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Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Cor- poration, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1960 C.C.C. Grain Price Support Bulletin 1,
Amdt. 1]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—General Provisions 1960- Crop Price Support Programs for Grains and Related Commodities

MISCELLANEOUS AMENDMENTS

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service (25 F.R. 2380) and containing regulations of a general nature with respect to price support programs for certain grains and other commodities produced in 1960 are amended as follows:

1. Section 421.5003 is amended to provide that recourse loans may be made to a person only after such person has received \$50,000 in nonrecourse loans on the commodity so that the amended section reads as follows:

§ 421.5003 Method of price support.

Nonrecourse price support will be made available through nonrecourse farm storage and nonrecourse warehouse storage loans and through purchase agreements. Recourse price support will be available only through recourse loans. Price support in excess of \$50,000 on the 1960 crop of any grain commodity, except dry edible beans, for which a person has not made the reduction in production required in the "Regulations Relating to the \$50,000 Limitation", shall be made only through recourse price support loans. Recourse loans may be made to a person only after such person has received \$50,000 in nonrecourse price support on the commodity.

§ 421.5008 [Amendment]

2. Section 421.5008 is amended to add a new paragraph (g) to read as follows:

(g) *Application for nonrecourse price support.* An Application for Nonrecourse Price Support—1960 Grain Commodities (Form CCC-114) shall be filed by (i) each producer approved for price support on a grain commodity (except dry edible beans) who has not been approved for an exemption from the limitation on nonrecourse price support for the commodity and who has an interest in the 1960 production of the commodity on more than one farm and (ii) by any other producer who may be requested by the county office.

3. Section 421.5012 is amended by deleting the last sentence thereof so that the amended section reads as follows:

§ 421.5012 Interest rate.

Loans shall bear interest from the date of disbursement of the loan at the rate announced in a separate notice published in the FEDERAL REGISTER.

4. Section 421.5019 (a) is amended by deleting the entire paragraph and substituting in place thereof the following:

§ 421.5019 Liquidation of loans and delivery under purchase agreements.

(a) *General.* (1) The total settlement value of any grain commodity, except dry edible beans, delivered under nonrecourse loans and purchase agreements, by a person who has not qualified for unlimited nonrecourse price support on such commodity, when added to the amount of nonrecourse price support on the commodity extended to such person which has been satisfied other than by deliveries, shall not exceed \$50,000. (The rules provided in the "Regulations Relating to the \$50,000 Limitation" shall be applied to determine whether certain individuals or legal entities are to be treated as one person or as separate persons for the purpose of applying this \$50,000 limitation.) Settlement shall be made on the basis provided in subparagraph 2 of this paragraph (except in the case of dry edible beans) if, in the absence of fraud,

(i) There is delivered under a farm-storage loan or purchase agreement a quantity of the commodity which, if accepted by CCC as a delivery under nonrecourse price support, would result in a person receiving nonrecourse price support on the commodity in excess of \$50,000, or

(ii) There is under pledge, in connection with a warehouse storage loan, a quantity of a commodity, which if the Corporation were to accept title thereto in settlement under nonrecourse price support, would result in a person receiving nonrecourse price support on the commodity in excess of \$50,000, or

(iii) The loan or purchase agreement has resulted in a person receiving nonrecourse price support on the commodity in excess of \$50,000 and in the case of subdivision (i), (ii) or (iii) of this subparagraph such person has not qualified for unlimited nonrecourse price support on the commodity. Such settlement shall be made basis point of delivery to CCC in case of a farm-storage loan or a purchase agreement, or basis point of storage while under pledge in the case of a warehouse storage loan.

(2) In such event, CCC shall: (i) Make available to the producer to whom the loan or purchase agreement has been made a quantity of the Commodity which has a settlement value equal to the excess above \$50,000; (ii) sell the quantity of excess commodity at market

price for the producer's account and settle with him on the basis of the net proceeds, or (iii) when it is not practicable to effect full settlement as provided in subdivisions (i) and (ii) of this subparagraph, the Corporation may accept the quantity of excess commodity at the market value, as determined by the Corporation, on the date of delivery (or on the maturity date in the case of warehouse storage loans), or the price support value, whichever is lower. The Corporation, however, shall not accept the delivery of any excess commodity from a producer, or accept a pledge of an excess commodity where it is practicable to determine at the time of delivery or pledge the quantity of the commodity which would cause nonrecourse price support extended to a person on the commodity to exceed \$50,000. In the absence of fraud, the producer shall refund to the Corporation, promptly upon demand, the total amount of any nonrecourse price support received by a person in excess of \$50,000 on the commodity as a result of a loan or purchase agreement to the producer, plus all costs incurred by the Corporation on the excess commodity, together with interest thereon, less the amount due the producer under this paragraph. The rate of interest payable by the producer on such amounts shall be 6 per centum per annum from the date of disbursement, except that if any of such amounts are repaid on or before the maturity date for nonrecourse warehouse storage loans on the commodity, the rate of interest thereon shall be 3½ per centum per annum from the date of disbursement. In the case of joint loans, the term "producer" as used in this subparagraph (2) shall refer to the producer whose share of the joint loan has resulted or would result in a person receiving nonrecourse price support in excess of \$50,000.

§ 521.5019 [Amendment]

5. Section 421.5019(b)(1) is amended by deleting the entire subparagraph and substituting in place thereof the following:

(b) *Nonrecourse farm-storage loans.*

(1) The producer is required to pay off his nonrecourse loan on or before maturity or to deliver the commodity in accordance with instructions issued by the county office; he may, however, pay off his loan and redeem his commodity at any time prior to the delivery of the commodity to CCC or removal of the commodity by CCC. If the producer desires to deliver the commodity, he should, prior to maturity, give the county office notice in writing of his intention to do so. If the producer does not repay his loan or deliver the commodity as provided above, CCC shall have the right to sell or acquire title to the commodity in accordance with the provisions of the Producer's Note and Supplemental Loan Agreement and

§ 421.5020(a). If, either before or after maturity, the commodity is going out of condition or is in danger of going out of condition, the producer shall so notify the county office, and confirm such notice in writing. If the county committee determines that the commodity is going out of condition or is in danger of going out of condition and that the commodity cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county committee shall arrange for an inspection and grade and quality determination. When delivery is completed, settlement shall be made on the basis of such grade and quality determination or on the basis of the grade and quality determination made at the time of delivery, whichever is higher. In the event the farm is sold, there is a change of tenancy, the producer dies or the commodity is threatened with damage by flood, the commodity may be delivered before the maturity date of the loan, upon prior approval by the county committee, or may be delivered before the maturity date of the loan for other reasons upon authorization of the Executive Vice President, CCC. Settlement will be made on the grade, quality and quantity delivered by the producer, as determined by the county committee, in accordance with the provisions of the Producer's Note and Supplemental Loan Agreement and applicable commodity supplement. Delivery of commodities in bulk will be accepted only from the bin(s) in which the commodity under loan is stored. The maximum quantity eligible for delivery in cases where a loan has been made on part of the commodity in the bin shall be the quantity on which the loan was made plus any normal overrun established by the State committee. In the case of commodities stored in bags, only the quantity contained in the bags included in the lot placed under loan may be delivered.

6. Section 421.5022 is amended to correct the address of the Minneapolis CSS Commodity Office so that amended section reads as follows:

§ 421.5022 CSS Commodity Offices.

The CSS Commodity offices and the area served by them are shown below:

Evanston, Illinois, 2201 Howard Street: Connecticut, Delaware, Illinois (except for rice), Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia.

Dallas 1, Texas, 500 South Ervay Street: Alabama, Arkansas, Florida, Georgia, Illinois (for rice only), Louisiana, Mississippi, Missouri (for rice only), New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas.

Kansas City 11, Missouri, 560 Westport Road: Colorado, Kansas, Missouri (except for rice), Nebraska, Wyoming.

Minneapolis, 10, Minnesota, 6400 France Avenue, So.: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

Portland 5, Oregon, 1218 Southwest Washington Street: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

(Sec. 4, 62 Stat. 1070, as amended; sec. 5, 62 Stat. 1072 secs. 101, 105, 301, 401, 405, 63 Stat. 1051, as amended, 73 Stat. 178; 15 U.S.C. 714 b and c; 7 U.S.C. 1441, 1447, 1421, 1425)

Issued at Washington, D.C., this 10th day of June 1960.

CLARENCE D. PALMBY,
*Acting Executive Vice President,
Commodity Credit Corporation.*

[F.R. Doc. 60-5465; Filed, June 14, 1960;
8:52 a.m.]

Title 7—AGRICULTURE

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

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

PART 56—GRADING AND INSPECTION OF SHELL EGGS AND UNITED STATES STANDARDS, GRADES, AND WEIGHT CLASSES FOR SHELL EGGS

Miscellaneous Amendments

Notice of the proposed issuance of amendments to the Regulations Governing the Grading and Inspection of Shell Eggs and United States Standards, Grades, and Weight Classes for Shell Eggs was published in the FEDERAL REGISTER of April 27, 1960 (25 F.R. 3652). The regulations hereinafter promulgated are issued pursuant to authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U.S.C. 1621 et seq.).

The amendments provide for billing for the relief grader rendering resident service, on the basis of salary of the grader regularly stationed at the plant. The relief grader's added salary cost will be recovered by increasing the charge for fringe benefits. The fringe benefit factor is also increased to cover the cost to the Government due to the enactment of the Federal Employees' Health Benefits Act of 1959. The amendments also provide that a grader may apply official identification stamps to shipping containers if they do not bear any statement that is false or misleading, and also include a listing of Fresh Fancy Quality Grade under the heading U.S. Consumer Grades and Weight Classes to conform with earlier amendments with respect to the Fresh Fancy Quality program. The amendments hereinafter set forth are essentially the same as were published in the aforesaid notice.

Good cause is hereby found for making the amendments effective July 1, 1960, for the reasons that: (1) Publication of a notice and public participation in rule-making procedure with respect to the foregoing amendments were given; (2) the costs of performing the service are increased due to the enactment of the Federal Employees' Health Benefits Act

of 1959; the costs of such benefits will commence as of July 1, 1960, and the Agricultural Marketing Act of 1946 requires that fees charged for performing the service shall, as nearly as may be, cover the costs thereof; and (3) additional time is not required to comply with these amendments.

The amendments hereinafter set forth are hereby promulgated to become effective July 1, 1960.

The amendments are as follows:

1. Change § 56.36 to read:

§ 56.36 Approval of official identification.

Any label or packaging material which bears any official identification shall be used only in such manner as the Administrator may prescribe. No label or packaging material bearing official identification may be used unless finished copies or samples of such labels and packaging material have been approved by the Administrator, except that a grader may apply official identification stamps to shipping containers if they do not bear any statement that is false or misleading. No label bearing the official identification shall be printed for use until the printer's final proof has been approved by the Administrator; and no label bearing any official identification shall be used until finished copies or samples of such label have been approved by the Administrator. A label which bears official identification shall not bear any statement that is false or misleading. If the label is printed or otherwise applied directly to the container, the principal display panels of such container shall for this purpose be considered as the label. The label shall contain the name and address of the packer or distributor of the product, the name of the product and a statement of the net contents of the container.

§ 56.37 [Amendment]

2. Change the last sentence of § 56.37 to read: "When eggs have been graded pursuant to this part and are packaged, the grade mark affixed to each such package shall have stamped thereon either the date of grading or an expiration date not to exceed 10 days from the date of grading, including the day of grading unless the grade mark is printed on the carton, in which case the date shall be legibly applied to the carton in a manner satisfactory to the Administrator."

§ 56.46 [Amendment]

3. Change § 56.46(c) to read:

(c) If an applicant requires that any grading service be performed on a holiday, Saturday, Sunday, or between the hours of 6:00 p.m. and 7:00 a.m. Monday through Friday, he shall be charged for such service at the rate of \$6.00 per hour.

§ 56.52 [Amendment]

4. Change § 56.52(a) to read:

(a) *Charges.* The charges for grading of shell eggs shall be paid by the applicant for the service and shall include such of the items listed in this section

as are applicable. Payment for the full cost of the grading service rendered to the applicant shall be made by the applicant to the Agricultural Marketing Service, United States Department of Agriculture (hereinafter referred to as "AMS"). Such full costs shall comprise such of the items listed in this section as are due and included, from time to time, in the bill or bills covering the period or periods during which the grading service was rendered. Bills will be rendered by the 10th day following the end of the month in which the service was rendered and are payable upon receipt. A charge will be made by AMS in the amount of one (1) percent per month, or fraction thereof, of any amounts remaining unpaid after 30 days from the date of billing.

(1) A charge of \$5.00 per hour plus actual costs to AMS for per diem and travel costs incurred in rendering service not specifically covered in this section; such as, but not limited to initial surveys;

(2) A charge of \$100 for the final survey and the inauguration of the grading service including the assignment of one grader;

(3) A charge equal to the salary cost paid to each grader assigned to the applicant's plant by AMS: *Provided*, no charge is to be made for salary cost of any assigned grader of the designated plant while temporarily reassigned by AMS to perform grading service for other than the applicant, except when the assigned grader is performing service for the Department of Defense on products accepted for delivery by the applicant to the Department of Defense, in which case the applicant will be given credit for the service rendered, based on a formula concurred in jointly by the Departments of Defense and Agriculture;

(4) A charge for the relief grader at the rate of the regular grader's salary and the actual travel expenses and per diem paid by AMS to any grader whose services are required for relief purposes when regular graders are on annual or sick leave;

(5) A charge for the actual cost to AMS of any travel or per diem incurred by each grader assigned to the plant while in the performance of grading service rendered the applicant;

(6) A charge to cover the actual cost to AMS of the travel (including the cost of movement of household goods and dependents) and per diem with respect to each grader or inspector who is transferred (other than for the convenience of AMS) from an official station to the designated plant;

(7) A charge equal to 20 percent of the base salary to cover an amount equal to the cost to AMS for the Employer's tax imposed under the United States Internal Revenue Code (26 U.S.C.) for Old Age and Survivor's Benefits under the Social Security System and for insurance as provided in the Federal Employees' Group Life Insurance Act of 1954, Federal Employees' Health Benefits Act of 1959, sick leave, annual leave, and related servicing costs;

(8) A charge equal to 7 percent of: (i) The overtime salary, (ii) the salary paid to each grader exclusive of one regular grader, and (iii) all charges made to the applicant for transportation and per diem which are paid by AMS to graders assigned to the applicant;

(9) An administrative service charge based upon the aggregate number of thirty dozen cases of shell eggs handled in the plant per month and computed in accordance with the following table:

COMPUTATION OF ADMINISTRATIVE SERVICE CHARGES

| | |
|---|---------|
| Where application is in effect and no product is handled..... | \$25.00 |
| 1 to 1,000 cases..... | 35.00 |
| For each additional 1,000 cases, or fraction thereof, in excess of 1,000 cases..... | 5.00 |

¹The maximum charge shall not exceed \$150.00.

§ 56.215 [Amendment]

5. In § 56.215, insert a new paragraph (e) to read:

(e) The percentage requirements for grades as set forth in §§ 56.216 and 56.217 are applicable except that interior quality factors shall be determined in accordance with the requirements of § 56.44 or § 56.44a when the lot is labelled "Produced and Marketed under Federal-State Quality Control Program."

§ 56.216 [Amendment]

6a. In § 56.216, redesignate paragraphs (a), (b), (c), (d), (e) and (f) as paragraphs (b), (c), (d), (e), (f) and (g).

b. In § 56.216, insert a new paragraph (a) to read:

(a) Fresh Fancy Quality shall consist of eggs meeting the requirements set forth in § 56.44.

c. In § 56.216, change the redesignated paragraphs (b) and (c) to read:

(b) "U.S. Consumer Grade AA" shall consist of eggs of which at least 80 percent are AA Quality. Within the maximum tolerance of 20 percent, which may be below AA Quality, not more than 5 percent may be of the qualities below A, in any combination, but not including Dirties and Leakers. This grade name is also applicable when the lot consists of eggs meeting the requirements set forth in § 56.44.

(c) "U.S. Consumer Grade A" shall consist of eggs of which at least 80 percent are A Quality or better. Within the maximum tolerance of 20 percent which may be below A Quality, not more than 5 percent may be of the qualities below B, in any combination but not including Dirties and Leakers. This grade name is also applicable when the lot consists of eggs meeting the requirements set forth in § 56.44a.

7. Change § 56.217 to read:

§ 56.217 Summary of grades.

The summary of U.S. Consumer Grades for Shell Eggs follows as Table I of this section:

TABLE I—SUMMARY OF U.S. CONSUMER GRADES FOR SHELL EGGS

| U.S. consumer grade | At least 80 percent (lot average) ¹ must be— | Tolerance permitted ² | |
|----------------------------------|---|--|--------------------------|
| | | Percent | Quality |
| Grade AA or Fresh Fancy Quality. | AA Quality. | 15 to 20..... Not over 5 ³ .. | A, B, C, or Check. |
| Grade A.... | A Quality or better. | 15 to 20..... Not over 5 ³ .. | B, C or Check. |
| Grade B.... | B Quality or better. | 10 to 20..... Not over 10 ² .. | C, Dirty or Check. |
| Grade C.... | C Quality or better. | Not over 20.. | Dirty or Check. |

¹ In lots of two or more cases, no individual case may fall below 70 percent of the specified quality and no individual case may contain more than double the tolerance specified for the respective grade (i.e., in lots of Grade A, not more than 10 percent of the qualities in individual cases within the sample may be C or Check, provided the average is not over 5 percent).

² Within tolerance permitted, an allowance will be made at receiving points or shipping destination for 1/2 percent leakers in Grades AA, A, and B and 1 percent in Grade C.

³ Substitution of higher qualities for the lower qualities specified is permitted.

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624; 19 F.R. 74 as amended)

Issued at Washington, D.C., this 10th day of June 1960.

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

[F.R. Doc. 60-5463; Filed, June 14, 1960; 8:52 a.m.]

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

[Lemon Reg. 849, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 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 amendment 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 amendment is based became available and the time when this amendment must

become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.956 (Lemon Regulation 849, 25 F.R. 4953) are hereby amended to read as follows:

(ii) District 2: 441,750 cartons.

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

Dated: June 9, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-5436; Filed, June 14, 1960; 8:48 a.m.]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

Findings and Determinations Relative to Expenses and Fixing of Rate of Assessment for 1960-61 Fiscal Year

Notice was published in the May 24, 1960, issue of the FEDERAL REGISTER (25 F.R. 4555) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the fiscal year (April 1, 1960, through March 31, 1961) under the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Avocado Administrative Committee (established pursuant to the said amended marketing agreement and order), it is hereby found and determined that:

§ 969.208 Expenses and rate of assessment for the 1960-61 fiscal year.

(a) Expenses: The expenses that are reasonable and likely to be incurred by the Avocado Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, for the maintenance and functioning of such committee, in accordance with the provisions thereof, during the said fiscal year beginning April 1, 1960, and ending March 31, 1961, will amount to \$6,900.00.

(b) Rate of assessment: The rate of assessment which each handler who first handles avocados shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said amended marketing agreement and order is hereby fixed at three cents (\$0.03) per bushel, or equivalent quantity of avocados handled by such handler during the 1960-61 fiscal year.

(c) Terms used in said amended marketing agreement and order shall, when

used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

The provisions hereof shall become effective 30 days after publication in the FEDERAL REGISTER.

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

Dated: June 10, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-5462; Filed, June 14, 1960; 8:52 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER-305]

PART 295—TRANSATLANTIC CHARTER TRIPS

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 9th day of June 1960.

This part contains the general requirements governing applications for, and operations under, individual exemption orders authorizing the performance of transatlantic passenger charter flights by United States air carriers other than carriers certificated to provide unlimited passenger service over designated routes.

Part 295 first became effective on June 26, 1959. Since then the Board has processed a substantial number of charter authorizations under this part and has recently had occasion to review a number of charter rules and public comment thereon in connection with its approval, subject to certain conditions, of IATA Charter Resolution 045, (Order E-15047, dated March 28, 1960).

In light of the above action, and consonant with its ultimate objective of promulgating, insofar as appropriate, uniform standards for charter operations by all carriers subject to its jurisdiction, the Board hereby reissues Part 295, amended as hereinafter described. The amendments are generally of a liberalizing or clarifying nature, will permit charter organization on a less restrictive basis and facilitate the administration of such operations.

The more significant amendments consist of permitting up to five percent of the passengers on round-trip charters to be carried one-way; permitting the participation of the immediate families of bona fide members of chartering organizations even if they are not accompanied on the flight by such members; increasing the permissible size of nationwide and statewide charter organizations from which participants may be drawn to 15,000 members; and permitting the carrier, with the consent of the charterer, to utilize any unused space for the transportation of the carrier's own personnel and property. Other provisions

of this part have been clarified to expressly permit participants to be given customary advertising and good-will items, and to better define permissible activities of travel agents, without substantive change in such provisions.

In addition to changes in the application form and information requirements incidental to the aforesaid relaxation of standards, this regulation also dispenses with the former requirement that carriers forward expense vouchers to the Board and provides instead that such vouchers be retained by the carriers for a period of two years. The pre-existing requirement that the charterer supply a prospective passenger list to the carrier is amended to provide that the charterer provide a certified copy of the list of such passengers to be forwarded also to the Board. Apart from the aforementioned changes, the substantive provisions of Part 295 remain the same. As before, the rule contains restrictions on the transatlantic charter business which guard against the entry into the field of indirect air carriers and which prevent solicitation for charter flights of the public or segments of the public. In addition, there are protective provisions guarding participants in charter trips from inequitable burdens and charges.

With regard to the prohibition against obtaining participants for a charter group by soliciting the general public, the rule prevents the forming of a group by (1) general advertising or (2) unlimited soliciting of charter participants from an organization easy to join, and of uncertain or large and scattered membership. The rule thus provides the general framework within which to judge the charterworthiness of the cases on their own facts. For example, in accordance with the provisions of § 295.30 of this part which the Board has adopted pursuant to announcement in its Order E-15047 (dated March 28, 1960), prospective charter participants solicited without limit from organizations or other entities with a total membership of more than (1) 20,000 in a local area (except colleges or universities) or (2) 15,000 located in a larger area would be considered as solicited from the general public which would preclude their charter trip. However, if the solicitation of charter participants should be limited to a group of selected delegates who are members of a large association with scattered membership, the size and geographic scope of the association would not appear to bar the charter.¹

Further, in the case of a corporation whose total employment and whose geographic area would apparently render it ineligible for approval, a valid charter might be solicited from the employees of two or more plants of such corporation, provided the total number of employees in such plants and the geographic area in which they work would be sufficiently

¹ Thus, if the organization is participating in a scientific convention abroad, the individuals selected to read papers at the convention may be organized into a charter group. Or if an international organization is to hold a meeting, delegates elected by various chapters might properly be organized into a charter group.

limited as to meet the tests applied by the Board in the case of a single organization. Also, the decision to limit the charter solicitation to the plants involved would necessarily have to be made prior to solicitation for the charter, and each such charter (if there were more than one) would have to be locally administered, independently of the others. It would be inappropriate to make a general solicitation of the employees of the entire corporation and subsequently limit the charter group in an attempt to conform with the criteria of the regulation.

In those cases, furthermore, where federations of groups are the organizations from which charter groups are sought to be derived, several issues under the solicitation criteria set forth herein would necessarily arise: for instance, whether the federation provides services directly to employees of several separate organizations in a given locality, or is merely a superstructure tying several individual associations together. Factors to be weighed would include the relationship of employees represented by such federation to the total population of the area covered by the federation, past history of joint activities sponsored by the federation, and whether the federation exists only nominally as a means of exchanging information, with participation limited to meetings of representatives of each member group and individual membership therein being merely a matter of record or form at the most.

To facilitate advising a prospective charterer of (1) charter prerequisites and (2) the opportunity to obtain advisory opinions on charterworthiness, it is provided that a copy of this regulation shall always be sent each prospect directly by the carrier concerned. The carrier, where known, will, of course, receive a copy of any advisory opinion requested by a charterer.

This regulation reflects the Board's policy of authorizing within the scope of its exemption power under section 416(b) additional transatlantic charter operations to the extent consistent with the development of, and sound economic conditions in, the regularly scheduled transatlantic operations. It has been the Board's experience that supplementation of the charter capacity of the regularly scheduled transatlantic carriers by other air carriers is necessary and desirable in the public interest. Over the years supplemental and cargo carriers have furnished much charter transportation but the identities of the carriers providing the bulk of such supplemental charter services have changed. The amount of charter business each such carrier may obtain in any given season depends on numerous competitive factors and is quite unpredictable. Many charter arrangements consist only of one round-trip flight for which arrangements must be perfected by the charterers within a limited period, usually between early spring and summer, an unusual circumstance not characteristic for air transportation in general. The certification process therefore is not suitable for authorizing these charter trips because it is too time-consuming to be instituted and completed within

the available period, and too expensive in relation to the limited extent of the operation to be authorized. These passenger charter trips of supplemental or cargo carriers may therefore be authorized by the Board in proper cases under its exemption power on the ground that enforcement of the certification requirement of section 401 would be an undue burden on the carriers by reason of both the limited extent of and unusual circumstances affecting their operations, and would not be in the public interest.

In order to facilitate the use of this regulation by charterers, the Board has decided to reissue the regulation with all amendments incorporated therein rather than to promulgate an amendment to the regulation as a separate document. In consideration of the facts that the more significant amendments herein constitute relaxations of heretofore existing restrictions and adaptations of the regulation to the provisions of an agreement (IATA Charter Resolution 045) to which the certificated air carriers rendering transatlantic scheduled passenger services are parties; that the amendments relate only to operations to be authorized in the future; that waivers of the provisions of the regulation may be granted where justified in the public interest and warranted by special or unusual circumstances; and that time is of the essence since the transatlantic charter season is at hand, the Board finds that notice and public procedure hereon would be impracticable and contrary to the public interest, and that there is good cause for making this regulation effective upon less than 30 days following publication.

This regulation shall apply to flights to be actually performed on or after the effective date of this part even though such flights be approved prior to such date. Attention is called to the provisions of §§ 295.17 and 295.35 respecting the filing of certified passenger lists which thus apply to such flights.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends the Economic Regulations (14 CFR Chapter II, Subchapter A), effective June 29, 1960, by substituting for Part 295 thereof an amended Part 295 to read as follows:

- Sec. 295.1 Applicability.
- 295.2 Definitions.
- 295.3 Waiver.
- 295.4 Separability.

Subpart A—Provisions Relating to Pro Rata Charters Requirements Relating to Air Carrier Applicants

- 295.11 Solicitation and formation of a chartering group.
- 295.12 Pre-trip notification.
- 295.13 Application for exemption authority.
- 295.14 Tariffs to be on file.
- 295.15 Terms of service.
- 295.16 Agent's commission.
- 295.17 Post flight reporting.
- 295.18 Prohibition against payments or gratuities.

REQUIREMENTS RELATING TO TRAVEL AGENTS

- 295.20 Limited activities.
- 295.21 Permissible solicitation, sale or ticketing of individual participants for land tours.

- Sec. 295.22 Agents who are members of the chartering organization.
- 295.23 Prohibition against double compensation.
- 295.24 Prohibition against incurring obligations.
- 295.25 Prohibition against payments or gratuities.

REQUIREMENTS RELATING TO THE CHARTERING ORGANIZATION

- 295.30 Solicitation of charter participants.
- 295.31 Passengers on charter flights.
- 295.32 Participation of immediate families in charter flights.
- 295.33 Charter costs.
- 295.34 Statements of charges.
- 295.35 Passenger manifests.

Subpart B—Provisions Relating to Single Entity Charters

- 295.40 Application.
- 295.41 Tariff to be on file.
- 295.42 Terms of service.
- 295.43 Commissions paid to travel agents.

Subpart C—Provisions Relating to Mixed Charters

- 295.50 Applicable rules.

Subpart D—Procedure for Advisory Opinion on the Eligibility of a Charterer

- 295.60 Advisory opinion.

AUTHORITY: §§ 295.1 to 295.60 issued under sec. 204(a), 72 Stat. 743, 49 U.S.C. 1324. Interpret or apply sec. 416(b), 72 Stat. 771, 49 U.S.C. 1386.

§ 295.1 Applicability.

This part establishes the requirements governing applications for, and operations under, individual exemption orders authorizing the performance of charter flights for transatlantic passengers by United States air carriers other than carriers certificated to provide unlimited passenger service over designated routes. Each application will be considered and passed upon by the Board in accordance with the statutory standards of section 416(b) of the Act. No such application shall be processed unless filed and submitted in compliance with the applicable provisions of this part or unless good cause is shown in the application for any divergence from such provisions. Operations under any such individual exemption authorizing the performance of any transatlantic passenger charter flight(s) shall be conducted in conformity with the pertinent requirements of this part unless otherwise specifically authorized by the Board. The provisions of this regulation shall not be construed as limiting any other authority to engage in air transportation issued by the Board.

§ 295.2 Definitions.

As used in this part, unless the context otherwise requires—

(a) "Charter flight" means transatlantic air transportation performed by a direct air carrier where the entire capacity of one or more aircraft has been engaged for the movement of persons and their baggage, on a time, mileage or trip basis:

(1) By a person for his own use (including a direct air carrier or surface carrier when such aircraft is engaged solely for the transportation of company personnel or commercial passenger traffic in cases of emergency); or

(2) By a representative (or representatives acting jointly) of a group for the

use of such group (provided no such representative is professionally engaged in the formation of groups for transportation or in the solicitation or sale of transportation services).

With the consent of the charterer, the direct air carrier may utilize any unused space for the transportation of the carrier's own personnel and property.

(b) "Pro rata charter" means a charter the cost of which is divided among the passengers transported.

(c) "Single entity charter" means a charter the cost of which is borne by the charterer and not by individual passengers, directly or indirectly.

(d) "Mixed charter" means a charter the cost of which is borne, or pursuant to contract may be borne, partly by the charter participants and partly by the charterer.

(e) "Person" means any individual, firm, association, partnership, or corporation.

(f) "Travel agent" means any person engaged in the formation of groups for transportation or in the solicitation or sale of transportation services.

(g) "Charter group" means that body of individuals who shall actually participate in the charter flight.

(h) "Charter organization" means that organization, group, or other entity from whose members (and their immediate families) a charter group is derived.

(i) "Immediate family" means only the following persons who are living in the household of a member of a charter organization, namely, the spouse, dependent children, and parents, of such member.

(j) "Bona fide members" means those members of a charter organization who have not joined the organization merely to participate in the charter as the result of a solicitation directed to the general public. Presumptively, persons are not bona fide members of a charter organization who are not members at the time an application for exemption authority is filed and will not actually have been members for a minimum period of six months prior to the starting flight date. Rebuttal to this presumption may be offered for the Board's consideration in connection with the charter application by the carrier involved.

(k) "Solicitation of the general public" means (1) a solicitation going beyond the bona fide members of an organization (and their immediate families), such as advertising directed to the general public by radio, television, newspaper, or magazine, or (2) the solicitation, without limitation, of the members of an organization so constituted as to ease of admission to membership, nature of membership, area of residence of members, and size of membership, as to be in substance more in the nature of a segment of the public than a private entity.

§ 295.3 Waiver.

A waiver of any of the provisions of this part may be granted by the Board upon its own initiative, or upon the submission by an air carrier of a written request therefor to be submitted in conjunction with its charter application or

subsequent thereto upon good cause shown for the delay, provided that such a waiver is in the public interest and it appears to the Board that special or unusual circumstances warrant a departure from the provisions set forth herein.

§ 295.4 Separability.

If any provision of this part or the application thereof to any air transportation, person, class of person, or circumstance is held invalid, neither the remainder of the part nor the application of such provision to other air transportation, persons, classes of persons, or circumstances shall be affected thereby.

Subpart A—Provisions Relating to Pro Rata Charters Requirements Relating to Air Carrier Applicants

§ 295.11 Solicitation and formation of a chartering group.

(a) A carrier shall not engage, directly or indirectly, in any solicitation of individuals (through personal contact, advertising, or otherwise) as distinguished from the solicitation of an organization for a charter trip.

(b) A carrier shall not employ, directly or indirectly, any person for the purpose of organizing and assembling members of any organization, club, or other entity into a group to make the charter flight.

§ 295.12 Pre-trip notification.

(a) When a charter flight date is tentatively reserved, the carrier or its agent shall inform the prospective charterer that the latter may obtain an advisory opinion from the Board's staff as to its eligibility for charter service in accordance with § 295.60.

(b) Upon a charter flight date being reserved by the carrier or its agent, the carrier shall provide the prospective charterer with a copy of this Part 295.¹

(c) In conjunction with its application for exemption authority, the carrier shall submit a copy of the executed charter contract to the Board. Such contract shall include a provision that the charterer, and any agent thereof, shall only act with regard to the charter in a manner consistent with this regulation and that the charterer shall within due time submit to the carrier such information as specified in §§ 295.34 and 295.35 hereof and submit to each charter participant the information identified in § 295.34.

§ 295.13 Application for exemption authority.

Every proceeding on an application filed by an air carrier for exemption authority (pursuant to section 416(b) of the Act) to conduct a charter flight shall be governed by Rules 400-409 of Part 302, of the Board's rules of practice subject, however, to the following additional or different provisions: The application for exemption authority shall be filed with the Board at least 60 days before the date of the first flight under the charter

contract. The application shall include an attachment which shall be in the form of, and which shall set forth the information prescribed by, the "Statement of Supporting Information"² annexed hereto and made a part of this part. Notwithstanding the provisions of Rule 403(b), a copy of the application need be served only on each direct air carrier certificated to provide unlimited passenger service to any point to which the charter is proposed to be flown.

§ 295.14 Tariffs to be on file.

At the time an exemption application is submitted the carrier shall have on file with the Board a tariff showing all its rates, fares, and charges for the use of the entire capacity of one or more aircraft in air transportation and all its rules, regulations, practices and services in connection with the transatlantic pro rata charter transportation which it offers to perform. Tariffs filed pursuant hereto shall expressly recite that the transportation may not be furnished unless the Civil Aeronautics Board specifically exempts the air carrier from the requirements of section 401 of the Federal Aviation Act of 1958.

§ 295.15 Terms of service.

(a) The total charter price and other terms of service set forth in the application shall conform to those set forth in the applicable tariff on file with the Board at the time the exemption application is filed and the contract must be for the entire capacity of one or more aircraft. Where a carrier's charter charge computed according to a mileage tariff includes a charge for ferry mileage, the carrier shall refund to the charterer any sum charged for ferry mileage, which is not in fact flown in the performance of the charter provided that the carrier shall not charge the charterer for ferry mileage flown in addition to that stated in the contract unless such mileage is flown for the convenience of and at the express direction of the charterer.

(b) The carrier shall require full payment of the total charter price or the posting of a satisfactory bond for full payment prior to the commencement of the air transportation.

(c) In the case of a round-trip charter, one-way passengers shall not be carried except that up to five percent of the charter group may be transported one way in each direction. This provision shall not be construed as permitting knowing participation in any plan whereby each leg of a round-trip is chartered separately in order to avoid the five percent limitation aforesaid. In the case of a charter contract calling for two or more round-trips, there shall be no intermingling of passengers and each plane-load group shall move as a unit in both directions unless special or unusual circumstances are shown in the application for exemption authority and the Board approves thereof.

§ 295.16 Agent's commission.

The carrier shall not pay its agent a commission or any other benefits, di-

¹ Copies of this regulation are available by purchase from the Superintendent of Documents, Washington 25, D.C. Single copies will be furnished without charge on written request to the Publications Section, Civil Aeronautics Board, Washington 25, D.C.

² Filed as part of original document.

rectly or indirectly, in excess of five percent of the total charter price as set forth in the carrier's charter tariff on file with the Board, or more than the commission related to charter flights paid to an agent by a carrier certificated to fly the same route, whichever is greater. Proof of the commission paid by such a carrier shall be submitted by the carrier applicant in conjunction with its application for exemption in the event such measure governs the commission which it will pay. The carrier shall not pay any commission whatsoever to an agent if the agent receives a commission from the charterer for the same service.

§ 295.17 Post flight reporting.

(a) Within 30 days after the completion of each one-way or round-trip flight, whichever is authorized, a manifest shall be filed by the carrier with the Board showing the names and addresses of the persons actually transported in accord with the carrier's records and the relationship of each such person to the charterer as reported to the carrier pursuant to § 295.35. In the case of a round-trip flight, the above information must be shown for each leg of the flight and any variations between the eastbound and westbound trips must be identified on the manifest. Any deviation from the Board's order of authorization with respect to any one-way or round-trip flight shall also be explained on this manifest. However, the making of such explanation shall not of itself operate as authority for or excuse of any deviation from the Board's order of authorization. The carrier shall also file within 30 days after flight the certified manifest which it must receive from the charterer (§ 295.35) before conducting any charter.

(b) Within 30 days after completion of each one-way or round-trip flight, whichever is authorized, a report completed by the charterer pursuant to § 295.34 shall be filed by the carrier with the Board showing the charge per passenger transported, and the charterer's total receipts and expenditures. This report shall be submitted in the form of and contain the above information as more fully specified by the "Transatlantic Charter—Post Flight Report,"² annexed hereto and made a part of this part.

(c) The carrier shall retain for two years, subject to inspection by properly authorized Board personnel, all vouchers submitted to it by the charterer with the "Transatlantic Charter Post Flight Report" in accordance with the provisions of §§ 295.33 and 295.34.

(d) The carrier shall promptly notify the Board regarding any flights authorized by the Board that are later canceled.

§ 295.18 Prohibition against payments or gratuities.

A carrier shall make no payments nor extend gratuities of any kind, directly or indirectly, to any member of a chartering organization in relation either to air transportation or land tours or otherwise. Nothing in this section shall restrict a carrier from offering to each member of the charter group such adver-

tising and good will items as are customarily extended to individually ticketed passengers (e.g., canvas traveling bag or a money exchange computer).

REQUIREMENTS RELATING TO TRAVEL AGENTS

§ 295.20 Limited activities.

A travel agent may not assist in the organization or assembly of a charter group, handle the sale of the air transportation to any individual members of a group, or otherwise engage in the administration of the charter flight (including signing the charter agreement for the charterer or collecting or disbursing pro rata shares of participants). The agent may arrange land tours for a charter group provided he deals with the group as a whole. He may deal with individual members of a group regarding land tours only under the circumstances indicated in § 295.21. While his services may be utilized to prepare brochures or other literature describing all aspects of the charter trip, the distribution of such material to individual participants must be confined to the hands of the charterer. Nothing in this section, however, shall prohibit the carrier from having a travel agent make distribution to the charter flight participants of boarding passes pursuant to Warsaw Convention practices.

§ 295.21 Permissible solicitation, sale or ticketing of individual participants for land tours.

A travel agent may deal with individuals for land tours (including ticketing and receipt of individual deposits for such tours) if such persons, on an individual basis after arranging for charter participation, initiate a contact with him to request of him land tour arrangements different from those which have been made available to the charter group as a whole through the organizer of the group. A travel agent (or person controlled by, controlling, or under common control with such travel agent) who does not assist in the engaging of aircraft for the charter³ and does not receive remuneration from the carrier in connection with the charter may, in addition, solicit (i.e., initiate the approach to) individual members of the charter group (i.e., persons who have already arranged for charter participation) for land tours, and with respect to such tours receive deposits and conduct ticketing of such individual members.

§ 295.22 Agents who are members of the chartering organization.

If a travel agent, or officer, director, or employee of such an agent, is a member of the chartering organization, such agent, or officer, director, or employee, may not receive, directly or indirectly, any commission or other compensation with respect either to the charter flight

³This would include assistance in any form which would place the carrier under even an implicit obligation to the agent for having procured the charter. However, it would not include mere discussion between agent and charterer about the several airlines which the charterer might wish to contact.

or the land tour. Subject to this prohibition, he may participate in those activities, and only those, permitted to other travel agents.

§ 295.23 Prohibition against double compensation.

A travel agent may not receive a commission from both the direct air carrier and the charterer for the same service, nor may he receive directly or indirectly any part of the administrative labor cost referred to in § 295.33(c).

§ 295.24 Prohibition against incurring obligations.

A travel agent shall not incur any obligation on behalf of a chartering organization relating to the expenses of solicitation or organization of the individual participants in the chartering organization, whether or not it is intended for the organization to assume ultimately the obligation incurred.

§ 295.25 Prohibition against payments or gratuities.

A travel agent shall make no payments nor extend gratuities of any kind, directly or indirectly, to any member of a chartering organization whether in relation to air transportation or otherwise. Nothing in this section shall restrict a travel agent from offering to each member of the charter group such advertising and good will items as are customarily extended to individually ticketed passengers (e.g., a canvas traveling bag or a money exchange computer).

REQUIREMENTS RELATING TO THE CHARTERING ORGANIZATION

§ 295.30 Solicitation of charter participants.

As the following terms are defined in § 295.2, members of the charter group may be solicited only from among the bona fide members of an organization, club or other entity, and their immediate families, and may not be brought together by means of a solicitation of the general public. Charter participants solicited without limit from organizations or other entities with a total membership of more than (1) 20,000 located in a local area (except colleges or universities), or (2) 15,000 located in a larger area, shall be considered as solicited from the general public.

§ 295.31 Passengers on charter flights.

Only bona fide members of the charterer, and their immediate families, may participate as passengers on a charter flight. Where the charterer is engaging round trip transportation, one-way passengers shall not participate in the charter flight except as provided in § 295.15(c). When more than one round trip is contracted for, intermingling between flights or reforming of plane-load groups shall not be permitted and each plane-load group must move as a unit in both directions except as provided in § 295.15(c).

§ 295.32 Participation of immediate families in charter flights.

The immediate family of any bona fide members of a charter organization

²Filed as part of original document.

may participate in a charter flight. The immediate family of such member shall be construed to include only the following persons who are living in his household, namely, the spouse, dependent children, and parents of such member.

§ 295.33 Charter costs.

(a) The cost of each charter flight shall be prorated equally among all charter passengers, except to the extent that the charter application may indicate a lesser charge for children under twelve years old. In the event there is any other unequal division of charges, the application for exemption must contain a statement justifying the unequal division and Board approval thereof must be obtained.

(b) The charterer shall not make charges to the charter participants which exceed the actual costs incurred in consummating the charter arrangements, nor include as a part of the assessment for the charter flight any charge for purposes of charitable donations. All charges related to the charter flight arrangements collected from the charter participants which exceed the actual costs thereof shall be refunded to the participants in the same ratio as the charges were collected.

(c) Reasonable administrative costs of organizing the charter may be divided among the charter participants. Such costs may include a reasonable charge for compensation to members of the charter organization for actual labor and personal expenses incurred by them. Such charge shall not exceed \$300 (or \$500 where the charter participants number more than 80) per round-trip flight. Neither the organizers of the charter, nor any member of the chartering organization, may receive any gratuities or compensation, direct or indirect, from the carrier, the travel agent, or any organization which provides any service to the chartering organization whether of an air transportation nature or otherwise. Nothing in this section shall prevent any member of the charter group from accepting such advertising and good will items as are customarily extended to individually-ticketed passengers (e.g., a canvas traveling bag or a money exchange computer).

(d) If the total expenditures, including among other items compensation to members of the chartering organization, referred to in paragraph (c) of this section, but exclusive of expenses for air transportation or land tours, exceed \$750 per round-trip flight, such expenditures shall be supported by properly authenticated vouchers to be given to the carrier with the "Post Flight Report" required pursuant to § 295.34.

§ 295.34 Statements of charges.

(a) Any announcements or statements by the charterer to prospective charter participants of the anticipated individual charge for the charter shall clearly identify the portion of the charges to be separately paid for the air transportation, for the land tour, and for the administrative expenses of the charterer.

(b) Within 15 days after completion of each one-way or round-trip flight, whichever is authorized, the charterer

shall complete and supply to each charter participant and the air carrier involved a detailed report showing the charge per passenger transported and the charterer's total receipts and expenditures. This report shall be submitted in the form of, and contain such information including the above as more fully specified by, the "Transatlantic Charter—Post Flight Report" annexed hereto and make a part of this part.

§ 295.35 Passenger manifests.

(a) Prior to each one-way or round-trip flight, whichever is authorized, a manifest shall be filed by the charterer with the air carrier showing the names and addresses of the persons to be transported and specifying the relationship of each such person to the charterer (by designating opposite his name one of the three relationship categories hereinafter described). The manifest may include "stand-by" participants (by name, address and relationship to charterer).

(b) The relationship of a prospective passenger shall be classified under one of the following categories and specified on the passenger manifest as follows:

(1) A bona fide member of the chartering organization at the time the application for charter authority was filed and will have been a bona fide member of the chartering organization for at least six months prior to the starting flight date. Specify on the passenger manifest as "(1) member."

(2) The spouse, dependent child or parent of a bona fide member who lives in such member's household. Specify on the passenger manifest as "(2) spouse" or "(2) dependent child" or "(2) parent." Also give name and address of member relative where such member is not a prospective passenger.

(3) A person whose proposed participation in the charter flight has been justified in a statement filed with the Board and not disapproved by the Board (including bona fide members of an entity which has been shown in the application to encompass only persons from a study group, from a college campus, or employed by a single government agency, industrial plant or mercantile company). Specify on the passenger manifest as "(3) special" or "(3) member" (where participants are from a study or campus group or from a government agency, industrial plant or mercantile company).

(c) In the case of a round-trip flight, the above information must be shown for each leg of the flight and any variations between the eastbound and westbound trips must be explained on the manifest.

(d) Attached to such manifest must be a certification, signed by a duly authorized representative of the charterer, reading "The attached list of persons includes every individual who may participate in the charter flight. Every person as identified on the attached list (1) was a bona fide member of the chartering organization at the time the application for charter authority was filed and will have been a bona fide member of the chartering organization for at

least six months prior to the starting flight date, or (2) is the spouse, dependent child or parent of a bona fide member and lives in such member's household, or (3) is a person whose proposed participation in the charter flight has been justified in a statement filed with the Board prior hereto and not disapproved by the Board. _____ (signature)"

Subpart B—Provisions Relating to Single Entity Charters

§ 295.40 Application.

An application by a direct air carrier to conduct a single entity charter shall be filed with the Board at least 30 days prior to commencement of the charter flight, unless good cause for a later filing is shown in the application. The application shall be submitted pursuant to § 302.3 of the Board's rules of practice in economic proceedings (Procedural Regulations, Part 302). The application, furthermore, shall incorporate an attachment in the form of, and which sets forth the information specified by, the Statement of Supporting Information² annexed hereto and made a part of this part.

§ 295.41 Tariff to be on file.

The direct air carrier shall have a currently effective tariff on file with the Board prior to flight which discloses all the rates, fares and charges for the use of the entire capacity of one or more aircraft in air transportation and all its rules, regulations, practices and services in connection with the transatlantic single entity charter transportation which it offers to perform.

§ 295.42 Terms of service.

The total charter price and other terms of service set forth in the application shall conform to those set forth in the applicable tariff filed in accordance herewith and the contract shall be for the entire capacity of one or more aircraft.

§ 295.43 Commissions paid to travel agents.

No direct air carrier shall pay a travel agent any commission in excess of five percent of the total charter price or more than the commission related to charter flights paid to an agent by a carrier certificated to fly the same route, whichever is greater. Proof of the commission paid by such a carrier shall be submitted by the carrier applicant in conjunction with its application for exemption in the event such measure governs the commission which it will pay.

Subpart C—Provisions Relating to Mixed Charters

§ 295.50 Applicable rules.

The rules set forth in Subpart A shall apply in the case of mixed charters.

Subpart D—Procedure for Advisory Opinion on the Eligibility of a Charterer

§ 295.60 Advisory opinion.

At any time prior to the filing of an application pursuant to this part, an air carrier or prospective charterer may request an advisory opinion from the Bu-

² Filed as part of original document.

reau of Air Operations, Civil Aeronautics Board, Washington 25, D.C., regarding the eligibility of the prospective charterer to obtain charter service in accordance with this regulation. The Bureau's opinion will be based on the representations submitted and shall not be binding upon the Board. Such representations should include as much of the information specified by Section B, Part II, of the Statement of Supporting Information² annexed to this part as is available to the person requesting the advisory opinion.

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] MABEL McCART,
Acting Secretary.

[F.R. Doc. 60-5460; Filed, June 14, 1960;
8:51 a.m.]

SUBCHAPTER E—POLICY STATEMENTS

[Reg. Policy Statement 11]

PART 399—STATEMENTS OF GENERAL POLICY

Processing of Applications of Foreign Air Carriers for Authorization To Conduct Off-Route Charter Trips

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 9th day of June 1960.

On August 12, 1958, the Board adopted Regulation Policy Statement No. 5 comprising a new § 399.30 of Subpart B of Part 399, Statements of Policy. Policy Statement 5 set forth the general standards to be used by the Board in processing applications filed by foreign air carriers pursuant to Part 212 of the Economic Regulations for a Statement of Authorization to conduct off-route charter trips.¹

Since 1958 the Board's experience has resulted in promulgation of Part 295 governing transatlantic passenger charter trips by United States carriers under special exemptions. More recently the Board approved the IATA Charter Reso-

lution 045 subject to certain conditions (Order E-15047, dated March 28, 1960). In essence, as compared to Policy Statement 5, these rules represent a clarification and modification of charter prerequisites facilitating administration of such operations.

In view of the above and of the Board's announced objective of ultimately achieving uniformity in respect of charter standards which should be applied to the operations of various carriers subject to its jurisdiction, the Board hereby issues a new Policy Statement for off-route charters by foreign air carriers.

This Statement incorporates by reference the applicable and appropriate provisions of Part 295 reissued concurrently herewith and amended to conform with the provisions applied by the Board in approving IATA Resolution 045 (Order E-15047).

Significant additions to the Board's policy in this area of foreign-flag off-route charters, apart from changes prompted by Order E-15047, include provisions with respect to permissible charges to charter participants, and opportunity for advisory opinions. In the Board's opinion, the policy of section 403(b) of the Act requires that participants in pro rata charters pay no more than their proper share of the tariff charter rate plus necessary expenses. Therefore, it is the Board's policy that passengers be protected from hidden profits to persons concerned with the charter, however unlikely this might be in the usual case. Again, inclusion of charitable donations as part of a charter charge is not permissible. Further, charter organization is not to be considered employment for profit and the ceiling for permissible compensation for charter administration (set forth in Part 295 in terms of dollars and applicable to this Policy sometimes in terms of the equivalent rate of foreign exchange) is intended to show that no more than recompense for administrative work is permissible. The recitation in this Policy of the availability of advisory opinions, as to the eligibility of a prospective charterer, has been included to expressly advise all parties who may be concerned of the Board's interest in seeing that charters are consummated in accordance with proper concepts and the expectation of participants.

In addition, there are changes incorporated herein, from reissued Part 295, to achieve appropriate conformity with the provisions set forth by the Board in Order E-15047. These include permitting the immediate family of a bona fide member of the chartering organization to go on the charter trip even though the member himself does not participate, permitting up to five percent of the passengers on round-trip charters to travel one-way without any requirement of a showing of special or unusual circumstances, permitting charter participants to be drawn from organizations with up to 15,000 members scattered through an area encompassing more than one locality, and expressly allowing participants to receive customary advertising

and good-will items from travel agents or carriers. Further this Policy also incorporates clarified provisions with respect to permissible activities of travel agents in respect of the solicitation, sale or ticketing of individual charter participants for land tours. All these provisions represent a relaxation or clarification of charter rules hitherto in force.

Since this rule constitutes a Statement of Policy, notice and public procedures hereon are unnecessary and the rule may be made effective on less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Subpart B of Part 399 of its Regulations (14 CFR Part 399), by repealing the provisions of § 399.30 thereof, identified as Policy Statement No. 5, and substituting therefor following Policy Statement No. 11, § 399.35, effective June 29, 1960:

§ 399.35 Processing of applications filed by Foreign Air Carriers pursuant to Part 212 of this chapter for a statement of authorization to conduct off-route charter trips.

(a) *General.* This policy prescribes the general standards which will be used by the Board in processing applications for Statements of Authority.² Since a determination of public interest requires consideration of all of the standards set forth in the Federal Aviation Act, as amended, this policy does not purport to cover every matter that may be taken into account by the Board in passing upon applications by foreign air carriers to conduct off-route charter trips. For similar reasons, the Board reserves the right to depart from the provisions of this policy when there is a showing of exceptional circumstances and the Board finds that strict adherence to the detailed standards of the policy in a particular situation would not be in the public interest. However, in the absence of such a showing any practice by a foreign air carrier, travel agent, or chartering group in conflict with the standards of this policy will constitute sufficient basis for denying an application for a Statement of Authorization. With respect to those standards applicable to chartering organizations and to travel agents, the foreign air carrier should reasonably assure itself before conducting any charter that such standards have been observed by the chartering organization and any travel agent involved (e.g., require suitable written information and assurance in connection with its own agreements with the charterer and any travel agent). If any practice in conflict with the standards of this policy of which the carrier is, or should be aware, is discovered after the particular charter flight has been per-

¹In an opinion and order issued concurrently with Policy Statement 5 the Board amended the foreign air carrier permits of certain designated foreign air carriers so as to authorize them to conduct off-route charter trips in foreign air transportation under regulations prescribed by the Board (Order E-12945, dated August 12, 1958). In the same decision the Board adopted Part 212 of the Economic Regulations (Regulation ER-236, dated August 12, 1958) governing the operation of off-route charter trips by the foreign air carriers whose permits were amended. The regulation provides that in order to conduct an off-route charter trip a foreign air carrier must file an application with the Board and must receive authority in the form of a Statement of Authorization granted by the Board. Before such a Statement of Authorization will be issued the Board must find that the proposed flight comes within the definition of "off-route charter trip" set forth in the regulation and that the operation of the trip will be in the public interest.

²Filed as part of original document.

³However, approval of an application for off-route charter authority in accordance with this Statement of Policy may not properly be construed as implying an exemption from any standard self-imposed by members of IATA under Charter Resolution 045, notwithstanding the Board's reserved right to waive any of the conditions imposed by it in approving IATA Charter Resolution 045 (see Order E-15047, dated March 28, 1960).

formed, the practice will justify denial of future applications by the same foreign air carrier. Further, in deciding whether an application is in the public interest under the standards set forth in Part 212 of this chapter the Board will assume that any flight previously authorized was actually operated unless apprised otherwise.

(b) *Provisions relating to foreign air carrier applicants, travel agents, and chartering organizations.* In supplementation of the provisions of Part 212 of this chapter, all of which are here controlling, the following provisions of Part 295 of this chapter, as reissued effective June 29, 1960 and as hereafter amended from time to time, shall apply to passenger charters in foreign air transportation.

(1) To such extent as the context will permit the following provisions of Part 295 of this chapter shall fully apply respecting foreign air carrier applicants, that is: §§ 295.2(b) to (k) (definitions), 295.3 (waiver), 295.11 (solicitation and formation of a chartering group), 295.15 (c) (one-way passengers and plane-load groups), 295.18 (prohibited gratuities or payments), 295.50 (provisions for mixed charters), and 295.60 (advisory opinions).

(2) To such extent as the context will permit the following provisions of Part 295 of this chapter shall fully apply respecting travel agents, that is: §§ 295.2 (b) to (k) (definitions), 295.20 (limited activities), 295.21 (permissible solicitation, sale or ticketing of individual participants for land tours), 295.22 (prohibited compensation to agents who are members of chartering organizations), 295.23 (prohibition against double compensation), 295.24 (prohibition against incurring obligations), 295.25 (prohibition against making payments or gratuities), and 295.50 (provisions for mixed charters).

(3) To such extent as the context will permit the following provisions of Part 295 of this chapter shall fully apply respecting chartering organizations, that is: §§ 295.2 (b) to (k) (definitions), 295.30 (solicitation of charter participants), 295.31 (passengers on charter flights), 295.32 (participation of immediate families of chartering organization members), 295.33 (a) to (c) (charter costs), 295.34(a) (statements of charges), 295.50 (provisions for mixed charters), and 295.60 (advisory opinions).

NOTE: Statements of General Policy, Policy Statements, Part 399, issued May 25, 1955 (Regulations Policy Statement No. 1), amended April 4, 1957, No. 2; January 7, 1958, No. 3; May 8, 1958, No. 4; November 5, 1958, No. 5; October 3, 1958, No. 6; December 3, 1958, No. 7; August 5, 1959, No. 8; October 29, 1959, No. 9; November 24, 1959, No. 10.

(Sec. 204(a), 72 Stat. 743, 49 U.S.C. 1324. Administrative Procedure Act, sec. 3, 60 Stat. 238, 5 U.S.C. 1002)

By the Civil Aeronautics Board.

[SEAL] MABEL McCART,
Acting Secretary.

[F.R. Doc. 60-5461; Filed, June 14, 1960; 8:52 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-AN-1]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification

On January 21, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 516) stating that the Federal Aviation Agency proposed to realign the south course of the Annette Island, Alaska, radio range, and to redesignate a segment of Blue Federal airway No. 79.

No adverse comments were received regarding the proposed amendments.

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, § 600.679 (24 F.R. 10503) is amended to read:

§ 600.679 Blue Federal airway No. 79 (Annette Island, Alaska to United States-Canadian Border).

From the United States-Canadian border to the Annette Island, Alaska, RR via a direct bearing from the Sandspit, British Columbia, RR to the Annette Island RR; Petersburg, Alaska, RR; Haines, Alaska, RBN; to the United States-Canadian Border via a direct bearing from Haines RBN to the Pon Lake, Yukon Territory, RBN.

This amendment shall become effective 0001 e.s.t. July 28, 1960.

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

Issued in Washington, D.C., on June 8, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-5408; Filed, June 14, 1960; 8:45 a.m.]

[Airspace Docket No. 59-WA-168]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification

On October 10, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 8270) which stated that the Federal Aviation Agency was considering an amendment to § 600.6014 of the regulations of the Administrator which would modify the segment of VOR Federal airway No. 14 between Albany, N.Y., and Gardner, Mass.

As stated in the notice, Victor 14 presently extends from Roswell, N. Mex., to Boston, Mass. The Federal Aviation Agency is modifying the segment of Victor 14 between Albany and Gardner by aligning this segment via the intersection of the Albany VORTAC 094° True

and the Gardner VORTAC 284° True radials to provide lateral separation between Victor 14 and a proposed jet aircraft en route penetration from the Albany VORTAC to the Westover AFB, Chicopee Falls, Mass.

Although not mentioned in the notice, the Federal Aviation Agency is also amending § 600.6002 by modifying the segment of VOR Federal airway No. 2 between Albany and Gardner via the Albany VORTAC 094° True and the Gardner VORTAC 284° True radials. This modification is necessary so that this segment of Victor 2, which presently coincides with Victor 14, will continue to overlie Victor 14 between Albany and Gardner and provide the same separation between Victor 2 and the proposed jet aircraft en route penetration to Westover AFB. The dog-legging of this segment of Victor 2 will move the center line approximately 3 miles north of a direct line between the Albany VORTAC and the Gardner VORTAC, but will involve no additional airspace.

No adverse comments were received regarding the proposed amendments.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, the following actions are taken:

1. In the text of § 600.6002 (24 F.R. 10503, 25 F.R. 4376) "Albany, N.Y., VOR, including a south alternate via the INT of the Syracuse VOR 117° and the Albany VOR 269° radials; Gardner, Mass., VOR," is deleted and "Albany, N.Y., VORTAC, including a S alternate via the INT of the Syracuse VORTAC 117° True and the Albany VORTAC 269° True radials; INT of the Albany VORTAC 094° True and the Gardner, Mass., VORTAC 284° True radials; Gardner VORTAC;" is substituted therefor.

2. In the text of § 600.6014 (24 F.R. 10506; 25 F.R. 3576), "Albany, N.Y., VOR; Gardner, Mass., VOR," is deleted and "Albany, N.Y., VORTAC; INT of the Albany VORTAC 094° True and the Gardner, Mass., VORTAC 284° True radials; Gardner VORTAC;" is substituted therefor.

This amendment shall become effective 0001 e.s.t. August 25, 1960.

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

Issued in Washington, D.C., on June 8, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-5402; Filed, June 14, 1960; 8:45 a.m.]

[Airspace Docket No. 59-WA-329]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Change of Effective Date

On February 2, 1960, there was published in the FEDERAL REGISTER (25 F.R.

857) an amendment to § 600.6088 of the regulations of the Administrator. This amendment, to be effective July 28, 1960, modified VOR Federal airway No. 88 between the Vichy, Mo., VOR and the Crystal City, Mo., intersection, concurrently with the commissioning of a VOR near Richwoods, Mo.

The commissioning date of the Richwoods VOR has been rescheduled. Therefore, it is necessary to postpone the effective date of the above-mentioned amendment until October 20, 1960.

Since this action does not impose a burden on the public, compliance with the notice, public procedure and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), effective immediately, Airspace Docket No. 59-WA-329 is hereby modified as follows: "effective 0001 e.s.t. July 28, 1960." is deleted and "effective 0001 e.s.t. October 20, 1960." is substituted therefor. (Secs. 307(a), and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 8, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-5416; Filed, June 14, 1960;
8:45 a.m.]

[Airspace Docket No. 60-KC-9]

**PART 600—DESIGNATION OF
FEDERAL AIRWAYS**

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

**Modification of Federal Airways and
Designated Reporting Points**

The purpose of these amendments to §§ 600.6004, 600.6063, 600.6175, 600.6210, 600.6614, 601.6063, 601.6175 and 601.7001 of the regulations of the Administrator is to change the name of the Columbia, Mo., VOR to the Hallsville, Mo., VOR. This action is being taken to eliminate confusion with the Columbia TVOR which is being installed on the Columbia Airport. Additionally, the captions of §§ 600.6063 and 601.6063 are being changed to more accurately reflect the terminals of the airway.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), §§ 600.6004 (24 F.R. 10504, 10142, 25 F.R. 2009, 2883), 600.6063 (24 F.R. 10512), 600.6175 (24 F.R. 10520), 600.6210 (24 F.R. 10522, 25 F.R. 172, 430), 600.6614

(24 F.R. 10529, 25 F.R. 635), 601.6063 (24 F.R. 10599), 601.6175 (24 F.R. 10602) and 601.7001 (24 F.R. 10606) are amended as follows:

§ 600.6004 [Amendment]

1. In the text of § 600.6004 *VOR Federal airway No. 4 (Seattle, Wash., to Herndon, Va.)*, "Columbia, Mo., omnirange station, including a north alternate from the Kansas City omnirange station to the Columbia omnirange station via the intersection of the Kansas City omnirange 076° and the Columbia omnirange 292° radials;" is deleted and "Hallsville, Mo., VOR, including a north alternate from the Kansas City VOR to the Hallsville VOR via the INT of the Kansas City VOR 076° True and the Hallsville VOR 292° True radials;" is substituted therefor.

§ 600.6063 [Amendment]

2. (a) In § 600.6063 *VOR Federal airway No. 63 (Waco, Tex., to Milwaukee, Wis.)*, the caption "(Waco, Tex., to Milwaukee, Wis.)" is deleted and "(Waco, Tex., to Sulphur Springs, Tex., and McAlester, Okla., to Milwaukee, Wis.)" is substituted therefor.

(b) In the text "Columbia, Mo., omnirange station;" is deleted and "Hallsville, Mo., VOR;" is substituted therefor.

§ 600.6175 [Amendment]

3. (a) In § 600.6175 *VOR Federal airway No. 175 (Vichy, Mo., to Columbia, Mo.)*, the caption "Columbia, Mo." is deleted and "Hallsville, Mo." is substituted therefor.

(b) In the text "the Columbia omnirange 209° True radials; to Columbia, Mo., omnirange stations." is deleted and "the Hallsville VOR 209° True radials; to the Hallsville, Mo., VOR." is substituted therefor.

§ 600.6210 [Amendment]

4. In the text of § 600.6210 *VOR Federal airway No. 210 (Los Angeles, Calif., to Imperial, Pa.)*, "Columbia, Mo., omnirange station, including a north alternate via the intersection of the Kansas City omnirange 076° and the Columbia omnirange 292° radials;" is deleted and "Hallsville, Mo., VOR, including a north alternate via the INT of the Kansas City VOR 076° True and the Hallsville VOR 292° True radials;" is substituted therefor.

§ 600.6614 [Amendment]

5. In the text of § 600.6614 *VOR Federal airway No. 1514 (Half Moon Bay, Calif., to New York, N.Y.)*, "Columbia, Mo., VOR;" is deleted and "Hallsville, Mo., VOR;" is substituted therefor.

6. Section 601.6063 is amended to read:

§ 601.6063 VOR Federal airway No. 63 control areas (Waco, Tex., to Sulphur Springs, Tex., and McAlester, Okla., to Milwaukee, Wis.).

All of VOR Federal airway No. 63.

7. Section 601.6175 is amended to read:

§ 601.6175 VOR Federal airway No. 175 control areas (Vichy, Mo., to Hallsville, Mo.).

All of VOR Federal airway No. 175.

§ 601.7001 [Amendment]

8. In the text of § 601.7001 *Domestic VOR reporting points*, "Columbia, Mo., omnirange station." is deleted and "Hallsville, Mo., VOR." is substituted therefor.

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

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

Issued in Washington, D.C., on June 8, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-5412; Filed, June 14, 1960;
8:45 a.m.]

[Airspace Docket No. 60-WA-37]

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

**Modification of Control Area
Extensions**

The purpose of these amendments to §§ 601.1064 and 601.1081 of the regulations of the Administrator is to modify the Chicopee Falls, Mass., and the Windsor Locks, Conn., control area extensions.

The Chicopee Falls control area extension is partially described on the south, and the Windsor Locks control area extension is partially described on the north, by the use of "a line extending from a point at latitude 42°08'50" N., longitude 72°28'00" W., to a point at latitude 42°04'30" N., longitude 72°11'30" W." This line, however, does not fully enclose the southern portion of the Chicopee Falls area or the northern portion of the Windsor Locks area. Therefore, "a line extending from a point at latitude 42°08'20" N., longitude 72°37'00" W., to a point at latitude 42°03'45" N., longitude 72°09'00" W." is being substituted for "a line extending from a point at latitude 42°08'50" N., longitude 72°28'00" W., to a point at latitude 42°04'30" N., longitude 72°11'30" W." in the descriptions of these two control area extensions. The airspace encompassed by this modification is essentially the same as that presently designated.

Since these amendments impose no additional burden on the public, compliance with the notice, public procedure and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) §§ 601.1064 (24 F.R. 10550) and 601.1081 (24 F.R. 10551) are amended as follows:

1. In the text of § 601.1064 *Control area extension (Chicopee Falls, Mass.)*, delete "on the south by a line extending from a point at latitude 42°08'50", longitude 72°28'00" to a point at latitude 42°04'30", longitude 72°11'30", and substitute

therefor "on the S by a line extending from a point at latitude 42°08'20" N., longitude 72°37'00" W., to a point at latitude 42°03'45" N., longitude 72°09'00" W.,".

2. In the text of § 601.1081 *Control area extension (Windsor Locks, Conn.)*, delete "That airspace bounded on the north by a line extending from a point at latitude 42°08'50", longitude 72°28'00" to a point at latitude 42°04'30", longitude 72°11'30", and substitute therefor "That airspace bounded on the N by a line extending from a point at latitude 42°08'20" N., longitude 72°37'00" W., to a point at latitude 42°03'45" N., longitude 72°09'00" W.,".

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

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

Issued in Washington, D.C., on June 8, 1960.

CHARLES W. CARMODY,
*Acting Director, Bureau of
Air Traffic Management.*

[F.R. Doc. 60-5406; Filed, June 14, 1960;
8:45 a.m.]

[Airspace Docket No. 60-WA-33]

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

Modification of Control Area Extension

The purpose of this amendment to § 601.1268 of the regulations of the Administrator is to modify the Sioux Falls, S. Dak., control area extension.

In Airspace Docket No. 59-WA-402 (24 F.R. 10440), the Sioux Falls control area extension was redescribed by the substitution of VOR Federal airway No. 148 for VOR Federal airway No. 80. The inadvertent omission of the phrase "northeast of Sioux Falls" in this redescription of the control area extension makes the designation incorrect since Victor 148 extends both southwest and northeast of Sioux Falls. Therefore, it is necessary to add the phrase "northeast of Sioux Falls" at the end of the text in § 601.1268 to more accurately describe the area.

Since this amendment is clarifying in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective on less than 30 days' notice.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), § 601.1268 (24 F.R. 10561, 10440) is amended to read:

§ 601.1268 *Control area extension (Sioux Falls, S. Dak.)*.

That airspace SE of Sioux Falls within a 15-mile radius of the Sioux Falls

VORTAC extending clockwise from the southern boundary of VOR Federal airway No. 148 to the eastern boundary of VOR Federal airway No. 15; that airspace within a 23-mile radius of the Sioux Falls VORTAC extending from the western boundary of VOR Federal airway No. 15, S of Sioux Falls thence clockwise to the northern boundary of VOR Federal airway No. 148 NE of Sioux Falls.

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

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

Issued in Washington, D.C., on June 8, 1960.

CHARLES W. CARMODY,
*Acting Director, Bureau of
Air Traffic Management.*

[F.R. Doc. 60-5405; Filed, June 14, 1960;
8:45 a.m.]

[Airspace Docket No. 59-WA-178]

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

Modification of Control Area Extension

On November 6, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 9062) stating that the Federal Aviation Agency was proposing to modify the Albany, N.Y., control area extension.

The geographical coordinates of the Windsor, Mass., VOR were incorrectly described in the preamble of the notice and are revised to read: Latitude 42°30'24" N., longitude 73°03'35" W. This change is minor in nature in that it represents a correction of only 24 seconds of latitude, and 35 seconds of longitude. Subsequent to publication of the Notice, the Department of the Air Force changed the name of the facility from the Windsor VOR to the Savoy VOR. These changes will not effect the assignment of airspace and will necessitate no change in the amendment as proposed in the notice.

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.

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

Section 601.1303 (24 F.R. 10563) is amended to read:

§ 601.1303 *Control area extension (Albany, N.Y.)*.

Within a 15-mile radius of the Albany VORTAC from the 134° True radial clockwise to the 094° True radial and

within a 40-mile radius of the VORTAC from the 094° True radial clockwise to the 134° True radial.

This amendment shall become effective 0001 e.s.t. August 25, 1960.

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

Issued in Washington, D.C., on June 8, 1960.

CHARLES W. CARMODY,
*Acting Director, Bureau of
Air Traffic Management.*

[F.R. Doc. 60-5403; Filed, June 14, 1960;
8:45 a.m.]

[Airspace Docket No. 60-KC-26]

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

Revocation of Control Area Extension and Control Zone

The purpose of these amendments to Part 601 of the regulations of the Administrator is to revoke the Malden, Mo., control area extension and control zone.

The Federal Aviation Agency has been advised by the Department of the Air Force that Malden Air Base, Malden, Mo., will be deactivated on or about June 30, 1960, and that the requirement for the control area extension and control zone will not exist except for the ferrying of aircraft and cargo flights which will be completed by September 1, 1960. Therefore, the retention of the control zone and control area extension will no longer be justified as an assignment of airspace and the revocation thereof is in the public interest. Such action is being taken herein.

Since these amendments eliminate a burden on the public, compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary. However, for the reasons stated above, this action will not be effective until September 1, 1960.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), Part 601 (24 F.R. 10530) is amended as follows:

Section 601.1329 *Control area extension (Malden, Mo.)* is revoked.

Section 601.2319 *Malden, Mo., control zone* is revoked.

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

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

Issued in Washington, D.C., on June 8, 1960.

CHARLES W. CARMODY,
*Acting Director, Bureau of
Air Traffic Management.*

[F.R. Doc. 60-5413; Filed, June 14, 1960;
8:45 a.m.]

[Airspace Docket No. 60-WA-58]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS**Modification of Control Area Extension**

The purpose of this amendment to § 601.1436 of the regulations of the Administrator is to modify the San Bernardino, Calif., control area extension.

The San Bernardino control area extension is designated with reference to VOR Federal airway No. 264 as the northwest boundary and Blue Federal airway No. 14 as the western boundary. Victor 264 has been realigned to the extent that it no longer forms a boundary of the control area extension. It is, therefore, necessary to delete Victor 264 from the control area extension description and substitute therefor VOR Federal airway No. 8. The alignment of Victor 8 in this area, is the same as the former alignment of Victor 264. Victor 8 will also be substituted for Blue Federal airway No. 14, as Blue 14 is under consideration for revocation. There will be no increase in the amount of controlled airspace.

Since this amendment imposes no additional burden on the public, compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), § 601.1436 (24 F.R. 10569) is amended to read:

§ 601.1436 Control area extension (San Bernardino, Calif.).

The airspace bounded on the NW by VOR Federal airway No. 8, on the NE by VOR Federal airway No. 137, and on the S by VOR Federal airway No. 16.

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

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

Issued in Washington, D.C., on June 8, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-5407; Filed, June 14, 1960;
8:45 a.m.]

[Airspace Docket No. 59-KC-78]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS**Modification of Control Zone**

On January 12, 1960, a notice of proposed rule making was published in the

FEDERAL REGISTER (25 F.R. 222) stating that the Federal Aviation Agency proposed to modify the Muskegon, Mich., control zone and control area extension.

The Aircraft Owners and Pilots Association concurred in the designation of the east extension to the Muskegon control zone, but objected to the existing control zone extension to the southeast. The Federal Aviation Agency has reviewed the existing extension to the southeast and has determined that it is required in order to provide protection for aircraft conducting instrument approaches.

Subsequent to publication of the notice, the Federal Aviation Agency determined that the Muskegon control area extension modification as proposed in the Notice was not required. Therefore, no modification is being made at this time to the control area extension.

No adverse comments were received regarding the proposed amendments.

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, § 601.2117 (24 F.R. 10577) is amended to read:

§ 601.2117 Muskegon, Mich., control zone.

Within a 5-mile radius of the geographical center of Muskegon County Airport (latitude 43°10'16" N., longitude 86°14'09" W.) and within 2 miles either side of the SE course of the Muskegon RR extending from the 5-mile radius zone to a point 12 miles SE of the RR and within 2 miles either side of the Muskegon VORTAC 270° True radial extending from the 5-mile radius zone to the Muskegon VORTAC.

This amendment shall become effective 0001 e.s.t. July 28, 1960.

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

Issued in Washington, D.C., on June 8, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-5414; Filed, June 14, 1960;
8:45 a.m.]

[Airspace Docket No. 60-NY-3]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS**Modification of Control Zone**

On March 12, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 2110) stating that the Federal Aviation Agency proposed to modify the New York, N.Y., control zone.

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, § 601.2206 (24 F.R. 10581) is amended to read:

§ 601.2206 New York, N.Y., control zone (La Guardia Field).

Within a 5-mile radius of the geographical center of La Guardia Field (latitude 40°46'29" N., longitude 73°52'20" W.) and within 2 miles either side of the New York (La Guardia Field) RR NE course extending from the 5-mile radius zone to the New Rochelle, N.Y., RBN.

This amendment shall become effective 0001 e.s.t. July 28, 1960.

(Secs. 307(a), 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 June 8, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-5409; Filed, June 14, 1960;
8:45 a.m.]

[Airspace Docket No. 59-WA-318]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS**Change of Effective Date**

On February 17, 1960, there were published in the FEDERAL REGISTER (25 F.R. 1400) amendments to §§ 601.2125 and 601.1244 of the regulations of the Administrator. These amendments, to be effective August 25, 1960, modified the Terre Haute, Ind., control zone and control area extension, concurrently with the commissioning of the Terre Haute VOR at a new location.

The commissioning date of the relocated Terre Haute VOR has been rescheduled. Therefore, it is necessary to postpone the effective date of the above-mentioned amendments until October 20, 1960.

Since this action does not impose a burden on the public, compliance with the notice, public procedure and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), effective immediately, Airspace Docket No. 59-WA-318 is hereby modified as follows: "effective 0001 e.s.t. August 25, 1960." is deleted and "effective 0001 e.s.t. October 20, 1960." is substituted therefor.

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

Issued in Washington, D.C., on June 8, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-5415; Filed, June 14, 1960;
8:45 a.m.]

[Airspace Docket No. 59-WA-126]

PART 602—ESTABLISHMENT OF CODED JET ROUTES AND NAVI- GATIONAL AIDS IN THE CON- TINENTAL CONTROL AREA

Modification of Coded Jet Routes

On January 7, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 123) stating that the Federal Aviation Agency was considering an amendment to §§ 602.506, 602.509 and 602.528 of the regulations of the Administrator which would modify VOR/VORTAC jet routes Nos. 6, 9 and 28.

As stated in the Notice, VOR/VORTAC jet route No. 6 extends, in part, from Palmdale, Calif., to Prescott, Ariz.; VOR/VORTAC jet route No. 9 extends, in part, from Los Angeles, Calif., to Las Vegas, Nev.; and VOR/VORTAC jet route No. 28 extends, in part, from Daggett, Calif., to Peach Springs, Ariz. These routes are presently aligned via the Daggett, Calif., VOR. The Federal Aviation Agency is realigning these jet route segments as follows: Jet Route 6-V, from the Palmdale VOR to the Prescott VOR via the Hector, Calif., VOR; Jet Route 9-V, from the Los Angeles VOR to the Las Vegas VOR, via the Hector VOR; and Jet Route 28-V, from the Hector VOR to the Peach Springs VOR. These modifications will realign the jet route structure to the south, thus avoiding the highly concentrated supersonic military aircraft operations in the vicinity of Edwards Air Force Base, Calif.

The Department of the Air Force offered no objection to the proposed realignment of Jet Routes 9-V and 28-V, however, they did not agree with the concept that realignment of Jet Route 6-V, to the south, as proposed, would avoid the highly concentrated supersonic military aircraft operations in the vicinity of Edwards AFB, because these operations are conducted in the Edwards supersonic corridor, which is within Restricted Area R-279, and are already avoided by the route. They objected to the realignment of the jet route to the south, as proposed, because this would place the route closer to the George AFB, Calif., terminal area, which has a high concentration of high-speed jet tactical and interceptor operations. They have requested that realignment of the route be deferred until a simulation study can be made of the traffic control problems associated with George AFB, Edwards AFB and the Palmdale Air Force Plant.

Jet Route 6-V, in its present alignment, is only 2.5 miles from Restricted Area R-279, at the closest point. The pro-

posed alignment will place the jet route 6 miles from the restricted area, at the closest point. This will provide greater separation between enroute jet traffic and the Edwards AFB operations within the restricted area. In reference to the objection to realign the jet route closer to the George AFB terminal area, initial jet penetrations to George AFB are conducted within Restricted Area R-279/484 with final approaches to the airbase from north to south. Aircraft on final approach are at 7,000 feet MSL or below and well below the en route traffic on Jet Route 6-V in its present alignment. Re-alignment of the jet route to the south and closer to the airbase will increase the vertical separation.

In view of the increased separation, both lateral and vertical, of enroute traffic from local operations at both George AFB and Edwards AFB, provided by the action proposed in this amendment, it is in the public interest to realign Jet Route 6-V as proposed. If the results of a traffic control simulation study should disclose a more practical realignment of the jet route, this can be accomplished at a later date.

The Air Transport Association of America offered no objection to the proposed amendment, however, they recommended revocation of Jet Route 9-V between Los Angeles, Calif., and Las Vegas, Nev., and revocation of Jet Route 28-V between Hector and Farmington, N. Mex., to avoid duplication of routes. Jet Route 9-V, as presently established, facilitates air traffic management and flight planning by providing a single numbered jet route between Los Angeles and Salt Lake City thence to points north. The Federal Aviation Agency will consider revocation of Jet Route 28-V at a later date.

No other adverse comments were received regarding the proposed amendments.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), §§ 602.506 (24 F.R. 2649), 602.509 (14 CFR, 1958 Supp., 602.509) and 602.528 (24 F.R. 2649) are amended as follows:

1. In the text of § 602.506 VOR/VORTAC jet route No. 6 (Palmdale, Calif., to New York, N.Y.), delete "From the Palmdale, Calif., VOR via the Daggett, Calif., VOR;" and substitute therefor "From the Palmdale, Calif., VOR via the Hector, Calif., VOR;"

2. In the text of § 602.509 VOR/VORTAC jet route No. 9 (Los Angeles, Calif., to Great Falls, Mont.), delete "From the Los Angeles, Calif., VOR via the Daggett, Calif., VOR;" and substitute therefor "From the Los Angeles, Calif., VOR via the Hector, Calif., VOR;"

3. In the text of § 602.528 VOR/VORTAC jet route No. 28 (Daggett, Calif., to Wichita, Kans.), delete "From the Daggett, Calif., VOR" and substitute therefor "From the Hector, Calif., VOR"

This amendment shall become effective 0001 e.s.t., August 25, 1960.

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

Issued in Washington, D.C., on June 8, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-5401; Filed, June 14, 1960;
8:45 a.m.]

[Airspace Docket No. 60-WA-86]

PART 602—ESTABLISHMENT OF CODED JET ROUTES AND NAVI- GATIONAL AIDS IN THE CON- TINENTAL CONTROL AREA

Revocation of Coded Jet Route

On April 12, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 3127) stating that the Federal Aviation Agency proposed to revoke L/MF jet route No. 22 in its entirety.

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, Part 602 (14 CFR, 1958 Supp., Part 602) is amended as follows:

Section 602.122 L/MF jet route No. 22 (Laredo, Tex., to Washington, D.C.) is revoked.

This amendment shall become effective 0001 e.s.t., August 25, 1960.

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

Issued in Washington, D.C., on June 8, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-5411; Filed, June 14, 1960;
8:45 a.m.]

[Airspace Docket No. 60-WA-81]

PART 602—ESTABLISHMENT OF CODED JET ROUTES AND NAVI- GATIONAL AIDS IN THE CON- TINENTAL CONTROL AREA

Modification of Coded Jet Route

On April 9, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 3087) stating that the Federal Aviation Agency proposed to revoke the segment of VOR/VORTAC jet route No. 49 from Miami, Fla., to Spartanburg, S.C.

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, § 602.549 (25 F.R. 3816) is amended to read:

§ 602.549 VOR/VORTAC jet route No. 49 (Pittsburgh, Pa., to Presque Isle, Maine).

From the Pittsburgh, Pa., VOR, via the Philipsburg, Pa., VORTAC; Albany, N.Y., VORTAC; Bangor, Maine, VOR; to the Presque Isle, Maine, VOR.

This amendment shall become effective 0001 e.s.t., August 25, 1960.

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

Issued in Washington, D.C., on June 8, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-5410; Filed, June 14, 1960; 8:45 a.m.]

[Airspace Docket No. 59-WA-228]

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

Extension of Coded Jet Route

On February 5, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 1054) stating that the Federal Aviation Agency was considering an amendment to § 602.580 of the regulations of the Administrator which would extend VOR/VORTAC jet route No. 80 from Denver, Colo., to Oakland, Calif.

As stated in the notice, J-80-V presently extends from Denver to New York, N.Y. The Federal Aviation Agency is extending J-80-V from the Denver VORTAC via the Grand Junction, Colo., VOR, the Milford, Utah, VORTAC, the Wilson Creek, Nev., VOR, the Tonopah, Nev., VOR, and the Stockton, Calif., VOR to the Oakland VORTAC. The extension of this route will simplify flight planning and improve air traffic management by providing a single numbered jet route between Oakland and New York. The operation of civil jet aircraft between these terminals is presently conducted via several separately numbered route segments.

The Air Transport Association of America concurred in the proposed extension of J-80-V. The ATA, however, stated that it did not consider it necessary to include the Wilson Creek VOR in the definition of this route since the inclusion of this VOR would require one more frequency adjustment and, undoubtedly, one more position report. The Department of the Air Force objected to the segment of J-80-V which is being designated from the Grand Junction VOR direct to the Milford VOR. The Air Force stated that this segment of J-80-V will not overlie an existing jet route and will, therefore, curtail Air Force training capability by creating more designated airspace. The Air Force recommended that the portion of J-80-V between Grand Junction and Milford be aligned via the Hanksville, Colo., VOR,

thereby, having it coincide with the existing VOR/VORTAC jet routes Nos. 58 and 60.

In view of the above comments, the Federal Aviation Agency discussed the proposed extension of J-80-V with representatives of ATA and the Air Force. As a result of these discussions, both the ATA and the Air Force withdrew their objections to the proposed amendment and it was agreed that J-80-V will be extended as proposed with the exception that it will be aligned direct between the Tonopah and Milford VOR's, thereby, excluding the Wilson Creek VOR from the route.

No other 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.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 602.580 (24 F.R. 2650) is amended to read:

§ 602.580 VOR/VORTAC jet route No. 80 (Oakland, Calif., to New York, N.Y.).

From the Oakland, Calif., VORTAC via the Stockton, Calif., VOR; Tonopah, Nev., VOR; Milford, Utah, VORTAC; Grand Junction, Colo., VOR; Denver, Colo., VORTAC, Hill City, Kans., VOR; Salina, Kans., VORTAC; Kansas City, Mo., VOR; St. Louis, Mo., VORTAC; Indianapolis, Ind., VORTAC; INT of the Indianapolis VORTAC 073° True and the Appleton, Ohio, VORTAC 273° True radials; Appleton VORTAC; Pittsburgh, Pa., VOR; Philipsburg, Pa., VORTAC; Allentown, Pa., VORTAC, to the Idlewild, N.Y., VORTAC.

This amendment shall become effective 0001 e.s.t., August 25, 1960.

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

Issued in Washington, D.C., on June 8, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-5404; Filed, June 14, 1960; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7755 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Equitable Coat Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods*; § 13.30-100 *Wool Products Labeling Act*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements*; § 13.1852-80 *Wool Products Labeling Act*.

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68-68(c)) [Cease and desist order, Equitable Coat Co., Inc., et al., New York City, New York, Docket 7755, April 27, 1960]

In the Matter of Equitable Coat Co., Inc., a Corporation, and Melvin Gelfand and Irving Gelfand, Individually and as Officers of Said Corporation and as Co-Partners Trading as Little Maid Coat Company

The complaint in this case charged New York City manufacturers with violating the Wool Products Labeling Act by failing to label girls' and teenage coats as required, and by representing said coats falsely in circulars to be "100% Wool Luxury Fabric" when they actually contained substantially less than 100 percent woolen fibers.

Accepting a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on April 27 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondents Equitable Coat Co., Inc., a corporation, and its officers, and Melvin Gelfand and Irving Gelfand, individually and as officers of said corporation, and as co-partners trading as Little Maid Coat Company, or under any other name, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, or distribution, in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939 of girls' and teenage coats or other wool products, as such products are defined in and subject to said Wool Products Labeling Act, do forthwith cease and desist from misbranding such products by failing to affix labels to such products showing each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents Equitable Coat Co., Inc., a corporation, and its officers, and Melvin Gelfand and Irving Gelfand, individually and as officers of said corporation, and as co-partners trading as Little Maid Coat Company, or under any other name, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of girls' and teenage coats or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the character or amount of the constituent fibers contained in said product in advertising, or in any other manner.

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

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with

the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 27, 1960.

By the Commission.

[SEAL] ROBERT M. FARRISH,
Secretary.

[F.R. Doc. 60-5423; Filed, June 14, 1960;
8:46 a.m.]

[Docket 7528 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Fieldcrest Mills, Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses; Furnishing services or facilities for processing, handling, etc. under 2(e): § 13.835 Demonstrators.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Fieldcrest Mills, Inc., Spray, N.C., Docket 7528, April 27, 1960]

This case was heard by a hearing examiner on the complaint of the Commission charging a large manufacturer of rugs, carpets and "domestics" in Spray, N.C.—with sales in 1958 of over \$62,000,000—with violating sections 2 (d) and (e) of the Clayton Act by granting advertising allowances to favored customers on more generous terms than it offered their competitors, making payments in varying amounts up to 100 percent; and by furnishing only favored customers with a "Fieldcrest Shop" and providing for training their sales personnel.

Following acceptance of a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on April 27 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Fieldcrest Mills, Inc., a corporation, and its officers, employees, agents and representatives, directly or through any corporate or other device, in or in connection with the offering for sale, sale or distribution of any of its products sold under any of its trademarks, trade names, or labels in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

1. Paying or contracting for the payment of anything of value to, or for the benefit of, any customer or respondent as compensation or in consideration for any advertising, or promotional activities, or other services or facilities furnished by or through such customer in connection with the handling, offering for sale, or sale or distribution of any product or products of respondent, unless such payment or consideration is offered or otherwise made available on proportionally equal terms to all other

customers competing in the distribution or sale of such product or products.

2. Furnishing, contracting to furnish, or contributing to the furnishing of any fixtures, display facilities, training programs or other services or facilities in connection with the handling, processing, sale or offering for sale of any product or products of respondent to any purchaser from respondent of such product or products bought for resale, unless such fixtures, display facilities, training programs, or other services or facilities are offered or otherwise made available on proportionally equal terms to all other purchasers from respondent who resell such product or products in competition with such purchasers who receive such fixtures, display facilities, training programs, or other services or facilities.

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

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

Issued: April 27, 1960.

By the Commission.

[SEAL] ROBERT M. FARRISH,
Secretary.

[F.R. Doc. 60-5424; Filed, June 14, 1960;
8:47 a.m.]

Title 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Order 221; Docket No. R-188]

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 7 OF THE NATURAL GAS ACT AS AMENDED

Other Information

JUNE 9, 1960.

In this proceeding the Commission has under consideration the amendment of Part 157, entitled "Applications for Certificates of Public Convenience and Necessity Under Section 7 of the Natural Gas Act as Amended" of Subchapter E, Regulations under the Natural Gas Act, Chapter I of Title 18, Code of Federal Regulations, by revising § 157.27 *Other information*.

Present § 157.27 provides that a producer applicant for a certificate "may be required to furnish such additional information as the Commission may deem pertinent." The amendment herein adopted makes no change in that requirement but merely revises the text

of the section to conform it more nearly to the parallel section of the regulations relating to pipeline companies (18 CFR 157.14(c)).

The Commission finds:

(1) The proposed amendment involves a matter of practice and procedure which does not require notice of hearing under section 4(a) of the Administrative Procedure Act.

(2) Adoption and promulgation of the proposed amendment is necessary and appropriate for the purposes of administration of the Natural Gas Act.

(3) Good cause exists that this amendment become effective as herein-after ordered.

The Commission, acting pursuant to the authority granted by the Natural Gas Act, particularly sections 7 and 16 thereof (52 Stat. 824, 830; 15 U.S.C. 717f and 717g), orders:

(A) Part 157—Applications for Certificates of Public Convenience and Necessity Under Section 7 of the Natural Gas Act, as amended, Subchapter E, Regulations Under the Natural Gas Act, Chapter I of Title 18, Code of Federal Regulations, be and the same is hereby amended by deleting the existing text of § 157.27 and inserting in lieu thereof the following:

§ 157.27 Other information.

Upon request by the Secretary, applicant shall submit such additional data, information, exhibits, or other detail as may be specified.

(B) The amendment prescribed herein shall become effective upon the issuance of this order.

(C) The Secretary of the Commission shall cause publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-5422; Filed, June 14, 1960;
8:46 a.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

[T.D. 6471]

PART 175—TRAFFIC IN CONTAINERS OF DISTILLED SPIRITS

Miscellaneous Amendments

On March 19, 1960, a notice of proposed rule making to amend 26 CFR Part 175, with respect to traffic in containers of distilled spirits, was published in the FEDERAL REGISTER (25 F.R. 2367).

After consideration of all relevant matter as was presented by interested parties regarding the rules proposed, the regulations as so published are hereby adopted.

This Treasury decision shall become effective on July 1, 1960.

(68A Stat. 917; 26 U.S.C. 7805)

[SEAL] CHARLES I. FOX,
Acting Commissioner of
Internal Revenue.

Approved: June 9, 1960.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

Conforming Part 175 to provisions of the Internal Revenue Code of 1954, as amended by Public Law 85-859, relating to the refilling and reuse of liquor bottles.

In order to implement provisions of the Internal Revenue Code of 1954, as amended by Public Law 85-859, relating to the refilling and reuse of liquor bottles, 26 CFR Part 175 is amended as follows:

1. Section 175.9 is amended to read as follows:

§ 175.9 Bottler.

A proprietor of a distilled spirits plant authorized to bottle spirits, a proprietor of a class 8 bonded warehouse qualified under the customs laws, or an agency of the United States or any State or political subdivision thereof.

2. Section 175.13 is amended to read as follows:

§ 175.13 Distilled spirits or spirits.

That substance known as ethyl alcohol, ethanol, or spirits of wine, including all dilutions and mixtures thereof, from whatever source or by whatever process produced, and shall include whisky, brandy, rum, gin, and vodka, and products of rectification not classified as wine.

3. Section 175.21 is amended to read as follows:

§ 175.21 United States.

The several States and the District of Columbia.

4. Subpart I is amended to read as follows:

Subpart I—Purchase, Sale, Reuse, and Possession of Used Liquor Bottles

§ 175.120 Purchase or sale of used liquor bottles.

Except as provided in this part, no person shall purchase or sell used liquor bottles.

§ 175.121 Reuse or refilling of liquor bottles.

Except as authorized by the provisions of Chapter 51, I.R.C., and regulations thereunder, including the regulations in this part, and in accordance with the conditions, limitations, and requirements set forth therein, including those in respect to the stamping of containers, no person who sells, or offers for sale, distilled spirits, or any agent or employee of such person, shall (a) place in any liquor bottle any distilled spirits whatsoever other than the distilled spirits contained in such bottle at the time such bottle was filled and stamped under the provisions of Chapter 51, I.R.C., or (b) by the addition of any substance whatsoever to any liquor bottle, in any manner alter or increase the original

contents or any portion of the original contents contained in such bottle at the time such bottle was filled and stamped under the provisions of Chapter 51, I.R.C.

§ 175.122 Possession of refilled liquor bottles.

No person who sells, or offers for sale, distilled spirits, or agent or employee of such person, shall (a) possess any liquor bottle in which any distilled spirits have been placed in violation of section 5301 (c) of the Internal Revenue Code or § 175.121 or (b) possess any liquor bottle, any portion of the contents of which has been altered or increased in violation of section 5301(c) of the Internal Revenue Code or § 175.121.

§ 175.123 Possession of used liquor bottles.

The possession of used liquor bottles by any person other than the person who empties the original contents thereof, or the bottler or the importer as authorized by this part, is prohibited, except that this shall not prevent the owner or occupant of any premises on which such bottles have been lawfully emptied from assembling the same on such premises (a) for the purpose of destruction or (b) for delivery to a bottler or importer who maintains a storage place for used liquor bottles as authorized by this part.

[F.R. Doc. 60-5445; Filed, June 14, 1960; 8:49 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

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

Tolerance for Residues of Toxaphene

A petition was filed with the Food and Drug Administration by Hercules Powder Company, Wilmington 99, Delaware, requesting the establishment of a tolerance for residues of toxaphene at 5 parts per million in or on sorghum grain.

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

After a consideration of the data submitted in the petition and other relevant material which show that the tolerance 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 CFR, 1959 Supp., 120.7(g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR, 1959 Supp., 120.138) are

amended by changing § 120.138(b) to read as follows:

§ 120.138 Tolerances for residues of toxaphene.

(b) 5 parts per million in or on barley, oats, rice, rye, sorghum grain, wheat.

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

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

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

Dated: June 9, 1960.

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

[F.R. Doc. 60-5442; Filed, June 14, 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 Dodine

A petition was filed with the Food and Drug Administration by the American Cyanamid Company, 30 Rockefeller Plaza, New York, New York, requesting the establishment of tolerances for residues of dodine at 5 parts per million in or on apples and at zero part per million in meat and milk.

The data before the Commissioner does not show that this pesticide chemical, when included in the feed of animals, would not result in residues in meat and milk. Residues of dodine in pomace from treated apples would make such pomace unsuitable for livestock feed, and the proposed usage does not contemplate that it will be used for that purpose. There is no basis for fixing a tolerance for the pesticide in milk or meat at a level higher than zero.

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 CFR, 1959 Supp. 120.7(g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR, 1959 Supp. 120.172) are amended by changing § 120.172 to read as follows:

§ 120.172 Tolerances for residues of dodine.

Tolerances for residues of dodine (*n*-dodecylguanidine acetate) in or on raw agricultural commodities are established as follows:

(a) 5 parts per million in or on apples, pears, sour cherries.

(b) Zero part per million in meat and milk.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum of 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: June 8, 1960.

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

[F.R. Doc. 60-5441; Filed, June 14, 1960;
8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

The Commissioner of Food and Drugs, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Pub. Law 85-929; 72 Stat. 1788; 21 U.S.C., note under sec. 342) and delegated to him by the Secretary of Health, Education, and Welfare (23 F.R. 9500), hereby authorizes the use in foods of certain additives for which tolerances have not yet been established or petitions therefor denied.

Section 121.86 (25 F.R. 343, 404, 1074, 1727, 1944, 2203, 2837, 3525) is amended by adding thereto the following items:

§ 121.86 Extension of effective date of statute for certain specified food additives as direct additives to foods.

On the basis of data supplied in accordance with § 121.85 and findings that no undue risk to the public health is involved and that conditions exist that make necessary the prescribing of an ad-

ditional period of time for obtaining tolerances or denials of tolerances or for granting exemptions from tolerances, the following additives may be used in food, under certain specified conditions, for a period of 1 year from March 6, 1960, or until regulations shall have been issued establishing or denying tolerances or exemptions from the requirement of tolerances, in accordance with section 409 of the act, whichever occurs first:

* * * * *

FLAVORING SUBSTANCES AND NATURAL SUBSTANCES USED IN CONJUNCTION WITH FLAVORS

| <i>Common name</i> | <i>Botanical or zoological name of source</i> |
|---|--|
| Agaric, white..... | Polyporus officinalis fries. |
| Alkanet root..... | Alkanna tinctoria Tausch. |
| Aloe..... | Aloe perryi Baker, A. barbadensis Mill., A. ferox Mill., and hybrids of this species with A. africana Mill. and A. spicata Baker. |
| Aloe extract..... | Do. |
| Aloe, cape..... | Aloe ferox Mill. and its hybrids with A. africana Mill. and A. spicata Baker. |
| Aloe, cape, extract..... | Do. |
| Aloin..... | Aloe perryi Baker, A. barbadensis Mill., A. ferox Mill., and hybrids of this species with A. africana Mill. and A. spicata Baker. |
| Althea flowers (marshmallow)..... | Althea officinalis L. |
| Althea root (marshmallow root)..... | Do. |
| Anyris (West Indian sandalwood) oil..... | Amyris balsamifera L. |
| Angola weed..... | Roccella fuciformis Ach. |
| "Araucaria" oil..... | Callitropsis araucarioides Compt. |
| Artemisia (wormwood) (thujone free)..... | Artemisia spp. |
| Balsam fir oil..... | Abies balsames (L.) Mill. |
| Balsam fir, oleoresin..... | Do. |
| Beechwood creosote..... | Fagus spp. |
| Benzoin gum (resin)..... | Styrax benzoin Dryand., S. paralleloneurus Perkins, S. tonkinensis (Pierre) Craib ex Hartwich, or other spp. of the Section Authostyrax of the genus Styrax. |
| Birch tar oil, refined (rectified)..... | Betula pendula Roth and related Betula spp. |
| Blessed thistle (holly thistle) herb..... | Cnicus benedictus L. |
| Blessed thistle (holly thistle) herb extract, solid..... | Do. |
| Blessed thistle (holly thistle) herb extract..... | Do. |
| Blessed thistle (holly thistle) herb oil..... | Do. |
| Blackberry bark extract..... | Rubus, Sec. Eubatus. |
| Borage..... | Borago officinalis L. |
| Boronia, absolute..... | Boronia megastigma Nees. |
| Buchu leaves oil..... | Barosma betulina Bartl., B. crenulata (L.) Hook. and B. serratifolia Willd. |
| Buckbean leaves extract..... | Menyanthes trifoliata L. |
| Bugleweed, yellow (groundpine bugle)..... | Ajuga chamaepitys (L.) Schreb. |
| Bugleweed, yellow (groundpine bugle), extract..... | Do. |
| Bugleweed, yellow (groundpine bugle), extract, solid..... | Do. |
| Cabreuva oil..... | Myrocarpus frondosus Fr. Allen and M. fastigiatus Fr. Allen. |
| Cade oil (juniper tar, empyreumatic wood oil)..... | Juniperus oxycedrus L. |
| Cajeput (cajuput) oil..... | Melaleuca leucadendron L. and other Melaleuca spp. |
| Calamus (sweetflag)..... | Acorus calamus L. |
| Calamus oil..... | Do. |
| California laurel leaves extract..... | Umbrellularia californica Nutt. |
| California laurel oil..... | Do. |
| Calumba..... | Jateorhiza palmata (Lam.) Miers. |
| Calumba extract..... | Do. |
| Carmine..... | Coccus cacti L. |
| Cascara, bitterless extract..... | Rhamnus purshiana DC. |
| Cassie absolute..... | Acacia farnesiana Willd. |
| Cassia fistula (goldenshower senna)..... | Cassia fistula L. |
| Castor oil..... | Ricinus communis L. |
| Catechu, black, extract..... | Acacia catechu Willd. |
| Catechu, black, powder..... | Do. |
| Cedar leaf oil..... | Thuja occidentalis L. |
| Cedarwood, American, white, oil..... | Juniperus virginiana L. |
| Centaurium (centaurium) herb..... | Centaurium umbellatum Gilib. |
| Cherry-laurel water (laurocerasus water)..... | Prunus laurocerasus L. |

FLAVORING SUBSTANCES AND NATURAL SUBSTANCES USED IN CONJUNCTION WITH FLAVORS—Con.

| Common name | Botanical or zoological name of source |
|--|--|
| Chestnut leaves | Castanea dentata (March.) Borkh. |
| Chestnut leaves extract | Do. |
| Chestnut leaves extract, solid | Do. |
| Chirata (chiretta, East Indian balmomy) | Swertia chirayita (Roxb.) Lyons. |
| Chirata (chiretta, East Indian balmomy) herb extract | Do. |
| Cinchonidine | Cinchona spp. (a-quinidine). |
| Cire d'abelle, absolute | Apis mellifera L. |
| Cochineal | Coccus cacti L. |
| Cocollana bark | Guarea rusbyi (Britt.) Rusby. |
| Copaiba (balsam copaiba) | Copaifera spp. |
| Cork oak | Do. |
| "Costus root" extract | Quercus suber L. and Q. occidentalis F. Gay. |
| "Costus root" oil | Saussurea lappa Clarke. |
| Cramp bark extract | Do. |
| Cubeb | Viburnum trilobum Marsh. |
| Cubeb oil | Piper cubeba L. f. |
| Cudbear | Do. |
| Cudbear extract | Rocella spp., Lecanora spp., or other lichens. |
| Current, black, buds, absolute | Ribes nigrum L. |
| Current, black, buds, extract, solid | Do. |
| Current, black, leaves | Do. |
| Damar gum | Shorea spp. |
| Davana oil | Artemisia pallens Wall. |
| Deer's-tongue (vanilla trillisa) extract | Trillisa odoratissima (Walt.) Cass. |
| Dittany of Crete | Dictamnus albus L. |
| Dittany of Crete, extract | Origanum dictamnus L. |
| Dittany of Crete extract, solid | Do. |
| Dittany of Crete oil | Origanum dictamnus L. |
| Dock, yellow, root | Do. |
| Dock, yellow, root extract | Rumex crispus L. or R. obtusifolius L. |
| Dragon's blood | Do. |
| Dock, yellow, root extract, solid | Do. |
| Elder flowers, with stems | Daemonorops spp. |
| Elder tree leaves | Sambucus canadensis L. or S. nigra L. |
| Elecampane root | Sambucus nigra L. |
| Elecampane root extract | Inula helentium L. |
| Do. | Do. |
| Elecampane root oil | Do. |
| Elem gum | Canarium luzonicum (Miq.) A. Gray. |
| Elem oil | Do. |
| Erigeron oil | Erigeron canadensis L. |
| Eucalyptus leaves | Eucalyptus globulus Labill. or other Eucalyptus spp. |
| Eucalyptus oil | Do. |
| Forget-me-not | Myosotis spp. |
| Galbanum oil | Ferula galbaniflua Boiss. et Buhse and other Ferula spp. |
| Galbanum resin | Do. |
| Gambir (catechu, pale) | Uncaria gambir (Hunter) Roxb. |
| Genet absolute | Spartium junceum L. |
| Genet extract | Do. |
| Gentian | Gentiana lutea L. |
| Gentian root extract | Do. |
| Germander, chamaedrys | Teucrium chamaedrys L. |
| Germander, chamaedrys, extract | Do. |
| Germander, chamaedrys, extract, solid | Do. |
| Guaiac wood oil | Guaiacum officinale L. and G. sanctum L. |
| Guaiac gum extract | Do. |
| Guaiac wood extract | Do. |
| Guarana | Paullinia cupana Kunth. |

FLAVORING SUBSTANCES AND NATURAL SUBSTANCES USED IN CONJUNCTION WITH FLAVORS—Con.

| Common name | Botanical or zoological name of source |
|---|--|
| Hart's-tongue | Phyllitis scolopendrium (L.) Newm. |
| Haw bark, black, extract | Viburnum prunifolium L. |
| Ho (ho-sho) oil | Cinnamomum camphora Sieb. |
| Iceland moss | Cetraria islandica Ach. |
| Imperatoria (masterwort) | Imperatoria ostruthium L. |
| Iva (musk yarrow) | Achillea moschata Jacq. |
| Labdanum absolute | Cistus spp. |
| Labdanum oil | Do. |
| Labdanum oleoresin | Do. |
| Lemon-verbena | Lippia citriodora H. B. and K. |
| Lettuce, wild | Lactuca scariola L., L. virosa L., or other Lactura spp. |
| Linaloe wood oil | Bursera delpechiana Polss. and related Bursera spp. |
| Linden flowers and leaves | Tilia spp. |
| Logwood chips extract | Haematoxylon campechianum L. |
| Lovage | Levisticum officinale Koch. |
| Lovage extract | Do. |
| Lovage oil | Do. |
| Lungmoss (lungwort) | Sucta pulmonacea Ach. |
| Manna | Fraxinus ornus L. |
| Maple, mountain, bark | Acer spicatum Lam. |
| Maple, mountain, bark, extract, solid | Do. |
| Maple, mountain, extract, solid | Do. |
| Medowsweet, European (spraea ulmaria) | Filipendula ulmaria (L.) Maxim. |
| Meillot herb (yellow meillot) | Mellilotus officinalis (L.) Lam. |
| Mimosa absolute | Acacia decurrens Willd. var. dealbata. |
| Motherwort | Leonurus cardiaca L. |
| Mullein flowers | Verbascum phlomoides L. or V. thapsiforme Schrad. |
| Myrrh gum and oil | Commiphora molmol Engl., C. abyssinica (Berg) Engl., and other Commiphora spp. |
| Oak moss absolute (mousse de chene) and extract | Evernia prunastri (L.) Ach. (true oak moss), E. furfuracea (L.) Mann. and other lichens. |
| Olibanum oil (frankincense) | Boswellia carteri Birdw. and other Boswellia spp. |
| Opopanax (bisabol-myrrh) gum and oil | Opopanax chironium Koch (true opopanax), or Commiphora erythraea Engl. var. glabrescens. |
| Passion flower herb extract | Passiflora incarnata L. |
| Patchouly oil | Pogostemon cablin Benth. and P. heyneanus Benth. |
| Peach leaves | Prunus persica Sieb. et Zucc. |
| Pennyroyal (American falsepennyroyal) | Hedeoma pulegioides (L.) Pers. |
| Pennyroyal (American falsepennyroyal) oil | Do. |
| Pennyroyal (European pennyroyal mint) | Mentha pulegium L. |
| Pennyroyal (European pennyroyal mint) oil | Do. |
| Pimpinella (pimpernel) root | Pimpinella saxifraga L. or P. magna L. |
| Pine, Scotch, oil | Pinus sylvestris L. |
| Pine, white, bark | Pinus strobus L. |
| Pine, white, bark oil | Do. |
| Pine, white, bark extract, solid | Do. |
| Poplar buds | Populus canadensis Mill. (P. balsamifera L.) |
| Quassia | Picrasma excelsa (Sw.) Planch. or Quassia amara L. |
| Quassia chips | Do. |
| Quassia root | Do. |
| Quassia extract | Do. |
| Quebracho bark extract | Aspidosperma quebracho-bianco Schlecht. |
| Quillaja extract (soapbark extract, China bark extract) | Quillaja saponaria Molina. |

FLAVORING SUBSTANCES AND NATURAL SUBSTANCES USED IN CONJUNCTION WITH FLAVORS—Con.

| Common name | Botanical or zoological name of source |
|-------------------------------|--|
| Vervain, blue | <i>Verbena hastata</i> L. |
| Vetiver | <i>Vetiveria zizanioides</i> Stapf. |
| Vetiver extract | Do. |
| Vetiver oil | Do. |
| Violet flowers | <i>Viola odorata</i> L. |
| Wintersbark | <i>Drimys winteri</i> Forst. |
| Witch-hazel | <i>Hamamelis virginiana</i> L. |
| Woodruff, sweet, herb | <i>Asperula odorata</i> L. |
| Wormseed oil | <i>Chenopodium ambrosioides</i> L. var. <i>anthelminticum</i> (L.) Gray. |
| Yarrow herb | <i>Achillea millefolium</i> L. |
| Yerbasanta | <i>Eriodictyon californicum</i> (Hook. et Arn.) Torr. |
| Yerbasanta, fluidextract | Do. |
| Yucca brevifolia extract | Yucca brevifolia Engelm. |
| Yucca mohavensis root extract | Yucca mohavensis Sarg. |

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the food additives amendment to the Federal Food, Drug, and Cosmetic Act were contemplated by the statute as a relief of restrictions on the food-processing industry.

Effective date. This order shall be effective as of the date of signature. (Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interpret or apply 72 Stat. 1088; 21 U.S.C., note under sec. 342)

Dated: June 9, 1960.
[SEAL] JOHN L. HARVEY,
Deputy Commissioner
of Food and Drugs.

[F.R. Doc. 60-5439; Filed, June 14, 1960; 8:48 a.m.]

PART 121—FOOD ADDITIVES
Subpart A—Definitions and Procedural and Interpretative Regulations

EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED ADDITIVES
The Commissioner of Food and Drugs, pursuant to the authority provided in the

FLAVORING SUBSTANCES AND NATURAL SUBSTANCES USED IN CONJUNCTION WITH FLAVORS—Con.

| Common name | Botanical or zoological name of source |
|--|---|
| Quinine hydrochloride | Cinchona spp. |
| Quinine sulfate | Do. |
| Red sanders (red sandalwood) | <i>Pterocarpus santalinus</i> , L.f. |
| Rhatany root | <i>Krameria triandra</i> Ruiz et Pav. or <i>K. argentea</i> Mart. |
| Rhatany extract | Do. |
| Rhubarb extract | Rheum officinale Baill., <i>R. palmatum</i> L. or other spp. (excepting <i>R. rhabonticum</i>), or hybrids of Rheum grown in China and Tibet. |
| Rhubarb root | Do. |
| Roslin (colophony) | <i>Pinus palustris</i> Mill. and other <i>Pinus</i> spp. |
| Saffron, American (safflower) | <i>Carthamus tinctorius</i> L. |
| St. Johnswort | <i>Hypericum perforatum</i> L. |
| Sandalwood (East Indian sandalwood) | <i>Santalum album</i> L. |
| Sandalwood (East Indian sandalwood) extract | Do. |
| Sandalwood (East Indian sandalwood) extract, solid | Do. |
| Sandalwood (East Indian sandalwood) oil | Do. |
| Saponin, from soap bark (see quillaja extract) | |
| Sarsaparilla bark | <i>Smilax aristolochiaefolia</i> Mill. (Mexican sarsaparilla), <i>S. regelli</i> Killip et Morton (Honduras sarsaparilla), <i>S. febrifuga</i> Kunth (Ecuadorean sarsaparilla), or undetermined spp. of <i>Smilax</i> (Ecuadorean and Central American sarsaparilla). |
| Sarsaparilla extract | Do. |
| Sassafras leaves (contain no safrole) | <i>Sassafras albidum</i> (Nutt.) Nees. |
| Shakeroot, Canadian (Canada wild ginger), oil | <i>Asarum canadense</i> L. |
| Sourwood leaves | <i>Oxydendrum arboreum</i> (L.) DC. |
| Spikenard, American, root | <i>Aralia racemosa</i> L. |
| Stargrass (starwort) | <i>Aletris farinosa</i> L. |
| Storax (styrax) extract | <i>Liquidambar orientalis</i> Mill. or <i>L. styraciflua</i> L. |
| Storax (styrax) gum | Do. |
| Tagetes (marigold) extract | <i>Tagetes patula</i> L., <i>T. erecta</i> L., or <i>T. glandulifera</i> Schrank. |
| Tagetes (marigold) oil | Do. |
| Tansy flowers | <i>Tanacetum vulgare</i> L. |
| Tansy flowers extract | Do. |
| Tansy flowers extract, solid | Do. |
| Tansy oil | Do. |
| Tolu balsam extract | <i>Myroxylon balsamum</i> (L.) Harms. |
| Tolu balsam gum | Do. |
| Tormentilla root | <i>Potentilla tormentilla</i> Neck. (<i>Potentilla erecta</i>). |
| Turpentine gum | <i>Pinus palustris</i> Mill. and other <i>Pinus</i> spp. |
| Turpentine, steam distilled | Do. |
| Valerian root | <i>Valeriana officinalis</i> L. |
| Valerian root extract | Do. |
| Valerian root oil | Do. |
| Veronica | <i>Veronica officinalis</i> L. |

Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85-929; 72 Stat. 1788; 21 U.S.C., note under sec. 342) and delegated to him by the Secretary of Health, Education, and Welfare (23 F.R. 9500), hereby authorizes the use in foods of certain additives for which tolerances have not yet been established or petitions therefor denied:

1. Section 121.86 (25 F.R. 343, 404, 1074, 1277, 2203, 2536, 2837, 3525) is amended by adding thereto the following items:

§ 121.86 Extension of effective date of statute for certain specified food additives as direct additives to food.

On the basis of data supplied in accordance with § 121.85 and findings that no undue risk to the public health is involved and that conditions exist that make necessary the prescribing of an additional period of time for obtaining tolerances or denials of tolerances or for granting exemptions from tolerances, the following additives may be used in food, under certain specified conditions, for a period of 1 year from March 6, 1960, or until regulations shall have been issued establishing or denying tolerances or exemptions from the requirement of tolerances, in accordance with section 409 of the act; whichever occurs first:

| Product | Limits | Specified uses or restrictions |
|--|--|--|
| Bithionol and methiotriazamine mixture... | 500 parts per million bithionol; 100 parts per million methiotriazamine. | In poultry feed as a coccidiostat. Discontinue feed 3 days before marketing the birds to allow for elimination of the drug from edible tissue. |
| Ethylene oxide..... | 50 parts per million..... | In dehydrated or freeze-dried mushrooms as residue from use as fumigant. In edible gums, as a residue from use as a fumigant. |
| Lactic acid esters of mono- and diglycerides derived by glycerolysis of edible vegetable and animal fat. Piperonyl butoxide and pyrethrins mixture. | 30 parts per million piperonyl butoxide; 3 parts per million pyrethrins. | As emulsifiers in foods in accordance with good manufacturing practice. |
| Polyethylene glycols having molecular weights from 200 through 6,000. | | As residues in dried citrus pulp for animal feed from treating the stored pulp in bur-lap bags for insect control. Data demonstrates no residues in milk from feeding lactating dairy animals citrus pulp with these additives at or below the amounts listed. As components of coatings or binders for tableted foods, in accordance with good manufacturing practice. |

2. Section 121.87 Extension of effective date of statute for certain specified food additives as indirect additives to food (25 F.R. 1727, 1772, 2203, 3526) is amended in the following respects:

a. Paragraph (a) (25 F.R. 1727, 2203) is amended by changing the item "Maleic acid * * *" to read:

| Product | Limits | Specified uses or restrictions |
|------------------|--------|--|
| Maleic acid..... | | Not to exceed 0.8 percent in nitrocellulose-coated, heat-sealing cellophane for packaging foods. |

b. Paragraph (a) General list is further amended by adding thereto the following items:

§ 121.87 Extension of effective date of statute for certain specified food additives as indirect additives to food.

On the basis of data supplied in accordance with § 121.85 and findings that no undue risk to the public health is involved and that conditions exist that make necessary the prescribing of an additional period of time for obtaining tolerances or denials of tolerances or for granting exemptions from tolerances, the following additives may be used in connection with the production, pack-

aging, and storage of food products, under certain specified conditions, for a period of 1 year from March 6, 1960, or until regulations shall have been issued in accordance with section 409 of the act, whichever occurs first. The extensions are granted under the condition that a minimum quantity of the additive will be incorporated in the food, consistent with good manufacturing practice. While preliminary data show that many of the substances included in the list may not migrate to foods, these are being included pending the completion of additional scientific work involving them.

(a) General list.

| Product | Limits | Specified uses or restrictions |
|---|--------|---|
| Amine, secondary (hexadecyl, octadecyl) of hard tallow. | | As constituent of defoaming agent used in manufacture of food-packaging materials. |
| Copolymers of styrene and divinyl benzene with added groups: quaternary ammonium, methyl, ethanol (from varying ratios). | | |
| Copolymers of divinyl benzene and methacrylic or acrylic acid (from varying ratios). | | |
| Copolymers of styrene and divinyl benzene with sulfonic acid groups (from varying ratios). | | |
| Copolymers of divinyl benzene and styrene (from varying ratios) with following added groups: Polyalkylamine, copolymers of divinyl-benzene and acrylic or methacrylic acid with added amine groups. | | As ion-exchange resins used in food processing. |
| Starch ether from reacting cornstarch with propylene oxide. | | As a migrant from cotton fabrics used in dry food packaging. |
| Monoethanol amine..... | | |
| Polyoxyalkylene glycols having molecular weights from 900 through 4,000. | | As a constituent of defoaming agent used in manufacture of food-packaging materials and adhesives. |
| Polyethylene glycols having molecular weights from 200 through 6,000. | | As a constituent of defoaming agent used in boiler water treatment, glue manufacture, and bottle-washing detergent for food processing and packaging purposes; and lubricant for food-processing and packaging machinery. |
| Polyoxyethylene glycol ester of mixed fatty acids from tall oil (average 16 oxyethylene groups). | | As a component of release agents, coatings, adhesives, inks, and plasticizers used in food-packaging materials. |
| Polyoxyethylene sorbitol hexaoxalate (average 40 oxyethylene groups). | | As constituent of defoaming agent used in manufacture of food-packaging materials. |
| Polypropylene glycol having a molecular weight of 1,200. | | |

c. In paragraph (d) Substances migrating from linings of containers used in food packaging, subparagraph (5) is amended to read as follows:

(5) Rosin derivatives, including modification by polymerization, isomerization, decarboxylation, hydrogenation, and methyl ester of hydrogenated rosin:

(i) Rosin esters formed by reaction with:

- Bisphenol-epichlorohydrin (epoxy).
- Diethylene glycol.
- Ethylene glycol.
- Glycerol.
- Methanol.
- Pentaerythritol.

(ii) Rosin esters modified by reaction with maleic anhydride; ortho-, meta-, and para-substituted phenol-formaldehydes listed in subparagraph (6) of this paragraph; phenol-formaldehyde.

(iii) Calcium rosinate (limed rosin); zinc rosinate.

d. Paragraph (d) (7) is amended to read as follows:

(7) Polyester resins (including alkyd type) formed as ester of acids in subdivisions (i) and (ii) of this subparagraph, by reaction with polyhydric alcohols in subdivision (iii) of this subparagraph:

(i) Polybasic acids:

- Adipic.
- Dimerized fatty acids derived from oils listed in subparagraph (1) of this paragraph.
- Fumaric.
- Isophthalic.
- Maleic.
- Orthophthalic.
- Rosin-maleic acid adduct (petrex acid).
- Sebacic.
- Terephthalic.
- Trimellitic.

(ii) Monobasic acids:

- Benzole.
- Fatty acids derived from oils listed in subparagraph (1) of this paragraph.
- Rosins and rosin acids (see subparagraph (5) of this paragraph).
- Tertiary butyl benzole.

(iii) Polyhydric alcohols:

- Diethylene glycol.
- Ethylene glycol.
- Glycerol.
- Mannitol.
- α-Methyl glucoside.
- Pentaerythritol.
- Propylene glycol.
- Sorbitol.
- Trimethylol ethane.
- Trimethylol propane.

e. Paragraph (d) (8) is amended by adding thereto the following item:

- Allyl ether of mono-, di-, or trimethyl phenol.

f. Paragraph (d) (14) is amended by adding thereto the following item:

- Methyl-ethyl-butyl or octyl esters of acrylic acid copolymerized with acrylonitrile.

g. Paragraph (d) (25) is amended by adding thereto the following item:

- 18, 19, and 20 carbon alkyl amides.

h. Paragraph (d) is further amended by adding thereto the following new subparagraph (29):

- (29) Dimethylpolysiloxane.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the food additives amendment to the Federal Food, Drug, and Cosmetic Act were contemplated by the statute as a relief of restrictions on the food-processing industry.

Effective date. This order becomes effective on the date of signature.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interpret or apply 72 Stat. 1088; 21 U.S.C., note under sec. 342)

Dated: June 8, 1960.

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

[F.R. Doc. 60-5440; Filed, June 14, 1960;
8:49 a.m.]

SUBCHAPTER C—DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

Changes in Expiration Dates

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F.R. 1045, 23 F.R. 9500), the regulations for the certification of antibiotic and antibiotic-containing drugs (21 CFR and 21 CFR 1958 Supp., 146c.220, 146e.417) are amended as indicated below:

1. In § 146c.220 *Tetracycline*, paragraph (c) (3) is amended by changing the words "24 months" to read "36 months".

2. In § 146e.417 *Powder bacitracin methylene disalicylate and streptomycin sulfate oral veterinary*, paragraph (c) (1) (iii) is amended by changing the period after the word "certified" to a comma and inserting the following clause: ", except that the blank may be filled in with the date that is 36 months, 48 months, or 60 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section."

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the nature of the change is such that it cannot be applied to any specific product unless and until the manufacturer thereof has supplied adequate data regarding that article.

Effective date. This order shall become effective 30 days from the date of its publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: June 9, 1960.

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

[F.R. Doc. 60-5443; Filed, June 14, 1960;
8:49 a.m.]

Title 50—WILDLIFE

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

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 6—MIGRATORY BIRDS

Miscellaneous Amendments

By notice of proposed rule making published on April 8, 1960 (25 F.R. 3037), as corrected on April 15, 1960 (25 F.R. 3262), notification was given that the Director, Bureau of Sport Fisheries and Wildlife, proposed to recommend the adoption by the Secretary of the Interior of certain changes in Part 6, Title 50, Code of Federal Regulations, which would specify open seasons, certain closed seasons, hunting methods, shooting hours, possession, transportation and importation controls and the bag and possession limits for migratory game birds. In this connection the public was notified of certain specific changes to Part 6 that were under immediate consideration. These were (1) to develop closer conformity with State regulations with respect to legal hunting devices, (2) to allow the use of additional suitable materials for the plugging of repeating shotguns, (3) to clarify the conditions under which migratory game birds may be possessed in the field, (4) to remove the weekly limitation on export of migratory game birds from a State, (5) to clarify the marking requirements for migratory game birds held in storage, (6) to clarify the authority of persons authorized to enforce these regulations, and (7) to prevent the taking of live migratory game birds under the hunting rules. The sections of Part 6 to be changed were set forth in detail.

Interested persons were invited to submit in writing their views on the proposed amendments to the Director, Bureau of Sport Fisheries and Wildlife.

Consideration having been given to all relevant matters presented, the proposed amendments are adopted without change and are set forth below. These amendments shall become effective at the beginning of the 30th calendar day following date of this publication in the FEDERAL REGISTER.

(Sec. 3, 40 Stat. 755, as amended; 16 U.S.C. 704; E.O. 10250, 16 F.R. 5385, 3 CFR, 1949-1953 Comp., p. 757)

FRED A. SEATON,
Secretary of the Interior.

JUNE 8, 1960.

1. Section 6.3 (a) (1) and (b) (1) and (2) is amended to read as follows:

§ 6.3 Hunting methods.

(a) *Permitted methods.* Migratory game birds may be taken;

(1) By the aid of a dog, with longbow and arrow or with a shotgun (not larger than No. 10 gauge and incapable of holding more than three shells) fired from the shoulder.

(b) *Prohibited methods.* Migratory game birds may not be taken;

(1) With a trap, snare, net, crossbow and arrow, rifle, swivel-gun or machine gun;

(2) With a shotgun of any description originally capable of holding more than three shells, the magazine of which has not been cut off, altered, or plugged with a one-piece filler, incapable of removal without disassembling the gun, so as to reduce the capacity of the said gun to not more than three shells in the magazine and chamber combined.

2. Section 6.6 is revised by changing the wording of paragraph (a), revoking paragraph (b), and redesignating paragraphs (c), (d), and (e) as (b), (c), and (d), respectively, to read:

§ 6.6 Transportation into, within, or out of any State.

Any person, without a permit, may transport lawfully killed migratory game birds into, within, or out of any State during and after the open seasons in the State where taken, subject to the conditions and restrictions specified in this section.

(a) If such birds, except mourning and white-winged doves, are dressed, the head, head plumage, and feet must remain attached in such manner as to permit identification of their species while being transported between the place where taken and the personal abode of the possessor or between the place where taken and a commercial preservation facility.

(b) Any such birds transported from any State not later than 48 hours following the close of the open season therein may continue in transit for such additional time immediately after shipment, not to exceed 5 days, as is necessary to deliver them to their destination.

(c) Any package or container in which such birds are transported shall have the name and address of the shipper and of the consignee and an accurate statement of the numbers and kinds of birds contained therein clearly and conspicuously marked on the outside thereof.

(d) Nothing in this section shall be deemed to permit the importation of such birds from a foreign country.

3. Section 6.9 is revised to read:

§ 6.9 Possession for purposes of processing, transportation or storage.

No person, other than the person who has lawfully taken such birds, shall receive, possess, or have in custody migratory game birds for picking, cleaning, processing, shipping, or for transportation or storage (including temporary storage) unless such birds have a tag attached signed by the hunter stating his

address, the total number and kinds of birds, and the date killed. Any commercial picking establishment, cold-storage or locker plant receiving, possessing, or having in custody migratory game birds shall maintain accurate records showing the numbers and kinds of such birds, the dates received and disposed of, and the names and addresses of the persons from whom such birds are received and to whom such birds are delivered. Any person authorized to enforce this part

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may enter such establishments or plants at all reasonable hours and inspect the premises and records where operations are being carried on. The records so required to be maintained shall be retained by the person or persons responsible for their preparation and maintenance for one year following the close of the open season on migratory game birds prescribed for the State in which such picking establishment, cold-storage or locker plant is located.

4. Section 6.11 is revised by changing the headnote and text to read:

§ 6.11 Wounded, live migratory game birds.

Every migratory game bird wounded by hunting and reduced to possession by the hunter shall be immediately killed and become a part of the daily bag limit.

[F.R. Doc. 60-5425; Filed, June 14, 1960; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1030]

[Docket No. AO-318]

HANDLING OF FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN THE STATE OF IDAHO AND IN MALHEUR COUNTY, OREGON

Decision With Respect to a Proposed Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Fruitland, Idaho, on March 9-10, 1960, after notice thereof published in the FEDERAL REGISTER (25 F.R. 1132), on a proposed marketing agreement and order regulating the handling of fresh prunes grown in designated counties in the States of Idaho and Oregon, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

On the basis of the evidence introduced at the hearing, and the record thereof, the Deputy Administrator, Marketing Services, Agricultural Marketing Service, on May 6, 1960, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F.R. Doc. 60-4222; 25 F.R. 4184).

Within the time prescribed for the filing of exceptions to the recommended decision an exception was filed by Robert McBirney, McBirney Fruit Company, Route 4, Box 110, Boise, Idaho, objecting to a purported provision in the proposed order authorizing prohibition of shipments during a specified time limitation, generally called a "shipping holiday." Such a provision was proposed in the order set forth in the notice of hearing upon which the public hearing was held and though there was some evidence received at the public hearing held at Fruitland, Idaho, on March 9-10, 1960, in support of a "shipping holiday," it was concluded in the recommended decision that the evidence was insufficient to justify the inclusion of this provision in the order. Since the proposed order contains no provision for a prohibition of shipments, generally referred to as a "shipping holiday," this exception is not relevant or material.

This exception also contends that the time involved in modifying, suspending, or terminating any regulation due to a changed condition might result in crop loss due to the extremely perishable na-

ture of fresh prunes. Insofar as this contention is related to a "shipping holiday" it is not relevant or material for the reasons stated above. If this contention relates generally to a potential loss by reason of the time element involved in the issuance of regulations or the modification, suspension, or termination of regulations, it is conjectural and unsupported by the evidence of record.

This exception to the recommended decision was carefully and fully considered, in conjunction with the evidence of record, in arriving at the findings and conclusions set forth herein. For the reasons stated, to the extent that the exception including all contentions made therein, is at variance with the findings and conclusions set forth in this decision, such exception is denied.

The material issues, findings and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 60-4222; 25 F.R. 4184) are hereby approved and adopted as the material issues, findings and conclusions, and the general findings of this decision as if set forth in full herein.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Fresh Prunes Grown in Designated Counties in the State of Idaho and in Malheur County, Oregon," and "Order Regulating the Handling of Fresh Prunes Grown in Designated Counties in the State of Idaho and in Malheur County, Oregon," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. The aforesaid marketing agreement and order shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure, governing proceedings to formulate marketing agreements and marketing orders, have been met.

It is hereby ordered, That all of this decision, except the annexed agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said agreement are identical with those contained in the annexed order which will be published with this decision.

Dated: June 10, 1960.

CLARENCE L. MILLER,
Assistant Secretary.

Order¹ Regulating the Handling of Fresh Prunes Grown in Designated Counties in the State of Idaho and in Malheur County, Oregon

Sec.
1030.0 Findings and determinations.

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

DEFINITIONS

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1030.61 Compliance.
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1030.70 Personal liability.
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AUTHORITY: §§ 1030.0 to 1030.71, inclusive, issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

§ 1030.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and the applicable rules of practice and procedure, as amended, effective thereunder (7 CFR Part 900), a public hearing was

held at Fruitland, Idaho, on March 9-10, 1960, upon a proposed marketing agreement and a proposed marketing order regulating the handling of fresh prunes grown in designated counties in the State of Idaho and in Malheur County, Oregon. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) This order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) This order regulates the handling of prunes grown in the production area in same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed marketing agreement upon which a hearing has been held;

(3) This order is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of prunes grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

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

It is therefore ordered, That, on and after the effective date hereof, the handling of prunes grown in the said production area shall be in conformity to, and in compliance with, the terms and conditions of this order; and such terms and conditions are as follows:

DEFINITIONS

§ 1030.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 1030.2 Act.

"Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (sections 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

§ 1030.3 Person.

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

§ 1030.4 Production area.

"Production area" means and includes Washington, Payette, Gem, Canyon, Ada, and Owyhee Counties in the State of Idaho and Malheur County in the State of Oregon.

§ 1030.5 Prunes.

"Prunes" means all varieties of plums, classified botanically as *Prunus domes-*

tica, grown in the production area, except those of the President variety.

§ 1030.6 Varieties.

"Varieties" means and includes all classifications or subdivisions of prunes.

§ 1030.7 Fiscal period.

"Fiscal period" is synonymous with fiscal year and means the 12-month period ending on May 31 of each year or such other period that may be approved by the Secretary pursuant to recommendations by the committee.

§ 1030.8 Committee.

"Committee" means the Idaho-Malheur County, Oregon, Fresh Prune Marketing Committee established pursuant to § 1030.20.

§ 1030.9 Grade.

"Grade" means any one of the officially established grades of prunes as defined and set forth in the United States Standards for Fresh Plums and Prunes (§§ 51.1520 to 51.1537 of this title) or amendments thereto, or modifications thereof, or variations based thereon.

§ 1030.10 Size.

"Size" means the shortest dimension, measured through the center of the prune, at right angles to a line running from the stem to the blossom end, or such other specification as may be established by the committee with the approval of the Secretary.

§ 1030.11 Grower.

"Grower" is synonymous with producer and means any person who produces prunes for market and who has a proprietary interest therein.

§ 1030.12 Handler.

"Handler" is synonymous with shipper and means any person (except a common or contract carrier transporting prunes owned by another person) who handles prunes.

§ 1030.13 Handle or ship.

"Handle" or "ship" means to sell, consign, deliver, or transport prunes within the production area or between the production area and any point outside thereof: *Provided*, That the term "handle" shall not include the transportation within the production area of prunes from the orchard where grown to a packing facility located within such area for preparation for market.

§ 1030.14 District.

"District" means the applicable one of the following described subdivisions of the production area, or such other subdivisions as may be prescribed pursuant to § 1030.31(m):

(a) "District No. 1" shall include Washington and Payette Counties in the State of Idaho and Malheur County in the State of Oregon.

(b) "District No. 2" shall include Gem and Ada Counties in the State of Idaho.

(c) "District No. 3" shall include Canyon and Owyhee Counties in the State of Idaho.

§ 1030.15 Export.

"Export" means to ship prunes to any destination which is not within the 48 contiguous states, or the District of Columbia, of the United States.

§ 1030.16 Pack.

"Pack" means the specific arrangement, size, weight, count, or grade of a quantity of prunes in a particular type and size of container, or any combination thereof.

§ 1030.17 Container.

"Container" means a box, bag, crate, lug, basket, carton, package, or any other type of receptacle used in the packaging or handling of prunes.

ADMINISTRATIVE BODY

§ 1030.20 Establishment and membership.

There is hereby established an Idaho-Malheur County, Oregon, Fresh Prune Marketing Committee consisting of 10 members, each of whom shall have an alternate who shall have the same qualifications as the member for whom he is an alternate. Six of the members and their respective alternates shall be growers or officers or employees of corporate growers. Four of the members and their respective alternates shall be handlers, or officers or employees of handlers. The 6 members of the committee who are growers or employees or officers of corporate growers are hereinafter referred to as "grower members" of the committee; and the 4 members of the committee who shall be handlers, or officers or employees of handlers, are hereinafter referred to as "handler members" of the committee. Each district shall be represented on the committee by 2 grower members and their respective alternates. Each district shall be represented on the committee by 1 handler member and his alternate. One handler member and his alternate shall be selected from the production area at large.

§ 1030.21 Term of office.

The term of office of each member and alternate member of the committee shall be for 2 years beginning June 1 and ending May 31: *Provided*, That the term of office of one-half of the initial grower members and alternates from each district and the handler member and his alternate from District 2 and the handler member and his alternate selected from the production area at large shall end May 31, 1961. Members and alternate members shall serve in such capacities for the portion of the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified.

§ 1030.22 Nomination.

(a) *Initial members.* Nominations for each of the initial members of the committee, together with nominations for the initial alternate members for each position, may be submitted to the Secretary by individual growers and handlers. Such nominations may be made by means of a meeting of handlers, and group meetings of the growers concerned in each district. Such nominations, if made, shall be filed with the Secretary

no later than the effective date of this part. In the event nominations for initial members and alternate members of the committee are not filed pursuant to, and within the time specified in, this section, the Secretary may select such initial members and alternate members without regard to nominations, but selections shall be on the basis of the representation provided for in § 1030.20.

(b) *Successor members.* (1) The committee shall hold or cause to be held, not later than May 1 of each year, a meeting or meetings of growers in each district, and a meeting of handlers, for the purpose of designating nominees for successor members and alternate members of the committee. At each such meeting a chairman and a secretary shall be selected by the growers and handlers eligible to participate therein. The chairman shall announce at the meeting the results of the balloting for each member or alternate member position and shall submit promptly to the committee a complete report concerning such meeting. The committee shall, in turn, promptly submit a copy of each such report to the Secretary.

(2) Only growers, including duly authorized officers or employees of corporate growers, who are present at such nomination meetings, may participate in the nomination and election of nominees for grower members and their alternates. Each grower shall be entitled to cast only one vote for each nominee to be elected in the district in which he produces prunes. No grower shall participate in the election of nominees in more than one district in any one fiscal year. If a person is both a grower and a handler of prunes, such person may vote either as a grower or as a handler but not as both.

(3) Only handlers, including duly authorized officers or employees of handlers, who are present at such nomination meetings, may participate in the nomination and election of nominees for handler members and their alternates. Each handler shall be entitled to cast only one vote for each nominee to be elected. If a person is both a grower and a handler of prunes, such person may vote either as a grower or as a handler but not as both.

§ 1030.23 Selection.

From the nominations made pursuant to § 1030.22, or from other qualified persons, the Secretary shall select the 6 grower members of the committee, the 4 handler members of the committee, and an alternate for each such member.

§ 1030.24 Failure to nominate.

If nominations are not made within the time and in the manner prescribed in § 1030.22, the Secretary may, without regard to nominations, select the members and alternate members of the committee on the basis of the representation provided for in § 1030.20.

§ 1030.25 Acceptance.

Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary

promptly after being notified of such selection.

§ 1030.26 Vacancies.

To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor for the unexpired term of such member or alternate member of the committee shall be nominated and selected in the manner specified in §§ 1030.22 and 1030.23. If the names of nominees to fill any such vacancy are not made available to the Secretary within a reasonable time after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of representation provided for in § 1030.20.

§ 1030.27 Alternate members.

An alternate member of the committee, during the absence or at the request of the member for whom he is an alternate, shall act in the place and stead of such member and perform such other duties as assigned. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified. In the event both a grower member of the committee and his alternate are unable to attend a committee meeting, the member or the committee may designate the other grower alternate member from the same district to serve in such member's place and stead. In the event both a handler member of the committee and his alternate are unable to attend a committee meeting, the member or the committee may designate any other handler alternate member who is not acting as a member to serve in such member's place and stead.

§ 1030.30 Powers.

The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part;

(c) To make and adopt rules and regulations to effectuate the terms and provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 1030.31 Duties.

The committee shall have, among others, the following duties:

(a) To select a chairman and such other officers as may be necessary, and to define the duties of such officers;

(b) To appoint such employees, agents, and representatives as it may deem necessary, and to determine the compensation and to define the duties of each;

(c) To submit to the Secretary as soon as practicable after the beginning of each fiscal period a budget for such fiscal period, including a report in explanation of the items appearing therein and a recommendation as to the rate of assessment for such period;

(d) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary;

(e) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to growers and handlers for examination at the office of the committee;

(f) To cause its books to be audited by a competent accountant at least once each fiscal year and at such times as the Secretary may request;

(g) To act as intermediary between the Secretary and any grower or handler;

(h) To investigate and assemble data on the growing, handling, and marketing conditions with respect to prunes;

(i) To submit to the Secretary such available information as he may request;

(j) To notify producers and handlers of all meetings of the committee to consider recommendations for regulations;

(k) To give the Secretary the same notice of meetings of the committee as is given to its members;

(l) To investigate compliance with the provisions of this part;

(m) With the approval of the Secretary, to redefine the districts into which the production area is divided, and to reapportion the representation of any district on the committee: *Provided*, That any such changes shall reflect, insofar as practicable, shifts in prune production within the districts and the production area.

§ 1030.32 Procedure.

(a) Seven members of the committee, including alternates acting for members, shall constitute a quorum; and any action of the committee shall require the concurring vote of at least seven members.

(b) The committee may vote by telegraph, telephone, or other means of communication, and any votes so cast shall be confirmed promptly in writing: *Provided*, That if an assembled meeting is held, all votes shall be cast in person.

§ 1030.33 Expenses and compensation.

The members of the committee, and alternates when acting as members, may be reimbursed for expenses necessarily incurred by them in the performance of their duties under this part and may also receive compensation, as determined by the committee, which shall not exceed \$10 per day or portion thereof spent in performing such duties: *Provided*, That at its discretion the committee may request the attendance of one or more alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members, and may pay expenses and compensation, as aforesaid.

§ 1030.34 Annual report.

The committee shall, prior to the last day of each fiscal period, prepare and mail an annual report to the Secretary and make a copy available to each handler and grower who requests a copy of the report. This annual report shall

contain at least: (a) A complete review of the regulatory operations during the fiscal period; (b) an appraisal of the effect of such regulatory operations upon the prune industry; and (c) any recommendations for changes in the program.

EXPENSES AND ASSESSMENTS

§ 1030.40 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the committee for its maintenance and functioning and to enable it to exercise its powers and perform its duties in accordance with the provisions of this part during each fiscal period. The funds to cover such expenses shall be acquired by the levying of assessments as prescribed in § 1030.41.

§ 1030.41 Assessments.

(a) Each person who first handles prunes shall, with respect to the prunes so handled by him, pay to the committee upon demand such person's pro rata share of the expenses which the Secretary finds will be incurred by the committee during each fiscal period. Each such person's share of such expenses shall be equal to the ratio between the total quantity of prunes handled by him as the first handler thereof during the applicable fiscal period and the total quantity of prunes so handled by all persons during the same fiscal period. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the rate of assessment to be paid by each such person. At any time during or after the fiscal period, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses which may be incurred. Such increase shall be applied to all prunes handled during the applicable fiscal period. In order to provide funds for the administration of the provisions of this part during the first part of a fiscal period before sufficient operating income is available from assessments on the current year's shipments, the committee may accept the payment of assessments in advance, and may also borrow money for such purpose.

§ 1030.42 Accounting.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, such excess shall be accounted for as follows:

(1) Except as provided in subparagraphs (2) and (3) of this paragraph, each person entitled to a proportionate refund of any excess assessment shall be credited with such refund against the operation of the following fiscal period unless such person demands repayment thereof, in which event it shall be paid to him: *Provided*, That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal period may be applied by the committee at the end of

such fiscal period to any outstanding obligations due the committee from such person.

(2) The committee, with the approval of the Secretary, may establish and maintain during one or more fiscal years an operating monetary reserve in an amount not to exceed approximately one fiscal year's operational expenses. Upon approval of the Secretary, funds in such reserve shall be available for use by the committee for all expenses authorized pursuant to § 1030.40.

(3) Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part and shall be accounted for in the manner provided in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds in his possession to his successor in office, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor full title to all of the property, funds, and claims vested in such member pursuant to this part.

RESEARCH

§ 1030.45 Marketing research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of prunes. The expense of such projects shall be paid from funds collected pursuant to § 1030.41.

REGULATIONS

§ 1030.50 Marketing policy.

(a) Each season prior to making any recommendations pursuant to § 1030.51, the committee shall submit to the Secretary a report setting forth its marketing policy for the ensuing season. Such marketing policy report shall contain information relative to:

- (1) The estimated total production of prunes within the production area;
- (2) The expected general quality and size of prunes in the production area and in other areas;
- (3) The expected demand conditions for prunes in different market outlets;
- (4) The expected shipments of prunes produced in the production area and in areas outside the production area;
- (5) Supplies of competing commodities;
- (6) Trend and level of consumer income;

(7) Other factors having a bearing on the marketing of prunes; and

(8) The type of regulations expected to be recommended during the season.

(b) In the event it becomes advisable, because of changes in the supply and demand situation for prunes, to modify substantially such marketing policy, the committee shall submit to the Secretary a revised marketing policy report setting forth the information prescribed in this section. The committee shall publicly announce the contents of each marketing policy report, including each revised marketing policy report, and copies thereof shall be maintained in the office of the committee where they shall be available for examination by growers and handlers.

§ 1030.51 Recommendations for regulation.

(a) Whenever the committee deems it advisable to regulate the handling of any variety or varieties of prunes in the manner provided in § 1030.52, it shall so recommend to the Secretary.

(b) In arriving at its recommendations for regulation pursuant to paragraph (a) of this section, the committee shall give consideration to current information with respect to the factors affecting the supply and demand for prunes during the period or periods when it is proposed that such regulation should be made effective. With each such recommendation for regulation, the committee shall submit to the Secretary the data and information on which such recommendation is predicated and such other available information as the Secretary may request.

§ 1030.52 Issuance of regulations.

(a) The Secretary shall regulate, in the manner specified in this section, the handling of prunes whenever he finds, from the recommendations and information submitted by the committee, or from other available information, that such regulations will tend to effectuate the declared policy of the Act. Such regulations may:

(1) Limit, during any period or periods, the shipments of any particular grade, size, quality, maturity, or pack, or any combination thereof, of any variety or varieties of prunes grown in the production area.

(2) Limit the shipment of prunes by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity during any period when season average prices are expected to exceed the parity level.

(3) Fix the size, capacity, weight, dimensions, or pack of the container, or containers, which may be used in the packaging or handling of prunes.

(4) Prescribe requirements, as provided in this paragraph, applicable to exports of any variety of prunes which are different from those applicable to the handling of the same variety to other destinations.

(b) The committee shall be informed immediately of any such regulation issued by the Secretary, and the committee shall promptly give notice thereof to growers and handlers.

PROPOSED RULE MAKING

§ 1030.53 Modification, suspension, or termination of regulations.

(a) In the event the committee at any time finds that, by reason of changed conditions, any regulations issued pursuant to § 1030.52 should be modified, suspended, or terminated, it shall so recommend to the Secretary.

(b) Whenever the Secretary finds, from the recommendations and information submitted by the committee or from other available information, that a regulation should be modified, suspended, or terminated with respect to any or all shipments of prunes in order to effectuate the declared policy of the Act, he shall modify, suspend, or terminate such regulation. On the same basis and in like manner, the Secretary may terminate any such modification or suspension. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the Act, he shall suspend or terminate such regulation. On the same basis and in like manner, the Secretary may terminate any such suspension.

§ 1030.54 Special purpose shipments.

(a) Except as otherwise provided in this section, any person may, without regard to the provisions of §§ 1030.41, 1030.52, 1030.53, and 1030.55, and the regulations issued thereunder, handle prunes (1) for consumption by charitable institutions; (2) for distribution by relief agencies; or (3) for commercial processing into products.

(b) Upon the basis of recommendations and information submitted by the committee, or from other available information, the Secretary may relieve from any or all requirements, under or established pursuant to §§ 1030.41, 1030.52, 1030.53, or 1030.55, the handling of prunes in such minimum quantities, or types of shipments, or for such specified purposes (including shipments to facilitate the conduct of marketing research and development projects established pursuant to § 1030.45) as the committee, with approval of the Secretary, may prescribe.

(c) The committee shall, with the approval of the Secretary, prescribe such rules, regulations, and safeguards as it may deem necessary to prevent prunes handled under the provisions of this section from entering the channels of trade for other than the specific purposes authorized by this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications and receive approval from the committee for authorization to handle prunes pursuant to this section, and that such applications be accompanied by a certification by the intended purchaser or receiver that the prunes will not be used for any purpose not authorized by this section.

§ 1030.55 Inspection and certification.

Whenever the handling of any variety of prunes is regulated pursuant to § 1030.52 or § 1030.53, each handler who handles prunes shall, prior thereto, cause such prunes to be inspected by the Federal or Federal-State Inspection Service, and certified by it as meeting the applicable requirements of such regulation:

Provided, That inspection and certification shall be required for prunes which previously have been so inspected and certified only if such prunes have been regraded, resorted, repackaged, or in any other way further prepared for market. Promptly after inspection and certification, each such handler shall submit, or cause to be submitted, to the committee a copy of the certificate of inspection issued with respect to such prunes.

REPORTS

§ 1030.60 Reports.

(a) Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and at such time as it may prescribe, such reports and other information as may be necessary for the committee to perform its duties under this part: Such reports may include, but are not necessarily limited to, the following: (1) The quantities of each variety of prunes received by a handler; (2) the quantities disposed of by him, segregated as to the respective quantities subject to regulation and not subject to regulation; (3) the date of each such disposition and the identification of the carrier transporting such prunes, and (4) the destination of each shipment of such prunes.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers are authorized, subject to the prohibition of disclosure of individual handler's identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the prunes received, and of prunes disposed of, by such handler as may be necessary to verify reports pursuant to this section.

MISCELLANEOUS PROVISIONS

§ 1030.61 Compliance.

Except as provided in this part, no person shall handle prunes the shipment of which has been prohibited by the Secretary in accordance with the provisions of this part; and no person shall handle prunes except in conformity with the provisions and the regulations issued under this part.

§ 1030.62 Right of the Secretary.

The members of the committee (including successors and alternates), and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in accordance there-

with prior to such disapproval by the Secretary.

§ 1030.63 Effective time.

The provisions of this part and of any amendments thereto shall become effective at such time as the Secretary may declare above his signature, and shall continue in force until terminated in one of the ways specified in § 1030.64.

§ 1030.64 Termination.

(a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner in which he may determine.

(b) The Secretary shall terminate or suspend the operation of any and all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this part at the end of any fiscal period whenever he finds that continuance is not favored by the majority of producers who, during a representative period determined by the Secretary, were engaged in the production area in the production of prunes for market in fresh form: *Provided*, That such majority has produced for market during such period more than 50 percent of the volume of prunes produced for fresh market in the production area; but such termination shall be effective only if announced on or before May 31 of the then current fiscal period.

(d) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 1030.65 Proceedings after termination.

(a) Upon the termination of the provisions of this part, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustees of all the funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and (3) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person, full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant hereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the committee and upon the trustees.

§ 1030.66 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this

part or of any regulation issued pursuant to this part or the issuance of any amendment to either thereof, shall not, (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued under this part, or (b) release or extinguish any violation of this part, or of any regulation issued under this part, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 1030.67 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon the termination of this part, except with respect to acts done under and during the existence of this part.

§ 1030.68 Agents.

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

§ 1030.69 Derogation.

Nothing contained in the provisions of this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 1030.70 Personal liability.

No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 1030.71 Separability.

If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part, or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

Order Directing That Referendum Be Conducted; Designation of Agents To Conduct Referendum; and Determination of Representative Period

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), it is hereby directed that a referendum be conducted among the producers who, during the period June 1, 1959, through May 31, 1960 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the coun-

ties of Washington, Payette, Gem, Canyon, Ada, and Owyhee in the State of Idaho and Malheur County in the State of Oregon, in the production of fresh prunes for market to ascertain whether such producers favor the issuance of an order regulating the handling of fresh prunes grown in the aforesaid production area, which order is annexed to the decision of the Secretary of Agriculture filed simultaneously herewith. Robert H. Eaton and Allan Henry, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, are hereby designated agents of the Secretary of Agriculture to conduct said referendum severally or jointly.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except Those Applicable to Milk and its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F.R. 5176; 19 F.R. 35).

Copies of the aforesaid annexed order, of the aforesaid referendum procedure, and of this order may be examined in the Office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained from any referendum agent or appointee.

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

Dated: June 10, 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60-5464; Filed, June 14, 1960; 8:52 a.m.]

Commodity Stabilization Service

[7 CFR Part 813]

ALLOTMENT OF 1960 SUGAR QUOTA FOR CONSUMPTION WITHIN CONTINENTAL UNITED STATES

Recommended Decision and Opportunity To File Written Exceptions

Pursuant to the provisions of the Sugar Act of 1948, as amended (61 Stat. 922, as amended, hereinafter referred to as the "Act"), and the applicable rules of practice and procedure (7 CFR 801.1 et seq.) notice is hereby given of the filing with the Hearing Clerk of the Recommended Decision of the Administrator, Commodity Stabilization Service, United States Department of Agriculture, with respect to a proposed order of the Secretary of Agriculture for the allotment of the 1960 sugar quota for the Domestic Beet Sugar Area. Interested persons may file written exceptions to this recommended decision and proposed order, together with supporting reasons therefor, with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., within 10 days after the date of filing of the recommended decision with the Hearing Clerk, which

date shall be the date of publication of this notice in the FEDERAL REGISTER. The date of filing of written exceptions with the Hearing Clerk by mail shall be the postmark date of submission of such exceptions.

Preliminary statement. Section 205(a) of the Act requires the Secretary to allot a quota whenever he finds that the allotment is necessary, among other things to (1) prevent disorderly marketing of sugar or liquid sugar and (2) afford all interested persons an equitable opportunity to market sugar or liquid sugar. Section 205(a) also requires that such allotment be made after such hearing and upon such notice as the Secretary may prescribe.

Pursuant to the applicable rules of practice and procedure a preliminary finding was made that allotment of the quota is necessary and a notice was published on February 27, 1960 (25 F.R. 1734) of a public hearing to be held in Washington, D.C., room 3304, South Building, U.S. Department of Agriculture, on March 9, 1960, beginning at 10:00 a.m., e.s.t., for the purpose of receiving evidence to enable the Secretary (1) to affirm or revoke the preliminary findings of necessity for allotments, (2) to establish a fair, efficient and equitable allotment of the 1960 quota for the Domestic Beet Sugar Area for the calendar year 1960, (3) to revise or amend the allotment of the quota for the purposes of (a) allotting any increase or decrease in the quota; (b) prorating any deficit in the allotment for any allottee, and (c) substituting revised estimates or final actual data for estimates of such data and, (4) to provide how certain marketings shall apply to allotments.

The hearing was held at the time and place specified in the notice and testimony was given with respect to all issues referred to in the hearing notice.

In arriving at the findings, conclusions and regulatory provisions of this proposed order, all proposed findings and conclusions were carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that findings and conclusions proposed by the interested persons are inconsistent with the findings and conclusions recommended herein, the specific or implied requests to make such findings and reach such conclusions are denied on the basis of the facts recommended to be found and the conclusions recommended to be reached as set forth herein.

The following portions of the Administrator's recommended decision consisting of the basis for his proposed findings and conclusions, and proposed determination are set forth in form and language appropriate for issuance if adopted by the Secretary as his findings and conclusions and final determination.

Basis for findings and conclusions. Section 205(a) of the Act reads in pertinent part as follows:

• • • Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processings of sugar or liquid sugar from sugar beets or sugarcane to which proportionate shares, deter-

mined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person and the ability of such persons to market or import that portion of such quota or proration thereof allotted to him * * *

The record of the hearing indicates that the prospective supply of domestic beet sugar available for marketing in 1960 exceeds the quota for that area to an extent that allotment of the quota is necessary to prevent disorderly marketing and provide all processors of beet sugar equitable marketing opportunities within the limitations of the quota (R. 9).

The allotment method set forth in this order follows the proposal made by the Government witness. Such method of allotting the quota provides that consideration be given to all of the factors cited in section 205(a) of the Act (R. 21). The allotment method recognizes the "hardship" provision in section 205 (a) of the Act (R. 22).

The allotment method adopted herein differs in only one minor respect from the allotment method recommended by the Beet Sugar Industry Task Force in their letter of February 23, 1960, which was accepted in evidence at the hearing as Exhibit 6 (R. 19). The Task Force recommended that in computing the adjustments to base allotments, the January 1, 1960, effective inventories of individual processors be reduced by the quantity of sugar they processed from the 1959-crop non-proportionate share beets and marketed within the 1959 quota (R. 19, 20). At the hearing an industry representative testified that all allottees except three concurred in the recommendation of the Task Force with respect to the reduction of effective inventories, and, in a brief, The Amalgamated Sugar Company supported this and other recommendations of the Task Force. The allotment method adopted herein does not provide for such an adjustment in January 1, 1960, effective inventories. Before the end of 1959, the rescission of allotments permitted all allottees to market sugar without quantitative restrictions and gave them the opportunity to reduce inventories to the desired level (R. 20). Under these circumstances the proposed adjustment in inventories is not considered necessary to achieve fair, efficient, and equitable distribution of the 1960 quota. The order as herein set forth excludes from January 1, 1960, effective inventories the non-proportionate share sugar produced specifically for livestock feed which was not marketed in 1959 and any non-proportionate share sugar produced in 1960 from the 1959-crop beets (R. 21).

Production of sugar from 1959-crop sugar beets, exclusive of known quantities to which proportionate share did not pertain, is the most up-to-date measure of the "processings" factor available to represent the operations for a full year for each processor. In order to permit adequate time for processors to plan for orderly marketing within allotments it is necessary to establish August 31, 1960 as the final termination date for 1959-crop processings to be used in determining allotments (R. 17). A weighting

of 75 percent to the "processings" factor in determining base allotments appears consistent with the importance of this factor considering that sugar produced from the 1959 crop will represent approximately 75 percent of the sugar to be marketed within the 1960 quota (R. 21).

The factor "past marketings" when measured by the 1955-59 average annual marketings within allotments and weighted 25 percent in determining base allotments and when considered in conjunction with other provisions of the allotment method herein adopted, which are applicable to 1960, contributes to an orderly rate of change in marketings of each processor relative to the marketings of others (R. 21, 22). The base period is long enough to incorporate a variety of experiences representative of the sharing of marketings during the immediate past.

In the allotment method adopted herein the "ability to market" factor is partially reflected in the measures of the other two factors. Additional consideration is appropriately given this factor by adjusting base allotments for January 1, 1960, inventory imbalances as set forth in detail in the findings (R. 22).

No testimony, proposal, or argument, other than that outlined above appears in the hearing record.

Findings and conclusions. On the basis of the record of the hearing, I hereby find and conclude that:

(1) For the calendar year 1960 Domestic Beet Sugar processors will have available for marketing from 1959-crop sugar beets about 1,720,000 short tons, raw value, of sugar. This quantity of sugar together with production of sugar from 1960-crop beets, will result in a supply of sugar available for marketing in 1960 sufficiently in excess of the anticipated 1960 quota for the Domestic Beet Sugar Area to cause disorderly marketing and prevent some interested persons from having equitable opportunities to market sugar.

(2) The allotment of the 1960 Domestic Beet Sugar Area quota for consumption within the continental United States is necessary to prevent disorderly marketing and to afford all interested persons equitable opportunities to market sugar processed from sugar beets in that area.

(3) To assure a fair, efficient and equitable distribution of the 1960 Domestic Beet Sugar Area quota for consumption within the continental United States, the three factors specified in section 205(a) of the Act shall be given consideration and allotments determined as follows.

(a) Base allotments shall first be determined by giving consideration to the processing and past marketing factors as follows:

(i) The factor processings from proportionate shares shall be measured by each processor's production of sugar from 1959-crop sugar beets through August 31, 1960, exclusive of known quantities of sugar produced from non-proportionate share beets, or the alternative measure provided for herein, expressed as a percentage of the total

of such actual or alternative processings for all processors, and weighted by 75 percent: *Provided*, That in recognition of the "hardship" provision in section 205(a) of the Act, an alternative measure derived as follows shall be used for any processor when the quantity so derived exceeds such processor's actual 1959-crop processings: $(\text{Processor's 1959-crop processings}) \times (\text{Industry total 1959-crop processings} \div \text{Industry total 1958-crop processings}) \times 85$ percent, except that such alternative measure shall not exceed 125 percent of such processor's actual 1959-crop processings.

(ii) The factor past marketings shall be measured by each processor's average annual marketings within the quota for the years 1955 through 1959, expressed as a percentage of the total of the measure for all processors, and weighted by 25 percent.

(iii) The total of the percentages resulting from (i) and (ii), above, for each processor shall be multiplied by the Domestic Beet Sugar Area quota, in short tons, raw value, to determine his base allotment, in short tons, raw value.

(b) The factor "ability to market" shall be given consideration, in addition to that which is inherent in the consideration given to the other factors, by adjusting the base allotments, as determined in (a)(iii), above, for January 1, 1960, inventory imbalances to the extent and by the method stated below: *Provided, however*, That in such determination the January 1, 1960, effective inventory to be used for individual processors shall include the January 1, 1960, physical inventory of sugar exclusive of quantities to be marketed as quota-exempt sugar, the sugar processed in 1960 prior to August 31, 1960, from 1958 and 1959-crop proportionate share sugar beets, and for any processor subject to the "hardship" provision of (a)(i), above, the quantity by which his alternative measure of processings exceeds his actual 1959 processings.

(i) Compute the "plus" or "minus" January 1, 1960, inventory imbalance for each processor, by algebraically subtracting from his January 1, 1960, effective inventory his January 1, 1955-59 average effective inventory adjusted proportionately so that the total of such adjusted average inventories of all processors is equal to the total January 1, 1960, effective inventories of all processors.

(ii) The "plus" adjustment applicable to the base allotment for each processor having a "plus" inventory imbalance, as determined in (b)(i) shall be the quantity that such imbalance exceeds 10 percent of his adjusted January 1, 1955-59 average effective inventory and such excess multiplied by 25 percent. Such adjustment for any processor shall not exceed 10 percent of his base allotment.

(iii) The "minus" adjustments applicable to the base allotments for processors having "minus" inventory imbalances shall be computed by prorating the total of the "plus" adjustments, as determined in (b)(ii), among such processors on the basis of their "minus" inventory imbalances. Such adjustment for any processor shall not exceed

10 percent of this base allotment and, if, as a result of this limitation, the sum of the maximum "minus" adjustments is less than the sum of the "plus" adjustments, as determined in (b) (ii), such "plus" adjustments shall be reduced proportionately to a total equal to the total "minus" adjustments.

(iv) The adjustments computed pursuant to (b) (ii) and (b) (iii) from data expressed in hundredweight of refined sugar shall be multiplied by the factor

0.0535 to express such adjustment in short tons, raw value.

(c) Allotments for individual processors, in short tons, raw value, shall be the base allotment quantity as determined in (a) (iii) adjusted upward or downward, respectively, on the basis of "plus" or "minus" adjustments as determined in (b) (iv). Such quantities when divided by 0.0535 express allotments in the equivalent hundredweight of refined sugar.

(4) The quantities of sugar and the percentages referred to in paragraph (3), above, are set forth in the following table. They are based on data as provided for in the hearing record, including estimates for 1959 processings, 1959 marketings, and January 1, 1960, inventories which shall be used pending the availability and substitution of final data for such estimates, and as applied to the Domestic Beet Sugar Area quota of 2,043,480 short tons, raw value.

| Processor | Processings from 1959-crop to which proportionate shares pertained | | Average marketings within the quota 1955-59 | | Base allotments | | January 1 effective inventories hundredweight, refined | | | Adjustments to base allotments | | Processor allotments, short tons, raw value, (col. 6+ or -col. 11) |
|--|--|------------------|---|------------------|---|--------------------------------------|--|--|--|-------------------------------------|---|--|
| | Hundred-weight refined | Percent of total | Hundred-weight refined | Percent of total | Percent of total (col. 2X .075+ col. 4X .025) | Short tons raw value (col. 5X quota) | 1960 | 1955-59 average adjusted to col. 7 total | 1960 inventory imbalances (col. 7- col. 8) | Hundred-weight refined ¹ | Short tons, raw value (col. 10X 0.0535) | |
| | | | | | | | | | | | | |
| Amalgamated Sugar Co., The..... | 5,903,783 | 13.6702 | 5,101,529 | 13.2501 | 13.5652 | 277,202 | 4,619,074 | 4,192,648 | +426,426 | +1,790 | +96 | 277,298 |
| American Crystal Sugar Co..... | 4,843,570 | 11.2152 | 6,287,774 | 13.7338 | 11.8448 | 242,046 | 3,696,141 | 4,772,299 | -1,076,158 | -77,358 | -4,139 | 237,907 |
| Buckeye Sugars, Inc..... | 188,194 | .4368 | 195,665 | .5082 | .4539 | 9,275 | 112,910 | 159,692 | -46,682 | -3,356 | -179 | 9,096 |
| Franklin County Sugar Co..... | 247,659 | .5735 | 194,467 | .5051 | .5564 | 11,370 | 148,693 | 114,765 | +33,928 | +5,613 | +300 | 11,670 |
| Great Western Sugar Co., The..... | 9,981,996 | 23.1132 | 8,982,071 | 23.3289 | 23.1671 | 473,415 | 8,012,316 | 7,563,423 | +448,893 | 0 | 0 | 473,415 |
| Holly Sugar Corp..... | 6,841,402 | 16.8412 | 6,231,135 | 16.1839 | 15.9269 | 325,463 | 4,935,387 | 5,363,076 | -427,689 | -30,744 | -1,645 | 323,818 |
| Layton Sugar Co..... | 8,225,958 | .5232 | 203,251 | .5279 | .5244 | 10,716 | 191,297 | 187,486 | +3,811 | 0 | 0 | 10,716 |
| Menominee Sugar Co..... | 2,280,470 | .6494 | 235,300 | .6111 | .6398 | 13,074 | 173,116 | 106,220 | +66,896 | +14,008 | +753 | 13,827 |
| Michigan Sugar Co..... | 1,580,702 | 3.6601 | 1,400,111 | 3.6365 | 3.6542 | 74,673 | 1,081,737 | 1,072,953 | +8,784 | 0 | 0 | 74,673 |
| Monitor Sugar Division of Robert Gage Coal Co..... | 708,416 | 1.6403 | 630,011 | 1.6363 | 1.6393 | 33,499 | 458,274 | 471,138 | -12,864 | -925 | -49 | 33,450 |
| National Sugar Manufacturing Co., The..... | 201,692 | .4670 | 99,579 | .2586 | .4149 | 8,478 | 158,283 | 70,974 | +87,309 | +16,193 | +866 | 9,344 |
| Northern Ohio Sugar Co..... | 5,683,397 | 1.3508 | 507,427 | 1.3179 | 1.3426 | 27,436 | 2,306,941 | 288,693 | +18,248 | 0 | 0 | 27,436 |
| Spreckels Sugar Co..... | 5,796,763 | 13.4224 | 4,199,527 | 10.9073 | 12.7936 | 261,435 | 3,759,415 | 3,092,212 | +667,203 | +89,496 | +4,788 | 266,223 |
| Union Sugar Division, Consolidated Foods Corp..... | 1,734,263 | 4.0157 | 1,469,095 | 3.8156 | 3.9657 | 81,038 | 1,295,313 | 1,287,853 | +7,460 | 0 | 0 | 81,038 |
| Utah-Idaho Sugar Co..... | 4,069,100 | 9.4220 | 3,765,038 | 9.7788 | 9.5112 | 194,360 | 2,969,164 | 3,174,729 | -205,565 | -14,777 | -791 | 193,569 |
| Total..... | 43,187,365 | 100.0000 | 38,501,980 | 100.0000 | 100.0000 | 2,043,480 | 31,918,061 | 31,918,061 | ±1,768,958 | ±127,100 | ±6,803 | 2,043,480 |

¹ Determined as follows: Plus (+) adjustments=(Extent (+) quantity in Col. 9 exceeds 10 percent of Col. 8)X(25 percent); minus (-) adjustments=the total of (+) adjustments in Col. 10, amounting to 127,160 hundredweight, prorated to processors on the basis of (-) quantities in Col. 9.

² Prior to the application of the "hardship" provision, the 1959-crop processings totaled 224,376 hundredweight for Menominee Sugar Co. and 573,049 hundredweight for Northern Ohio Sugar Co.; and the Jan. 1, 1960, effective inventories were 117,022 hundredweight and 296,593 hundredweight respectively.

(5) The order shall be revised without further notice or hearing for the purpose of (a) substituting revised estimates or final data for estimated data on 1959-crop processings, 1959 marketings and January 1, 1960, inventories used in measuring the factors when such data become part of the official records of the Department, (b) allotting any quantity of an allotment which may be released by an allottee to other allottees able to utilize additional allotment in proportion to the established allotments of such allottees when the written notification to the Director of the Sugar Division of such release becomes a part of the official records of the Department, and (c) revising allotments to give effect to any change in the quota for the area resulting from a change in United States sugar requirements pursuant to sections 201 and 202 of the Act or from the proration of a deficit in the quota of any area pursuant to section 204 of the Act. In making revisions to give effect to a change in the quota for the area, allotments shall be made by the full application of the allotment procedure adopted herein.

(6) Official notice will be taken of (a) final or revised estimated data for 1959-crop processings, 1959 marketings and January 1, 1960, inventories submitted by processors on Forms SU-70 or other

written form when such data becomes a part of the official records of the Department, (b) any written notice to the Sugar Division by an allottee that he is unable to fill part of his allotment when the notification becomes a part of the official records of the Department, and (c) any regulation issued by the Secretary which changes the 1960 Domestic Beet Sugar Area quota.

(7) To assure that the marketing of sugar or liquid sugar is charged against the proper allotment, it is necessary that the order provide for charges to allotments of processors who sell sugar beets, or molasses derived from sugar beets, but retain and process such sugar beets or molasses into sugar or liquid sugar for delivery to or for the account of the buyer.

(8) Allotments established in the foregoing manner and in the quantities set forth in the order provide a fair, efficient and equitable distribution of any 1960 Domestic Beet Sugar Area quota that may be established for consumption within the continental United States and meet the requirements of section 205 (a) of the Act.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act, it is hereby ordered:

§ 813.1 Allotment of the 1960 sugar quota for the Domestic Beet Sugar Area.

(a) Allotments. The 1960 Domestic Beet Sugar Area quota for consumption within the continental United States of 2,043,480 short tons, raw value, is hereby allotted to the following processors in the amounts which appear opposite their respective names:

| Processor | Allotments | |
|--|-----------------------|---|
| | Short tons, raw value | Equivalent in hundred-weight refined beet sugar |
| Amalgamated Sugar Co., The..... | 277,298 | 5,183,140 |
| American Crystal Sugar Co..... | 237,907 | 4,446,860 |
| Buckeye Sugars, Inc..... | 9,096 | 170,019 |
| Franklin County Sugar Co..... | 11,670 | 218,131 |
| Great Western Sugar Co., The..... | 473,415 | 8,848,870 |
| Holly Sugar Corp..... | 323,818 | 6,052,673 |
| Layton Sugar Co..... | 10,716 | 200,299 |
| Menominee Sugar Co..... | 13,827 | 258,448 |
| Michigan Sugar Co..... | 74,673 | 1,395,757 |
| Monitor Sugar Division of Robert Gage Coal Co..... | 33,450 | 625,234 |
| National Sugar Manufacturing Co., The..... | 9,344 | 174,654 |
| Northern Ohio Sugar Co..... | 27,436 | 512,822 |
| Spreckels Sugar Co..... | 266,223 | 4,976,131 |
| Union Sugar Division, Consolidated Foods Corp..... | 81,038 | 1,514,729 |
| Utah-Idaho Sugar Co..... | 193,569 | 3,618,112 |
| Total..... | 2,043,480 | 38,195,888 |

PROPOSED RULE MAKING

(b) *Marketing of sugar beets and molasses.* If sugar beets or molasses derived from sugar beets are sold by a processor but retained and processed by such processor and the sugar or liquid sugar processed therefrom is delivered to or for the account of the buyer of the sugar beets or molasses, such delivery at the time it occurs shall constitute a marketing which shall be effective for filling the allotment of the processor who sold and processed such sugar beets or molasses.

(c) *Marketing limitations.* Marketings shall be limited to allotments as

established herein subject to the prohibitions and provisions of §§ 816.1 to 816.9 of this chapter (Sugar Regulation 816, Rev. 1; 23 F.R. 1943).

(d) *Delegation.* The Director of the Sugar Division, Commodity Stabilization Service, U.S. Department of Agriculture, is hereby authorized to revise the allotments established under this order without further notice or hearing in accordance with the findings and conclusions heretofore made, to give effect to (1) the substitution of revised data or final data for estimates, (2) the reallocation of any quantity of an allotment released

by an allottee and (3) any change in the Domestic Beet Sugar Area quota.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies sec. 205, 209; 61 Stat. 926, as amended, 928; 7 U.S.C. 1115, 1119)

Done at Washington, D.C., this 9th day of June 1960.

CLARENCE D. PALMBY,
Acting Administrator,

Commodity Stabilization Service.

[F.R. Doc. 60-5437; Filed, June 14, 1960;
8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[AA 643.3]

FISH BLOCKS FROM ICELAND

Determination of No Sales at Less Than Fair Value

JUNE 9, 1960.

A complaint was received that fish blocks from Iceland were being sold to the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that fish blocks from Iceland are not being, nor are likely to be, sold in the United States at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. The fish blocks in question were imported by a subsidiary of the foreign seller and were not resold in the United States in their imported condition, being further processed by the importer into fish portions, fish sticks, and similar products. Under these circumstances, exporter's sales price, which is the applicable basis of comparison, does not exist and the Antidumping Act has no application.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 60-5446; Filed, June 14, 1960; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Bureau Order 551, Amdt. 61]

FUNCTIONS RELATING TO TRIBAL PROGRAMS

Redelegation of Authority

Order 551, as amended, is further amended by addition of a new section under the heading Functions Relating to Tribal Programs, to read as follows:

SEC. 335 *Standing Rock Sioux Tribe; rehabilitation.* The authority contained in section 5 of the Act of September 2, 1958 (Pub. Law 85-915; 72 Stat. 1762), which relates to the approval of plans and programs designed for the rehabilitation of recognized members of the Standing Rock Sioux Tribe.

GLENN L. EMMONS,
Commissioner.

JUNE 9, 1960.

[F.R. Doc. 60-5427; Filed, June 14, 1960; 8:47 a.m.]

[Aberdeen Area Office Redelegation Order 2, Amdt. 9]

FUNCTIONS RELATING TO TRIBAL PROGRAMS

Redelegation of Authority

Order No. 2 (19 F.R. 8756), as amended, is further amended by the addition of the following new section under the heading Functions Relating to Tribal Programs.

SEC. 335 *Standing Rock Sioux Tribe; rehabilitation.* The authority contained in section 5 of the Act of September 2, 1958 (Pub. Law 85-915; 72 Stat. 1762), which relates to the approval of plans and programs designed for the rehabilitation of recognized members of the Standing Rock Sioux Tribe.

GLENN L. EMMONS,
Commissioner.

JUNE 9, 1960.

[F.R. Doc. 60-5426; Filed, June 14, 1960; 8:47 a.m.]

Bureau of Land Management

[Notice 18]

ALASKA

Filing of Protraction Diagram, Anchorage Land District

JUNE 7, 1960.

Notice is hereby given that effective with this publication, the following protraction diagrams are officially filed of record in the Anchorage Land Office, 6th and Cordova, Anchorage, Alaska. In accordance with 43 CFR 192.42a(c) (24 F.R. 4140, May 22, 1959), these protractions will become the basic record for the description of oil and gas lease offers, State Selection applications under 43 CFR 76.9(a) (4) (24 F.R. 4657), and other authorized uses filed at and subsequent to 10:00 a.m. on the thirty-first day after the publication of this notice.

ALASKA PROTRACTION DIAGRAM (UNSURVEYED)

COPPER RIVER MERIDIAN

CR 10-1, Ts. 17 to 20 S., Rs. 14 to 17 E.,
CR 10-2, Ts. 17 to 20 S., Rs. 12 to 13 E.,
CR 10-3, Ts. 17 to 20 S., Rs. 9 to 11 1/2 E.,
CR 10-4, Ts. 17 to 20 S., Rs. 5 to 8 E.,
CR 10-5, Ts. 17 to 20 S., Rs. 1 to 4 E.,
CR 10-6, Ts. 21 to 24 S., Rs. 5 to 8 E.,
CR 10-7, Ts. 21 to 22 S., Rs. 9 to 11 1/2 E.,
CR 10-8, T. 21 S., Rs. 12 to 13 E.,
CR 10-9, T. 21 S., Rs. 14 to 17 E.

Copies of these diagrams are for sale at one dollar (\$1.00) per sheet by the Cadastral Engineering Office, Bureau of Land Management, mailing address: 6th and Cordova, Anchorage, Alaska.

IRVING W. ANDERSON,
Manager.

[F.R. Doc. 60-5428; Filed, June 14, 1960; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

IDAHO

Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in the following counties in the State of Idaho a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

IDAHO

Canyon.
Gem.
Payette.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1961, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 10th day of June 1960.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 60-5466; Filed, June 14, 1960; 8:52 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. 900]

MONODON PAPER CORP. ET AL.

Classification of Paper Products; Notice of Amended Order

Classification of paper products by Monodon Paper Corporation, Mohegan Pad and Paper Converters, Inc., and Inter-Americas Shipping Company.

On May 12, 1960, the Federal Maritime Board entered the following order amending its previous order dated March 14, 1960, appearing in the FEDERAL REGISTER of April 1, 1960 (25 F.R. 2780):

It appearing from information before the Board that Monodon Corporation, Mohegan Pad and Paper Converters, Inc. and Inter-Americas Shipping Company, have shipped or caused to be shipped, during 1958 and 1959, certain paper products including marble covered composition books, press board books, bond, duplicator mimeograph, writing, and offset paper; and

It further appearing that by reason of such acts Monodon Corporation, Mohegan Pad and Paper Converters, Inc. and Inter-Americas Shipping Company knowingly and willfully, directly or in-

directly, by means of false billing, false classification, false weighing, false report of weight, or by any other unjust or unfair device or means, obtained or attempted to obtain transportation by water from the United States to Puerto Rico, Cuba, and/or Venezuela, for paper products during 1958 and 1959, at less than the rate or charge otherwise applicable, in violation of section 16 of the Shipping Act, 1916, as amended (46 U.S.C. 815):

Now therefore, it is ordered, That:

1. An investigation be and it is hereby instituted upon the Board's own motion, pursuant to section 22 of said Act, to determine whether Monodon Corporation, Mohegan Pad and Paper Converters, Inc., and Inter-Americas Shipping Company or any of them have violated section 16 of said Act;

2. Monodon Corporation, Mohegan Pad and Paper Converters, Inc., and Inter-Americas Shipping Company, be and they are hereby made respondents in the proceeding; and

3. A copy of this order be published in the FEDERAL REGISTER, that copies of this order be served upon each of said respondents, and that this proceeding be assigned for hearing before an Examiner of the Board at a date and place to be fixed by the Chief Examiner.

Dated: June 8, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-5467; Filed, June 14, 1960;
8:53 a.m.]

[Docket No. 905]

UNITED STATES LINES AND GONDRAND BROTHERS

Notice of Investigation and of Hearing

United States Lines and Gondrand Brothers, violation of section 16.

On May 18, 1960, the Federal Maritime Board entered the following order:

It appearing that there is information before the Board that Gondrand Brothers, Zurich, Switzerland, in connection with the shipment of certain logs during the period 1954 through 1959 inclusive from New York to Rotterdam, knowingly and willfully, directly or indirectly, by means of false billing, false classification, or by any other unjust or unfair device or means obtained or attempted to obtain transportation by water for property at less than the rates which would otherwise be applicable; and

It further appearing that United States Lines, a common carrier by water in foreign commerce, directly or indirectly, allowed said Gondrand Brothers to so obtain transportation at less than the regular rates or charges then established and enforced on said United States Lines;

It is ordered, That an investigation is hereby instituted to determine whether any or all of the persons named above have acted in violation of section 16 of

the Shipping Act, 1916 (46 U.S.C. 815); and

It is further ordered, That all persons named above are made respondents in this proceeding which is to be set for hearing before an Examiner from the Hearing Examiners' Office at a time and place to be announced; and

It is further ordered, That a copy of this order be served on each of the respondents and published in the FEDERAL REGISTER.

Pursuant to the above order, notice is hereby given that the hearing herein ordered will be held before an examiner of the Board's Office of Hearing Examiners at a date and place to be determined and announced by the Chief Examiner. The hearing will be conducted in accordance with the Board's rules of practice and procedure, and a recommended decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies), having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Board promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR 201.74) of said rules.

Dated: June 8, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-5468; Filed, June 14, 1960;
8:53 a.m.]

[Docket No. 906]

NORTH ATLANTIC WESTBOUND FREIGHT ASSOCIATION

Agreements, Charges, Commissions, and Practices; Notice of Investiga- tion and of Hearing

On May 12, 1960, the Federal Maritime Board entered the following order:

It appearing, from information before the Board that agreements within the contemplation of section 15, Shipping Act, 1916 (46 U.S.C. 814), controlling or regulating competition and/or providing for cooperative working arrangements respecting the fixing and/or payment of commissions and the fixing and/or charging of forwarding fees, have been made since 1945 affecting the trade from Great Britain and Northern Ireland and Eire to United States Atlantic Coast ports by the North Atlantic Westbound Freight Association and/or its member lines, including:

Anchor Line, Limited.
The Bristol City Line of Steamships, Ltd.
Cunard Steam-Ship Co., Ltd.
Ellerman's Wilson Line Limited.
Fjell Line—joint service of:
Aktieselskapet Luksefjell.
Aktieselskapet Dovrefjell.
Aktieselskapet Falkefjell.
Aktieselskapet Rudolf.
Furness, Withy & Co., Ltd.
Irish Shipping Ltd.
Manchester Liners Limited.

South Atlantic Steamship Line, Inc.
Ulster Steamship Company, Ltd. (Head
Line and Lord Line).
United States Lines Company.

and

It further appearing that the purported agreements are not within the scope of authority provided by the basic agreement No. 5850, as amended, of the North Atlantic Westbound Freight Association, approved pursuant to the aforesaid section 15; and

It further appearing that the purported agreements have not been filed for approval or approved under the aforesaid section 15, and have been carried out; and

It further appearing that the aforesaid carriers have been engaged in the practice of paying commissions on shipments to ports south of New York and Boston such as Philadelphia, Baltimore, and Hampton Roads, to the exclusion of New York and Boston and that such practice may subject the ports of New York and Boston to undue or unreasonable prejudice or disadvantage or may give ports south thereof undue or unreasonable preference in violation of section 16, Shipping Act, 1916, as amended (46 U.S.C. 815); and

It further appearing that such practice may be unfair with respect to the receipt and delivery of property in violation of section 17, Shipping Act, 1916 (46 U.S.C. 816);

Now therefore, it is ordered, That an investigation is hereby instituted to determine whether the foregoing activities have been carried out in violation of the aforesaid sections 15, 16, and 17, and

It is further ordered, That all persons named above are hereby named respondents in this proceeding which is to be set for hearing before an examiner from the Hearing Examiners' Office, at a time and place to be announced; and

It is further ordered, That a copy of this order be served on each of the respondents and published in the FEDERAL REGISTER.

Pursuant to the above order, notice is hereby given that the hearing herein ordered will be held before an examiner of the Board's Office of Hearing Examiners at a date and place to be determined and announced by the Chief Examiner. The hearing will be conducted in accordance with the Board's rules of practice and procedure, and a recommended decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies), having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Board promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR 201.74) of said rules.

Dated: June 8, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-5469; Filed, June 14, 1960;
8:53 a.m.]

**Office of the Secretary
FREDERICK A. WEISS, JR.**

**Report of Appointment and Statement
of Financial Interests**

Report of appointment and statement of financial interests required by section 710(b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Frederick A. Weiss, Jr.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: June 7, 1960.
4. Title of position: Assistant Director for Mobilization Planning.
5. Name of private employer: Western Electric Company, Inc., 2500 Broening Highway, Baltimore, Maryland.

CARLTON HAYWARD,
Director of Personnel.

MAY 10, 1960.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Western Electric Co., Inc.
American Telephone & Telegraph Co., Inc.
American Tobacco Co.
Alabama Gas Co.
Southern Natural Gas Co.
Bank Deposits.

FREDERICK A. WEISS, JR.

JUNE 7, 1960.

[F.R. Doc. 60-5438; Filed, June 14, 1960;
8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 11141]

**HARRY AND MARTIN SHULMAN AND
SHULMAN, INC.; INTERLOCKING
RELATIONSHIPS**

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on June 16, 1960, at 10:00 a.m., e.d.s.t., in Room 911, Universal Building, Florida and Connecticut Avenues NW., Washington, D.C., before Examiner John A. Cannon.

Dated at Washington, D.C., June 10, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-5458; Filed, June 14, 1960;
8:51 a.m.]

[Docket No. SA-356]

**ACCIDENT OCCURRING NEAR
WOONSOCKET, R.I.**

Notice of Hearing

In the matter of investigation of accident involving aircraft of United States Registry N 37500, which occurred on December 15, 1958, near Woonsocket, Rhode Island.

Notice is hereby given that an accident investigation hearing on the above styled matter will be held commencing 9:30 a.m., local time, on Wednesday June 29, 1960, in the Sheraton Biltmore Hotel, Providence, Rhode Island.

Dated this 8th day of June 1960.

[SEAL] JOHN L. McWHORTER,
Hearing Officer.

[F.R. Doc. 60-5459; Filed, June 14, 1960;
8:51 a.m.]

**FEDERAL COMMUNICATIONS
COMMISSION**

[Docket No. 13489 etc.; FCC 60M-998]

**ALEXANDRIA BROADCASTING CORP.
(KXRA) ET AL.**

Order Continuing Hearing

In re applications of Alexandria Broadcasting Corporation (KXRA), Alexandria, Minnesota, Docket No. 13489, File No. BP-12287; Clifford L. Hedberg, tr/as Western Minnesota Broadcasting Co. (KMRS), Morris, Minnesota, Docket No. 13499, File No. BP-12347; KISD, Inc. (KISD), Sioux Falls, South Dakota, Docket No. 13500, File No. BP-13366; for construction permits.

Pursuant to agreements reached at the prehearing conference held June 3, 1960, the evidentiary hearing in the above-entitled proceeding is continued from Thursday, July 7, 1960 to a date to be announced after the July 19, 1960 hearing conference.

It is so ordered, This the 8th day of June 1960.

Released: June 10, 1960.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5447; Filed, June 14, 1960;
8:49 a.m.]

[Dockets Nos. 13491-13498; FCC 60M-996]

**BOOTH BROADCASTING CO.
(WIOU) ET AL.**

**Order Scheduling Prehearing Confer-
ence and Continuing Hearing**

In re applications of Booth Broadcasting Company (WIOU), Kokomo, Indiana, Docket No. 13491, File No. BP-12036; Clinton Broadcasting Corporation (KROS), Clinton, Iowa, Docket No. 13492, File No. BP-12665; Truth Radio Corporation (WTRC), Elkhart, Indiana, Docket No. 13493, File No. BP-12842; Illinois Broadcasting Company (WSOY), Decatur, Illinois, Docket No. 13494, File

No. BP-12916; WJOL, Inc. (WJOL), Joliet, Illinois, Docket No. 13495, File No. BP-13054; Tri-City Radio Corporation (WLBC), Muncie, Indiana, Docket No. 13496, File No. BP-13102; Radio Milwaukee, Inc. (WRIT) Milwaukee, Wisconsin, Docket No. 13497, File No. BP-13158; Stevens-Wismer Broadcasting Inc. (WLAV), Grand Rapids, Michigan, Docket No. 13498, File No. BMP-8430; for construction permits.

The Hearing Examiner having under consideration the proceedings at the prehearing conference herein held on June 8, 1960; and the desirability of formalizing the procedural agreements attained, and the ground rules established, for the future conduct of the hearing, with which the Examiner specifically approves and which are recited in detail on the record;

It is ordered, This 9th day of June 1960, that a further prehearing conference in this proceeding, after the exchange of exhibits in final form, is scheduled for 10:00 a.m., Tuesday October 11, 1960, at the Commission's Office, Washington, D.C., and that the hearing is continued to Tuesday, October 18, 1960, at the same time and place;

It is ordered further, That other deadline dates governing the exchange of exhibits and the scheduling of an engineering conference are fixed as recited in the record, subject to such minor accommodation as may be required by circumstances without the necessity of the issuance of further orders thereon by the Hearing Examiner; and that the transcript of the prehearing conference is hereby incorporated by reference and shall guide the parties upon all matters considered therein to the same extent as if it were summarized here *in extenso*.

Released: June 9, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5448; Filed, June 14, 1960;
8:49 a.m.]

[Docket Nos. 12433-12435; FCC 60M-999]

E. ANTHONY & SONS, INC., ET AL.

**Order Scheduling Prehearing
Conference**

In re applications of E. Anthony & Sons, Inc., New Bedford, Massachusetts, Docket No. 12433, File No. BPCT-2233; Eastern States Broadcasting Corp., New Bedford, Massachusetts, Docket No. 12434, File No. BPCT-2252; New England Television Company, Inc., New Bedford, Massachusetts, Docket No. 12435, File No. BPCT-2425; for construction permits for new television broadcast stations (Channel 6).

The Hearing Examiner having under consideration a request filed June 7, 1960, on behalf of E. Anthony & Sons, Inc. that a prehearing conference be held on June 13, 1960, and a telephone request on June 7, 1960, that the June 13 date be changed to 2:00 p.m. on June 23, 1960; and

It appearing from the pleading and the telephone request that counsel for all parties have informally consented to the

requests and that a grant thereof will conduce to the orderly dispatch of the Commission's business;

Now therefore, it is ordered, This 9th day of June 1960, that the aforesaid requests are granted, and that a further prehearing conference in this proceeding shall be held at 2:00 p.m. on June 23, 1960.

Released: June 10, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5450; Filed, June 14, 1960;
8:50 a.m.]

[Docket Nos. 13466-13468; FCC 60M-997]

BRANDYWINE BROADCASTING CORP. ET AL.

Order Continuing Hearing Conference

In re applications of Brandywine Broadcasting Corporation, Media, Pennsylvania, Docket No. 13466, File No. BP-11856; David G. Hendricks and Lester Grenewalt, d/b as Boyertown Broadcasting Company, Boyertown, Pennsylvania, Docket No. 13467, File No. BP-12548; Dinkson Corporation, Hammonton, New Jersey, Docket No. 13468, File No. BP-12955; for construction permits.

Pursuant to agreements reached at the prehearing conference held May 26, 1960, the evidentiary hearing in the above-entitled proceeding is continued from Monday, June 13, 1960, to Wednesday, July 20, 1960.

It is so ordered, This the 8th day of June 1960.

Released: June 10, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5449; Filed, June 14, 1960;
8:50 a.m.]

[Docket Nos. 13090 etc.; FCC 60M-1004]

FREDERICKSBURG BROADCASTING CORP. (WFVA) ET AL.

Order Scheduling Hearing

In re applications of Fredericksburg Broadcasting Corporation (WFVA), Fredericksburg, Virginia, Docket No. 13090, File No. BP-11550; et al., Docket Nos. 13091, 13092, 13093, 13094, 13095, 13096, 13097, 13098, 13099, 13100, 13101, 13102, 13103, 13104, 13105, 13106, 13107, 13108, 13109, 13110, 13111, 13112, 13114, 13115, 13116, 13118, 13120, 13121, 13122, 13123, 13125, 13126, 13127, 13129, 13130, 13131, 13132, 13133, 13134, 13135, 13136, 13137, 13138, 13139, 13140, 13141, 13143, 13144, 13145, 13146, 13147; for construction permits.

The Hearing Examiner having under consideration a "Motion for Further Hearing" filed June 6, 1960, in the above-entitled matter by LaSalle County Broadcasting Corporation, an applicant, and

It appearing that the Motion requests further hearing in Group 2 of this pro-

ceeding (presently postponed without date) to be scheduled for June 16, 1960, and

It further appearing that the parties directly concerned with the offering into evidence by LaSalle County Broadcasting Corporation of certain rebuttal engineering testimony have indicated that the date requested is acceptable to them,

It is ordered, This 9th day of June 1960, that the aforesaid Motion is granted and that further hearing in Group 2 of this proceeding shall commence at 10:00 a.m., June 16, 1960, in the Commission's offices in Washington, D.C., and

It is further ordered, That the hearing shall not be restricted to offering into evidence the aforesaid engineering testimony but shall be concerned with any matter which may pertain to the parties in or linked to Group 2.

Released: June 10, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5451; Filed, June 14, 1960;
8:50 a.m.]

[Docket No. 12636; FCC 60M-1000]

FRANK JAMES

Order Reopening Record and Scheduling Hearing

In re application of Frank James, Redwood City, California, Docket No. 12636 File No. BPH-2344; for construction permit.

The Hearing Examiner having under consideration a petition to reopen record pursuant to § 1.363 of the Commission's rules;

It appearing that the above-named applicant was previously joined in this proceeding with the competing application of Grant R. Wrathall, tr/as San Mateo Broadcasting Company (Docket No. 12637); and

It further appearing that a petition filed by Wrathall on May 11, 1960, requesting dismissal of his application was granted by the Chief Hearing Examiner on June 3, 1960, so that the character of the present proceeding is now entirely changed; and

It further appearing that, although the comparative proceeding was completed up to the stage of the filing of proposed findings, no purpose would be served by requiring findings on issues which have now become moot and that the record should be reopened in order to entertain new evidence required by § 1.363 of the rules;

It is ordered, This 9th day of June 1960, that the petition of Frank James to reopen record is granted, the record is reopened, and a further hearing session will be held on June 20, 1960, at 4:00 p.m.

Released: June 10, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5452; Filed, June 14, 1960;
8:50 a.m.]

[Docket Nos. 13540-13546; FCC 60M-995]

MACON BROADCASTING CO. (WNEX) ET AL.

Order Scheduling Prehearing Conference

In re applications of Macon Broadcasting Company (WNEX), Macon, Georgia, Docket No. 13540, File No. BP-12261; Johnston Broadcasting Company (WJLD), (George Johnston, Jr. and Rose Hood Johnston, Partners), Homewood, Alabama, Docket No. 13541, File No. BP-12559; E. H. Siland, Jr., Union Springs, Alabama, Docket No. 13542, File No. BP-12776; Yetta G. Samford, C. S. Shealy and Aileen M. Samford, Executrix of the Estate of Thomas D. Samford, Jr., Deceased, Miles H. Ferguson and John E. Smollon, d/b as Opelika-Auburn Broadcasting Company (WJHO), Opelika, Alabama, Docket No. 13543, File No. BP-12911; John F. Pidcock and Roy F. Zess, d/b as Radio Station WMGA (WMGA), Moultrie, Georgia, Docket No. 13544, File No. BP-12998; Newnan Broadcasting Company (WCOH), Newnan, Georgia, Docket No. 13545, File No. BP-13133; Elberton Broadcasting Company (WSGC), Elberton, Georgia, Docket No. 13546, File No. BP-13405; for construction permits.

The Hearing Examiner having under consideration the above-entitled proceeding;

It is ordered, This 8th day of June 1960, that all parties, or their attorneys, who desire to participate in the proceeding, are directed to appear for a prehearing conference, pursuant to the provisions of § 1.111 of the Commission's rules, at the Commission's offices in Washington, D.C., at 10:00 a.m., July 13th, 1960.

Released: June 9, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5453; Filed, June 14, 1960;
8:50 a.m.]

[Docket No. 13590; FCC 60-665]

REX O. STEVENSON

Order Designating Application for Hearing on Stated Issues

In re application of Rex O. Stevenson, Ojai, California, Docket No. 13590, File No. BP-12418; requests 1320 kc, 500 w, Day; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 8th day of June 1960;

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

It appearing that except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated March 3, 1960, and incorporated herein by reference, noti-

fied the applicant, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of the application would serve the public interest, convenience and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the applicant filed a timely reply to the aforementioned letter, which reply has not, however, entirely eliminated the grounds and reasons precluding a grant of the application and requiring an evidentiary hearing on the particular issues herein after specified; and

It further appearing that in the above-referenced letter, the applicant was notified that he did not show sufficient cash or liquid assets to construct the instant proposal and finance his other commitments; that he amended his application to include therein a new balance sheet which indicates his principal assets to be \$200,000 in unlisted stocks and a warehouse valued at \$225,000 which was in the process of sale, but that the applicant failed to support such assets with a showing of the ready marketability of such stocks, an existing sale agreement for said warehouse or any other showing of sufficient cash available to construct and operate the instant proposal and finance his other commitments; and

It further appearing that in the said letter the applicant was notified also that he had failed to indicate the number and length of announcements he proposed to broadcast in each 14½ minute time period; that he amended his application to show that he would broadcast four minutes of announcements in each 14½ minute time period, but failed to indicate the number of announcements he proposed to broadcast in such period; and that, therefore, it cannot be determined upon the basis of information submitted whether the frequency of the announcements would be such that the proposed program service would meet the needs of the city sought to be served; and

It further appearing that after consideration of the foregoing and the applicant's reply, the Commission is still unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity; and is of the opinion that the application must be designated for hearing on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the instant proposal and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of the applicant would involve objectionable interference with Station KFAC, Los Angeles, California, and Station KUDE, Oceanside, California, or any other existing standard broadcast stations, and, if so, the nature and extent

thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether interference received from Stations KFAC and KUDE would affect more than ten percent of the population within the normally protected primary service area of the instant proposal of the applicant in contravention of § 3.28(c)(3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

4. To determine whether the instant applicant is financially qualified to construct and operate his proposed station.

5. To determine the number of announcements which the applicant would broadcast in each 14½ minute period and whether the frequency of the announcements would be such that the proposed program service would meet the needs of the city sought to be served.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That the Dolph-Petty Broadcasting Co. and E. L. Cord, trading as the Los Angeles Broadcasting Co., licensees of Stations KUDE and KFAC, respectively, are made parties to the proceeding.

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

Released: June 10, 1960.

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

[F.R. Doc. 60-5455; Filed, June 14, 1960;
8:50 a.m.]

[Docket Nos. 13483, 13484; FCC 60M-1006]

RADIO STATION WESB AND CANANDAIGUA BROADCASTING CO., INC.

Order Advancing Hearing

In re applications of Thomas R. Bromeley, Mary Ann Satterwhite, Charlotte E. Anderson and Joyce L. Edwards, d/b as Radio Station WESB, Canandaigua, New York, Docket No. 13483, File No. BP-12400; Canandaigua Broadcasting Company, Inc., Canandaigua, New York, Docket No. 13484, File No. BP-13031; for construction permits.

The Hearing Examiner having under consideration the above-entitled proceeding and agreements reached by the parties at the prehearing conference held herein on June 9, 1960;

It is ordered, This 9th day of June 1960, that the hearing, now scheduled for July 8, 1960 at 10:00 a.m., is ad-

vanced to 9:00 a.m. on the same day (July 8, 1960).

Released: June 10, 1960.

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

[F.R. Doc. 60-5454; Filed, June 14, 1960;
8:50 a.m.]

[Docket No. 13325; FCC 60M-1003]

SUNBURY BROADCASTING CORP. (WKOK)

Order Following Further Prehearing Conference

In re application of Sunbury Broadcasting Corporation (WKOK), Sunbury, Pennsylvania, Docket No. 13325, File No. BP-12008; for construction permit:

Pursuant to agreements reached by counsel for all parties at the further prehearing conference held on June 2, 1960: *It is ordered*, This 9th day of June, 1960, as follows:

(1) The direct case of the applicant and the reply of National Broadcasting Company, Inc. and the Broadcast Bureau, shall be presented by written exhibits sponsored by the witnesses concerned with their preparation, and the reply case of the remaining party (Lycoming Broadcasting Company) shall be presented by written, sworn exhibits.

(2) The proposed exhibits of the applicant shall be exchanged with the other parties by July 1, 1960 (with copies thereof to be supplied to the Hearing Examiner by July 13, 1960).

(3) The hearing in this matter, which was postponed indefinitely by order of the Hearing Examiner released March 10, 1960 (FCC 60M-465), is scheduled for Wednesday, July 20, 1960, at 10:00 a.m., in the offices of the Commission, Washington, D.C.¹

Released: June 10, 1960.

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

[F.R. Doc. 60-5456; Filed, June 14, 1960;
8:50 a.m.]

[Docket No. 13187; FCC 60M-1002]

WESTERN UNION TELEGRAPH CO.

Order Continuing Hearing Conference

In the matter of the formula for the distribution by the Western Union Telegraph Company of telegraph traffic destined to points in Canada, Docket No. 13187.

At the prehearing conference held April 26, 1960, it was agreed that if prior to May 27, 1960, the carriers could advise

¹Agreements reached at the initial prehearing conference on January 28, 1960, for (1) a joint informal engineering conference and (2) for notification as to witnesses of the applicant desired for cross-examination, have been rescinded by subsequent consent of all parties expressed at the further prehearing conference.

the Commission that further discussions and negotiations had been conducted between the interested carriers which would lead one to believe that the matters in issue may be resolved to the mutual satisfaction of the carriers involved, the further hearing conference would be continued from June 22, 1960, to July 27, 1960; and

It appearing that by letter dated May 25, 1960, the carriers have advised the Commission that further conferences have been held and progress has been made;

It is ordered, This the 9th day of June, 1960, that the further hearing conference in this proceeding be continued from June 22, 1960 to July 27, 1960, beginning at 10:00 a.m. in the offices of the Commission in Washington, D. C.

Released: June 10, 1960.

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

[F.R. Doc. 60-5457; Filed, June 14, 1960;
8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI60-391]

SOCONY MOBIL OIL COMPANY, INC.

Order Providing for Hearing on and
Suspension of Proposed Change in
Rate

JUNE 8, 1960.

On May 9, 1960, Socony Mobil Oil Company, Inc. (Socony) tendered for filing contract dated March 1, 1960, proposing to cancel and supersede Cities Service Oil Company's FPC Gas Rate Schedule No. 73 insofar as it pertained to Socony's 50 percent interest in jurisdictional gas sold to Colorado Interstate Gas Company (Colorado Interstate) from the Adams "F" Unit in the Hugoton Field, Haskell County, Kansas. Such contract, designated Socony's FPC Gas Rate Schedule No. 233, was conditionally accepted for filing with an effective date of June 9, 1960.

Concurrently with the tender of its superseding contract, Socony tendered a

Notice of Change dated May 5, 1960, to such contract, designated Supplement No. 1 to Socony's FPC Gas Rate Schedule No. 233, proposing an increased rate and charge to Colorado Interstate from 11 cents to 12.5 cents per Mcf at 14.65 psia and requesting a waiver of notice requirements to permit the proposed increased rate to be effective as of May 1, 1960, the date it was contractually due, or June 9, 1960, which is 30 days from the date of filing, or 24 hours from time of granting temporary authorization.

In support of the proposed increased rate, Socony states that the contract was negotiated at arm's length, that it would not have committed the gas for such long term without the pricing provisions and that the increased price does not exceed the market value of the gas and is necessary to offset increasing costs and provide incentive for further exploration.

The increased rate and charge so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission's suspension of said Supplement No. 1 and provision for hearing thereon as hereinafter provided, rather than the rejection of Supplement No. 1 as a proposed increased rate to a concurrently tendered rate which was not effective, should not be considered as a precedent.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 1 to Socony's FPC Gas Rate Schedule No. 233 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to Socony's FPC Gas Rate Schedule No. 233.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until November 9, 1960, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 25, 1960.

By the Commission (Commissioner Kline dissenting).

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-5418; Filed, June 14, 1960;
8:46 a.m.]

[Docket No. RI60-380 etc.]

SOUTHWESTERN OIL AND REFINING
CO. ET AL.

Order Providing for Hearings on and
Suspension of Proposed Changes in
Rate and Allowing Rate Changes
To Become Effective Upon Filing of
Motions and Undertaking and
Agreements To Assure Refund of
Excess Charges¹

JUNE 8, 1960.

Southwestern Oil and Refining Company (Operator), et al., Docket No. RI60-380; Lamar Hunt Trust Estate, Docket No. RI60-382; N. B. Hunt, Docket No. RI60-384.

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

| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Notice of change dated— | Date tendered | Effective date unless suspended | Date suspended until ² — | Cents per Mcf | | Rate in effect subject to refund in Docket Nos. |
|-------------|--|-------------------|----------------|--|-------------------------|---------------|---------------------------------|-------------------------------------|----------------|-------------------------|---|
| | | | | | | | | | Rate in effect | Proposed increased rate | |
| RI60-380... | Southwestern Oil and Refining Co (Operator) et al. | 6 | 1 | Orange Grove Gas Gathering Co. (Orange Grove Field, Jim Wells County, Tex.). | Undated. | 5-9-60 | 6-9-60 | 6-10-60 | 10.5 | 12.5 | ----- |
| RI60-382... | Lamar Hunt Trust Estate. | 7 | 3 | West Lake Natural Gasoline Co. (Vena Madre Field, Nolan County, Tex.). | do..... | 5-11-60 | 6-23-60 | 6-24-60 | 6.9918 | 8.5 | G-20550 |
| RI60-384... | N. B. Hunt..... | 11 | 2 | West Lake Natural Gasoline Co. (Nolan County, Tex.). | do..... | 5-11-60 | 6-23-60 | 6-24-60 | 6.9918 | 8.5 | RI60-312 |

¹ The stated effective date is that requested by respondent.

² The stated effective date is thirty days after expiration of the required statutory notice.

³ Or such later date as the resale rate of West Lake Natural Gasoline Company is made effective in Docket No. RI60-30.

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

In support of its revenue-sharing increase, Southwestern states that the increase is based on Orange Grove's rate of 14.5 cents per Mcf for resale of gas to Peoples Gulf Coast Natural Gas Pipeline Company² which is subject to refund in Docket No. G-19936. Also submitted were copies of a letter from Orange Grove Gas Gathering Company advising of the increased price pursuant to the contract which provides that Southwestern shall receive the full benefit of any increase received by Orange Grove. Southwestern requests that this change in rate be made effective as of the date upon which the increased resale rate contained in Supplement No. 6 to Orange Grove Gas Gathering Company FPC Gas Rate Schedule No. 1 became effective, which is May 14, 1960.

In support of their increased rates N. B. Hunt and Lamar Trust Estate cite the revenue-sharing provisions of the contracts and West Lake's rate, now suspended, and state that the proposed increase fulfills the contractual obligation agreed to by both parties.

The proposed rate changes may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

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

(2) It is appropriate in the public interest and in carrying out the provisions of the Natural Gas Act that the above-designated proposed rate schedules be made effective as hereinafter provided and that the above respondents be required to file undertakings as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 4 and 15 of the Natural Gas Act, and the Commission's regulations under the Natural Gas Act, including rules of practice and procedure (18 CFR Chapter I), public hearings be held at a time and date to be fixed by notice from the Secretary of this Commission, concerning the lawfulness of the rates, charges, classifications, and services, subject to the jurisdiction of the Commission, contained in the above-designated supplements.

(B) Pending such hearings and decisions thereon the above-designated supplements are hereby suspended, and use deferred until the respective date indicated in the above "Date Suspended

Until" column and thereafter until such further time as they are made effective in the manner hereinafter prescribed.

(C) The rates, charges, classifications, and services set forth in the above-designated filings shall be effective as of the date indicated in the above "Date Suspended Until" column: *Provided, however, That, within 20 days from the date of this order, the respondents shall each file a motion as required by section 4(e) of the Natural Gas Act and shall each concurrently execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.*

(D) The respondents shall refund at such times and in such amounts to persons entitled thereto, and in such manner as may be required by final order of the Commission, the portion of the increased rates and charges found by the Commission in this proceeding not justified, together with interest thereon at the rate of 7 percent per annum from the date of payment to respondents until refunded; shall bear all costs of any such refunding, shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges effective as of the date specified, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and one copy), in writing and under oath, to the Commission monthly, for each billing period and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom as computed under the rates in effect immediately prior to the date upon which the increased rates allowed by this order becomes effective, and under the rates and charges allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance hereof, respondents shall concurrently execute and file (original and three (3) copies) with the Secretary of the Commission their motions to make rates effective and their written agreements and undertakings to comply with the terms of paragraph (D) hereof, signed by a responsible officer of each corporation, evidenced by proper authority from the Board of Directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved, as follows:

*Agreement and Undertaking of -----
To Comply With the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order for Hearing, Suspending Proposed Change in Rate and Allowing Rate Change To Become Effective Upon Filing of Motion and Undertaking To Assure Refund of Excess Charges*

In conformity with the requirements of the order issued (Date), in Docket -----, ----- hereby agrees and undertakes to

comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its Board of Directors, a certified copy of which is appended hereto this ----- day of -----, 1960.

By -----
Attest: -----
(Secretary)

Unless a respondent is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

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

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

(H) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.37(f)) on or before July 25, 1960.

By the Commission (Commissioner Kline dissenting).

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-5419; Filed, June 14, 1960; 8:46 a.m.]

[Docket No. RI60-379 etc.]

G. H. VAUGHN, JR., AND JACK C. VAUGHN ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates¹

JUNE 8, 1960.

G. H. Vaughn Jr. and Jack C. Vaughn (Operator), et al., Docket No. RI60-379; Midwest Oil Corporation, Docket No. RI60-381; J. Ray McDermott & Company, Inc., et al., Docket No. RI60-383.

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

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

² Formerly Texas Illinois Natural Gas Pipe Line Company.

| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Notice of change dated— | Date tendered | Effective date unless suspended ¹ | Date suspended until— | Cents per Mcf | | Rate in effect subject to refund in Docket Nos. |
|-------------|--|-------------------|----------------|---|-------------------------|---------------|--|-----------------------|----------------|-------------------------|---|
| | | | | | | | | | Rate in effect | Proposed increased rate | |
| RI60-379... | G. H. Vaughn and Jack O. Vaughn (Operator), et al. | 1 | 9 | Tennessee Gas Transmission Co. (Spartan Field, San Patricio County, Tex.). | 5-4-60 | 5-9-60 | 6-9-60 | 11-9-60 | 15.0952 | 17.24347 | G-19894 |
| BI60-381... | Midwest Oil Corp.... | 16 | 2 | Tennessee Gas Transmission Co. (San Salvador Field, Hidalgo County, Tex.). | 5-5-60 | 5-9-60 | 6-9-60 | 11-9-60 | 14.87589 | 17.02416 | G-19876 |
| RI60-383... | J. Ray McDermott & Co., Inc., et al. | 8 | 8 | United Gas Pipe Line Co. (Mustang and Red Fish Bay Fields, Nueces and San Patricio Counties, Tex.). | 5-9-60 | 5-12-60 | 6-12-60 | 11-12-60 | 12.06 | 14.8 | ----- |

¹ The stated effective dates are thirty days after expiration of the required statutory notice.

In support of its favored-nation increase, Vaughn cites the favored-nation provisions of the contract and submits copies of Tennessee's letter advising of the increased price. Vaughn states that due to the pricing provisions of the contract, buyer was able to obtain a long-term dedication of gas reserves, and that since entering into such contract, the cost of producing gas has increased, making the pricing provisions discriminatory to the seller and the seller's royalty owners. Vaughn also states that the increased rate resulted from arm's-length bargaining and that the price is just and reasonable for the sale of gas in this area.

In support of its favored-nation increase, Midwest cites the favored-nation provisions of the contract and submits copies of Tennessee's letter advising of the increased price. Midwest states that the increase resulted from arm's-length bargaining and that it is necessary in order to provide for additional exploration and development of natural gas resources. Midwest also states that the increased rate does not exceed the fair field price paid for gas in this area.

In support of its increase, McDermott cites the redetermination clause of the contract and submits copies of United's letter advising of the increased price. McDermott states that the contract providing for the increased rate was entered into as a result of arm's-length bargaining.

The proposed rate changes may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

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

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4 and 15 thereof, the Commission's Rules of Practice and Procedure and the Regulations under the Natural Gas Act (18 CFR Chapter I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed changes in rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, each of the above-designated supplements is hereby suspended and the

use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 25, 1960.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-5420; Filed, June 14, 1960;
8:46 a.m.]

[Project No. 733]

WESTERN COLORADO POWER CO.

Notice of Application for License (Major)

JUNE 9, 1960.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by The Western Colorado Power Company, of Durango, Colorado, for a license (major) for a constructed hydroelectric development located on the Uncompahgre River designated as Project No. 733, affecting lands of the United States within the Uncompahgre National Forest. The Applicant requests that license be issued for a period of ten years.

The project, known as the Ouray power plant, consists of a rubble masonry dam 73 feet high, 14 feet wide and 71 feet 6 inches long; flow and pressure lines total length about 6,131 feet of a woodstave pipe 40 inches and 36 inches in diameter and steel pipe 24 and 22 inches in diameter; a powerhouse of frame and corrugated iron 43 feet 9 inches long, 37 feet wide and 8 to 14 feet 6 inches high with concrete foundation; a 540 kva generator driven by one double runner water wheel; a 180 kva unit used as a synchronous condenser; an 11 kv transmission line T-10, about 5 miles long, connecting to the system at Camp Bird Mill; an 11 kv transmission line T-10-B, 11 miles long, connecting to the town of Ridgway.

All of the above-described facilities, except for the transmission line sections, were presently licensed as minor-part Project No. 733, and the lines are included under the license for transmission line Project No. 734.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day on which protests or petitions may be filed is July 14, 1960. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-5421; Filed, June 14, 1960;
8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 126]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JUNE 10, 1960.

The following letter-notices of proposals to operate over deviation route for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d) (4)).

Protest against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 879 (Deviation No. 1), filed May 23, 1960. Applicant: SERVICE LINES, INC., 514 South Fourth Street, St. Louis, Mo. Carrier proposes to operate as a common carrier by motor ve-

hicle of *general commodities*, with certain exceptions, over deviation routes as follows: From Morganfield, Ky., over Kentucky Highway 60 to Sturgis, Ky., thence over Kentucky Highway 85 to Providence, Ky., thence over Kentucky Highway 109 to Hopkinsville, Ky., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Morganfield over Kentucky Highway 56 to junction U.S. Highway 41-A, thence over U.S. Highway 41-A to Madisonville, Ky., thence over U.S. Highway 41 to Hopkinsville, and return over the same route.

No. MC 2542 (Deviation No. 5), filed May 9, 1960. Applicant: ADLEY EXPRESS CO., 216 Crown Street, New Haven, Conn. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities* with certain exceptions, over a deviation route as follows: From junction of U.S. Highway 130 and Alternate U.S. Highway 130, approximately 2 miles east of Bridgeport, N.J., over U.S. Highway 130 to junction Alternate U.S. Highway 130, approximately 1 mile northeast of Thorofare, N.J., and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Washington, D.C., over U.S. Highway 50 to junction Maryland Highway 2, thence over Maryland Highway 2 to Baltimore, Md., thence over U.S. Highway 40 to junction U.S. Highway 130, thence over U.S. Highway 130 to junction unnumbered highway (formerly U.S. Highway 130), thence over unnumbered highway via Gibbstown, Paulsboro, and Thorofare, N.J., to junction U.S. Highway 130, thence over U.S. Highway 1 to New York, and return over the same route.

No. MC 2542 (Deviation No. 6), filed May 9, 1960. Applicant: ADLEY EXPRESS CO., 216 Crown Street, New Haven, Conn. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities* with certain exceptions, over a deviation route as follows: From the eastern terminus of the New Jersey Turnpike at Palisades Park, N.J., over the New Jersey Turnpike to its western terminus at the Delaware Memorial Bridge, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Boston and Philadelphia over U.S. Highway 1 and numerous other routes.

No. MC 30204 (Deviation No. 4), filed May 4, 1960. Applicant: HEMINGWAY BROS. INTERSTATE TRUCKING CO., 438 Dartmouth Street, New Bedford, Mass. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities* with certain exceptions, over a deviation route as follows: From the Eastern Terminus of the Trenton Freeway in Trenton, N.J., to the

Western Terminus of the Trenton Freeway in Morrisville, Pa., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Camden, N.J., across the Delaware River to Philadelphia, Pa., thence over U.S. Highway 1 to New York; from Camden, N.J., across the Delaware River to Philadelphia, Pa., thence over U.S. Highway 13 to Morrisville, Pa., and thence over U.S. Highway 1 to New York, and return over the same route.

No. MC 41601 (Deviation No. 1), filed May 10, 1960. Applicant: CONVERSE TRUCKING SERVICE, 1026 Murray Street, Berkeley, Calif. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities* over a deviation route as follows: From the junction of unnumbered highway and U.S. Highway 40 approximately 3 miles northeast of Vacaville, Calif., over unnumbered highway to junction U.S. Highway 99W, about 3 miles south of Dunnigan, Calif., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From a point approximately 3 miles northeast of Vacaville, over U.S. Highway 40 to Davis, Calif., thence over U.S. Highway 99-W to junction unnumbered road approximately 3 miles south of Dunnigan, and return over the same route.

No. MC 42487 (Deviation No. 7), filed May 12, 1960. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Los Angeles, Calif., over U.S. Highway 6 to Mojave, Calif., thence over U.S. Highway 466 to Barstow, Calif., thence over U.S. Highway 66 to junction U.S. Highway 95, thence over U.S. Highway 95 to Las Vegas, Nev., thence over U.S. Highway 93 to Ell, Nev., thence over Alternate U.S. Highway 50 to Wendover, Utah, thence over U.S. Highway 40 to Salt Lake City, Utah, and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Los Angeles over U.S. Highway 66 to San Bernardino, Calif., thence over U.S. Highway 395 to junction U.S. Highway 70, thence over U.S. Highway 70 to Wickenburg, Ariz., thence over U.S. Highway 89 to junction Arizona Highway 189 near Bitter Springs, Ariz., thence over Arizona Highway 189, and Utah Highway 259 via Page, Ariz., to junction U.S. Highway 89 at Kanab, Utah, thence over U.S. Highway 89 to Gunnison, Utah, thence over Utah Highway 28 to Levan, Utah, thence over U.S. Highway 91 to junction Alternate U.S. Highway 50, 3 miles south of Salt Lake

City, Utah, and return over the same routes.

No. MC 52709 (Deviation No. 4), filed May 9, 1960. Applicant: RINGSBY TRUCKLINES, INC., 3201 Ringsby Court, Denver 5, Colo. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highway 6 and Colorado Highway 72 in Denver, Colo., over Colorado Highway 72 to junction U.S. Highway 40 and Interstate Highway 70, thence over U.S. Highway 40 or Interstate Highway 70 to Goodland, Kans., thence over U.S. Highway 24 to junction U.S. Highway 69, thence over U.S. Highway 69 to junction U.S. Highway 71 in Kansas City, Mo., and return over the same routes for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Denver over U.S. Highway 6 to junction Nebraska Highway 3, thence over Nebraska Highway 3 to Beatrice, Nebr., thence over U.S. Highway 77 to Marysville, Kans., thence over U.S. Highway 36 to St. Joseph, Mo., thence over U.S. Highway 71 to Kansas City, and return over the same route.

No. MC 52709 (Deviation No. 5), filed May 18, 1960. Applicant: RINGSBY TRUCKLINE, INC., 3201 Ringsby Court, Denver 5, Colo. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Colton, Calif., over U.S. Highway 70 to Aguila, Ariz., thence over Arizona Highway 71 to Congress, Ariz., thence over U.S. Highway 89 to junction U.S. Highway 66 at or near Ash Fork, Ariz., thence over U.S. Highway 66 to Tucumcari, N. Mex., thence over U.S. Highway 54 to Pratt, Kans., thence over Kansas Highway 61 to McPherson, Kans., thence over U.S. Highway 81 to Hebron, Nebr., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Colton over U.S. Highway 91 to junction U.S. Highway 50 at or near Springville, Utah, thence over U.S. Highway 50 to Grand Junction, Colo., thence over U.S. Highway 6 to junction Nebraska Highway 3 east of Arapahoe, Nebr., thence over Nebraska Highway 3 to Hebron, and return over the same route.

No. MC 104004 (Deviation No. 9), filed May 2, 1960. Applicant: ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York 17, N.Y. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Knoxville, Tenn., over U.S. Highway 11 to Cleveland, Tenn., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same com-

modities over a pertinent service route as follows: From Knoxville over U.S. Highway 129 to junction U.S. Highway 411, thence over U.S. Highway 411 to junction unnumbered highway, formerly Tennessee Highway 60, thence over unnumbered highway to Cleveland, and thence over U.S. Highway 11 to Chattanooga and return over the same route.

No. MC 107500 (Deviation No. 6), filed May 13, 1960. Applicant: BURLINGTON TRUCK LINES INC., 796 South Pearl Street, Galesburg, Ill. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From Chicago, Ill., over U.S. Highway 66 to junction U.S. Highways 36 and 54 at Springfield, Ill., thence over U.S. Highways 36 and 54 to Jacksonville, Ill., and (B) from St. Louis, Mo., over U.S. Highway 66 to junction U.S. Highways 36-54 at Springfield, Ill., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Chicago over U.S. Highway 34 to junction Illinois Highway 65, thence over Illinois Highway 65 to Aurora, Ill., thence over Illinois Highway 31 to junction U.S. Highway 34 (also from junction U.S. Highway 34 and Illinois Highway 65, over U.S. Highway 34 to junction Illinois Highway 31), thence over U.S. Highway 34 to Glenwood, Iowa, thence over U.S. Highway 275 to junction Iowa Highway 375; thence over Iowa Highway 375 to Council Bluffs, Iowa, and thence over U.S. Highway 6 to Omaha, Nebr.; from St. Louis over U.S. Highway 67 to junction Illinois Highway 101; from Davenport, Iowa, over U.S. Highway 67 to junction Illinois Highway 92, thence over Illinois Highway 92 to Taylor Ridge, Ill., thence over Illinois Highway 94 to junction Illinois Highway 135, thence over Illinois Highway 135 to junction Illinois Highway 164, thence over Illinois Highway 164 to Monmouth, Ill., thence over U.S. Highway 67 to junction Illinois Highway 101, and thence over Illinois Highway 101 to Augusta, Ill., from Davenport over U.S. Highway 6 to Moline, Ill., thence over U.S. Highway 150 to Galesburg, Ill., thence over Illinois Highway 41 to junction Illinois Highway 10, thence over Illinois Highway 10 to junction Illinois Highway 61, thence over Illinois Highway 61 to Ursa, Ill., thence over Illinois Highway 96 to junction U.S. Highway 24, and thence over U.S. Highway 24 to Quincy, Ill., and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 61016 (Deviation No. 2), filed May 2, 1960. Applicant: PETER PAN BUS LINES INC., 144 Bridge Street, Springfield 3, Mass. Carrier proposes to operate as a *common carrier* by motor vehicle of *passengers and their baggage*, over deviation routes between Springfield, Mass., and Rockingham Park, Salem, N.H., as follows: (A) From Springfield, Mass., (1) over U.S. Highway 5 to Massachusetts Turnpike Interchange No.

4 in West Springfield, Mass., (2) over city streets to Massachusetts Turnpike Interchange No. 6 near Springfield; (3) over U.S. Highway 20 to junction Massachusetts Highway 21, thence over Massachusetts Highway 21 to Massachusetts Turnpike Interchange No. 7 in Ludlow, Mass., (4) over U.S. Highway 20 to junction Massachusetts Highway 32, thence over Massachusetts Highway 32 to Massachusetts Turnpike Interchange No. 8 in Palmer, Mass.; (5) over U.S. Highway 20 to junction Massachusetts Highway 15, thence over Massachusetts Highway 15 to Massachusetts Turnpike Interchange No. 9 in Sturbridge, Mass.; and (6) over U.S. Highway 20 to junction Massachusetts Highway 12, thence over Massachusetts Highway 12 to Massachusetts Turnpike Interchange No. 10 in Auburn, Mass.; (B) From Auburn over (1) Massachusetts Turnpike to its eastern terminus in Weston, Mass., Interchange No. 14, thence over Massachusetts Highway 128 to junction U.S. Highway 3, thence over U.S. Highway 3, to junction Massachusetts Highway 110, thence over Massachusetts Highway 110 to junction Massachusetts Highway 38, thence over Massachusetts Highway 38 to the Massachusetts-New Hampshire State line thence over New Hampshire Highway 38 to Rockingham Park, and (2) over Massachusetts Turnpike to its eastern terminus in Weston, Mass., Interchange No. 14, thence over Massachusetts Highway 128 to junction Interstate Highway 93, thence over Interstate Highway 93 to junction Massachusetts Highway 110 in Methuen, Mass., thence over Massachusetts Highway 110 to junction Massachusetts Highway 28, thence over Massachusetts Highway 28 to the Massachusetts-New Hampshire State line; thence over New Hampshire Highway 28 to Rockingham Park, and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Springfield over U.S. Highway 20 to junction Massachusetts Highway 12, thence over Massachusetts Highway 12 to Worcester, Mass., thence over Massachusetts Highway 110 via Littleton Common, Mass., to Lawrence, Mass., thence over Massachusetts Highway 28 to the Massachusetts-New Hampshire State line, thence over New Hampshire Highway 28 to Rockingham Park, and return over the same route.

No. MC 109736 (Deviation No. 1), filed April 14, 1960. Applicant: CAPITAL BUS COMPANY, 4th and Chestnut Streets, Harrisburg, Pa. Applicant's attorney: James E. Wilson, 1111 E Street NW., Washington 4, D.C. Carrier proposes to operate as a *common carrier* by motor vehicle of *passengers*, over a deviation route as follows: From Lowman, N.Y., over New York Highway 17 to Elmira, N.Y., and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Lowman over New York Highway

367 to Wellsburg, N.Y., thence over New York Highway 427 to Elmira and return over the same routes.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 60-5430; Filed, June 14, 1960;
8:47 a.m.]

[Notice 327]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 10, 1960.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209 and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 286 (Sub-No. 5), filed May 27, 1960. Applicant: THE E. W. LANCASTER COMPANY, LIMITED, 955 Huron Line, Windsor, Ontario, Canada. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, between the United State-Canada International Boundary Line at or near Detroit, Mich., on the one hand, and, on the other, the site of the Kelsey-Hayes Company plant located at the intersection of North Line Road and Huron River Drive, Romulus Township, Wayne County, Mich.

HEARING: June 20, 1960, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76, or, if the Joint Board waives its right to participate, before Examiner Charles J. Murphy.

No. MC 2989 (Sub No. 27), filed May 27, 1960. Applicant: DAYS TRANSFER, INC., 730 East Beardsly, Elkhart, Ind. Applicant's attorney: Ferdinand Born, 1017-19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, Classes A and B explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving the plant site of the B. F. Goodrich Tire Company located in Milan Township, Allen County, Ind., approximately 11 to 13 air line miles from the city limits of Fort Wayne, Ind., on U.S. High-

way 24 between County Roads Webster and Garver as an off-route point in connection with carrier's present regular route operations to and from Fort Wayne, Ind.

HEARING: June 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate, before Examiner Charles J. Murphy.

No. MC 2989 (Sub No. 28), filed June 2, 1960. Applicant: DAYS TRANSFER, INC., 730 East Beardsley Avenue, Elkhart, Ind. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General Commodities*, except those of unusual value, livestock, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Kelsey-Hayes Company Plant located at the intersection of Northline Road and Huron River Drive, Romulus Township, Wayne County, Mich., as an off-route point in connection with carrier's authorized operations between Detroit, Mich., and various points in Michigan, Illinois, and Indiana.

HEARING: June 20, 1960, at the Olds Hotel, Lansing, Michigan, before Joint Board No. 76, or, if the Joint Board waives its right to participate, before Examiner Charles J. Murphy.

No. MC 3341 (Sub No. 21), filed May 27, 1960. Applicant: LAKE MOTOR FREIGHT LINES, INC., 2222 West Ample Street, South Bend, Ind. Applicant's attorney: Ferdinand Born, 1017-19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the plant site of the Kelsey Hayes Company, located at the intersection of North Line Road and Huron River Drive, Romulus Township, Wayne County, Mich., as an off-route point in connection with applicant's authorized route operations to and from Detroit, Mich.

HEARING: June 20, 1960, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76, or, if the Joint Board waives its right to participate, before Examiner Charles J. Murphy.

No. MC 30504 (Sub-No. 10), filed June 1, 1960. Applicant: TUCKER FREIGHT LINES, INC., 1415 South Olive Street, South Bend, Ind. Applicant's attorney: Ferdinand Born, 1017-19 Chamber of Commerce Building Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Kelsey Hayes Company Plant, located at the intersection

of North Line Road and Huron River Drive, Romulus Township, Wayne County, Mich., as an off-route point in connection with applicant's authorized regular route operations to and from Detroit, Mich.

HEARING: June 20, 1960, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76, or, if the Joint Board waives its right to participate, before Examiner Charles J. Murphy.

No. MC 56082 (Sub-No. 34), filed May 17, 1960. Applicant: DAVIS & RANDALL, INC. Chautauqua Road, Fredonia, N.Y. Applicant's attorney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, and empty malt beverage containers and advertising materials*, from points in Wayne County, Mich., to points in West Virginia, and *only empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified in this application, on return.

HEARING: July 12, 1960, at the Federal Building, Detroit, Mich., before Examiner Garland E. Taylor.

No. MC 72140 (Sub-No. 41), filed May 27, 1960. Applicant: SHIPPERS DISPATCH, INC., 1216 West Sample Street, South Bend, Ind. Applicant's attorney: Ferdinand Born, 1017-19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Kelsey Hayes Company plant, located at the intersection of North Line Road and Huron River Drive, Romulus Township, Wayne County, Mich., as an off-route point in connection with applicant's authorized regular route operations to and from Detroit, Mich.

HEARING: June 20, 1960, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76, or, if the Joint Board waives its right to participate, before Examiner Charles J. Murphy.

No. MC 92983 (Sub No. 379), filed May 12, 1960. Applicant: ELDON MILLER, INC., 330 East Washington, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar and coal tar products*, in bulk, in tank vehicles, from Terre Haute, Ind., to points in Illinois, Iowa, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin.

HEARING: July 11, 1960, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner Gerald F. Colfer.

No. MC 101075 (Sub No. 61), filed May 27, 1960. Applicant: TRANSPORT, INC., 1215 Center Avenue, Moorhead, Minn. Applicant's attorney: Val M. Higgins, Mackall, Crouse, Moore & Helmey, First National-Soo Line Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles from points in Ward, McHenry, Renville, and Bottineau Counties, N. Dak., to points in South Dakota, North Dakota, Montana, and Minnesota.

HEARING: July 20, 1960, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Examiner Lyle C. Farmer.

No. MC 103378 (Sub No. 181), filed May 31, 1960. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude tall oil and tall oil products*, in bulk, in tank vehicles, from Clyattville, Ga., to Port St. Joe, Fla.

HEARING: July 26, 1960, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 64, or, if the Joint Board waives its right to participate, before Examiner J. Thomas Schneider.

No. MC 107515 (Sub No. 350), (AMENDED), filed April 1, 1960, published FEDERAL REGISTER issue of May 11, 1960, and republished in the issue of June 8, 1960. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Paul M. Daniell, 214 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, prepared dough, meats, meat products, and meat by-products, and dairy products*, as defined by the Commission, *frozen poultry, frozen seafoods, shelled nuts, frozen and powdered eggs*, from points in Texas to points in Mississippi, Louisiana, and Tennessee. RESTRICTION: Service to points in Mississippi, Louisiana, and Memphis, Tenn., restricted to partial delivery in either the States of Alabama, Georgia, Florida, North Carolina, South Carolina, or Tennessee.

NOTE: Dual operations under section 210 may be involved.

HEARING: Remains as assigned July 13, 1960, at the Baker Hotel, Dallas, Texas, before Examiner James H. Gaffney.

No. MC 108380 (Sub No. 52), filed April 25, 1960. Applicant: JOHNSTON'S FUEL LINERS, INC., Post Office Box 112, Newcastle, Wyo. Applicant's attorneys: Stockton, Linville and Lewis, The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in either shipper or carrier-owned tanks, from Minot, N. Dak., and points within ten (10) miles thereof, to points in Montana, North Dakota, South Dakota, and Wyoming.

HEARING: July 20, 1960, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Examiner Lyle C. Farmer.

No. MC 109435 (Sub No. 10) (CORRECTION), filed March 25, 1960, pub-

lished FEDERAL REGISTER issue of June 2, 1960. Applicant: ELLSWORTH BROS., TRUCK LINE, INC., Drawer J, Stroud, Okla. Applicant's attorney: Wilburn L. Williamson, 443-54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, and in bags, or packages, from Pryor, Okla., and points within a 10 mile radius thereof to points within a 200 mile radius of origin.

NOTE: Previous publication incorrectly assigned the application before Joint Board No. 88, or in the alternative, before the Examiner. The 200 mile radius includes points in the States of Oklahoma, Kansas, Arkansas, and Missouri.

HEARING: Remains as assigned on July 19, 1960, at the Federal Building, Oklahoma City, Oklahoma, but is re-assigned before Examiner Alton R. Smith.

No. MC 112520 (Sub No. 44) (CORRECTION), filed May 9, 1960, published in May 25, 1960 issue of the FEDERAL REGISTER. Applicant: MCKENZIE TANK LINES, INC., New Quincy Road, Tallahassee, Fla. Applicant's attorney: Sol H. Proctor, 1730 Lynch Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude tall oil*, and *tall oil products*, in bulk, in tank vehicles, from Clyattville, Ga., to Port St. Joe, Fla.

NOTE: The purpose of this republication is to correct the spelling of the origin point.

HEARING: Remains as assigned, July 26, 1960, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 64, or, if the Joint Board waives its right to participate, before Examiner J. Thomas Schneider.

No. MC 116300 (Sub No. 3), filed May 12, 1960. Applicant: NANCE AND COLLUMS, INC., P.O. Box 211, East Monticello Street, Brookhaven, Miss. Applicant's attorney: Phineas Stevens, 700 Petroleum Building, P.O. Box 141, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pepper*, in mixed truckloads with salt, from points in Louisiana (except New Orleans, Gretna, and Destrehan), to points in Alabama and Mississippi.

HEARING: July 14, 1960, at the Robert E. Lee Hotel, Jackson, Miss., before Examiner Jerry F. Laughlin.

No. MC 116810 (Sub No. 4) (CORRECTION), filed April 29, 1960, published in the June 2, 1960 issue of the FEDERAL REGISTER. Applicant: BAIR TRANSPORT, INC., P.O. Box 216, Riverside, N.J. Applicant's representative: Jacob Polin, 426 Barclay Building, City Line at Belmont Avenue, Bala-Cynwyd, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, liquor, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between New York, N.Y., on the one hand, and, on the other Providence, R.I.,

points in Massachusetts on and east of U.S. Highway 5, and those in Connecticut on and east of U.S. Highway 5 and those on U.S. Highway 1 between the Connecticut-New York State line and New Haven, Conn.

NOTE: Applicant states the proposed service embraces only a change of gateway, as it is authorized in Certificate No. MC 116810 to perform the entire proposed service by combination of its existing general commodities authorities via Fort Lee, N.J. as a gateway point. The purpose of this republication is to reflect the correct name of applicant.

HEARING: Remains as assigned, July 6, 1960, at 346 Broadway, New York, N.Y., before Examiner Abraham J. Essrick.

No. MC 119399 (Sub No. 4), filed June 2, 1960. Applicant: CONTRACT FREIGHTERS, INC., 3105 East Seventh Street, Joplin, Mo. Applicant's attorney: Thomas F. Kilroy, Suite 610, 1000 Connecticut Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Urea*, dry, in bags or in bulk, from El Dorado, Ark., to points in Kansas, Missouri, Nebraska, and Oklahoma, and (2) *urea*, dry, in bags, from El Dorado, Ark., to points in Illinois, Iowa, and Tennessee, and *damaged, refused or rejected shipments*, of the above-specified commodity, on return movement.

HEARING: July 21, 1960, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Isadore Freidson.

No. MC 119763 (Sub No. 1), filed June 6, 1960. Applicant: BRITTAN, INC., 155 Broad Street, Bridgewater, Mass. Applicant's representative: Arthur A. Wentzell, 539 Hartford Turnpike, Shrewsbury, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement* (portland, hydraulic and masonry) in bulk, in tank trucks and in bags, and *rejected shipments of cement*, between Fall River, Mass., and Providence, R.I., and points in that part of Massachusetts on and east of U.S. Highway 5 extending from the Massachusetts-Vermont State line to West Springfield, Mass., and on and east of Alternate U.S. Highway 5 extending from West Springfield to the Massachusetts-Connecticut State line, and points in that part of Connecticut on and east of Alternate U.S. Highway 5 extending from the Massachusetts-Connecticut State line to Hartford, Conn., and on and east of U.S. Highway 5 extending from Hartford to New Haven, Conn., and points in Rhode Island.

NOTE: Applicant states shipments originating at Fall River, Mass., destined to points in Massachusetts, where the shortest route from origin to destination is through the State of Rhode Island, applicant seeks authority to use Rhode Island highways for operating convenience only.

HEARING: July 20, 1960, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 134, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub No. 286) (REPUBLICATION), filed April 7, 1960, published

in the FEDERAL REGISTER, issue of May 25, 1960. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in round-trip special operations, seasonal during racing seasons, beginning and ending at Trenton, N.J., and extending to (1) Delaware Park Race Track, Stanton, Del., (2) race track Brandywine, Hundred, New Castle County, Del., (3) Pimlico Race Track, Baltimore, Md., (4) Bowie Race Track, Bowie, Md., (5) Laurel Race Track, Laurel, Md., (6) Belmont Park Race Track, Elmont, N.Y., (7) Aqueduct Race Track, New York, N.Y., (8) Roosevelt Raceway, Westbury, N.Y., (9) Yonkers Raceway, Yonkers, N.Y., and (10) Charles Town Race Tracks, Charles Town, W. Va.

HEARING: July 26, 1960, at the U.S. Court Rooms, Trenton, N.J., before Examiner Leo A. Riegel.

No. MC 111504 (Sub No. 3), filed March 11, 1960. Applicant: STARR TRANSIT CO., INC., 50 North Johnston Avenue, Trenton, N.J. Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip special operations, beginning and ending at Trenton, N.J., and extending to Brandywine Raceway, Brandywine Hundred, New Castle County, Del., Delaware Park Race Track, Stanton, Del., Pimlico Race Track, Baltimore, Md., Bowie Race Track, Bowie, Md., Laurel Race Track, Laurel, Md., Belmont Park Race Track, Elmont, N.Y., Aqueduct Race Track, New York, N.Y., Jamaica Race Track, New York, N.Y., Saratoga Race Track, Saratoga Springs, N.Y., Roosevelt Raceway, Westbury, N.Y., Yonkers Raceway, Yonkers, N.Y., Lincoln Downs Race Track, Lincoln, R.I., and Charles Town Race Track, Charles Town, W. Va.

NOTE: Common control may be involved.

HEARING: July 26, 1960, at the U.S. Court Rooms, Trenton, N.J., before Examiner Leo A. Riegel.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 66562 (Sub No. 1685), filed June 1, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, Law Dept., 219 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Classes A and B explosives*, moving in express service, between New York, N.Y., and Brewster, N.Y.: from New York over the New York State Thruway to junction New York Highway 100, thence over New York Highway 100 to White Plains,

thence over New York Highway 22 to Armonk, thence over New York Highway 128 to Mt. Kisco, thence over New York Highway 117 to Katonah, and thence over New York Highway 22 to Brewster, and return over the same route; also, from White Plains over New York Highway 119 to junction U.S. Highway 9, thence over U.S. Highway 9 to Tarrytown, and return over the same route, serving the intermediate points of Mt. Vernon, Yonkers, White Plains, Mt. Kisco, and Tarrytown, N.Y. **RESTRICTIONS:** The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt, covering, in addition to the motor carrier movements by applicant, an immediately prior or an immediately subsequent movement by rail or air.

No. MC 66562 (Sub No. 1686), filed June 1, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, Law Department, 219 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Classes A and B explosives*, moving in express service, between Buffalo, N.Y., and Jamestown, N.Y.: from Buffalo south over U.S. Highway 62 to junction New York Highway 17, and thence west over New York Highway 17 to Jamestown; also, from junction U.S. Highway 62 and New York Highway 322, west over New York Highway 322 to junction New York Highway 83, thence south over New York Highway 83 to junction U.S. Highway 62, and return over the same route to Buffalo, serving the intermediate points of Blasdell, Hamburg, Eden Center, North Collins, Collins, Gowanda, South Dayton, Cherry Creek and Conewango, N.Y. **RESTRICTIONS:** The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt, covering, in addition to the motor carrier movements by applicant, an immediately prior or an immediately subsequent movement by rail or air.

No. MC 66562 (Sub No. 1687), filed June 6, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, Law Department, 219 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Classes A and B explosives*, moving in express service, between North Hoosick, N.Y., and Burlington, Vt.: from North Hoosick over New York Highway 67 to junction Vermont Highway 67, thence over Vermont Highway 67 to junction U.S. Highway 7, thence over U.S. Highway 7 to junction U.S. Highway 4 at Rutland, Vt., thence west over U.S. Highway 4 to junction Vermont Highway

3, thence over Vermont Highway 3 to junction U.S. Highway 7, and thence over U.S. Highway 7 to Burlington, and return over the same route; from junction U.S. Highway 7 and Vermont Highway 103 over Vermont Highway 103 to Chester, Vt., and return over the same route; serving the intermediate points of North Bennington, Arlington, Manchester, Danby, Rutland, Proctor, Brandon, Middlebury, Ludlow, and Chester, Va. **RESTRICTION:** The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt.

NOTE: Applicant states the proposed service is an extension of its authorized route between Albany and Hoosick Falls, N.Y., (MC 66562 Sub 1399), and between Hoosick Falls, N.Y., and North Adams, Mass (MC 66562 Sub 1431).

No. MC 66562 (Sub No. 1688), filed June 6, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, Law Dept., 219 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Classes A and B explosives*, moving in express service, between Paterson, N.J., and Sussex, N.J.: from Paterson over unnumbered streets to West Paterson, thence over U.S. Highway 46 to junction New Jersey Highway 23, and thence over New Jersey Highway 23 to Sussex, and return over the same route, serving the intermediate point of Newfoundland, N.J., and the off-route points of Pompton Plains, Pompton, Riverdale, Pompton Lakes, Wanaque-Midvale, Butler, and Ogdensburg, N.J. **RESTRICTION:** The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt.

No. MC 75320 (Sub No. 93), filed May 31, 1960. Applicant: CAMPBELL SIXTY SIX EXPRESS, INC., P.O. Box 807, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Grenada, Miss., and Greenwood, Miss., over Mississippi Highway 7, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations.

No. MC 78786 (Sub-No. 224), filed May 31, 1960. Applicant: PACIFIC MOTOR TRUCKING COMPANY, a Corporation, 65 Market Street, San Francisco 5, Calif. Applicant's attorney: Mr. Thormund A. Miller, 205 Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: *Baggage, express, newspapers, milk and cream*, between Sacramento, Calif., and Reno, Nev., over U.S. Highway 40, serving all intermediate and off-route points which are stations on the rail lines of Southern Pacific Company between said termini.

NOTE: Subject to the following conditions, the service to be performed shall be (1) limited to that which is auxiliary to or supplemental of railroad or railroad express service, and shall not (2) serve any point not a station on the rail lines of the Southern Pacific Company.

No. MC 107403 (Sub No. 309), filed June 3, 1960. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's attorney: Paul F. Barnes, 811-819 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles from Huntington, Ind., to Findlay, Ohio.

NOTE: Applicant holds contract carrier authority in Permit No. MC 117637 and Subs thereunder. Dual operations under section 210 may be involved.

No. MC 114897 (Sub No. 25), filed May 31, 1960. Applicant: WHITFIELD TANK LINES, INC., 240 West Amador Street, Las Cruces, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent acid*, in bulk, in tank vehicles, from the plant site of Standard Oil Co. of Texas, El Paso, Tex., to the Zuniga Mine, located at Fierro, N. Mex., and *refused or rejected shipments of spent acid*, on return.

No. MC 117615 (Sub No. 3), filed June 6, 1960. Applicant: BOYER VALLEY COMPANY, a Corporation, Federal Savings and Loan Building, Denison, Iowa. Applicant's attorney: E. A. Norelius, Federal Savings and Loan Building, Denison, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Inedible animal grease*, in bulk, in tank trucks and trailers, from Denison, Iowa to Kansas City, Mo., Kansas City, Kans., Enid, Okla., Fremont, Nebr., and Cheraw, Colo.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub No. 193), filed May 31, 1960. Applicant: THE GREYHOUND CORPORATION, 140 South Dearborn Street., Chicago 3, Ill. Applicant's attorney: Earl A. Bagby, Western Greyhound Lines (Division of The Greyhound Corporation), Market and Fremont Streets, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, over relocated highways as follows: (1) between Singley Road Junction and Fortuna, Calif., by changing the authorized route of operation between the Oregon-California State line and San Francisco from former U.S. Highway 101 to relocated U.S. Highway 101 between Singley Road Junction and Fortuna; (2) between Madison Junction

and Winters Junction, Calif., by changing the authorized route of operation between Dunnigan Junction and Vacaville Junction from former California Highway 21 (presently shown as unnumbered highway) to relocated California Highway 21 between Madison Junction and Winters Junction; (3) between Walnut Creek Junction and Oak Park Junction, Calif., by changing the authorized route of operation between Oakland and Willow Pass Junction from former California Highway 24 to relocated California Highway 24 between Walnut Creek Junction and Oak Park Junction; reauthorize present route between Walnut Creek Junction and Oak Park Junction as follows: from junction California Highway 24 and unnumbered highway (Walnut Creek Junction), over unnumbered highway to junction California Highway 24 (Oak Park Junction); and (4) between Calabasas Junction and Vineland Avenue Junction, Calif., by changing the authorized route of operation between San Luis Obispo and Los Angeles from former U.S. Highway 101 and relocated U.S. Highway 101 between Calabasas Junction and Vineland Avenue Junction; reauthorize present route between Calabasas Junction and Vineland Avenue Junction: from junction U.S. Highway 101 and unnumbered highway (Calabasas Junction), over unnumbered highway via Tarzana to junction U.S. Highway 101 (Vineland Avenue Junction); all as more specifically set forth in the application, all entirely within the State of California between the points and in both directions over the routes set forth, serving all intermediate points.

No. MC 1501 (Sub No. 194), filed June 3, 1960. Applicant: THE GREYHOUND CORPORATION, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: George W. Rauch, Room 1500, 140 South Dearborn Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, newspapers and mail* in the same vehicle with passengers, between junction Ohio Highway 18 and U.S. Highway 25, and Dayton, Ohio: from junction Ohio Highway 18 and U.S. Highway 25, over Interstate Highway 75 to Dayton, and return over the same route.

NOTE: Applicant states it proposes to join or tack this authority, if granted, (a) to its authority at junction Ohio Highway 18 and U.S. Highway 25, (b) to its regular routes serving the intermediate points of Van Buren, Sidney, Piqua, and Troy, Ohio, and (c) to its authority to serve Dayton, Ohio. Applicant further states it is authorized to conduct operations over U.S. Highway 25 to serve all of the communities listed above, and the following: Findlay, Ohio, from Findlay Interchange to Findlay over Ohio Highway 12 and return; Bluffton, Ohio, from Bluffton Interchange over Ohio Highway 103 and return; Lima, Ohio, from Lima Interchange over U.S. Highway 305 and return; Cridersville, Ohio, from Cridersville Interchange over unnumbered County highway and return; Wapakoneta, Ohio, from Wapakoneta Interchange over Ohio Highway 67 and return; and the intermediate tacking points of Van Buren, Sidney, Piqua, and Troy, Ohio.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 33641 (Sub No. 43), filed May 31, 1960. Applicant: INTERSTATE MOTOR LINES, INC., 235 West Third South, Salt Lake City 1, Utah. Applicant's attorney: Edward M. Berol, 100 Bush Street, San Francisco, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, and commodities in bulk, between points in California, as follows: 1. San Francisco and Soledad, via U.S. Highways 101 and 101 By-Pass, serving off-route points of Natividad, Spreckels, Permanente, Alviso, and Agnew. 2. San Francisco and Carmel, via State Highway 1, serving off-route points of San Gregorio, Pescadero, Camp McQuaide, Seabright, Capitola, Sea Cliff, and Del Mar. 3. Half Moon Bay and San Mateo, via unnumbered highways and State Highway 5. 4. San Gregorio and Redwood City, via La Honda and Woodside, over unnumbered highways. 5. Santa Cruz and Boulder Creek, via State Highway 9, and via unnumbered highway through Mt. Hermon. 6. San Jose and Santa Cruz, via State Highway 17. 7. Gilroy and Watsonville, via State Highway 152. 8. Watsonville and San Juan, via unnumbered highway known as Chittenden Pass Road, serving the off-route point of Aromas. 9. Watsonville and U.S. Highway 101 north of Prunedale, via unnumbered highway. 10. Salinas and Castroville, via unnumbered highway. 11. Salinas-Monterey unnumbered highway and State Highway 1, via unnumbered highway south of Salinas through Blanco to State Highway 1 north of Neponset. 12. Salinas-Monterey unnumbered highway and Marina, via unnumbered highway. 13. Salinas and Pacific Grove, via unnumbered highway. 14. Carmel and Robles Del Rio via unnumbered highway through Carmel Valley. 15. Robles Del Rio and Salinas-Monterey unnumbered highway, via unnumbered highway. 16. Gilroy and Hollister, via U.S. Highway 101 and State Highway 25. 17. Hollister to U.S. Highway 101, via State Highway 156 and San Juan. 18. Richmond and San Jose, via U.S. Highways 40 and 50, State Highways 17 and 9, serving off-route points of Alameda, Newark, Alviso, Mulford Gardens, Russell, Arden, and Santa Rita. 19. Oakland and Livermore, via U.S. Highway 50, serving off-route point of Pleasanton. 20. Livermore and San Jose, via unnumbered highway, State Highways 21 and 17, serving off-route points of Santa Rita Prison Farm and Hearst Ranch. 21. San Francisco and Tulare, via U.S. Highways 40, 50, and 99, serving the off-route points of Visalia and Hanford. 22. Gilroy and Tulare, via State Highway 152 and U.S. Highway 99. 23. San Francisco and Oakland East Bay Area, via the San Francisco-Oakland Bay Bridge.

24. Oakland and Port Costa, Crockett, and Martinez, via U.S. Highway 40 and unnumbered highway. 25. Oakland, on the one hand, and San Pablo, Pinole, Hercules, Rodeo, Oleum, Tormey, and Selby, on the other hand; and between Albany, El Cerrito, Stege Junction, San Pablo, Pinole, Hercules, Rodeo, Oleum, Tormey, Selby, Port Costa, Crockett, and Martinez, via U.S. Highway 40 and unnumbered highways. 26. San Francisco, Oakland, Berkeley, Alameda, Piedmont, Emeryville, Fruitvale, Melrose, San Pablo, Albany, and El Cerrito, on the one hand, and, on the other hand, Richmond, Giant, San Leandro, San Lorenzo, Mount Eden, Hayward, Castro Valley, Daly City, Colma, and South San Francisco, via U.S. Highways 40, 50, 101, 101 By-Pass, State Highways 24, 17, 9, and unnumbered highways. 27. Oakland and Antioch, via State Highway 24, serving all off-route points within three miles laterally of such routes. 28. Lafayette and Moraga, via unnumbered highway. 29. Walnut Creek and Dublin, via State Highway 21. 30. Concord and Byron, via the Marsh Creek Road. 31. Antioch and Byron, via State Highway 4. 32. Oakland and Vallejo, via U.S. Highway 40, serving the off-route point of Mare Island. 33. Alamo and U.S. Highway 50, via Diablo, over unnumbered highways, serving all off-route points within three miles laterally of such routes. 34. Sacramento, on the one hand, and on the other hand, all points and places located on and within three miles laterally of the following described highways: (a) Highway U.S. 40 between Sacramento and Loomis and Dixon, including Loomis and Dixon; (b) Highway U.S. 99-E between Lincoln and Roseville, including Lincoln and Roseville; (c) Highway U.S. 50 between Sacramento and Clarksville, including Clarksville; (d) State Highway Route 16 between Sacramento and Michigan Bar, including Michigan Bar; (e) Highway U.S. 50-99 between Sacramento and Stockton, including Stockton; (f) State Highway Route 24 between Sacramento and Ryde, including Ryde; (g) State Highway Route 16 between Sacramento and Madison, including Madison; (h) Highway U.S. 99-W between Zamora and junction Highway U.S. 99-W and State Highway Route 16, including Zamora; (i) State Highway Route 24 between Woodland and Robbins, including Woodland and Robbins; (j) County Road between Sacramento and Rio Oso, including Rio Oso, via Verona and Nicolaus; (k) State Highway Route 28 between Winters and Davis, including Winters and Davis; (l) Highway U.S. 99-W between Woodland and Davis, including Woodland and Davis; (m) Including off-route service at Lathrop and Lyoth. 35. All points and places on Route No. 34, on the one hand, and, on the other hand, Oakland and San Francisco, via U.S. Highways 99, 99-E, 99-W, 40 and 50 and State Highways 4, 12, 24, 16, 21, and 17. 36. All points located on and laterally within three miles of the highways described on Route No. 34, on the one hand, and, on the other hand, points and places located in San Francisco and Oakland. RESTRICTION: No service

is authorized between San Francisco and Cordelia on and laterally from U.S. Highway 40, except as otherwise authorized. 37. San Francisco and Vallejo, via U.S. Highway 101, unnumbered highway known as Atherton Avenue, State Highways 37 and 48, serving the off-route points of Mill Valley, Corte Madera, Larkspur, Kentfield, Ross, San Anselmo, Fairfax, Sausalito, Belvedere, Tiburon, California City, McNear Beach, China Camp, Santa Venetia, Rafael Village, St. Vincents, and Hamilton Field. 38. San Rafael and Richmond, via Richmond-San Rafael Bridge, serving the off-route point of San Quentin. 39. San Rafael and Napa, via U.S. Highway 101 and State Highways 37 and 12. 40. Napa and Vallejo, via State Highway 29. Serving all intermediate points, and all off-route points; within three miles laterally of such routes.

NOTE: This application is directly related to MC-F 7529, Interstate Motor Lines, Inc.-Purchase-Highway Transport, Inc.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F 7558. Authority sought for control and merger by WATKINS MOTOR LINES, INC., Cassidy Road, P.O. Box 786, Thomasville, Ga., of the operating rights and property of REFRIGERATED TRANSIT, INC., 813 North Ninth Street, St. Louis, Mo., and for acquisition by BILL WATKINS, also of Thomasville, of control of such rights and property through the transaction. Applicants' representatives: Bill Watkins, Cassidy Road, Thomasville, Ga., W. M. Johnson, 813 North Ninth Street, St. Louis, Mo., and Joseph H. Blackshear, Attorney, Gainesville, Ga. Operating rights sought to be controlled and merged: *Eggs*, dried or frozen, as a *common carrier* over irregular routes, from Terre Haute, Ind., to Portland, Maine, Manchester, N.H., Boston and New Bedford, Mass., Providence, R.I., Albany and New York, N.Y., Asbury Park, Atlantic City, Belleville, and Newark, N.J., Scranton and Philadelphia, Pa., Baltimore, Md., and Washington, D.C., and from National Stockyards, Ill., to Boston, Mass., New York, N.Y., Newark, N.J., Scranton and Philadelphia, Pa., Baltimore, Md., and Washington, D.C.; *meats, meat products, and meat byproducts, dairy products, and articles distributed by meat packing houses*, as defined in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from St. Louis, Mo., to Portland, Maine, Boston and Lawrence, Mass., Providence, R.I., New York, N.Y., Newark, Jersey City, and Camden, N.J., Philadelphia, Pa., Baltimore, Md., and Washington, D.C., restricted to the transportation of the commodities described when moving to

or from the warehouses, plants, or other facilities of meat packing houses; those rights claimed in an application seeking a "grandfather" certificate under section 7 of the Transportation Act of 1958, which amended section 203(b)(6) of the Act, viz *coffee beans and tea*, in mixed and in straight loads with spices and herbs, unground, and ground but not further processed, from New York, N.Y., and Jersey City, N.J., to St. Louis, Mo., WATKINS MOTOR LINES, INC., is authorized to operate as a *common carrier* in Georgia, Missouri, Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, Minnesota, New Jersey, New York, North Carolina, Pennsylvania, Virginia, West Virginia, Wisconsin, District of Columbia, Ohio, Tennessee, Alabama, Florida, South Carolina, Arkansas, Mississippi, Louisiana, Oklahoma, Kansas, Nebraska, Iowa, Texas, Missouri, and South Dakota. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7559. Authority sought for purchase by BUCKINGHAM FREIGHT LINES, 900 East Omaha, P.O. Box 1631, Rapid City, S. Dak., of a portion of the operating rights of RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo., and for acquisition by EARL F. BUCKINGHAM and HAROLD D. BUCKINGHAM, both of Rapid City, of control of such rights through the purchase. Applicants' attorneys: Jones, Meiklejohn & Kilroy, 526 Denham Building, Denver 2, Colo. Operating rights sought to be transferred: *General commodities*, as a *common carrier* over regular routes, between Douglas, Wyo., and Gillette, Wyo., serving all intermediate points and the off-route points of Devils Tower and Sundance, Wyo.; *general commodities*, excepting, among others, household goods and commodities in bulk, between Scottsbluff, Nebr., and Gordon, Nebr., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Minnesota, South Dakota, Nebraska, Iowa, Wyoming, Colorado, North Dakota, Montana, Illinois, Wisconsin, Utah, Oregon, Washington, Missouri, Idaho, Kansas, and California. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-7560. Authority sought for purchase by TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich., of a portion of the operating rights of WILLIAM S. CLARK, 506 North Street, Mifflintown, Pennsylvania, and for acquisition by ROBERT B. GOTFREDSON and CHARLOTTE B. GOTFREDSON, both of 1700 North Waterman Avenue, Detroit 9, Mich., of control of such rights through the purchase. Applicants' attorney: Howell Ellis, 1210-12 Fidelity Bldg., Indianapolis 4, Indiana. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes, between points in the Borough of Mifflin, Juniata County, Pa., on the one hand, and, on the other, points in the Borough of Mifflintown, Juniata County, Pa., and between points in the Boroughs of Mifflin and Mifflintown,

Juniata County, Pa., on the one hand, and, on the other, points in Pennsylvania within 100 miles of Mifflin and Mifflintown Boroughs, Pa. Vendee is authorized to operate as a *common carrier* in Michigan, Illinois, Indiana, Ohio, Pennsylvania, Missouri, Kentucky, Wisconsin, New Jersey, New York, Connecticut, Iowa, Minnesota, Nebraska, Massachusetts, Rhode Island, Kansas, Maryland, West Virginia, Virginia, Delaware, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7561. Authority sought for control by HEMINGWAY BROTHERS INTERSTATE TRUCKING COMPANY, 438 Dartmouth Street, New Bedford, Mass., of HUCKABEE TRANSPORT CORP., Box 479, Columbia, S.C., and for acquisition by PHILIP HEMINGWAY, also of New Bedford, of control of HUCKABEE TRANSPORT CORP. through the acquisition by HEMINGWAY BROTHERS INTERSTATE TRUCKING COMPANY. Applicant's attorney: David G. Macdonald, 1625 K Street, N.W., Washington 6, D.C. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between Charleston, S.C., and Greenville, S.C., between Charleston, S.C., and Kings Mountain, N.C., between Columbia, S.C., and Pineville, N.C., between Columbia, S.C., and Augusta, Ga., and between Augusta, Ga., and Atlanta, Ga., serving certain intermediate and off-route points and restricted against traffic moving between Sumter, S.C., and Charlotte, N.C.; *compressed inflammable gases*, in bulk, in Government-owned tube trailers, and *empty tube trailers*, and *classified and secret materials*, between the Savannah River Plant of the Atomic Energy Commission, at Dunbarton, S.C., and the site of the Atomic Energy Plant at Oak Ridge, Tenn., serving no intermediate points; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between Augusta, Ga., on the one hand, and, on the other, points in Georgia within 100 miles of Augusta, between points in Georgia, on the one hand, and, on the other, points in South Carolina, and between Charlotte, N.C., on the one hand, and, on the other, certain points in South Carolina; *textile machinery and textile products*, between Winnsboro, S.C., on the one hand, and, on the other, Kannapolis, Gastonia, and Concord, N.C.; *the commodities classified (a) as meats, meat products, and meat by-products, and (b) as dairy products*, in the appendix to the report in *Modification of Permits—Packinghouse Products*, 46 M.C.C. 23, between Columbia, S.C., and points within ten miles thereof, on the one hand, and, on the other, Fort Bragg, N.C., and points within ten miles thereof; *cotton*, from Winnsboro, S.C., to Gastonia, N.C.; *hay*, from Beech Island, S.C., to Harlem, Ga., and from Augusta, Ga., to Walhalla, S.C.; *fertilizer*, from Augusta, Ga., to points in South Carolina; *flour*, from Augusta and Savannah, Ga., and Charleston, S.C., to points in South Carolina; *cotton seed*,

from Beech Island, S.C., to Augusta, Ga.; *canned goods, meat, and sugar*, from Savannah, Ga., to Augusta, Ga.; *canned goods and agricultural commodities*, from Charleston, S.C., to Augusta, Ga. Vendee is authorized to operate as a *common carrier* in Maine, Connecticut, Rhode Island, Massachusetts, New Hampshire, New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 60-5431; Filed, June 14, 1960;
8:48 a.m.]

[Notice 329]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 15, 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 62923. By order of June 9, 1960, the Transfer Board approved the transfer to Automobile Transport, Inc., a Michigan corporation, Wayne, Michigan, of Certificates in Nos. MC 87928, and MC 87928 Sub 1, MC 87928 Sub 3, MC 87928 Sub 5, MC 87928 Sub 9, MC 87928 Sub 11, MC 87928 Sub 12, MC 87928 Sub 14, MC 87928 Sub 15, MC 87928 Sub 18, MC 87928 Sub 19, MC 87928 Sub 20, MC 87928 Sub 21, MC 87928 Sub 22, MC 87928 Sub 23, MC 87928 Sub 25, MC 87928 Sub 26, MC 87928 Sub 29, MC 87928 Sub 30, MC 87928 Sub 31, MC 87928 Sub 32, MC 87928 Sub 33, MC 87928 Sub 34, MC 87928 Sub 38, and MC 87928 Sub 39, issued August 20, 1943, May 1, 1947, September 10, 1947, October 26, 1948, February 4, 1949, February 4, 1949, June 24, 1949, November 21, 1950, February 14, 1951, February 5, 1951, January 18, 1951, January 16, 1951, December 12, 1950, April 13, 1951, May 21, 1951, February 1, 1952, March 3, 1953, February 26, 1953, January 20, 1955, January 11, 1955, October 27, 1954, July 12, 1955, July 23, 1957, May 16, 1958, and August 20, 1958, respectively, to Automobile Transport, Inc., of Delaware, Wayne, Mich., authorizing the transportation of: automobiles and related commodities to, from and between specified points in the 48 States and the District of Columbia. Walter N. Bieneman, Attorney, Matheson, Dixon &

Brady, 2150 Guardian Building, Detroit, Mich., for applicants.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 60-5432; Filed, June 14, 1960;
8:48 a.m.]

[Rev. S.O. 562, Taylor's I.C.C. Order 119]

WRIGHTSVILLE AND TENNILLE RAILROAD CO. AND CENTRAL OF GEORGIA RAILWAY CO.

Diversion or Rerouting of Traffic

In the opinion of Charles W. Taylor, Agent, the Wrightsville and Tennille Railroad Company, account bridge burned out between Donovan and Harrison, Georgia, is unable to transport traffic routed over its line.

It is ordered, That:

(a) Rerouting traffic: The Wrightsville and Tennille Railroad Company and the Central of Georgia Railway Company are hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carriers rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipments on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with the pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 12:01 p.m., June 8, 1960.

(g) Expiration date: This order shall expire at 11:59 p.m., July 8, 1960, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of

American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 8, 1960.

INTERSTATE COMMERCE
COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 60-5433; Filed, June 14, 1960;
8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 10, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36314: *Sugar—Chaska, Minn., to Chicago, Ill.* Filed by Western Trunk Line Committee, Agent (No. A-2135), for interested rail carriers. Rates on sugar, beet or cane, in carloads from Chaska, Minn., to Chicago, Ill.

Grounds for relief: Route operating through higher-rated intermediate origins.

FSA No. 36315: *Livestock from South to Ohio River Crossings.* Filed by O. W. South, Jr., Agent (SFA No. A-3967), for interested rail carriers. Rates on stocker livestock, in carloads, as described in the application from specified origins in southern territory to Ohio River crossings and St. Louis, Mo. (for movement beyond).

Grounds for relief: Short-line distance formula.

Tariff: Supplement 21 to Southern Freight Association tariff I.C.C. 1602.

FSA No. 36316: *Asphalt and related articles from the southwest to western trunk line territory.* Filed by Southwestern Freight Bureau, Agent (No. B-7824), for interested rail carriers. Rates on asphalt, petroleum road oil, and petroleum wax tailings, in tank-car loads from points in Arkansas, Louisiana, New Mexico, Oklahoma and Texas to points in western trunk line territory.

Grounds for relief: Maintain routes through higher-rates intermediate origins and destinations.

Tariff: Supplement 141 to Southwestern Freight Bureau tariff I.C.C. 4279.

FSA No. 36317: *T.O.F.C. Service—Between Indianapolis, Ind., and southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-7825), for interested rail carriers. Rates on property of various kinds moving on class rates loaded in trailers and transported on railroad flat cars between Indianapolis, Ind., on the one hand, and points in southwestern territory, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 7 to Southwestern Freight Bureau tariff I.C.C. 4352.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-5429; Filed, June 14, 1960;
8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

Issuance to Various Industries

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Allen Garment Co., 709 19th Avenue, North, Nashville, Tenn.; effective 5-29-60 to 5-28-61 (men's and boys' sport shirts).

Blue Bell, Inc., Homer, Ga.; effective 5-31-60 to 5-30-61 (mens', boys', misses', and girls' outerwear, coats).

Choctaw Manufacturing Co., Inc., Silas, Ala.; effective 5-26-60 to 5-25-61 (men's trousers).

Charles W. Henson Garment Manufacturing Co., Inc., Monroe, Ga.; effective 5-31-60 to 5-30-61 (men's and boys' work and dress pants).

Mode O'Day Corp., 146 South West Temple, Salt Lake City, Utah; effective 6-30-60 to 6-2-61 (women's dresses).

The Roswell Co., Roswell, Ga.; effective 5-25-60 to 5-24-61 (men's work pants).

Shults Manufacturing Co., Inc., Henderson Tenn.; effective 5-25-60 to 5-24-61 (men's work pants).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Delta Shirt Manufacturing Co., Inc., 550 9th Street, Douglas, Ariz.; effective 5-27-60 to 5-26-61; five learners (men's and boys' sport shirts).

Jean's Sportswear, Inc., Leonardtown, Md.; effective 6-1-60 to 5-31-61; 10 learners (infants' wear).

Martin Dress Co., Oak and Ballet Streets, Frackville, Pa.; effective 5-23-60 to 5-22-61; 10 learners (dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Alabama Textile Products Corp., Troy, Ala.; effective 5-31-60 to 11-30-60; 50 learners (men's dress shirts).

Gattman Sportswear, Inc., Gattman, Miss.; effective 5-27-60 to 11-26-60; 100 learners (men's dress slacks).

Ringer Park Rapids Co., Park Rapids, Minn.; effective 5-23-60 to 11-22-60; 45 learners (men's and boys' winter jackets, parkas and car coats).

Tennessee Textile Corp., Maryville, Tenn.; effective 5-31-60 to 11-30-60; 40 learners (men's and boys' work shirts and pants).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.66, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

The Boss Manufacturing Co., Oneida, Tenn.; effective 5-23-60 to 5-22-61 (work gloves).

Riegel Textile Corp., Greenville, Ala.; effective 6-8-60 to 6-7-61 (work gloves).

Southern Glove Manufacturing Co., Inc., Conover, N.C.; effective 5-26-60 to 5-25-61 (canton flannel and jersey work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

Slane Hosiery Mills, Inc., Mangum Avenue, High Point, N.C.; effective 5-23-60 to 5-22-61;

5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Junior Form Lingerie, Inc., 428 Morris Avenue, Boswell, Pa.; effective 6-3-60 to 6-2-61; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' underwear).

Superior Mills, Div. of B.V.D. Co., Inc., Carrboro, N.C.; effective 5-25-60 to 11-29-60; 15 learners for plant expansion purposes (knitted cotton cloth for underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Boehm-Sheldon, Inc., North Elm Street, Antigo, Wis.; effective 5-30-60 to 11-29-60; 5 learners for normal labor turnover purposes in the occupation of fly tier for a learning period of 320 hours at the rates of at least 85 cents an hour for the first 240 hours and not less than 90 cents an hour for the remaining 80 hours (fishing flies).

Monarch-Comer Co., Comer, Ga.; effective 5-25-60 to 11-24-60; 5 learners for normal labor turnover purposes in the occupations of sewing machine operating and final pressing each for a learning period of 480 hours at the rates of not less than 90 cents an hour for the first 280 hours and not less than 95 cents an hour for the remaining 200 hours (sport coats, dress coats, jackets).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 2d day of June 1960.

ROBERT G. GRONEWALD,
*Authorized Representative of the
Administrator.*

[F.R. Doc. 60-5399; Filed, June 13, 1960;
8:51 a.m.]

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Announcement

CFR SUPPLEMENTS
(As of January 1, 1960)

The following Supplements are now available:

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|------------------------|--------|
| Title 16, Revised----- | \$6.50 |
| Title 17----- | \$0.75 |

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); Parts 210-399, Revised (\$4.00); Parts 900-959 (\$1.50); Part 960 to End (\$2.50); Title 8 (\$0.40); Title 9 (\$0.35); Titles 10-13 (\$0.50); Title 14, Parts 1-39 (\$0.65); Title 15 (\$1.25); Title 18 (\$0.55); Title 19 (\$1.00); Title 20 (\$1.25); Title 21 (\$1.50); Titles 22-23 (\$0.45); Title 24 (\$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 1-399 (\$2.00); Parts 400-699 (\$2.00); Parts 700-799 (\$1.00); Parts 800-999, Revised (\$3.75); Part 1100 to End (\$0.60); Title 33 (\$1.75); Title 35, Revised (\$3.50); Title 36, Revised (\$3.00); Title 37, Revised (\$3.50); Title 38 (\$1.00); Title 39 (\$1.50); Title 42, Revised (\$4.00); Title 43 (\$1.00); Title 46, Parts 1-145 (\$1.00); Parts 146-149, Revised (\$6.00); Part 150 to End (\$0.65); Title 47, Parts 1-29 (\$1.00); Part 30 to End (\$0.30); Title 49, Parts 1-70 (\$1.75); Parts 71-90 (\$1.00); Parts 91-164 (\$0.45); Part 165 to End (\$1.00); Title 50 (\$0.70).

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