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Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

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Announcement

CFR SUPPLEMENTS

(As of January 1, 1960)

The following Supplements are now available:

Title 46, Parts 1-145	\$1.00
Title 47, Parts 1-29	1.00
Part 30 to End30

Previously announced: Title 3 (\$0.60); Titles 4-5 (\$1.00); Title 7, Parts 1-50 (\$0.45); Parts 51-52 (\$0.45); Parts 53-209 (\$0.40); Title 8 (\$0.40); Title 9 (\$0.35); Titles 10-13 (\$0.50); Title 18 (\$0.55); Title 20 (\$1.25); Titles 22-23 (\$0.45); Title 25 (\$0.45); Title 26 (1939), Parts 1-79 (\$0.40); Parts 80-169 (\$0.35); Parts 170-182 (\$0.35); Parts 300 to End (\$0.40); Title 26, Part 1 (§§ 1.01-1.499) (\$1.75); Parts 1 (§ 1.500 to End)-19 (\$2.25); Parts 20-169 (\$1.75); Parts 170-221 (\$2.25); Part 300 to End (\$1.25); Titles 28-29 (\$1.75); Titles 30-31 (\$0.50); Title 32, Parts 700-799 (\$1.00); Parts 800-999, Revised (\$3.75); Part 1100 to End (\$0.60); Title 36, Revised (\$3.00); Title 38 (\$1.00); Title 46, Parts 146-149, Revised (\$6.00); Part 150 to End (\$0.65); Title 49, Parts 1-70 (\$1.75); Parts 91-164 (\$0.45); Part 165 to End (\$1.00).

Order from the Superintendent of Documents, Government Printing Office, Washington 25, D.C.



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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Labor

Effective upon publication in the FEDERAL REGISTER, subparagraphs (9) and (10) are added to § 6.313(a) as set out below.

§ 6.313 Department of Labor.

(a) *Office of the Secretary*

* * * * *

(9) One Executive Assistant to the Secretary.

(10) One Special Assistant 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. 60-3256; Filed, Apr. 8, 1960; 8:46 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Housing and Home Finance Agency

Effective upon publication in the FEDERAL REGISTER, paragraph (b)(1) of § 6.342 is amended as set out below.

§ 6.342 Housing and Home Finance Agency.

(b) *Federal Housing Administration.*
(1) Two Deputy Commissioners.

(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. 60-3255; Filed, Apr. 8, 1960; 8:46 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Housing and Home Finance Agency

Effective upon publication in the FEDERAL REGISTER, paragraph (b)(21) is added to § 6.342 as set out below.

§ 6.342 Housing and Home Finance Agency.

(b) *Federal Housing Administration*

* * *

(21) Special Assistant for Nursing Homes.

(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. 60-3277; Filed, Apr. 8, 1960; 8:49 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

SUBCHAPTER F—SECURITY SERVICING AND LIQUIDATIONS

[FHA Instruction 465.9]

PART 375—ASSIGNMENT OF INSURED NOTES

Revision of Part

Part 375, Title 6, Code of Federal Regulations (20 F.R. 7957, 21 F.R. 2427, 23 F.R. 7875), is revised to read as follows:

- Sec. 375.1 Scope.
375.2 Definitions.
375.3 Authorities.
375.4 General policies.
375.5 Assignment of an insured note by a private holder to a private buyer.
375.6 Assignment of insured notes to the Farmers Home Administration.
375.7 Assignment of notes from the insurance fund.
375.8 Assignment of insured Farm Ownership notes held by the Farmers Home Administration as trustee for a State Rural Rehabilitation Corporation under a section 2(f) agreement.

AUTHORITY: §§ 375.1 to 375.8 issued under secs. 41, 6, 50 Stat. 528, as amended, 870 secs. 12, 13, 60 Stat. 1076, as amended, 1077, as amended, sec. 4, 64 Stat. 100, sec. 10, 68 Stat. 735, sec. 16, 69 Stat. 553, as amended, secs. 18, 11, 72 Stat. 840, 841; 7 U.S.C. 1015, 16 U.S.C. 590w, 7 U.S.C. 1005b, 1005c, 40 U.S.C. 442, 16 U.S.C. 590x-3, 7 U.S.C. 1006c, 1006e, 16 U.S.C. 590x-4; Order of Acting Sec. of Agr., 19 F.R. 74, 22 F.R. 8188. Additional authority is cited in parentheses following the sections affected.

§ 375.1 Scope.

This part prescribes the authorities, policies, and procedures for processing the assignment of insured Soil and Water Conservation notes and insured Farm Ownership notes for loans under which the United States is the mortgagee.

§ 375.2 Definitions.

As used in this part, the term:

(a) "Private buyer" is any purchaser of an insured note other than the Farmers Home Administration (insurance fund) or the Farmers Home Administration as trustee for a State Rural Rehabilitation Corporation under sec-

tion 2(f) of the Rural Rehabilitation Corporation Trust Liquidation Act.

(b) "Holder" is the current owner of an insured note.

(c) "Value" of an insured note is the outstanding unpaid principal plus the amount of unpaid accrued interest on the note account.

(d) "Insurance fund" is the insurance fund established pursuant to section 11(a) of the Bankhead-Jones Farm Tenant Act, as amended.

(e) "Annual charge" is the amount retained by the Farmers Home Administration out of interest payments on loans evidenced by notes on Forms FHA-251, "Promissory Note (Insured FO Loan)," FHA-252, "Promissory Note (Insured SW Loan)," and FHA-218, "Promissory Note (Insured SW Loan for Association)," which are insured under Public Law 85-748, approved August 25, 1958.

(f) "Fixed period" is the period during which the note cannot be assigned by the holder to the Farmers Home Administration except at the request of the Government.

(g) "Option period" is the 12 months following the expiration of the fixed period.

(Sec. 11, 60 Stat. 1075, as amended, sec. 2, 64 Stat. 98; 7 U.S.C. 1005a, 40 U.S.C. 440)

§ 375.3 Authorities.

Subject to the policies and procedures prescribed in this part:

(a) The Director, Finance Office, is authorized, on behalf of the Government, in connection with the assignment of insured Soil and Water Conservation and Farm Ownership notes, to execute required documents and to perform other necessary steps, including but not limited to:

(1) Endorsing the note, executing the insurance endorsement, and endorsing the note for reinsurance.

(2) Acknowledging receipt of notice of assignment of an insured note.

(3) Requiring the holder of an insured note to assign the note to the Government when requested to do so by the State Director.

(4) Approving the request of a holder to have the Farmers Home Administration purchase the note.

(5) Accepting the assignment of an insured note on behalf of the insurance fund.

(6) Authorizing disbursements from the insurance fund for notes being assigned to the Government.

(7) Executing Form FHA-207, "Supplemental Purchase Agreement (Automatic Renewal)," and Form FHA-83, "Reinsurance and Repurchase Agreement (Automatic Renewal)."

(8) Assigning an insured Farm Ownership note held by the United States as trustee under a section 2(f) agreement.

(b) The State Director is authorized to require assignment of an insured Soil and Water Conservation or Farm Owner-

ship note to the Farmers Home Administration in connection with liquidation of the loan by voluntary conveyance or foreclosure. The State Director also is authorized to assign an insured Farm Ownership note held by the Farmers Home Administration as trustee under a section 2(f) agreement.

§ 375.4 General policies.

(a) *Conditions of assignment.* When insured Soil and Water Conservation and Farm Ownership notes are assigned between private holders, notice of such assignment, executed by both the assignor and the assignee, must be given to the Farmers Home Administration. The Farmers Home Administration may require assignment of an insured note if the borrower is in default.

(b) *Selling price.* Whenever a note on Form FHA-251, FHA-252, or FHA-218 is purchased or sold by the Government, for itself or as trustee under a section 2(f) agreement, the selling price will be the value of the note as of the effective date of the sale minus the annual charge computed to such date of sale. Whenever any other insured note is purchased or sold by the Farmers Home Administration, for itself or as trustee, the selling price will be the value of note as of the effective date of the sale. The selling price of an insured note assigned by one private holder to another will be determined by the assignor and the assignee.

(c) *Responsibilities of the Director, Finance Office.* The Director, Finance Office, will:

(1) Advise holders or purchasers regarding the procedures to be followed for assigning insured notes.

(2) Perform the necessary steps, on behalf of the Farmers Home Administration, in connection with the assignment of insured notes.

(3) Advise the holder of the options available to him at the expiration of the fixed period.

(d) *Responsibility of the National Office of the Farmers Home Administration.* The National Office is responsible for negotiating with private buyers for the assignment of notes held by the insurance fund or for the account of a State Rural Rehabilitation Corporation under a section 2(f) agreement.

(Sec. 2, 64 Stat. 98; 40 U.S.C. 440)

§ 375.5 Assignment of an insured note by a private holder to a private buyer.

(a) Upon receipt of notice from a holder of intention to assign an insured note, the Director, Finance Office, will send any accumulated payments on the note to which the holder is entitled and furnish the holder with appropriate information on how to complete the assignment. The Director, Finance Office, also will send the holder a copy of Form FHA-756, "Notice and Acknowledgment of Sale," and a statement of account.

(b) If the Director, Finance Office, receives information that an insured note has already been assigned, he will request the holder to furnish Form FHA-756 completed with respect to information and signatures by the holder and buyer.

(c) Upon receipt of a properly completed Form FHA-756, the Director, Finance Office, will prepare, execute, and date the acknowledgment section of Form FHA-756. He will send a facsimile of the completed Form FHA-756 to the assignee, the assignor, and the County Supervisor, and retain the original.

(d) The Finance Office will transmit payments to the assignee after the date of acknowledgment of Form FHA-756 and will notify the assignor and assignee of any payments processed to the assignor subsequent to the date of the assignment or the statement of account, whichever is earlier, and prior to the date of the acknowledgment. The Farmers Home Administration will assume no liability for failure to give such notice and for adjustment of these payments between the assignor and the assignee.

§ 375.6 Assignment of insured notes to the Farmers Home Administration.

(a) *Assignment at the request of the holder.* The following actions will be taken whenever the holder of an insured note requests that the Farmers Home Administration accept assignment of the note during the option period.

(1) The Director, Finance Office, will inform the holder regarding the procedures to be followed to effect the assignment.

(2) Upon receipt of the endorsed note, the Director, Finance Office, will:

(i) Acknowledge receipt of the note.

(ii) Process payment to the assignor.

(iii) Send to the County Office a copy of Form FHA-282, "Notification of Insured Loan Payment," as notice of the payment to the assignor.

(b) *Assignment at the request of the Farmers Home Administration.* The State Director in voluntary conveyance or foreclosure cases will request the Director, Finance Office, to require the holder to assign the note to the Government. The procedures for assigning such an insured note will be the same as those prescribed in paragraph (a) of this section except that the Director, Finance Office, will advise the holder that the Government is requiring assignment of the note because the borrower is in default.

(R.S. 3648, as amended; 31 U.S.C. 529)

§ 375.7 Assignment of notes from the insurance fund.

(a) Upon completion of the negotiations for assignment to a buyer of notes held by the insurance fund, the National Office will advise the Director, Finance Office, of:

(1) The name and case number shown on the notes to be sold, if known.

(2) The legal name and correct mailing address of the buyer; also, the legal name and mailing address of the recipient, if collections are to be remitted to other than the buyer.

(3) The manner and time of delivery of the notes.

(4) Agreed upon arrangements for making payment.

(5) The effective date of the sale.

(6) Any other information particularly significant or pertinent to the terms and conditions of the sale.

(b) The Director, Finance Office, will send to the buyer a list of the notes showing each borrower's name and case number and the selling price of each note as of the effective date of the assignment.

(c) If payment will be made in advance of delivery of the endorsed notes, the Director, Finance Office, will request the buyer to forward a check or draft before the effective date of assignment, drawn to the order of the Farmers Home Administration, in the amount of the total selling price of all the notes. If the buyer is an individual, payment by certified check or cashier's check will be required. Upon receipt of payment, the Director, Finance Office, will:

(1) Endorse each note for assignment.

(2) Whenever notes on Forms FHA-251, FHA-252, or FHA-218 are assigned from the insurance fund, Form FHA-250, "Insurance Endorsement (Insured FO or SW Loan)", will be executed for each note. The rate of annual charge, to be inserted in paragraph 4 of the Form FHA-250, will be determined by negotiation with the buyer, but in no case will be less than 1 percent. The initial fixed period will be five years and will begin from the date of execution of Form FHA-250.

(3) Execute a Form FHA-83 for each note assigned from the insurance fund after the initial fixed period has expired, except when a repurchase agreement has not been offered to the buyer. When both Forms FHA-83 and FHA-250 are executed for a note on Form FHA-251, FHA-252, or FHA-218, paragraph 7 of Form FHA-250 will be stricken and the deletion initialed in the margin by the Director, Finance Office. When Form FHA-83 or FHA-250 is not executed, a reinsurance provision will be added to the endorsement of the note as follows:

The debt evidenced by this note is hereby reinsured as of -----, 19---

(4) Send the notes, and when applicable, Forms FHA-250 and FHA-83 to the purchaser by certified mail, return receipt requested.

(d) If a sight draft is used, the Director, Finance Office, will attach it to the endorsed notes and send them to the bank designated by the buyer by certified mail, return receipt requested. The buyer will pay the bank's charge for handling the transaction. The remittance must be dated on or before the effective date of assignment.

(e) If the negotiated terms and conditions of the sale provide for delivery and payment by means other than those enumerated above, the Director, Finance Office, will make the necessary arrangements.

(f) If any collection has been processed to the borrower's note account subsequent to the date on which the selling price of the note was computed and prior to the effective date of the assignment, the Finance Office will process a check to the assignee for the amount of the payment to which he is entitled.

§ 375.8 Assignment of insured Farm Ownership notes held by the Farmers Home Administration as trustee for a State Rural Rehabilitation Corporation under a section 2(f) agreement.

(a) *Assignment to a private buyer.*
 (1) Upon completion of negotiations for assignment to a buyer of notes held under a section 2(f) agreement, the State Office will send the notes to be assigned to the Director, Finance Office, by certified mail, return receipt requested, and will advise the Director, Finance Office, of:

(i) The legal name and correct mailing address of the buyer; also, the legal name and mailing address of the recipient, if collections are to be remitted to other than the buyer.

(ii) The manner and time of delivery of the notes.

(iii) Agreed upon arrangements for making payment.

(iv) The effective date of the sale.

(v) Any other information particularly significant or pertinent to the terms and conditions of the sale.

(2) The Director, Finance Office, will send to the buyer a list of the notes showing each borrower's name and case number and the selling price of each note as of the effective date of the assignment.

(3) If payment will be made in advance of delivery of the endorsed notes, the Director, Finance Office, will request the buyer to forward a check or draft before the effective date of assignment, drawn to the order of "Farmers Home Administration, Trustee of the (insert name of the State Rural Rehabilitation Corporation)," in the amount of the total selling price of all the notes. If the buyer is an individual, payment by certified check or cashier's check will be required. Upon receipt of payment, the Director, Finance Office, will:

(i) Endorse each promissory note for assignment.

(ii) Send the notes to the buyer, return receipt requested, with a letter of transmittal listing each note separately and acknowledging the assignment thereof.

(4) If a sight draft is used, the Director, Finance Office, will attach it to the endorsed notes and forward them to the bank designated by the buyer.

(5) If the negotiated terms and conditions of the sale provide for delivery and payment by means other than those enumerated above, the Director, Finance Office, will make the necessary arrangements.

(6) If any collection has been processed to the borrower's note account subsequent to the date on which the selling price of the note was computed and prior to the effective date of the assignment, the Finance Office will process a check to the assignee for the amount of the payment to which he is entitled.

(b) *Assignment to the insurance fund.*
 When it becomes necessary in a voluntary conveyance or foreclosure cast to assign to the insurance fund a loan held under a section 2(f) agreement, the State Director will send the note to the

Finance Office and request the Director, Finance Office, to take the necessary steps immediately to assign the loan to the insurance fund.

(R.S. 3648, as amended, sec. 2, 64 Stat. 98; 31 U.S.C. 529, 40 U.S.C. 440)

Dated: April 5, 1960.

K. H. HANSEN,
Administrator,
Farmers Home Administration.

[F.R. Doc. 60-3275; Filed, Apr. 8, 1960; 8:49 a.m.]

Title 7—AGRICULTURE

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

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—U.S. Standards for Grades of Nectarines¹

On March 24, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 2278) regarding a proposed revision of United States Standards for Nectarines.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Nectarines are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (Secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627).

GRADES

Sec.	
51.3145	U.S. Fancy.
51.3146	U.S. Extra No. 1.
51.3147	U.S. No. 1.
51.3148	U.S. No. 2.

UNCLASSIFIED

51.3149	Unclassified.
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TOLERANCES

51.3150	Tolerances.
	APPLICATION OF TOLERANCES
51.3151	Application of tolerances.

STANDARD PACK

51.3152	Standard pack.
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DEFINITIONS

51.3153	Mature.
51.3154	Well formed.
51.3155	Clean.
51.3156	Injury.
51.3157	Damage.
51.3158	Badly misshapen.
51.3159	Serious damage.

AUTHORITY: §§ 51.3145 to 51.3159 issued under secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627.

¹Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

GRADES

§ 51.3145 U.S. Fancy.

"U.S. Fancy" consists of nectarines of one variety which are mature but not soft or overripe, which are well formed, clean, and free from decay, broken skins, which are not healed, worms, worm holes, and free from injury caused by bruises, growth cracks, hail, sunburn, sprayburn, scab, bacterial spot, scale, split pit, scars, russeting, other disease, insects, or mechanical or other means.

(a) In the case of the John Rivers variety each nectarine shall show some blushed or red color. In the case of other varieties each nectarine shall have not less than one-third of its surface showing red color characteristic of the variety. (See § 51.3150.)

§ 51.3146 U.S. Extra No. 1.

"U.S. Extra No. 1" consists of nectarines of one variety which are mature but not soft or overripe, which are well formed, clean, and free from decay, broken skins which are not healed, worms, worm holes, and free from injury caused by split pit and free from damage caused by bruises, growth cracks, hail, sunburn, sprayburn, scab, bacterial spot, scale, scars, russeting, other disease, insects, or mechanical or other means.

(a) In the case of the John Rivers variety at least 50 percent of the nectarines in any lot shall show some blushed or red color. In the case of other varieties at least 75 percent of the nectarines in any lot shall show some blushed or red color including therein at least 50 percent of the nectarines with not less than one-third of the fruit surface showing red color characteristic of the variety. (See § 51.3150.)

§ 51.3147 U.S. No. 1.

"U.S. No. 1" consists of nectarines of one variety which are mature but not soft or over-ripe, which are well formed, clean, and free from decay, broken skins which are not healed, worms, worm holes, and free from injury caused by split pit and free from damage caused by bruises, growth cracks, hail, sunburn, sprayburn, scab, bacterial spot, scale, scars, russeting, other disease, insects, or mechanical or other means.

(a) At least 75 percent of the nectarines in any lot shall show some blushed or red color, except that there are no color requirements for nectarines of the John Rivers variety in this grade. (See § 51.3150.)

§ 51.3148 U.S. No. 2.

"U.S. No. 2" consists of nectarines of one variety which are mature but not soft or overripe, which are not badly misshapen, which are clean and free from decay, broken skins which are not healed, worms, worm holes, and free from serious damage caused by bruises, growth cracks, hail, sunburn, sprayburn, scab, bacterial spot, scale, split pit, scars, russeting, other disease, insects, or mechanical or other means.

(a) There are no color requirements for nectarines in this grade. (See § 51.3150.)

UNCLASSIFIED

§ 51.3149 Unclassified.

"Unclassified" consists of nectarines which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES

§ 51.3150 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by count, are provided as specified:

(a) *U.S. Fancy, U.S. Extra No. 1, and U.S. No. 1 grades*—(1) *For defects.* 10 percent for nectarines in any lot which fail to meet the requirements of the specified grade: *Provided*, That not more than one-half of this amount, or 5 percent, shall be allowed for defects causing serious damage, including in this latter amount not more than 1 percent for nectarines affected by decay.

(2) *For color*—(i) *U.S. Fancy grade.* 10 percent for nectarines in any lot which fail to meet the requirements of the grade.

(ii) *U.S. Extra No. 1 grade.* In the case of the John Rivers variety individual containers may have not less than 40 percent of the nectarines showing some blushed or red color: *Provided*, That the entire lot averages not less than 50 percent of the nectarines showing this color. In the case of other varieties individual containers may have not less than 65 percent of the nectarines showing some blushed or red color, including therein not less than 40 percent of the nectarines having at least one-third of the fruit surface showing red color characteristic of the variety: *Provided*, That the entire lot averages not less than 75 percent of the nectarines showing some blushed or red color, including therein not less than 50 percent of the nectarines having at least one-third of the fruit surface showing red color characteristic of the variety.

(iii) *U.S. No. 1 grade.* Except for the John Rivers variety individual containers may have not less than 65 percent of the nectarines showing some blushed or red color: *Provided*, That the entire lot averages not less than 75 percent of the nectarines showing this color.

(b) *U.S. No. 2 grade*—(1) *For defects.* 10 percent for nectarines in any lot which fail to meet the requirements of the grade: *Provided*, That not more than one-tenth of this amount, or 1 percent shall be allowed for nectarines affected by decay.

APPLICATION OF TOLERANCES

§ 51.3151 Application of tolerances.

(a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade:

(1) For packages which contain more than 5 pounds, and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than

one and one-half times the tolerance specified. For packages which contain more than 5 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified except that at least one defective and one off-size specimen may be permitted in any package; and,

(2) For packages which contain 5 pounds or less, individual packages in any lot are not restricted as to the percentage of defects or off-size: *Provided*, That not more than one nectarine which is soft or affected by decay shall be permitted in any package.

STANDARD PACK

§ 51.3152 Standard pack.

(a) Nectarines shall be fairly uniform in size and shall be packed in boxes, lugs, crates, cartons or baskets and arranged according to the approved and recognized methods. All such containers shall be tightly packed and well filled but the contents shall not show excessive or unnecessary bruising resulting from overfilling. The nectarines in the shown face shall be reasonably representative in size, color and quality of the contents of the container. Each wrapped fruit shall be fairly well enclosed by its individual wrapper.

(b) When packed in closed containers, the size shall be indicated by marking the container with the numerical count, the pack arrangement, or the minimum diameter or minimum and maximum diameters in terms of inches and not less than one-eighth fractions of inches.

(c) Boxes, lugs or cartons:

(1) Nectarines packed in containers equipped with cell compartments, cardboard fillers or molded trays shall be of the proper size for the cells, fillers or molds in which they are packed, and the number of nectarines in the container shall correspond to the count marked on the container.

(2) In order to allow for variations incident to proper packing, when packed in other types of packs in lugs, cartons, or boxes, the number of nectarines in the container may vary not more than 2 from the number marked on the container.

(d) Four-basket crates:

(1) The size of nectarines packed in four-basket crates shall be indicated as follows: 3 x 4, 3-4 x 4, 3-4 x 5, 4 x 4, etc., in accordance with the arrangement in the top layer of the basket. These packs shall not be more than three layers deep.

(2) The arrangement of the bottom layer shall be one row less one way, and may be one row less each way, than the arrangement of the top layer. The arrangement of the middle layer may be the same as the top layer or may be one row less one way than the arrangement of the top layer. Straight, offset and diagonal packs in the layers are permitted.

(e) Baskets: Nectarines packed in U.S. standard half-bushel baskets shall be ring faced and tightly packed with sufficient bulge to prevent any appreciable movement of the nectarines within the baskets when lidded.

(f) "Fairly uniform in size" means that when the average diameter of nectarines in any container is 2 inches or smaller not more than 5 percent, by count, of the nectarines in the container shall be outside a diameter range of one-fourth inch; when the average diameter of nectarines in any container is over 2 inches not more than 5 percent, by count, of the nectarines in the container shall be outside a diameter range of three-eighths inch.

(g) Minimum size: When size is indicated in terms of minimum diameter not more than 5 percent, by count, of the fruit in any container may be smaller than the size marked.

(h) "Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end of the fruit.

(i) Tolerances: In order to allow for variations incident to proper sizing and packing, not more than 10 percent, by count, of the containers in any lot may fail to meet the requirements for Standard Pack.

DEFINITIONS

§ 51.3153 Mature.

"Mature" means that the nectarine has reached the stage of growth which will insure a proper completion of the ripening process.

§ 51.3154 Well formed.

"Well formed" means that the nectarine has the shape characteristic of the variety and that bumps or other roughness do not materially detract from the appearance.

§ 51.3155 Clean.

"Clean" means that the fruit is practically free from dirt or other foreign material.

§ 51.3156 Injury.

"Injury", unless otherwise specifically defined in this section, means any defect which more than slightly detracts from the appearance, or the edible or shipping quality of the nectarine. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as injury:

(a) Growth cracks when deep or not well healed, or when well healed and shallow and more than 1 in number or more than one-eighth inch in length;²

(b) Hail when the skin has been broken or the injury is more than superficial and the aggregate area exceeds that of a circle one-fourth inch in diameter;²

(c) Sunburn or sprayburn when the normal color of the nectarine is more than slightly changed;

(d) Scab or bacterial spot when cracked or when the aggregate area exceeds that of a circle one-fourth inch in diameter;²

(e) Scale when more than 1 large scale or scale mark or more than three scales or scale marks of any size are present;

² Areas of circles or lengths of cracks specified are applicable to a 4 x 4 size nectarine having a diameter of 2 inches. Correspondingly lesser or greater areas shall be allowed on smaller or larger nectarines.

(f) Split pit when causing any crack which is unhealed or readily apparent, or when more than slightly affecting the shape of the nectarine;

(g) Scars when not light in color, when not smooth, when having appreciable depth or when the aggregate area exceeds that of a circle one-fourth inch in diameter;² and,

(h) Russeting which exceeds the following aggregate areas of different types of russeting, or a combination of two or more types of russeting the seriousness of which exceeds the maximum allowed for any one type:

(1) Rough russeting when the aggregate area affected exceeds that of a circle three-fourths inch in diameter;² and,

(2) Fairly smooth or smooth russeting or staining when the aggregate area affected exceeds 10 percent of the fruit surface: *Provided*, That speckling characteristic of certain varieties shall not be considered as russeting or discoloration.

§ 51.3157 Damage.

"Damage", unless otherwise specifically defined in this section, means any defect which materially detracts from the appearance, or the edible or shipping quality of the nectarine. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Growth cracks when deep or not well healed, or when well healed and shallow and more than 1 in number or more than one-fourth inch in length;²

(b) Hail when the skin has been broken and the injury is not well healed, or when well healed and the aggregate area exceeds that of a circle one-fourth inch in diameter,² or when the injury is superficial and the aggregate area exceeds that of a circle three-eighths inch in diameter;²

(c) Sunburn or sprayburn when the normal color of the nectarine is materially changed;

(d) Scab or bacterial spot when cracked or when the aggregate area exceeds that of a circle three-eighths inch in diameter;²

(e) Scale when 5 or more medium to large scales or scale marks are concentrated, or when scales or scale marks are scattered and their aggregate area exceeds that of a circle one-fourth inch in diameter;²

(f) Scars which exceed the following aggregate areas of different types of scars, or a combination of two or more types of scars the seriousness of which exceeds the maximum allowed for any one type:

(1) Scars which are dark, rough or deep when the aggregate area exceeds that of a circle one-fourth inch in diameter;²

(2) Scars which are fairly light in color, fairly smooth or of slight depth

² Areas of circles or lengths of cracks specified are applicable to a 4 x 4 size nectarine having a diameter of 2 inches. Correspondingly lesser or greater areas shall be allowed on smaller or larger nectarines.

when the aggregate area exceeds that of a circle five-eighths inch in diameter;² and,

(3) Scars which are light in color, smooth and have no depth when the aggregate area exceeds that of a circle three-fourths inch in diameter;²

(g) Russeting which exceeds the following aggregate areas of different types of russeting, or a combination of two or more types of russeting the seriousness of which exceeds the maximum allowed for any one type:

(1) Rough russeting when the aggregate area affected exceeds 5 percent of the fruit surface; and,

(2) Fairly smooth or smooth russeting when the aggregate area affected exceeds 25 percent of the fruit surface of Freedom, Early Le Grand, and Quetta varieties and 15 percent of the fruit surface of other varieties: *Provided*, That discoloration occurring as yellow to brown staining of the skin shall not be considered as russeting and shall be considered as causing damage only when materially detracting from the appearance of the nectarine, and that speckling characteristic of certain varieties shall not be considered as russeting or discoloration.

§ 51.3158 Badly misshapen.

"Badly misshapen" means that the nectarine is so decidedly deformed that its appearance is seriously affected.

§ 51.3159 Serious damage.

"Serious damage", unless otherwise specifically defined in this section, means any defect which seriously detracts from the appearance, or the edible or shipping quality of the nectarine. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Growth cracks when deep or not well healed, or when well healed and seriously detracting from the appearance or the shipping quality of the nectarine;

(b) Hail when the skin has been broken and is not well healed, or when well healed and the affected tissue extends more than one-fourth inch below the surface, or when the injury is superficial and the aggregate area exceeds that of a circle three-fourths inch in diameter;²

(c) Sunburn or sprayburn when extending into the flesh or when changing the normal color on more than one-fourth of the surface of the nectarine;

(d) Scab or bacterial spot when cracked, or when the aggregate area exceeds that of a circle three-fourths inch in diameter;²

(e) Scale when the aggregate area of scales or scale marks exceeds that of a circle three-eighths inch in diameter;²

(f) Split pit when causing any crack which is unhealed or which is healed and distinctly open, or when seriously affecting the shape of the nectarine;

(g) Scars when more than one-fourth inch deep, or when dark or slightly rough and the aggregate area exceeds that of a circle one-half inch in diameter;²

(h) Russeting which exceeds the following aggregate areas of different types

of russeting or a combination of two or more types of russeting, the seriousness of which exceeds the maximum allowed for any one type:

(1) Rough russeting when the aggregate area affected exceeds 10 percent of the fruit surface; and,

(2) Fairly smooth or smooth russeting when the aggregate area affected exceeds 50 percent of the fruit surface: *Provided*, That discoloration occurring as yellow to brown staining of the skin shall not be considered russeting and shall be considered as causing serious damage only when seriously detracting from the appearance of the nectarine, and that speckling characteristic of certain varieties shall not be considered as russeting or discoloration;

(i) Soft or overripe nectarines; and,

(j) Wormy fruit or worm holes.

The United States Standards for Grades of Nectarines contained in this subpart shall become effective May 15, 1960, and will thereupon supersede the United States Standards for Nectarines which have been in effect since June 7, 1958 (7 CFR §§ 51.3145 to 51.3159).

Dated: April 6, 1960.

ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 60-3274; Filed, Apr. 8, 1960; 8:49 a.m.]

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

[Valencia Orange Reg. 192]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 922.492 Valencia Orange Regulation 192.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when in-

formation upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 7, 1960.

(b) *Order*. (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., April 10, 1960, and ending at 12:01 a.m., P.s.t., April 17, 1960, are hereby fixed as follows:

- (i) District 1: 468,024 cartons;
- (ii) District 2: 195,994 cartons;
- (iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

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

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

Dated: April 8, 1960.

S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Mar-
keting Service.

[F.R. Doc. 60-3342; Filed, Apr. 8, 1960;
11:29 a.m.]

[Lemon Reg. 841]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.948 Lemon Regulation 841.

(a) *Findings*. (1) Pursuant to the marketing agreement, as amended, and

Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 5, 1960.

(b) *Order*. (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., April 10, 1960, and ending at 12:01 a.m., P.s.t., April 17, 1960, are hereby fixed as follows:

- (i) District 1: 7,440 cartons;
- (ii) District 2: 271,560 cartons;
- (iii) District 3: Unlimited movement.

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

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

Dated: April 7, 1960.

S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Mar-
keting Service.

[F.R. Doc. 60-3308; Filed, Apr. 8, 1960;
9:01 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Regulatory Docket No. 339; Reg. No.
SR-425B]

PART 1—CERTIFICATION, IDENTIFICATION, AND MARKING OF AIRCRAFT AND RELATED PRODUCTS

PART 3—AIRPLANE AIRWORTHINESS; NORMAL, UTILITY, AND ACROBATIC CATEGORIES

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

PART 6—ROTORCRAFT AIRWORTHINESS; NORMAL CATEGORY

PART 7—ROTORCRAFT AIRWORTHINESS; TRANSPORT CATEGORIES

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

PART 43—GENERAL OPERATION RULES

PART 46—SCHEDULED AIR CARRIER HELICOPTER CERTIFICATION AND OPERATION RULES

Special Civil Air Regulation; Provisional Certification and Operation of Aircraft

Special Civil Air Regulation No. SR-425A was adopted on July 22, 1958, to provide for provisional certification of turbine-powered transport category airplanes in order to permit certain air carriers and manufacturers to conduct crew training, service testing, and simulated air carrier operations prior to introduction of the airplanes into commercial service. The objective of this regulation was to provide a means whereby the air carriers and manufacturers could obtain as much experience as possible with turbine-powered airplanes which, although safe for flight, had not been approved for the issuance of a type certificate.

Pursuant to the notice of proposed rule making contained in Draft Release 58-23 (24 F.R. 25), notice was given that SR-

425A would be amended to extend the application of that regulation to piston as well as turbine-powered transport category aircraft including rotorcraft. The notice also provided that SR-425A would be amended to include personal and executive type aircraft and would permit additional operations such as sales demonstrations and market surveys with aircraft having a provisional type and airworthiness certificate. In substance this proposal provided for the issuance of two classes of provisional type and airworthiness certificates and for amendments to the provisional type certificates. Class I provisional type and airworthiness certificates would be issued for all types of aircraft—turbine or piston—for operation by the manufacturer. Class II provisional type and airworthiness certificates would be limited to transport category aircraft—turbine or piston—but these aircraft could be operated by either the manufacturer or a certificated air carrier. However, the requirements for the issuance of the Class II provisional certificates would be more stringent and the operating limitations would be more confining than those of the Class I provisional certificates.

Comments received from all segments of the aircraft manufacturing and air carrier industries were generally favorable to the basic aim of the regulation. A number of suggestions were made to expand the applicability of the regulation and to eliminate certain of the requirements in the proposal. Certain of the comments expressed the opinion that Class I provisional certificate requirements are unnecessary and that the operations permitted thereunder should be permitted under the authority of an experimental certificate. However, the Agency believes that public safety considerations require that the type of operations permitted under this regulation be conducted in aircraft, the airworthiness of which has been demonstrated beyond that required for experimentally certificated aircraft. In addition, comments received from engine manufacturers suggested that this regulation should permit such manufacturers as well as aircraft manufacturers to obtain provisional type certificates and operate aircraft under the terms of provisional certificates. This suggestion has been given careful consideration, but the Agency does not feel that it is in a position, at this time, to permit such a substantive change in the provisions of the draft release.

While the basic provisions of the regulation being adopted are substantially the same as those contained in the draft release, some of the changes suggested by the industry have been incorporated into this regulation. For example, the regulation has been expanded to permit helicopters certificated under Class II provisional certificates to be operated by scheduled helicopter air carriers. It further provides that flight time accumulated by a prototype aircraft under the auspices of a United States military service may be counted toward the requirements for a provisional type certificate. In this connection, certain manufacturers of Part 3 airplanes have

suggested that the provision requiring a prototype airplane to be flown for at least 50 hours should be reduced to 5 hours. In view of the fact that such time may now be acquired under the auspices of a United States military service as well as under the authority of an experimental certificate, the 50 hours of required flight time will not impose any unnecessary burden upon the manufacturers of Part 3 airplanes.

In addition to the foregoing, the draft release proposed that provisional type certificates would remain in effect for an indefinite period of time unless sooner superseded, revoked, or otherwise terminated by the Administrator. Further analysis indicates that this feature of the proposal would permit the existence for an indefinite period of time of two certificates, type and provisional type, for substantially the same type design aircraft. To preclude such dual type certification, this regulation provides for the expiration of a Class I provisional type certificate 24 months after its issuance or upon the issuance of the corresponding type certificate, whichever occurs first. The regulation provides for the expiration of the Class II provisional type certificate 6 months after its issuance or 60 days after the issuance of the corresponding type certificate, whichever occurs first. Thereafter, manufacturers desiring to make changes to the approved type design may apply for an amendment to the type certificate and, pending approval of the amendment, to obtain a provisional amendment for such changes which would be in effect for 6 months, or until the amendment to the type certificate is approved, whichever occurs first. Aircraft conforming to the provisionally amended type certificate would then be issued provisional airworthiness certificates.

Certain other minor changes of a clarifying nature have also been made after consideration of the comments received. Not all of the suggested changes obtained in the comments on Draft Release No. 58-23 are included in this amendment because they would necessitate an unwarranted delay in its adoption by requiring additional rule making procedures. The Agency has under study amendments to the airworthiness classifications which will take into consideration the various suggestions submitted.

Interested persons have been given an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matters presented. Since this regulation relaxes a present restriction, it may be made effective on less than 30 days' notice.

In consideration of the foregoing, the following Special Civil Air Regulation, No. SR-425B, is adopted to become effective April 7, 1960:

GENERAL

1. *Applicability.* Contrary provisions of the Civil Air Regulations notwithstanding, provisional type and airworthiness certificates, amendments to provisional type certificates, and provisional amendments to type certificates, will be issued as prescribed in this regulation to a manufacturer or an air carrier. As used in this regulation, a

manufacturer shall mean only a manufacturer who is a citizen of the United States; and the term air carrier shall not include an air taxi operator.

2. Eligibility.

(a) A manufacturer of aircraft manufactured by him within the United States may apply for Class I or Class II provisional type and provisional airworthiness certificates, for amendments to provisional type certificates held by him, and for provisional amendments to type certificates held by him.

(b) An air carrier holding an air carrier operating certificate authorizing him to conduct operations under Parts 40, 41, 42, or 46 of the Civil Air Regulations may apply for Class II provisional airworthiness certificates for transport category aircraft which meet the conditions of either subparagraphs (1) or (2) of this paragraph.

(1) The aircraft has a currently valid Class II provisional type certificate or an amendment thereto;

(2) The aircraft has a currently valid provisional amendment to a type certificate which was preceded by a corresponding Class II provisional type certificate.

3. *Application—(a) General.* Applications for provisional type and airworthiness certificates, for amendments to provisional type certificates, and for provisional amendments to type certificates, shall be submitted to the Chief, Flight Standards Division, FAA, of the Regional Office in which the manufacturer or air carrier is located and shall be accompanied by the pertinent information specified in this regulation.

4. *Duration.* Unless sooner surrendered, superseded, revoked, or otherwise terminated, certificates and amendments thereto, shall have periods of duration in accordance with paragraphs (a) through (f) of this section.

(a) A Class I provisional type certificate shall remain in effect for 24 months after the date of its issuance or until the date of issuance of the corresponding type certificate, whichever occurs first.

(b) A Class I provisional type certificate shall expire immediately upon issuance of a Class II provisional type certificate for aircraft of the same type design.

(c) A Class II provisional type certificate shall remain in effect for 6 months after the date of its issuance or 60 days after the date of issuance of the corresponding type certificate, whichever occurs first.

(d) An amendment to a Class I or a Class II provisional type certificate shall remain in effect for the duration of the corresponding provisional type certificate.

(e) A provisional amendment to a type certificate shall remain in effect for 6 months after its approval or until the amendment to the type certificate is approved, whichever occurs first.

(f) Provisional airworthiness certificates shall remain in effect for the duration of the corresponding provisional type certificate, amendment to a provisional type certificate, or a provisional amendment to the type certificate.

5. *Transferability of certificates.* Certificates issued pursuant to this regulation are not transferable except that a Class II provisional airworthiness certificate may be transferred to an air carrier eligible to apply for such certificate under section 2 of this regulation.

6. *Display of certificates and markings.* A provisional airworthiness certificate shall be prominently displayed in the aircraft for which it is issued. The words "Provisional Airworthiness" shall be painted in letters not less than 2 inches high on the exterior of such aircraft adjacent to each entrance to the cabin and cockpit of the aircraft.

REQUIREMENTS FOR ISSUANCE

7. *Class I provisional type certificates.* A Class I provisional type certificate and

amendments thereto will be issued for a particular type design when the manufacturer of the aircraft shows compliance with the provisions of paragraphs (a) through (f) of this section, and an authorized representative of the Administrator finds, on the basis of information submitted to him by the manufacturer in compliance with the provisions of this section and of other relevant information, that there is no feature, characteristic, or condition which would render the aircraft unsafe when operated in accordance with the limitations established in paragraph (d) of this section and in section 13 of this regulation.

(a) The manufacturer has applied for the issuance of a type certificate for the aircraft.

(b) The manufacturer certifies that the aircraft has met the provisions of subparagraphs (1) through (3) of this paragraph.

(1) The aircraft has been designed and constructed in accordance with the airworthiness requirements applicable to the issuance of the type certificate for the aircraft;

(2) The aircraft substantially complies with the applicable flight characteristics requirements for the type certificate;

(3) The aircraft can be operated safely under the appropriate operating limitations specified in this regulation.

(c) The manufacturer has submitted a report showing that the aircraft had been flown in all maneuvers necessary to show compliance with the flight requirements for the issuance of the type certificate and to establish that the aircraft can be operated safely in accordance with the limitations specified in this regulation.

(d) The manufacturer has established limitations with respect to weights, speeds, flight maneuvers, loading, operation of controls and equipment, and all other relevant factors. The limitations shall include all the limitations required for the issuance of a type certificate for the aircraft: *Provided*, That, where such limitations have not been established, appropriate restrictions on the operation of the aircraft shall be established.

(e) The manufacturer has established an inspection and maintenance program for the continued airworthiness of the aircraft.

(f) A prototype aircraft has been flown by the manufacturer for at least 50 hours pursuant to the authority of an experimental certificate issued under Part 1 of the Civil Air Regulations or under the auspices of a United States military service: *Provided*, That the number of flight hours may be reduced by the authorized representative of the Administrator in the case of an amendment to a provisional type certificate.

8. *Class I provisional airworthiness certificates.* Except as provided in section 12 of this regulation, a Class I provisional airworthiness certificate will be issued for an aircraft, for which a Class I provisional type certificate is in effect, when the manufacturer of the aircraft shows compliance with the provisions of paragraphs (a) to (d) of this section, and an authorized representative of the Administrator finds that there is no feature, characteristic, or condition of the aircraft which would render the aircraft unsafe when operated in accordance with the limitations established in sections 7(d) and 13 of this regulation.

(a) The manufacturer is the holder of the provisional type certificate for the aircraft.

(b) The manufacturer submits a statement that the aircraft conforms to the type design corresponding with the provisional type certificate and has been found by him to be in safe operating condition under the applicable limitations.

(c) The aircraft has been flown at least 5 hours by the manufacturer.

(d) The aircraft has been supplied with a provisional aircraft flight manual or other document and appropriate placards containing the limitations required by sections 7(d) and 13 of this regulation.

9. *Class II provisional type certificates.*

A Class II provisional type certificate and amendments thereto will be issued for a particular transport category type design when the manufacturer of the aircraft shows compliance with the provisions of paragraphs (a) through (h) of this section, and an authorized representative of the Administrator finds, on the basis of information submitted to him by the manufacturer in compliance with the provisions of this section and of other relevant information, that there is no feature, characteristic, or condition which would render the aircraft unsafe when operated in accordance with the limitations established in paragraph (f) of this section and in sections 13 and 14 of this regulation.

(a) The manufacturer has applied for the issuance of a transport category type certificate for the aircraft.

(b) The manufacturer holds a type certificate and a currently effective production certificate for at least one other aircraft in the same transport category as the subject aircraft.

(c) The Agency's official flight test program with respect to the issuance of a type certificate for the aircraft is in progress.

(d) The manufacturer certifies that the aircraft has met the provisions of subparagraphs (1) through (3) of this paragraph.

(1) The aircraft has been designed and constructed in accordance with the airworthiness requirements applicable to the issuance of the type certificate for the aircraft;

(2) The aircraft substantially complies with the applicable flight characteristics requirements for the type certificate;

(3) The aircraft can be operated safely under the appropriate operating limitations specified in this regulation.

(e) The manufacturer has submitted a report showing that the aircraft had been flown in all maneuvers necessary to show compliance with the flight requirements for the issuance of the type certificate and to establish that the aircraft can be operated safely in accordance with the limitations specified in this regulation.

(f) The manufacturer has prepared a provisional aircraft flight manual which includes limitations with respect to weights, speeds, flight maneuvers, loading, operation of controls and equipment, and all other relevant factors. The limitations shall include all the limitations required for the issuance of a type certificate for the aircraft: *Provided*, That, where such limitations have not been established, the provisional flight manual shall contain appropriate restrictions on the operation of the aircraft.

(g) The manufacturer has established an inspection and maintenance program for the continued airworthiness of the aircraft.

(h) A prototype aircraft has been flown by the manufacturer for at least 100 hours pursuant to the authority of either an experimental certificate issued under Part 1 of the Civil Air Regulations or a Class I provisional airworthiness certificate: *Provided*, That the number of flight hours may be reduced by the authorized representative of the Administrator in the case of an amendment to a provisional type certificate.

10. *Class II provisional airworthiness certificates.* Except as provided in section 12 of this regulation, a Class II provisional airworthiness certificate will be issued for an aircraft, for which a Class II provisional type certificate is in effect, when the applicant shows compliance with the provisions of paragraphs (a) through (e) of this section, and an authorized representative of the Administrator finds that there is no feature, characteristic, or condition of the aircraft which would render the aircraft unsafe when operated in accordance with the limitations established in section 9(f), 13, and 14 of this regulation.

(a) The applicant submits evidence that a Class II provisional type certificate for the aircraft has been issued to the manufacturer.

(b) The applicant submits a statement by the manufacturer that the aircraft has been manufactured under a quality control system adequate to ensure that the aircraft conforms to the type design corresponding with the provisional type certificate.

(c) The applicant submits a statement that the aircraft has been found by him to be in a safe operating condition under the applicable limitations.

(d) The applicant submits a statement that the aircraft has been flown at least 5 hours by the manufacturer.

(e) The aircraft has been supplied with a provisional aircraft flight manual containing the limitations required by sections 9(f), 13, and 14 of this regulation.

11. *Provisional amendments to type certificate.* A provisional amendment to a type certificate will be approved when the manufacturer of the type certificated aircraft shows compliance with the provisions of paragraphs (a) through (g) of this section, and an authorized representative of the Administrator finds, on the basis of information submitted to him by the manufacturer in compliance with the provisions of this section and of other relevant information, that there is no feature, characteristic, or condition which would render the aircraft unsafe when operated in accordance with the limitations established in paragraph (e) of this section, and section 13 and, if applicable, section 14 of this regulation.

(a) The manufacturer has applied for an amendment to the type certificate.

(b) The Agency's official flight test program with respect to the amendment of the type certificate is in progress.

(c) The manufacturer certifies that the aircraft has met the provisions of subparagraphs (1) through (3) of this paragraph.

(1) The modification involved in the amendment to the type certificate has been designed and constructed in accordance with the airworthiness requirements applicable to the issuance of the type certificate for the aircraft;

(2) The aircraft substantially complies with the applicable flight characteristics requirements for the type certificate;

(3) The aircraft can be operated safely under the appropriate operating limitations specified in this regulation.

(d) The manufacturer has submitted a report showing that the aircraft incorporating the modifications involved had been flown in all maneuvers necessary to show compliance with the flight requirements applicable to these modifications and to establish that the aircraft can be operated safely in accordance with the limitations specified in this regulation.

(e) The manufacturer has established, in a provisional aircraft flight manual or other document and appropriate placards, limitations with respect to weights, speeds, flight maneuvers, loading, operation of controls and equipment, and all other relevant factors. The limitations shall include all the limitations required for the issuance of a type certificate for the aircraft: *Provided*, That, where such limitations have not been established, appropriate restrictions on the operation of the aircraft shall be established.

(f) The manufacturer has established an inspection and maintenance program for the continued airworthiness of the aircraft.

(g) An aircraft modified in accordance with the corresponding amendment to the type certificate has been flown by the manufacturer for the number of hours found necessary by the authorized representative of the Administrator, such flights having been conducted pursuant to the authority of an experimental certificate issued under Part 1 of the Civil Air Regulations.

12. *Provisional airworthiness certificates corresponding with provisional amendment*

to type certificate. A Class I or a Class II provisional airworthiness certificate, as specified in section 2 of this regulation, will be issued for an aircraft, for which a provisional amendment to the type certificate has been issued, when the applicant shows compliance with the provisions of paragraphs (a) through (e) of this section, and an authorized representative of the Administrator finds that there is no feature, characteristic, or condition of the aircraft, as modified in accordance with the provisionally amended type certificate, which would render the aircraft unsafe when operated in accordance with the limitations established in sections 11(e) and 13 and, if applicable, section 14 of this regulation.

(a) The applicant submits evidence that approval has been obtained for the relevant provisional amendment to the type certificate for the aircraft.

(b) The applicant submits evidence that the modification to the aircraft was accomplished under a quality control system adequate to ensure that the modification conforms to the provisionally amended type certificate.

(c) The applicant submits a statement that the aircraft has been found by him to be in a safe operating condition under the applicable limitations.

(d) The applicant submits a statement that the aircraft has been flown at least 5 hours by the manufacturer.

(e) The aircraft has been supplied with a provisional aircraft flight manual or other document and appropriate placards containing the limitations required by section 11(e) and 13 and, if applicable, section 14 of this regulation.

OPERATING LIMITATIONS

13. *Operation of provisionally certificated aircraft.* An aircraft for which a provisional airworthiness certificate has been issued shall be operated only by a person eligible to apply for a provisional airworthiness certificate in accordance with section 2 of this regulation. Operations shall be in compliance with paragraphs (a) through (j) of this section.

(a) The aircraft shall not be operated in air transportation unless so authorized in a particular case by the Director, Bureau of Flight Standards.

(b) Operations shall be restricted to the United States, its Territories and possessions.

(c) The aircraft shall be limited to the types of operations listed in subparagraphs (1) through (7) of this paragraph.

(1) Flights conducted by the manufacturer of the aircraft in direct conjunction with the type certification of the aircraft;

(2) Training of flight crews, including simulated air carrier operations;

(3) Demonstration flights conducted by the manufacturer for prospective purchasers;

(4) Market surveys by the manufacturer;

(5) Flight checking of instruments, accessories, and equipment, the functioning of which does not adversely affect the basic airworthiness of the aircraft;

(6) Service testing of the aircraft;

(7) Such additional operations as may be specifically authorized by the authorized representative of the Administrator.

(d) All operations shall be conducted within the prescribed limitations displayed in the aircraft or set forth in the provisional aircraft flight manual or other document containing the limitations for the safe operation of the aircraft: *Provided*, That operations conducted in direct conjunction with the type certification of the aircraft shall be subject to the experimental aircraft limitations of § 1.74 of Part 1 of the Civil Air Regulations, and all "flight tests" as defined in § 60.60 of the Civil Air Regulations shall be conducted in accordance with the requirements of § 60.24 of that part.

(e) The operator shall establish procedures for the use and guidance of flight and

ground personnel in the conduct of operations under this section. Specific procedures shall be established for operations from and into airports where the runways require takeoffs or approaches over populated areas. All procedures shall be approved by an authorized representative of the Administrator. All operations shall be conducted in accordance with such approved procedures.

(f) The operator shall ensure that each flight crewmember is properly certificated and possesses adequate knowledge of, and familiarity with, the aircraft and the procedures to be used by him.

(g) The aircraft shall be maintained in accordance with applicable Civil Air Regulations, with the inspection and maintenance program established in accordance with this regulation, and with any special inspections and maintenance conditions prescribed by an authorized representative of the Administrator.

(h) No aircraft shall be operated under authority of a provisional airworthiness certificate if the manufacturer or the authorized representative of the Administrator determines that a change in design, construction, or operation is necessary to ensure safe operation, until such change is made and approved by the authorized representative of the Administrator. Section 1.24 of Part 1 of the Civil Air Regulations shall be applicable to operations under this section.

(i) Only those persons who have a bona fide interest in the operations permitted under this section or who are specifically authorized by both the manufacturer and the authorized representative of the Administrator may be carried in provisionally certificated aircraft: *Provided*, That they have been advised by the operator of the provisional certification status of the aircraft.

(j) The authorized representative of the Administrator may prescribe such additional limitations or procedures as he finds necessary. This shall include limitations on the number of persons who may be carried aboard the aircraft.

14. *Additional limitations to operations by air carriers.* In addition to the limitations in section 13 of this regulation, operations by air carriers shall be subject to the provisions of paragraphs (a) through (d) of this section.

(a) In addition to crewmembers, the aircraft may carry only those persons who are listed in § 40.356(c) of Part 40 of the Civil Air Regulations or who are specifically authorized by both the air carrier and the authorized representative of the Administrator.

(b) The air carrier shall maintain current records for each flight crewmember. These records shall include such information as is necessary to show that each flight crewmember is properly trained and qualified to perform his assigned duties.

(c) The appropriate instructor, supervisor, or check airman shall certify to the proficiency of each flight crewmember and such certification shall become a part of the flight crewmember's record.

(d) A log of all flights conducted under this regulation, and accurate and complete records of inspections made and maintenance accomplished, shall be kept by the air carrier and made available to the manufacturer and to an authorized representative of the Administrator.

15. *Other operations.* The Director, Bureau of Flight Standards, may credit toward the aircraft proving test requirements of the applicable air carrier regulations such operations conducted pursuant to this special regulation as he finds have met the applicable aircraft proving test requirements: *Provided*, That he also finds that there is no significant difference between the provisionally certificated aircraft and the aircraft for which application is made for operation pursuant to an air carrier operating certificate.

CERTIFICATES ISSUED UNDER SR-425A

16. *Duration.* Currently valid provisional type and airworthiness certificates issued in accordance with Special Civil Air Regulation No. SR-425A shall remain in effect for the durations and under the conditions prescribed in that regulation.

This special regulation supersedes Special Civil Air Regulation No. SR-425A and shall terminate on June 30, 1963, unless sooner superseded, rescinded, or otherwise terminated.

(Secs. 313(a), 601, 603, 608, 609, 72 Stat. 752, 775, 776, 779; 49 U.S.C. 1354, 1421, 1423, 1428, 1429)

Issued in Washington, D.C., on April 7, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60-3284; Filed, Apr. 8, 1960; 8:50 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Regulatory Docket No. 333; Amdt. 126]

PART 507—AIRWORTHINESS DIRECTIVES

Wright TC18DA and EA Engines

Airworthiness directive 58-13-5 (23 F.R. 5561) required, in item (6) thereof, that the clearance between the power recovery turbine cooling shield and wheel lip be checked at each regular periodic inspection. Notwithstanding, there have been six recent cases of power recovery turbine wheel failures experienced. Analysis of these failures has indicated that they were caused by an overheat condition. Therefore, item (6) of AD 58-13-5 is being superseded by a new directive which will reduce the likelihood of overheating of the PRT wheel. PRT wheel failures result in engine fires and flying steel fragments which damage propellers, puncture pressurized fuselages and cause major damage to the adjacent engine.

In the interest of safety the Administrator finds that notice and public procedure hereon are impracticable and that good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing § 507.10(a) (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

WRIGHT. Applies to all Wright TC18DA and TC18EA Series engines.

Compliance required as indicated.

(a) To insure that the proper PRT cooling shield to wheel lip clearance is retained, this clearance must be checked at the next regular periodic inspection after May 15, 1960, and every regular periodic inspection thereafter. The maximum service limit for this clearance is 0.080 inch with the wheel in the outermost position and must be checked at the four support bolt locations. In addition to this clearance check, the turbine wheel and turbine shaft nut must be checked for security by attempting to wobble these components by hand. Any looseness is an indication that the nut or shaft has been overheated. If this condition is found, the PRT must be removed for overhaul prior to next flight.

(b) At the next overhaul of PRT components after May 15, 1960, and every such overhaul thereafter, dimensional control will be maintained such that a maximum of 0.040 inch wheel to cooling shield clearance with the wheel in the outermost position will not be exceeded when the components are assembled.

(WAD Service Bulletin Nos. TC18-323 and TC18E-140 cover the above items.)

(c) To provide an adequate supply of PRT cooling air under critical engine operating conditions, the aircraft in which these engines are operated should not be climbed at air speeds below the all engine en route climb speed as shown in the FAA approved Flight Manual. It is recognized that under certain unusual conditions, this air speed limitation cannot be adhered to and as a result, the PRT units may be subjected to overheat operation. So that appropriate precautionary measures can be taken when such operation is experienced the flight crew must record in the aircraft log whenever the aircraft is operated below the all engine en route climb speed for periods in excess of three (3) minutes with the engines operating in high impeller gear ratio at or above alternate climb power. When such operation is reported the No. 2 PRT on each engine must be inspected per item (a) at the first stop where adequate maintenance facilities are available.

(d) To further insure PRT cooling cap integrity, a cooling shield security check, with flight hood installed, must be accomplished at some interval between regular periodic inspections. This interval should be as close to the mid-periodic inspection point as practical. This check will be accomplished by individually attempting to move both the intermediate and outer cooling shield outlets. Any relative movement will be cause for flight hood removal and further investigation of the condition of the cooling cap and the security of the PRT wheel and shaft nut.

This supersedes and cancels item (6) of AD 58-13-5 (23 F.R. 5561).

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

Issued in Washington, D.C., on April 1, 1960.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 60-3239; Filed, Apr. 8, 1960;
8:45 a.m.]

[Regulatory Docket No. 334; Amdt. 127]

PART 507—AIRWORTHINESS DIRECTIVES

Lockheed 049, 149, 649, and 749 Series Aircraft

Repair and rework instructions in Amendment 101, Part 507, Regulations of the Administrator, 25 F.R. 1311, required shot-peening main landing gear outer cylinders on Lockheed 049, 149, 649, and 749 Series aircraft using steel shot within the limits of 0.019-0.028 inch diameter. It has been determined that use of steel shot within the limits of 0.019-0.033 inch diameter is as satisfactory for accomplishing the rework. Therefore, Amendment 101 is being revised to provide for the increased shot size. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing § 507.10(a) (14 CFR Part 507), is amended as follows:

Amendment 101, Lockheed 049, 149, 649, and 749 Series aircraft as it appeared in 25 F.R. 1311, is revised by changing the steel shot limits in item (c) (2) (ii) from "0.019-0.028" to "0.019-0.033".

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

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

Issued in Washington, D.C., on April 1, 1960.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 60-3240; Filed, Apr. 8, 1960;
8:45 a.m.]

[Regulatory Docket No. 335; Amdt. 128]

PART 507—AIRWORTHINESS DIRECTIVES

Vickers Viscount 700 Series Aircraft

As a result of additional testing by the manufacturer, it has been determined that retirement time of trunnion pins and bearing bolts of the main landing gear retraction jack cylinder assembly established in AD 57-20-4, 23 F.R. 439, on Vickers Viscount 700 Series aircraft, may be increased by 2,000 flights without reducing the level of safety of the parts involved. Accordingly, AD 57-20-4 is being revised to provide for the new retirement time. Since this amendment does not increase the burden of compliance, notice and public procedure hereon are unnecessary and the amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing § 507.10(a) (14 CFR Part 507), is amended as follows:

Amendment 3, AD 57-20-4, Vickers Viscount 700 Series aircraft equipped with fourteen inch stroke oleos, as it appeared in 23 F.R. 439, is revised by changing the final words of item 2, from "5,000 flights." to "7,000 flights."

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

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

Issued in Washington, D.C., on April 1, 1960.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 60-3241; Filed, Apr. 8, 1960;
8:45 a.m.]

[Regulatory Docket No. 312; Amdt. 129]

PART 507—AIRWORTHINESS DIRECTIVES

Boeing 707 Series Aircraft

As a result of investigation of recent failures found in a Boeing 707 main landing gear trunnion support rib, it is necessary to require immediate inspections. Complete failure in this area will permit failure of the landing gear.

In view of the foregoing, the Administrator found that a situation existed requiring immediate action in the interest of safety, that notice and public procedure thereon were impracticable and contrary to the public interest, and that good cause existed for taking corrective action. Accordingly, an airworthiness directive was adopted on March 11, 1960, and made effective immediately as to all known operators of Boeing 707 Series aircraft by individual telegrams dated March 11, 1960. It is hereby published as an amendment to § 507.10(a) (14 CFR Part 507) and shall become effective upon the date of its publication in the FEDERAL REGISTER as to all other persons:

BOEING. Applies to all 707 Series aircraft. Compliance required as indicated.

Due to failure in a main landing gear trunnion support, the following inspections are required:

(a) Prior to dispatch from a terminal where inspection facilities are available, unless already accomplished within the last 300 hours time in service and thereafter at every 300 hours time in service, clean the web and lower chord areas on the inboard and outboard side of 220,000-240,000 p.s.i. heat treat steel main landing gear trunnion support rib and conduct a visual inspection of the cleaned areas for evidence of cracks. If evidence of cracks is found, conduct more detail inspections using fluorescent dye penetrant at temperatures of 50° F. or above, X-ray, or equivalent.

(b) Prior to dispatch from a terminal where inspection facilities are available, unless already accomplished within the last 65 hours time in service and thereafter at every 65 hours time in service, clean the aftmain landing gear trunnion bearing support, paying particular attention to the areas listed below and conduct a fluorescent dye penetrant inspection or equivalent for evidence of cracks.

(1) Area around the barrel nut hole, both forward and aft sides.

(2) A strip ½ inch wide around upper bearing, from barrel nut to barrel nut, on aft side.

(3) A strip ½ inch wide around upper bearing, from upper barrel nut to trunnion support rib, on forward side.

(c) If cracks are found during inspections (a) and (b), the affected components must be replaced or repaired in accordance with Boeing/FAA approved procedures prior to further flight.

(Boeing advance telegraphic Service Bulletin Number 859 pertains to this subject.)

This amendment shall become effective upon publication in the FEDERAL REGISTER as to all persons not receiving individual notice by telegram dated March 11, 1960.

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

Issued in Washington, D.C., on April 1, 1960.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 60-3242; Filed, Apr. 8, 1960;
8:45 a.m.]

[Regulatory Docket No. 305; Amdt. 130]

PART 507—AIRWORTHINESS DIRECTIVES

Hamilton Standard 6895-8 Propeller Blades

It has been determined that Amendment 91, Part 507, Regulations of the

Administrator, 25 F.R. 629, does not afford operators of Douglas DC-6, DC-6A, and DC-6B aircraft with 6895-8 Hamilton Standard propeller blades installed, sufficient time to obtain inspection equipment and perform the required face alinement checks on the blades. Accordingly, to relieve operators of the burden of compliance by March 15, 1960, an amendment to Amendment 91 was adopted on March 4, 1960, and made effective immediately as to all known operators of Douglas DC-6, -6A, and -6B aircraft by individual telegrams dated March 4, 1960. Since this amendment grants relief and imposes no additional burden on any person, notice and public procedure thereon are unnecessary and it may be made effective immediately as to all other persons. It is hereby published as an amendment to § 507.10(a) (14 CFR Part 507) and shall become effective upon the date of its publication in the FEDERAL REGISTER.

Amendment 91, Hamilton Standard 6895-8 propeller blades, as it appeared in 25 F.R. 629 is revised by changing the compliance date of "March 15, 1960," in items (a), (b), and (c) to "April 15, 1960":

This amendment shall become effective upon publication in the FEDERAL REGISTER as to all persons not receiving individual notice by telegram dated March 4, 1960.

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

Issued in Washington, D.C., on April 1, 1960.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 60-3243; Filed, Apr. 8, 1960; 8:45 a.m.]

[Regulatory Docket No. 274; Amdt. 131]

PART 507—AIRWORTHINESS DIRECTIVES

Boeing Model 75 Series Aircraft

A proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring inspection for cracks in fuselage structural members of Boeing Model 75 aircraft was published in 25 F.R. 1346.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing § 507.10(a), (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

BOEING. Applies to all Model 75 Series aircraft operated in restricted category with a gross weight exceeding 3,200 lbs. Compliance required not later than June 1, 1960, and at each 100 hours time in service thereafter.

Due to reports of cracked longerons, the following shall be accomplished:

Visually inspect the fuselage longerons and fuselage diagonal bracing for cracks in the vicinity of the lower wing front spar attach fittings. All cracked structural members shall be repaired or replaced in accordance with CAR 18.

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

Issued in Washington, D.C., on April 1, 1960.

JAMES T. PYLE,
Acting Administrator.

[F. R. Doc. 60-3244; Filed, Apr. 8, 1960; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-FW-60]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

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

Modification of Federal Airway and Associated Control Areas

On January 30, 1960, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (25 F.R. 815) stating that the Federal Aviation Agency proposed a modification to VOR Federal airway No. 241 between Columbus, Ga., and Atlanta, Ga.

No adverse comments were received regarding the proposed amendments.

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

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the Notice, §§ 600.6241 (24 F.R. 10523) and 601.6241 (24 F.R. 10603) are amended as follows: § 600.6241 [Amendment]

1. In the text of § 600.6241 VOR Federal airway No. 241 (Crestview, Fla., to Atlanta, Ga.) delete "intersection of the Columbus omnirange 018° and the Atlanta omnirange 233° radials; to the Atlanta, Ga., omnirange station." and substitute therefor "to the Atlanta, Ga., VORTAC, including a W alternate via the INT of the Columbus VOR 011° True and the Atlanta VORTAC 233° True radials."

2. § 601.6241 is amended to read:

§ 601.6241 VOR Federal airway No. 241 control areas (Crestview, Fla., to Atlanta, Ga.).

All of VOR Federal airway No. 241 including a W alternate.

These amendments shall become effective 0001 e.s.t. June 2, 1960.

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

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

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

[F.R. Doc. 60-3245; Filed, Apr. 8, 1960; 8:45 a.m.]

[Airspace Docket No. 59-FW-31]

PART 602—ESTABLISHMENT OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN THE CONTINENTAL CONTROL AREA

Modification of Coded Jet Route

On January 30, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (25 F.R. 815) stating that the Federal Aviation Agency proposed to modify VOR/VORTAC jet route No. 2 between New Orleans, La., and Crestview, Fla.

No adverse comments were received regarding the proposed amendment.

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

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the Notice, § 602.502 (14 CFR, 1958 Supp., 602.502, 24 F.R. 2649) is amended as follows:

In the text of § 602.502 VOR/VORTAC jet route No. 2 (San Diego, Calif., to Jacksonville, Fla.), delete "INT New Orleans 078° and Mobile, Ala, 224° radials;" and substitute therefor "INT of the New Orleans, La., VOR 071° True and the Crestview, Fla., VOR 259° True radials".

This amendment shall become effective 0001 e.s.t. June 2, 1960.

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

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

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

[F.R. Doc. 60-3246; Filed, Apr. 8, 1960; 8:45 a.m.]

[Reg. Docket No. 337; Amdt. 162]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Alterations

The new and revised standard instrument approach procedures appearing hereinafter are adopted to become effective and/or canceled when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures. Pursuant to authority delegated to me by the Administrator (24 F.R. 5662), I find that a situation exists requiring immediate action in the interest of safety, that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than thirty days' notice.

Part 609 (14 CFR Part 609) is amended as follows:

RULES AND REGULATIONS

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

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
HNL VOR.....	HNL LFR.....	Direct.....	3500	T-dn.....	300-1	300-1	200-1/2
Barbers Point FM.....	HNL LFR (Final).....	Direct.....	*2000	C-dn.....	500-1	500-1	500-1 1/2
W crs LFR and 19 mi DMET fix.....	W crs LFR and 10 mi DMET fix.....	Direct.....	3000	S-dn-8.....	500-1	500-1	500-1
**W crs LFR and 10 mi DMET fix.....	HNL LFR (Final).....	Direct.....	*2000	A-dn.....	800-2	800-2	800-2

Procedure turn S side of W crs, 250° Outbnd, 070° Inbnd, 3000' within 10 miles. Procedure turn not necessary with radar vectors to final approach course from Pineapple or Southgate Int. Vectors to final from these intersections authorized at 2000'.

Minimum altitude over facility on final approach crs, 2000'.

Crs and distance, facility to airport, 075-2.3.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles, execute right turn, climbing to 2000' and proceed to Southgate LF Int.

CAUTION: (1) Runway 8 at HNL equipped with hi-intensity lights. Do not confuse with closed Rwy 7 at Hickam. (2) Circling North of airport not authorized because of terrain 385' 1.5 mi North, and 508' 2 mi NE. (3) Terrain rises sharply on North side of final approach course; within 3.2 mi-1000', 4.6 mi-2566', and 6.2 mi-3098'.

*800' authorized after passing LOM or VORTAC on inbnd crs—if not received maintain 2000' to facility.

**Aircraft at Southgate authorized to fly 10 mi DMET clockwise arc to intercept final approach crs (W crs HNL LFR) at 2000'.

City, Honolulu; State, Hawaii; Airport Name, Honolulu Int'l; Elev., 10'; Fac. Class., SBRAZ; Ident., HNL; Procedure No. 1, Amdt. 13; Eff. Date, 30 Apr. 60; Sup. Amdt. No. 12; Dated, 29 Dec. 57

Arcola Int.....	HOU-LFR.....	Direct.....	1500	T-dn.....	300-1	300-1	200-1/2
Houston VOR.....	HOU-LFR.....	Direct.....	1200	C-dn.....	400-1	500-1	500-1 1/2
Houston FM.....	HOU-LFR.....	Direct.....	1300	S-dn-30°.....	400-1	400-1	400-1
Radar Vectoring Position.....	HOU-LFR (Final).....	310-5.0.....	700	A-dn.....	800-2	800-2	800-2

Radar terminal transition altitude 1500' within 20 miles. Radar control will provide 1000' vertical clearance within a 3-mile radius or 500' vertical clearance within a 3- to 5-mile (inclusive) radius of 1232' TV tower 11 mi SSE, 1051' TV tower 11 mi SW, 755' TV tower 11 mi WNW, 753' TV tower 5 1/2 mi NW, 610' structure 7 mi NE of airport. Radar may be used to position aircraft for a final approach, within 5 miles of LFR, with elimination of a procedure turn.

Procedure turn E side SE crs, 130° Outbnd, 310° Inbnd, 1700' within 10 mi. Beyond 10 mi NA.

Minimum altitude over facility on final approach crs, 700'.

Crs and distance, facility to airport, 310-1.9.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.9 mi climb to 1800' on NW crs within 20 mi or, when directed by ATC, turn right, climb to 1600' on NE crs within 20 mi.

Major Change: Transition from Friendswood Int deleted.

*590' per minute descent required at 120 MPH.

City, Houston; State, Tex.; Airport Name, International; Elev., 50'; Fac. Class., SBRAZ; Ident., HOU; Procedure No. 1, Amdt. 19; Eff. Date, 30 Apr. 60; Sup. Amdt. No. 18; Dated, 6 Sept. 58

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

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
HOU VOR.....	AAP MH.....	Direct.....	1800	T-dn.....	300-1	NA	NA
HOU LFR.....	AAP MH.....	Direct.....	1800	C-dn.....	600-1	NA	NA
Fairbanks Int.....	AAP MH.....	Direct.....	1800	A-dn.....	NA	NA	NA
Arcola Int.....	AAP MH.....	Direct.....	2100				
Rosenberg Int.....	AAP MH.....	Direct.....	1500				
Cypress Int.....	AAP MH.....	Direct.....	1500				
Radar Vectoring Position.....	AAP MH.....	Direct.....	1500				

Houston Radar terminal area transition altitude 1500' within 20 miles of Radar Site. Radar control will provide 1000' vertical clearance within a 3-mile radius or 500' vertical clearance within a 3- to 5-mile (inclusive) radius of 1232' TV tower 11 mi SSE, 1051' TV tower 11 mi SW, 755' TV tower 11 mi WNW, 753' TV tower 5 1/2 mi NW, 610' structure 7 mi NE of airport.

Procedure turn West side of crs, 344° Outbnd, 164° Inbnd, 1500' within 10 mi. Beyond 10 mi NA.

Minimum altitude over facility on final approach crs, 800'.

Crs and distance, facility to airport, 164-0.8 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.8 mi, turn right, climb to 2000' on crs of 270° from the AAP MH within 10 miles and contact HOU approach control for further clearance.

NOTES: No weather service. Unicom 24 hours 122.8 and 122.1. Procedure NA for air carrier. Runways 50' wide. Private facility approved for public use.

City, Alerf; State, Tex.; Airport Name, Androu Airpark; Elev., 80'; Fac. Class., MHW; Ident., AAP; Procedure No. 1, Amdt. 1; Eff. Date, 30 Apr. 60; Sup. Amdt. No. Orig.; Dated, 12 Dec. 59

PROCEDURE CANCELED, EFFECTIVE UPON PUBLICATION IN THE FEDERAL REGISTER. FACILITY DECOMMISSIONED.

City, El Dorado; State, Ark.; Airport Name, Goodwin Field; Elev., 277'; Fac. Class., RBN; Ident., ELD; Procedure No. 1, Amdt. 3; Eff. Date, 2 Aug. 58; Sup. Amdt. No. 2; Dated, 20 July 55

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Fairbanks LFR.....	LOM.....	Direct.....	4000	T-dn.....	300-1	300-1	200-1/2
Wood River Int.....	LOM.....	Direct.....	4000	C-dn* ***	400-1	500-1	500-1 1/2
Chena Int.....	LOM.....	Direct.....	4000	S-dn-19***	400-1	400-1	400-1
Alder RBn.....	LOM.....	Direct.....	4000	A-dn.....	800-2	800-2	800-2
Fox RBn.....	LOM.....	Direct.....	2300				
Fairbanks LFR.....	Fox RBn.....	Direct.....	4000				
Wood River Int.....	Fox RBn.....	Direct.....	4000				
Chena Int.....	Fox RBn.....	Direct.....	4000				
Alder RBn.....	Fox RBn.....	Direct.....	4000				

Radar terminal transitional altitudes: 000°-360° within 10 mi, 4000'; 098°-250°, 10-25 mi, 4000'; 250°-098°, 10-20 mi, 5000'.
 Procedure turn W side of N crs, 009° Outbnd, 189° Inbnd, 3000' within 5 mi of LOM; **4000' within 15 mi of Fox RBn.
 Minimum altitude over facility on final approach crs, 2300'.
 Crs and distance, facility to airport, 189°-5.8 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing LOM, turn left, climb to 2400', proceeding direct to FAI-LFR, then on E crs (060°) to Chena Int or, as directed by ATC, climb to 4000' on S crs ILS within 20 mi.
 *All maneuvering East of airport: 800' terrain within 1 1/2 mi West of airport rising to 1000' within 2 mi.
 **CAUTION: Do not descend below 4000' until past Fox RBn inbnd on final approach.
 ***Descent below 1200' NA until positioned by Radar passing 796' MSL radio tower 3.3 miles N of airport (700' minimum ceiling without positive radar position.)

City, Fairbanks; State, Alaska; Airport Name, Fairbanks Int'l; Elev., 434'; Fac. Class., LOM; Ident., FA; Procedure No. 1, Amdt. 5; Eff. Date, 30 Apr. 60; Sup. Amdt. No. 4; Dated, 4 July 59

GRB VORTAC.....	XGB RBn.....	Direct.....	1900	T-dn.....	300-1	300-1	200-1/2
Pine Grove Int.....	XGB RBn.....	Direct.....	2000	C-dn.....	400-1	500-1	500-1 1/2
Sherwood Int.....	XGB RBn.....	Direct.....	2600	S-dn.....	400-1	400-1	400-1
Int OSH R-045 and V-217.....	XGB RBn.....	Direct.....	2700	A-dn.....	800-2	800-2	800-2
Int OSH R-045 and V-450.....	XGB RBn.....	Direct.....	2900				

Procedure turn South side of crs, 238° Outbnd, 058° Inbnd, 1000' within 10 miles.
 Minimum altitude over facility on final approach crs, 1800'.
 Crs and distance, facility to airport, 058°-5.0 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 miles, make left turn, climbing to 1900' and return to XGB RBn.

City, Green Bay; State, Wis.; Airport Name, Austin-Straubel; Elev., 694'; Fac. Class., MHW; Ident., XGB; Procedure No. 1, Amdt. Orig.; Eff. Date, 30 Apr. 60

HOU VOR.....	LOM.....	Direct.....	1200	T-dn.....	300-1	300-1	200-1/2
HOU LFR.....	LOM.....	Direct.....	1200	C-dn.....	400-1	500-1	500-1 1/2
Fairbanks Int.....	LOM.....	Direct.....	1800	S-dn-3.....	400-1	400-1	400-1
Arcola Int.....	LOM (Final).....	Direct.....	1100	A-dn.....	800-2	800-2	800-2
HOU FM.....	LOM.....	Direct.....	1600				
Radar vectoring position.....	LOM (Final).....	036-5.0.....	1100				

Radar Terminal transition altitude 1500' within 20 miles. Radar control will provide 1000' vertical clearance within a 3-mile radius or 500' vertical clearance within a 3- to 5-mile (inclusive) radius of 1232' TV tower 11 mi SSE, 1051' TV tower 11 mi SW, 755' TV tower 11 mi WNW, 753' TV tower 5 1/2 mi NW, 610' structure 7 mi NE of airport.

Procedure turn S side SW crs, 216° Outbnd, 036° Inbnd, 1600' within 10 miles. Beyond 10 mi NA.
 Minimum altitude over LOM on final approach crs, 1100'.
 Crs and distance, facility to airport, 036°-4.2 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles, climb to 1600' on crs 036° within 20 miles or, when directed by ATC, turn left, climb to 1800' on NW crs HOU LFR.

City, Houston; State, Tex.; Airport Name, International; Elev., 50'; Fac. Class., LOM; Ident., HO; Procedure No. 1, Amdt. 19; Eff. Date, 30 Apr. 60; Sup. Amdt. No. 18; Dated, 21 Feb. 59

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

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn.....	300-1	300-1	200-1/2
				C-dn.....	400-1	500-1	500-1 1/2
				S-22-dn.....	400-1	400-1	400-1
				A-dn.....	800-2	800-2	800-2

Procedure turn N side of crs, 030° Outbnd, 210° Inbnd, 1400' within 10 mi. Beyond 10 mi NA.
 Minimum altitude over facility on final approach crs, 900'.
 Crs and distance, facility to airport, 210°-3.6.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 mi, climb to 1400' on R-210 within 20 mi.
 Major Change: Deletes transition from El Dorado RBn.

City, El Dorado; State, Ark.; Airport Name, Goodwin Field; Elev., 277'; Fac. Class., BVOR; Ident., ELD; Procedure No. 1, Amdt. 6; Eff. Date, 30 Apr. 60; Sup. Amdt. No. 5; Dated, 2 Aug. 58

RULES AND REGULATIONS

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn.....	300-1		
				C-d.....	1000-1		
				C-n.....	1000-2		
				A-dn.....	1000-2		

Procedure turn E side of crs, 125° Outbnd, 305° Inbnd, 2300' within 10 mi.
 Minimum altitude over facility on final approach crs, 2200'.
 Crs and distance, facility to airport, 305°—3.0.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 mi, climb to 2500' on R-305 within 20 mi.
CAUTION: Sod Field.
NOTE: Air Carrier use not authorized.

City, Emporia; State, Kans.; Airport Name, Emporia; Elev., 1204'; Fac. Class., BVOR; Ident., EMP; Procedure No. 1, Amdt. 2; Eff. Date 30 Apr. 60; Sup. Amdt. No. 1; Dated, 1 Aug. 54

Barbers Point FM.....	HNL-VOR (final) (via R-250).....	Direct.....	*2000	T-dn.....	300-1	300-1	200-1/2
Pineapple VHF Int or 18-mile DMET fix on HNL-VOR R-250.	HNL-VOR R-250 and 10-mi DMET fix.	Direct.....	3500	C-dn.....	500-1	500-1	500-1 1/2
HNL-VOR R-250 and 10-mile DMET fix....	HNL-VOR (Final).....	Direct.....	*2000	S-dn-8.....	500-1	500-1	500-1
				A-dn.....	800-2	800-2	800-2

Procedure turn S side of crs, 250° Outbnd, 070° Inbnd, 3500' within 10 mi. Procedure turn not necessary with Radar vectors to final approach course from Pineapple and Southgate Int. Vectors from these intersections authorized at 2000'.
 Minimum altitude over facility on final approach crs, 2000'.
 Crs and distance, facility to airport, 078°—4.8.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles, make right turn, climbing to 2000' and proceed to Southgate VHF Int.

CAUTION: (1) Rwy 8 at Honolulu Airport equipped with hi-intensity lights. Do not confuse with closed Rwy 7 at Heikam. (2) Circling North of airport not authorized because of terrain 385', 1.5 mi North and 508', 2 mi NE of airport. (3) Terrain rises sharply on North side of final approach course; within 2.6 mi—1000', 4.2 mi—2566', 5.8 mi—3098'.
 *1000' authorized after passing abeam LOM or 1.2 mile DMET fix on final.

City, Honolulu; State, Hawaii; Airport Name, International; Elev., 10'; Fac. Class., VORTAC; Ident., HNL; Procedure No. 1, Amdt. 10; Eff. Date, 30 Apr. 60; Sup. Amdt. No. 9; Dated, 5 July 58

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

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
10 mi, R-231.....	5 mi fix#, R-231.....	Direct.....	1500	T-dn.....	300-1	300-1	200-1/2
5 mi fix#, R-231.....	HOU VOR (Final).....	Direct.....	500	C-dn.....	400-1	500-1	500-1 1/2
				S-dn-3.....	400-1	400-1	400-1
				A-dn.....	800-2	800-2	800-2

All procedures: #Fixes may be determined by either DME or Radar. Radar terminal area maneuvering altitude all directions 1500' within 20 mi. Radar control will provide 1000' vertical clearance within a 3-mile radius or 500' vertical clearance within a 3- to 5-mile (inclusive) radius of 1232' TV tower 11 mi SSE, 1051' TV tower 11 mi SW, 755' TV tower 11 mi WNW, 753' TV tower 5 1/2 mi NW, 610' structure 7 mi NE of airport.

Procedure turn S side, 231° Outbnd, 051° Inbnd, 2100' within 10 miles.** Beyond 10 mi NA.

**When authorized by ATC, DME may be used within 10 mi at 2200' orbiting altitude to position aircraft for a final approach with the elimination of a procedure turn.

Minimum altitude over facility on final approach crs, 500'.

*After completion of procedure turn, descent below 1500' not authorized until passing 5 mile DME or Radar Fix.

Crs and distance, breakoff point to app end rwy 3, 036°—0.8.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb to 1600' on R-036 within 20 miles.

City, Houston; State, Tex.; Airport Name, International; Elev., 50'; Fac. Class., BVOR; Ident., HOU; Procedure No. TerVOR-3, Amdt. 4; Eff. Date, 30 Apr. 60; Sup. Amdt. No. 3; Dated, 26 Oct. 57

10 mi fix, R-017.....	5 mi fix#, R-017.....	Direct.....	1500	T-dn.....	300-1	300-1	200-1/2
5 mi fix#, R-017.....	HOU VOR (Final).....	Direct.....	500	C-dn.....	400-1	500-1	500-1 1/2
				S-dn-21.....	400-1	400-1	400-1
				A-dn.....	800-2	800-2	800-2

#Fixes may be determined by either DME or Radar. Radar Terminal Area maneuvering altitude all directions 1500' within 20 miles. Radar control will provide 1000' vertical clearance within a 3-mile radius or 500' vertical clearance within a 3- to 5-mile (inclusive) radius of 1232' TV tower 11 mi SSE, 1051' TV tower 11 mi SW, 755' TV tower 11 mi WNW, 753' TV tower 5 1/2 mi NW, 610' structure 7 mi NE of airport.

Procedure turn W side, 017° Outbnd, 197° Inbnd, 1500' within 10 miles.** Beyond 10 mi NA.

**When authorized by ATC, DME may be used within 10 miles at 2200' orbiting altitude to position aircraft for a final approach with the elimination of a procedure turn.

Minimum altitude over facility on final approach crs, 500'.

*After completion of procedure turn, descent below 1500' not authorized until passing 5 mi DME or Radar Fix.

Crs and distance, breakoff point to app end rwy 21, 216°—0.7.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb to 2100' on R-218 within 20 miles.

City, Houston; State, Tex.; Airport Name, International; Elev., 50'; Fac. Class., BVOR; Ident., HOU; Procedure No. TerVOR-21, Amdt. 4; Eff. Date, 30 Apr. 60; Sup. Amdt. No. 3; Dated, 26 Oct. 57

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

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
ORD-VOR.....	LOM.....	Direct.....	2500	T-dn.....	300-1	300-1	200-1/2
Northbrook VOR.....	LOM.....	Direct.....	2500	C-dn.....	400-1	500-1	500-1 1/2
NBU-LFR.....	LOM.....	Direct.....	2500	S-dn-14R.....	200-1/2	200-1/2	200-1/2
MDW-LOM.....	LOM.....	Direct.....	2500	A-dn.....	600-2	600-2	600-2
Morton Int.....	LOM.....	Direct.....	2500				
Spring Lake Int.....	LOM.....	Direct.....	2500				
Elgin Int.....	LOM.....	Direct.....	2500				
Crystal Int.....	LOM.....	Direct.....	2500				

Radar transition to final approach course authorized. Aircraft will be released for final approach without procedure turn on inbound final approach course at least 3.0 miles from LOM. Refer to radar procedures for O'Hare if sector altitude information desired.

Procedure turn W side of NW crs, 318° Outbnd, 138° Inbnd, 2200' within 10 miles.

Minimum altitude at Glide Slope Int inbnd, 2200'.

Altitude of Glide Slope and distance to approach end of runway at LOM, 2132'—5.3; at LMM, 861'—0.5.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make immediate left turn, climb to 2500' or higher altitude specified by ATC and proceed to Northbrook VOR via ORD R-030 and O'BK R-135 or, when directed by ATC, (1) make immediate left turn climb to 3500', proceed to Morton Int via ORD R-076; (2) make immediate left turn, climb to 2500', proceed to NBU LFR via 030° crs and SE crs NBU LFR.

NOTE: Simultaneous Parallel ILS Approach Study being conducted to Rnwns 14R and 14L, when WX is 2600-3 or better with pilot's concurrence. Rnwy 14R LOM designated "ROME0"; Rnwy 14L LOM designated "LIMA".

City, Chicago; State, Ill.; Airport Name, O'Hare International; Elev., 666'; Fac. Class., ILS; Ident., I-ORD; Procedure No. ILS-14R, Amdt. 2; Eff. Date, 30 Apr. 60; Sup. Amdt. No. 1 (ILS portion of Comb. ILS-ADF); Dated, 22 Mar. 58

Fairbanks LFR.....	LOM.....	Direct.....	4000	T-dn.....	300-1	300-1	200-1/2
Wood River Int.....	LOM.....	Direct.....	4000	C-dn* ***	400-1	500-1	500-1 1/2
Chena Int.....	LOM.....	Direct.....	4000	S-dn-19***	200-1/2	200-1/2	200-1/2
Alder RBN.....	LOM.....	Direct.....	4000	A-dn.....	600-2	600-2	600-2
Fox RBN.....	LOM.....	Direct.....	3000				
Fairbanks LFR.....	Fox RBN.....	Direct.....	4000				
Wood River Int.....	Fox RBN.....	Direct.....	4000				
Chena Int.....	Fox RBN.....	Direct.....	4000				
Alder RBN.....	Fox RBN.....	Direct.....	4000				

Radar terminal transitional altitudes: 090°-360°, 4000' within 10 mi; 098°-250°, 4000' within 10-25 mi; 250°-098°, 5000' within 10-20 miles.

Procedure turn West side of N crs, 069° Outbnd, 189° Inbnd, 3000' within 5 miles of LOM; **4000' within 15 mi of Fox RBN.

Minimum altitude at G.S. Int inbnd, 3000'.

Altitude of G.S. and distance to approach end of rny at OM 2320—5.8, at MM 670—0.6.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn left, climb to 2400', proceeding direct to FAI-LFR, then on E crs (060°) to Chena Int or, as directed by ATC, climb to 4000' on S crs ILS within 20 mi.

*All maneuvering East of airport: 800' terrain within 1 1/2 mi West of airport rising to 1000' within 2 mi.

**CAUTION: Do not descend below 4000' until past Fox RBN inbound on final approach.

***With Glide Slope inoperative, straight-in minimums for Rnwy 19 are 400-1. Fairbanks Radar must provide airplane position over 796' MSL radio tower 3.3 mi North of Rnwy 19. Descent below 1200' NA until past tower. Without positive Radar position over tower, 700-1 minimums apply.

City, Fairbanks; State, Alaska; Airport Name, International; Elev., 434'; Fac. Class., ILS; Ident., I-FAI; Procedure No. ILS-9, Amdt. 5; Eff. Date, 30 Apr. 60; Sup. Amdt. No. 4; Dated, 4 July 59

Houston VOR.....	LOM.....	Direct.....	1200	T-dn.....	300-1	300-1	200-1/2
Houston LFR.....	LOM.....	Direct.....	1200	C-dn.....	400-1	500-1	500-1 1/2
Houston FM.....	LOM.....	Direct.....	1600	S-dn-3.....	200-1/2	200-1/2	200-1/2
Arcola Int.....	LOM (Final).....	Direct.....	1300	A-dn.....	600-2	600-2	600-2
Fairbanks Int.....	LOM.....	Direct.....	1800				
Radar Vectoring Position.....	LOM (Final).....	Direct.....	1300				

Radar terminal transition altitude 1500' within 20 miles. Radar control will provide 1000' vertical clearance within a 3-mile radius or 500' vertical clearance within a 3- to 5-mile (inclusive) radius of 1232' TV tower 11 mi SSE, 1051' TV tower 11 mi SW, 755' TV tower 11 mi WNW, 753' TV tower 5 1/2 mi NW, 610' structure 7 mi NE of airport.

Procedure turn S side SW crs, 216° Outbnd, 036° Inbnd, 1600' within 10 mi. Beyond 10 mi NA.

Minimum altitude at G.S. Int inbnd, 1300'.

Altitude of G.S. and distance to appr end of rny at OM 1260'—4.2, at MM 250—0.6.

CAUTION: 1232' MSL TV tower approximately 9 mi SE of LOM.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1600' on NE crs ILS within 20 mi or, when directed by ATC, (1) turn left, climb to 1800' on R-315 HOU VOR, or (2) turn left, climb to 2000' on R-282 HOU VOR, or (3) turn right, climb to 1500' on R-105 HOU VOR, or (4) turn right, climb to 2200' on R-171 HOU VOR all within 20 mi HOU VOR.

City, Houston; State, Tex.; Airport Name, International; Elev., 50'; Fac. Class., ILS; Ident., I-HOU; Procedure No. ILS-3, Amdt. 19; Eff. Date, 30 Apr. 60; Sup. Amdt. No. 18; Dated, 21 Feb. 59

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

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
All directions.....				Surveillance approach			
Within 20 mi.....				1500			
				T-dn.....	300-1	300-1	200-½
				C-dn-3, 12, 30.....	400-1	500-1	500-1½
				S-dn-3, 12, 30.....	400-1	400-1	400-1
				C-dn-17, 35.....	500-1	500-1	500-1½
				S-dn-17, 35.....	500-1	500-1	500-1
				C-dn-21.....	600-1	600-1	600-1½
				S-dn-21.....	600-1	600-1	600-1
				C-dn*.....	700-1½	700-1½	700-1½
				A-dn*.....	800-2	800-2	800-2

Radar terminal area transition altitudes—all bearings are from the radar site with sector azimuths progressing clockwise.

Radar control will provide 1000' vertical clearance within a 3-mile radius or 500' vertical clearance within a 3- to 5-mile (inclusive) radius of 1232' TV tower 11 mi SSE, 1051' TV tower 11 mi SW, 755' TV tower 11 mi WNW, 753' TV tower 5½ mi NW, 610' structure 7 mi NE of airport.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2200' straight ahead then proceed to Houston LFR or VOR or proceed as directed by Radar Control.

*Aircraft on any direct course to Houston VOR may descend to 750' MSL from 5 mi radar fix.

City, Houston; State, Tex.; Airport Name, International; Elev., 50'; Fac. Class., Houston; Ident., Radar; Procedure No. 1, Amdt. 6; Eff. Date, 30 Apr. 60; Sup. Amdt. No. 5; Dated, 20 Apr. 56

These procedures shall become effective on the dates indicated on the procedures.

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

Issued in Washington, D.C., on April 5, 1960.

OSCAR BAKKE,
Director, Bureau of Flight Standards.

[F.R. Doc. 60-3282; Filed, Apr. 8, 1960; 8:49 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY INTERPRETATION

Cranberries and Cranberry Products; Alternative Method of Examination

On November 28, 1959, there was published in the FEDERAL REGISTER (24 F.R. 9543) a statement of policy, § 3.208, outlining labeling requirements for cranberries and cranberry products from the crops of 1958 and 1959 and setting out a method of examination of these products. The Commissioner of Food and Drugs, under the authority of the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)), delegated to him by the Secretary of Health, Education, and Welfare (22 F.R. 1045, 23 F.R. 9500), having determined that there is an acceptable alternative method that may be used for the analysis of cranberries and cranberry products, hereby orders the amendment of § 3.208 by adding thereto the following new paragraph:

§ 3.208 Special labeling for cranberries and cranberry products from 1958 and 1959 crops.

(e) An alternative method for the determination of 3-amino-1,2,4-triazole in fresh and canned cranberry products.

- Reagents. A. Celite 545 (Johns-Manville).
- B. Ethanol U.S.P. (95 percent).
- C. Methanol (analytical reagent grade).
- D. Hydrogen peroxide. Dilute 30 percent analytical reagent grade to 6 percent aqueous.
- E. Amberlite 120H 16-50 mesh. Treat with 5 percent NaOH; wash with water until nearly all NaOH is removed. Treat with excess of about 5 N HCl and wash with water until effluent is free from acidity. Drain and store in closed jar until use.
- F. Ammonium hydroxide. CP concentrated.
- G. Dilute ammonium hydroxide. One milliliter concentrated +99 milliliters of water.
- H. Trichloroacetic acid. 10 grams diluted to 100 milliliters with water.
- I. Alumina (Al₂O₃). Merck No. 71707 for chromatographic use or equivalent.
- J. 3-Amino-1,2,4-triazole standard solution. If the pure material (melting point 157° C.-158° C.) is not available, recrystallize the technical grade twice from 95 percent ethyl alcohol. Weigh 100.0 milligrams of the pure material, dissolve in distilled water and make to 500 milliliters. Take a 5-milliliter aliquot and dilute to 100 milliliters. Each milliliter of this dilution contains 10µg. of 3-amino-1,2,4-triazole.

K. Sulfuric acid solution. Add 3 parts of concentrated H₂SO₄ to 1 part of water.

L. Sodium nitrite (analytical reagent grade). 0.5 percent aqueous.

M. Sulfamic acid (analytical reagent grade). 5 percent aqueous.

N. N-Naphthyl ethylenediamine dihydrochloride (analytical reagent grade). 1 percent aqueous (Eastman 4835).

Preparation of sample. Blend 200 grams of cranberries with 20 grams of Celite 545 and 200 milliliters of 95 percent ethanol or methanol. Pour into a 500-milliliter graduate, rinse blender with portions of alcohol, and make to 500 milliliters total. Add 30 milliliters extra to compensate for insoluble solids in the fruit and the Celite. Mix and filter with suction, using two fast papers (15-centimeter sharkskin, Whatman 41H, C and S 595 or 597, or similar paper), one on top of the other.

Isolation of 3-amino-1,2,4-triazole. Transfer a 400-milliliter aliquot (or other largest possible aliquot) of the filtrate to a 1,000-milliliter Erlenmeyer flask, add 50 milliliters of 6 percent H₂O₂, heat on steam bath until bright-red color fades to orange-yellow, and cool to room temperature. Add 8 grams of Amberlite 120(H), stopper, and shake vigorously for 15 minutes. Decant rapidly through a wad of glass wool held in a short chromatographic tube whose diameter is less than that of the mouth of the Erlenmeyer flask, collecting the filtrate in a 1,000-milliliter Erlenmeyer flask. To filtrate add 4 grams of Amberlite, shake 15 minutes, and filter through the same filter. Combine the 4-gram portion with the 8-gram portion. Wash the resin in the flask and tube with five 50-milliliter portions of water, discarding

the washings; extrude the glass wool from the tube into the flask and wash the resin particles from the walls of the tube and down the sides of the flask with water. Adjust the volume to about 50 milliliters, add 10 milliliters of concentrated ammonium hydroxide, and heat on steam bath for 20 minutes, with occasional swirling. Filter the warm mixture rapidly through a wad of glass wool, collecting the filtrate in a 250-milliliter beaker. Wash the resin with five 10-milliliter portions of ammonium hydroxide (1+99) solution. Evaporate the combined filtrates on a hot plate with the aid of a current of air to a volume of 10 milliliters to 15 milliliters. (If odor of ammonia is still present, dilute to 50 milliliters with water and again evaporate to 10 milliliters to 15 milliliters.) Cool, add 2 milliliters of 10 percent trichloroacetic acid, dilute to exactly 25 milliliters, and mix. Add 3 grams of alumina, about 0.5 gram of Celite, shake vigorously for 10 minutes, and filter the supernatant through a dry filter paper (589 Blue Ribbon, Whatman No. 5, or Whatman No. 42) into a clean, dry container.

Determination of 3-amino-1,2,4-triazole (Bratton-Marshall procedure)¹ Transfer a 5-milliliter aliquot to each of two small flasks. To both flasks add 4 milliliters (3+1) sulfuric acid, with swirling, then add 0.5 milliliter of 0.5 percent sodium nitrite solution to the warm mixture, allow to stand 10 minutes, and add 0.5 milliliter of 5 percent sulfamic acid solution. Swirl and aerate with a jet of air to remove nitrous fumes. Add 0.5 milliliter of water to one flask, mix, allow to stand 5 minutes, and determine absorbance in a 1-centimeter cell at 455 m μ relative to water (background reading). To the other flask add 0.5 milliliter of 1 percent N-naphthyl ethylenediamine dihydrochloride, mix, allow to stand 5 minutes, and determine absorbance at 455 m μ relative to water. Subtract background reading and estimate micrograms of 3-amino-1,2,4-triazole from standard curve prepared as follows:

Standard curve. Prepare 5-milliliter standards in similar flasks containing 0, 5, 10, 15, 20 μ g. of 3-amino-1,2,4-triazole in aqueous solution and treat exactly as described for sample aliquot. Background readings on standards are unnecessary. Prepare a graph plotting absorbance against micrograms of 3-amino-1,2,4-triazole.

Calculate parts per million as follows:

$$\mu\text{g.} \times \frac{25}{5} \times \frac{500}{\text{aliquot taken}} \times \frac{1}{200} = \text{parts per million.}$$

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interpret or apply sec. 403(a), 52 Stat. 1048; 21 U.S.C. 343)

Dated: April 4, 1960.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner
of Food and Drugs.

[F.R. Doc. 60-3263; Filed, Apr. 8, 1960; 8:47 a.m.]

¹ The Bratton-Marshall colorimetric determination of 3-amino-1,2,4-triazole can be substituted for the chromotropic acid determination as set out in paragraph (c) of this section (published in the FEDERAL REGISTER of November 28, 1959 (24 F.R. 9543)).

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 19—CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS, AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

Cheddar Cheese, Washed Curd Cheese, Colby Cheese, Granular Cheese, Swiss Cheese; Order Staying Effectiveness of Order Amending Definitions and Standards of Identity

In the matter of amending the standards of identity for cheddar cheese, washed curd cheese, colby cheese, granular cheese, and swiss cheese:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055 as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) the Commissioner of Food and Drugs, under authority delegated to him by the Secretary of Health, Education, and Welfare (22 F.R. 1045, 23 F.R. 9500), promulgated an order published in the FEDERAL REGISTER of February 5, 1960 (25 F.R. 1016), amending the standards of identity for cheddar cheese, washed curd cheese, colby cheese, granular cheese, and swiss cheese (21 CFR and 21 CFR, 1958 Supp., 19.500, 19.505, 19.510, 19.535, 19.540) to provide for the optional use of limited amounts of hydrogen peroxide and catalase for treating milk used to make such cheeses. As provided by section 701(e) of the act, persons who might be adversely affected by the order were allowed 30 days in which to file written objections to the order, showing how they would be affected adversely, specifying with particularity the provisions deemed objectionable, stating grounds for the objections, and requesting a public hearing on the issues raised by the objections.

Objections were filed to the final order in the above-identified matter by the State of Wisconsin, Kraft Foods Division of National Dairy Products Corporation, and the Wisconsin Swiss and Limburger Cheese Producers' Association.

The Commissioner of Food and Drugs has concluded that these objections state reasonable grounds for a hearing on four issues:

1. Whether the addition of hydrogen peroxide and catalase to milk used in the manufacture of the cheeses under consideration would affect the quality of such cheeses as compared with cheeses manufactured from untreated milk.

2. Whether addition of hydrogen peroxide and catalase to milk used in the manufacture of the cheeses under consideration will permit the production of cheese of apparently high quality from milk inferior in quality to that ordinarily used in the manufacture of such cheeses.

3. Whether the permissive use of hydrogen peroxide and catalase in the cheeses under consideration would encourage the insanitary handling of milk and retard progress in milk-sanitation programs.

4. Whether the addition of hydrogen peroxide and catalase to milk used in the manufacture of the cheeses under consideration significantly impairs the nutritive qualities of such cheeses.

Because of the objections filed and the necessity for having a public hearing to resolve the issues raised: *It is ordered*, That the order amending the standards of identity for cheddar cheese, washed curd cheese, colby cheese, granular cheese, and swiss cheese, to provide for optional use of limited amounts of hydrogen peroxide and catalase for treating milk used to make such cheeses be stayed in its entirety, pending the outcome of the hearing.

In accordance with the provisions of section 701 of the Federal Food, Drug, and Cosmetic Act, the Commissioner will, as soon as practicable, announce a public hearing for the purpose of receiving evidence relevant and material to the issues raised by the objections filed.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interpret or apply sec. 401, 52 Stat. 1046, as amended; 21 U.S.C. 341)

Dated: April 6, 1960.

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

[F.R. Doc. 60-3278; Filed, Apr. 8, 1960; 8:49 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerances for Residues of Lindane

A petition was filed with the Food and Drug Administration by California Spray Chemical Corporation, Post Office Box 118, Moorestown, New Jersey, requesting the establishment of tolerances for residues of lindane in or on the fat of meat from cattle, goats, hogs, and sheep.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U.S.C. 346a(d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21

RULES AND REGULATIONS

CFR, 1958 Supp., 120.7(g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR, 1958 Supp., 120.133) are amended by changing § 120.133 to read as follows:

§ 120.133 Tolerances for residues of lindane.

Tolerances for residues of lindane (gamma isomer of benzene hexachloride) are established as follows:

(a) 10 parts per million in or on mushrooms.

(b) 7 parts per million in or on the fat of meat from cattle, goats, and sheep.

(c) 4 parts per million in or on the fat of meat from hogs.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing

upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: April 4, 1960.

[SEAL]

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

[F.R. Doc. 60-3262; Filed, Apr. 8, 1960;
8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Certain Loans by Employees' Trusts

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

[SEAL]

DANA LATHAM,

Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) to section 30 of the Technical Amendments Act of 1958 (72 Stat. 1629), such regulations are amended as follows:

PARAGRAPH 1. Section 1.503(c)-1 is amended:

(A) By revising paragraph (b) (2) (iv) to read as follows:

(iv) December 1, 1958, for debentures which were purchased before November 9, 1956, and held after December 1, 1958.

(B) By adding at the end of paragraph (b) the following new subparagraph:

(3) *Certain exceptions to section 503(c)(1)*. See section 503(h) and §§ 1.503(h)-1, 1.503(h)-2, and 1.503(h)-3 for special rules providing that certain obligations acquired by an employees' trust described in section 401(a) shall not be treated as loans made without the receipt of adequate security for purposes of section 503(c)(1). See section 503(i) and § 1.503(i)-1 for an exception to the application of section 503(c)(1) for cer-

tain loans made by employees' trusts described in section 401(a).

(C) By striking the first sentence of paragraph (c) and inserting in lieu thereof the following sentences: "The following examples illustrate the operation of section 503(c)(1) with regard to organizations described in section 501(c)(3). The examples are also illustrative of the operation of section 503(c)(1) with respect to employees' trusts described in section 401(a), to the extent that section 503(h) or (i) is not applicable."

(D) By revising the fourth sentence of example (6) in paragraph (c) to read as follows:

If the organization purchased the debenture on or before November 8, 1956, and holds it after December 1, 1958, the debenture must be adequately secured on December 2, 1958, or it will be then considered as a prohibited transaction.

PAR. 2. Section 1.503(g)-1 is amended to read as follows:

§ 1.503(g)-1 Cross references.

For provisions relating to loans by a trust described in section 401(a), see § 1.503(c)-1 and section 503(h) and (i) and the regulations thereunder.

PAR. 3. There are inserted immediately after § 1.503(g)-1 the following new sections:

§ 1.503(h) Statutory provisions; requirements for exemption; special rules relating to lending by section 401(a) trusts to certain persons.

SEC. 503. *Requirements for exemption.*

* * *

(h) *Special rules relating to lending by section 401(a) trusts to certain persons.* For purposes of subsection (c)(1), a bond, debenture, note, or certificate or other evidence of indebtedness (hereinafter in this subsection referred to as "obligation") acquired by a trust described in section 401(a) shall not be treated as a loan made without the receipt of adequate security if—

(1) Such obligation is acquired—

(A) On the market, either (i) at the price of the obligation prevailing on a national securities exchange which is registered with the Securities and Exchange Commission, or (ii) if the obligation is not traded on such a national securities exchange, at a price not less favorable to the trust than the offering price for the obligation as established by current bid and asked prices quoted by persons independent of the issuer; or

(B) From an underwriter, at a price (i) not in excess of the public offering price for the obligation as set forth in a prospectus or offering circular filed with the Securities and Exchange Commission, and (ii) at which a substantial portion of the same issue is acquired by persons independent of the issuer; or

(C) Directly from the issuer, at a price not less favorable to the trust than the price paid currently for a substantial portion of the same issue by persons independent of the issuer;

(2) Immediately following acquisition of such obligation—

(A) Not more than 25 percent of the aggregate amount of obligations issued in such issue and outstanding at the time of acquisition is held by the trust, and

(B) At least 50 percent of the aggregate amount referred to in subparagraph (A) is held by persons independent of the issuer; and

(3) Immediately following acquisition of the obligation, not more than 25 percent of the assets of the trust is invested in obligations of persons described in subsection (c).

[Sec. 503(h) as added by sec. 30(a), Technical Amendments Act 1958 (72 Stat. 1629)]

Sec. 30. *Denial of exemption to organizations engaged in prohibited transactions* [Technical Amendments Act of 1958 (72 Stat. 1629)]. * * *

(c) *Effective date.* * * *

(2) *Exceptions.* Nothing in subsection (a) shall be construed to make any transaction a prohibited transaction which, under announcements of the Internal Revenue Service made with respect to section 503(c)(1) of the Internal Revenue Code of 1954 before the date of the enactment of this Act, would not constitute a prohibited transaction. In the case of any bond, debenture, note, or certificate or other evidence of indebtedness acquired before the date of the enactment of this Act [September 2, 1958] by a trust described in section 401(a) of such Code which is held on such date, paragraphs (2) and (3) of section 503(h) of such Code shall be treated as satisfied if such requirements would have been satisfied if such obligation has been acquired on such date of enactment.

§ 1.503(h)-1 Certain loans by employees' trusts.

(a) *In general.* (1) Section 503(h) provides that the acquisition by an employees' trust described in section 401(a) of a bond, debenture, note, or certificate or other evidence of indebtedness shall not be treated as a loan made without the receipt of adequate security for purposes of section 503(c)(1), relating to loans made without the receipt of adequate security and a reasonable rate of interest, if certain requirements are met. Those requirements are described in § 1.503(h)-2.

(2) Section 503(h) does not affect the requirement in section 503(c)(1) of a reasonable rate of interest. Thus, although the acquisition of a certificate of indebtedness which meets all of the requirements of section 503(h) and of § 1.503(h)-2 will not be considered as a loan made without the receipt of adequate security, the acquisition of such an indebtedness does constitute a prohibited transaction if the indebtedness does not bear a reasonable rate of interest.

(3) The provisions of section 503(h) do not limit the effect of section 401(a) and § 1.401-2, relating to use or diversion of corpus or income of an employees' trust, or the effect of any of the provisions of section 503 other than section 503(c)(1). Consequently, although a loan made by an employees' trust described in section 401(a) meets all the requirements of section 503(h) and therefore is not treated as a loan made

without the receipt of adequate security, an employees' trust making such a loan will lose its exempt status if the loan is not considered as made for the exclusive benefit of the employees or their beneficiaries. Similarly, a loan which meets the requirements of section 503(h) will constitute a prohibited transaction within the meaning of section 503(c) (6) if it results in a substantial diversion of the trust's income or corpus to a person described in section 503(c).

(b) *Definitions.* For purposes of section 503(h):

(1) The term "obligation" means bond, debenture, note, or certificate or other evidence of indebtedness.

(2) The term "issuer" includes any person described in section 503(c) who issues an obligation.

(3)(i) The term "person independent of the issuer" means a person who is not related to the issuer by blood, by marriage, or by reason of any substantial business interests. Persons who will be considered not to be independent of the issuer include but are not limited to:

(a) The spouse, ancestor, lineal descendant, or brother or sister (whether by whole or half blood) of an individual who is the issuer of an obligation;

(b) A corporation controlled directly or indirectly by an individual who is the issuer, or directly or indirectly by the spouse, ancestor, lineal descendant, or brother or sister (whether by whole or half blood) of an individual who is the issuer;

(c) A corporation which directly or indirectly controls, or is controlled by, a corporate issuer;

(d) A controlling shareholder of a corporation which is the issuer, or which controls the issuer;

(e) An officer, director, or other employee of the issuer, of a corporation controlled by the issuer, or of a corporation which controls the issuer;

(f) A fiduciary of any trust created by the issuer, by a corporation which controls the issuer, or by a corporation which is controlled by the issuer; or

(g) A corporation controlled by a person who controls a corporate issuer.

(ii) For purposes of subdivision (i) of this subparagraph, the term "control" means, with respect to a corporation, direct or indirect ownership of 50 percent or more of the total combined voting power of all voting stock or 50 percent or more of the total value of shares of all classes of stock. If the aggregate amount of stock in a corporation owned by an individual and by the spouse, ancestors, lineal descendants, brothers and sisters (whether by whole or half blood) of the individual is 50 percent or more of the total combined voting power of all voting stock or is 50 percent or more of the total value of all classes of stock, then each of these persons shall be considered as the controlling shareholder of the corporation.

(iii) In determining family relationships for purposes of subdivision (i) of this subparagraph, a legally adopted child of an individual shall be treated as a child of such individual by blood.

(4) The term "issue" means all the obligations of an issuer which are offered for sale on substantially the same terms. Obligations shall be considered offered for sale on substantially the same terms if such obligations would, at the same time and under the same circumstances, be traded on the market at the same price. On the other hand, if the terms on which obligations are offered for sale differ in such manner as would cause such obligations to be traded on the market at different prices, then such obligations are not part of the same issue. The following are examples of terms which, if different, would cause obligations to be traded on the market at different prices:

- (i) Interest rate;
- (ii) Maturity date;
- (iii) Collateral; and
- (iv) Conversion provisions.

The fact that obligations are offered for sale on different dates will not preclude such obligations from being part of the same issue if they all mature on the same date and if the terms on which they are offered for sale are otherwise the same, since such obligations would, at the same time and under the same conditions, be traded on the market at the same price. Obligations shall not be considered part of the same issue merely because they are part of the same authorization or because they are registered as part of the same issue with the Securities and Exchange Commission.

§ 1.503(h)-2 Requirements.

(a) *In general.* The requirements which must be met under section 503(h) for an obligation not to be treated as a loan made without the receipt of adequate security for purposes of section 503(c) (1) are described in paragraphs (b), (c), and (d) of this section.

(b) *Methods of acquisition*—(1) *In general.* The employees' trust described in section 401(a) must acquire the obligation on the market, by purchase from an underwriter, or by purchase from the issuer, in the manner described in subparagraph (2), (3), or (4) of this paragraph.

(2) *On the market.* (i) An obligation is acquired on the market when it is purchased through a national securities exchange which is registered with the Securities and Exchange Commission, or when it is purchased in an over-the-counter transaction. For purposes of the preceding sentence, securities purchased through an exchange which is not a national securities exchange registered with the Securities and Exchange Commission shall be treated as securities purchased in an over-the-counter transaction.

(ii) (a) If the obligation is listed on a national securities exchange registered with the Securities and Exchange Commission, it must be purchased through such an exchange or in an over-the-counter transaction at a price not greater than the price of the obligation prevailing on such an exchange at the time of the purchase by the employees' trust.

(b) For purposes of section 503(h), the price of the obligation prevailing at the time of the purchase means the price

which accurately reflects the market value of the obligation. In the case of an obligation purchased through a national securities exchange which is registered with the Securities and Exchange Commission, the price paid for the obligation will be considered the prevailing price of the obligation. In the case of an obligation purchased in an over-the-counter transaction, the prevailing price may be the price at which the last sale of the obligation was effected on such national securities exchange immediately before the trust's purchase of such obligation on the same day or may be the mean between the highest and lowest prices at which sales were effected on such exchange on the same day or on the immediately preceding day or on the last day during which there were sales of such obligation or may be a price determined by any other method which accurately reflects the market value of the obligation.

(iii) (a) If the obligation is not listed on a national securities exchange which is registered with the Securities and Exchange Commission, it must be purchased in an over-the-counter transaction at a price not greater than the offering price for the obligation as established by current bid and asked prices quoted by persons independent of the issuer.

(b) For purposes of section 503(h), the offering price for the obligation at the time of the purchase means the price which accurately reflects the market value of the obligation. The offering price may be the price at which the last sale of the obligation to a person independent of the issuer was effected immediately before the trust's purchase of such obligation on the same day or may be the mean between the highest and lowest prices at which sales to persons independent of the issuer were effected on the same day or on the immediately preceding day or on the last day during which there were sales of such obligation or may be a price determined by any other method which accurately reflects the market value of the obligation. The offering price for an obligation must be a valid price for the amount of the obligations which the employees' trust is purchasing. For example, if an employees' trust purchases 1,000 bonds of the employer corporation at the offering price established by current prices for a lot of 10 such bonds, such offering price may not be a valid price for 1,000 bonds and the purchase may therefore not meet the requirements of this subdivision. For a purchase of an obligation to qualify under this subdivision, there must be sufficient current prices quoted by persons independent of the issuer to establish accurately the current value of the obligation. Thus, if there are no current prices quoted by persons independent of the issuer, an over-the-counter transaction will not qualify under this subparagraph although the obligation was purchased in an arm's length transaction from a person independent of the issuer.

(iv) For purposes of this section, an over-the-counter transaction is one not executed on a national securities exchange which is registered with the Se-

curities and Exchange Commission. An over-the-counter transaction may be made through a dealer or an exchange which is not such a national securities exchange or may be made directly from the seller to the purchaser.

(3) *From an underwriter.* An obligation may be purchased from an underwriter, if it is purchased at a price not greater than:

(i) The public offering price for the obligation as set forth in a prospectus or offering circular filed with the Securities and Exchange Commission, or

(ii) The price at which a substantial portion of the issue including such obligation is acquired by persons independent of the issuer,

whichever is the lesser price. For purposes of this subparagraph, a portion of the issue will be considered substantial if the purchases of such portion by persons independent of the issuer are sufficient to establish the fair market value of the obligations included in such issue. In determining whether the purchases are sufficient to establish the fair market value, all the surrounding facts and circumstances will be considered, including the number of independent purchasers, the aggregate amount purchased by each such independent purchaser, and the number of transactions. In the case of a large issue, purchases of a small percentage of the outstanding obligations may be considered purchases of a substantial portion of the issue; whereas, in the case of a small issue, purchases of a larger percentage of the outstanding obligations will ordinarily be required. The requirement in subdivision (ii) of this subparagraph contemplates purchase of the obligations by persons independent of the issuer contemporaneously with the purchase by the employees' trust. If a substantial portion has been purchased at different prices, the price of the portion may be based on the average of such prices, and if several substantial portions have been sold to persons independent of the issuer, the price of any of the substantial portions may be used for purposes of this subparagraph.

(4) *From the issuer.* An obligation may be purchased directly from the issuer at a price not greater than the price paid currently for a substantial portion of the same issue by persons independent of the issuer. This requirement contemplates purchase of a substantial portion of the same issue by persons independent of the issuer contemporaneously with the purchase by the employees' trust. For purposes of this subparagraph, a portion of the issue will be considered substantial if the purchases of such portion by persons independent of the issuer are sufficient to establish the fair market value of the obligations included in such issue. In determining whether the purchases are sufficient to establish the fair market value, all the surrounding facts and circumstances will be considered, including the number of independent purchasers, the aggregate amount purchased by each such independent purchaser, and the

number of transactions. In the case of a large issue, purchases of a small percentage of the outstanding obligations may be considered purchases of a substantial portion of the issue; whereas, in the case of a small issue, purchases of a larger percentage of the outstanding obligations will ordinarily be required. The price paid for a substantial portion of the issue may be determined in the manner provided in subparagraph (3) of this paragraph.

(c) *Limitations on holdings of obligations.* (1) Immediately following acquisition of the obligation by the employees' trust:

(i) Not more than 25 percent of the aggregate amount of the obligations issued in such issue and outstanding immediately after acquisition by the trust may be held by the trust, and

(ii) At least 50 percent of such aggregate amount must be held by persons independent of the issuer.

(2)(i) For purposes of subparagraph (1) of this paragraph, an obligation is not considered as outstanding if it is held by the issuer. For example, if an obligation which has been issued and outstanding is repurchased and held by the issuer, without cancellation or retirement, such an obligation is not considered outstanding.

(ii) For purposes of subparagraph (1) of this paragraph, the amounts of the obligations held by the employees' trust and by persons independent of the issuer shall be computed on the basis of the face amount of the obligations.

(d) *Limitation on amount invested in obligations.* (1)(i) Immediately following acquisition of the obligation, not more than 25 percent of the assets of the trust may be invested in all obligations of all persons described in section 503(c). For purposes of determining the amount of the trust's assets which are invested in obligations of persons described in section 503(c) immediately following acquisition of the obligation, those obligations shall be valued as follows:

(a) Those obligations included in the acquisition in respect of which the percentage test in the first sentence of this subdivision is being applied shall be valued at their adjusted basis, as provided in section 1011, relating to adjusted basis for determining gain or loss; and

(b) All other obligations of persons described in section 503(c) which were part of the trust's assets immediately before the acquisition of the obligations described in (a) of this subdivision shall be valued at their fair market value on the day that the obligations described in (a) of this subdivision were acquired.

For purposes of determining the total amount of the assets of the trust (including obligations of persons described in section 503(c)), there shall be used the fair market value of those assets on the day the obligation is acquired.

(ii) The application of the rules in subdivision (1) of this subparagraph may be illustrated by the following example:

Example. On February 1, 1960, an exempt employees' trust described in section 401(a) purchases unsecured debentures issued by the employer corporation for \$1,000.

At the time of this purchase, such debentures have a fair market value of \$1,200. Immediately after the purchase of such unsecured debentures, the assets of the trust consist of the following:

	<i>Fair market value on</i>	
	<i>Cost Feb. 1, 1960</i>	
(a) Assets other than obligations of persons described in section 503(c)	\$5,000	\$7,000
(b) Obligations of persons described in section 503(c) acquired before Feb. 1, 1960.....	500	1,000
(c) Unsecured debentures of employer purchased on Feb. 1, 1960..	1,000	1,200

Immediately following acquisition of the unsecured debentures by the trust, the percent of the assets of the trust that are invested in all obligations of all persons described in section 503(c) is computed as follows:

(1) Obligations of persons described in section 503(c) acquired before Feb. 1, 1960 (valued at fair market value).....	\$1,000
(2) Unsecured debentures of employer purchased on Feb. 1, 1960 (valued at cost).....	\$1,000
(3) Total amount of trust's assets invested in obligations of persons described in section 503(c) ((1) plus (2)).....	\$2,000
(4) Assets of the trust other than obligations of persons described in section 503(c) (valued at fair market value on Feb. 1, 1960).....	\$7,800
(5) Obligations of persons described 503(c) acquired before Feb. 1, 1960 (valued at fair market value on Feb. 1, 1960).....	\$1,000
(6) Unsecured debentures of employer purchased on Feb. 1, 1960 (valued at fair market value on Feb. 1, 1960).....	\$1,200
(7) Total assets of the trust valued at fair market value on Feb. 1, 1960 (sum of (4), (5), and (6))..	\$10,000
(8) Percent of assets of the trust invested in all obligations of all persons described in section 503(c) immediately following purchase of unsecured debentures on Feb. 1, 1960 ((3)--(7)), that is, \$2,000÷\$10,000)	20%

(2) In determining for purposes of subparagraph (1) of this paragraph the amount invested in obligations of persons described in section 503(c), there shall be included amounts invested in any obligations issued by any such person, irrespective of whether the obligation is secured, and irrespective of whether the obligation meets the conditions of section 503(h) or section 503(i). Obligations of persons described in section 503(c) other than the issuer of the obligation to which section 503(h) applies are also included within the 25-percent limitation. For example, if on February 19, 1959, an exempt employees' trust described in section 401(a) purchases unsecured debentures issued by the employer corporation in a transaction effected on the New York Stock Exchange, and if immediately after the purchase 10 percent of the trust's assets is invested in such debentures and 20 percent of its assets is invested in a loan made with adequate security on January

12, 1959, to the wholly-owned subsidiary of the employer corporation, then the purchase of the employer's debentures will not qualify under section 503(h), since 30 percent of the trust's assets are then invested in obligations of persons described in section 503(c).

(e) *Change of terms of an obligation.* A change in the terms of an obligation is considered as the acquisition of a new obligation. If such new obligation is not adequately secured, the requirements of section 503(h) must be met at the time the terms of the obligation are changed for such section to be applicable to such new loan.

§ 1.503(h)-3 Effective dates.

(a) Section 503(h) and §§ 1.503(h)-1 and 1.503(h)-2 are effective for taxable years ending after March 15, 1956. Thus, if during a taxable year ending before March 16, 1956, an employees' trust made a loan which meets the requirements of section 503(h), such loan will not be treated as made without the receipt of adequate security and will not cause loss of exemption for taxable years ending after March 15, 1956, although such loan was not considered adequately secured when made.

(b) (1) In the case of obligations acquired by the trust before September 2, 1958, which were held on that date, the requirements described in paragraphs (c) and (d) of § 1.503(h)-2 which were not satisfied immediately following the acquisition shall be treated as satisfied at that time if those requirements would have been satisfied had the obligations been acquired on September 2, 1958. For example, on January 3, 1955, an employees' trust described in section 401(a) purchased through the New York Stock Exchange unsecured debentures issued by the employer corporation. Under section 503(h) the acquisition of such debentures by the trust will not be treated for taxable years ending after March 15, 1956, as a loan made without the receipt of adequate security if the debentures were held by the trust on September 2, 1958, and if the requirements of paragraphs (c) and (d) of § 1.503(h)-2 which were not met on January 3, 1955, were met on September 2, 1958, as if that date were the date of acquisition.

(2) In the case of obligations acquired before September 2, 1958, which were not held by the trust on that date, only the requirement described in paragraph (b) of § 1.503(h)-2 must be satisfied for section 503(h) to be applicable to such acquisition. For example, if on December 5, 1956, an employees' trust lent money to the employer corporation by purchasing a debenture issued by the employer and if the trust sold the debenture on August 1, 1958, such loan would not be treated as made without the receipt of adequate security if the requirement described in paragraph (b) of § 1.503(h)-2 was met on December 5, 1956.

(c) See paragraph (b) (2) of § 1.503(c)-1 for the effective dates for the application of the definition of adequate security.

§ 1.503(i) Statutory provisions; requirements for exemption; loans with respect to which employers are prohibited from pledging certain assets.

Sec. 503. *Requirements for exemption.* * * * (1) *Loans with respect to which employers are prohibited from pledging certain assets.* Subsection (c)(1) shall not apply to a loan made by a trust described in section 401(a) to the employer (or to a renewal of such a loan or, if the loan is repayable upon demand, to a continuation of such a loan) if the loan bears a reasonable rate of interest, and if (in the case of a making or renewal)—

(1) The employer is prohibited (at the time of such making or renewal) by any law of the United States or regulation thereunder from directly or indirectly pledging, as security for such a loan, a particular class or classes of his assets the value of which (at such time) represents more than one-half of the value of all his assets;

(2) The making or renewal, as the case may be, is approved in writing as an investment which is consistent with the exempt purposes of the trust by a trustee who is independent of the employer, and no other such trustee had previously refused to give such written approval; and

(3) Immediately following the making or renewal, as the case may be, the aggregate amount loaned by the trust to the employer, without the receipt of adequate security, does not exceed 25 percent of the value of all the assets of the trust.

For purposes of paragraph (2), the term "trustee" means, with respect to any trust for which there is more than one trustee who is independent of the employer; a majority of such independent trustees. For purposes of paragraph (3), the determination as to whether any amount loaned by the trust to the employer is loaned without the receipt of adequate security shall be made without regard to subsection (h).

[Sec. 503(i) as added by sec. 30(b), Technical Amendments Act 1958 (72 Stat. 1630)]

§ 1.503(i)-1 Loans by employers who are prohibited from pledging assets.

(a) *In general.* (1) Section 503(i) provides that section 503(c) (1) shall not apply to a loan made to the employer by an employees' trust described in section 401(a) if the loan bears a reasonable rate of interest and certain conditions are met. Section 503(i) also applies to the renewal of loans to the employer and, in the case of demand loans, to the continuation of such loans.

(2) The provisions of section 503(i) do not limit the effect of section 401(a) and § 1.401-2, relating to use or diversion of corpus or income of an employees' trust, or the effect of any of the provisions of section 503 other than section 503(c)(1). Consequently, although a loan made by an employees' trust described in section 401(a) meets all the requirements of section 503(i) and therefore is not treated as a loan made without the receipt of adequate security, an employees' trust making such a loan will lose its exempt status if the loan is not considered as made for the exclusive benefit of the employees or their beneficiaries. Similarly, a loan which meets the requirements of section 503(i) will constitute a prohibited transaction within the meaning of section 503(c) (6) if it results in a substan-

tial diversion of the trust's income or corpus to a person described in section 503(c).

(b) *Conditions.* (1) Section 503(i) applies to a loan only if, with respect to the making or renewal of the loan, the conditions described in subparagraphs (2), (3), and (4) of this paragraph are met. For purposes of this paragraph, the mere continuance of a demand loan is not considered as the making or renewal of such a loan.

(2) The employer must be prohibited (at the time of the making or renewal of the loan) by any law of the United States or regulations thereunder from directly or indirectly pledging, as security for such a loan, a particular class or classes of his assets the value of which (at such time) represents more than one-half of the value of all his assets. If a loan is made or renewed when the employer is prohibited by a law of the United States (or the regulations thereunder) from pledging a class of his assets, the qualification of such a loan under section 503(i) will not be affected by a subsequent change in such law or regulations permitting the employer to pledge such assets, unless such loan is renewed after such change. See section 8(a) of the Securities Exchange Act of 1934, as amended (48 Stat. 888, 49 Stat. 704; 15 U.S.C. 78h(a)), which prohibits certain persons from pledging a class of assets as security for loans, and section 5(a) of Regulation T issued thereunder by the Board of Governors of the Federal Reserve System (12 CFR 220.5(a)).

(3) The making or renewal, as the case may be, must be approved in writing as an investment which is consistent with the exempt purposes of the trust by a trustee who is independent of the employer, and such written approval must not have been previously refused by any other such trustee. A trustee is independent of the employer, for purposes of this subparagraph, if he is entirely free of influence or control by the employer. For example, if the employer is a partnership, then a partner in such partnership, or a member of a partner's family would not be considered independent of the employer. Similarly, an employee of the employer would not be considered independent of the employer. For purposes of this subparagraph, the term "trustee" means, with respect to any trust for which there are two trustees who are independent of the employer, both of such trustees and, with respect to any trust for which there are more than two such independent trustees, a majority of the trustees independent of the employer.

(4) (i) Immediately following the making or renewal, as the case may be, the aggregate amount lent by the trust to the employer, without the receipt of adequate security, must not exceed 25 percent of the value of all the assets of the trust.

(ii) For purposes of subdivision (i) of this subparagraph, the determination as to whether any amount lent by the trust to the employer is a loan made without the receipt of adequate security shall be made without regard to section 503(h).

Thus, if an employees' trust makes a loan on January 2, 1959, to the employer without adequate security (but which loan is not considered as made without adequate security under section 503(h)), and if immediately after making such loan 10 percent of the value of all its assets is invested in such loan, then the trust may on that day invest not more than an additional 15 percent of its assets in a loan which would be considered made without adequate security if it were not for the provisions of section 503(i).

(iii) For purposes of subdivision (i) of this subparagraph, in determining the value of all the assets of the trust, there shall be used the fair market value of those assets on the day of the making or renewal.

(c) *Reasonable rate of interest.* Section 503(i) only applies if, in addition to meeting the conditions described in paragraph (b) of this section, the loan bears a reasonable rate of interest when it is made, renewed, or, in the case of demand loans, during the period of its existence.

(d) *Change of terms of loan.* A change in the terms of a loan (including a reduction in the security for a loan) is considered as the making of a new loan. If such a new loan is not adequately secured, the requirements of section 503(i) must be met at the time the terms of the loan are changed for such section to be applicable to such new loan.

(e) *Effective date.* (1) This section and section 503(i) are effective for taxable years ending after September 2, 1958, but only with respect to periods after such date. Thus, if a loan was made on or before September 2, 1958, without the receipt of adequate security and if, when such loan was made, it met all of the requirements of section 503(i) and this section, then the loan is not subject to section 503(c) (1) after September 2, 1958, and would not constitute a prohibited transaction after that date because of a lack of adequate security.

(2) See paragraph (b) (2) of § 1.503 (c)-1 for the effective dates for application of the definition of adequate security.

[F.R. Doc. 60-3258; Filed, Apr. 8, 1960; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 88]

ALASKA

Indian Fishing Regulations

Notice is hereby given that pursuant to the obligation imposed upon, and the authority vested in, the Secretary of the Interior by section 2 and 9 of Title 25, and section 485 of Title 5, U.S. Code, and section 4 of the Act of July 7, 1958, 72 Stat. 339 amended, 73 Stat. 141, it is proposed to amend 25 CFR by adding a new Part 88 as set forth below. The purpose of these amendments is to protect certain fishing rights which have long been

recognized; which derive from the Act of June 6, 1924, as amended, 48 U.S.C. 221 et seq., other Federal statutes, regulations and custom; and which were secured to the Alaska Eskimos, Indians and Aleuts by section 4 of the Alaska Statehood Act of July 7, 1958.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions or objections with respect to the proposed amendments, to the Commissioner, Bureau of Indian Affairs, Washington 25, D.C., within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

Part 88, reading as follows, is added to 25 CFR Subchapter H:

§ 88.1 Scope.

The regulations in this part implement section 4 of the Act of July 7, 1958, 72 Stat. 339, as amended, by declaring existing fishing rights of Indians in Alaska and providing for the protection and control thereof. Provisions for those rights derive from the Act of June 6, 1924, as amended, 48 U.S.C. 221 et seq., and the limitations and sanctions necessary to preserve such rights are included herein. The regulations in this part are permissive, but shall not be construed as a limitation upon any native rights not mentioned in this part.

§ 88.2 Restrictions on native Indian traps.

(a) Not more than the 21 salmon fish-trap sites heretofore recognized as Indian salmon fish-trap locations as hereinafter described may be utilized for the purpose of salmon trap fishing by Indian villages, within the following described waters at the sites described. Subject to the limitations of paragraph (e) of this section, traps owned and operated by the native villages may be operated at any time within a described area when salmon net fishing is permitted in any part of such area, or adjacent districts, by the State of Alaska:

(b) Angoon Community Association: Within all waters in Chatham Strait between a true eastward line from South Passage Point and a true westward line from Point Gardner to Baranof Island; and the waters of Peril Strait north and east of Sergius Narrows, including Hoonah Sound, at the following sites:

(1) Chichagof Island at 57°36'16" north latitude, 134°51'34" west longitude.

(2) Admiralty Island at 57°22'28" north latitude, 134°34'18" west longitude.

(3) Killisnoo Island at 57°28'15" north latitude, 134°36'35" west longitude.

(4) Admiralty Island at 57°13'52" north latitude, 134°39'05" west longitude.

(c) Organized Village of Kake: All waters, except (1) those within a line from Point Bishop to 58°11'28" north latitude, 134°5' west longitude, (2) northeast of a line from Point Stylenan to Point Anmer, and (3) waters south of

a line from Point Ellis to Patterson Point; within a line following the latitude of Cape Decision easterly to Cape Decision, thence following the watershed on Kuiu Island to 56°40' north latitude, 133°44'15" west longitude, thence east across Koku Strait, thence across Kupreanof Island, passing north of Duncan Canal, to 56°54' north latitude, thence to Horn Cliffs, thence to Castle Mountain, thence following the international boundary to Mount Ogilvie, thence to the northern extremity of Shelter Island, thence to the northern extremity of Mansfield Peninsula, thence following the watersheds on Mansfield Peninsula and Admiralty Island to the southern extremity of Point Gardner, thence west to the watershed on Baranof Island, thence following the watershed to Cape Ommaney, thence the latitude of Cape Ommaney projected westward:

(1) Stephens Passage at 57°21'20" north latitude, 133°27'02" west longitude.

(2) Frederick Sound at 57°11'27" north latitude, 133°34'02" west longitude.

(3) Frederick Sound at 57°10'52" north latitude, 133°32'44" west longitude.

(4) Admiralty Island at 57°18'40" north latitude, 133°57'21" west longitude.

(5) Admiralty Island at 57°10'29" north latitude, 134°12'53" west longitude.

(6) Herring Bay at 57°07'21" north latitude, 134°19'45" west longitude.

(7) Admiralty Island at 57°04'02" north latitude, 134°25'20" west longitude.

(8) Kupreanof Island at 57°01'23" north latitude, 134°02'50" west longitude.

(9) Kuiu Island at 56°55'52" north latitude, 134°16'08" west longitude.

(d) Metlakatla Indian Community (Annette Island Fishery Reserve): All waters within a line from the international boundary at 131° west longitude to Mary Island light, Hog Rocks light, Bold Island light, Race Point, thence to the southern extremity of Vallenar Point, thence to Point Higgins, thence to Caamano Point, thence down the middle of Clarence Strait to the international boundary:

(1) Annette Island at 55°15'09" north latitude, 131°36'10" west longitude.

(2) Annette Island at 55°12'52" north latitude, 131°36'10" west longitude.

(3) Annette Island at 55°02'47" north latitude, 131°38'53" west longitude.

(4) Annette Island at 55°05'41" north latitude, 131°36'39" west longitude.

(5) Annette Island at 55°01'54" north latitude, 131°38'36" west longitude.

(6) Annette Island at 55°00'45" north latitude, 131°38'30" west longitude.

(7) Annette Island at 54°59'41" north latitude, 131°36'48" west longitude.

(8) Ham Island at 55°10'13" north latitude, 131°19'31" west longitude.

(e) During the 1960 fishing season and until the Secretary or his authorized representative determines otherwise, the villages may operate traps only at the following sites: Angoon: (1), (2), and (4); Kake: (3), (4), (8), and (9); Metlakatla: (2), (3), (4), and (6).

§ 88.3 Size and operation of Indian salmon traps.

(a) No trap shall extend more than 900 feet from shore to the outer face of the pot as measured at mean high tide when any part is in a greater depth of water than 100 feet.

(b) Poles shall be permanently secured to the webbing at each side of the mouth of the pot tunnel and shall extend from the tunnel floor to a height of at least 4 feet above the water. A draw line shall be reeved through the lower end of both poles and the top of one. During any period when commercial net fishing for salmon is prohibited by the State of Alaska in the waters open to trap fishing as above described, the tunnel walls shall be overlapped as far as possible, the line pulled tight and both secured so as to close the trap to fishing. In addition 25 feet of the webbing of the heart on each side next to the pot shall be lifted or lowered in such manner as to permit the free passage of salmon and other fish.

§ 88.4 Definition, Karluk Indian reservation.

The Karluk Indian reservation includes all waters extending 3,000 feet from the shore at mean low tide on Kodiak Island beginning at the end of a point of land on the shore of Shelikof Strait about 1¼ miles east of Rocky Point and in approximate latitude 57°39'40" N., longitude 154°12'20" W.; thence south approximately 8 miles to latitude 57°32'30" N.; thence west approximately 12½ miles to the confluence of the north shore of Sturgeon River with the east shore of Shelikof Strait; thence northeasterly following the easterly shore of Shelikof Strait to the place of beginning, containing approximately 35,200 acres.

§ 88.5 Fishing restrictions, Karluk Indian reservation.

(a) Commercial fishing in the waters of the Karluk Indian reservation shall be limited to the bona fide native inhabitants of the village of Karluk and vicinity.

(b) Seasonal and gear restrictions. Commercial fishing in waters of the Karluk Indian reservation shall be limited to the time, means, methods, and extent of fishing authorized by the State of Alaska in an area bounded by a line from Cape Karluk northeasterly to midstream, thence up the middle of Shelikof Strait to 58°26'30" north latitude, thence southeasterly to Cape Paramanof, thence to Raspberry Strait light, thence to Malina Point light, thence to West Point, thence to Chief Point, thence to the southern point at the entrance to Larsen Bay at 57°32' north latitude, thence to Karluk Lake and back to point of beginning at Cape Karluk: *Provided*, That no license shall be required of the native inhabitants of the village of Karluk, Alaska, when engaged in commercial fishing in the waters of the Karluk Indian reservation.

§ 88.6 Commercial salmon fishing by native Indians in the Yukon and Kuskokwim Rivers.

Certain fishing rights in the Yukon and Kuskokwim Rivers granted by Fed-

eral law and running to the native Indians of Alaska are preserved in the Statehood Act. Since the State of Alaska by Part 103 of the Regulation of the Alaska Board of Fish and Game for Commercial Fishing in Alaska (1960 Edition) has recognized these rights, no additional provision therefor is made at this time in the regulations in this part.

§ 88.7 Personal use fishing by native Indians.

In all water of Alaska Indians, Eskimos and Aleuts shall be permitted to take salmon or other species of fish for personal use except in those waters where the State of Alaska has determined that a complete prohibition on all fishing is necessary to prevent the destruction of existing salmon or other fish populations.

§ 88.8 Modification of regulations.

The regulations in this part will be modified from time to time as the Secretary of the Interior may deem necessary. The native Indians and Indian villages of Alaska shall be governed by the regulations in this part in the waters where they apply or by the regulations of the State of Alaska, whichever are least restrictive to their fishing operations.

§ 88.9 Enforcement.

Fishing activities in violation of the regulations in this part will be subject to the sanctions imposed by the Act of June 6, 1924, as amended, 48 U.S.C. 226.

FRED A. SEATON,
Secretary of the Interior.

APRIL 6, 1960.

[F.R. Doc. 60-3322; Filed, Apr. 8, 1960;
9:01 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1023]

[Docket No. AO-295-A2]

MILK IN DES MOINES, IOWA, MARKETING AREA

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

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the Des Moines, Iowa, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington,

D.C., not later than the close of business the fifth day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Des Moines, Iowa, on February 18, 1960, pursuant to notice thereof which was issued February 10, 1960 (25 F.R. 1345).

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

1. The level of the Class I price.
2. The level of the Class II price.
3. Using a base and excess plan in paying producers.

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

1. The method of determining the Class I price should be amended to limit the effect of the Chicago supply-demand ratio on the Class I price in this market.

The Des Moines Class I price is fixed at 35 cents above that in the Chicago order and reflects the supply-demand adjustment included in the Chicago Class I price. Effective September 1, 1959 (24 F.R. 6941) the Des Moines order was amended to limit to 10 cents the effect of the Chicago supply-demand adjustment on the Des Moines Class I price for the months of September 1959 through April 1960.

The maximum adjustment provided by the Chicago supply-demand formula is 24 cents. From October 1958 (when Des Moines order pricing became effective) through February 1960, the Chicago order supply-demand adjustment averaged minus 23 cents. During this 17 month period a minus 24 cent adjustment was effective in 11 months, minus 22 cents in four months, and minus 20 cents in the remaining two months. It may reasonably be expected that a supply-demand adjustment approximating those which have been effective during the past 17 months will be reflected in the Chicago Class I price for an indefinite period.

The availability of supplies in relation to the demand for milk for fluid use for the Des Moines market is significantly different than that for Chicago and producers proposed continuing the provision which limits to 10 cents the effect of the Chicago supply-demand ratio as a factor in determining the Des Moines Class I price. During 1959 Des Moines order Class I sales averaged 82 percent of producer receipts. The Chicago order supply-demand utilization percentage during the same 12 month period was 61 percent.

A major change is taking place in the supply pattern for the Des Moines market. Of the 1,159 producers supplying order handlers during January 1960, 885 were delivering to plants in Polk County (Des Moines). Among these 885 producers, 481 had bulk tank operations and represented 65 percent of the total producer deliveries during that month to Polk County handlers. As recently as February 1959 all producers then de-

living to these handlers were can shippers. As of May 1, 1960, no milk will be received by Polk County handlers from producers other than those having bulk tank operations. Of the 404 can shippers supplying these handlers during January 1960, it is estimated that 119 will have converted to bulk tank setups by the May 1 deadline and the remaining 285 will have discontinued their operations as shippers of Grade A milk.

Producer deliveries have not been adequate to meet the needs of the Des Moines order market. In 9 of the first 17 months of the order (September 1958 through January 1960) producer receipts were less than 114 percent of order handlers' Class I sales, and in only 2 of these 9 months did producer receipts exceed 109 percent of such Class I sales. Producers claim that to supply the Des Moines order market adequately producer deliveries should be not less than 115 percent of handler's Class I sales during any month.

Of the 1,159 producers supplying Des Moines order handlers in January 1960, 1,040, or 90 percent, are members of the Des Moines Cooperative Dairy. This association has full supply contracts with handlers and is responsible for supplying milk from outside sources when deliveries from its producer members are inadequate for the needs of its buying handlers. The cooperative's goal is to obtain a sufficient number of producers so that the market's needs will be supplied on a year-round basis.

During the past year, and especially in recent months, Des Moines Cooperative has intensified its activities to obtain additional supplies for the market. Action has been taken toward extending some existing hauling routes and adding others in order to have a larger geographic area from which producers may be obtained. Some hauling routes have now been extended as much as 150 miles from handlers' plants in the city of Des Moines in order to pick up new producers. Throughout the milkshed, representatives of the Des Moines Cooperative Dairy have been soliciting dairy farmers who are shipping to manufacturing plants or to other Grade A markets as producers for the Des Moines market. The success in obtaining additional supplies in this manner has thus far been limited because of the expense involved in making changes on farms in order to obtain approval for the Des Moines market. Another deterrent to putting on many potential shippers as new producers is that their farms generally are farther away from the market than are those of present producers. These dairy farmers would be required to pay significantly higher hauling costs than they do presently for shipping to nearby manufacturing plants or to Grade A outlets less distant from their farms than to plants of Des Moines order handlers. Of 370 dairy farmers who made application to the Des Moines City Health Department during 1959, only 99 ultimately obtained approval and commenced operations as Grade A shippers supplying the market.

It is expected that some increase in production for the Des Moines market

will be realized on the farms of those producers changing from can to bulk tank shippers. This anticipated increase in production per farm, however, will be grossly insufficient to make up for the loss of production from the farms of the estimated 285 can shippers who will have discontinued supplying the market by May 1 of this year. Of the 20.9 million pounds of milk received from producers by order handlers in January 1960 an estimated 4 million pounds were received from those farms from which shipments will not be made after April 30, 1960. The 17.5 million pounds of producer milk in Class I during January 1960 is 0.6 million pounds more than that supplied during this month by those shippers who are expected to continue as Des Moines order producers after April 30, 1960.

During 7 months of 1959 the Des Moines Cooperative Dairy imported a total of 1.5 million pounds of milk to meet the needs of its buying handlers and approximately 2 million pounds of such supplemental supplies were imported by the cooperative during the latter part of 1958. These imports were principally from distant plants in the milksheds of the Minneapolis-St. Paul and Chicago orders. In view of the anticipated heavy loss of producers resulting from the shift from can to bulk tank shipping, it may be expected that the importations required to meet the Class I needs of the Des Moines market during the latter part of this year will be substantially greater than at any time in the past.

Milk is shipped regularly from plants regulated by the North Central Iowa and Cedar Rapids-Iowa City orders to markets at great distances from these plants. It was suggested that the Des Moines Cooperative Dairy obtain its supplemental needs from the plants under these nearby orders or procure some of the producers now supplying North Central Iowa and Cedar Rapids-Iowa City handlers as direct delivery shippers to Des Moines. In this connection it was pointed out that the milk shipped from the North Central Iowa and Cedar Rapids-Iowa City order plants to outside markets is sold generally on a year-round basis to these buyers and the price received from these outside markets is better than the Des Moines Cooperative Dairy could afford to pay for such milk on a yearly contract.

There is relatively little overlapping of the Des Moines production area with those in which are located the producers supplying North Central Iowa and Cedar Rapids-Iowa City pool plants. In extending its hauling routes in recent months the Des Moines Cooperative Dairy has been able to obtain a limited number of Grade A shippers from the other nearby Federal order markets. However, it is not likely that a significant number of such shippers will shift from these markets to Des Moines. The increased transportation that these dairy farmers would have to pay for moving their milk into the Des Moines market would be enough greater so as to nullify any gain that they might have in shifting markets.

Some encouragement is needed to have upgraded shippers fix up for Grade A production for the Des Moines market. With respect to those Grade A producers supplying nearby markets, a price incentive to compensate for the additional transportation costs to ship the greater distances to Des Moines handlers is needed to attract them to the Des Moines market. To give appropriate consideration to these and other factors that are causing a deficit in the supply for the Des Moines market, the effect of the Chicago order supply-demand adjuster on Des Moines Class I price should be limited to 10 cents. This is the same provision that has been effective in the order for the months of September 1959 through April 1960. The price level resulting from continuing this provision should provide some incentive toward building up a regular supply of milk for the Des Moines market.

2. The Class II price should be the price provided by a butter-powder formula or the average of the pay prices of six designated manufacturing plants, whichever is higher.

The average of the pay prices of six manufacturing plants (five in Illinois and one in Iowa) is the Class II price under the nearby Federal orders for North Central Iowa, Cedar Rapids-Iowa City, Quad Cities, and Dubuque. The butter-powder formula, herein recommended as an alternative in determining the Class II price, will obtain a price 15.2 cents above that now provided in the order. Presently the Des Moines order Class II price is determined exclusively by a butter-powder formula which is the same as the Chicago Class IV price formula.

During 1959 the Des Moines Class II price, which averaged \$2.884, ranged from 5.8 cents to 33.6 cents below and averaged 19.2 cents lower than the average pay prices of the six manufacturing plants, the Class II price in the nearby order markets. The comparable average difference during 1958, based on the quotations in that year, was 14 cents.

Each handler in the city of Des Moines receives daily only as much producer milk as is needed on that particular day for his fluid milk operations. Producer milk that handlers do not take is delivered to the plant of the Des Moines Cooperative Dairy. This plant, which has facilities for receiving, holding, and manufacturing large quantities of milk, processed approximately 75 percent of the Class II milk under the Des Moines order during 1959. The Des Moines Cooperative Dairy makes virtually all of the butter and nonfat dry milk which are manufactured by Des Moines order pool plants. The principal uses of Class II milk by other order handlers are in the manufacture of cottage cheese and ice cream.

It was suggested that the higher quality raw product generally demanded for cottage cheese and ice cream manufacture tends to obtain a higher price for milk so used than for milk used in making butter and nonfat dry milk. Nevertheless, during some periods, as when supplies of butter are relatively short (as occurred during the latter months of

1959) butter and nonfat dry milk may temporarily become higher priced outlets for manufacturing milk. Because of this, providing for the higher of the average of specified manufacturing plant prices or a butter-powder formula price will obtain the optimum Class II price for producer milk.

The Class II price provided by the order is too low in relation to the value of milk for manufacturing purposes. The change herein recommended will obtain a Class II price to reflect more realistically the value of milk for manufacturing purposes to Des Moines order handlers and the prices obtainable at outlets available to such handlers for milk not needed in their own operations.

3. A "base and excess" plan should be used in distributing among producers the payments for milk produced during the months of March through June.

Because of the seasonal variations in the production of milk for the Des Moines order market, there is need for an incentive to increase production in the fall and winter months relative to spring and summer months. This can best be accomplished through a uniformly administered base and excess plan incorporated in the order.

Some difficulty is experienced in utilizing efficiently all milk produced for the market in the months of seasonally high production. By providing returns related directly to a producer's ability to deliver additional milk in the fall and winter as compared with deliveries during the season of flush production, a more even milk production pattern will be encouraged.

The base and excess plan herein recommended would establish for each producer a base that would depend upon his deliveries of milk to pool plants during the months of September, October, and November. During these months, as well as all other months in the period of July through February, producers would receive the marketwide blend or uniform price for all milk which they deliver to pool plants.

For each of the months of March through June separate uniform prices for "base milk" and "excess milk" would be computed so that Class I sales would first be allotted to base milk. Base milk would be milk received at pool plants from a producer during any of the months of March through June which is not in excess of an amount equal to the daily base of such producer multiplied by the number of days in such month. Class II disposition in the market would first be assigned to excess milk. If Class I disposition is more than the base milk received from producers in any month, such additional Class I milk would be allocated to excess milk and the excess blend price increased accordingly.

September, October and November are normally the months in which the production of milk for the Des Moines market is lowest and the base forming period would be limited to these months. The daily base of each producer would be calculated by the market administrator by dividing the total pounds of producer milk received at all pool plants from such producer during these months by the

number of days on which such milk is received from such producer.

It may be expected that new producers coming on the market during or after the base forming period would be needed to supply the Class I needs of the market. These producers should be permitted to share in the proceeds from the sales of Class I milk during the base operating period even though they did not establish bases during the preceding September through November period. A producer who delivered milk during the base forming period but desires to change his level of production should not be required to receive payment for the high production at the excess price. Such a producer should be permitted to relinquish his base and establish the base of a new producer if he so desires. This would add greater flexibility to the plan and would accommodate cases of abnormally low production during the base forming period due to unusual circumstances.

For those producers who do not deliver milk during the base forming period or who deliver milk on less than 75 days during the base forming period or who desire to relinquish established bases, the daily base would be calculated for each of the months of March through June by dividing the pounds of producer milk received from such producer during the month by the number of days in such month and multiplying the quotient by 50 percent for the months of March and April and by 40 percent for May and June. The above percentages will allow new producers to share in the Class I market during the base operating period but will not encourage new producers to come on the market at that time if their production is not needed to supply the Class I needs of the market.

If a plant were a nonpool plant during the preceding September through November period and became a pool plant during any of the months of March through June of the following year, provision should be made for assigning bases to the dairy farmers regularly supplying such plant. This would be effectuated most equitably by according such dairy farmers the same treatment as other producers in establishing bases. This would be accomplished by providing that for the purpose of calculating the daily base of a producer deliveries of any dairy farmer during the preceding September through November to a nonpool plant that is a pool plant in any of the months of March through June shall be considered producer milk received at a pool plant.

It was proposed by producers that the months of January and February be included in the base operating period. The record does not show that the receipts of milk in these months is abnormal in relation to receipts in other months. Application of base and excess payments in these months to obtain a satisfactory seasonality of deliveries does not appear necessary.

It is necessary to provide certain rules in connection with the establishment and transfer of bases in order to provide reasonable administrative workability of the plan. Such rules should outline spe-

cifically the method for calculating the base for each producer and set forth clearly the procedure to be followed for transferring bases. It is desirable that the need for administrative discretion and restrictive conditions in connection with the application of the base rules be kept at a minimum. To accomplish this, it is necessary that transfer of bases be limited to the entire base of a producer.

The free transfer of entire bases as recommended herein will facilitate the operation and contribute toward carrying out the intent of the base-excess plan. The purpose of the base-excess plan is to encourage fall production by providing for each producer to share in the Class I market during the spring months of high production along with other producers in proportion to his deliveries to the market during the preceding fall months. Providing for unrestricted base transfer will give added assurance to a producer that he will have the full benefit of the base he has made whether or not he is able to continue milk production for his own account through the following months of flush production. This assurance should increase the effectiveness of the base-excess plan in encouraging production of milk during the months of the year when it is most needed on the market. Bases should be transferred on the first day of a month following receipt of a statement on an approved form showing the holder of such base, the person to whom it is to be transferred and signed by both parties.

No provision is now made in the order for distributing to producers the returns for their milk through a base and excess plan. As proposed by producers, the base and excess plan would become effective beginning with the base making period in the fall of 1961. This would allow a reasonable transition period and would afford an adequate period of time to make such changes as might be necessary to adjust their production patterns toward obtaining the optimum benefits under a base and excess plan.

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 supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

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

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

1. Add new §§ 1023.22 and 1023.23 to read:

§ 1023.22 Base milk.

"Base milk" means milk received at pool plants from a producer during any of the months of March through June that is not in excess of such producer's daily base computed pursuant to § 1023.65 multiplied by the number of days in such month: *Provided*, That all milk received at a pool plant from a producer during any of the months of March through June prior to July 1961 shall be base milk.

§ 1023.23 Excess milk.

"Excess milk" means the amount of milk received at pool plants from a producer during any of the months of March through June that is in excess of base milk received from such producer during such month.

2. Replace § 1023.27(j)(2) with the following:

(2) The 10th day after the end of each of the months of July through February, the uniform price pursuant to § 1023.72, and the butterfat differential pursuant to § 1023.81; and

(3) The 10th day after the end of each of the months of March through June, the uniform price for base milk and excess milk pursuant to § 1023.73 and the butterfat differential pursuant to § 1023.81; and

3. Amend § 1023.30(a) to read:

(a) The quantities of skim milk and butterfat contained in or represented by receipts of approved milk and the aggregate quantities of base and excess milk;

4. Amend § 1023.31(b)(1)(ii) to read:

(ii) the total pounds of milk received from such producer, including for the months of March through June the total pounds of base and excess milk,

5. Delete that portion of § 1023.50(a) which reads "through April 30, 1960,".

6. Amend § 1023.50(b) to read:

(b) *Class II milk price.* The Class II milk price shall be the higher of the prices computed as follows:

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

Present Operator and Plant Location

Amboy Milk Products Co., Amboy, Ill.
Borden Company, Dixon, Ill.
Carnation Company, Morrison, Ill.
Carnation Company, Oregon, Ill.
Carnation Company, Waverly, Iowa.
United Milk Products Co., Argo Fay, Ill.

(2) The price obtained by subtracting 60 cents from the sum of the amounts resulting from:

(i) Multiplying by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department, during the month: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter; and

(ii) Multiplying by 8.2 the weighted average of carlot prices per pound for nonfat dry milk for human consumption, spray process, f.o.b. manufacturing plants in the Chicago area as published by the Department for the period from the 26th day of the immediately preceding month through the 25th day of the current month;

7. In § 1023.60 replace "1023.70 to 1023.72" with "1023.65 to 1023.73".

8. Add new §§ 1023.65, 1023.66 and 1023.67 to read:

DETERMINATION OF BASE

§ 1023.65 Daily base.

The daily base for each producer shall be determined by the market administrator and shall be the amount obtained by dividing the total pounds of producer milk received from such producer at all pool plants during the months of September through November immediately

preceding by the number of days on which such milk is received from such producer: *Provided*, That for the purpose of calculating the daily base of a producer pursuant to this section, the number of days included in his producer milk deliveries shall be the number of days of production of producer milk and the deliveries of any dairy farmer during the preceding September through November to a nonpool plant that is a pool plant in any of the months of March through June shall be considered producer milk received at a pool plant: *Provided further*, That if no milk is received from a producer at a pool plant during the months of September through November or if milk is received on less than 75 days during such months, the daily base of such producer shall be calculated for each of the months of March through June by dividing the pounds of producer milk received from such producer during the month by the number of days in such month and multiplying the quotient by 50 percent for the months of March and April and by 40 percent for May and June: *And provided further*, That any producer for whom a daily base has been established pursuant to this section based on deliveries of 75 or more days during the preceding months of September through November may, in lieu thereof, by notifying the market administrator prior to March 15, be accorded a daily base calculated pursuant to the immediately preceding proviso of this section.

§ 1023.66 Base rules.

The following rules shall apply in connection with the establishment of bases:

(a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the months of September through November.

(b) An entire base shall be transferred from a person holding such base to any other person effective as of the first day of any month following receipt by the market administrator of an application for such transfer. Such application shall be on a form approved by the market administrator and shall be signed by the baseholder and by the person to whom such base is to be transferred: *Provided*, That if a base is held jointly, the entire base shall be transferable only upon receipt of such application signed by all joint holders.

§ 1023.67 Announcement of established bases.

On or before February 15 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.

9. Amend that portion of § 1023.72 which precedes paragraph (a) thereof to read:

§ 1023.72 Computation of uniform price.

For each of the months of July through February, the market administrator shall compute a uniform price for producer milk of 3.5 percent butterfat content f.o.b. pool plants located within the base zone, as follows:

10. Add a new § 1023.73 to read:

§ 1023.73 Computation of uniform price for base milk and excess milk.

For each of the months of March through June, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 3.5 percent butterfat content, f.o.b. pool plants located within the base zone, as follows:

(a) From the reports submitted by handlers pursuant to § 1023.30 determine the aggregate classification of producer milk included in the computation of value pursuant to § 1023.71 and the total hundredweight of such milk that is base milk and that is excess milk;

(b) Determine the value of such excess milk on a 3.5 percent butterfat basis by multiplying the total hundredweight of such milk that is not greater than the total Class II milk pursuant to paragraph (a) of this section by the Class II milk price and by adding thereto the value obtained by multiplying the hundredweight of such excess milk that is greater than the quantity of such Class II milk by the Class I milk price;

(c) Divide the value of excess milk obtained in paragraph (b) of this section by the total hundredweight of such milk. The resulting figure, rounded to the nearest cent, shall be the uniform price for excess milk;

(d) Subtract the value of excess milk pursuant to paragraph (c) of this section from the aggregate value of all milk obtained in § 1023.71; and

(e) Divide the amount obtained in paragraph (d) of this section by the total hundredweight of base milk obtained in paragraph (a) of this section, and subtract not less than 4 cents nor more than 5 cents from the price thus computed. The resulting figure shall be the uniform price for base milk.

11. Amend § 1023.80(a) (2) to read:

(2) On or before the 15th day after the end of each month, for producer milk received during such month, an amount computed at not less than the uniform prices pursuant to §§ 1023.72 and 1023.73 adjusted pursuant to §§ 1023.81, 1023.82 and 1023.87, and less the payment made pursuant to subparagraph (1) of this paragraph.

12. Replace the semicolon at the end of § 1023.80(d) (2) with a comma and add "including for the months of March through June the pounds of base milk and excess milk".

13. Replace "uniform price for producer milk" as it appears in §§ 1023.81 and 1023.82 with "uniform prices pursuant to §§ 1023.72 and 1023.73".

Issued at Washington, D.C., this 6th day of April, 1960.

Roy W. Lennartson,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 60-3273; Filed, Apr. 8, 1960; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 146, 147]

ANTIBIOTIC DRUGS INTENDED FOR USE IN THE LABORATORY DIAGNOSIS OF DISEASE

Notice of Proposed Rule Making

Notice is given that the Commissioner of Food and Drugs, on his own initiative, and in accordance with the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507(f), 59 Stat. 463, as amended; 21 U.S.C. 357(f)) and under authority delegated to him by the Secretary of Health, Education, and Welfare (22 F.R. 1045, 23 F.R. 9500) hereby offers an opportunity to all interested persons to submit their views in writing to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER on the proposal set forth below. Written views and comments should be filed in quintuplicate.

1. It is proposed to amend § 146.24 to read as follows:

§ 146.24 Penicillin powder for diagnostic use; streptomycin powder for diagnostic use; dihydrostreptomycin powder for diagnostic use; chlortetracycline hydrochloride powder for diagnostic use; tetracycline hydrochloride powder for diagnostic use; chloramphenicol powder for diagnostic use; bacitracin powder for diagnostic use.

[CROSS-REFERENCES: For tests and methods of assay and certification of antibiotic sensitivity discs for laboratory diagnosis of disease, see §§ 147.1 and 147.2 of this chapter.]

Dry powder of penicillin, streptomycin, dihydrostreptomycin, chlortetracycline hydrochloride, tetracycline hydrochloride, chloramphenicol, or bacitracin, packaged for dispensing and intended for use solely in laboratory procedures in connection with the diagnosis or treatment of disease and conspicuously so labeled shall be exempt from the certification requirements of sections 502(l) and 507 of the act if each complies with all the following conditions:

(a) Its potency in terms of units or micrograms per milligram and its moisture content comply with the standards prescribed for the salt by §§ 146a.24, 146b.101, 146b.103, 146c.201, 146c.218, 146d.301, 146e.401 of this chapter.

(b) It is packaged in immediate containers that are tight containers as defined by the U.S.P.

(c) Each package bears on the label or labeling of its outside wrapper or container and the immediate container the following:

(1) The statement: "Not for therapeutic use. For use in laboratory diagnosis only."

(2) The number of milligrams or grams contained in each immediate container and the potency per milligram.

(3) The batch mark.

(4) The statement "Expiration date _____," the blank being filled in with the date that does not exceed the expiration date authorized for the antibiotic salt by this chapter.

(d) The circular or other labeling within or attached to the package bears directions adequate for the use of such drug.

2. It is proposed to amend title 21 by adding thereto the following new part:

PART 147—ANTIBIOTICS INTENDED FOR USE IN THE LABORATORY DIAGNOSIS OF DISEASE

Sec.

147.1 Antibiotic sensitivity discs; tests and methods of assay; potency.

147.2 Antibiotic sensitivity discs; certification procedure.

AUTHORITY: §§ 147.1 and 147.2 issued under sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357.

§ 147.1 Antibiotic sensitivity discs; tests and methods of assay; potency.

(a) *Culture media*—(1) *If the discs contain penicillin, chloramphenicol, chlortetracycline, tetracycline, or bacitracin.* Use the medium described under § 141a.1(b) (2) of this chapter for the base layer and the medium described under § 141a.1(b) (1) of this chapter for the seed layer.

(2) *If the discs contain streptomycin or dihydrostreptomycin.* Use the medium described under § 141a.1(b) (1) of this chapter for both the base layer and seed layer, except adjust so that the pH will be 7.9–8.1 after sterilization.

(b) *Preparation of suspension*—(1) *If penicillin or bacitracin is used.* Prepare a suspension as directed in § 141e.410(b) (v) of this chapter, except use "Staphylococcus aureus" (ATCC 13150).

(2) *If streptomycin or dihydrostreptomycin is used.* Prepare a suspension as directed in § 141a.1(e) of this chapter.

(3) *If chloramphenicol or chlortetracycline or tetracycline is used.* Prepare a suspension as directed in § 141c.201 (a) (5) of this chapter.

(c) *Preparation of plates*—(1) *Base layer.* Depending on the particular antibiotic in the discs to be tested, add 42 milliliters of the appropriate medium prescribed in paragraph (a) of this section to each Petri dish (20 millimeters x 150 millimeters) and allow to harden and dry slightly by raising the tops on one side.

(2) *Seed layer.* Add 8 milliliters of the appropriate seed agar as prescribed in paragraph (a) of this section to each plate, spread evenly over the hardened base layer, and allow to harden and dry on a level surface. For accurate

results it is necessary to obtain uniform distribution of the agar over the surface of the plates. Depending on the antibiotic contained in the discs to be tested, the following amounts of inoculum (it may be necessary to adjust the inoculum in order to obtain satisfactory zone sizes) are to be used per 100 milliliters of seed agar:

(i) If it is penicillin or bacitracin: 1.0 milliliter of the inoculum prepared as directed in paragraph (b)(1) of this section.

(ii) If it is streptomycin or dihydrostreptomycin: 3.0 milliliters of the inoculum prepared as directed in paragraph (b)(2) of this section.

(iii) If it is chloramphenicol: 4.0 milliliters of the inoculum prepared as directed in paragraph (b)(3) of this section.

(iv) If it is chlortetracycline or tetracycline: 1.5 milliliters of the inoculum prepared as directed in paragraph (b)(3) of this section.

Add the appropriate amount of inoculum to the seed agar which has been melted and cooled to 48° C. Swirl the flasks to obtain a homogeneous suspension.

(d) *Preparation of control discs.* Use round blank discs, having a diameter of 1/4 inch, made of clear white paper weighing approximately 30 milligrams per square centimeter and that will absorb approximately three times its weight of distilled water. Place blank discs on aluminum or stainless steel wire mesh which is supported in a manner to allow circulation of air above and below the discs. Prepare the desired number of discs for each point on the standard curve by accurately adding 0.02-milliliter-increments of the appropriate standard stock solution to each disc, using a suitable pipette. Dry discs in circulating air or under vacuum. Discs may be stored for 2 weeks in a desiccator under refrigeration. Depending on the antibiotic contained in the sample to be tested, prepare the stock solutions for the standard discs by dissolving an accurately weighed quantity of the working standard in the solvent indicated to obtain stock solutions that will contain the following concentrations required for the standard discs:

(1) If it is penicillin: Use distilled water and prepare standard solutions which contain 1.3, 2.4, 4.4, 8.1, and 15.0 units per 0.02-milliliter.

(2) If it is streptomycin or dihydrostreptomycin: Use distilled water and prepare standard solutions which contain 1.3, 2.4, 4.4, 8.1, and 15.0 µg per 0.02-milliliter.

(3) If it is chloramphenicol: Use one part methanol to one part distilled water and prepare standard solutions which contain 3.3, 6.3, 12.2, 23.4, and 45.0 µg per 0.02 milliliter.

(4) If it is chlortetracycline or tetracycline: Use methanol and prepare standard solutions which contain 3.3, 6.3, 12.2, 23.4, and 45.0 µg per 0.02-milliliter.

(5) If it is bacitracin: Use distilled water and prepare standard solutions which contain 1.3, 2.4, 4.4, 8.1, and 15.0 units per 0.02-milliliter.

(e) *Assay.* On each of three plates prepared as directed in paragraph (c) of this section, place the five control discs for the standard curve and two discs from each batch to be tested. The control discs for the standard curve and the sample discs are placed on the plates in a random arrangement, with no discs being closer than 24 millimeters (on centers) to any other disc. Discs are placed on the plates with the aid of forceps within as short a period of time as possible (not to exceed 3 minutes per plate) and tapped gently to ensure an even seal. Incubate the plates overnight at 32° C.-35° C. After incubation, measure the diameter of each circle of inhibition, using calipers or a measuring device of comparable accuracy. Average the three zone sizes for each of the five standard-curve concentrations and plot the mean sizes on the arithmetic scale of semilogarithmic graph paper with the antibiotic concentrations on the logarithmic scale. Use the following equation to calculate the best straight line.

$$L = \frac{3a + 2b + c - e}{5}$$

$$H = \frac{3e + 2d + c - a}{5}$$

where

L = the calculated zone size of the low concentration;

H = the calculated zone size of the high concentration;

a, b, c, d, e = the observed average zone sizes for each respective concentration, a being that for the lowest concentration.

Plot the values obtained for L and H and connect these two points with a straight line. Average the six sample zone sizes and read the corresponding antibiotic concentration of this mean from the standard curve. This is the average potency of the sample disc.

(f) The potency is satisfactory if the result obtained is not less than 67 percent and not more than 150 percent of that represented. The batch has a uniform potency if on the first or second test of six discs each, the diameter of the largest zone of inhibition is not more than 2.5 millimeters larger than the smallest zone, or if the number of zones that fall outside this range in three or more consecutive tests is not more than 10 percent of the total number of discs tested.

§ 147.2 Antibiotic sensitivity discs; certification procedure.

(a) *Standards of identity, strength, quality, and purity.* Antibiotic sensitivity discs are discs of paper or compressed tablets impregnated or tableted with penicillin, streptomycin, dihydrostreptomycin, chlortetracycline, tetracycline, chloramphenicol, or bacitracin. If they are tablets they may contain suitable lubricants, binders, and diluents, none of which shall affect the antibacterial spectrums of the antibiotics. Each disc shall have a uniform potency that is equivalent to that contained in a standard disc prepared with one of the following quantities of antibiotic compounds:

(1) Bacitracin: Not less than two units or not more than 10 units.

(2) Chloramphenicol: Not less than 5 µg or not more than 30 µg.

(3) Chlortetracycline: Not less than 5 µg or not more than 30 µg.

(4) Dihydrostreptomycin: Not less than 2 µg or not more than 10 µg.

(5) Penicillin: Not less than two units or not more than 10 units.

(6) Streptomycin: Not less than 2 µg or not more than 10 µg.

(7) Tetracycline: Not less than 5 µg or not more than 30 µg.

The standard discs used to determine the potency shall be prepared from clear white paper that weighs approximately 30 milligrams per square centimeter and absorbs approximately three times its weight of distilled water, and each shall have a diameter of 1/4-inch. Each antibiotic compound used to impregnate such standard discs shall be equilibrated in terms of the working standard designated by the Commissioner for use in determining the potency or purity of such antibiotic.

(b) *Packaging.* The immediate container shall be a tight container as defined by the U.S.P., and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. Each immediate container may contain a desiccant, and each may be packaged in combination with containers of suitable discs of drugs other than those described in paragraph (a) of this section. Such other discs shall be suitable only if the manufacturer and packer have submitted to the Commissioner information of the kind described in § 146.7 of this chapter and such information has been accepted by the Commissioner. If a packaged combination contains discs of more than one potency of any one of the antibiotics included in paragraph (a) of this section, the potencies shall be only the lowest and highest concentrations prescribed for that antibiotic by that paragraph.

(c) *Labeling.* Each package of discs shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The potency of each disc in the batch.

(iii) The statement "Expiration date -----," the blank being filled in with one of the following appropriate dates after the month during which the batch was certified:

(a) For penicillin: 6 months.

(b) For bacitracin: 12 months.

(c) For streptomycin, dihydrostreptomycin, chlortetracycline, tetracycline, and chloramphenicol: 24 months.

If it is a packaged combination of discs of two or more drugs, its outside wrapper shall bear only one expiration date, and that date shall be the date that is required for the shortest dated discs contained in the package.

(iv) The statement "For use in laboratory diagnosis only."

(2) On the circular or other labeling within or attached to the package, adequate directions for the use of such discs.

(d) *Request for certification; samples.*
(1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of antibiotic sensitivity discs shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark, and, unless it was previously submitted, the date on which the latest assay of the antibiotic used in making such batch was completed, the potency of each disc, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor by this section.

(2) Such person shall submit in connection with his request results of the tests and assays made by him on an accurately representative sample of the batch for potency.

(3) Such person shall submit in connection with his request an accurately representative sample of the batch consisting of one disc for each 5,000 discs in the batch, but in no case less than 36 discs collected by taking single discs at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this section shall be:

(1) \$0.50 for each disc in the sample submitted in accordance with paragraph (d) (3) of this section.

(2) If the Commissioner considers that investigations other than the examination of such discs and packages are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8(d) of this chapter.

Dated: April 4, 1960.

[SEAL] JOHN L. HARVEY,
*Deputy Commissioner
of Food and Drugs.*

[F.R. Doc. 60-3261; Filed, Apr. 8, 1960;
8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-LA-14]

FEDERAL AIRWAYS AND CONTROL AREAS

Supplemental Notice of Proposed Rule Making; Modification

In a notice of proposed rule making published in the FEDERAL REGISTER as

Airspace Docket No. 59-LA-14, on January 21, 1960 (25 F.R. 516), it was stated that the Federal Aviation Agency proposed to revoke VOR Federal airway No. 247 between Scottsbluff, Nebr., and Crazy Woman, Wyo. It has been determined that the segment of this route between Douglas, Wyo., and Crazy Woman, Wyo., is required for air traffic management purposes in routing north/south traffic around the Casper, Wyo., terminal area. Accordingly, the original Notice is hereby amended to propose revocation of only that segment of Victor 247 and its associated control areas between Scottsbluff and Douglas.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material will be extended to May 1, 1960.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), I hereby give notice that the time within which comments will be received for consideration on Airspace Docket No. 59-LA-14 is extended to May 1, 1960. Communications should be submitted in triplicate to the Chief, Air Traffic Management, Field Division, Federal Aviation Agency, Los Angeles, California, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C.

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 April 4, 1960.

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

[F.R. Doc. 60-3247; Filed, Apr. 8, 1960;
8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-WA-294]

FEDERAL AIRWAYS AND CONTROL AREAS

Modification of Federal Airways 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 §§ 600.6013, 600.6074 and 601.6074 of the Regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 13 presently extends, in part, from Shreveport, La., to Texarkana, Ark., and from Fort Smith, Ark., to Fayetteville, Ark. VOR Federal airway No. 74 presently extends, in part, from Fort Smith to Little Rock, Ark. The Federal Aviation Agency is considering extending Victor 13 from the Texarkana VOR to the Fort Smith VOR via the Page, Okla., VOR and designating a standard west alternate between Page VOR and Fort Smith VOR. This would provide an airway between Texarkana and Fort Smith for VOR equipped aircraft and provide continuity of Victor 13 from Houston, Tex., to Duluth, Minn.

Victor 13 west alternate between Page VOR and Fort Smith VOR would provide an alternate airway for separating climbing and descending aircraft from aircraft operating on the main airway. In addition, it is proposed to realign VOR Federal airway No. 74 from the Fort Smith VOR direct to the Little Rock VOR and designate a standard north alternate between these points. These modifications to Victor 74 would provide a direct airway between Fort Smith and Little Rock and an alternate airway for separating climbing and descending aircraft from aircraft operating on the main airway. The control areas associated with Victor 13 are so designated that they would automatically conform to the modified airway. Accordingly, no amendment to such control areas would be necessary. The description of the control areas associated with Victor 74 presently designate only one north alternate. This section would be amended to provide for the designation of more than one north alternate.

If these actions are taken, VOR Federal airway No. 13 would be designated in part from Texarkana, Ark., via Page, Okla., to Fort Smith, Ark., including a west alternate from Page to Fort Smith. VOR Federal airway No. 74 would be designated in part from Fort Smith, Ark., direct to Little Rock, Ark., including a north alternate.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

This amendment is proposed under 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 April 4, 1960.

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

[F.R. Doc. 60-3248; Filed, Apr. 8, 1960;
8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-WA-87]

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 has under consideration a proposal, by the Canadian Department of Transport, to designate a VOR airway from the Victoria, British Columbia, L/MF radio range direct to the Vancouver, British Columbia, VOR, recently commissioned at latitude 49°04'39" N., longitude 123°08'52" W. A portion of the airway would lie within the United States.

If this action is taken, VOR Federal airway No. 307 and associated control areas would be designated from the Victoria, British Columbia, L/MF radio range direct to the Vancouver, British Columbia, VOR, excluding that portion outside the United States.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

This amendment is proposed under 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 April 4, 1960.

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

[F.R. Doc. 60-3249; Filed, Apr. 8, 1960;
8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-LA-20]

CONTROL AREAS AND CONTROL ZONES**Revocation of Control Zone and 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 Akron, Colo., control zone is designated within a 3-mile radius of the Federal Aviation Agency intermediate field and within 2 miles either side of the north and south courses of Akron radio range extending 10 miles north of the radio range station.

The Akron, Colo., control area extension is designated within 5 miles either side of the 167° True radial of the Akron VOR extending from the VOR to a point 25 miles south. The Federal Aviation Agency has under consideration revocation of both the Akron control zones and control area since they are no longer required for the control of air traffic. The Akron intermediate landing field has been deactivated and replaced by the new Akron-Washington County airport. The instrument approach procedures to the intermediate field have been cancelled. No instrument operations are planned at the new airport.

If these actions are taken, the Akron, Colo., control zone (§ 601.2041) and control area extension (§ 601.1023) 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, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or

arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

This amendment is proposed under 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 April 4, 1960.

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

[F.R. Doc. 60-3250; Filed, Apr. 8, 1960;
8:46 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 60-WA-81]

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, in part, from Miami, Fla., to Spartanburg, S.C. The Federal Aviation Agency has under consideration the revocation of the Miami to Spartanburg segment of Jet Route 49-V. This segment is an unnecessary duplication of route structure as the route between Miami and Spartanburg is adequately served by VOR/VORTAC jet route No. 85. Revocation of this segment of Jet Route 49-V would simplify the jet route structure. Therefore, it appears that retention of this jet route segment is unjustified and that revocation thereof would be in the public interest.

If this action is taken, the segment of VOR/VORTAC jet route No. 49 from Miami, Fla., to Spartanburg, S.C., 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, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action

PROPOSED RULE MAKING

is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with

this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

This amendment is proposed under 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 April 4, 1960.

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

[F.R. Doc. 60-3252; Filed, Apr. 8, 1960;
8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 60-24]

NEW JERSEY AND DELAWARE SEACOAST—DELAWARE BAY APPROACH

Proposed Changes in Aids to Navigation

The Coast Guard periodically evaluates the usefulness to the Mariner of each major unit of the United States Aids to Navigation System to determine whether the conditions for which the aid was established have changed. When it is found that such conditions have changed, the feasibility of improving, re-locating, or replacing the aid is considered. These periodic evaluations, and the changes resulting therefrom, are part of a continuing program to improve the service rendered to the Mariner in accordance with sections 81 to 93, inclusive, of Title 14, U.S. Code, and the implementing regulations in "Aids to Marine Navigation of the United States" (CG-193), and 33 CFR Parts 60-76, inclusive.

In this connection a Public Hearing will be held in Room 300, U.S. Custom House, Second and Chestnut Streets, Philadelphia 6, Pennsylvania on May 5, 1960, at 10:00 a.m., e.d.s.t., for the purpose of affording all interested parties and the public generally an opportunity to present their views with respect to certain proposed improvements hereinafter described. A similar announcement will appear in the Weekly Notice to Mariners, Part 1, Western Hemisphere, Number 16, on April 16, 1960.

Oral statements will be heard, but for accuracy of the record all important facts and statements should be submitted in writing to the Commandant (OAN), U.S. Coast Guard, Washington 25, D.C. to be received prior to the public hearing.

PROPOSED CHANGES IN AIDS TO NAVIGATION

The Coast Guard is proposing to make certain major improvements and rearrangements to the system of aids to navigation in the approaches to Delaware Bay as follows:

a. Provide a more adequate aid at the immediate entrance to Delaware Bay by modernizing "Harbor of Refuge" Light Station. This will include:

(1) Increasing the intensity of the light from 50,000 to 1,000,000 candlepower. A light of this brilliance will be visible at 14 miles 87 percent of the nights of the year in this particular area.

(2) The establishment of a Class "B" Radiobeacon (100 mile range) at either the light or on Cape Henlopen, Delaware.

(3) The installation of four new fog

horns, two of which will be directed toward the seaward approach and the other two up the main ship channel of the bay. Under most conditions these fog signals should be audible at a range of 4 miles.

b. Discontinue "Overfalls" Lightship which will no longer be necessary following the modernization of "Harbor of Refuge" Light Station.

c. Relocate "Five Fathom Bank" Lightship to a new position (38°27.2' North, 74°35.1' West), about 20.13 miles, 181°07' T, from its present location and change the name of the Lightship to "Delaware."

d. Establish between the new "Delaware" Lightship and the entrance to the bay, a line of large midchannel, lighted, radar reflector equipped, sound buoys. These buoys will serve to separate inbound and outbound traffic as well as to mark the approach to Delaware Bay from the Southeastward on a sailing line of 50 feet minimum depth.

e. In order to mark an approach from the eastward which will be safely south of Five Fathom Bank, McCrie and Overfalls Shoals, "Five Fathom Bank South Shoal Buoy 2Ts" will be changed to a large, lighted, radar reflector equipped, sound buoy and relocated slightly southward to a position due east of the present "South Shoal Lighted Bell Buoy 4." "McCrie Shoal Lighted Whistle Buoy" will be relocated southward to the same line.

CHART ILLUSTRATION

The proposed improvements to the aids to navigation at the Delaware Bay approaches are shown on a chartlet which will be furnished with copies of this notice to those persons who request them in accordance with the last paragraph hereof.

The accomplishment of the foregoing will result in the new "Delaware" Lightship being located only 36 miles from "Winter Quarter" Lightship. It is, therefore, further proposed to:

A. Replace "Winter Quarter" Lightship with a large, lighted, radar reflector equipped, sound buoy to be located 13 miles 043.5° True from the present lightship position to cover a 7½ fathom spot.

B. Increase the intensity of Assateague Light to the order of about 1,000,000 candlepower.

CONSIDERATIONS FOR CHANGES

Primary consideration in the evaluation of the adequacy of the aids in this area must be accorded the recent increase in very deep draft traffic. This plan will provide for the safe handling of supertankers and large bulk carriers as well as improving the system generally.

OBTAINING ADDITIONAL COPIES OF THIS NOTICE

Additional copies of this notice and a chartlet illustrating the improvements proposed at the approaches to Delaware

Bay will be forwarded to those persons who request same by letter, or will be delivered to those who request them personally at the Offices of the Commander, Third Coast Guard District, Aids to Navigation Section, Room 625, U.S. Custom House, New York City; the Commander, Fifth Coast Guard District, Aids to Navigation Section, Box 540, New Post Office Building, Norfolk 1, Virginia; or the Commandant (OAN), U.S. Coast Guard, 1300 E Street NW., Washington 25, D.C.

Dated: April 6, 1960.

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

[F.R. Doc. 60-3259; Filed, Apr. 8, 1960;
8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 10754]

EASTERN AIR LINES, INC., AND NATIONAL AIRLINES, INC.

Notice of Hearing

Eastern Air Lines, Inc. vs. National Airlines, Inc. Enforcement, Docket 10754.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, that a hearing in the above-entitled proceeding is assigned to be held on April 26, 1960, at 10:00 a.m., e.d.t., in Room 1028, Universal Building, Florida and Connecticut Avenues NW., Washington, D.C., before Examiner Curtis C. Henderson.

Dated at Washington, D.C., April 5, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-3269; Filed, Apr. 8, 1960;
8:49 a.m.]

[Docket 10039]

LAKE CENTRAL AIRLINES, INC.

Temporary Intermediate Points; Notice of Prehearing Conference

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, that a prehearing conference in the above-entitled proceeding is assigned to be held on April 27, 1960, at 10:00 a.m., e.d.t., in Room 911, Universal Building, Florida and Connecticut Avenues NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., April 5, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-3270; Filed, Apr. 8, 1960;
8:49 a.m.]

[Docket 10703]

**VANCE ROBERTS d/b/a NORTH-
WEST AIR SERVICE****Notice of Oral Argument**

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, that oral argument in the above-entitled proceeding is assigned to be held on April 20, 1960, at 10:00 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues, NW., Washington, D.C., before the Board.

Dated at Washington, D.C., April 6, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-3271; Filed, Apr. 8, 1960;
8:49 a.m.]

**HOUSING AND HOME
FINANCE AGENCY****Office of the Administrator
REGIONAL ADMINISTRATORS****Delegation of Authority With Respect
to Housing for Educational Institu-
tions**

Each Regional Administrator of the Housing and Home Finance Agency, in carrying out the program of loans for housing for educational institutions on behalf of the Housing and Home Finance Administrator through the Community Facilities Administration, is hereby authorized, under Title IV of the Housing Act of 1950, as amended (64 Stat. 77, as amended, 12 U.S.C. 1749-1749c):

1. To approve applications, authorize loans, and execute loan agreements, involving loans for student and/or faculty housing and/or dining facilities;

2. To amend or modify any such loan agreement;

3. To execute any loan agreement under the program in the amount approved by the Commodity Facilities Commissioner, and to amend or modify any such loan agreement;

4. To redelegate to the Regional Director of Community Facilities Activities the authority delegated herein except the authority to approve applications and authorize loans;

5. In the case of the Regional Administrator, Region VI (San Francisco), to redelegate to the Director for Northwest Operations, Region VI, at Seattle, Washington, any of the authority delegated herein.

This delegation supersedes the delegation effective November 7, 1959 (24 F.R. 9092, Nov. 7, 1959).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of the 9th day of April 1960.

[SEAL] NORMAN P. MASON,
*Housing and Home
Finance Administrator.*

[F.R. Doc. 60-3266; Filed, Apr. 8, 1960;
8:48 a.m.]

REGIONAL ADMINISTRATORS**Delegation of Authority With Respect
to Public Facility Loans**

Each Regional Administrator of the Housing and Home Finance Agency, in carrying out the public facility loans program on behalf of the Housing and Home Finance Administrator through the Community Facilities Administration, is hereby authorized, under section 202 of Public Law 345, 84th Congress, as amended (69 Stat. 643, as amended, 42 U.S.C. 1492):

1. To approve applications from, authorize loans to, and enter into contracts with, public agencies, involving loans for essential public works or facilities in amounts not exceeding \$250,000;

2. To amend or modify any such contract provided that such amendment or modification does not increase the Federal loan beyond \$275,000;

3. To enter into contracts with public agencies for loans for such public works or facilities in amounts approved by the Community Facilities Commissioner, and to amend or modify any such contract provided that such amendment or modification does not increase the amount of the Federal loan approved by the Commissioner by more than \$25,000 or 10 percent, whichever is the lesser;

4. To redelegate to the Regional Director of Community Facilities Activities the authority delegated herein except the authority to approve applications and authorize loans;

5. In the case of the Regional Administrator, Region VI (San Francisco), to redelegate to the Director for Northwest Operations, Region VI, at Seattle, Washington, any of the authority delegated herein.

This delegation supersedes the delegation effective June 4, 1958 (23 F.R. 3911, June 4, 1958).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of the 9th day of April 1960.

[SEAL] NORMAN P. MASON,
*Housing and Home
Finance Administrator.*

[F.R. Doc. 60-3267; Filed, Apr. 8, 1960;
8:48 a.m.]

REGIONAL ADMINISTRATORS**Delegation of Authority With Respect
to Public Works Planning**

Each Regional Administrator of the Housing and Home Finance Agency, in carrying out the program of advances for public works planning on behalf of the Housing and Home Finance Administrator through the Community Facilities Administration, is hereby authorized, under section 702 of the Housing Act of 1954 (68 Stat. 641), as amended by section 112 of the Housing Amendments of 1955 (69 Stat. 641), 40 U.S.C. 462:

1. To approve applications for planning projects and execute offers to public agencies for planning projects involving advances in amounts not exceeding

\$30,000 per project, and to amend or modify contracts resulting from the acceptance of such offers provided that such amendments or modifications do not increase the Federal advances for any project beyond \$30,000;

2. To execute offers to public agencies in amounts approved by the Community Facilities Commissioner for planning projects involving advances in excess of \$30,000, and to amend or modify contracts resulting from the acceptance of such offers, except that any amendment or modification involving a substantial increase in the scope of a project or an increase in the amount of the Federal advance shall not be executed without the prior approval of the Community Facilities Commissioner;

3. To approve the planning data submitted by public agencies in accordance with contracts resulting from acceptance of offers under subparagraphs 1 or 2 above;

4. To authorize payments under any contracts resulting from acceptance of offers under subparagraphs 1 or 2 above;

5. To redelegate to the Regional Director of Community Facilities Activities the authority delegated herein except the authority to approve applications for planning projects;

6. In the case of the Regional Administrator, Region VI (San Francisco), to redelegate to the Director for Northwest Operations, Region VI, at Seattle, Washington, any of the authority delegated herein.

This delegation supersedes the delegation effective June 4, 1958 (23 F.R. 3910, June 4, 1958).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of the 9th day of April 1960.

[SEAL] NORMAN P. MASON,
*Housing and Home
Finance Administrator.*

[F.R. Doc. 60-3268; Filed, Apr. 8, 1960;
8:48 a.m.]

**DEPARTMENT OF HEALTH, EDU-
CATION, AND WELFARE****Office of the Secretary****STATEMENT OF ORGANIZATION AND
DELEGATIONS OF AUTHORITY****Public Health Service**

Part 4 of the Statement of Organization and Delegations of Authority of the Department (22 F.R. 1049), as amended, is hereby further amended by revising subparagraph (9) to read as follows:

(9) The Act of June 21, 1950 (Pub. Law 569, 81st Congress), as amended by the Act of August 7, 1959 (Public Law 86-145) relating to the appointment of boards, from available medical officers or physicians under the Surgeon General's jurisdiction, to determine the mental competency of members of the uniformed services who are under medical care or treatment at Public Health Service facilities; and members of the Public

Health Service Commissioned Corps for whom the hospitalization or medical care is not provided by the United States.

Dated: April 4, 1960.

[SEAL] ARTHUR S. FLEMMING,
Secretary.

[F.R. Doc. 60-3264; Filed, Apr. 8, 1960;
8:48 a.m.]

STATEMENT OF ORGANIZATION AND DELEGATIONS OF AUTHORITY

Saint Elizabeths Hospital

Part 14 of the Statement of Organization and Delegations of Authority of the Department (22 F.R. 1052) is hereby amended by changing the heading of section 14.30 from "Delegation of Authority" to "Redelegation of Authority," and by adding after subsection 14.20 (a) a new subsection (b) as follows:

(b) The Superintendent of Saint Elizabeths Hospital shall exercise the functions vested in the Secretary by the Act of June 21, 1950 (Pub. Law 569, 81st Congress), as amended by the Act of August 7, 1959 (Pub. Law 86-145) relating to the appointment of boards of medical officers to determine the mental competency of members of the uniformed services being provided medical treatment at Saint Elizabeths Hospital.

Dated: April 4, 1960.

[SEAL] ARTHUR S. FLEMMING,
Secretary.

[F.R. Doc. 60-3265; Filed, Apr. 8, 1960;
8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. PP-4]

PUERTO RICO WATER RESOURCES AUTHORITY, POWER DEMONSTRATION REACTOR PROJECT

Amendment of Notice of Hearing on Construction of Nuclear Facility

A notice of hearing in this matter was issued on March 23, 1960 and published in the FEDERAL REGISTER on March 25, 1960 (25 F.R. 2564). Notice is hereby given that Item 3 of the issues specified in the aforesaid notice to be considered at the hearing is hereby amended to read as follows:

3. Whether General Nuclear Engineering Corporation is technically qualified to design the reactor and whether Maxon Construction Company is technically qualified to construct the reactor; and

Dated at Germantown, Md., this 7th day of April 1960.

For the Atomic Energy Commission.

R. L. KIRK,
*Deputy Director, Division of
Licensing and Regulation.*

[F.R. Doc. 60-3314; Filed, Apr. 8, 1960;
8:51 a.m.]

[Docket No. 50-153]

WESTINGHOUSE ELECTRIC CORP.

Notice of Proposed Issuance of Construction Permit and Facility License

Please take notice that the Atomic Energy Commission proposes to issue to Westinghouse Electric Corporation, a construction permit substantially as set forth below for a critical experiments facility to be known as the LRX Facility unless within fifteen (15) days after the filing of this notice with the Office of the Federal Register a request for a formal hearing is filed with the Commission as provided by the Commission's rules of practice (10 CFR Part 2). Such request should be addressed to the Office of the Secretary at the AEC's office in Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C. Notice is also hereby given that if the Commission issues the construction permit, the Commission may without further prior public notice convert the construction permit to a Class 104 license authorizing operation of the facility by Westinghouse Electric Corporation if it is found that construction of the facility has been completed in compliance with the terms and conditions contained in the construction permit and that the facility authorized has been constructed and will operate in conformity with the application and the provisions of the Atomic Energy Act of 1954, as amended, and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of such license would not be in accordance with the provisions of the Act. For further details see (1) the application submitted by Westinghouse Electric Corporation and amendments thereto, and (2) a hazards analysis prepared by the Hazards Evaluation Branch, Division of Licensing and Regulation, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 7th day of April 1960.

For the Atomic Energy Commission.

R. L. KIRK,
*Deputy Director, Division of
Licensing and Regulation.*

PROPOSED CONSTRUCTION PERMIT

1. By application dated December 22, 1959, and amendments thereto dated January 4, 1960, January 15, 1960, and February 11, 1960 (hereinafter collectively referred to as "the application") Westinghouse Electric Corporation requested a Class 104 license, defined in § 50.21 of Part 50, "Licensing of Production and Utilization Facilities", Title 10, Chapter 1, CFR, authorizing construction and operation on the Westinghouse Reactor Evaluation Center site near Waltz Mill, in

Westmoreland County, Pennsylvania, of a critical experiments facility (hereinafter referred to as "the facility") described as a LRX Facility.

2. The Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The facility will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter 1, CFR, Part 50, "Licensing of Production and Utilization Facilities".

B. The facility will be used in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act").

C. Westinghouse Electric Corporation is financially qualified to construct and operate the facility in accordance with the regulations contained in Title 10, Chapter 1, CFR, to assume financial responsibility for the payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time.

D. Westinghouse Electric Corporation is technically qualified to design, construct and operate the facility.

E. Westinghouse Electric Corporation has submitted sufficient information to provide reasonable assurance that the facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

F. The issuance of a construction permit to Westinghouse Electric Corporation will not be inimical to the common defense and security or to the health and safety of the public.

3. Pursuant to the Act and Title 10, Chapter 1, CFR, Part 50, "Licensing of Production and Utilization Facilities", the Commission hereby issues a construction permit to Westinghouse Electric Corporation to construct the facility in accordance with the application. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act and rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. The earliest completion date of the facility is April 15, 1960. The latest date for completion of the facility is June 15, 1960. The term "completion date" as used herein, means the date on which construction of the facility is completed except for the introduction of the fuel material.

B. The facility shall be constructed and located at the location near Waltz Mill, in Westmoreland County, Pennsylvania, specified in the application.

4. Upon completion (as defined in paragraph "3A" above) of the construction of the facility in accordance with the terms and conditions of this permit, and upon finding that the facility authorized has been constructed and will operate in conformity with the application and the provisions of the Act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the Act, the Commission will issue a Class 104 license to Westinghouse Electric Corporation pursuant to section 104c of the Act, which license shall expire two (2) years after the date of its issuance.

Date of issuance:

For the Atomic Energy Commission.

[F.R. Doc. 60-3315; Filed, Apr. 8, 1960;
8:51 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

ALCO AIR FREIGHT ET AL.

Notice of Show Cause Order to Certain Ocean Freight Forwarders; Proposed Cancellation of Registration

Notice is hereby given that at a session of the Federal Maritime Board held at its Office in Washington, D.C., the 4th day of April 1960, 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 city	Register No.	Date issued
Aleo Air Freight (Ft. Lauderdale, Fla.) (Harold C. Miner, d/b/a).	2320	June 12, 1958
Diamond Shipping Agency (Miami, Fla.) (Juan A. Abbadie, d/b/a).	2304	Apr. 18, 1958
Kazanow, Aaron (Chicago, Ill.).	2272	Mar. 3, 1958
Kennedy, Terrence J. (Haverstraw, N. Y.).	2232	June 12, 1958
Korvink, Arie (Helena, Ala.).	2321	June 12, 1958
M & T Co. (New London, Conn.) (Harry C. Tietjen, d/b/a).	2268	Feb. 28, 1958
Shiprite Freight Forwarders (Parlin, N.J.) (Donald M. Kearns, d/b/a).	2376	Oct. 6, 1958
Steede Trucking & Forwarding Co. (New York).	2244	Jan. 8, 1958
Chartrand, Adriaug R. (Charleston, S.C.).	1895	July 13, 1955
Jar Shipping Co. (New York)...	1576	Jan. 9, 1953
Lilco Forwarding (New York) (Lil Garcia de Cohon, d/b/a).	2333	June 30, 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: April 6, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-3272; Filed, Apr. 8, 1960; 8:49 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-XI-11]

BRANCH MANAGER, ALBUQUERQUE BRANCH OFFICE

Delegation Relating to Financial Assistance, Procurement and Technical Assistance, and Administrative Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 6), (25 F.R. 1706) there is hereby redelegated to the Branch Manager, Albuquerque Branch Office, Small Business Administration, the authority:

A. *Financial assistance*. 1. To approve but not decline the following types of loans:

a. Direct business loans in an amount not exceeding \$12,000.

b. Participation loans in an amount not exceeding \$20,000.

2. To approve or decline Limited Loan Participation loans.

3. To approve or decline disaster loans not in excess of \$20,000. Declination of disaster loan is extended only to an original application and not to reconsideration of such application.

4. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), Administrator.

By-----

(Name)

Manager,

Albuquerque, N. Mex., Branch Office.

5. To modify or amend Washington approved authorizations for business or disaster loans by the issuance of Certificates of Modification, and to modify or amend authorizations for loans approved under delegated authority in any manner consistent with the original authority to approve loans, provided, however, after disbursement, such authority shall not be exercised in excess of the authority granted in Paragraph 6 immediately following.

6. With respect only to direct business loans of \$20,000 or less and to participation loans and disaster loans of \$50,000 or less, to:

a. Extend to the maturity of a loan or to a date prior to the maturity, three monthly principal payments in any calendar year, and to execute the allonge.

b. Waive amounts due under net earnings clause.

c. Approve requests to exceed fixed assets limitations.

d. Approve payment of cash or stock dividends, payment of bonuses, increases in salaries, employment of new personnel, provided the Branch Manager considers the bonuses and/or salary to be paid reasonable and that consent will not be given to any such payment if the payment will impair the borrower's cash position and if the loan is not current in all respects at the time the payment is made.

e. Approve or reject substitutions of accounts receivable and inventories.

f. Release dividends on life insurance policies held as collateral for loans, approve the application of same against premiums due, and release or consent to the release of insurance funds covering loss or damage to property securing the loan and expired hazard insurance policies.

g. Release liens, and consent to the release of liens, in connection with the sale of real or personal property and the exchange of equipment held as collateral on loans if funds from sales are applied on indebtedness in inverse order of maturity.

h. Endorse insurance checks of \$1,000 or less, without recourse, and return them to bank or borrower.

1. Review and sign reports of field trips and act upon recommendations which are within Branch Manager's authority.

B. *Procurement and technical assistance*. To develop with government procurement and sales agencies, required local procedures for implementing established interagency policy agreements, including but not limited to steps such as determining joint set-asides and representation at procurement and property disposal centers.

C. *Administration*. 1. To administer oaths of office.

2. To approve (a) annual and sick leave, and (b) leave without pay not to exceed 30 days for employees under his supervision.

3. To (a) make emergency purchases chargeable to the administrative expense fund, not in excess of \$15 in any one object class in any one instance but not more than \$25 in any one month for total purchases in all object classes, (b) to contract for the repair and maintenance of equipment and furnishings in an amount not to exceed \$15 in any one instance.

4. To obtain motor vehicle services from the General Services Administration and to rent garage space for the storage of such vehicles, within the limitations of funds as budgeted by the Regional Office for use of the Branch Office for this purpose.

5. In connection with the establishment of Disaster Loan Offices, to (a) obligate SBA to reimburse General Services Administration for the rental of office space, (b) rent office equipment, and (c) procure (without dollar limitation) emergency supplies and materials.

D. *Correspondence.* To sign all non-policy making correspondence, including Congressional correspondence, relating to the functions of the Branch Office.

II. The specific authorities delegated in I.A. and the authority to sign Congressional correspondence may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated to the Branch Manager is hereby rescinded without prejudice to actions taken under all such Delegations of Authority prior to the date hereof.

Effective date: March 9, 1960.

HAROLD R. SMETHILLS,
Regional Director.

[F.R. Doc. 60-3254; Filed, Apr. 8, 1960;
8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 294]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 6, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62902. By order of March 31, 1960, the Transfer Board approved the transfer to Ringle Express, Inc., Fowler, Indiana, of a portion of Certificates in Nos. MC 110505 and MC 110505 Sub 38, and Certificates in Nos. MC 110505 Sub 27, MC 110505 Sub 28, MC 110505 Sub 29, MC 110505 Sub 30, MC 110505 Sub 32, MC 110505 Sub 36, MC 110505 Sub 40, MC 110505 Sub 41, MC 110505 Sub 42, MC 110505 Sub 43, MC 110505 Sub 44, MC 110505 Sub 45, MC 110505 Sub 46, MC 110505 Sub 47, and MC 110505 Sub 49, issued on July 10, 1952, June 20, 1958, March 24, 1958, March 13, 1959, August 18, 1958, September 15, 1958, May 12, 1958, March 13, 1959, February 5, 1959, November 5, 1959, August 20, 1959, January 19, 1959, February 27, 1959, February 23, 1960, June 18, 1959, July 24, 1959, and May 7, 1959, respectively, to Ringle Truck Lines, Inc., Fowler, Indiana, which authorizes the transportation of numerous specific commodities, from, to, and between, points in all forty-eight states and the District of Columbia, the substitution of transferee for transferor in Nos. MC

110505 Sub 48 and MC 110505 Sub 56. Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind.

No. MC-FC 62941. By order of March 31, 1960, the Transfer Board approved the transfer to William Engel, doing business as Engel's Trucking, Sharpsville, Pa., of Certificate No. MC 67021, issued April 25, 1950, to Emery W. Britton, Greenville, Pa., authorizing the transportation of: Wrecked, damaged or disabled automobiles or trucks, in truckaway service, from points in Trumbull, Mahoning, and Ashtabula Counties, Ohio, to Greenville, Pa., and points within five miles of Greenville, household goods, between points in Mercer, Crawford, Venango, and Butler Counties, Pa., on the one hand, and, on the other, points in New York and Ohio; and steel tanks and parts thereof, steel castings, machinery, machine parts, bridge materials, lumber, and household goods, between Greenville, Pa., on the one hand, and, on the other, points in that part of Ohio on and east of U.S. Highway 21 and those in that part of New York on and west of U.S. Highway 62. Martin E. Cusick, First Federal Building, Sharon, Pa., for applicants.

No. MC-FC 62946. By order of April 1, 1960, the transfer Board approved the transfer to Victor Elting, doing business as E. Trucking, Bogota, N.J., of the "grandfather" operating rights claimed to have been performed by Wilbur G. Elting, doing business as Dawn Transportation Co., Fairlawn, N.J., under Section 7 of the Transportation Act of 1958 (72 Stat. 574), for which a Certificate is sought in Docket No. MC 118086 for the transportation of Bananas, from points in Maryland, New Jersey, New York and South Carolina, to points in Connecticut, Illinois, Indiana, Iowa, Maine, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, and Wisconsin. Bert Collins, 140 Cedar Street, New York 6, N.Y., for applicants.

No. MC-FC 62957. By order of March 31, 1960, the transfer Board approved the transfer to Sherman Cartage Co., a Corporation, Chicago, Ill., of Certificate No. MC 66660, issued July 16, 1951, to Philip G. Sherman and Ella R. Sherman, doing business as Sherman Cartage Company, Chicago, Ill., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between points in Cook County, Ill. Themis N. Anastos, 343 South Dearborn Street, Chicago 4, Ill., for applicants.

No. MC-FC 62947. By order of April 1, 1960, the Transfer Board approved the transfer to Manuel Val, Jr., doing business as Val Motor Freight, Newark, New Jersey, of a portion of Certificate in No. MC 26985, issued to Instant Express Co., Inc., Newark, New Jersey, on June 3, 1958, authorizing the transportation of general commodities, except household goods, as defined by the Commission, commodities in bulk, and other specific commodities, between New York, N.Y., and points in Orange County, N.Y., on the one hand, and, on the other, points in Essex County, N.J. Bert Collins, 140

Cedar Street, New York 6, N.Y., for applicants.

No. MC-FC 63077. By order of April 1, 1960, the Transfer Board approved the transfer to L. S. Garner Truck Line, Inc., Houston, Texas, of Certificate No. MC 4078, issued September 14, 1949, to L. S. Garner, Houston, Texas, authorizing the transportation of: Machinery, materials, supplies, and equipment, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between points in that part of Texas east of a line beginning at the Texas-Oklahoma State Line and extending along U.S. Highway 271 to Paris, thence along Texas Highway 24 to Greenville, thence along U.S. Highway 67 to Dallas, thence along U.S. Highway 77 to Hillsboro, and thence along U.S. Highway 81 to Laredo, including points on the indicated portions of the highways specified. Hartford H. Prewett, 2101 Tennessee Building, Houston, Tex., for applicants.

No. MC-FC 63098. By order of March 31, 1960, the Transfer Board approved the transfer to Guardian Moving & Storage Co., of Pa., a Corporation, Philadelphia, Pennsylvania, of a Certificate in No. MC 66748, issued September 9, 1949, to Joseph W. McGuirk, doing business as Joseph E. McGuirk & Son, Philadelphia, Pennsylvania, authorizing the transportation of household goods, over irregular routes, between Philadelphia, Pa., and points within 25 miles of Philadelphia, on the one hand, and, on the other, points in Pennsylvania, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, Ohio, and the District of Columbia. Morris J. Winokur, Winokur & Kahn, Market Street National Bank Building, Juniper and Market Streets, Philadelphia 7, Pa., for applicants.

No. MC-FC 63102. By order of April 1, 1960, the Transfer Board approved the transfer to Anderson Suburban Delivery, Inc., Youngstown, Ohio, of Certificates Nos. MC 112869 and MC 112869 Sub 1, issued August 27, 1953 and July 28, 1954, in the name of Edwin John Anderson and Elmer Conrad Anderson, a partnership, doing business as Anderson's Suburban Delivery, Youngstown, Ohio, authorizing the transportation of such commodities as are dealt in by wholesale and retail merchandising establishments, in parcel delivery service, restricted to the transportation of parcels weighing not more than 75 pounds each, over irregular routes, from points in the Youngstown, Ohio, Commercial Zone, as defined by the Commission, to points in Pennsylvania within 50 miles of Youngstown, Ohio; and new furniture uncrated and household appliances, uncrated, in retail delivery service, from Youngstown, Ohio to points in Pennsylvania within 50 miles of Youngstown, Ohio. James M. Burtch, 44 East Broad Street, Columbus, Ohio for applicants.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 60-3251; Filed, Apr. 8, 1960;
8:46 a.m.]

CUMULATIVE CODIFICATION GUIDE—APRIL

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