize the construction or operation of facilities to

deliver interstate gas into the pipeline operated by Arkansas Industrial Pipeline Corporation which extends from a point near Perla, Arkansas, to a point near Helena, Arkansas.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 5, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 24, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 61-10728; Filed, Nov. 9, 1961;  
8:45 a.m.]

[Docket No. CP62-72]

### LONE STAR GAS CO.

#### Notice of Application and Date of Hearing

OCTOBER 31, 1961.

Take notice that on September 21, 1961, Lone Star Gas Company (Applicant), 301 South Harwood Street, Dallas 1, Texas, filed in Docket No. CP62-72 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of lateral pipelines and related facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from time to time from producers thereof during the calendar year 1962, at a total estimated cost not to exceed \$1,000,000, with no single project to exceed a cost of \$250,000, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural

gas in various areas generally coextensive with said system.

Applicant proposes to finance the subject facilities with funds on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 5, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 24, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,  
*Secretary.*

[F.R. Doc. 61-10729; Filed, Nov. 9, 1961;  
8:45 a.m.]

[Docket No. CP62-50]

## MANUFACTURERS LIGHT AND HEAT CO.

### Notice of Application and Date of Hearing

NOVEMBER 3, 1961.

Take notice that on August 23, 1961, The Manufacturers Light and Heat Company (Applicant), 800 Union Trust Building, Pittsburgh 19, Pennsylvania, filed an application in Docket No. CP62-50, pursuant to section 7(b) of the Natural Gas Act, for permission and approval to abandon certain facilities attached to its interstate gas transmission system located in Pennsylvania and West Virginia, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to abandon the following facilities:

(1) The 85 horsepower Dexter Compressor Station in Porter Township, Clarion County, Pennsylvania, used to compress gas from the New Bethlehem field. Applicant states that its 320 horsepower compressor station at Rimersburg can now take care of all of the gas volumes that can be taken from the New Bethlehem and nearby Rimersburg producing areas. Applicant will retire and sell the subject facilities for scrap.

(2) A 1,000 horsepower compressor unit at Hundred Compressor Station, Church District, Wetzel County, West Virginia. Applicant states that production from the Hundred Production Field has declined so that all the remaining gas can be pumped by Applicant's nearby Earnshaw Compressor Station. The compressor unit and related piping will be sold for scrap.

(3) The 2,280 horsepower Sedalia Compressor Station in McClellan District, Doddridge County, West Virginia; 14.97 miles of 10-inch line (Line 1221) in West Union, Grant and McClellan Districts, Doddridge County, West Virginia, and 2.2 miles of 16-inch line (Line 1) in Greene District, Wetzel County, West Virginia. Applicant states that expiration of its service agreement with Hope Natural Gas Company makes retirement of the Sedalia Station possible, and, further, that with the existing capacity of the nearby Hughes River and Porters Falls Stations, Applicant can handle local production in the area formerly assigned to the Sedalia Station. The application shows that as a result of the proposed abandonment of the Sedalia Station, it will be possible to abandon Line 1221 and a short section of Line 1. Applicant states that a few direct retail customers served by Lines 1221 and 1 will be provided for by other arrangements. The Sedalia Station equipment will be sold for scrap with the exception of certain cylinders to be kept for replacement parts for the Hughes River and Porters Falls Stations; the salvageable pipe will be sold in place to an independent purchaser for removal.

(4) Two sections of 6-inch Line No. 136 being 36.38 miles of line from lower Oxford Township, Chester County, Pennsylvania, to Shrewsbury Township, York County, Pennsylvania, and 35.97 miles of line from Londonderry Township, Bedford County, Pennsylvania, to Henry Clay Township, Fayette County, Pennsylvania. Applicant states that the completion of its new 20-inch line from Waynesburg to York, Pennsylvania, makes it possible to abandon the above sections of Line 136. No abandonment of service will result from this proposed abandonment.

Retirement and salvage costs of the subject facilities are estimated to be:

Total credit to fixed capital.....	\$769,428
Salvage value of equipment.....	93,650
Cost of retiring.....	19,000

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 11, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* that the Commission may, after a non-

contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 28, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,  
*Secretary.*

[F.R. Doc. 61-10730; Filed, Nov. 9, 1961;  
8:45 a.m.]

[Docket No. G-16842]

## TENNESSEE GAS TRANSMISSION CO.

### Notice of Postponement of Hearing

NOVEMBER 2, 1961.

Upon consideration of the motion filed on October 20, 1961, by Counsel for Tennessee Gas Transmission Company which, among other things, requests a continuance of the hearing now scheduled for November 14, 1961, in the above-entitled matter.

The hearing now scheduled for November 14, 1961 in the above-entitled proceeding is hereby continued to a date to be hereafter fixed by further notice or order.

JOSEPH H. GUTRIDE,  
*Secretary.*

[F.R. Doc. 61-10731; Filed, Nov. 9, 1961;  
8:45 a.m.]

[Docket No. RI62-166]

## TEXAS GAS CORP.

### Order Providing for Hearing on and Suspension of Proposed Change in Rate and Allowing Rate To Become Effective Subject to Refund

NOVEMBER 3, 1961.

On October 4, 1961, Texas Gas Corporation (Operator) (Texas Gas), 2472 Bolsover Road, Houston 5, Texas, tendered for filing a proposed change in rate for the jurisdictional sale of natural gas to Texas Eastern Transmission Corporation (Texas Eastern), from various fields in Jefferson, Chambers and Orange Counties, Texas (Railroad Commission District No. 3). The filing, designated Supplement No. 15 to Texas Gas' FPC Gas Rate Schedule No. 1, provides for an increase of 0.21 cents per Mcf, from 14.1875 cents to 14.3975 cents per Mcf, at 14.65 psia, an annual increase of \$13,992. The increase reflects the incidence of the Texas Dedicated Reserve Gas Tax, HB 20, Chapter 24, Article VI, Acts First Special Called Session, 57th Legislature of Texas, passed on August 16, 1961. The contract

provides for the reimbursement by the purchaser of seven-eighths of such tax. Texas Gas requests a waiver of notice to make the increase effective September 1, 1961, the effective date of the tax. Unless suspended, the proposed increased rate would have become effective on November 4, 1961.

Where gas reserves are dedicated under gas purchase contracts, the new tax is payable by the first purchaser of such gas at the rate of 1.0 cent per Mcf less the amount of the Texas production tax per Mcf.

The proposed 14.3975 cents per Mcf rate exceeds the applicable rate level as set forth in the Commission's Statement of General Policy No. 61-1. The present rate is in effect subject to refund in Docket No. RI61-236. In view of our experience with this type of legislation, we must recognize the possibility that the validity of the tax might be challenged. In order to protect all parties in the event the tax should be declared unconstitutional or otherwise held invalid by final judicial decision, the proposed increased rate should be suspended. However, in order to prevent undue hardship the suspension period may be shortened to one day.

The increased rate and charge 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 a hearing concerning the lawfulness of the proposed change, and that Supplement No. 15 to Texas Gas' FPC Gas Rate Schedule No. 1 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], a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 15 to Texas Gas' FPC Gas Rate Schedule No. 1.

(B) Pending hearing and decision thereon, the above-designated rate supplement is hereby suspended and the use thereof deferred until November 5, 1961, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That the supplement shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of issuance of this order Texas Gas shall execute and file under Docket No. RI62-166 with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, signed by a responsible officer of the corporation, evidenced by proper authority from the Board of Directors and accompanied by a certificate showing service of copies

thereof upon all purchasers under the rate schedule involved. Unless Texas Gas is advised to the contrary within 15 days after the filing of such agreement and undertaking, its agreement and undertaking shall be deemed to have been accepted.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has 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 December 18, 1961.

By the Commission.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 61-10732; Filed, Nov. 9, 1961;  
8:45 a.m.]

## INTERSTATE COMMERCE COMMISSION

[No. 33891]

### LOUISIANA INTRASTATE COACH FARES

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 31st day of October A.D. 1961.

It appearing that on May 9, 1961, certain western carriers jointly filed a tariff with the Interstate Commerce Commission increasing their one-way and round-trip coach fares five (5%) percent, with certain exceptions, for interstate passenger transportation, and the tariff went into effect without suspension and without hearing, effective July 1, 1961;

It further appearing that the Illinois Central Railroad Company, Texas and New Orleans Railroad Company, The Texas and Pacific Railway Company and Missouri Pacific Railroad Company, parties to the above-mentioned tariff, made application to the Louisiana Public Service Commission for authority to make corresponding increases on coach traffic moving intrastate within Louisiana. A hearing was held by the Louisiana Commission and the application was denied by its order No. 8488, dated July 28, 1961 (Docket No. 8620);

It further appearing that petitioners have filed a petition dated September 22, 1961, with this Commission in which it is averred that by reason of the increase in interstate fares, the intrastate fares now in effect cause undue, unreasonable, and unjust discrimination against, and impose an undue burden on interstate commerce in violation of section 13 of the Interstate Commerce Act;

And it further appearing that said petition brings in issue passenger fares made or imposed by the authority of the State of Louisiana:

*It is ordered,* That in response to the said petition an investigation be, and it is hereby, instituted, and that a hearing

be held for the purpose of giving respondents hereinafter designated and any other persons interested an opportunity to present evidence to determine whether the petitioners' present passenger coach fares made or imposed by the State of Louisiana, cause, or will cause, any undue or unreasonable advantage, preference or prejudice as between persons or localities in intrastate commerce, on the one hand, and interstate commerce, on the other hand, or any undue, unreasonable or unjust discrimination against, or undue burden on, interstate or foreign commerce, and to determine what fares, if any, or what maximum or minimum, or maximum and minimum, fares shall be prescribed to remove the unlawful advantage, preference, prejudice, discrimination, or undue burden, if any, that may be found to exist;

*It is further ordered,* That the Illinois Central Railroad Company, Texas and New Orleans Railroad Company, The Texas and Pacific Railway Company and Missouri Pacific Railway Company, be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon said respondents, and that the State of Louisiana be notified of this proceeding by sending copies of this order and of the said petition by certified mail to the Governor of the said State and to the Louisiana Public Service Commission at Baton Rouge, La.;

*It is further ordered,* That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Office of the Federal Register, Washington, D.C.;

*And it is further ordered,* That this proceeding be assigned for hearing at such time and place as the Commission may hereafter designate.

By the Commission, Division 2.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 61-10750; Filed, Nov. 9, 1961;  
8:48 a.m.]

[Section 5a Application No. 23]

### MIDDLE ATLANTIC CONFERENCE; AGREEMENT

NOVEMBER 7, 1961.

The Commission is in receipt of an application in the above-entitled and numbered proceeding for approval of amendments to the agreement therein approved under the provisions of section 5a of the Interstate Commerce Act.

Filed November 1, 1961 by: T. B. Alfriend and John F. Rose, 2111 E Street NW., Washington 4, D.C.

Amendments involved: Change the agreement so as to (1) provide for the election of four rather than three directors from each state as defined in the bylaws and that their term of office shall be four years instead of three years, (2) eliminate the office of vice president from each state, and (3) reduce the time within which a membership may be canceled for nonpayment of dues from five and one-half months to four months.

The application may be inspected at the office of the Commission in Washington D.C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 61-10749; Filed, Nov. 9, 1961;  
8:48 a.m.]

[Notice 564]

### MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 7, 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 64400. By order of November 2, 1961, the Transfer Board approved the transfer to Elinus Brunswick Vans, Inc., New Brunswick, N.J., of the operating rights in Certificate No. MC 24508, issued March 20, 1942, to Liberty Moving and Storage Co., A Corporation, Union City, N.J., authorizing the transportation, over irregular routes, of household goods, between points in Essex, Hudson, Passaic, Union, Bergen, and Middlesex Counties, N.J., on the one hand, and, on the other, points in New York, Pennsylvania, Connecticut, Massachusetts, Maryland, Delaware, South Carolina, North Carolina, Florida, Georgia, Virginia, and the District of Columbia. Morris Honig, 150 Broadway, New York 38, N.Y., Attorney for applicants.

No. MC-FC 64463. By order of November 2, 1961, the Transfer Board approved the transfer to Thruway Motor Transport, Inc., Prairie Creek, Ind., of the operating rights in Certificate No. MC 106635, issued November 20, 1946, to Nick Ring, doing business as Nick Ring Truck Service, Mt. Carmel, Ill., authorizing the transportation, over irregular routes, of machinery, equipment, materials, and supplies used in the

discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, their products and by-products, except the stringing of picking up of pipe in the construction, dismantling, servicing or repair of pipe lines, between points in Illinois, Indiana, and Kentucky. W. L. Jordan, 201 Merchants Savings Building, Terre Haute, Ind., Representative for applicants.

No. MC-FC 64493. By order of November 2, 1961, the Transfer Board approved the transfer to Roy E. Putze Transportation, Inc., 3401 Ninth Street Road, Richmond, Va., of the operating rights in Certificate No. MC 14790, issued July 6, 1949, to Roy E. Putze, doing business as Roy E. Putze Transportation, R.F.D. No. 1, Box 129, Richmond, Va., authorizing the transportation, over irregular routes, of corrugated paper boxes, building materials, and glass, from Richmond, Va., to points in North Carolina and South Carolina.

No. MC-FC 64534. By order of November 2, 1961, the Transfer Board approved the transfer to Daniel's Express & Transfer, Inc., St. Louis, Mo., of Certificate No. MC 80434, issued June 19, 1942, to Fred L. Schumacher, doing business as Daniel's Express & Transfer, St. Louis, Mo., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission in 1 M.C.C. 656. Austin C. Knetzger, 722 Chestnut Street, St. Louis, Mo., Attorney for applicants.

No. MC-FC 64605. By order of November 2, 1961, the Transfer Board approved the transfer to Ventre Trucking Company, Inc., Newark, N.J., of Certificate No. MC 22005, issued May 24, 1961, to George Ventre, Cecelia Ventre, Administratrix, doing business as Ventre Trucking Co., Newark, N.J., authorizing the transportation, over irregular routes, of general commodities, excluding household goods and commodities in bulk, between New York, N.Y., and points in Westchester and Nassau Counties, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and north of New Jersey Highway 33, except those in Sussex, Warren, Morris, Hunterdon and Mercer Counties; and gypsum products, from Linden, N.J., to New Haven, Conn., and points in Suffolk and Nassau Counties, N.Y. Bert Collins, 140 Cedar Street, New York 6, N.Y., Representative for applicants.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 61-10748; Filed, Nov. 9, 1961;  
8:48 a.m.]

## DEPARTMENT OF COMMERCE

Office of the Secretary

ROBERT de S. COUCH

### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Pro-

duction Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: Clifton Precision.  
B. Additions: None.

This statement is made as of October 20, 1961.

R. DE S. COUCH.

OCTOBER 30, 1961.

[F.R. Doc. 61-10739; Filed, Nov. 9, 1961;  
8:46 a.m.]

### GEORGE E. LAWRENCE

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.  
B. Additions: Hewlett Packard Co., Leeds & Northrup Co., Keystone International Fund, Mohawk Electronic Corp.

This statement is made as of October 30, 1961.

GEORGE E. LAWRENCE.

OCTOBER 30, 1961.

[F.R. Doc. 61-10740; Filed, Nov. 9, 1961;  
8:46 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3848]

### APEX MINERALS CORP.

#### Order Summarily Suspending Trading

NOVEMBER 6, 1961.

In the matter of trading on the San Francisco Mining Exchange in the common stock, \$1.00 par value of Apex Minerals Corporation; File No. 1-3848.

The common stock, \$1.00 par value, of Apex Minerals Corporation, being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such se-

curity, otherwise than on a national securities exchange;

*It is ordered.* Pursuant to section 19(a) (4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, November 7, 1961 to November 16, 1961, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F.R. Doc. 61-10734; Filed, Nov. 9, 1961;  
8:45 a.m.]

[File No. 812-1448]

## INVESTORS DIVERSIFIED SERVICES, INC.

### Notice of Filing of Application for Exemption of Proposed Stock Split of Non-Voting Common Stock

NOVEMBER 2, 1961.

Notice is hereby given that Investors Diversified Services, Inc., Minneapolis, Minn. ("IDS"), a face-amount certificate company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 18(j) (1), or alternatively section 6(c), of the Act for an order exempting from the provisions of section 18(j) (1) of the Act, the issuance of 8,791,810 shares of nonvoting common stock, Class A, with a par value of 10 cents per share, in exchange for 879,810 shares of nonvoting common stock, Class A, with a par value of \$1 per share, in connection with a contemplated 10 for 1 split of all the existing capital stock of IDS. In addition to its outstanding nonvoting common stock, Class A, IDS also has 574,540 shares of \$1 par value voting common stock presently outstanding which it proposes to exchange for 5,745,400 shares of 10 cent par value voting common stock.

Section 18(j) (1) of the Act prohibits, among other things, any registered face-amount certificate company from issuing, except in accordance with such rules, regulations or orders as the Commission may prescribe in the public interest or as necessary or appropriate for the protection of investors, any equity security other than a common stock having at least equal voting rights with any outstanding security of such company and having a par value and being without preference as to dividends or distributions. Section 6(c) of the Act authorizes the Commission by order upon application conditionally or unconditionally to exempt any transaction from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

The application states that, although the matter is not clear, the provisions

of section 18 (j) (1) may be applicable to the proposed split of the nonvoting common stock, Class A, to the extent that such split involves an issuance of nonvoting shares. No Commission action is requested with respect to the contemplated split of the voting stock which the application states is not subject to any restriction of the Act.

As of August 18, 1961, IDS had 6,525 shareholders of record, of which 1,545 held common stock (voting) and 4,980 held common stock, Class A (nonvoting). Applicant acts as investment manager and principal underwriter for five open-end management companies and its wholly owned face-amount certificate company, having discontinued the issuance of its own face-amount certificates in 1940. As of August 31, 1961, outstanding IDS certificates represented an aggregate liability of \$83,452,000. In 1954, IDS shares were split on a basis of 5 for 1 after the Commission had exempted such split from section 18(j) (1) of the Act. The application states that it is intended that, if the Commission grants an order pursuant to this application, the matter of the proposed stock split will then be submitted to the voting shareholders of IDS at a special meeting for the purpose of considering appropriate resolutions to authorize the proposed split.

In support of its application, IDS states that the proposed stock split will not change the relative rights and privileges of its shareholders and of the holders of its face-amount certificates, but will result in significant benefits to its shareholders and the company. IDS believes that the comparatively high price at which its shares are currently selling and have been selling, coupled with a limited number of stockholders, have resulted in undue price fluctuation and in lack of marketability. IDS states that it believes that the contemplated stock split will create a broader, more stable and readier market for its stock with consequent benefits to the holders of its stock, and that the larger number of shareholders which will result from the stock split should have a beneficial effect on its business.

The application also states that IDS is currently formulating a plan of recapitalization of its capital stock which will have the effect of making all of its shares which will be outstanding after adoption of the plan fully voting stock. At the present time, a Special Committee of IDS' Board of Directors is studying the various factors involved and will soon present a proposed plan for Board consideration. Thereafter, the Board intends to formulate, approve, and recommend a plan of recapitalization and to submit the plan to the Commission for an advisory report pursuant to section 25(b) of the Act, prior to submission of the plan to the company's shareholders for approval. Should the Commission approve the instant application for exemption of the stock split from section 18(j) (1), IDS will submit its plan of recapitalization to the Commission within forty-five days of such approval. After the Commission's report has been issued, the Board intends promptly to

submit and recommend the proposed plan (with any amendments that may be necessary) to the shareholders for their consideration.

Notice is further given that any interested person may, not later than November 22, 1961 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F.R. Doc. 61-10735; Filed, Nov. 9, 1961;  
8:46 a.m.]

[File No. 812-1445]

## SEABOARD ASSOCIATES, INC.

### Notice of Filing of Application for Order Permitting Closed-End Investment Company To Purchase Stock Issued by It

NOVEMBER 2, 1961.

Notice is hereby given that Seaboard Associates, Inc. ("Seaboard"), a registered closed-end, nondiversified investment company has filed an application under section 23(c) (3) of the Investment Company Act of 1940 (the "Act") for an order exempting from the provisions of section 23(c) (1) and (2) the proposed acquisition by Seaboard of 12,360 shares of its stock, at \$17 per share, from Marie B. Cochran.

The request of Seaboard is based upon the following representations and information contained in its application.

Section 23(c) of the Act prohibits a registered investment company from purchasing its own securities other than on a securities exchange or pursuant to tenders, except under such circumstances as the Commission may permit by order to insure that such purchases are made in a manner or on a basis which does not unfairly discriminate against any holders of the class of securities to be purchased. Since the proposed purchase by Seaboard from Marie B. Cochran of 12,360 shares of Seaboard stock does not involve purchase on a securities exchange or pursuant to tenders, such purchase is prohibited unless the Commission issues its order permitting it.

Mrs. Cochran holds with power to vote more than 5 percent of the outstanding voting securities of the applicant and is, therefore, an affiliated person of the ap-

plicant as defined in section 2(a)(3) of the Act.

The Board of Directors of Seaboard, on June 29, 1961, unanimously adopted a resolution authorizing the President to accept an offer to purchase 12,360 shares of Seaboard stock at a price not to exceed \$17 a share, subject to the approval of the Commission. The offer was accepted, subject to the required approval, on July 7, 1961.

The applicant states that the terms of the proposed transaction are fair since smaller shareholders who desire to sell their shares may obtain more than \$17 per share in the over-the-counter market and all the large stockholders (those holding more than 2,000 shares) have full knowledge of the proposal and none of them wishes to sell his shares on the same terms.

The application also states that the transaction was negotiated at complete arms-length and that the company desires its consummation solely because it considers it a good purchase at this price. As of September 30, 1961, the net asset value per share of Seaboard stock was \$23.99. It is stated that Mrs. Cochran desires to sell the securities at less than book value in order to invest the proceeds in listed securities providing a greater degree of diversification and liquidity.

Notice is further given that any interested person may not later than December 4, 1961, submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued on request or upon the Commission's own motion.

*It is ordered,* That Seaboard Associates, Inc. shall give notice of the filing of this application to all holders of its stock (insofar as the identity of such stockholders is known or available to it) by mailing a copy of this Notice to each of said stockholders at his last known address not later than November 13, 1961.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 61-10736; Filed, Nov. 9, 1961;  
8:46 a.m.]

[File No. 812-1441]

### UNIFIED FUNDS, INC.

#### Notice of Filing of Application for Order Approving Deposit Agreements of Face-Amount Certificate Company

NOVEMBER 3, 1961.

Notice is hereby given that Unified Funds, Inc. ("Unified") of Indianapolis, Indiana, a registered face-amount certificate investment company, has filed an application seeking the approval of a deposit agreement pursuant to section 28(c) of the Investment Company Act of 1940 ("Act").

Under date of September 20, 1961, Unified entered into deposit agreements with the Merchants National Bank and Trust Company of Indianapolis, Indiana ("Bank") wherein Unified undertakes to deposit and maintain with said Bank qualified investments as reserves required by section 28 of the Act in respect of face-amount certificates proposed to be issued and sold by Unified, upon the terms and conditions specified in said agreement.

Section 28(c) provides, among other things, that the Commission shall by rule, regulation, or order, in the public interest or for the protection of investors, require a registered face-amount certificate company to deposit and maintain, upon such terms and conditions as the Commission shall prescribe and as are appropriate for the protection of investors, with one or more institutions having the qualifications required by sec-

tion 26(a)(1) of the Act for a trustee of a unit investment trust, all or any part of the investments maintained by such company as certificate reserve requirements under the provisions of section 28(b) of the Act.

Notice is further given that any interested person may, not later than November 16, 1961 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O-5 of the rules and regulation promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 61-10737; Filed, Nov. 9, 1961;  
8:46 a.m.]

## SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-XIII-19]

### ASSISTANT TO THE CHIEF, FINANCIAL ASSISTANCE DIVISION

#### Delegation Relating to Financial Assistance

##### Correction

In F.R. Doc. 61-10559, appearing at page 10463 of the issue for Saturday November 4, 1961, the title under the signature at the end of the document should read as follows: "*Chief, Financial Assistance Division, Seattle Regional Office*".

CUMULATIVE CODIFICATION GUIDE—NOVEMBER

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**5-year Cumulation**

**UNITED STATES**  
**STATUTES AT LARGE**

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Lists all prior laws and other Federal instruments which were amended, repealed, or otherwise affected by the provisions of public laws enacted during the years 1956-1960. Includes index of popular name acts affected in Volumes 70-74.

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