



FEDERAL REGISTER

VOLUME 25 NUMBER 4
 1934

Washington, Thursday, January 7, 1960

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Office of Civil and Defense Mobilization

Effective upon publication in the FEDERAL REGISTER paragraphs (a) and (b) of § 6.123 are revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended, 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,
Executive Assistant.

[F.R. Doc. 60-143; Filed, Jan. 6, 1960; 8:49 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Civil Service Commission

Effective upon publication in the FEDERAL REGISTER paragraph (a) of § 6.245 is revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended, 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,
Executive Assistant.

[F.R. Doc. 60-144; Filed, Jan. 6, 1960; 8:49 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Commerce

Effective upon publication in the FEDERAL REGISTER subparagraph (3) of paragraph (a) of § 6.312 is amended as set out below.

§ 6.312 Department of Commerce.

(a) *Office of the Secretary.* * * *

(3) Three Private Secretaries to the Secretary.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended, 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,
Executive Assistant.

[F.R. Doc. 60-145; Filed, Jan. 6, 1960; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

PART 1109—RECORD RETENTION REQUIREMENTS—ALL PROGRAMS

Record Retention Period

§ 1109.1 Record retention period.

For the purposes of the programs in this chapter, no receipt, invoice, or other record required to be retained by any agricultural producer as evidence tending to show performance of a practice under any such program needs to be retained by such producer more than two years following the close of the program year of the program.

(Sec. 4, 49 Stat. 164, secs. 7-17, 49 Stat. 1148, as amended; 16 U.S.C. 590d, 590g-590q)

Done at Washington, D.C., this 4th day of January 1960.

E. L. PETERSON,
Assistant Secretary.

[F.R. Doc. 60-114; Filed, Jan. 6, 1960; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-WA-214; Amdt. 170]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification of Federal Airway

On October 21, 1959, a Notice of Proposed Rule-Making was published in the

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REVISED AS OF JAN. 1, 1960

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FEDERAL REGISTER (24 F.R. 8504) stating that the Federal Aviation Agency was proposing to modify the segment of VOR Federal airway No. 106 between Morgantown, W. Va., and Johnstown, Pa., via a VOR to be commissioned approximately January 15, 1960, near Indian Head, Pa.

The latitudinal coordinates of the Indian Head VOR were incorrectly described in the preamble of the Notice and are revised to read latitude 39°58'30" N. This change is minor in nature in that it represents a correction of only 3 seconds of latitude and necessitates no change in the proposed amendments.

No adverse comments were received regarding the proposed amendments.

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

Pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), and for the reasons set forth in the Notice, the proposed amendment is hereby adopted without change and set forth below:

In the text of § 600.6106 VOR Federal airway No. 106 (Charleston, W. Va., to Kennebunk, Me.), delete "Uniontown, Pa., VOR;" and substitute therefore "Indian Head, Pa., VOR;".

This amendment shall become effective 0001 e.s.t. February 11, 1960.

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

Issued in Washington, D.C., on December 30, 1959.

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

[F.R. Doc. 60-104; Filed, Jan. 6, 1960;
8:46 a.m.]

[Airspace Docket No. 59-WA-299; Amdt. 151]

**PART 600—DESIGNATION OF
FEDERAL AIRWAYS**

Modification of Federal Airway

On October 15, 1959, a Notice of Proposed Rule-Making was published in the FEDERAL REGISTER (24 F.R. 8381) stating that the Federal Aviation Agency proposed to amend § 600.6078 of the regulations of the Administrator by modifying the segment of VOR Federal airway No. 78 between Watertown, S. Dak., and Minneapolis, Minn.

As stated in the Notice, Victor 78 presently extends from Huron, S. Dak., to Eau Claire, Wis. The Federal Aviation Agency is realigning the segment of Victor 78 from the Watertown, S. Dak., VORTAC to the Minneapolis, Minn., VOR via a VOR near Darwin, Minn., at latitude 45°05'15" N., longitude 94°27'11" W., to provide more precise navigational guidance. The control areas associated with Victor 78 are so designated that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary. Although not mentioned in the Notice, the realigning of Victor 78 creates a 1° lateral separation between Victor 78 and VOR Federal airway No. 24 N between the Watertown VORTAC and the Madison, Minn., intersection. These two airways previously occupied the same airspace between these points. Therefore, § 600.6024 is amended in order to reflect the realigning of Victor 24 N to coincide with Victor 78 between the Watertown VORTAC and the Madison intersection. The control areas associated with Victor 24 N are so designated that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary.

No comment was received regarding the proposed amendment.

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.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), § 600.6024 (14 CFR, 1958 Supp., 600.6024), and § 600.6078 (24 F.R. 2646) are amended as follows:

1. Section 600.6024 is amended to read:

§ 600.6024 VOR Federal airway No. 24 (Aberdeen, S. Dak., to Lone Rock, Wis.).

From the Aberdeen, S. Dak., VOR via the Watertown, S. Dak., VORTAC; in-

cluding a north alternate; Redwood Falls, Minn., VOR, including a north alternate via the INT of the Watertown VORTAC 086° and the Redwood Falls VOR 305° radials; Rochester, Minn., VOR; to the Lone Rock, Wis., VOR.

2. Section 600.6078 is amended to read:

§ 600.6078 VOR Federal airway No. 78 (Huron, S. Dak., to Eau Claire, Wis.).

From the Huron, S. Dak., VOR via the Watertown, S. Dak., VORTAC, including a south alternate; Darwin, Minn., VOR; Minneapolis, Minn., VOR; to the Eau Claire, Wis., VOR.

These amendments shall become effective 0001 e.s.t., February 11, 1960.

Issued in Washington, D.C., on December 30, 1959.

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

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

[F.R. Doc. 60-105; Filed, Jan. 6, 1960;
8:46 a.m.]

[Airspace Docket No. 59-WA-69]

[Amdt. 100]

**PART 600—DESIGNATION OF
FEDERAL AIRWAYS**

[Amdt. 114]

**PART 601—DESIGNATION OF THE
CONTINENTAL CONTROL AREA,
CONTROL AREAS, CONTROL
ZONES, REPORTING POINTS, AND
POSITIVE CONTROL ROUTE SEG-
MENTS**

**Extension of Federal Airway and
Associated Control Areas**

On September 4, 1959, a Notice of Proposed Rule-Making was published in the FEDERAL REGISTER (24 F.R. 7165) stating that the Federal Aviation Agency proposed to extend VOR Federal airway No. 244, and its associated control areas, from Hanksville, Utah, to Pueblo, Colo.

No adverse comments were received regarding the proposed amendments.

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

Pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons set forth in the Notice, the proposed amendments are hereby adopted without change and set forth below:

1. In § 600.6244 VOR Federal airway No. 244 (Oakland, Calif., to Hanksville, Utah).

(a) In the caption delete "(Oakland, Calif., to Hanksville, Utah)" and substitute therefor "(Oakland, Calif., to Pueblo, Colo.)."

(b) In the text delete "to the Hanksville, Utah, VOR" and substitute therefor "Hanksville, Utah, VOR; La Sal, Utah, VOR; Gunnison, Colo., VOR; to the Pueblo, Colo., VOR."

2. In the caption of § 601.6244 VOR Federal airway No. 244 control areas (Oakland, Calif., to Hanksville, Utah), delete "(Oakland, Calif., to Hanksville, Utah)." and substitute therefor "(Oakland, Calif., to Pueblo, Colo.)."

Issued in Washington, D.C., on December 30, 1959.

These amendments shall become effective 0001 e.s.t. February 11, 1960.

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

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

[F.R. Doc. 60-106; Filed, Jan. 6, 1960;
8:46 a.m.]

[Airspace Docket No. 59-WA-108]

[Amdt. 143]

**PART 600—DESIGNATION OF
FEDERAL AIRWAYS**

[Amdt. 176]

**PART 601—DESIGNATION OF THE
CONTINENTAL CONTROL AREA,
CONTROL AREAS, CONTROL
ZONES, REPORTING POINTS, AND
POSITIVE CONTROL ROUTE SEG-
MENTS**

**Modification of Federal Airway and
Revocation of Reporting Point**

On September 23, 1959, a Notice of Proposed Rule-Making was published in the FEDERAL REGISTER (24 F.R. 7651) stating that the Federal Aviation Agency was considering amendments to §§ 600.6030 and 601.7001 of the regulations of the Administrator which would modify the segment of VOR Federal airway No. 30 between Waterville, Ohio, and Youngstown, Ohio, and would revoke the Walter, Ohio, intersection as a reporting point.

As stated in the Notice, Victor 30 presently extends from Milwaukee, Wis., to Nantucket, Mass. The Federal Aviation Agency is modifying the Waterville, Ohio, to the Youngstown, Ohio, segment of Victor 30 by designating it via the Attica, Ohio, VOR and an intermediate VOR to be commissioned approximately December 15, 1959, in the vicinity of Akron, Ohio, at latitude 41°06'28" N., longitude 81°12'10" W., to provide more precise navigational guidance. This action will result in the Waterville to Youngstown segment of Victor 30 being designated via the Attica VOR and the Akron VOR. Concurrent with this action, the Walter intersection domestic VOR reporting point (the intersection of the Cleveland, Ohio, VOR 201° radial and the Wellington, Ohio, VOR west course) is revoked. By an amendment to the text of § 600.6030 which was effective May 7, 1959 (24 F.R. 2228), "Litchfield, Mich., omnirange station;" was left in the amended text in error and will, therefore, be deleted concurrently with this action. Although not mentioned in the Notice, the captions to §§ 600.6030 and 601.6030 are being changed to accurately reflect the actual terminals of the airway.

No adverse comments were received regarding the proposed amendments.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 600.6030 (14 CFR, 1958 Supp., 600.6030, 24 F.R. 2228), § 601.6030 (14 CFR, 1958 Supp., 601.6030) and § 601.7001 (24 F.R. 3229) are amended as follows:

1. In § 600.6030 VOR Federal airway No. 30 (Milwaukee, Wis., to Nantucket, Mass.).

(a) In the caption delete "(Milwaukee, Wis., to Nantucket, Mass.)" and substitute therefor "(Milwaukee, Wis., to Red Bank, N.J., and Idlewild, N.Y., to Nantucket, Mass.)."

(b) In the text delete "Litchfield, Mich., omnirange station, Waterville, Ohio, omnirange station; intersection of the Waterville omnirange 111° True and the Wellington VAR west course; Wellington, Ohio, VAR station; intersection of the Wellington VAR east course and the Youngstown omnirange 250° True radial;" and substitute therefor "Water-ville, Ohio, VOR; Attica, Ohio, VOR; Akron, Ohio, VOR;"

2. In the caption of § 601.6030 VOR Federal airway No. 30 control areas (Milwaukee, Wis., to Nantucket, Mass.), delete "(Milwaukee, Wis., to Nantucket, Mass.)" and substitute therefor "(Milwaukee, Wis., to Red Bank, N.J., and Idlewild, N.Y., to Nantucket, Mass.)."

3. In the text of § 601.7001 Domestic VOR reporting points, delete "Walter INT: the INT of the Cleveland, Ohio, VOR 201° T radial and the Wellington, Ohio, VAR west course."

These amendments shall become effective 0001 e.s.t. February 11, 1960.

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

Issued in Washington, D.C., on December 30, 1959.

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

[F.R. Doc. 60-107; Filed, Jan. 6, 1960;
8:46 a.m.]

[Airspace Docket No. 59-WA-248]

[Amdt. 150]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 185]

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

Designation of Federal Airway and Associated Control Areas

On October 10, 1959, a Notice of Proposed Rule-Making was published in the FEDERAL REGISTER (24 F.R. 8270) stating

that the Federal Aviation Agency proposed to amend Parts 600 and 601 of the regulations of the Administrator by designating VOR Federal airway No. 481 and its associated control areas, including an east alternate, from Fargo, N. Dak., to Grand Forks, N. Dak.

As stated in the Notice, the Federal Aviation Agency is designating Victor 481, including an east alternate, from the Fargo VORTAC to a VOR near Grand Forks, N. Dak., at latitude 47°49' 19" N., longitude 97°02'03" W. (corrected coordinates). The designation of this airway will provide a route for the use of VOR equipped aircraft between these terminals which are presently served only by a low frequency airway. In addition, to provide a bypass route for separating climbing and descending aircraft from aircraft operations on the main airway, an east alternate is designated between Fargo and Grand Forks.

No comment was received regarding the proposed amendments.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), Parts 600 and 601 (14 CFR, 1958 Supp., Parts 600, 601) are amended by adding the following sections:

§ 600.6481 VOR Federal airway No. 481 (Fargo, N. Dak., to Grand Forks, N. Dak.).

From the Fargo, N. Dak., VORTAC to the Grand Forks, N. Dak., VOR, including an east alternate.

§ 601.6481 VOR Federal airway No. 481 control areas (Fargo, N. Dak., to Grand Forks, N. Dak.).

All of VOR Federal airway No. 481, including an east alternate.

These amendments shall become effective 0001 e.s.t., February 11, 1960.

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

Issued in Washington, D.C., on December 30, 1959.

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

[F.R. Doc. 60-108; Filed, Jan. 6, 1960;
8:46 a.m.]

[Airspace Docket No. 59-WA-433]

[Amdt. 173]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 59]

PART 608—RESTRICTED AREAS

Revocation of Restricted Area and Modification of Federal Airway

The purpose of these amendments to §§ 600.6025, 600.6027 and 608.14 of the regulations of the Administrator is to revoke the Camp San Luis Obispo, Calif.,

Restricted Area (R-416) (San Francisco Chart), and to delete reference to Restricted Area (R-416) in the description of VOR Federal airway No. 25 and 27.

The U.S. Army has stated they no longer have a requirement for Restricted Area (R-416). Therefore, this area is unjustified as an assignment of airspace and revocation thereof is in the public interest.

Since this amendment reduces a burden on the public, compliance with the Notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, the following action is taken:

1. Section 600.6025 (14 CFR, 1958 Supp., 600.6025, 23 F.R. 10338; 24 F.R. 3973) is amended as follows:

In the text of § 600.6025 VOR Federal airway No. 25 (San Diego, Calif., to Elensburg, Wash.), delete "and the San Luis Obispo Restricted Area (R-416)".

2. Section 600.6027 (14 CFR, 1958 Supp., 600.6027, 23 F.R. 10338) is amended as follows:

In the text of § 600.6027 VOR Federal airway No. 27 (Los Angeles, Calif., to Seattle, Wash.), delete "the San Luis Obispo Restricted Area (R-416)".

3. In § 608.14, the Camp San Luis Obispo, Calif., Restricted Area (R-416) (San Francisco Chart) (23-F.R. 8577; 23 F.R. 9773) is revoked.

These amendments shall become effective 0001 e.s.t. January 14, 1960.

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

Issued in Washington, D.C., on December 31, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60-109; Filed, Jan. 6, 1960;
8:46 a.m.]

[Airspace Docket No. 59-WA-382]

[Amdt. 187]

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

[Amdt. 57]

PART 608—RESTRICTED AREAS

Revocation of Restricted Area and Modification of Control Area Extension

On November 11, 1959, a Notice of Proposed Rule-Making was published in the FEDERAL REGISTER (24 F.R. 9209) stating that the Federal Aviation Agency proposed to revoke the Presque Isle, Maine, Restricted Area (R-80) (Aroostook Chart).

Although not mentioned in the Notice, § 601.1374 of the regulations of the Administrator which describes the Limestone, Maine, control area extension, excludes Restricted Area (R-80) between its designated altitudes and during its time of designation. The revocation of

Restricted Area (R-80) thus requires that any reference to that Restricted Area be deleted from the description of the Limestone, Maine, control area extension, and such action is being taken herein.

No adverse comment was received regarding the proposed amendment.

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 received.

In consideration of the foregoing, the following action is taken:

§ 608.27 [Revocation]

1. In § 608.27, the Presque Isle, Maine, Restricted Area (R-80) (Aroostook Chart) (23 F.R. 8581, 24 F.R. 3875) is revoked.

2. Section 601.1374 is amended to read:

§ 601.1374 Control area extension (Limestone, Maine).

That airspace over United States territory within a 40-mile radius of Loring Air Force Base, Limestone, Maine.

These amendments shall become effective 0001 e.s.t. February 11, 1960.

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

Issued in Washington, D.C., on December 31, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60-103; Filed, Jan. 6, 1960; 8:46 a.m.]

[Airspace Docket No. 59-KC-50; Amdt. 49]

PART 608—RESTRICTED AREAS

Modification of a Restricted Area

The purpose of this amendment to § 608.31 of the regulations of the Administrator is to modify the Grand Marais, Minn., Restricted Area (R-187) (Duluth Chart).

The presently designated altitudes of Restricted Area R-187 are from the surface to 50,000 feet MSL. A recent review of activity within this area indicates that 45,000 feet MSL will encompass all activity currently conducted and expected in the near future. Therefore, the Federal Aviation Agency is reducing the upper altitude limit of R-187 from 50,000 feet MSL to 45,000 feet MSL. Such action will result in the designated altitudes of R-187 extending from the surface to 45,000 feet MSL.

Since this amendment reduces a burden on the public, compliance with the Notice, public procedure, and effective date requirements of Section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, the following action is taken:

In § 608.31, the Grand Marais, Minn., Restricted Area (R-187) (Duluth Chart) (23 F.R. 8583) is amended by deleting "Surface to 50,000 feet." and substituting therefor "Surface to 45,000 feet MSL."

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

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

Issued in Washington, D.C., on December 31, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60-110; Filed, Jan. 6, 1960; 8:46 a.m.]

[Airspace Docket No. 59-KC-59; Amdt. 51]

PART 608—RESTRICTED AREAS

Modification of a Restricted Area

The purpose of this amendment to § 608.33 of the regulations of the Administrator is to modify the Lake City, Mo., Restricted Area (R-307) (Kansas City Chart).

The presently designated altitudes of Restricted Area R-307 are from the surface to 4,000 feet MSL. The Lake City Restricted Area is designated for small arms and ammunition testing by the Lake City Arsenal, Independence, Mo., Representatives of the Lake City Arsenal have advised that an altitude of 3,000 feet MSL will encompass the activity currently conducted in this restricted area. Therefore, the Federal Aviation Agency is reducing the upper altitude limit of this restricted area from 4,000 feet MSL to 3,000 feet MSL. Such action will result in the designated altitudes of R-307 extending from the surface to 3,000 feet MSL.

Since this amendment reduces a burden on the public, compliance with the Notice, public procedure, and effective date requirement of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, the following action is taken:

In § 608.33, the Lake City, Mo., Restricted Area (R-307) (Kansas City Chart) (23 F.R. 8583) is amended by deleting "Surface to 4,000 feet MSL." and substituting therefor "Surface to 3,000 feet MSL."

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

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

Issued in Washington, D.C., on December 31, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60-111; Filed, Jan. 6, 1960; 8:46 a.m.]

[Airspace Docket No. 59-NY-24]

[Amdt. 54]

PART 608—RESTRICTED AREAS

[Amdt. 172]

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

Miscellaneous Amendments

The purpose of these amendments to §§ 608.47 and 601.1164 of the regulations of the Administrator is to revoke the Rhode Island Sound, R.I., Restricted Area (R-90) (Boston and New York Charts), and to delete reference to Restricted Area R-90 in the description of the Quonset Point, R.I., control area extension.

The U.S. Navy has stated that the activities conducted in Restricted Area R-90 can be transferred to other special use areas. Accordingly, the Federal Aviation Agency is revoking this restricted area.

Since this amendment reduces a burden on the public, compliance with the Notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, the following action is taken:

1. In § 608.47, the Rhode Island Sound, R.I., Restricted Area (R-90) (Boston and New York Charts) (24 F.R. 524) is revoked.

2. In the text of § 601.1164 *Control area extension (Quonset Point, R.I.)* (14 CFR, 1958 Supp., 601.1164, 23 F.R. 10341, 24 F.R. 2231), delete "excluding the portion which lies within the geographic limits of, and between the designated altitudes of, the Rhode Island Sound Restricted Area (R-90) during the restricted area's time of designation."

These amendments shall become effective 0001 e.s.t., January 1, 1960.

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

Issued in Washington, D.C., on December 31, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60-112; Filed, Jan. 6, 1960; 8:46 a.m.]

[Airspace Docket No. 59-WA-422; Amdt. 52]

PART 608—RESTRICTED AREAS

Modification of Restricted Area

The purpose of this amendment to § 608.14 of the regulations of the Administrator is to change the controlling agency of the Holtville, Calif., Restricted Area (R-305) (San Diego Chart).

RULES AND REGULATIONS

The U.S. Navy has requested that the controlling agency for Restricted Area R-305 be changed from Commandant, 11th Naval District, San Diego, Calif., to Commanding Officer, Marine Corps Auxiliary Air Station (MCAAS), Yuma, Arizona, in order to designate the command presently responsible for utilization of airspace within this area.

Since this amendment imposes no additional burden on the public, compliance with the Notice, public procedure, and effective date requirements of Section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, the following action is taken:

In § 608.14, the Holtville, Calif., Restricted Area (R-305) (San Diego Chart) (23 F.R. 8577) is amended by deleting "Commandant, 11th Naval District, San Diego, Calif." and substituting therefor "Commanding Officer, Marine Corps Auxiliary Air Station (MCAAS), Yuma, Ariz."

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

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

Issued in Washington, D.C., on December 31, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60-113; Filed, Jan. 6, 1960;
8:46 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 9—COLOR CERTIFICATION

Postponement of Effective Date of Final Order Deleting Certain D&C Coal-Tar Colors From List Subject to Certification

In the matter of deleting D&C Orange No. 5, D&C Orange No. 6, D&C Orange No. 7, D&C Orange No. 17, D&C Red No. 8, D&C Red No. 9, D&C Red No. 10, D&C Red No. 11, D&C Red No. 12, D&C Red No. 13, D&C Red No. 19, D&C Red No. 20, D&C Red No. 33, D&C Red No. 37, D&C Yellow No. 7, D&C Yellow No. 8, and D&C Yellow No. 9 from the list of coal-tar colors subject to certification and adding to the list of colors certifiable for external use only all the colors named except D&C Orange No. 6, D&C Orange No. 7, D&C Red No. 20, and D&C Yellow No. 9:

On October 6, 1959, a final order in this matter was published in the FEDERAL REGISTER (24 F.R. 8065) to become effective 90 days from the date of publication. The Commissioner has concluded that additional time is needed to study the objections. Therefore, the effective date of the order is postponed until January 25, 1960. By that date an order will be published acting upon the objections that are on file.

Effective date. This order shall be effective as of the date of signature.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371)

Dated: December 30, 1959.

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

[F.R. Doc. 60-142; Filed, Jan. 6, 1960;
8:49 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER E—NAVIGATION REQUIREMENTS FOR THE GREAT LAKES AND ST. MARY'S RIVER

[CGFR 59-65]

PART 92—ANCHORAGE AND NAVIGATION REGULATIONS; ST. MARY'S RIVER, MICHIGAN

Temporary Closure of West Neebish Channel

The purpose for this document is to announce that the West Neebish Channel is temporarily closed to traffic to permit deepening the channel by dredging; to announce the establishment of a temporary Lookout Station No. 2 while at the same time temporarily closing Lookout Station No. 4; to prescribe special rules and traffic lanes for the Middle Neebish Channel and the Munuscong Channel; and to require special reporting procedures for vessels passing through the Middle Neebish Channel.

The amendment to 33 CFR 92.09 describes the temporary changes in Coast Guard Lookout Stations. A new section designated 33 CFR 92.10 describes the location of the temporary Lookout Station No. 2. The new regulation designated 33 CFR 92.18 prescribes special rules and traffic lanes for downbound and upbound traffic during the temporary closure of the West Neebish Channel. The amendment to 33 CFR 92.19 provides that the West Neebish Channel shall be temporarily closed until further notice. The new regulation designated 33 CFR 92.26 sets forth special reporting procedures to be followed by vessels passing through the Middle Neebish Channel.

It is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof) is not necessary since the deepening of the West Neebish Channel to 27 feet is a Corps of Engineers' project.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order dated July 31, 1950 (15 F.R. 6521), to promulgate regulations in accordance with the Act of March 6, 1896, as amended, the following amendments and regulations in this document are prescribed, which shall become effective on date of publication in the FEDERAL REGISTER:

1. Section 92.09 is amended to read as follows:

§ 92.09 Lookout stations.

Lookout stations for the St. Mary's River patrol are numbered and located as follows:

- No. 1 on Johnson Point, Sailors Encampment, Middle Neebish Channel.
- No. 2 on Neebish Island, Middle Neebish Channel. (Temporary during closure of West Neebish Channel.)
- No. 3 off Mission Point, Little Rapids Cut.
- No. 4 at upper end of Rock Cut, West Neebish Channel. (Temporarily closed during closure of West Neebish Channel.)
- No. 6 off Brush Point, upper St. Mary's River.

2. Part 92 is amended by inserting the following new section:

§ 92.10 Temporary Lookout Station No. 2.

Lookout Station No. 2 will be located at latitude 46°19.3' N., longitude 84°09.0' W., or 1,000 feet, 203° from Middle Neebish Channel Light 40 (LL 1428).

3. Part 92 is amended by inserting the following new section:

§ 92.18 Special rules for traffic in portions of Middle Neebish Channel.

(a) In the Middle Neebish Channel between Lake Munuscong and Lake Nicolet, the westerly 300-foot portion of the channel has been deepened to 27 feet and the easterly 200-foot portion of the channel remains at the previous project depth of 21 feet. Therefore, all downbound traffic shall use the westerly (27-foot depth) portion of the Middle Neebish Channel and all upbound traffic shall use the easterly (21-foot depth) portion of this channel.

(b) There are no special aids to navigation to mark the line between the westerly (27-foot depth) portion and the easterly (21-foot depth) portion of the Middle Neebish Channel.

(c) All the range lights marking the traffic lane for downbound traffic in the westerly portion of the channel will be white lights on white structures. All the range lights marking the traffic lane for upbound traffic in the easterly portion of the channel will be red lights on red structures.

4. Section 92.19 is amended to read as follows:

§ 92.19 Temporary closure of West Neebish Channel.

(a) Until further notice, the West Neebish Channel shall be closed to traffic to permit dredging.

(b) With the closure of the West Neebish Channel, both downbound and upbound traffic will be restricted to the Middle Neebish Channel and the Munuscong Channel.

(c) The closure and obstruction signals will be shown from Lookout Stations Nos. 2 and 3.

5. Part 92 is amended by inserting the following new section:

§ 92.26 Special reporting procedures for vessels passing through the Middle Neebish Channel.

(a) When in the middle of Lake Munuscong, all upbound vessels shall

notify the Coast Guard Control Office, St. Mary's River Patrol (Radio telephone call: "Soo Control"), of their estimated times of passage at Detour Light and their estimated times of arrival at Johnson Point.

(b) Similarly, all downbound vessels shall report their estimated times of passage at Parisienne Island (Ile Parisienne); and, when abreast of Coast Guard Lookout Station No. 2, such vessels shall report their estimated times of arrival at Johnson Point.

(Secs. 1-3, 29 Stat. 54-55, as amended; 33 U.S.C. 474)

Dated: December 30, 1959.

[SEAL] A. C. RICHMOND,
Vice Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 60-130; Filed, Jan. 6, 1960;
8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2040]

[Oregon 04852]

OREGON

Withdrawing Public Lands for Protection of Recreation Values

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

Subject to valid existing rights and to existing withdrawals for power purposes, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, except the mining laws, the mineral leasing laws, lease or sale under the Act of June 4, 1954 (68 Stat. 173; 43 U.S.C. 869) to the State of Oregon or to a political subdivision thereof and sales of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601), as amended, and reserved under jurisdiction of the Bureau of Land Management, Department of the Interior, for the preservation of recreational values and access to the waters of the Sixes River:

WILLAMETTE MERIDIAN

T. 32 S., R. 14 W.
Sec. 7, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 11, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 12, NW $\frac{1}{4}$ SW $\frac{1}{4}$.

Aggregating 90 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

DECEMBER 31, 1959.

[F.R. Doc. 60-124; Filed, Jan. 6, 1960;
8:47 a.m.]

[Public Land Order 2041]

[Sacramento 054287]

CALIFORNIA

Order Opening Lands to Location, Entry and Patent Under General Mining Laws

By virtue of the authority vested in the Secretary of the Interior by the act of April 23, 1932 (47 Stat. 136; 43 U.S.C. 154), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the following-described national forest lands in the Sierra National Forest shall, commencing at 10:00 a.m. on February 5, 1960, be open to location, entry and patenting under the United States mining laws, subject to the stipulations quoted below, to be executed and acknowledged in favor of the United States by the locators, for themselves, their heirs, successors and assigns, and recorded in the county records and in the United States Land Office at Sacramento, California, before any rights attach by virtue of this order:

MOUNT DIABLO MERIDIAN

T. 12 S., R. 26 E.,
Sec. 26, E $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$.

The area described contains 40 acres. The following stipulations are made a part of this order:

1. No mining debris shall be deposited in Pine Flat Reservoir nor shall any operations be conducted which might contaminate the waters of Pine Flat Reservoir or interfere with the operation and administration of Pine Flat Reservoir.

2. The Forest Service, its permittees and licensees shall have the right to use any road constructed by the locator, or those claiming by, through, or under him for any and all purposes in connection with the protection and administration of the national forest or other lands under administration of the Forest Service.

ROGER ERNST,
Assistant Secretary of the Interior.

DECEMBER 31, 1959.

[F.R. Doc. 60-125; Filed, Jan. 6, 1960;
8:47 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 280]

DEALERS IN TOBACCO MATERIALS

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 data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, 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 Director 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] DANA LATHAM,
Commissioner of Internal Revenue.

In order to implement the provisions of the Internal Revenue Code of 1954, as amended by the Excise Tax Technical Changes Act of 1958 (Public Law 85-859, 72 Stat. 1275), and to make certain conforming and clarifying changes, regulations in 26 CFR Part 280 are amended as follows:

§ 280.1 [Amendment]

1. Section 280.1 is amended by inserting the words "receipt, handling," preceding the word "sale".

§ 280.2 [Amendment]

2. Section 280.2 is amended, in the first sentence, by inserting a period in the place of the comma after the word "bonds" and deleting, immediately thereafter, the expression "applications, and permits."

3. Section 280.16 is amended to read as follows:

§ 280.16 Dealer in tobacco materials.

"Dealer in tobacco materials" shall mean any person who receives and handles tobacco materials for sale, shipment, or delivery to another dealer in such materials, to a manufacturer of tobacco products, or to a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States, or who receives tobacco materials, other than stems and waste, for use by him in the production of fertilizer, insecticide, or nicotine. The term "dealer in tobacco materials" shall not include (a) an operator of a warehouse who stores tobacco materials solely for a qualified dealer in tobacco materials, for a qualified manufacturer of tobacco products, for a farmer or a grower of tobacco, or for a bona fide as-

sociation of farmers or growers of tobacco; (b) a farmer or grower of tobacco with respect to the sale of leaf tobacco of his own growth or raising, or a bona fide association of farmers or growers of tobacco with respect to sales of leaf tobacco grown by farmer or grower members, if the tobacco so sold is in the condition as cured on the farm: *Provided*, That such association maintains records of all leaf tobacco acquired or received and sold or otherwise disposed of by the association, as provided by this part; (c) a person who buys leaf tobacco on the floor of an auction, warehouse, or who buys leaf tobacco from a farmer or grower, and places the tobacco on the floor of such a warehouse, or who purchases and sells warehouse receipts without taking physical possession of the tobacco covered thereby; or (d) a qualified manufacturer of tobacco products with respect to tobacco materials received by him under his bond as such a manufacturer.

§ 280.18 [Deletion]

4. Section 280.18 is deleted.

5. A new § 280.20a to read as follows is inserted immediately after § 280.20:

§ 280.20a Internal revenue officer.

"Internal revenue officer" shall mean an officer or employee of the Treasury Department duly authorized to perform any function relating to the administration or enforcement of this part.

6. Section 280.22 is amended to read as follows:

§ 280.22 Manufactured tobacco.

"Manufactured tobacco" shall mean tobacco (other than cigars and cigarettes) prepared, processed, manipulated, or packaged, for removal, or merely removed, for consumption by smoking or for use in the mouth or nose, and any tobacco (other than cigars and cigarettes), not exempt from tax under Chapter 52, I.R.C., sold or delivered to any person contrary to the provisions of such chapter or regulations thereunder.

7. Section 280.23 and the heading are amended to read as follows:

§ 280.23 Manufacturer of tobacco products.

"Manufacturer of tobacco products" shall mean any person who manufactures cigars or cigarettes, or who prepares, processes, manipulates, or packages, for removal, or merely removes, tobacco (other than cigars and cigarettes) for consumption by smoking or for use in the mouth or nose, or who sells or delivers any tobacco (other than cigars and cigarettes) contrary to the provisions of Chapter 52, I.R.C., or regulations thereunder. The term "manufacturer of tobacco products" shall not include (a) a person who in any manner prepares tobacco or produces cigars or cigarettes, solely for his own personal consumption or use; (b) a proprietor of a customs bonded manufacturing warehouse with respect to the operation of such warehouse; (c) a farmer or grower of tobacco with respect to the sale of leaf tobacco of his own growth or raising, if

it is in the condition as cured on the farm; or (d) a bona fide association of farmers or growers of tobacco with respect to sales of leaf tobacco grown by farmer or grower members, if the tobacco so sold is in the condition as cured on the farm, and if the association maintains records of all leaf tobacco, acquired or received and sold or otherwise disposed of, as provided by this part.

§ 280.28 [Deletion]

8. Section 280.28 is deleted.

9. Section 280.33 is amended to read as follows:

§ 280.33 Tobacco materials.

"Tobacco materials" shall mean tobacco other than manufactured tobacco, cigars, and cigarettes and shall include, but not be limited to, tobacco in process, Perique, Black Fat, leaf tobacco, and tobacco scraps, cuttings, clippings, siftings, stems, and waste.

§ 280.40 [Amendment]

10. Section 280.40 is amended by inserting the word "internal" before the expression "revenue officers" in the heading.

§ 280.41 [Amendment]

11. Section 280.41 is amended by inserting the word "internal" before the expression "revenue officer".

12. Section 280.42 is amended to read as follows:

§ 280.42 Disposal of forfeited, condemned, and abandoned tobacco materials.

When in the opinion of any Federal, State, or local officer having custody of forfeited, condemned, or abandoned tobacco materials, the sale thereof will not bring a price equal to the Federal tax due and payable thereon and the expenses incident to the sale thereof, he shall not sell, nor cause to be sold, such materials for consumption in the United States. Where the materials are not sold, the officer may deliver them to a Federal or State hospital or institution (if they are fit for human consumption) or cause their destruction in the manner provided in § 280.125. Where such materials are sold, they shall not be released by the officer having custody thereof until they are properly packaged and taxpayment is evidenced by a receipt from the district director (the tax shall be considered as a portion of the sales price): *Provided*, That tobacco materials may be sold to the highest bidder, without regard to any tax, whether by sealed bid or otherwise, if such bidder is a manufacturer of tobacco products or a dealer in tobacco materials, qualified under Chapter 52, I.R.C., to engage in such business, such materials to be accounted for in records required to be kept by him for internal revenue purposes. In the case of such materials held by or for the Federal Government, the sale thereof shall be subject to the applicable provisions of the Regulations of the General Services Administration, Title 1, Personal Property Management.

(72 Stat. 1425, 68A Stat. 831; 26 U.S.C. 5753, 6807)

13. Section 280.52 is amended to read as follows:

§ 280.52 Farmer's or grower's agent.

A farmer or grower of tobacco, or a group or association of farmers or growers of tobacco, may employ an agent to sell his or their leaf tobacco for him or them. With respect to the sale of such tobacco, the agent may sell the tobacco in the same manner as the farmer or grower thereof provided he (a) does not, in the storage of the tobacco, mingle the tobacco received from one farmer or grower with that of another; (b) conducts all sales in the name of his principal or principals; (c) transmits to his principal or principals the proceeds of such sales, less the necessary selling expenses and the agent's salary or commission; and (d) keeps records of all receipts and sales of tobacco; to be open to inspection by internal revenue officers, showing with respect to tobacco received, the date thereof, the quantity received, and the name and address of the principal or principals, and with respect to tobacco sold, the date thereof, the quantity sold, the name and address of the purchaser, and the selling price. No particular form of records is prescribed, but the information required therein shall be readily ascertainable and they shall be retained for two years following the close of the year covered in such records. The agent may sell by mail, and checks, drafts, and money orders in payment for tobacco sold by him may be payable to his order.

(72 Stat. 1415; 26 U.S.C. 5702)

14. Section 280.53 and the heading are amended to read as follows:

§ 280.53 Bona fide association of farmers or growers.

A bona fide association of farmers or growers of tobacco, marketing leaf tobacco grown by farmer or grower members, if the tobacco so sold is in the condition as cured on the farm, and turning back to them the proceeds of sales, less the necessary selling expenses, on the basis of the quality and quantity of leaf tobacco furnished by them, shall, with respect to such tobacco, be exempt from the provisions of this part: *Provided*, That such association maintains records of all leaf tobacco acquired or received and sold or otherwise disposed of by the association. No particular form of records is prescribed, but the information required shall be readily ascertainable from such records. The records shall be retained for two years following the close of the year covered in such records and shall be made available for inspection by any internal revenue officer upon his request. Proof that an association is entitled to such exemption, in the form of certified copies of the by-laws, agreements, and contracts, under which it operates, shall be furnished to the assistant regional commissioner upon demand. The association may sell such leaf tobacco to any person and in any quantity, either loose or in a hogshead, case, bale, or other container.

(72 Stat. 1415; 26 U.S.C. 5702)

15. Section 280.54 is amended to read as follows:

§ 280.54 Speculator.

A person who (a) buys leaf tobacco on the floor of an auction warehouse of a qualified dealer in tobacco materials, places the tobacco on the floor of such warehouse for resale, and does not remove the tobacco from the warehouse, or (b) buys leaf tobacco from a farmer or grower, places the tobacco on the floor of an auction warehouse of a qualified dealer in tobacco materials for sale, and does not remove the tobacco from the warehouse, or (c) purchases and sells warehouse receipts for tobacco materials without taking physical possession of the tobacco materials covered thereby, shall, with respect to such operations, be exempt from the provisions of this part. (72 Stat. 1415; 26 U.S.C. 5702)

16. A new § 280.55 to read as follows is inserted immediately after § 280.54:

§ 280.55 Manufacturer of tobacco products.

A qualified manufacturer of tobacco products, with respect to tobacco materials received by him under his bond as such a manufacturer, shall be exempt from the provisions of this part. (72 Stat. 1415; 26 U.S.C. 5702)

§ 280.60 [Deletion]

17. Section 280.60 is deleted.

18. Section 280.61 and the heading are amended to read as follows:

§ 280.61 Establishment and places of storage.

An establishment of a dealer in tobacco materials in which he carries on such business may consist of more than one building, or portions of buildings, which need not be contiguous but must be located in the same region. Each establishment shall include one designated building at which all records required by § 280.127 for the establishment shall be maintained. Buildings or portions of buildings, in any location in the United States, in addition to those comprising the establishment, may be used by a dealer in tobacco materials, in connection with the operation of his establishment, as warehouses solely for the storage of tobacco materials, if he maintains at the designated building in that establishment the required records covering the tobacco materials at each such place of storage. (72 Stat. 1421; 26 U.S.C. 5711)

§§ 280.62, 280.63, and 280.64 [Deletions]

19. Sections 280.62, 280.63, and 280.64 are deleted.

20. Section 280.65 is amended to read as follows:

§ 280.65 Bond.

Every person, before commencing business as a dealer in tobacco materials, shall, with respect to the operations of each establishment, file a bond, Form 2101, in accordance with the applicable provisions of Subpart G of this part, and shall describe therein the buildings and

portions of buildings which constitute such establishment, list each such place by number, street, and city, town, or village, and State, and designate the building where the records required by § 280.127 are to be maintained. Places used solely for storage of tobacco materials need not be listed. Where a person desires to engage in business as a dealer in tobacco materials in more than one region, he must file a separate bond in each region describing the establishment in that region. A dealer in tobacco materials may, however, operate more than one establishment in a region, if he files a separate bond for each such establishment. The bond shall be conditioned upon compliance with the provisions of Chapter 52, I.R.C., and regulations thereunder, including, but not limited to, the timely payment of taxes imposed by such chapter and penalties and interest in connection therewith for which he may become liable to the United States, through the operation of his establishment, as well as all places of storage operated in connection therewith, even though such places of storage are not listed in such bond. (72 Stat. 1421; 26 U.S.C. 5711)

21. Section 280.66 is amended to read as follows:

§ 280.66 Power of attorney.

If the bond or any other document required under this part is signed by an attorney in fact for an individual, partnership, association, company, or corporation, by one of the partners for a partnership, or by one of the members of an association, power of attorney on Form 1534 shall be furnished to the assistant regional commissioner. If such bond or other document is signed on behalf of a corporation by an officer thereof, it must be supported by duly authenticated extracts of the stockholders' meeting, by-laws, or directors' meeting authorizing such officer to execute such document for the corporation. Form 1534 or support of authority does not have to be filed again with an assistant regional commissioner where such form or support has previously been submitted to that assistant regional commissioner and is still in effect.

§§ 280.67, 280.68, and 280.69 [Deletions]

22. Sections 280.67, 280.68, and 280.69 are deleted.

23. Section 280.70 is added to read as follows:

§ 280.70 Notice of approval of bond.

If the bond required under this part is approved by the assistant regional commissioner, he will assign a number to the establishment of the dealer in tobacco materials for internal revenue purposes. The assistant regional commissioner will immediately notify the dealer, in writing, of the approval of his bond, in order that he may commence operations. (72 Stat. 1421; 26 U.S.C. 5711)

24. The undesignated centerheads in "Subpart F" which read "Changes in

name", "Changes in ownership and control", and "Changes in location", are deleted.

25. Section 280.80 and the heading are amended to read as follows:

§ 280.80 Change in name.

Where there is a change in the individual, trade, or corporate name of a dealer in tobacco materials, the dealer shall, within 30 days of the change, file an extension of coverage of bond, in accordance with the provisions of § 280.105. (72 Stat. 1421; 26 U.S.C. 5711)

§§ 280.81 and 280.82 [Deletions]

26. Sections 280.81 and 280.82 are deleted.

27. Section 280.83 and the heading are amended to read as follows:

§ 280.83 Change in proprietorship.

Where there is to be any change in proprietorship (including a change in the identity of the members of a partnership or association, but excluding any change in stock ownership in a corporation) of the business of a dealer in tobacco materials, the proposed successor shall, before commencing operations, qualify as a dealer in tobacco materials, in accordance with Subpart E: *Provided*, That qualification as a dealer in tobacco materials will not be required where an administrator, executor, receiver, trustee, assignee, or other fiduciary successor intends to liquidate the business, if he promptly files with the assistant regional commissioner a statement to that effect, and furnishes certified copies, in duplicate, of the order of the court, or other pertinent documents, showing his appointment and qualifications as such administrator, executor, receiver, trustee, assignee, or other fiduciary, together with an extension of coverage of the predecessor's bond, executed by the administrator, executor, receiver, trustee, assignee, or other fiduciary, and the surety, in accordance with the provisions of § 280.105. (72 Stat. 1421; 26 U.S.C. 5711)

§§ 280.84, 280.85, and 280.86 [Deletions]

28. Sections 280.84, 280.85, and 280.86 are deleted.

29. Section 280.87 is amended to read as follows:

§ 280.87 Change in location within same region.

Whenever the establishment of a dealer in tobacco materials is to be changed so as to make inaccurate the description of such establishment as set forth in the bond, such as by addition, discontinuance, or change in location of places comprising the establishment within the same region, or by change in the location where his records are maintained, the dealer shall first file an extension of coverage of his bond, in accordance with provisions of § 280.105, reflecting such change. (72 Stat. 1421; 26 U.S.C. 5711)

30. Section 280.88 is amended to read as follows:

§ 280.88 Change in location to another region.

Whenever a dealer in tobacco materials contemplates changing the location of his establishment to another region, the dealer shall, before commencing operations at the new location, qualify as such a dealer in the new region, in accordance with the applicable provisions of Subpart E of this part. The dealer shall notify the assistant regional commissioner of the region from which he is removing of his qualification in the new region, in order that the assistant regional commissioner may terminate the liability of the surety on the bond of the dealer.

(72 Stat. 1421; 26 U.S.C. 5711)

§ 280.89 [Deletion]

31. Section 280.89 is deleted.

§ 280.100 [Amendment]

32. Section 280.100 is amended by deleting, in the third sentence, the words "Form 356, revised" and inserting, in lieu thereof, the words "Circular No. 570, as revised".

§ 280.106 [Amendment]

33. Section 280.106 is amended by adding a new second sentence to read as follows: "Upon receipt of the duplicate copy of an approved bond or extension of coverage of bond from the assistant regional commissioner, such copy of the bond or extension of coverage of bond shall be retained by the dealer in tobacco materials in the building designated in the bond as the building of his establishment in which the records, required by § 280.127, are maintained and shall be made available for inspection by any internal revenue officer upon his request."

§ 280.107 [Amendment]

34. Section 280.107 is amended by deleting the phrase "date of approval", in the first sentence, and inserting in lieu thereof the phrase "effective date".

§ 280.108 [Amendment]

35. Section 280.108 is amended by deleting the phrase "who has accepted such security" in the second sentence of the section.

36. Section 280.120 is amended to read as follows:

§ 280.120 Restrictions on handling, shipment, and delivery of tobacco materials.

A dealer in tobacco materials shall not engage in such business at any place other than the buildings or portions of buildings described in his bond (except for places used solely for the storage of tobacco materials under § 280.61). A dealer in tobacco materials may handle such materials in any manner at any place described in his bond as a part of his establishment, provided that such handling does not result in a tobacco product which is subject to tax under Chapter 52, I.R.C., and the regulations prescribed thereunder. He may ship or deliver tobacco materials only to (a) another qualified dealer in tobacco materials; (b) a qualified manufacturer of tobacco products; (c) a State institu-

tion; (d) a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States; or (e) any person for experimental or display purposes when authorized by the assistant regional commissioner. A dealer in tobacco materials may similarly ship or deliver stems and waste to any person for use by him as fertilizer or insecticide or in the production of fertilizer, insecticide, or nicotine.

(72 Stat. 1418, 1423; 26 U.S.C. 5704, 5731)

37. Section 280.121 is amended to read as follows:

§ 280.121 Tobacco materials released from customs custody.

Tobacco materials imported into the United States from a foreign country, or brought in from Puerto Rico, the Virgin Islands, or a possession of the United States, may be released from customs custody, without payment of tax, under the bond of a dealer in tobacco materials, for delivery to such dealer. Before such tobacco materials are released to him, the dealer shall prepare and furnish to the collector of customs having custody of the tobacco materials, a notice of release of tobacco materials, Form 2146. Upon release of the tobacco materials, the collector of customs shall complete the form as to date of release, signature, and title, and shall return one copy to the dealer, retain one copy for his records, and transmit one copy to the assistant regional commissioner shown thereon. The copy returned to the dealer shall be retained by him for two years after the close of the year of such release, and shall be made available for inspection by any internal revenue officer upon his request.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 280.125 [Amendment]

38. Section 280.125 is amended by deleting the article "a" from the second sentence of paragraph (b) and inserting in lieu thereof the words "an internal".

39. Section 280.127 is amended to read as follows:

§ 280.127 Records.

Every dealer in tobacco materials shall maintain at the building designated in his bond complete and adequate records, in respect to the establishment covered by the bond and all places of storage used in connection therewith, of all tobacco materials received (except with respect to samples as provided by § 280.124), shipped, delivered, lost, and destroyed. The records shall show (a) with respect to tobacco materials received, the date, kind, quantity, and the name and address of each person from whom received, (b) with respect to materials shipped or delivered, the date, kind, quantity, and the name and address of each person to whom shipped or delivered, and (c) with respect to materials lost or destroyed, the date, kind, and quantity, as well as pertinent details as to such loss or destruction: *Provided*, That the records of tobacco materials received and disposed of at places of storage shall also show the location of the place of storage. No particular form of records is prescribed, but the information required shall be readily as-

certainable from the records. Such records, to include purchase and sales invoices, shall be retained for two years following the close of the year covered in such records, and shall be made available for inspection by any internal revenue officer upon his request.

(72 Stat. 1423; 26 U.S.C. 5741)

§ 280.128 [Amendment]

40. Section 280.128 is amended by inserting the word "internal" before the expression "revenue officer".

41. Section 280.129 is amended to read as follows:

§ 280.129 Inventory.

A dealer in tobacco materials shall make, upon demand of any internal revenue officer, a true and accurate inventory of the quantity and kind of all such materials held at each location by the dealer.

(72 Stat. 1423; 26 U.S.C. 5732)

42. Section 280.130 is amended to read as follows:

§ 280.130 Liability of dealer in tobacco materials.

Tobacco materials shipped or delivered in violation of the provisions of § 280.120 shall be subject to tax as manufactured tobacco and the dealer in tobacco materials shipping or delivering such materials shall be subject as a manufacturer of tobacco to the provisions of Chapter 52, I.R.C., and to Part 275 of this subchapter.

(72 Stat. 1423; 26 U.S.C. 5731)

43. Section 280.131 is amended to read as follows:

§ 280.131 Assessment of tax.

The tax determined to be due under § 280.130 on tobacco materials shipped or delivered by a dealer in tobacco materials in violation of the provisions of this part shall be assessed, subject to the limitations prescribed in section 6501, I.R.C., against such dealer. The tax so assessed shall be in addition to the penalties imposed by law for failure to pay such tax when required. Except in cases where delay may jeopardize collection of the tax, or where the amount is nominal or the result of an evident mathematical error, no such assessment shall be made until and after notice has been afforded such dealer to show cause against assessment. The dealer will be allowed 45 days from the date of such notice to show cause, in writing, against such assessment.

(72 Stat. 1417; 26 U.S.C. 5703)

§ 280.132 [Amendment]

44. Section 280.132 is amended by deleting, in the first sentence, the words "in duplicate,".

§ 280.133 [Deletion]

45. Section 280.133 is deleted.

46. The title of Subpart I is amended by deleting the words "Suspension and".

47. Section 280.140 is amended to read as follows:

§ 280.140 Discontinuance of operations.

Every dealer in tobacco materials who desires to discontinue operations and

close out his establishment shall dispose of all tobacco materials on hand, in accordance with this part, and shall notify the assistant regional commissioner of such discontinuance, in order that the assistant regional commissioner may terminate the liability of the surety on the bond of the dealer.

(72 Stat. 1421; 26 U.S.C. 5711)

§ 280.141 [Deletion]

48. Section 280.141 is deleted.

49. The statutory provisions cited to text in parentheses in the following sections are amended to read as follows:

Section 280.44. (72 Stat. 1425, 1426; 26 U.S.C. 5761, 5762, 5763)

Sections 280.50 and 280.51. (72 Stat. 1415; 26 U.S.C. 5702)

Section 280.100. (72 Stat. 1421, 61 Stat. 648; 26 U.S.C. 5711, 6 U.S.C. 6)

Section 280.101. (72 Stat. 1421, 61 Stat. 650; 26 U.S.C. 5711, 6 U.S.C. 15)

Sections 280.102, 280.103, 180.104, 280.105, 280.106, and 280.107. (72 Stat. 1421; 26 U.S.C. 5711)

Section 280.108. (72 Stat. 1421, 61 Stat. 650; 26 U.S.C. 5711, 6 U.S.C. 15)

Section 280.123. (72 Stat. 1418; 26 U.S.C. 5704)

Sections 280.124, 280.125, and 280.126. (72 Stat. 1423; 26 U.S.C. 5741)

Section 280.128. (72 Stat. 1423; 26 U.S.C. 5732)

[F.R. Doc. 60-131; Filed, Jan. 6, 1960; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 942]

[Docket No. AO-103-A17]

MILK IN NEW ORLEANS, LOUISIANA MARKETING AREA

Decision 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), a public hearing was held at New Orleans, Louisiana, on May 14-15, 1959 pursuant to notice thereof issued on May 4, 1959 (24 F.R. 3697).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on November 16, 1959 (24 F.R. 9340) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

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 New Orleans, Louisiana on May 14-15, 1959, pursuant to notice thereof which was issued May 4, 1959 (24 F.R. 3697).

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

1. Revision of pool plant requirements as applied to supply plants.

2. Changes in the base-excess plan.

3. Clarification of the transfer provision affecting classification of milk moved to nonpool plants.

4. Modification of handler location adjustments on Class I and II milk.

5. Conforming changes to order language and revision of provisions for the purpose of clarification.

Proposals to revise the definition of producer, fluid milk products and to revise the classification of shrinkage were abandoned by proponents. These proposals were not otherwise supported or opposed. Therefore no action on these proposed revisions is taken in this decision.

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

1. Pool plant requirements for supply plants should be revised.

Currently, a supply plant from which 50 percent or more of receipts of milk from dairy farmers is moved to a pool distributing plant during each of the months of September through December may remain a pool plant during the following January through August without meeting any monthly shipping requirement.

The cooperative associations proposed that supply plants qualify as pool plants by moving 50 percent or more of their receipts from dairy farmers during any four months of the five-month period of September through January. A handler proposed that the minimum 50 percent requirement be applied to September through November because these three months are consistently the months of each year when receipts of producer milk in relation to Class I utilization is the lowest. The proponent handler supported the proposal that qualification of a supply plant in either December or January as a pool plant, in addition to September through November, should automatically qualify a supply plant during the following months of January or February, through August.

The demand for Class I milk during the last half of the month of December decreases substantially because of the holiday vacation period of schools and universities. It appears that the pool plant provisions could be adjusted to accommodate better to the marketing situation which prevails during the holiday season. This can be achieved by requiring supply plants to meet present standards during the months of September through November and during either December or January. The present standard that requires a supply plant to move 50 percent or more of its receipts from dairy farmers to a pool distributing plant during 4 months of the year in order to establish its association as a necessary part of the market supply should be maintained. The amendment, herein provided, will avoid uneconomic shipments of milk yet maintain the present requirements that supply plants must

ship at least 50 percent of their monthly receipts during 4 months of seasonally low production in order to have pool plant status during the following January or February through August period, without meeting the 50 percent shipment rule that is otherwise required.

2. The base-excess plan should be changed to provide a base-forming period of September through January and a base-operating period of March through July.

The proponent cooperatives proposed changing the present base-forming period of October through February to September through January. Such a change proponents stated will coincide with the base-forming period in the Federal orders for the Central Mississippi and Mississippi Gulf Coast marketing areas. Dairy farmers supplying these two markets are intermingled with producers supplying the New Orleans marketing area. Having the same months for the base-forming period in all three marketing areas will facilitate a normal movement of dairy farmers to the market needing milk for Class I utilization. The period September through January reflects the change in seasonal production that has occurred in recent years. This will encourage production during the months when Class I milk is most needed. Since it is impossible to make this provision effective by September 1, 1959, it is concluded that the present base-forming period of October 1959 through February 1960 should apply. The new base-forming period should become effective September 1, 1960.

The daily base for each producer is currently calculated by dividing the total pounds of milk received by handlers from each producer during the October to February period by the number of days in this base-forming period. The cooperative associations proposed, in addition to changing the months in the base-forming period, that the daily base for each producer be determined by dividing the total pounds of milk shipped by each producer during the period of September-January (a maximum of 153 days) by the number of days in the base-forming period or by the number of days from the first day milk is received from a producer during the base-forming period to the last day of January, inclusive but by not less than 120 days. However, in their brief proponents withdrew support for this proposal on the basis that the proposal would not provide incentive for milk production during September. The month of September of each year is usually the month when receipts of producer milk is in shortest supply in relation to Class I utilization.

A handler, as well as proponents, cited the need for an opportunity for new producers to enter the market so that a sufficient supply of producer milk may be available for the month of September.

It is concluded that the needs of the market for a supply of producer milk can best be insured by providing that the months of March through July 1960 and the months of February through July thereafter be used as the base-operating period. By omitting the month of August from the base plan opportunity is

provided producers to make adjustments in their production programs prior to the beginning of the base-forming period. This will also provide opportunity to new producers to enter the market during the month of August.

Amendments to the order, included herein, will appropriately revise the months in the base-forming and base-operating periods, as proposed by the cooperative associations representing a majority of producers in this marketing area.

3. The transfer provision providing for classification of milk moved from pool plants to nonpool plants should be modified.

Skim milk and butterfat transferred in the form of bulk milk to a nonpool plant located more than 275 miles from New Orleans is now classified as Class I milk. This mileage limitation includes four large manufacturing plants—two near New Orleans and two others over 200 miles from New Orleans. Under normal circumstances the facilities of these plants are adequate to process milk in excess of the market's needs for Class I utilization. However, a mechanical breakdown during the weekend in the flush season at one of the two manufacturing plants located near New Orleans can overtax the facilities of the remaining manufacturing plants within the 275 mileage limitation.

Between the 275 mile limitation and 350 miles seven additional manufacturing plants in the State of Mississippi have facilities available to manufacture milk. Handlers avail themselves of the nearest manufacturing facilities available to avoid excessive transportation costs. It is therefore concluded that skim milk and butterfat transferred in the form of bulk milk to a nonpool plant located more than 350 miles from New Orleans should be classified as Class I.

The transfer provision is further modified by providing that when a nonpool plant transfers milk or skim milk in bulk form to a pool plant in the marketing area, the amount so transferred which is not in excess of the amount received at such nonpool plant from pool plants during the month shall be, upon agreement between pool and nonpool plant operators, classified as though it had been transferred directly between the pool plants. This provision will aid in the orderly marketing of milk in this area and accommodate the storage facilities without such milk losing producer milk status. Minor changes in the transfer provision have been made to provide clarity and specificity with respect to the accounting of milk at nonpool plants.

4. Location differentials to handlers and producers should be revised as follows:

(a) The Terrebonne Parish Courthouse, Houma and the city hall, New Orleans, Louisiana should both be used as focal points in the marketing area for the demarcation of the differential price zones and for the announcement by the market administrator of class and uniform prices;

(b) For milk received from producers and utilized as Class I at pool plants located more than 50 miles but not more

than 60 miles from the nearer of the basing points of Houma and New Orleans the Class I price should be reduced 13.5 cents per hundredweight and be reduced further 1.5 cents for each additional ten miles or fraction thereof beyond 60 miles; and

(c) For milk received from producers and classified as Class II at pool plants located more than 50 miles from the nearer of the two basing points or for milk received from producers at pool plants within 50 miles of the basing points and classified as Class II pursuant to § 942.41(b) (3), (4) or (5) the value of such Class II utilization should be reduced 13.5 cents per hundredweight.

Changes in location differentials to producers and handlers were proposed. One of these would amend § 942.53 *Location differentials to handlers*. Such amendment would make the zone price differentials applicable to that portion of pool plant receipts classified in Class II as well as to that classified in Class I. It would also increase the radial mileage of the zones and designate the Terrebonne Parish Courthouse in Houma, Louisiana, as another focal point for determining zone location. This proposal would not change the differential rates themselves. But the change in price from zone to zone would be as much as four cents instead of the more gradual two-cent change with the present uniform 10-mile zones.

A second proposed revision of Class I price location differentials would:

(a) Base the differentials on the Class I price within the inner zone (0-20), instead of the price in the 61-70 zone, and reduce that price for successive 10-mile zones from the inner zone at the rate of 1.5 cents per hundredweight.

(b) Increase the fixed Class I differentials by 28 cents and make the resulting Class I price applicable to plants in the marketing area (0-20 mile zone). Reduce this price 15 cents in the 61-70 mile zone. At present the price in the 61-70 mile zone is 28 cents lower than the price at plants located in the marketing area (0-20 mile zone).

The proposed designation of the Terrebonne Parish Courthouse in Houma, Louisiana, as another focal point in the marketing area for measuring location differential price zones should be adopted. This portion of the marketing area is some 50 miles from New Orleans. Plants located there, under present zoning provisions, are in the 51-60 mile zone with a differential of only 2 cents over the 61-70 mile zone price. The price at plants in the New Orleans sector of the marketing area is 28 cents over the 61-70 mile zone price. New Orleans handlers compete with local handlers in this southwest sector of the marketing area. Local distributors depend upon supply plants for 75-80 percent of their plant requirements. Station milk costs plants in this part of the area about the same as it costs plants in the New Orleans part of the area.

From the foregoing it is apparent that the price of milk received from producers and used in Class I by plants located in this part of the area, should be the same as such price paid by other

plants in the marketing area. The proposed amendment so provides.

A proposal for consolidation of the ten-mile differential zones within a hundred mile radius into three price zones was recommended more as a simplification of the scheme of differential prices than as a matter of equity and accommodation to competitive relation. While the proposal would result, in a few instances, in a better adaptation of prices to actual competitive relations, it would in certain other instances result in some degree of maladjustment to competitive relations. The adoption of this proposal at this time is not justified.

The evidence with respect to other proposed changes in the provision for location differentials to handlers supports their adoption, in whole or in part. The proposal to shift the base for the differential structure from the 61-70 mile zone to the inner (0-20) zone should be adopted, but the inner zone may be extended from 20 miles to 50 miles without involving supply plants. The matter of the base zone for location differentials is mostly a matter of choice or preference. However, the significant increase in receipts of milk in farm bulk tanks at inner zone plants warrants, in this instance, the proposed change. Approximately one-third of the milk received at inner zone plants is direct from farms of producers. The increase during the past year in the number of farm bulk tank producers indicates a trend which, within another year will mean that more than half of all receipts at inner zone plants will be delivered directly from the farms of producers. Currently less than ten percent of the total market supply is received in cans at inner zone plants.

Under the circumstances, location adjustments should represent the cost of hauling milk from country points to inner zone plants. In this instance a rate of 13.5 cents per hundredweight for milk received at plants located more than 50 but not more than 60 miles from the nearer of the specified basing points reflects the cost of moving milk to inner zone plants in the New Orleans marketing area under the most efficient and economical conditions. Further, a rate of 1.5 cents for each ten mile zone beyond the 51-60 mile zone represents the cost of moving milk from zones farther out.

The readjustment in location prices should be accomplished without changing the level of the Class I price for the market as a whole. This may be done by lowering the Class I price effective in the inner zone enough to offset the results of raising prices in outer zones. The inner zone may be extended from 20 miles to 50 miles from central area pricing points without involving plants that are not distributing milk in the marketing area. If the price in this enlarged inner zone is reduced 10 cents and the present 61-70 mile zone price is increased 3 cents the result will be to maintain the total value of milk for the market unchanged. Moreover, the gap between prices in the inner area and prices at the 61-70 mile zone will be narrowed by 13 cents. For other zones the difference will be further affected by

the reduction provided in the zone mileage rate.

To accomplish this, the Class I price differentials specified for the inner zone are increased 18 cents from the previous 61-70 mile zone level. A location adjustment of 13.5 cents is provided in the 50-60 mile zone, with a further reduction of 1.5 cents for each 10 mile zone beyond 60 miles. Blend and base prices to producers are computed at the basing points and are subject to location adjustments at the same rate as the Class I price.

Cooperative associations proposed that the plus Class I price differentials, applicable to inner zone plants and to plants in successive zones from the area to the 61-70 mile zone, be made applicable also to producer milk used in Class II. The price charged distributing plants located in the marketing area under the revised location adjustments herein recommended for such milk would be 13.5 cents higher than the price charged supply plants in the 50-60 mile and more distant zones.

The circumstances that prompted this proposal by the cooperative associations are the increasing availability of bulk tank milk and the delivery of this milk to city processing plants rather than to country receiving stations. This change in transportation methods affords the opportunity to handlers to have increasing quantities of milk delivered to city plants classified in Class II.

The producers who deliver such milk directly to inner zone plants will receive a blended price on all of their milk deliveries of 13.5 cents per hundredweight higher than producers who deliver to plants located in the 50-60 mile zone. On milk which is classified at inner zone plants as Class I, the handlers will be required to pay producers 13.5 cents per hundredweight more than for milk delivered by producers to plants in the 50-60 mile zone. With respect to Class I milk, therefore, it makes little difference to the pool whether a producer delivers his milk to an inner zone plant or to a country plant.

With respect to Class II milk, if there were no location differential, a handler would pay producers the same price for Class II milk irrespective of its point of delivery. If producers who deliver their milk to inner zone plants received the additional 13.5 cents on all of their milk (other than excess milk) and if handlers who received the milk at inner zone plants are not required to pay anything additional on Class II milk, the payment of the 13.5 cents to direct delivery producers on Class II milk would be taken out of the returns of all producers. This would reduce the level of the uniform price and it would be disadvantageous to producers who deliver milk to country plants.

There can be no doubt that the developments as described by producers, if carried far enough, could have deleterious effects upon returns to country plant shippers but more especially they could encourage the manufacture of Class II milk at uneconomical locations, particularly at inner zone plants.

It is, therefore, concluded that the Class II price should be increased 13.5 cents at the prescribed basing points in

the marketing area. A location adjustment on Class II of 13.5 cents is provided to apply to milk received from producers at pool plants beyond the 50-mile zone and to all milk received from producers at pool plants in the 0-50 mile zone and classified as Class II pursuant to § 942.41(b) (3), (4), and (5). The increase in the Class II price, adjusted for location as herein prescribed, will maintain the approximate total cost to handlers for milk classified as Class II and used in their city plants that existed previous to the development of receipts of milk in bulk tanks direct from the farms of producers, when nearly all producer milk was received at country plants. Under these circumstances, handlers paid the cost of hauling milk for Class II use in their city plants in addition to the announced Class II price. The revision of location differentials to handlers and producers provides equitable price adjustments to meet the changed marketing conditions in this marketing area.

In conjunction with the findings with respect to location differentials to handlers for milk received from producers at pool plants and classified as Class I or Class II, conforming changes in the order provisions which determine class prices and location differentials to producers are necessary. One of these changes provides for the adjustment of the uniform excess milk price to conform to the differences provided in the value of Class II milk received at city plants in the marketing area and at country plants. This conforming change and others with respect to the computation of the value of producer milk and uniform prices have been made accordingly in the amendments included herein.

5. Several changes of order language should be made for the purposes of clarification and of improving order administration.

Problems of administration have arisen which indicate the need for clarification and amplification of certain provisions of the order. One of these is the provision (§ 942.80) dealing with the time and method of payments to producers. The present order provision provides that a handler shall pay to a cooperative association amounts due any producer-member for milk, if the producer has given the cooperative association authority to collect such payments, providing the cooperative association makes a written request for such payment. The association's request should also agree to indemnify the handler for any loss incurred because of improper claim. Handlers should also be required to pay cooperative associations for milk received from such cooperatives in their capacity as operators of pool plants. Therefore, it is further provided that a handler shall make payment, at the Class II price for the preceding month, to a cooperative association for milk received from the pool plant(s) of such cooperative association, on or before the 22d day of each month for milk received during the first 15 days of the month, and on or before the 12th day after the end of the month in which milk is received from the pool plant(s) of a cooperative association final payment at not less than the applicable class prices less amounts

made by the 22d of the previous month. Such a provision will enable a cooperative association to carry out its essential functions authorized in the Agricultural Marketing Agreement Act of 1937, as amended.

Another change would require handlers to notify the market administrator in advance of the dumping of any skim milk to be classified as Class II. Such requirement will aid in the administration of the order and permit verification of such dumping of skim milk without unduly burdening handlers.

Also, § 942.22(b) with respect to disclosure of noncompliance should be expanded to include all handler obligations. The market administrator under this provision of the order, may at his discretion publicly disclose the name of any handler failing to make certain payments and reports by specified dates. In addition to the payments now cited in § 942.22(f) payments to producers (§ 942.80) and amounts due as a result of adjustment of accounts (§ 942.84) should be included and the names of handlers failing to make such payments be publicly disclosed in the same manner as now prescribed.

Proponent cooperative associations proposed additional reporting requirements on the part of handlers with respect to diversion of producer milk and other source milk. The portion of the proposal dealing with diversions was abandoned and therefore no action is taken in this decision. The proposal to require a handler to report to the market administrator on or before the first day his intention to receive other source milk in the form of fluid or skim milk and on or before the last day such product is received, his intention to "discontinue such receipts, was not justified on the basis of this record and is therefore denied.

It is public knowledge that the dairy manufacturing plant located at Newton, Mississippi is now operated by the McClendon Cheese Company. This plant was formerly operated by Kraft Cheese Company. The basic or field prices reported to have been paid or to be paid for milk of 4 percent butterfat content received from farmers during the month at this plant and three other dairy manufacturing plants are used as a basis to determine the Class II price. Therefore, in § 942.50(c) the reference to the Kraft Cheese Company should be changed to the McClendon Cheese Company.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. 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 supply 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.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the New Orleans, Louisiana Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the New Orleans, Louisiana Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

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

Referendum order; determination of representative period; and designation of referendum agent. It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order amending the order regulating the handling of milk in the New Orleans, Louisiana marketing area, is approved or favored by the producers, as defined under the terms of the order, as

hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of November 1959 is hereby determined to be the representative period for the conduct of such referendum.

W. M. Costello is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177), such referendum to be completed on or before the 15th day from the date this decision is issued.

Issued at Washington, D.C., this 4th day of January 1960.

CLARENCE L. MILLER,
Assistant Secretary.

Order Amending the Order Regulating the Handling of Milk in the New Orleans, Louisiana Marketing Area

§ 942.0 Findings and determinations.

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) *Findings upon the basis of the hearing record.* 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), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the New Orleans, Louisiana marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) 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 said marketing area, and the minimum prices specified in the order as hereby 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;

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

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to all skim milk and butterfat received by such handler, during such delivery period from producers, including that received from such handler's own farm production.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the New Orleans, Louisiana marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Amend § 942.10 to read as follows:

§ 942.10 Pool plant.

Pool plant means:

(a) A distributing plant, other than that of a producer-handler or one described in § 942.61 or § 942.63(a), from which during the month:

(1) Disposition in the marketing area of fluid milk products on routes is 20 percent or more of receipts from dairy farmers and supply plants; and

(2) Total disposition of fluid milk products on routes is 50 percent or more of receipts from dairy farmers and supply plants;

(b) A supply plant from which during the month an amount equal to 50 percent or more of its receipts of milk from dairy farmers which is eligible for distribution in the marketing area under a Grade A label is moved to and received at a pool plant(s) described in paragraph (a) of this section; and

(c) Any supply plant that was a pool plant during each of the months of September through November immediately preceding shall continue to be a pool plant the following month of December unless written notice to the contrary is filed by the handler with the market administrator on or before the first day of such month; and any supply plant that was a pool plant pursuant to paragraph (b) of this section, during each of the months of September through November and also during either the month of December or the month of January immediately preceding shall continue to be a pool plant the following months of January or February through August, as the case may be, unless the operator notifies the market administra-

tor in writing before the first day of any such month of its intention to withdraw such plant as a pool plant, in which case such plant shall thereafter be a nonpool plant except in any month it qualifies as a supply plant pursuant to paragraph (b) of this section.

2. Amend § 942.19 to read as follows:

§ 942.19 Base and excess milk.

(a) Base milk means milk received at pool plants from a producer during any of the months of the base-operating period of each year which is not in excess of such producer's daily average base computed pursuant to § 942.92 multiplied by the number of days in such month.

(b) Excess milk means milk received at pool plant(s) from a producer during any of the months of the base-operating period of each year in excess of such producer's base milk.

§ 942.22 [Amendment]

3. Amend § 942.22(f) to read as follows:

(f) Publicly disclose to handlers and producers, at his discretion, unless otherwise directed by the Secretary, the name of any handler who, after the date on which he is required to perform such acts, has not made reports pursuant to §§ 942.30 and 942.31, or payments pursuant to §§ 942.80, 942.82, 942.84, 942.85 and 942.86.

§ 942.30 [Amendment]

4. Amend § 942.30(a) (1) to read as follows:

(1) Producer milk, and for each month of the base-operating period, the total quantities of base and excess milk received; in lieu thereof, the operator of a nonpool distributing plant shall report aggregate receipts from dairy farmers qualified to become producers if such a plant were a pool plant;

§ 942.31 [Amendment]

5. Amend § 942.31(a) (2) to read as follows:

(2) The total pounds of milk received from such producers and for the base-operating period the total pounds of base and excess milk;

6. Amend § 942.31(b) (2) (i) to read as follows:

(i) The daily and total pounds of milk received during the month with separate totals for base and excess milk for the base-operating period, and the average butterfat test thereof; and

§ 942.41 [Amendment]

7. Amend § 942.41(b) (3) to read as follows:

(3) Disposed of as dumped skim milk, provided the market administrator is notified in advance and given opportunity to verify such dumping;

8. Amend § 942.43 to read as follows:

§ 942.43 Transfers.

Skim milk and butterfat transferred or diverted during the month as milk, skim milk or cream in bulk from a pool plant to:

(a) The pool plant of another handler shall be classified as Class I unless Class II utilization is indicated by the operators of both plants in their reports submitted pursuant to § 942.30 and:

(1) The receiving plant has utilization in such class of equivalent amounts of skim milk and butterfat, respectively; and

(2) Such skim milk and butterfat shall be classified so as to allocate to producer milk the greatest possible total Class I utilization in the two plants.

(b) A plant operated by a producer-handler shall be Class I milk;

(c) A nonpool plant (except pursuant to paragraph (d) of this section) located more than 350 miles by the shortest highway distance from City Hall in New Orleans, Louisiana, as determined by the market administrator, shall be Class I milk unless claimed and transferred in the form of cream in bulk to such a nonpool plant which does not dispose of milk or cream for consumption in fluid form;

(d) A nonpool plant that is a pool plant (a fully regulated plant) under another order issued pursuant to the Act shall be classified pursuant to the utilization assigned pursuant to the classification and allocation procedure of the other Federal order: *Provided*, That in the event such nonpool plant receives skim milk and butterfat from two or more plants regulated by order(s) other than that under which it is regulated the amount classified in each class shall be a pro rata share of such receipts allocated to that class.

(e) A nonpool plant, except as specified in paragraphs (b), (c) and (d) of this section, shall be Class I milk unless:

(1) The transferring handler claims Class II use on his report for the month;

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

(3) The skim milk and butterfat, respectively, received at the nonpool plant during the month from a pool plant(s) (except the amounts pursuant to subparagraph (4) of this paragraph and the similar provision of such other order) and from a plant(s) at which milk is priced pursuant to another order issued pursuant to the Act does not exceed the skim milk and butterfat, respectively, resulting from the following computation:

(i) Determine the skim milk and butterfat, respectively, in Class II (as defined pursuant to § 942.41(b)(1)) at such nonpool plant during the month;

(ii) Subtract the overage or add the actual shrinkage of skim milk and butterfat, respectively, in the total fluid receipts physically received at such nonpool plant but not to exceed 2 percent of such total receipts during the month;

(iii) Add the increases or subtract the decreases of skim milk and butterfat, respectively, in the inventory of fluid milk products at the end of the month at such nonpool plant as compared with that at the beginning of the month;

(iv) Add the skim milk and butterfat, respectively, in milk, skim milk, or cream transferred in bulk from such nonpool plant to a plant at which milk is priced under this or another order issued pursuant to the Act which is allocated to other than Class I under the applicable order provisions at the transferee plant but excluding any such transfers that may be classified under such other order pursuant to provisions similar to subparagraph (4) of this paragraph;

(v) Add the skim milk and butterfat, respectively, in fluid bulk cream transferred from such nonpool plant to a second nonpool plant which is not in excess of Class II (pursuant to § 942.41(b)(1)) processed in such second nonpool plant plus the bulk fluid cream shipped therefrom to other nonpool plants which do not dispose of milk or cream for consumption in fluid form: *Provided*, That the second nonpool plant meets the conditions of subparagraph (2) of this paragraph; and

(vi) Subtract the skim milk and butterfat, respectively, received at such nonpool plant from any source(s) other than that which has been approved by a governmental agency as a source(s) of fluid Grade A milk products.

In the event that the remaining skim milk and butterfat, respectively, computed pursuant to subdivision (vi) of this subparagraph is less than the skim milk and butterfat, respectively, received at such nonpool plant from a pool plant(s) and from a plant(s) at which milk is priced under another order issued pursuant to the Act, the difference shall be assigned pro rata to each pool plant (in accordance with receipts of skim milk and butterfat, respectively, from all plants regulated pursuant to the Act) and shall be classified as Class I milk.

(4) If such nonpool plant transfers skim milk or butterfat as milk, skim, or cream in bulk to a pool plant, the amount so transferred which is not in excess of receipts during the month at such nonpool plant from pool plants shall be excluded from receipts within the meaning of subparagraph (3) of this paragraph, and shall be classified pursuant to paragraph (a) of this section as if moved directly to the second pool plant with Class II utilization indicated: *Provided*, That if the classification limitations provided in (a) of this section results in any skim milk or butterfat being classified as Class I from pool plants of two or more handlers such classification shall be shared pro rata between such handlers unless, at or before the time of reporting, signed statements by operators of such plants indicate agreement on a different sharing of such Class I classification.

§ 942.50(c) [Amendment]

8a. Amend § 942.50(c) to read as follows:

(c) The average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which

PROPOSED RULE MAKING

prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location

Pet Milk Company, Kosciusko, Mississippi.
Borden Food Company, Starkville, Mississippi.
McClendon Cheese Company, Newton, Mississippi.
Wilson and Company, Macon, Mississippi.

§ 942.51 [Amendment]

9. Amend § 942.51(a) to read as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus \$2.48 during the months of March through June and \$2.68 in all other months, plus or minus a supply-demand adjustment calculated for each month as follows:

10. Amend § 942.51(b) to read as follows:

(b) *Class II milk price.* The Class II milk price shall be the price determined pursuant to § 942.50(c) plus 28.5 cents during the months February through August and plus 38.5 cents during all other months: *Provided*, That in no case shall such price exceed the basic formula price by more than 13.5 cents.

11. Amend § 942.53 to read as follows:

§ 942.53 Location differentials to handlers.

(a) For that milk which is received from producers at a pool plant more than 50 miles by the shortest toll-free highway distance, as determined by the market administrator, from the nearer of the City Hall in New Orleans or the Terrebonne Parish Courthouse in Houma, Louisiana, and utilized as Class I the price specified in § 942.51(a) shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

*Rate per
hundredweight
(cents)*

Zones measured from the nearer of the City Hall in New Orleans or the Terrebonne Parish Courthouse in Houma, Louisiana (miles):	
More than 50 but not more than 60...	13.5
Each additional 10 miles or fraction thereof.....	1.5

(b) For (1) milk received from producers at a pool plant more than 50 miles, by the shortest toll-free highway distance, as determined by the market administrator, from the nearer of the city hall in New Orleans or the Terrebonne Parish Courthouse, Houma, Louisiana, and classified as Class II and (2) for milk received from producers at a pool plant 50 miles or less from the basing points in New Orleans or Houma and classified as Class II pursuant to § 942.41(b) (3), (4), and (5) shall be reduced by 13.5 cents.

(c) The market administrator shall determine and publicly announce the zone location of each plant of each handler according to the shortest toll-free highway distance between such plant and the city hall in New Orleans or the Terrebonne Parish Courthouse in

Houma. The market administrator shall notify the handler on or before the first day of any month in which a change in a plant location zone will apply.

(d) For the purpose of this section, the skim milk and butterfat classified as Class I during each month shall be considered to have been first received from producers at such handler's plant located in the 0-50 mile zone, then that skim milk and butterfat which was received from producers at such handler's plant in series beginning with plants located in the zone nearest to New Orleans or Houma.

12. In the centerhead immediately preceding § 942.70, delete "at the 61-70 mile zone".

13. Amend § 942.71 to read as follows:

§ 942.71 Computation of the 4.0 percent value of all producer milk.

For each month, the market administrator shall compute the 4.0 percent value of all producer milk, as follows:

(a) Combine into one total the individual values of milk of all handlers computed pursuant to § 942.70 except those of handlers who failed to make payments required pursuant to § 942.80 through § 942.82 for the preceding month;

(b) Add, if the weighted average butterfat test of all producers milk represented in paragraph (a) of this section is less than 4.0 percent, or subtract if the weighted average butterfat test of such milk is more than 4.0 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such average butterfat test from 4.0 percent by the butterfat differential provided in § 942.75 multiplied by 10;

(c) Add the aggregate of the values of allowable location adjustments to producers pursuant to § 942.76; and

(d) Add not less than one-half of the unobligated balance in the producer-settlement fund.

14. Amend § 942.72 to read as follows:

§ 942.72 Uniform price.

For each of the months of the base-forming period and the month of August the uniform price per hundredweight for milk containing 4.0 percent butterfat received from producers at pool plants shall be computed as follows:

(a) Divide the amount computed pursuant to § 942.71 by the hundredweight of milk received from all producers;

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

15. Amend § 942.73 to read as follows:

§ 942.73 Uniform excess milk price.

For each of the months of the base-operating period the price for excess milk containing 4.0 percent butterfat shall be computed as follows:

(a) Multiply the hundredweight of excess milk not in excess of the total quantity of Class II milk represented by the values included in § 942.71(a) by the price for 4.0 percent Class II milk pursuant to § 942.51(b);

(b) Multiply the hundredweight of any excess milk not included in the com-

putation described in paragraph (a) of this section by the price for 4.0 percent Class I utilization pursuant to § 942.51(a); and

(c) Combine into one total the values computed pursuant to paragraphs (a) and (b) of this section, divide by the hundredweight of excess milk and round to the nearest cent.

16. Amend § 942.74 to read as follows:

§ 942.74 Uniform base milk price.

For each of the months of the base-operating period, the price for base milk containing 4.0 percent butterfat received from producers at pool plants shall be computed as follows:

(a) Multiply the total pounds of excess milk by the excess price for the month;

(b) Subtract the total value arrived at in paragraph (a) of this section from the total 4.0 percent value of all producer milk arrived at in § 942.71;

(c) Divide the resultant value by the total hundredweight of base milk; and

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

17. Amend § 942.76 to read as follows:

§ 942.76 Location differentials to producers

In making payments for milk pursuant to paragraphs (a), (c), and (d) of § 942.80 a handler may deduct: (a) From the uniform price pursuant to § 942.72 or the uniform price for base milk pursuant to § 942.74 the rates specified in § 942.53(a) applicable to the location of the pool plant at which such milk was received; and (b) from the uniform excess milk price the rate specified in § 942.53(b) applicable to the location of the pool plant at which such milk was received.

18. Amend § 942.80 to read as follows:

§ 942.80 Time and method of payments to producers.

(a) Except as provided in paragraph (c) of this section, each handler shall make payment to each producer from whom milk is received during the month as follows:

(1) On or before the last day of each month to each producer, who did not discontinue shipping milk to such handler before the 25th day of the month, an amount equal to not less than the Class II milk price for the preceding month multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph;

(2) On or before the 15th day of the following month, each handler shall make payment to each producer for milk which was received from him during the month at not less than the uniform price(s) computed pursuant to § 942.72 or to §§ 942.73 and 942.74, as the case may be, subject to the following adjustments:

(i) The butterfat differential pursuant to § 942.75;

(ii) The location differential pursuant to § 942.76;

(iii) Less payments made to such producer pursuant to subparagraph (1) of this paragraph;

(iv) Less marketing services deductions made pursuant to § 942.85;

(v) Plus or minus adjustments for errors made in previous payments to such producer;

(vi) Less deductions authorized in writing by such producer; and

(vii) If by such date such handler has not received full payment from the market administrator pursuant to § 942.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator.

(b) Each handler shall furnish to the producer the following information:

(1) On or before the 25th day of the month, the pounds of milk received from the producer during the first 15 days of such month;

(2) On or before the 15th day of the following month (i) the pounds of milk received from the producer each day and the total for the month, together with the butterfat content of such milk, (ii) the pounds of base and excess milk received, (iii) the amount (or rate) and nature of deductions made from payments, and (iv) the amount and nature of payments due pursuant to § 942.84.

(c) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any claim on the part of the association, each handler:

(1) Shall pay to the cooperative association, in lieu of payments pursuant to paragraph (a) of this section, on or before the 2d day prior to the date on which payments are due individual producers, an amount equal to not less than the amount due such certified members as determined pursuant to paragraph (a) of this section;

(2) Report to the cooperative association on or before the 25th day of the month, the pounds of milk received from each member of the cooperative association during the first 15 days of such month and on or before the 7th day of the following month to the cooperative association for its individual members the following information: (i) The pounds of milk received each day and the total for the month, together with the butterfat content of such milk, (ii) the pounds of base and excess milk received, (iii) the amount (or rate) and nature of deductions made from payments and (iv) the amount and nature of payments due pursuant to § 942.84.

The foregoing payment and submission of information shall be made with respect to milk of each producer whom the cooperative association certifies is a member, which is received on and after the first day of the month next follow-

ing receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association.

(3) A copy of each such request, promise to reimburse, and a certified list of members shall be filed simultaneously with the market administrator by the association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, shall be made by written notice to the market administrator and shall be subject to his determination.

(d) Each handler shall make payment to a cooperative association for milk received from the pool plant(s) of such cooperative association:

(1) On or before the 22d day of each month an amount equal to not less than the Class II price for the preceding month multiplied by the hundredweight of milk received from such pool plant(s) during the first 15 days of the current month, and

(2) On or before the 12th day after the end of each month in which it was received at not less than the applicable class prices less amounts deducted pursuant to subparagraph (1) of this paragraph.

19. Amend § 942.90 to read as follows:
§ 942.90 **Base-operating period.**

The base operating period for 1960 shall be the months March through July and the months of February through July thereafter.

20. Amend § 942.91 to read as follows:
§ 942.91 **Base-forming period.**

The base-forming period for bases operative in 1960 shall be October 1959 through February 1960 and for bases operative in subsequent years shall be the months of September through January immediately preceding the base-operating period.

21. Amend § 942.92 to read as follows:
§ 942.92 **Determination of daily base.**

The daily base of each producer shall be calculated by the market administrator as follows: Divide the total pounds of milk received by all handlers of pool plants from such producer during the base-forming period by the number of days in such period.

§ 942.93 [Amendment]

22. Amend § 942.93(a) to read as follows:

(a) Subject to the provisions of paragraph (b) of this section, the market administrator shall assign a base as calculated pursuant to § 942.92 to each person for whose account producer milk was delivered to pool plants during the months of the base-forming period: *Provided*, That in the case of a pool plant which did not qualify as a pool plant during each month of the base-forming period, but which is a pool plant during any of the months of the base-operating period, bases shall be assigned to each

person for whose account milk was delivered to such plant at the time such plant becomes a pool plant in the same manner as if such plant were a pool plant during the base-forming period.

23. Amend § 942.94 to read as follows:
§ 942.94 **Announcement of established bases.**

On or before March 1, of each year, the market administrator shall notify each producer, and the handler receiving milk from such producer, of the daily base established by such producer, except that for March 1960 the announcement of such bases shall be on or before March 31, 1960.

§ 942.63 [Amendment]

24. Amend § 942.63(b) to read as follows:

(b) Any supply plant which would be subject to the classification and pricing provision of another order issued pursuant to the Act unless such plant qualified as a pool plant pursuant to § 942.10(c).

[F.R. Doc. 60-115; Filed, Jan. 6, 1960; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition for Establishment of Increased Tolerances for Residues of Hydrogen Cyanide

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d) (1), 68 Stat. 512; 21 U.S.C. 346a (d) (1), the following notice is issued:

A petition has been filed by American Cyanamid Company, 30 Rockefeller Plaza, New York 20, New York, proposing an increase in the present tolerance to 75 parts per million for residues of hydrogen cyanide in or on the following raw agricultural commodities from post-harvest fumigation: Barley, buckwheat, corn (including popcorn), milo (grain sorghum), oats, rice, rye, wheat.

This petition was originally filed in 1958 (23 F.R. 9511) and was later withdrawn in 1959 (24 F.R. 1687) because of deficiencies in the supporting data. The present petition consists of the original petition plus supplemental data.

The analytical method proposed in the petition for determining residues of hydrogen cyanide is the method published December 9, 1958 (23 F.R. 9511).

Dated: December 30, 1959.

[SEAL] ROBERT S. ROE,
Director, Bureau of
Biological and Physical Sciences.

[F.R. Doc. 60-141; Filed, Jan. 6, 1960; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 406]

[Regulatory Docket No. 198; Draft Release 59-2]

CLASS III MEDICAL EXAMINATIONS AND CERTIFICATES BY MEDICAL EXAMINERS

Notice of Change of Date of Public Hearing

By notice published in the FEDERAL REGISTER of December 8, 1959 (24 F.R. 9847), a public hearing was scheduled to be held on January 14, 1960, concerning the proposal contained in Draft Release 59-2. Postponement of the hearing has been requested, and there appearing to be good reason for granting this request, the hearing is hereby postponed to 10:00 a.m., e.s.t., February 11, 1960, at 1711 New York Avenue NW., Washington, D.C.

Issued in Washington, D.C., on January 4, 1960.

JAMES L. GODDARD,
Civil Air Surgeon.

[F.R. Doc. 60-165; Filed, Jan. 6, 1960; 8:50 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 59-KC-7]

FEDERAL AIRWAYS

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6072, 600.6069, and 600.6191 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 72 presently extends, in part, from Maples, Mo., to Troy, Ill. VOR Federal airway No. 69 and 191 presently extend, in part, from Farmington, Mo., to Troy, Ill. The Federal Aviation Agency is considering realigning the segment of Victor 72 between the Maples, Mo., VOR and the Troy, Ill., VOR via a VORTAC to be installed approximately March 15, 1960, near Richwoods, Mo., at latitude 38°13'27" N., longitude 90°49'26" W., to provide more precise navigational guidance between these points. Concurrent with this action, the Federal Aviation Agency is considering realigning the segment of Victor 69 and 191 between the Farmington, Mo., VOR and the Troy, Ill., VOR via the intersection of the Farmington VOR 351° and the Troy 234° radials. This would provide sufficient lateral separation between aircraft operating on Victor 69 and 191 and aircraft making instrument approaches to Scott Air Force Base, Ill. The control areas associated with Victor 72, 69, and 191 are so designated that they will automatically conform to the modified airways. Accordingly, no amendment relating to such control areas is necessary.

If these actions are taken, VOR Federal airway No. 72 would extend, in part, from Maples, Mo., to Troy, Ill., via Richwoods, Mo. VOR Federal airways No. 69 and 191 would extend, in part, from Farmington, Mo., via the Farmington VOR 351° and the Troy, Ill., VOR 234° radials, to Troy, Ill.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on December 31, 1959.

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

[F.R. Doc. 60-101; Filed, Jan. 6, 1960; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-AN-3]

FEDERAL AIRWAYS AND CONTROL AREAS

Designation of Federal Airway and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency is considering designating VOR Federal airway No. 456 and its associated control areas from Redoubt Bay, Alaska, to Anchorage, Alaska. At present air traffic conducting IFR flight between Anchorage and Sparrevohn, Alaska, interfere with air traffic proceeding via the present

inbound and outbound routes between Anchorage and points in the Aleutian Islands, or must be radar vectored in uncontrolled airspace west of Green Federal airway No. 8. Designation of Victor 456 from the intersection of the Anchorage VOR 241° radial and the west course of the Kenai, Alaska, radio range to the Anchorage VOR would provide a route for the traffic between Anchorage and Sparrevohn to a point where altitude transition changes can be effected with protection from other traffic to and from the Anchorage terminal area.

If this action is taken, VOR Federal airway No. 456 and its associated control areas would be designated from Redoubt Bay, Alaska, to Anchorage, Alaska.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, P.O. Box 440, Anchorage, Alaska. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on December 31, 1959.

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

[F.R. Doc. 60-102; Filed, Jan. 6, 1960; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 59-WA-305]

CONTROL AREAS

Designation of Control Area Extension

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the designation of a control area extension at Peotone, Ill. The proposed control area extension would include the airspace southeast of the Peotone VOR, bounded on the east by VOR Federal airway No. 7, on the southwest by VOR Federal airway No. 227, on the west by VOR Federal airway No. 53, and on the north by VOR Federal airway No. 38. This control area extension would provide additional controlled airspace for the management of air traffic arriving and departing the Chicago, Ill., terminal area from southern terminals.

If this action is taken a control area extension would be designated at Peotone, Ill., which would include the airspace southeast of the Peotone VOR, bounded on the east by VOR Federal airway No. 7, on the southwest by VOR Federal airway No. 227, on the west by VOR Federal airway No. 53, and on the north by VOR Federal airway No. 38.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on December 31, 1959.

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

[F.R. Doc. 60-100; Filed, Jan. 6, 1960;
8:45 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 59-WA-89]

CODED JET ROUTES

Revocation

Pursuant to the authority delegated to me by the Administrator § 409.13, 24

F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 602 of the regulations of the Administrator, the substance of which is stated below.

L/MF jet route No. 23 presently extends from Brownsville, Tex., to North Platte, Nebr. The Federal Aviation Agency has under consideration revocation of L/MF jet route No. 23. The Federal Aviation Agency IFR peak day survey during the period July 1, 1958, through June 30, 1959, showed less than six aircraft movements on this route. On the basis of this survey, it appears that the retention of this jet route is unjustified and that the revocation thereof would be in the public interest.

If this action is taken, L/MF jet route No. 23 would be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C. on December 31, 1959.

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

[F.R. Doc. 60-95; Filed, Jan. 6, 1960;
8:45 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 59-WA-126]

CODED JET ROUTES

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 602.506, 602.509, and 602.528 of the regulations of the Administrator, the substance of which is stated below.

VOR/VORTAC jet route No. 6 presently extends, in part, from Palmdale, Calif., to Prescott, Ariz.; VOR/VORTAC jet route No. 9 presently extends, in part, from Los Angeles, Calif., to Las Vegas, Nev.; and VOR/VORTAC jet route No. 28 presently extends, in part, from Daggett, Calif., to Peach Springs, Ariz. The Federal Aviation Agency has under consideration the modification of these segments of jet routes presently designated via the Daggett VOR. The segment of Jet Route 6-V from the Palmdale VOR, to the Prescott, VOR, would be realigned via the Hector, Calif., VOR; the segment of Jet Route 9-V from the Los Angeles VOR, to the Las Vegas VOR, would be realigned via the Hector VOR, and the segment of Jet Route 28 originating at the Daggett VOR, and extending to the Peach Springs VOR would be redesignated to originate at the Hector VOR. These modifications would realign the jet route structure to the south, thus avoiding the highly concentrated supersonic military aircraft operations in the vicinity of Edwards Air Force Base, Calif.

If these actions are taken, the segment of VOR/VORTAC jet route No. 6 from Palmdale, Calif., to Prescott, Ariz., would be designated via Hector, Calif., the segment of VOR/VORTAC jet route No. 9 from Los Angeles, Calif., to Las Vegas, Nev., would be designated via Hector, Calif., and the initial segment of VOR/VORTAC jet route No. 28 would be designated from Hector, Calif., to Peach Springs, Ariz.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contracting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on December 31, 1959.

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

[F.R. Doc. 60-96; Filed, Jan. 6, 1960;
8:45 a.m.]

PROPOSED RULE MAKING

[14 CFR Part 602]

[Airspace Docket No. 59-WA-168]

CODED JET ROUTES

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 602.549 of the regulations of the Administrator, the substance of which is stated below.

VOR/VORTAC jet route No. 49 presently extends from Miami, Fla., to Greensboro, N.C., and from Morgantown, W. Va., to Presque Isle, Me. The Federal Aviation Agency has under consideration the modification of Jet Route 49-V by redesignating the segment from Alma, Ga., to Spartanburg, S.C., direct from the Alma, VOR, to the Spartanburg, VOR, eliminating the present alignment via the Augusta, Ga., VOR. This redesignation would simplify operational procedures on this segment without loss of adequate navigational guidance. In addition, it is proposed to revoke the segments of Jet Route 49-V from the Spartanburg VOR, to the Greensboro, N.C., VOR, and from the Morgantown, W. Va., VOR, to the Pittsburgh, Pa., VOR. The segment between Spartanburg and Greensboro is adequately served by a segment of VOR/VORTAC jet route No. 37, and the segment between Morgantown and Pittsburgh by a segment of VOR/VORTAC jet route No. 53. Revocation of these segments of Jet Route 49-V would simplify the jet route structure.

If these actions are taken, the segment of VOR/VORTAC jet route No. 49 from Alma, Ga., to Spartanburg, S.C., would be designated direct from the Alma VOR, to the Spartanburg VOR, and the segments of Jet Route 49-V from Spartanburg to Greensboro, N.C., and from Morgantown, W. Va., to Pittsburgh, Pa., would be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under sections 307(a) and 313(a) of the Fed-

eral Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on December 31, 1959.

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

[F.R. Doc. 60-97; Filed, Jan. 6, 1960;
8:45 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 59-WA-169]

CODED JET ROUTES

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 602.512 and 602.112 of the regulations of the Administrator, the substance of which is stated below.

VOR/VORTAC jet route No. 12 presently extends from Provo, Utah, to Baltimore, Md. L/MF jet route No. 12 presently extends from Denver, Colo., to Baltimore, Md. The Federal Aviation Agency has under consideration the revocation of the segment of Jet Route 12-V from Provo to Pittsburgh, Pa., and the segment of Jet Route 12-L from Denver, Colo., to Pittsburgh. The Provo to Pittsburgh route is adequately served by combinations of other VOR/VORTAC jet routes. The Denver to Pittsburgh route is adequately served by combinations of other L/MF jet routes. Revocation of the segment of Jet Route 12-V from Provo to Pittsburgh, which is closely paralleled by combinations of Jet Routes 56-V, 60-V, 14-V, and 80-V; and revocation of the segment of Jet Route 12-L from Denver to Pittsburgh, which is closely paralleled by combinations of Jet Routes 30-L, 14-L, and 10-L, would simplify the route structure.

If these actions are taken, the segment of VOR/VORTAC jet route No. 12, from Provo, Utah, to Pittsburgh, Pa., and the segment of L/MF jet route No. 12, from Denver, Colo., to Pittsburgh, Pa., would be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on December 31, 1959.

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

[F.R. Doc. 60-98; Filed, Jan. 6, 1960;
8:45 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 59-WA-170]

CODED JET ROUTES

Revocation of Segment of Coded Jet Route

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 602.539 of the regulations of the Administrator, the substance of which is stated below.

VOR/VORTAC jet route No. 39 presently extends from Crestview, Fla., to Lansing, Mich. The Federal Aviation Agency is considering the revocation of the segment of this airway from Dayton, Ohio, to Lansing, Mich. The Federal Aviation Agency IFR peak-day survey for the period July 1, 1958, through June 30, 1959, showed less than four aircraft movements on the segment of Jet Route 39-V between Dayton and Lansing. On the basis of this survey, it appears that the retention of this segment of Jet Route 39-V is unjustified as an assignment of airspace and that the revocation thereof would be in the public interest.

If this action is taken, the segment of VOR/VORTAC jet route No. 39 from Dayton, Ohio, to Lansing, Mich., would be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Fed-

eral Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on December 31, 1959.

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

[F.R. Doc. 60-99; Filed, Jan. 6, 1960;
8:45 a.m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification 544]

CALIFORNIA

Small Tract Opening: Amendment

DECEMBER 31, 1959.

Effective immediately, the lands classified in Federal Register Document 59-9171, appearing on pages 8858-8859 of the issue for October 30, 1959, are hereby suspended from disposal until provisions for disposal are made by an order to be issued by an authorized officer of the Bureau of Land Management.

ALAN A. SHARP,
Acting Officer - in - Charge,
Northern Field Group, Sacra-
mento, California.

[F.R. Doc. 60-123; Filed, Jan. 6, 1960;
8:47 a.m.]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

The Federal Aviation Agency has filed an application, Serial Number J-011659 for the withdrawal of the lands described below, from all forms of appropriation including the mining laws, the mineral leasing laws and laws pertaining to the disposition of materials. The applicant desires the land for an air navigation site.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 2511, Juneau, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

From a point about 3.90 chs. (257.4 feet) north of the north side of Lena Point Road, at Corner No. 7, U.S. Survey No. 2871, go

N. 86°24' W., 7.925 chs. (523.05 feet) to Corner No. 6, U.S. Survey No. 2871; thence S. 00°02' E., 2.985 chs. (197.01 feet) to Corner No. 5, U.S. Survey No. 2871; thence S. 61°12' W., 0.395 chs. (26.07 feet) to Corner No. 4, U.S. Survey No. 2871; thence S. 00°45' E. 0.037 chs. (2.44 feet) on line 3-4, U.S. Survey No. 2871 to a point 50 feet from the center line of Lena Point Road; thence N. 87°11' W., 15.70 chs. (1036.20 feet); thence north 977.25 feet to the Point of Beginning; thence west 750.00 feet; thence north 200.00 feet; thence east 750.00 feet; thence south 200.00 feet to the Point of Beginning; containing 3.44 acres, more or less.

WARNER T. MAY,
Operations Supervisor.

[F.R. Doc. 60-129; Filed, Jan. 6, 1960;
8:48 a.m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

EDWIN J. SORKIN AND MINTHORNE INTERNATIONAL CO., INC.

Export Control Order for Denial of Export Privileges and Probation

In the matter of Edwin J. Sorkin and Minthorne International Company, Inc., 15 Moore Street, New York 4, New York, Respondents; Case No. 266.

The respondents, Edwin J. Sorkin and Minthorne International Company, Inc., having been charged by the Director, Investigation Staff, Bureau of Foreign Commerce, United States Department of Commerce, with having violated the Export Control Act of 1949, as amended, and regulations promulgated thereunder, were duly served with the charging letter and appeared and were represented herein by counsel. During the proceeding, they were indicted in the United States District Court for the Southern District of New York, upon two counts alleging violations of Title 18, United States Code, section 1001; Title 15, Code of Federal Regulations, Ch. III, Sub-ch. B, § 372.3; the Export Control Act of 1949, as amended, Title 50, United States Code Appendix, section 2025; and Title 18, United States Code, section 2. Respondents pleaded not guilty, were tried and have been convicted. Respondent Minthorne International Company, Inc., was fined the sum of Five Thousand Dollars (\$5,000.00) and respondent Edwin J. Sorkin has been sentenced to 60 days imprisonment.

Respondents, pursuant to § 382.10 of the export regulations, by agreement

with the Director, Investigation Staff of the Bureau of Foreign Commerce, have now submitted to the Compliance Commissioner a proposal for the issuance of this consent order, and, in connection with said proposal, respondents have admitted that the facts as alleged in the charging letter are true. The Compliance Commissioner has considered the proposal, and, after reviewing the evidence submitted in support of the charging letter, has found that said evidence is sufficient to support the charges and has reported the facts of the case to the Director, Office of Export Supply, together with his recommendation that the proposal be accepted.

Now, after carefully reviewing the entire record herein, it is hereby found that, with knowledge that the Department of Commerce would not issue a validated export license for the exportation of a Type 6326 electron tube to a particular individual residing in the Federal Republic of Germany, the respondents did nevertheless export said tube to said individual by describing it falsely and undervaluing it so that it might be shipped out of the United States as an exportation permissible under the General License G.L.V. They accomplished this exportation by resorting to the device of having authenticated a shipper's export declaration in which they falsely represented and stated that the exportation was being made under said General License. The respondents did thereby violate the Export Control Act of 1949, as amended, and sections 370.2, 372.3, 381.4, 381.6 and 381.8 of the regulations promulgated thereunder.

Now, upon the whole record, the Compliance Commissioner's Report and his Recommendation, having concluded, in view of the proceedings in the United States District Court for the Southern District of New York, and other circumstances reported by the Compliance Commissioner, that his recommendation is fair and just, and that effective enforcement of the Export Control Act of 1949, as amended, will be achieved thereby, and, for the purpose of effectuating the policies therein set forth: *It is hereby ordered:*

I. Respondent Minthorne International Company, Inc. is hereby placed on probation as to its participation, directly or indirectly, in any manner or capacity, in exportations of any commodities or technical data from the United States to any foreign destination, including Canada, for a period of twelve (12) months from the date of this order.

II. For the period of twelve (12) months from the date of this order, except as qualified in Parts V and VI hereof, respondent Edwin J. Sorkin is hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in any exportation of any commodity or technical data from the United States to any foreign destination, including Canada.

III. Without limitation of the generality of Part I and Part II hereof, participation in an exportation by either respondent is deemed to include participation by him or it, directly or indirectly, in any manner or capacity, (a) as a

party or as a representative of a party to any validated export license application, (b) in the preparation or filing of any export license application or document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the receiving, ordering, buying, selling, delivering, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (e) in financing, forwarding, transporting, or other servicing of such exports from the United States.

IV. The period of probation set forth in Part I hereof shall extend not only to Minthorne International Company, Inc. but also to any person, firm, corporation, or business organization with which it now or hereafter may be related by ownership or control. The denial of export privileges set forth in Part II hereof shall extend not only to respondent Sorkin, but also, to the extent necessary to prevent evasion by him, to any person, firm, corporation, or business organization (other than respondent Minthorne International Company, Inc.) with which he now or hereafter may be related by ownership, control, or position of responsibility.

V. Without further order of the Bureau of Foreign Commerce, six (6) months after the date hereof, respondent Edwin J. Sorkin shall have his export privileges restored to him upon the conditions set forth in Part VI hereof.

VI. The privileges so conditionally restored to respondent Edwin J. Sorkin, or the probation provided for Minthorne International Company, Inc. in Part I hereof, may be revoked summarily and without notice as to him or it upon a finding by the Director of the Office of Export Supply, or such other official as may at that time be exercising the duties now exercised by him, that the respondent, against whom or which the finding is made, at any time within twelve (12) months following the date hereof, has knowingly failed to comply in any respect with this order; or with any other requirement of the Export Control Act of 1949, as amended; or with any regulation, license, or order issued thereunder; or, following proper demand by any agent of the Bureau of Foreign Commerce, has failed to make instantly available to him for inspection and copying all documents and writings having any bearing upon or relevancy to exportations made or to be made from the United States. In that event, a supplemental order may be entered against the respondent so found to have breached any of these conditions. If the order be entered against respondent Sorkin, he may be effectively denied all export privileges for an additional six (6) months or for twelve (12) months from the date hereof whichever shall be the later, as though this order had not contained these Parts V and VI. If the order be entered against respondent Minthorne International Company, Inc., it may be effectively denied all export privileges for a period up to twelve (12) months from the date of the supplemental order. The entry of such sup-

plemental order shall not bar the Bureau of Foreign Commerce from taking such other and further action based on such violation as it shall deem warranted. In the event that such supplemental order is issued, the respondent affected thereby shall have the right to appeal therefrom, as provided in the Export Regulations.

VII. No person, firm, corporation, or other business organization, whether in the United States or elsewhere, during the time when respondent, Edwin J. Sorkin, is subject to Part II hereof, shall, without prior disclosure to, and specific authorization from the Bureau of Foreign Commerce, directly or indirectly, in any manner or capacity, (a) apply for, obtain, or use any export license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity, (b) order, receive, buy, sell, deliver, use, dispose of, finance, transport, forward, or otherwise service or participate in any exportation from the United States, on behalf of or in any association with him or any related party. Nor shall any such person or firm do any of the foregoing acts with respect to any exportation in which said respondent or any related party may have any interest or obtain any benefit of any kind or nature, direct or indirect.

Dated: December 31, 1959.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F.R. Doc. 60-118; Filed, Jan. 6, 1960;
8:47 a.m.]

Federal Maritime Board

CERTAIN OCEAN FREIGHT FORWARDERS PROPOSED CANCELLATION OF REGISTRATION

Notice of Show Cause Order

Notice is hereby given that at a session of the Federal Maritime Board held at its Office in Washington, D.C., the 21st day of December 1959, the Board entered the following order:

Whereas, the following persons, firms, and corporations are registered as ocean freight forwarders pursuant to General Order 72 (46 CFR Part 244):

Name and Address; Registration No.; and Date Issued

American Abroad, Inc. (Philadelphia); 2251; January 27, 1958.

Andes Company (Los Angeles) (Edwardo Jimenez, dba); 785; August 20, 1951.

Barandiaran Enterprises (New York) (Charles H. Barandiaran, dba); 2312; May 14, 1958.

Carter, Thomas J., Jr. (Arlington, Va.); 2296; April 8, 1958.

East Coast Warehousing Corp. (Norfolk); 2254; January 30, 1958.

Graves, L. H. (Brownsville); 1255; February 12, 1951.

Interstate Forwarding Co. (New Orleans) (John H. Greene, dba); 154; December 10, 1952.

M. B. Forwarding Company (New York); (M. Bersin, dba); 1746; June 10, 1954.

Nieves, Juan (New York); 2285; March 27, 1958.

Rio Shipping Company (Miami) (Djalma de Luna Braga, dba); 2250; January 27, 1958.

Ripol & Company, A. (New York); 2106; February 15, 1957.

World Wide Trade & Company (Miami) (Arden M. Merckle, dba); 2242; March 6, 1958.

Whereas, the Regulation Office of the Federal Maritime Board, has by registered letters, requested the above-named registrants to furnish certain information in connection with their forwarding operations pursuant to § 244.3 of General Order 72; and

Whereas, each of these registrants has failed to respond to such requests for information; now, therefore

It is ordered, That the above-named registrants show cause in writing, or at a public hearing to be hereafter set if requested by registrant, why their registrations should not be cancelled for the reasons above stated; and

It is further ordered, That such cause be shown, or request for hearing be made within thirty (30) days from the date of publication hereof in the FEDERAL REGISTER; and

It is further ordered, That failure of any such registrant to respond as ordered hereby will result in automatic cancellation of its freight forwarder registration without further action by the Board; and the Secretary shall notify it of such cancellation by registered letter sent to its last known address; and

It is further ordered, That a copy of this order be sent by registered mail to each of the above-named registrants at its last known address; and

It is further ordered, That this order be published in the FEDERAL REGISTER.

Dated: January 4, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-146; Filed, Jan. 6, 1960;
8:50 a.m.]

NOTICE OF ORDERS TO SHOW CAUSE WHY CERTAIN CONFERENCE AGREEMENTS SHOULD NOT BE CANCELLED

On December 17, 1959, the Federal Maritime Board entered three (3) orders to show cause why the conference agreements indicated therein should not be cancelled as follows:

U.S.A./SOUTH AFRICA CONFERENCE

ORDER TO SHOW CAUSE WHY AGREEMENTS NOS. 3578 AND 3578-B SHOULD NOT BE CANCELLED

It appearing that Agreement No. 3578, the U.S.A./South Africa Conference Agreement, covering trade from the Atlantic to west, southwest, south, and east Africa was approved pursuant to section 15 of the Shipping Act, 1916 (46 U.S.C. 814) on October 22, 1934, as was a supplemental pooling arrangement designated Agreement No. 3578-B; and

It further appearing that only one member of that Conference has been ac-

tive in the trade since 1955 and that no justification for continuation of the Conference exists;

It is ordered, That said Conference and its members show cause in writing, within thirty (30) days after publication hereof in the FEDERAL REGISTER, why said Agreements should not be cancelled; and

It is further ordered, That this order be published in the FEDERAL REGISTER and served on the Conference and each of the members thereof.

SOUTH AFRICA/U.S.A. CONFERENCE

ORDER TO SHOW CAUSE WHY AGREEMENTS NOS. 3579 AND 3579-A SHOULD NOT BE CANCELLED

It appearing that Agreement No. 3579, the South Africa/U.S.A. Conference Agreement, covering trade from southwest, south, and east Africa was approved pursuant to section 15 of the Shipping Act, 1916 (46 U.S.C. 814) on October 22, 1934, and a supplementary agreement (No. 3579-A) was approved June 16, 1952; and

It further appearing that only one member of the Conference has been active in the trade since 1955 and that no justification for continuation of the Conference exists;

It is ordered, That said Conference and its members show cause in writing, within thirty (30) days after publication hereof in the FEDERAL REGISTER, why said Agreements should not be cancelled; and

It is further ordered, That this order be published in the FEDERAL REGISTER and served on the Conference and each of the members thereof.

GULF/SOUTH AND EAST AFRICAN CONFERENCE

ORDER TO SHOW CAUSE WHY AGREEMENT NO. 7780 SHOULD NOT BE CANCELLED

It appearing that Agreement No. 7780, the Gulf/South and East African Conference Agreement, covering trade from the Gulf to southwest, south, and east Africa, was approved pursuant to section 15 of the Shipping Act, 1916 (46 U.S.C. 814) on March 7, 1947; and

It further appearing that only one member of that Conference has been active in the trade since 1952 and that no justification for continuation of the Conference exists;

It is ordered, That said Conference and its members show cause in writing, within thirty (30) days after publication hereof in the FEDERAL REGISTER, why said Conference Agreement No. 7780 should not be cancelled; and

It is further ordered, That this order be published in the FEDERAL REGISTER and served on the Conference and each of the members thereof.

Dated: January 4, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-147; Filed, Jan. 6, 1960; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-30; CPTR-3]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notice of Amendment to Construction Permit

Please take notice that the Atomic Energy Commission has issued the following amendment (No. 1) to Construction Permit No. CPTR-3. The amendment extends for one year to January 1, 1961, the latest completion date for construction of the research and testing reactor to be located at NASA's site near Sandusky, Ohio. In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the license amendment upon receipt of a request therefor from the licensee or an intervenor within thirty days after the issuance of the license amendment. Requests for formal hearing should be addressed to the Secretary at the AEC's office at Germantown, Maryland, or to the AEC's Public Document Room, 1717 H Street N.W., Washington, D.C. For further details see the application for amendment on file at the AEC's Public Document Room.

Dated at Germantown, Md., this 30th day of December 1959.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of
Licensing and Regulation.

[Construction Permit No. CPTR-3; Amdt. 1]

Condition A of Construction Permit No. CPTR-3 is hereby amended by changing the second sentence thereof to read as follows:

The latest date for completion of the reactor is January 1, 1961.

Date of Issuance: December 30, 1959.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Licensing and Regulation.

[F.R. Doc. 60-93; Filed, Jan. 6, 1960; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-19040]

NORTHERN NATURAL GAS CO.

Order Permitting Substitution of Revised Tariff Sheets and Suspending Proposed Revised Tariff Sheets

DECEMBER 24, 1959.

On November 27, 1959, Northern Natural Gas Company (Northern) tendered for filing 21 revised tariff sheets¹ pro-

¹Substitute Fourth Revised Sheets Nos. 4, 5, 6, 9, 10, 11, 14, 15, and 16; First Revised Sheets Nos. 18d, 18e, 18f, 18g, 18m, 18n, 33a, 33b, 33c, 33d, and 33e; and Second Revised Sheet No. 18c to its FPC Gas Tariff, First Revised Volume No. 1.

posing: (1) reduced rates for contract demand service in the Company's rate Zones 1, 2 and 3 in substitution of the rates suspended by order issued July 24, 1959, in this proceeding until December 27, 1959, and until such further time as they might be made effective in the manner provided in the Natural Gas Act; (2) increased rates for firm service in new rate Zone B over that prescribed in Opinion No. 324, In the Matters of Northern Natural Gas Company, et al., issued July 31, 1959; (3) increased rates under Rate Schedule PL-3 for pipeline service to Northern Illinois Gas Company to conform the level of the PL-3 rate to that of the CD-3 rate; and (4) a new Rate Schedule R-B (Interruptible Over-run Service) identical to that superseded by a filing tendered November 18, 1959. Northern's filing of the reduced rate in Zones 1, 2 and 3 is contingent on the future effectiveness of the revised tariff sheets which would increase the rates for PL-3 and CD-B service.

Northern states that the objectives of the filing are: (1) to establish the historical differential of two cents per Mcf at 70 percent load factor between all of its rate zones; (2) to charge equivalent rates for CD-3 and PL-3 service; and (3) to reduce the contract demand rates in Zones 1, 2 and 3 to equate total revenues and costs.

The proposed filing reflects the addition of about \$128 million of new facilities and equates costs and revenues at the same level as would be effective under its original rate filing in this proceeding.

Northern requests waiver of the Commission's regulations under the Natural Gas Act to permit substitution of the proposed substitute tariff sheets for those presently under suspension in this proceeding. It also requests a short period of suspension for the revised tariff sheets so that all may be made effective at or near the same time.

Northern did not submit the detailed data required by Statement N of the Commission's regulations under the Natural Gas Act but points out that the data tendered contain the information required by Statement N and that exhibits presently being prepared for introduction in the hearing in Docket No. G-19040, presently scheduled for January 19, 1960, will contain all of the required information. In the circumstances, we believe that the information submitted should be accepted in lieu of a formal "Statement N".

The proposed filing contains the same questionable items referred to in our order of July 24, 1959, herein and a hearing should be held concerning the lawfulness of the proposed rates.

The Commission finds:

(1) The provisions of the Commission's regulations under the Natural Gas Act should be waived to the extent necessary to permit the acceptance of the proposed substitute tariff sheets for filing, subject to the proceedings in Docket No. G-19040.

(2) It is necessary and proper in the public interest, and to aid in the enforcement of the provision of the Nat-

ural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the proposed changes in rates, charges, classifications or services proposed in the tendered revised tariff sheets, and that such revised tariff sheets be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) The provisions of the Commission's regulations under the Natural Gas Act are hereby waived to the extent necessary to permit the filing of Substitute Fourth Revised Sheet Nos. 4, 5, 6, 9, 10, 11, 14, 15, and 16 to Northern's FPC Gas Tariff, First Revised Volume No. 1, subject to the provisions of the order issued July 24, 1959 and to the proceedings in Docket No. G-19040.

(B) Pursuant to the authority contained in the Natural Gas Act, particularly sections 4 and 15 thereof, and the Commission's regulations thereunder, and the rules of practice and procedure

(18 CFR Ch. I), the public hearing scheduled to commence on January 19, 1960, in Docket Nos. G-19040 and G-19041, shall also concern the lawfulness of the proposed changes in rates, charges, classifications, or services contained in the revised tariff sheets hereinafter set forth.

(C) Pending such hearings and decision thereon, First Revised Sheet Nos. 18d, 18e, 18f, 18g, 18m, 18n, 33a, 33b, 33c, 33d, and 33e; and Second Revised Sheet No. 18c to Northern's FPC Gas Tariff, First Revised Volume No. 1, are each hereby suspended until December 29, 1959, and until such further time as they are made effective in the manner prescribed in the Natural Gas Act.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-119; Filed, Jan. 6, 1960;
8:47 a.m.]

[Docket Nos. G-20542—G-20549]

PHILLIPS PETROLEUM CO. ET AL.

Order Providing for Hearings and Suspending Proposed Changes in Rates¹

DECEMBER 30, 1959.

In the matters of Phillips Petroleum Co., Docket No. G-20542; Phillips Petroleum Co. (Operator), et al., Docket No. G-20543; Aylward Drilling Co. (Operator), et al., Docket No. G-20544; Aylward Drilling Co., Docket No. G-20545; Bachus Oil Co. (Operator), et al., Docket No. G-20546; Bachus Oil Co., et al., Docket No. G-20547; Oklahoma Natural Gas Co., Docket No. G-20548; Plymouth Oil Co., Docket No. G-20549.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate Schedule No.	Supplement No.	Purchaser and producing area	Notice of change dated—	Date tendered	Effective date ¹ unless suspended	Rate suspended until—	Cents per Mcf	
									Rate in effect	Proposed increased rate ²
G-20542	Phillips Petroleum Co.	30	9	Tennessee Gas Transmission Co. (Green Branch Field, McMullen County, Tex.).	11-27-59	12-1-59	1-1-60	*6-1-60	12.12268	17.24347
		3	8	Tennessee Gas Transmission Co. (Donna Field, Hidalgo County, Tex.).	11-27-59	12-1-59	1-1-60	*6-1-60	12.12268	17.24347
		43	7	Tennessee Gas Transmission Co. (Calallen Field, Nueces County, Tex.).	11-27-59	12-1-59	1-1-60	*6-1-60	11.90337	17.02416
G-20543	Phillips Petroleum Co. (operator), et al.	20	10	Tennessee Gas Transmission Co. (Calallen Field, Nueces County, Tex.).	11-27-59	12-1-59	1-1-60	*6-1-60	11.90337	17.02416
G-20544	Aylward Drilling Co. (operator), et al.	2	5	Cities Service Gas Co. (Stumph-Smith Field, Barber County, Kans.).	11-23-59	11-30-59	12-31-59	5-31-60	*12.0	*13.0
		3	1	Cities Service Gas Co. (Driftwood, N.E. Rhodes and Donald Fields, Barber County, Kans.).	11-23-59	11-30-59	12-31-59	5-31-60	*12.0	*13.0
G-20545	Aylward Drilling Co.	1	2	Cities Service Gas Co. (Driftwood, N.E. Rhodes and Donald Fields, Barber County, Kans.).	11-23-59	11-30-59	12-31-59	5-31-60	*12.0	*13.0
G-20546	Bachus Oil Co. (operator), et al.	1	1	Cities Service Gas Co. (Driftwood Field, Barber County, Kans.).	11-23-59	12-3-59	1-3-60	6-3-60	*12.0	*13.0
		2	1	Cities Service Gas Co. (Driftwood Field, Barber County, Kans.).	11-23-59	12-3-59	1-3-60	6-3-60	*12.0	*13.0
G-20547	Bachus Oil Co., et al.	3	1	Cities Service Gas Co. (W. Medicine Lodge Field, Barber County, Kans.).	11-23-59	12-3-59	1-3-60	6-3-60	*12.0	*13.0
G-20548	Oklahoma Natural Gas Co..	3	2	Cities Service Gas Co. (N.E. Clyde Field, Grant County, Okla.).	Undated	12-2-59	1-2-60	6-2-60	*12.0	*13.0
G-20549	Plymouth Oil Co.	4	4	Texas Illinois Natural Gas Pipeline Co. (N. Pasture Field, San Patricio County, Tex.).	11-27-59	12-3-59	1-3-60	6-3-60	12.61436	16.65095
		5	5	Texas Illinois Natural Gas Pipeline Co. (Rooke, Plymouth and Portilla Fields, San Patricio and Refugio Counties, Tex.).	11-27-59	12-3-59	1-3-60	6-3-60	12.62	16.6584

¹ The stated effective dates are those requested by Respondents, or the first day after the expiration of statutory notice, whichever is later.

² Or until five months from such date as Tennessee Gas Transmission Co. commences taking delivery of gas at a price of 17.24347 cents per Mcf from the Sullivan City Field, Texas, under the industrial gas sales contract dated November 22, 1956, whichever is later.

³ Pressure base 14.65 psia.

⁴ Subject to Btu adjustment.

⁵ Subject to Btu adjustment for gas below 1,000 Btu.

⁶ Includes 0.75 cents per Mcf for dehydration.

In support of their proposed favored-nation rate increases, Phillips Petroleum Co. (Phillips), and Phillips Petroleum Co. (Operator), et al., (Phillips) cite the contract favored-nation provisions and submit copies of Tennessee Gas Transmission Co.'s favored nation letter. In addition, Phillips states that the increased prices compare favorably with the current field price in the area as evidenced by recently negotiated contracts and that such increased prices are just and reasonable.

Aylward Drilling Co. (Aylward), Aylward Drilling Co. (Operator), et al., (Aylward), Bachus Oil Co. (Operator), et al. (Bachus), Bachus Oil Co., et al., (Bachus) and Oklahoma Natural Gas Co. (Oklahoma Natural) in support of their proposed periodic rate increases, cite the contract price escalation provi-

sions and increasing costs and states that they would not have committed the gas for such long terms without provision for price escalation. Aylward and Bachus state that the increased price is necessary to offset increasing costs of doing business and to provide capital for further exploration and development. Oklahoma Natural states that its proposed price is below prices certified by the Commission in the area and denial thereof would be unfair and discriminatory.

Plymouth Oil Co. (Plymouth), proposes redetermined rate increases for gas sold to Texas-Illinois Natural Gas Pipe Line Co. The price provisions of the contracts specify that for each 5-year period thereof succeeding the first such period the price shall be a fair and reasonable price determined on the facts

existing 9 months prior to the beginning of such periods, but shall not be less than 13.5 cents, 14.5 cents and 15.5 cents per Mcf for the second, third and fourth periods, respectively. In support Plymouth cites such provisions and submits copies of the letter agreement wherein the 16.5 cents base price is established by the parties for the 10-year period beginning January 1, 1960. Plymouth states that the pricing provisions assure seller a fair, just and reasonable price over the term of the contracts and without such provisions it would not have dedicated the gas under the long-term contracts. Plymouth also

¹ This order does not provide for the consolidation for hearing or disposition of the separately docketed matters covered herein, nor should it be so construed.

states that the increased price is not above the fair market value of the gas and that it is just and reasonable and necessary to offset increased costs.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, each of the aforementioned supplements is suspended and the use thereof deferred until the time indicated in the above-designated "Rate Suspended Until" column, plus footnote thereto, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Phillips Petroleum Co. (Phillips) and Phillips Petroleum Co. (Operator), et al., (Phillips) shall file with the Commission in Docket Nos. G-20542 and G-20543, the actual date that Tennessee Gas Transmission Co. commences taking delivery of gas under an industrial sales contract, from Sullivan City Field, Texas, and shall file details of such industrial sales contract.

(E) Interested State commissions may participate as provided in §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-120; Filed, Jan. 6; 1960; 8:47 a.m.]

[Docket No. G-13961 etc.]

PURE OIL CO. ET AL.

Notice of Applications and Date of Hearing

DECEMBER 30, 1959.

In the matters of The Pure Oil Co., Docket No. G-13961; First National Bank in Dallas (Trustee under the will of

No. 4-4

Paul P. Scott) and Mrs. Clara T. Scott,¹ Docket No. G-13967; Anderson-Prichard Oil Corp., Docket No. G-13968; Billy Bridewell, Docket No. G-13971; The Atlantic Refining Co., Operator,² Docket No. G-13975; Tekoil Corp., Operator, et al.,³ Docket No. G-13976; Pan American Petroleum Corp., Docket No. G-14120; Delhi-Taylor Oil Corp.,⁴ Docket No. G-14121; Moyers Oil and Gas Co., Docket No. G-14123; Max Pray, Operator, et al.,⁵ Docket No. G-14127; Hunt Oil Company, Operator,⁶ Docket No. G-14128; Gulf Oil Corporation, Operator,⁷ Docket No. G-14134; Murphy Corp.,⁸ Docket No. G-14135; Seneca Oil Co., Operator,⁹ Docket No. G-14138; Columbian Fuel Corp.,¹⁰ Docket No. G-14139.

Take notice that, each of the above applicants has filed application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing each to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, and amendments or supplements thereto, which are on file with the Commission and open to public inspection.

Docket No.; Field and Location; and Purchaser

- G-13961; Keyes Field, Cimarron County, Okla.; Colorado Interstate Gas Co.
- G-13967; Acreage in Lea County, N. Mex.; El Paso Natural Gas Co.
- G-13968; Crosby (Devonian) Field, Lea County, N. Mex.; El Paso Natural Gas Co.
- G-13971; North Tidehaven Field, Matagorda County, Tex.; Tennessee Gas Transmission Co.
- G-13975; Carthage and Chalk Hill Fields (Cherokee Lake Area), Rusk County, Tex.; Texas Eastern Transmission Corp.
- G-13976; Eureka Field, Grant County, Okla.; Citiles Service Gas Co.
- G-14120; Fort Lynn Field, Miller County, Ark.; Texas Eastern Transmission Corp.
- G-14121; McKinney Field, Clark County, Kans.; Northern Natural Gas Co.
- G-14123; Union District Field, Ritchie County, W. Va.; Hope Natural Gas Co.
- G-14127; Napoleonville Field, Assumption Parish, La.; Southern Natural Gas Co.
- G-14128; Amacker-Tippet Field, Upton County, Tex.; El Paso Natural Gas Co.
- G-14134; North Lansing Field, Harrison County, Tex.; Texas Eastern Transmission Corp.
- G-14135; Greenwood Waskom Field, Caddo Parish, La.; Texas Eastern Transmission Corp.
- G-14138; Cherryvale Pool Field, Grant County, Okla.; Citiles Service Gas Co.
- G-14139; Hugoton Field, Morton County, Kans.; Panhandle Eastern Pipe Line Co.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 20, 1960 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

See footnotes at end of document.

such applications: *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 Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 15, 1960. 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.

¹ First National Bank in Dallas (Trustee under the Will of Paul P. Scott) and Mrs. Clara T. Scott are filing jointly, and both are signatory seller parties to the subject gas sales contract.

² The Atlantic Refining Co., Operator, is filing for itself and, as Operator, lists the following nonoperating owners of working interest in the Sam Thrasher Unit together with their respective percentages of working interest; Amerada Petroleum Co., Gulf Oil Corp., Carter-Jones Drilling Co., William Hemby, Rob M. Lloyd and C. L. Keeling. Atlantic is the sole signatory seller party to the basic gas sales contract dated October 23, 1957. Amendments filed May 16, 1958, and July 3, 1958, cover two separate amendatory agreements dated April 18 and June 11, 1958, respectively, which agreements add additional acreages to the basic gas sales contract.

³ Tekoil Corp., Operator, is filing for itself and on behalf of the following nonoperators: Mineral Mining Co., Pearl B. Jackson, John E. Larkin, Sarah H. Oakes and Veve Selig. Operator acquired its interest in the subject acreage from Texolima Oil Co. by instrument of assignment dated September 12, 1957, and proposes to sell the gas produced pursuant to a basic gas sales contract dated May 31, 1957, between Texolima Oil Co., et al., sellers, and Citiles Service Gas Co., buyer. The nonoperators are all signatory seller parties to the basic contract and Operator has become a signatory seller party to said contract to the extent of its assignment. Application states that acreage was unproductive at the time of assignment.

⁴ Application covers a ratification agreement dated October 24, 1957, of a basic gas sales contract dated July 15, 1957, between The Atlantic Refining Co., seller, and Northern Natural Gas Co., buyer. Both Applicant and Northern Natural Gas Co. are signatory parties to the ratification agreement.

⁵ Max Pray, Operator, is filing for himself and on behalf of following nonoperators listed in the application together with the percentage of working interest of each: Wynne M. Hill-Smith, Peter Henderson Oil Co., C. A. Munn, LaGorce Oil Co., Delmar L. Kroehler, William P. Lear, Paul Butler, Daniel G. VanCleaf, Edna E. Hayes, R. B. Prentice and M. H. Marr. Max Pray, R. B. Prentice and M. H. Marr are signatory seller parties to the gas sales contract dated November 29, 1957, and remaining above-named co-owners are signatory seller parties to said contract through the signature of Max Pray, who has signed the contract as Attorney-in-Fact for said parties. Application states that 0.855 percent interest in subject acreage is dedicated by others to Buyer under a separate contract and that the remaining 24.959 percent interest owned by others is dedicated

to United Gas Pipe Line Co. Applicant states that deliveries commenced in March 1958.

⁶ Hunt Oil Co., Operator, is filing for itself and, as Operator, lists Shell Oil Co., non-operator, as owner of the remaining working interest in production from a subject acreage. Application covers an amendatory agreement dated October 21, 1957, which adds additional acreage to a basic gas sales contract dated September 4, 1956. Amendment filed requests that Shell's share of production be disposed of by Operator until such time as Shell negotiates a separate contract.

⁷ Gulf Oil Corp., Operator, is filing for itself and on behalf of the following nonoperators; Wiley Page, Thomas M. Leake, G. T. Fielder, O. D. Dunford, Natural Gasoline Corp., Gladstone Gasoline Co., Inc., and G. H. L. Kent. Applicant proposes to sell production from the E. K. Huffman Unit pursuant to a basic gas sales contract dated May 22, 1953, and amendatory agreement adding additional acreage thereto dated September 27, 1957, between Warren Petroleum Corp., seller, and Texas Eastern Transmission Corp., buyer. Gulf acquired its interest in subject unit, among others, by an assignment from Warren dated October 25, 1957.

⁸ Murphy Corp., nonoperator, proposes to sell its share of production from the Maggie Burke No. 1 Unit pursuant to a ratification

agreement dated June 5, 1956, of a basic gas sales contract dated February 28, 1956, as amended, between Stanoline Oil & Gas Co. (now Pan American Petroleum Corp.), seller, and Texas Eastern Transmission Corp., buyer. Both Applicant and Texas Eastern are signatory parties to the subject ratification agreement.

⁹ Seneca Oil Co., Operator, is filing for itself and, as Operator, lists the following nonoperators with their respective percentages of working interests: Aberdeen Petroleum Corp., Worley & Harrell, Inc., and Mississippi River Fuel Corp. (formerly Milwhite Mud Sales Co.). Applicant proposes to sell production from two productive units, plus other undeveloped acreage, pursuant to a gas sales contract dated October 18, 1957, to which contract all are signatory seller parties.

¹⁰ Columbian Fuel Corp., nonoperator, proposes to sell its share of production from certain acreage pursuant to a ratification agreement dated October 1, 1957, of a basic gas sales contract dated September 12, 1957, between The Texas Co., seller, and Panhandle Eastern Pipe Line Co., buyer. Both Applicant and Panhandle are signatory parties to the subject ratification agreement.

[F.R. Doc. 60-121; Filed, Jan. 6, 1960; 8:47 a.m.]

[Docket No. G-20551 etc.]

PLYMOUTH OIL CO. ET AL.

Order for Hearing and Suspending Proposed Changes in Rates¹

DECEMBER 31, 1959.

In the matters of Plymouth Oil Co. (Operator), Docket No. G-20551; Texoma Production Co., Docket No. G-20552; Helmerich & Payne, Inc. (Operator), et al., Docket No. G-20553; J. P. Owen (Operator), et al., Docket No. G-20555; Delaney Oil Company (Operator), et al., Docket No. G-20556; K. D. Owen, Docket No. G-20557; Cities Service Oil Co., Docket No. G-20558; Gulf Oil Corp., Docket No. G-20560; Phillips Petroleum Co. (Operator), Docket No. G-20561.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. In each filing the natural gas is produced at 14.65 psia. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Notice of change dated—	Date tendered	Effective date ¹ unless suspended	Rate suspended until—	Cents per Mcf	
									Rate in effect	Proposed increased rate
G-20551	Plymouth Oil Co. (Operator).	11	3	Texas Illinois Natural Gas Pipe Line Co. (Rooke, Plymouth, and Portilla Fields, San Patricio and Refugio Counties, Tex. Cities Service Gas Co. (N.E. Waynoka Field, Woods County, Okla.).	11-27-59	12-3-59	1-3-60	6-3-60	* 14.6	16.5
G-20552	Texoma Production Co.	2	2	Cities Service Gas Co. (N.E. Waynoka Field, Woods County, Okla.).	Not dated	12-3-59	1-3-60	6-3-60	12.0	13.0
G-20553	Helmerich & Payne, Inc. (Operator), et al.	24	2	Cities Service Gas Co. (N.E. Clyde Field, Grant and Alfalfa Counties, Tex.	Not dated	12-3-59	1-3-60	6-3-60	12.0	13.0
G-20555	J. P. Owen (Operator), et al.	2	3	Transcontinental Gas Pipe Line Corp. (S.E. Rayne Field, Lafayette Parish, La.).	Not dated	12-4-59	1-4-60	6-4-60	17.5	23.55
G-20556	Delaney Oil Co. (Operator), et al.	1	2	Tennessee Gas Transmission Co. (N. Government Wells Field, Duval County, Tex.).	Not dated	12-7-59	1-7-60	6-7-60	12.12268	15.0952
G-20557	K. D. Owen.....	1	7	Tennessee Gas Transmission Co. (Placedo Field, Victoria County, Tex.).	Not dated	12-7-59	1-7-60	6-7-60	11.02818	15.33333
G-20558	Cities Service Oil Co.....	119	4	Phillips Petroleum Co. (West Panhandle Field, Moore County, Tex.).	12- 3-59	12-7-59	1-7-60	6-7-60	10.2458	11.2518
G-20558	Cities Service Oil Co.....	118	4	Phillips Petroleum Co. (West Panhandle Field, Moore County, Tex.).	12- 3-59	12-7-59	1-7-60	6-7-60	10.2458	11.2518
G-20558	Cities Service Oil Co.....	117	6	Phillips Petroleum Co. (West Panhandle Field, Moore County, Tex.).	12- 3-59	12-7-59	1-7-60	6-7-60	10.2458	11.2518
G-20558	Cities Service Oil Co.....	116	4	Phillips Petroleum Co. (West Panhandle Field, Moore County, Tex.).	12- 3-59	12-7-59	1-7-60	6-7-60	10.7458	11.7518
G-20558	Cities Service Oil Co.....	115	5	Phillips Petroleum Co. (West Panhandle Field, Moore County, Tex.).	12- 3-59	12-7-59	1-7-60	6-7-60	10.2458	11.2518
G-20558	Cities Service Oil Co.....	114	4	Phillips Petroleum Co. (West Panhandle Field, Gray County, Tex.).	12- 3-59	12-7-59	1-7-60	6-7-60	10.7458	11.7518
G-20558	Cities Service Oil Co.....	113	5	Phillips Petroleum Co. (West Panhandle Field, Moore County, Tex.).	12- 3-59	12-7-59	1-7-60	6-7-60	10.2458	11.2518
G-20558	Cities Service Oil Co.....	111	4	Phillips Petroleum Co. (West Panhandle Field, Moore County, Tex.).	12- 3-59	12-7-59	1-7-60	6-7-60	10.2458	11.2518
G-20560	Gulf Oil Corp.....	* 180	H. L. Hunt, et al. (N. Lansing Field, Harrison County, Tex.).	* 9-30-59	12-8-59	1-8-60	6-8-60	* 13.4376
G-20560	Gulf Oil Corp.....	* 180	1	H. L. Hunt, et al. (N. Lansing Field, Harrison County, Tex.).	12- 7-59	12-8-59	1-8-60	6-8-60	* 13.4376	14.3
G-20561	Phillips Petroleum Co. (Operator).	21	8	Colorado Interstate Gas Company (Panhandle Field, Hutchinson County, Tex.).	11-27-59	12-7-59	1-7-60	6-7-60	* 10.1536	17.1632

¹ The stated effective dates are those requested by Respondents, or the first day after the expiration of statutory notice, whichever is later.

² Rate in effect subject to refund in Docket No. G-17265.

³ Supersedes Gulf Oil Corporation FPC Gas Rate Schedule No. 17 as amended.

⁴ Contract.

⁵ Rate in effect subject to refund in Docket No. G-16657; Rate of 13.6412 cents is suspended in Docket No. G-19742.

⁶ Rate in effect subject to refund in Docket No. G-11622.

Plymouth bases its rate increase upon provisions in its contract for redetermination for the five-year period beginning January 1, 1960, which redetermination is reflected in a December 1, 1959, letter agreement between the parties, and submitted as part of the rate change. No criteria for the redetermination is specified. An effective date of January 1, 1960, is requested. Plymouth states that the contract was negotiated at arm's length; the proposed rate does not exceed the fair market value of the gas sold

in the area; and the increase is necessary to compensate seller for increased costs of labor, services, and materials required for exploration and development.

Texoma and Helmerich & Payne propose periodic increases under contracts postdating June 7, 1954. Texoma states that its contract of sale was negotiated at arm's length; the pricing provisions of the contract collectively represent the negotiated contract price; and the proposed rate is an integral part of the initial filing. Helmerich states that the

increased rate is provided by a contract negotiated at arm's length; the prices contained therein constitute a single and indivisible consideration for the execution of the contract; the costs of structural steel, casing, tubular goods, wages and drilling have been increasing; and the increased rate will not trigger

¹ This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

any spiral escalation or favored-nation clauses in other gas contracts in the area and requests an effective date of January 1, 1960.

J. P. Owen proposes a favored-nation increase, submitting in support thereof a notification letter from the purchaser. Owen states that the contract of sale was negotiated at arm's length and that the increased rate if allowed will not yet provide a reasonable return on investment in the area. Owen submits no cost data in support of the latter statement, and a January 4, 1960, effective date is requested.

Delaney and K. D. Owen propose re-determined rate increases and submit redetermination letters from the purchaser. Delaney states that the increased rate is provided by contract negotiated at arm's length; does not exceed the current market price in the area; and is necessary to give Delaney a reasonable return on its investment. The requested effective date is January 7, 1960.

Cities Service bases its increases upon the pricing provisions of the contracts which provide that the price shall be equal to the average wellhead price for gas of similar character in the Panhandle Field as determined by the Texas Railroad Commission. A copy of the State commission order setting the price at the level of the rate proposed by Cities Service is submitted. In addition, Cities Service states that the increased rates are reasonable and substantially less than the going price for gas in the area. An effective date of December 1, 1959, is requested.

Gulf states that its rate is provided by a September 30, 1959, renegotiated contract providing for annual periodic increases of 0.2 cent per Mcf and for additional increases in the event Hunt should obtain a more favorable resale rate to Texas Eastern Transmission Corporation. The term of the contract is until November 15, 1967, the termination date of the agreement between Hunt and Texas Eastern, and thereafter until cancelled by either party. An effective date of January 7, 1960, is requested.

Phillips Petroleum Co., as Operator, proposes a renegotiated rate increase for residue gas sold to Colorado Interstate Gas Co. The increased rate is provided by a November 25, 1959, amendment submitted as part of the rate change. An effective date of January 1, 1960, is requested.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements, together with Gulf's FPC Gas Rate Schedule No. 180, be suspended, and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections

4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings will be held upon dates to be fixed by notice from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements together with Gulf's FPC Gas Rate Schedule No. 180.

(B) Pending hearings and decisions thereon, each of the aforementioned supplements as well as Gulf's FPC Gas Rate Schedule 180, are suspended and the use thereof deferred until the date specified in the above-designated "Rate suspended until" column and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the Rate Schedules nor supplements thereto involved in the above-proposed changes shall be changed until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided in §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-139; Filed, Jan. 8, 1960;
8:49 a.m.]

[Docket No. G-20512]

SOUTH GEORGIA NATURAL GAS CO.

Order Providing for Hearing and Suspending Proposed Revised Tariff Sheets

DECEMBER 31, 1959.

On December 1, 1959, South Georgia Natural Gas Co. (South Georgia) tendered for filing Fourth Revised Sheet No. 5, Third Revised Sheets Nos. 6 and 9 and Second Revised Sheet No. 11 to its FPC Gas Tariff Original Volume No. 1 proposing an annual increase in rates to be effective January 1, 1960, of approximately \$109,340 or 4.8 percent, based on jurisdictional sales of natural gas made during the twelve months ending September 30, 1959.

South Georgia states that the proposed increase is based solely upon changed gas costs reflecting the increased rates of its supplier, Southern Natural Gas Co. proposed to become effective January 1, 1960. Since Southern Natural's proposed rates have been suspended to June 1, 1960 in Docket No. G-20509, South Georgia will not incur the above increased costs prior to that date.

Additionally, various customers of South Georgia have opposed the increase and asked that it not become effective until a hearing is held. The Public Utilities Commission of Georgia also requests suspension of the increase and a hearing.

The increased rate and charge proposed in the above Tariff filing has not been shown to be justified, and may be

unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a public hearing concerning the lawfulness of the rates, charges, classifications, and services contained in South Georgia's Original Volume No. 1 as proposed to be amended by Fourth Revised Sheet No. 5, Third Revised Sheets Nos. 6 and 9, and Second Revised Sheet No. 11, and that said proposed revised tariff sheet and the rates contained therein be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held on a date to be fixed by notice from the Secretary, concerning the lawfulness of the rates, charges, classifications, and services contained in South Georgia's FPC Gas Tariff Original Volume No. 1, as proposed to be amended by Fourth Revised Sheet No. 5, Third Revised Sheets Nos. 6 and 9, and Second Revised Sheet No. 11.

(B) Pending such hearing and decision thereon Fourth Revised Sheet No. 5, Third Revised Sheets Nos. 6 and 9, and Second Revised Sheet No. 11 to South Georgia's FPC Gas Tariff Original Volume No. 1 are suspended until June 1, 1960, and until such further date as these sheets are made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-122; Filed, Jan. 6, 1960;
8:47 a.m.]

[Docket No. G-20521]

COLORADO INTERSTATE GAS CO.

Order Providing for Hearing and Suspending Proposed Revised Gas Tariff

DECEMBER 31, 1959.

On September 28, 1959, Colorado Interstate Gas Co. (Colorado Interstate) tendered for filing with the Commission its proposed FPC Gas Tariff, First Revised Volume No. 1 and Second Revised Volume No. 2, requesting an effective date of October 31, 1959. These proposed tariff revisions entail changes in Colorado Interstate's G-1 and P-1 rate schedules to a "standard form of contract demand", provide for an SG rate schedule for small distribution companies, and involve a reduction of approximately \$4,500,000 a year in jurisdictional rates and charges.

On October 20 through 23, 1959, a conference was held for the purpose of arriving at a settlement of Colorado Interstate's rate-increase proceeding in Docket No. G-13541. This conference resulted in an agreement which we have approved by separate order issued today. As part of the settlement agreement Colorado Interstate, by letter dated October 23, 1959, has requested that the effective date of the proposed tariff revisions involved herein be changed from October 31, 1959, to January 1, 1960. Also as part of the settlement agreement, Colorado Interstate, on December 21, 1959, tendered revised tariff sheets to its filing of September 28, 1959, providing for the settlement rates restated on an equivalent basis to the contract demand form. The settlement approved by us in Docket No. G-13541 effects a greater reduction in rates than that originally contemplated in the filing of September 28, 1959, and maintains the agreed upon jurisdictional rate level in 1960. As a result, the revised tariff sheets tendered December 21, 1959, represent a filing relating only to rate form, not rate level.

Almost all of Colorado Interstate's jurisdictional customers affected by the filing herein have indicated some objection to the change in rate form, and desire suspension of the proposed revised gas tariff for the maximum period of time permitted by the Natural Gas Act.

The changes in rates and charges proposed by Colorado Interstate's proposed FPC Gas Tariff, First Revised Volume No. 1 and Second Revised Volume No. 2, as revised December 21, 1959, have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a public hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Colorado Interstate's FPC Gas Tariff, First Revised Volume No. 1 and Second Revised Volume No. 2, as revised, and that said proposed Gas Tariff and the rates contained therein be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held on a date to be fixed by notice from the Secretary, concerning the lawfulness of the rates, charges, classifications, and services contained in Colorado Interstate's FPC Gas Tariff, First Revised Volume No. 1 and Second Revised Volume No. 2, as revised.

(B) Pending such hearing and decision thereon First Revised Volume No. 1 and Second Revised Volume No. 2, as revised, of Colorado Interstate's FPC Gas Tariff are suspended and the use thereof deferred until June 1, 1960, and until such further time as they are made effective

in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-132; Filed, Jan. 6, 1960;
8:48 a.m.]

[Docket No. G-20579]

COLORADO-WYOMING GAS CO.

Order Providing for Hearing and Suspending Proposed Revised Gas Tariff

DECEMBER 31, 1959.

On September 30, 1959, Colorado-Wyoming Gas Co. (Colorado-Wyoming) tendered for filing with the Commission its proposed FPC Gas Tariff, First Revised Volume No. 1. Later, on December 22, 1959, substitute sheets for Original Sheet Nos. 4, 5 and 6 to Colorado-Wyoming's FPC Gas Tariff, First Revised Volume No. 1, were tendered for filing. The proposed tariff revisions, together with the substitute sheets, entail changes in Colorado-Wyoming's jurisdictional, resale rates to a contract demand form of rate schedule, together with required terms and conditions. These filings are intended to reflect changes in rate form proposed by Colorado-Wyoming's supplier, Colorado Interstate Gas Company, as modified to conform with the settlement agreement in the latter's rate proceeding, Docket No. G-13541, which have been approved by separate order issued today. Since Colorado-Wyoming has requested an effective date coincidental with that of Colorado Interstate's related rate form filing, and since, by separate order also issued today, we have suspended Colorado Interstate's related rate proposal until June 1, 1960, we shall do the same with respect to Colorado-Wyoming's proposal in this proceeding.

The changes in rates and charges proposed by Colorado-Wyoming's proposed FPC Gas Tariff, First Revised Volume No. 1, as substituted in part, has not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a public hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Colorado-Wyoming's FPC Gas Tariff, First Revised Volume No. 1, as substituted in part, and that said proposed Gas Tariff and the rates contained therein be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules

of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held on a date to be fixed by notice from the Secretary, concerning the lawfulness of the rates, charges, classifications, and services contained in Colorado-Wyoming's FPC Gas Tariff, First Revised Volume No. 1, as substituted in part.

(B) Pending such hearing and decision thereon Colorado-Wyoming's FPC Gas Tariff, First Revised Volume No. 1, as substituted in part, is suspended and the use thereof deferred until June 1, 1960, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-133; Filed, Jan. 6, 1960;
8:48 a.m.]

[Docket Nos. G-20554, G-20559]

GENERAL CRUDE OIL CO. AND LAMAR HUNT TRUST ESTATE

Order for Hearing, Suspending Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Upon Filing of Motions To Assure Refund of Excess Charges¹

DECEMBER 31, 1959.

On December 3, 1959, and December 7, 1959, General Crude Oil Co. and Lamar Hunt Trust Estate, respectively, tendered for filing proposed changes in their presently effective rate schedules for the sale of natural gas subject to the jurisdiction of the Commission. The Notices of Change, dated November 27, 1959, by General Crude Oil and undated in the case of Lamar Hunt Trust Estate reflect an increase of 1.4918 cents per Mcf from a rate of 5.5 cents to a rate of 6.9918 cents.² The increases are imposed upon the same purchaser in both filings, West Lake Natural Gasoline Co., in the producing area of Nolan County, Texas, and are designated Supplement No. 2 to General Crude Oil Company's FPC Gas Rate Schedule No. 8 and Supplement No. 2 to Lamar Hunt Trust Estate's FPC Gas Rate Schedule No. 7. The effective date shall be January 22, 1960, as proposed, for both increases.

West Lake processes the gas through its gasoline plant and sells the residue to El Paso Natural Gas Co. West Lake's contracts with General Crude Oil and Lamar Hunt Trust Estate provide that they will receive fifty percent of the amount received by West Lake for the

¹ This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so continued.

² In each filing the natural gas is produced at 14.65 psia.

residue gas sold. West Lake's proposed increased rate of 13.9836 cents per Mcf is suspended in Docket No. G-19156 until January 22, 1960. Fifty percent of West Lake's proposed rate, or 6.99 cents per Mcf is now sought by General Crude Oil and Lamar Hunt Trust Estate. Both of these producers submit an October 20, 1959 letter wherein West Lake agrees to pay fifty percent of the increased resale rate, subject to FPC approval, and each producer also cites the contract provisions allowing the higher rate.

The proposed changes tendered by Respondents have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the said proposed changes, and that Supplement No. 2 to General Crude Oil's FPC Gas Rate Schedule No. 8 and Supplement No. 2 to Lamar Hunt Trust Estate's FPC Gas Rate Schedule No. 7 be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Respondents' proposed increased rates be made effective as hereinafter provided and that each Respondent be required to file an undertaking as hereinafter ordered and conditioned.

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 be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 2 to General Crude Oil's FPC Gas Rate Schedule No. 8 and Supplement No. 2 to Lamar Hunt Trust Estate's FPC Gas Rate Schedule No. 7.

(B) Pending hearing and decision thereon, Supplement No. 2 to General Crude Oil's FPC Gas Rate Schedule No. 8 and Supplement No. 2 to Lamar Hunt Trust Estate's FPC Gas Rate Schedule No. 7 are hereby suspended and the use thereof deferred until January 23, 1960, and thereafter until such further time as they are made effective in the manner hereinafter prescribed.

(C) The rates, charges, and classifications set forth in the aforementioned supplements to Respondents' FPC Gas Rate Schedule shall be effective as specified in paragraph (B) above: *Provided, however,* That within 20 days from the date of this order, each Respondent shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Respondents shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the portions of the

increased rates and charges found by the Commission in these proceedings not justified, together with interest thereon at the rate of 6 percent per annum from the date of payment to Respondents until refunded, shall bear all costs of such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission quarterly, or monthly if Respondents so elect, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rates in effect immediately prior to the date upon which the increased rates allowed by this order become effective, and under the rates allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, each Respondent shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, 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, as follows:

Agreement and Undertaking of _____ To Comply With the Terms and Conditions of Paragraph (D), of Federal Power Commission's Order Making Effective Proposed Rate Changes

In conformity with the requirements of the order issued _____, in Docket Nos. G-20554 and G-20559 _____ hereby agrees and undertakes to comply with the terms and conditions of Paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this _____ day of _____.

Attest: _____
By _____

Unless Respondents are advised to the contrary within 15 days after the date of filing such agreements and undertakings, their agreements and undertakings shall be deemed to have been accepted.

(F) If Respondents in conformity with the terms and conditions of this order, make such refunds as may be required by order of the Commission, their undertakings shall be discharged; otherwise they shall remain in full force and effect.

(G) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and

1.37(f) of the Commission's rules of practice and procedure (1.8 CFR and 1.37 (f)).

By the Commission (Commissioner Kline dissenting).

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-134; Filed, Jan. 6, 1960; 8:48 a.m.]

[Docket No. G-20511]

HOME GAS CO.

Order Suspending Proposed Revised Tariff Sheets and Providing for Hearing

DECEMBER 31, 1959.

On December 2, 1959, Home Gas Co. (Home), an affiliate in the Columbia Gas System, Inc., tendered for filing Second Revised Sheets Nos. 8, 9, 14, and 15, Fourth Revised Sheets Nos. 7 and 12, and Fifth Revised Sheet No. 22 to its FPC Gas Tariff, Third Revised Volume No. 1. The tendered tariff sheets propose an annual increase in rates and charges totaling \$315,733, based on sales for the test year ended June 30, 1959. Home requests an effective date of January 4, 1960, and, if the filing is suspended, requests that it become effective concurrently with the increased rate of its supplier, The Manufacturers Light and Heat Company. The proposed increase is in addition to the increase in effect subject to refund in Docket No. G-19251.

In support of the proposed increased rates and charges, Home submitted cost data for the test year ended June 30, 1959, with adjustments. The claimed costs contain several questionable items, including but not limited to: (1) increased costs of purchased gas;¹ (2) increased depreciation expense; (3) a claimed increase in rate of return to 6.8 percent on a rate base which includes the year-end utility plant; and (4) levels of demand and commodity rates.

The increased rates and charges proposed in Home's above-designated revised tariff sheets have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a public hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Home's FPC Gas Tariff, Third Revised Volume No. 1, as proposed to be amended by Second Revised Sheets Nos. 8, 9, 14, and 15, and Fourth Revised Sheets Nos. 7 and 12, and Fifth Revised Sheet No. 22; and that said proposed revised tariff sheets and the rates contained therein be suspended and the use thereof deferred as hereinafter provided.

¹Since Home's proposed increase is based in part on increases of its chain of suppliers which are presently under suspension or in effect subject to refund, Home cannot support, at present, its claimed increases in purchased gas costs.

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 be held on a date to be fixed by notice from the Secretary concerning the lawfulness of the rates, charges, classifications, and services contained in Home's FPC Gas Tariff, Third Revised Volume No. 1 as proposed to be amended by Second Revised Sheets Nos. 8, 9, 14 and 15, and Fourth Revised Sheets Nos. 7 and 12, and Fifth Revised Sheet No. 22.

(B) Pending such hearing and decision thereon, Second Revised Sheets Nos. 8, 9, 14 and 15, Fourth Revised Sheets Nos. 7 and 12, and Fifth Revised Sheet No. 22 to Home's FPC Gas Tariff, Third Revised Volume No. 1 are suspended and the use thereof deferred until May 7, 1960, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-135; Filed, Jan. 6, 1960;
8:49 a.m.]

[Docket No. G-25010]

MANUFACTURERS LIGHT AND HEAT CO.

Order Suspending Proposed Revised Tariff Sheets and Providing for Hearing

DECEMBER 31, 1959.

On December 2, 1959, The Manufacturers Light and Heat Co. (Manufacturers), an affiliate in the Columbia Gas System, Inc., tendered for filing Second Revised Sheet Nos. 8, 9, 14, and 15, Fourth Revised Sheets Nos. 7, 12, and 27, and Fifth Revised Sheet No. 22 to its FPC Gas Tariff, Fourth Revised Volume No. 1. The tendered tariff sheets propose an annual increase in rates and charges totaling \$1,645,001, based on sales for the test year ended June 30, 1959. Manufacturers requests an effective date of January 4, 1960, and, if the filing is suspended, requests that it become effective concurrently with the increased rates of three of its suppliers. The proposed increase is in addition to the increase in effect subject to refund in Docket No. G-19250.

In support of the proposed increased rates and charges, Manufacturers submitted cost data for the test year ended June 30, 1959, with adjustments. The claimed costs contain several questionable items, including but not limited to:

- (1) increased costs of purchased gas;¹

¹ Since Manufacturers' proposed increase is based in part on increases of suppliers which are presently under suspension or in effect subject to refund, Manufacturers cannot support, at present, its claimed increases in purchased gas costs.

- (2) increased cost of transportation service;
- (3) increased depreciation expense;
- (4) a claimed increase in rate of return to 6.8 percent on a rate base which includes the year-end utility plant; and
- (5) levels of demand and commodity rates.

The increased rates and charges proposed in Manufacturers' above-designated revised tariff sheets have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a public hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Manufacturers' FPC Gas Tariff, Fourth Revised Volume No. 1, as proposed to be amended by Second Revised Sheets Nos. 8, 9, 14, and 15, Fourth Revised Sheets Nos. 7, 12, and 27, and Fifth Revised Sheet No. 22; and that said proposed revised tariff sheets and the rates contained therein be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held on a date to be fixed by notice from the Secretary concerning the lawfulness of the rates, charges, classifications, and services contained in Manufacturers' FPC Gas Tariff, Fourth Revised Volume No. 1 as proposed to be amended by Second Revised Sheets Nos. 8, 9, 14, and 15, Fourth Revised Sheets Nos. 7, 12, and 27, and Fifth Revised Sheet No. 22.

(B) Pending such hearing and decision thereon, Second Revised Sheets Nos. 8, 9, 14, and 15, Fourth Revised Sheets Nos. 7, 12 and 27, and Fifth Revised Sheet No. 22 to Manufacturers' FPC Gas Tariff, Fourth Revised Volume No. 1, are suspended and the use thereof deferred until May 7, 1960, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-136; Filed, Jan. 6, 1960;
8:49 a.m.]

[Docket No. G-20513]

NORTH PENN GAS CO.

Order Suspending Revised Tariff Sheets and Providing for Hearing

DECEMBER 31, 1959.

North Penn Gas Co. (North Penn) on December 2, 1959, tendered for filing

Sixth Revised Sheets Nos. 4 and 5 to its FPC Gas Tariff, First Revised Volume No. 1 proposing an annual increase in rates of \$226,431, or 4.1 percent, based on jurisdictional sales for the year ended July 31, 1959, over rates presently in effect subject to refund in Docket No. G-17814. North Penn requests an effective date of January 2, 1960, or if the rate increase is suspended, that the suspension period not extend beyond April 5, 1960, the date Tennessee Gas Transmission Company's (Tennessee) suspended rates in Docket No. G-19983 may go into effect.

In support of the proposed rate increase, North Penn states that it is necessitated by the recent rate increase filings of its suppliers, Tennessee and New York State Natural Gas Corporation (New York).¹ North Penn also submitted a cost study based on actual costs for the year ended July 31, 1959, adjusted to reflect increased purchased gas costs and nominal increases in wages, salaries and taxes. Additionally, the company claims a 6½ percent rate of return and associated income taxes.

North Penn's increased purchased gas costs reflect suppliers' rates which are presently under suspension or in effect subject to investigation and possible refund. Additionally, North Penn has not supported its claimed depreciation reserve, its method of allocating administrative and general expenses, and its classification of costs between demand and commodity components.

The increased rates and charges provided for in the revised tariff sheets tendered by North Penn on December 2, 1959, have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a public hearing concerning the lawfulness of the rates, charges, classifications, and services contained in North Penn's FPC Gas Tariff, First Revised Volume No. 1 as proposed to be amended by Sixth Revised Sheets Nos. 4 and 5, and that said proposed revised tariff sheets and the rates contained therein be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held on a date to be fixed by notice from the Secretary concerning the lawfulness of the rates, charges, classifications and services contained in North Penn's FPC Gas Tariff, First Revised Volume No. 1 as proposed to be amended by Sixth Revised Sheets Nos. 4 and 5.

(B) Pending such hearing and decision thereon, Sixth Revised Sheets Nos. 4 and 5 to North Penn's FPC Gas Tariff, First Revised Volume No. 1 are suspended and the use thereof deferred

¹ New York's increased rates became effective subject to refund as of November 30, 1959, in Docket No. G-19087.

until April 5, 1960, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission (Commissioner Connole concurring stated he would suspend the proposed rates to June 2, 1960).

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-137; Filed, Jan. 6, 1960;
8:49 a.m.]

[Docket No. G-20550]

PHILLIPS PETROLEUM CO.

Order Providing for Hearing and Suspending Proposed Change in Rate Schedule

DECEMBER 31, 1959.

On December 4, 1959, Phillips Petroleum Co. (Operator) (Phillips) tendered for filing two letter agreements dated October 12, 1959, proposing changes in Phillips FPC Gas Rate Schedule No. 5 for the jurisdictional sale of gas to Panhandle Eastern Pipe Line Company. These two agreements, designated Supplement Nos. 28 and 29, concern certain additional gas sales which heretofore had been made subject to Phillips' amended contract dated April 5, 1943, constituting its FPC Gas Rate Schedule No. 5.¹ These two agreements provide that now the additional gas shall instead be subject to Phillips' renegotiated contract and agreement dated September 22, 1959, constituting Supplement Nos. 25 and 26 to Phillips' FPC Gas Rate Schedule No. 5. Supplement Nos. 25 and 26 provided among other things, for an increased rate and were suspended² by the Commission's order issued October 23, 1959, in Docket No. G-19845, until March 26, 1960, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

The proposed agreements providing for changes in rate schedule have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

¹ The commitments of additional gas under the amended contract were contained in letters dated October 23, 1952, and August 12, 1955 and designated Supplement Nos. 11 and 19, respectively.

² Along with a notice of change of rate designated Supplement No. 27 to Phillips' FPC Gas Rate Schedule No. 5.

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 be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed changes contained in Supplement Nos. 28 and 29 to the Phillips' FPC Gas Rate Schedule No. 5.

(B) Pending hearing and decision thereon, these supplements are hereby suspended and the use thereof deferred until March 26, 1960 or the date on which Supplement Nos. 25, 26 and 27 to Phillips' FPC Gas Rate Schedule No. 5 are made effective, if later, and thereafter until such further time as they are made effective in the manner hereinafter prescribed.

(C) Neither the supplements hereby suspended nor the rate schedule sought to be altered thereby shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-138; Filed, Jan. 6, 1960;
8:49 a.m.]

[Docket No. G-20580]

SINCLAIR OIL & GAS CO.

Order for Hearing, Suspending Proposed Change in Rate, Allowing Increased Rate To Become Effective, and Denying Permission To Withdraw Rate Schedule

DECEMBER 31, 1959.

On November 30, 1959, Sinclair Oil & Gas Co. (Sinclair) filed a letter dated November 30, 1959, requesting permission to withdraw its FPC Gas Rate Schedule No. 115 covering the sale of casinghead gas to Barnhart Hydrocarbon Corp. (Barnhart) for resale to El Paso Natural Gas Co. (El Paso) from Barnhart Field, Reagan County, Texas. Sinclair states that after January 1, 1960, the contract dated September 9, 1947, will constitute a percentage type contract within the meaning of § 154.91(e) of the Commission's regulations under the Natural Gas Act.

Before January 1, 1960, Sinclair was entitled to receive 50 percent of the 11.0 cents per Mcf set forth in Barnhart's contract with El Paso¹ and 60 percent of any increase above that amount.²

¹ Barnhart's 11 cents per Mcf rate became effective subject to refund on June 1, 1958, in Docket No. G-13918.

² Barnhart is allowed to deduct the compression and treating charge specified in the contract from the purchase price before computing the payment to Sinclair.

After January 1, 1960, Sinclair is to receive 60 percent of the purchase price Barnhart receives from El Paso.³

On July 27, 1954, Barnhart submitted as its FPC Gas Rate Schedule No. 1 a gas sales contract between Barnhart and El Paso for the sale of gas at 10.0 cents per Mcf. Some of this gas was purchased by Barnhart from Sinclair under Sinclair's FPC Gas Rate Schedule No. 115. Barnhart's present rate of 13.9836 cents per Mcf became effective subject to refund as of April 17, 1959, in Docket No. G-16417. On December 3, 1959, Barnhart tendered for filing Supplement No. 5 to its FPC Gas Rate Schedule No. 1 requesting that a renegotiated rate of 17.2295 cents per Mcf be permitted to become effective on January 3, 1960. The Commission on December 18, 1959, in Docket No. G-20418 suspended this proposed rate increase until June 3, 1960, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

Sinclair has not filed any amendments to its FPC Gas Rate Schedule No. 115, since its initial rate filing on August 27, 1954, even though Barnhart has filed rate increases for the resale of the gas purchased from Sinclair. Thus Sinclair's presently effective rate is 50 percent of 10.0 cents or 5.0 cents per Mcf. If withdrawal of Sinclair's Rate Schedule is permitted Sinclair's rate will immediately increase to 60 percent of 13.9836 cents or 8.39 cents per Mcf. Sinclair's future rate will be 60 percent of 17.2295 cents or 10.33 cents per Mcf, if Barnhart's proposed increased rate becomes effective in Docket No. G-20418.

As Sinclair's request for permission to withdraw its FPC Gas Rate Schedule No. 115 involves an increase in rate, it has been accepted as a notice of change for an increased rate and designated as Supplement No. 13 to Sinclair's FPC Gas Rate Schedule No. 115.

The increased rate and charge so proposed has not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) 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 waive the provisions of Section 154.91(e) of the Commission's Regulations under the Natural Gas Act, and that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 13 to Sinclair's FPC Gas Rate Schedule No. 115 be suspended and the use thereof deferred as hereinafter ordered.

(2) Good cause has not been shown for permitting withdrawal of Sinclair's FPC Gas Rate Schedule No. 115.

(3) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Sinclair's proposed increased rate be made effective as hereinafter provided and that Sinclair be required to file an undertaking as hereinafter ordered and conditioned.

NOTICES

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 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 the above-designated supplement to Sinclair's FPC Gas Rate Schedule.

(B) Pending such hearing and decision thereon, Supplement No. 13 to Sinclair's FPC Gas Rate Schedule No. 115 is hereby suspended and the use thereof deferred until January 2, 1960, and until such further time as it is made effective in the manner hereinafter prescribed.

(C) The rate, charge, classification, and service set forth in the above-designated filing shall be effective as of January 2, 1960: *Provided, however*, That, within 20 days from the date of this order, Sinclair shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Sinclair shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the portion of the increased rates found by the Commission in its respective proceeding not justified, together with interest thereon at the rate of six percent per annum from the date of payment to Sinclair until refunded; shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and one (1) copy), in writing and under oath, to the Commission monthly, or quarterly if Sinclair so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under its rates in effect immediately prior to the date upon which its increased rates allowed by this order become effective, and under its rates allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance hereof, Sinclair shall execute and file in triplicate with the Secretary of the Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, 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, as follows:

Agreement and Undertaking of Sinclair Oil & Gas Co. To Comply With the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective the Proposed Rate Changes

In conformity with the requirements of the order issued (Date), in Docket No. G-

20580, Sinclair Oil & Gas Co. hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its Board of Directors, a certified copy of which is appended hereto this ----- day of ----- 1960.

SINCLAIR OIL & GAS Co.
By -----

Attest:

Secretary

Unless Sinclair is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Sinclair shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged, otherwise it shall remain in full force and effect.

(G) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) The request of Sinclair for permission to withdraw its FPC Gas Rate Schedule No. 115 is hereby denied.

(I) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-140; Filed, Jan. 6, 1960;
8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 4, 1960.

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

LONG-AND-SHORT HAUL

FSA No. 35930: *Moulding sand from Sandale, Ind.* Filed by Southwestern Freight Bureau, Agent (No. B-7711), for interested rail carriers. Rates on moulding sand, in carloads from Sandale, Ind., to points in southwestern territory.

Grounds for relief: Market competition with producers in southern territory.

Tariff: Supplement 40 to Southwestern Freight Bureau, Agent, tariff I.C.C. 4319.

AGGREGATE-OF-INTERMEDIATES

FSA No. 35928: *Iron and steel articles in official territory.* Filed by O. E.

Schultz, Agent (ER No. 2526), for interested rail carriers. Rates on iron and steel articles, in carloads from points in official territory to official-southern territory border points.

Grounds for relief: Establishment of depressed rates to meet motor carrier competition.

Tariffs: Traffic Executive Association-Eastern Railroads, Agent, tariff I.C.C. C-90. Illinois Freight Association, Agent, tariff I.C.C. 907.

FSA No. 35929: *Passenger fares—The New York, New Haven and Hartford Railroad Co.* Filed by The New York, New Haven and Hartford Railroad Co. (No. 3), for carriers parties to its tariffs I.C.C. Nos. 1049 and 1064. Rates relating to transportation of passengers between points in Massachusetts on the line of The New York, New Haven and Hartford Railroad Co. and points on the lines of connecting carriers.

Grounds for relief: Establishment of new local fares and the maintenance of present fares of connecting carriers.

Tariffs: The New York, New Haven and Hartford Railroad Co. tariff I.C.C. A-9538. Agent W. H. Clifford's tariffs I.C.C. Nos. 1049 and 1064.

By the Commission.

[SEAL]

HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-127; Filed, Jan. 6, 1960;
8:48 a.m.]

[Rev. S.O. 562, Taylor's I.C.C. Order 100;
Amdt. 2]

CHICAGO, AURORA AND ELGIN RAILWAY CO.

Diversion or Rerouting of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 100 and good cause appearing therefor:

It is ordered, That:

Taylor's I.C.C. Order No. 100 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date: This order shall expire at 11:59 p.m., June 30, 1960, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 31, 1959, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 31, 1959.

INTERSTATE COMMERCE
COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 60-128; Filed, Jan. 6, 1960;
8:48 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

OSCAR RENZ

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by section 710(b) (6) of the Defense Production Act of 1950, as amended.

No change since last report, published June 11, 1959 (24 F.R. 4760).

Dated: December 11, 1959.

OSCAR RENZ.

[F.R. Doc. 60-94; Filed, Jan. 6, 1960; 8:45 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

Issuance to Various Industries

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order 524 (24 F.R. 9274), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Alabama Textile Products Corp., Brantley, Ala.; effective 1-1-60 to 12-31-60 (men's work shirts).

Alamo Shirt Co., Alamo, Ga.; effective 1-1-60 to 12-31-60 (men's sport shirts).

Albert of Arizona, Inc., 234 South Extension Road, Mesa, Ariz.; effective 1-1-60 to 12-31-60; workers engaged in the production of lingerie made from woven fabrics (ladies' slips and petticoats).

Alexandria Industrial Garment Manufacturing Co., Inc., Alexandria, Tenn.; effective

12-21-59 to 5-7-60. (replacement certificate) (men's and boys' sport shirts).

Atwood, Inc., Sparta, N.C.; effective 1-2-60 to 1-1-61 (work pants).

Blue Bell, Inc., Tishomingo, Tishomingo County, Miss.; effective 1-1-60 to 12-31-60 (men's and boys' work pants and trousers).

Branson Manufacturing Co., Inc., 208 East College Avenue, Branson, Mo.; effective 1-5-60 to 1-4-61 (men's and boys' trousers).

Cherryvale Manufacturing Co., Cherryvale, Kans.; effective 1-4-60 to 1-3-61 (men's work clothes—pants).

Decatur Shirt Corp., Decatur, Miss.; effective 12-15-59 to 12-14-60 (boys' sport shirts).

Dunhill Shirt Co., Holden, Mo.; effective 1-8-60 to 1-7-61 (men's shirts).

Dunhill Shirt Co., Lexington, Mo.; effective 1-12-60 to 1-11-61 (men's shirts).

Enterprise Manufacturing Co., Enterprise, Ala.; effective 1-1-60 to 12-31-60 (dress shirts).

Evergreen Textile, Inc., Evergreen, Ala.; effective 12-21-59 to 12-20-60 (replacement certificate) (men's semi-dress slacks).

Forest City Manufacturing Co., Centralia, Ill.; effective 12-22-59 to 12-21-60 (women's and misses' dresses).

Forest City Manufacturing Co., Pinckneyville, Ill.; effective 12-21-59 to 12-20-60 (junior and misses' dresses).

I. B. S. Manufacturing Co., New Albany, Miss.; effective 1-1-60 to 12-31-60 (men's and boys' cotton sport shirts).

Irwin Manufacturing Co., New Albany, Miss.; effective 1-1-60 to 12-31-60 (men's and boys' cotton sport shirts).

Jersey Shore Sylvania Manufacturing Co., Plant No. 2, Bellefonte and Commerce Streets, Lock Haven, Pa.; effective 12-22-59 to 12-21-60 (ladies' sportswear, pants, etc.).

Manufacturers' Sportswear, Inc., Meadow at Maple, Scranton, Pa.; effective 1-6-60 to 1-5-61 (boys' trousers).

Martin Manufacturing Co., 202 Broadway, Martin, Tenn.; effective 1-1-60 to 12-31-60 (men's shirts and jackets).

Penn State Coat & Apron Manufacturing Co., Broadway and Radnor Streets, Clifton Heights, Pa.; effective 12-18-59 to 12-17-60 (men's and women's cotton uniforms).

The Raleigh Corp., Raleigh, Miss.; effective 12-23-59 to 12-22-60 (ladies' dungarees and slacks).

Scottsboro Manufacturing Co., Scottsboro, Ala.; effective 12-22-59 to 12-21-60 (children's sport clothes—knitwear, woven).

Shadowline, Inc., Boone, N.C.; effective 1-7-60 to 1-6-61 (women's woven fabric lingerie).

Southern Garment Manufacturing Co., Inc., Culpeper, Va.; effective 12-28-59 to 12-27-60 (work trousers and jackets).

W. E. Stephens Manufacturing Co., Inc., Pulaski, Tenn.; effective 1-2-60 to 1-1-61 (men's and boys' work and sport pants).

Vernon Manufacturing Co., Inc., 700 Texas Street, Vernon, Tex.; effective 1-1-60 to 12-31-60 (men's and boys' cotton trousers and shorts).

Vidalla Garment Co., Vidalla, Ga.; effective 1-1-60 to 12-31-60 (men's sport shirts).

Wyoming Valley Garment Co., 237 Old River Road, Wilkes-Barre, Pa.; effective 12-21-59 to 12-20-60 (men's and boys' trousers).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

H. C. Beaver Manufacturing Co., R.D. No. 1, Sellingsgrove, Pa.; effective 1-8-60 to 1-7-61; 10 learners (men's and boys' cotton and nylon jackets).

Forest City Manufacturing Co., Mascoutah, Ill.; effective 1-6-60 to 1-5-61; 10 learners (women's and misses' dresses).

Forest City Manufacturing Co., Wayne City, Ill.; effective 1-6-60 to 1-5-61; 10 learners (women's and misses' dresses).

Hickory Flat Manufacturing Co., Hickory Flat, Miss.; effective 1-1-60 to 12-31-60; 10 learners (men's cotton work shirts).

Klos Manufacturing Co., Muskogee, Okla.; effective 12-22-59 to 12-21-60; 10 learners (children's clothing).

Mode O'Day Corp., 403½ South Main Street, Ottawa, Kans.; effective 1-1-60 to 12-31-60; 10 learners (ladies' dresses).

I. Taitel and Son, Knox, Ind.; effective 12-23-59 to 12-22-60; 10 learners (work pants).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Empire Manufacturing Co., Winder, Ga.; effective 12-16-59 to 6-15-60; 25 learners (work pants).

Farmville Manufacturing Co., Farmville, N.C.; effective 12-21-59 to 6-20-60; 75 learners (infants' wear).

Jersey Shore Sylvania Manufacturing Corp., Plant No. 2, Bellefont and Commerce Streets, Lock Haven, Pa.; effective 12-22-59 to 6-12-60; 15 learners (ladies' sportswear).

Jo-Jac Shirt Co., Pulaski, Tenn.; effective 12-18-59 to 6-17-60; 35 learners (boys' sport shirts).

The Raleigh Corp., Raleigh, Miss.; effective 12-23-59 to 6-22-60; 50 learners (ladies' dungarees and slacks).

Westland Manufacturing Co., 950 Highland Avenue, Greensburg, Pa.; effective 12-16-59 to 6-15-60; 15 learners. Learners may not be employed in the production of ladies' separate skirts (ladies' sportswear, slacks).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

Archdale Machinery & Hosiery Co., Inc., Highway 29 and 70 SE., High Point, N.C.; effective 12-21-59 to 12-20-60; three learners for normal labor turnover purposes (men's and boys' seamless).

Durham Hosiery Mills, 109 South Corcoran Street, Durham, N.C.; effective 12-21-59 to 6-20-60; 30 learners for plant expansion purposes (ladies' seamless and full-fashioned).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Albert of Arizona, Inc., 234 Extension Road, Mesa, Ariz.; effective 1-1-60 to 12-31-60; 5 percent of the total number of factory production workers engaged in the production of lingerie made of knit fabrics for normal labor turnover purposes.

Bluemont Knitting Mills, Inc., East Virginia Street, Galax, Va.; effective 12-19-59 to 6-18-60; 35 learners for plant expansion purposes (knit shirts, pajamas).

Lady Jane Manufacturing Co., Inc., 125 South Spruce Street, Mt. Carmel, Pa.; effective 12-27-59 to 12-26-60; 5 percent of the

total number of factory production workers for normal labor turnover purposes (ladies' underwear).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced

workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REG-

ISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 23d day of December 1959.

ROBERT G. GRONEWALD,
Authorized Representative
of the Administrator.

[F.R. Doc. 60-126; Filed, Jan. 6, 1960; 8:48 a.m.]

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