

FEDERAL REGISTER



VOLUME 24

NUMBER 190

Washington, Tuesday, September 29, 1959

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

Social Worker, Social Administration Adviser and Social Administration Specialist

Sections 24.57, 24.107, 24.108, 24.109, and 24.110 are revoked, and §§ 24.145 and 24.146 are added as set out below.

§ 24.145 Social Worker (Clinical), (Child Welfare), and (Family Service), GS-185-7/15.

(a) *Educational requirements.* All applicants must have completed a course of study in an accredited school of social work which has fulfilled all of the requirements for a master's degree in Social Work.

(b) *Duties.* Social Workers (Clinical), (Child Welfare), and (Family Service) render social services, or direct operating social service programs in hospitals, clinics, child welfare, and family service agencies. They make social studies of their clients, clients' families, and the community, and work with them in facilitating the social or medical adjustment of the client.

(c) *Knowledge and training requisite for performance of duties.* The duties require a knowledge of the principles and methods of social work and skill in their application. They also require a knowledge and understanding of case-work methods and techniques, patterns of human behavior, community organization, and of social, economic, and health problems as they affect clients. This knowledge can be acquired only through completion of a course of study in an accredited school of social work in which the student concurrently receives competent classroom instruction in the techniques, principles, and practices of social work and supervised practice in their application.

§ 24.146 Social Administration Adviser and Social Administration Specialist (Public Assistance), (Child Welfare), and (Medical Social Work), GS-102-9/15.

(a) *Educational requirements.* All applicants must have completed a course of study in an accredited school of social work which has fulfilled all of the requirements for a master's degree in Social Work.

(b) *Duties.* Social Administration Advisers and Specialists (Public Assistance), (Child Welfare), and (Medical Social Work) work with public and voluntary social welfare, child welfare, and health agencies in developing and carrying out social welfare programs in the fields of financial assistance and case work to beneficiaries, social service to children and youth, and medical and psychiatric social services. They develop program standards, assist in the administration of grant-in-aid programs and give consultation to other Federal agencies, regional offices, state agencies, and public and voluntary social welfare agencies in the development of program policies, standards, and procedures.

(c) *Knowledge and training requisite for performance of duties.* The duties require a knowledge of the field of social case work, family relationships, child welfare, and public welfare administration. They also require a knowledge and understanding of case-work methods and techniques; patterns of human behavior; community organization; social, economic and health problems; standards of welfare services; and factors entering into dependence, neglect and delinquency of children. This knowledge can be acquired only through completion of a course of study in an accredited school of social work in which the student concurrently receives competent classroom instruction in the techniques, principles, and practices of social work and supervised practice in their application.

(Sec. 11, 58 Stat. 390; 5 U.S.C. 860)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-8121; Filed, Sept. 28, 1959; 8:52 a.m.]

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RPublic 7-7500

Extension 3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

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SEMIANNUAL CFR SUPPLEMENT

(As of July 1, 1959)

The following semiannual cumulative pocket supplement is now available:

Title 46, Parts 146-149,
1959 Supplement 1 (\$1.25)

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

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Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

[Amdt. 2]

PART 481—RICE

Subpart—Rice Export Program; Payment-In-Kind (GR-369)

MISCELLANEOUS AMENDMENTS

The Terms and Conditions of the Rice Export Program—Payment-In-Kind (GR-369) (23 F.R. 9656) as amended (24 F.R. 4647) are, with regard to any contract resulting from CCC's acceptance of an exporter's offer to export rice (milled or brown or both) which is submitted by such exporter on and after the date of publication of this Amendment 2 in the FEDERAL REGISTER, and are with regard to any contract resulting from CCC's acceptance of an exporter's offer to purchase rough rice with certificates, which is confirmed by a Confirmation of Sale specifying a date of sale which is on and after such date of publication, further amended as follows:

§ 481.105 [Amendment]

1. Section 481.105(a) is amended by changing the period to export rice from 180 to 90 days, so that the amended subsection shall read as follows:

(a) Persons desiring to participate in this program shall submit offers as provided in § 481.106 to export rice (milled, or brown, or both) during a period of 90

days following acceptance of the offer by CCC at the export payment rates applicable to the rice exported, determined in accordance with § 481.110, in effect on the date the offer is accepted.

§ 481.108 [Amendment]

2. Section 481.108(a) is amended by changing the export period from 180 to 90 days in the first paragraph and by deleting the second paragraph in its entirety so that the amended paragraph shall read as follows:

(a) (1) The exporter shall export or cause exportation within a 90-day period beginning on the date of CCC's acceptance of the exporter's offer or within any extension thereof approved in writing by the Vice President, CCC, of milled rice or brown rice to an eligible country in accordance with his contract with CCC. If an extension of the 90-day export period is approved, it may be made subject to such reduction in the export payment rate as may be specified by the Vice President, CCC.

(2) Exportation of rice by or to a United States Government agency¹ to or in a destination defined as an eligible country in § 481.150 shall not qualify as an exportation to an eligible country for the purposes of this program unless exportation is by or to the Army and Air Force Exchange Service or the Panama Canal Company, and an authorized official or employee of such agency certifies that the purchase price paid or to be paid by such service or such company for the rice exported is based in whole or in part upon an export price which reflects an export allowance under this program from which such service or company benefits.

3. Section 481.108(b) is amended by changing "210 calendar days" to "120 calendar days" in the second sentence, so that the amended paragraph shall read as follows:

(b) The exporter shall promptly furnish to CCC evidence of exportation as specified in section 481.116 hereof. Failure to furnish evidence of exportation within 120 calendar days from the date of CCC's acceptance of the exporter's offer or within 30 calendar days from the last date of any extension in time for exportation approved by the Vice President, CCC, pursuant to paragraph (a) of this section, whichever is later, shall constitute prima facie evidence of failure to export.

4. Section 481.108(c) is amended by deleting the two parenthetical state-

¹United States Government agency means any corporation wholly owned by the Federal Government and any department bureau, administration or other unit of the Federal Government as, for example, the Departments of the Army, Navy and Air Force, the International Cooperation Administration, the Army and Air Force Exchange Service, and the Panama Canal Company. Sales of rice to foreign buyers, including foreign governments and not for transfer by such buyer to U.S. Government agency though financed with funds made available by a U.S. agency, such as the International Cooperation Administration or the Export-Import Bank, are not sales to a U.S. Government agency.

ments in the first paragraph and by amending the second sentence of the second paragraph to read, "For the purposes of assessing liquidated damages, an exportation which has not been made within a period of 90 calendar days beginning on the date of CCC's acceptance of the exporter's offer or which has not been made by the last day of any extension in time for exportation approved in writing by the Vice President, CCC, whichever date is the later, shall be deemed not to have been made at all.", so that the amended paragraph shall read as follows:

(c) (1) Failure of the exporter to export in accordance with the provisions of his contract with CCC shall constitute a default of his obligations to CCC. Exportation to an eligible country, and within the period of time specified in the exporter's contract with CCC or as approved by the Vice President, CCC, are of the essence of the contract and are conditions precedent to any right to payment under this program. Exportation to other than eligible country, or during a period of time other than that specified in the exporter's contract with CCC or approved in writing by the Vice President, CCC, as provided in paragraph (a) of this section, shall not entitle the exporter to any payment under this subpart. Moreover, if the exporter does not export the quantity of rice specified in the exporter's contract with CCC, except as provided in § 481.109, such breach shall give rise to liquidated damages. Inasmuch as failure of the exporter to export will cause serious and substantial losses to CCC, such as damages to CCC's export and price support program, and the incurrence of storage, administrative and other costs, and it will be difficult, if not impossible, to prove the exact amount of such damages, the exporter shall pay to CCC liquidated damages promptly upon demand for each hundredweight of rice not exported at the rate of \$1.50 per hundredweight.

(2) The foregoing rate is agreed by the exporter and CCC to be a reasonable estimate of the probable actual damages that would be incurred by CCC. For the purposes of assessing liquidated damages, an exportation which has not been made within a period of 90 calendar days beginning on the date of CCC's acceptance of the exporter's offer or which has not been made by the last day of any extension in time for exportation approved in writing by the Vice President, CCC, whichever date is the later, shall be deemed not to have been made at all. In addition to the foregoing, an exporter may be denied the right to continue participating in this program for his failure to export in accordance with the provisions of his contract with CCC.

(3) The foregoing rate is agreed by the exporter and CCC to be a reasonable estimate of the probable actual damages that would be incurred by CCC. For the purposes of assessing liquidated damages, an exportation which has not been made within a period of 90 calendar days beginning on the date of CCC's acceptance of the exporter's offer or which has not been made by the last day of any extension in time for exportation approved in writing by the Vice President, CCC, whichever date is the later, shall be deemed not to have been made at all. In addition to the foregoing, an exporter may be denied the right to continue participating in this program for his failure to export in accordance with the provisions of his contract with CCC.

§ 481.116 [Amendment]

5. Section 481.116(a) (4) is amended by deleting the second sentence.

§ 481.120 [Amendment]

6. Section 481.120 is amended by changing the reference to the Feed Grain Export Program in the first sentence, so that the sentence reads as follows: "The certificate will be redeem-

able in rough rice which CCC makes available from its stocks for sale under this subpart at the domestic market price, as determined by CCC, or in feed grains pursuant to the terms and conditions of Revision I of the Feed Grain Export Program—Payment-In-Kind (GR-368) (24 F.R. 7092) and any subsequent amendments thereto."

§ 481.125 [Amendment]

Section 481.125 is amended by deleting paragraph (c) in its entirety, and redesignating the present paragraphs (d) and (e) as (c) and (d), respectively, so that the complete section will read as follows:

§ 481.125 Payment terms and financial arrangements.

(a) The amount due CCC for rough rice purchased hereunder shall be paid by the purchaser by surrender to CCC of properly endorsed certificate(s). If certificates having a value in excess of the purchase price are surrendered by the purchaser to CCC, the certificates having the earliest dates of export shall be applied first to the purchase and any certificates not applied shall be returned to the purchaser. If the value of certificates applied to the purchase exceeds the purchase price, such excess will be adjusted by issuance and delivery to the purchaser of a rice balance certificate which may be used on a subsequent purchase from CCC. The date of export shown on the balance certificate will be the date shown on the original certificate, or if more than one certificate is applied to the purchase, the date of export shown on the balance certificate will be the latest date of export shown on a certificate applied to the purchase. The face value of the balance certificate will be determined by deducting from the face value of certificates surrendered to CCC the purchase price of the rough rice and any discount applicable to the portion of the certificates being applied to the purchase as provided in § 481.121.

(b) Financial arrangements covering the purchase price specified in the Confirmation of Sale of any rough rice purchased from CCC hereunder shall be made prior to delivery of the rough rice by CCC by surrender to the appropriate CSS Commodity Office of certificate(s) sufficient to pay for the rough rice.

(c) The financial arrangements provided in paragraph (b) of this section shall be made:

(1) Prior to delivery of the rough rice by CCC on purchases which provide for delivery within 5 days following the date of the sale, and

(2) On all other purchases, not less than 5 days prior to delivery of the rough rice by CCC, unless CCC consents in writing to a different period.

(d) If the purchaser fails to make a financial arrangement acceptable to CCC in accordance with paragraph (c) of this section, CCC shall have the right to deem the purchaser in default and may avail itself of any remedy available to an unpaid seller. The purchaser shall be liable to CCC for any loss or damages resulting from such default.

§ 481.130 [Amendment]

8. Section 481.130(b) is amended by deleting the parenthetical statement in the first sentence, so that the sentence shall read: "The total amount of any upward adjustment in sales price arising under this section shall be paid in cash by the purchaser to CCC promptly upon demand."

(Secs. 481.101 to 481.156 issued under sec. 5, 62 Stat. 1072; 15 U.S.C. 714c. Interpret or apply sec. 407, 63 Stat. 1055, as amended; sec. 201(a), 70 Stat. 198; 7 U.S.C. 1427, 1581)

Issued this 23d day of September 1959.

WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc 59-8105; Filed, Sept. 28, 1959;
8:49 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER A—MARKETING ORDERS

PART 909—ALMONDS GROWN IN CALIFORNIA

Budget of Expenses of Almond Control Board and Rate of Assessment for 1959-60 Crop Year

Notice was published in the FEDERAL REGISTER on September 2, 1959 (24 F.R. 7107) that there was under consideration a proposal regarding expenses of the Almond Control Board and rate of assessment for the 1959-60 crop year which began July 1, 1959. The proposal was based on the recommendation of the Almond Control Board and other available information, in accordance with the applicable provisions of Marketing Agreement No. 119, as amended, and Order No. 9, as amended (7 CFR Part 909), regulating the handling of almonds grown in California. Said amended agreement and order are effective under 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).

The notice afforded interested persons opportunity to file data, views, or arguments pertaining thereto with the Department for consideration prior to establishment of a budget of expenses and assessment rate. The prescribed time has expired and no such communication has been received.

After consideration of all relevant matters, it is hereby found that expenses of the Almond Control Board in the total amount of \$47,700 are reasonable and likely to be incurred by the Board during the 1959-60 crop year, and a rate of assessment of .09 cent per pound of almond kernels is necessary to provide funds to meet authorized Board expenses.

Therefore, it is ordered, That the budget of expenses of the Almond Control Board and rate of assessment for the crop year beginning July 1, 1959, be as follows:

§ 909.309 Budget of expenses of the Almond Control Board and rate of assessment for the 1959-60 crop year.

(a) *Budget of expenses.* The budget of expenses of the Almond Control Board for the crop year beginning July 1, 1959, shall be in the total amount of \$47,700, such amount being reasonable and likely to be incurred for maintenance and functioning of the Board, and, for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for the said crop year, payable by each handler to the Almond Control Board on demand, shall be nine hundredths of a cent (0.09¢) per pound of almonds, kernel weight basis, received by each handler for his own account, except almonds received from other handlers on which assessments have been paid.

It is hereby further found that good cause exists for not postponing the effective date of this order later than the date of its publication in the FEDERAL REGISTER for the reasons that: (1) The action applies, in accordance with the amended marketing agreement and order, to all almonds received by handlers for their own accounts during the crop year which began on July 1, 1959, and such receipts have already begun; (2) although the regulatory program authorizes the Almond Control Board to use excess assessments of the prior year during the early months of a crop year; such funds as are on hand are not sufficient to meet current expenses; (3) the authorization of expenses and fixing of the rate of assessment should be effected as soon as possible to enable the Almond Control Board to collect such assessments in order to perform its functions in accordance with the requirements of said amended marketing agreement and order; (4) prior notice of the proposed action was given handlers and other interested parties; and (5) compliance herewith will not require any special or advance preparation on the part of handlers.

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

Dated: September 24, 1959, to become effective upon publication in the FEDERAL REGISTER.

S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 59-8117; Filed, Sept. 28, 1959;
8:51 a.m.]

[Lemon Reg. 810, 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 Agricul-

tural 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 § 953.917 (Lemon Regulation 810, 24 F.R. 7439) are hereby amended to read as follows:

(ii) District 2: 334,800 cartons.

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

Dated: September 24, 1959.

S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Marketing
Service.

[F.R. Doc. 59-8114; Filed, Sept. 28, 1959;
8:51 a.m.]

SUBCHAPTER B—PROHIBITIONS OF IMPORTED
COMMODITIES

PART 1066—IRISH POTATOES

Imports

Notice of rule making regarding proposed restrictions on importation of Irish potatoes into the United States, to be made effective under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), was published in the FEDERAL REGISTER September 10, 1959 (24 F.R. 7279). This notice afforded interested persons an opportunity to submit data, views, or arguments pertaining thereto not later than 10 days following publication in the FEDERAL REGISTER. The Canadian Department of Agriculture filed a notice of reorganization and change in designation. No other data, views, or arguments were filed. After consideration of all matters presented including the proposals set forth in the aforesaid notice, it is hereby found that restrictions on the importation of Irish potatoes into the United States, as hereinafter provided, are in accordance with said section 8e.

It is hereby found that it is impracticable and contrary to the public interest to postpone the effective date of this regulation beyond that herein specified (5 U.S.C. 1001-1011) in that (1) the requirements established by the import regulation are issued pursuant to said section 8e which makes such regulation mandatory; (2) grade, size, quality and maturity requirements are now in effect on shipments of domestic potatoes; (3) notice that this action was being considered to become effective October 1, 1959, was published in the FEDERAL REGISTER September 10, 1959 (24 F.R. 7279); (4) compliance with this potato import regulation will not require any special preparation by importers which cannot be completed by the effective date; (5) notice hereof in excess of three days, the minimum that is prescribed by said section 8e, is given with respect to this potato import regulation; (6) such notice is hereby determined, under the circumstances to be reasonable.

§§ 1066.2-1066.6 [Terminated]

Sections 1066.2 through 1066.6 are hereby terminated and, in lieu thereof, the following general regulations applicable to imports of Irish potatoes pursuant to section 608e of the Agricultural Marketing Agreement Act, as amended (7 U.S.C. 601-674), shall be effective.

§ 1066.1 Import regulations.

(a) *Findings and determinations with respect to imports of Irish potatoes.* (1) Pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), it is hereby found that:

(i) Grade, size, quality, and maturity regulations have been issued from time to time pursuant to the following marketing orders: No. 38 (Part 938 of this chapter), No. 57 (Part 957 of this chapter), No. 58 (Part 958 of this chapter), No. 59 (Part 959 of this chapter), No. 70 (Part 970 of this chapter), and No. 92 (Part 992 of this chapter);

(ii) During the past several years grade, size, quality and maturity regulations have been in effect pursuant to two or more of such orders during each month of the year;

(iii) The marketing of Irish potatoes can be reasonably distinguished by two seasonal categories, namely, first, fall or winter potatoes usually marketed during the months of October through the following June, with the great bulk of such marketings being out of storage, and, second, potatoes marketed during July through September, with the great bulk of such marketings being made as the potatoes are harvested;

(iv) Concurrent grade, size, quality, and maturity regulations under two or more of the aforesaid marketing orders are expected in the ensuing and future seasons, as in the past.

(2) Therefore it is hereby determined that:

(i) Imports of round type potatoes during the months of October through the following June are in most direct competition with marketing of the same type potatoes produced in the area

covered by Order No. 70 (Part 970 of this chapter);

(ii) Imports of long type potatoes during each month and imports of round type potatoes during the months of July through September are in most direct competition with potatoes of the same type produced in the area covered by Order No. 57.

(b) *Grade, size, quality, and maturity requirements.* On and after October 1, 1959, the importation of Irish potatoes, except certified seed potatoes, shall be prohibited unless they comply with the following requirements:

(1) For the period July 1 through September 30 of each marketing year, the grade, size, quality, and maturity requirements of Marketing Order No. 57 (Part 957 of this chapter) applicable to potatoes of the long or round types shall be the respective grade, size, quality and maturity requirements for imported potatoes of the long or round types.

(2) For the period October 1 through June 30 of each marketing year, the grade, size, quality and maturity requirements of Marketing Order No. 57 (Part 957 of this chapter) applicable to long type potatoes and the grade, size, quality and maturity requirements of Marketing Order No. 70 (Part 970 of this chapter) applicable to round type potatoes, shall be the respective grade, size, quality, and maturity requirements for imported potatoes of the long or round types.

(i) The grade, size, quality and maturity requirements in effect as of October 1, 1959 under Marketing Order No. 57 and Marketing Order No. 70 are contained in § 957.318 of this chapter, as amended (24 F.R. 5413, 6184, 7353), and § 970.306 of this chapter (24 F.R. 7569), respectively.

(3) The grade, size, quality and maturity requirements specified in this paragraph shall apply to imports of potatoes, unless otherwise ordered, on and after the effective date of the applicable domestic regulation or amendment thereto, specified in this paragraph or three days following publication of such regulation or amendment in the FEDERAL REGISTER, whichever is later.

(c) *Minimum quantities.* Any importation which in the aggregate, does not exceed 500 pounds may be imported without regard to the provisions of this section.

(d) *Plant quarantine.* No provisions of this section shall supersede the restrictions or prohibitions of potatoes under the Plant Quarantine Act of 1912.

(e) *Certified seed.* Certified seed potatoes shall include only those potatoes which are officially certified and tagged as seed potatoes by the Plant Protection Division, Research Branch, Canada Department of Agriculture.

(f) *Designation of governmental inspection service.* Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, is hereby designated, pursuant to § 1060.4(a) of this chapter, as a governmental inspection service for the purpose of certifying the grade, size, quality and maturity of Irish potatoes that are imported, or to be imported, from Canada into the United States under the provisions of section 8e of the Act.

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER D—AIRPORT REGULATIONS

[Reg. Docket No. 130; Admt. 30]

PART 550—FEDERAL AID TO PUBLIC AGENCIES FOR DEVELOPMENT OF PUBLIC AIRPORTS

Miscellaneous Amendments

This amendment involves a revision of Subpart A of Part 550, which contains the substantive regulations concerning the Federal-aid Airport Program, and certain amendments to Subpart B thereof, which embodies the general policies of the Agency governing the administration of that program. The instant revision of Subpart A is adopted for the dual purpose of combining, in a single document, all the numerous outstanding amendments to the subpart which have been previously published in the FEDERAL REGISTER and also of reflecting therein the changes necessitated by the enactment of the Federal Aviation Act of 1958, the June 29, 1959 amendment to the Federal Airport Act (P.L. 86-72, 73 Stat. 155) and various prior delegations of authority to the Regional Administrators affecting the program. In addition, the amendment also makes a number of minor editorial changes. Finally, this amendment incorporates in Subpart B three new sections which respectively establish general policies for the administration of the Federal-aid Airport Program, programming standards therefor and procedures for the development of an annual airport program.

Since this amendment relates to public grants, benefits and contracts, compliance with the notice, procedures and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Acting pursuant to authority vested in me by the Federal Airport Act (60 Stat. 170), as amended, I hereby amend the Regulations of the Administrator (14 CFR Part 550) as follows:

1. By deleting Subpart A and substituting in lieu thereof the following revised Subpart A:

Subpart A—Regulations

Sec.	
550.1	Definitions.
550.2	Sponsor eligibility.
550.3	Project eligibility.
550.4	Project costs.
550.5	Procedure.
550.6	Cosponsorship and agency.
550.7	Performance of construction work.
550.8	Accounting and audit.
550.9	Grant payments.
550.10	Memoranda and hearings.
550.11	Forms.

AUTHORITY: §§ 550.1 to 550.11 issued under secs. 1-15, 60 Stat. 170-178, as amended; 49 U.S.C. 1101-1114.

§ 550.1 Definitions.

Unless the context otherwise requires, the following terms shall have the meaning indicated:

(a) "Act" means the Federal Airport Act as amended (60 Stat. 170) (49 U.S.C. 1101).

(b) "Administrator" means the Administrator of the Federal Aviation Agency.

(c) "Airport" means any area of land or water which is used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

(d) "Airport development" means (1) any work involved in constructing, improving, or repairing a public airport or portion thereof, including the construction, alteration, and repair of airport buildings or parts thereof intended to house (i) airport weather reporting and air traffic control facilities, (ii) fire fighting and crash equipment relating to safety of aircraft operations, and (iii) public waiting areas, ticket lobby (excluding airline space), rest rooms, baggage claim areas, and public circulatory space; (2) the removal, lowering, relocation, and marking and lighting of airport hazards; and (3) any acquisition of land or of any interest therein, or of any easement through or other interest in air space, which is necessary to permit any such work or to remove or mitigate, or prevent or limit the establishment of, airport hazards; but such term does not include the construction, alteration, or repair of airport hangars; the construction, alteration, or repair of maintenance buildings, cargo buildings, or other buildings or parts thereof intended for use as bars, cocktail lounges, night clubs, theaters, private clubs, garages, hotel rooms, commercial offices, game rooms, or any other use which, in the opinion of the Administrator is not essential for the safety, convenience, or comfort of persons using the airport for public aviation purposes; or the construction, alteration, or repair of passenger automobile parking facilities, or the acquisition of land intended for use as a passenger automobile parking facility.

(e) "Airport facility" means a structure, runway or other item on or at an airport which is used, or intended for use, in connection with the landing or take-off or maneuvering of aircraft, or for or in connection with the operation and maintenance of the airport itself, or is required to be located at the airport for use by the users of the aeronautical facilities of the airport or by airport operators, concessionaires and other users of the airport in connection with their provision of services or commodities to the users of the aeronautical facilities of the airport.

(f) "Airport hazard" means any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near such airport, which obstructs the air space required for the flight of aircraft in landing or taking off at such airport or is otherwise hazardous to such landing or taking off of aircraft.

(g) "District Airport Engineer" means the director of a district office of the Airports Division of an FAA Regional Office.

(g) *Inspection and official inspection certificates.* (1) Inspection by the Federal or Federal-State Inspection Service, by the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, or by such other governmental inspection service as may be designated, or approved, by the administrator with appropriate evidence thereof in the form of an official inspection certificate issued by the respective service and applicable to a particular shipment of potatoes, is required on all imports of potatoes, other than certified seed, pursuant to § 1060.3 of this chapter.

(2) Inspection certificates shall cover only the quantity of potatoes that is being imported at a particular port of entry by particular importers.

(3) The inspections performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title). Cost of inspection and certification shall be borne by the applicant therefor.

(4) Each inspection certificate issued with respect to any Irish potatoes to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The name of the importer (consignee);

(iv) The commodity inspected;

(v) The quantity of the commodity covered by the Certificate;

(vi) The principal identifying marks of the containers;

(vii) The railroad car initials and number, the truck and trailer number, the name of the vessel, or other identification of the shipment; and

(viii) The following statement if the facts warrant: Meets U.S. Import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937.

(h) *Definitions.* (1) For purposes of this part potatoes meeting the requirements of Canada No. 1 grade and Canada No. 2 grade shall be deemed to comply with the requirements of the U.S. No. 1 grade and U.S. No. 2 grade, respectively, and the tolerances for size, as set forth in the United States Standards for Potatoes (§§ 51.1540 to 51.1556, inclusive, of this title), may be used.

(2) All other terms shall have the same meaning as when used in the General Regulations (Part 1060 of this chapter) applicable to the importation of listed commodities.

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

Dated: September 23, 1959, to become effective October 1, 1959.

S. R. SMITH,

Director,

Fruit and Vegetable Division.

[F.R. Doc. 59-8116; Filed, Sept. 23, 1959; 8:51 a.m.]

(h) "FAA" means the Federal Aviation Agency.

(i) "Joint project" means any project sponsored by two or more sponsors.

(j) "Master Plan Layout" means the basic layout plan for an airport showing: (1) The boundaries of the airport and of all proposed additions thereto, together with the boundaries of all offsite areas owned or controlled by the sponsor for airport purposes, and proposed additions thereto; (2) the location and nature of all existing and proposed airport facilities and structures (such as runways, taxiways, aprons, terminal buildings, hangars, and roads), including all proposed extensions and reductions of existing airport facilities and structures; and (3) the location of all existing and proposed nonaviation areas and of all existing improvements thereon. Such Master Plan Layout, and each amendment, revision, or modification thereof, shall be subject to the approval of the Regional Administrator, which approval shall be evidenced by the signature of the Regional Administrator or his authorized representative on the face of the Master Plan Layout.

(k) "National Airport Plan" means a plan for the development of public airports in the United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands, prepared and revised annually by the Administrator.

(l) "Program" means a program prepared by the Administrator listing proposed projects to be undertaken within the limits of currently available obligation authorizations and/or appropriations.

(m) "Project" means a project for the accomplishment of airport development with respect to a particular airport as set forth in a Grant Agreement or Project Application submitted in accordance with the regulations in this part.

(n) "Project costs" means any costs involved in accomplishing a project, including those of making field surveys, preparation of plans and specifications, accomplishment of or procurement of the accomplishment of such work, supervision and inspection of construction work, and acquisition of land or interests therein or easements through or other interests in air space, and also including administrative and other incidental costs incurred specifically in connection with the accomplishment of a project, and which would not have been incurred otherwise.

(o) "Public agency" means the United States Government or an agency thereof; a State, Alaska, Hawaii, or Puerto Rico, and the Virgin Islands, or an agency of any of them; a municipality or other political subdivision; or a tax-supported organization.

(p) "Public airport" means any airport which is used or to be used for public purposes, under the control of a public agency, the landing area of which is publicly owned.

(q) "Regional Administrator" means the director of a FAA Regional Office.

(r) "Sponsor" means any public agency which, either individually or jointly with one or more other public agencies, submits to the Regional Ad-

ministrator an application for a grant of funds for airport development.

(s) "United States share" means that portion of the project costs of an approved project which is to be paid from appropriations made under authority of the Act.

(t) "State" means a State of the United States on May 13, 1946, or the District of Columbia.

§ 550.2 Sponsor eligibility.

To be eligible to submit a Project Application under the regulations in this part, a sponsor must meet the following requirements:

(a) A sponsor must be a public agency and may not be the United States or any agency thereof unless the project is located in Alaska, Hawaii, Puerto Rico, the Virgin Islands, or in, or in close proximity to, a national park, national recreation area, or national monument, or in a national forest;

(b) A sponsor (or the sponsors of a joint project, between them) must be legally, financially, and otherwise able (1) to make all certifications, representations, and warranties contained in the Project Application Form, Form FAA-1624 (see § 550.11(b)); (2) to make, keep and perform all assurances, agreements, and covenants contained in said form; and (3) to meet all other applicable requirements of the Act and of the regulations of this part.

(c) A sponsor (or the sponsors of a joint project, between them) must have or be in a position to obtain sufficient funds to meet the requirements of § 550.5(c) (1), and must have or be in a position to acquire property interests meeting the requirements of § 550.5(c) (2).

§ 550.3 Project eligibility.

(a) *Minimum requirements.* No project will be approved for the accomplishment of any construction work or acquisition of land unless (1) it is an item of "airport development" as defined in § 550.1(d); (2) such airport development is within the scope of the latest revision of the National Airport Plan, and (3) such airport development, in the opinion of the Regional Administrator, is reasonably necessary to provide a needed civil airport facility.

(b) *Eligible types of airport development.* Only the following types of airport development will be considered eligible for inclusion in a project:

(1) Preparation of an airport site or portion thereof, including clearing, grubbing, filling and grading.

(2) Dredging of seaplane anchorages and channels.

(3) Drainage work either on or off an airport or airport site.

(4) Construction, alteration and repair of airport buildings or parts thereof constituting airport development as defined in § 550.1(d).

(5) Construction, alteration, and repair of runways, taxiways, and aprons. Such construction, alteration or repair may include (i) the bituminous resurfacing of pavements where such resurfacing consists of a minimum of 100 lbs. of

plant-mixed material per square yard, (ii) the application of a bituminous surface treatment (application of bituminous material and cover aggregate per FAA Specification P-609) on a pavement, the existing surface of which consists of such a bituminous surface treatment, and (iii) the resealing of a runway that has been substantially extended or partially reconstructed, where such resealing is necessary to achieve uniform color and appearance of the entire runway.

(6) Fencing, erosion control, seeding and sodding of an airport or airport site.

(7) Installation, alteration and repair of airport markers and airport lighting facilities and equipment, exclusive of automobile parking facility and road or street lighting.

(8) Construction, alteration, and repair of entrance roads and airport service roads.

(9) Construction, installation and connection of utilities either on or off an airport or airport site.

(10) Removal, lowering, relocating, marking and lighting of airport hazards.

(11) Clearing, grading, and filling to permit the installation of landing aids.

(12) Relocation of structures, roads and utilities necessary to permit airport development.

(13) The acquisition of land, other than land intended for use as a passenger automobile parking facility, or of any interest therein, or of any easement through or other interest or right in or for the use of air space, when such acquisition is necessary:

(i) To permit the accomplishment of other airport development, whether or not such development is to be accomplished as part of the Federal-aid Airport Program; or

(ii) To prevent or limit the establishment of airport hazards; or

(iii) To permit the removal, lowering, relocation, or marking and lighting of existing airport hazards; or

(iv) To permit the installation of landing aids; or

(v) To permit the proper use, operation, management, and maintenance of the airport as a public facility.

The term "acquisition of land" as used in this subparagraph may include acquisition of lands already developed as a privately owned airport and of all structures, fixtures, and improvements thereon constituting a part of the realty, other than hangars and other ineligible structures and parts thereof, fixtures, and improvements.

(14) Such other airport development as may be specifically approved by the Regional Administrator.

§ 550.4 Projects costs.

(a) *Eligibility.* All project costs, as defined herein, including the value of land, labor, materials and equipment donated, contributed or loaned to the sponsor and appropriated to the project by the sponsor, shall be eligible for consideration as to their allowability except the following:

(1) That portion of the cost of rehabilitation or repair for which funds have been appropriated by the Congress under section 17 of the Act.

(2) That portion of the cost of acquiring a privately owned existing airport which represents the cost of acquiring passenger automobile parking facilities, buildings which are to be used as hangers or living quarters or for non-airport purposes at such airport, and those buildings or parts of buildings the construction of which does not constitute airport development as defined in § 550.1(d).

(3) The costs of materials and supplies owned by the sponsor or furnished from a source of supply owned by the sponsor where (i) such materials and supplies were used for airport development prior to the execution of the Grant Agreement or (ii) such costs are not supported by proper evidence of quantity and value.

(4) The cost of nonexpendable machinery, tools or equipment owned by a sponsor and used in accomplishing work under a project by sponsor's force account, except to the extent of the fair rental value of such machinery, tools or equipment for the period used on the project.

(5) The costs of general area, urban, or statewide planning of airports, as distinguished from the planning of a specific project.

(6) The value of any land, including improvements thereon or thereto, donated to the sponsor by another public agency.

(7) Any costs incurred in connection with the raising of funds by a sponsor, including interest and premium charges and administrative expenses involved in conducting bond elections and in the sale of bonds.

(b) *Allowability.* In order to be an allowable project cost, for the purpose of computing the amount of a grant, each item of project costs paid or incurred must, in the opinion of the Regional Administrator, meet the following conditions:

(1) It must have been a necessary cost incurred in accomplishing airport development in conformity with the approved plans and specifications for an approved project and with the terms and conditions of the Grant Agreement entered into in connection with such project.

(2) It must be reasonable in amount (if not reasonable in amount, it shall be subject to partial disallowance in accordance with section 13 (3) of the Act).

(3) It must have been incurred subsequent to the date of execution of the Grant Agreement, except that costs of land acquisition, field surveys, planning, and the preparation of plans and specifications, and administrative and incidental costs, may be allowable though incurred prior to the execution of such Grant Agreement: *Provided*, That no item of project cost shall be allowable if incurred prior to May 13, 1946.

(4) It must be supported by evidence satisfactory to the Regional Administrator.

(c) *United States share of project costs.* The United States share of the allowable project costs of a project will be stated in the Grant Agreement for

such project. Such United States share will be determined as provided in the following subparagraphs.

(1) *Project costs other than costs of installation of high intensity lighting on runways designated instrument landing runways.* The United States share of the project costs (other than costs of installation of high intensity lighting on runways designated instrument landing runways) of an approved project for the development of an airport, regardless of the size or location of the airport to be developed, shall be 50 percent of the allowable project costs of the project (other than costs of installation of high intensity lighting on runways designated instrument landing runways), except that this share, (i) in the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands (individual and tribal) exceeding 5 percent of the total area of all lands therein shall be increased as provided in section 10(b) of the Act; (ii) in the case of the Virgin Islands, the United States share shall be 75 percent; and (iii) in the case of Alaska, the United States share shall be 75 percent with respect to funds made available under section 5(b) of the Act and 62½ percent with respect to funds made available from the discretionary fund established by section 6(b) of the Act. There is set forth below a table of the current United States percentage share of allowable project costs in States containing unappropriated and unreserved public lands and nontaxable Indian lands:

Arizona	50.93
California	54.00
Colorado	53.31
Idaho	55.62
Montana	53.13
Nevada	62.50
New Mexico	56.34
Oregon	55.84
South Dakota	52.66
Utah	62.25
Washington	51.65
Wyoming	57.19

(2) *High intensity lighting costs.* The United States share of the project costs of an approved project which represent costs of installation of high intensity lighting on runways designated instrument landing runways by the Regional Administrator shall be 75 percent of the allowable costs of such installation regardless of the size or location of the airport to be developed.

§ 550.5 Procedure.

(a) *Request for Federal aid.* An eligible sponsor-desiring to obtain Federal aid for the accomplishment of eligible airport development shall submit to the District Airport Engineer of the District in which the sponsor is located, a Request for Federal aid on Form FAA-1623. (See § 550.11(a))

(b) *Tentative allocation of funds.* If a proposed project is selected by the Administrator for inclusion in a Program, the Administrator will make a tentative allocation of funds for such project and the Regional Administrator will transmit a notice of such allocation to the sponsor. Such tentative allocation will be subject to withdrawal upon failure of the sponsor to submit an acceptable Project Applica-

tion pursuant to paragraph (c) of this section or to proceed with the project with due diligence.

(c) *Project Application.* As soon as practicable after receipt of notice of tentative allocation for a proposed project, a sponsor shall prepare a Project Application on Form FAA-1624 (See § 550.11(b)) and submit such Application to the District Airport Engineer. A Project Application shall be executed by the sponsor without change in the language of the form unless prior approval for deviation therefrom has been obtained from the Administrator: *Provided*, That in the case of a joint project, each sponsor may execute only those provisions of the Project Application which are applicable to the particular sponsor. At the discretion of the Regional Administrator a sponsor which has executed a Grant Agreement for a project for development of an airport under the Program will be permitted to submit additional project applications for further development of such airport on Form FAA-1624.1 (see § 550.11(c)).

(1) *Funds.* Each Project Application submitted by a sponsor which is to furnish all or any portion of the project funds not to be furnished by the United States, shall state that such sponsor has on hand, or show that it is in a position to obtain as and when needed, funds sufficient to pay all estimated costs of the proposed project which are not to be borne by the United States or by another sponsor: *Provided*, That if any of such funds are to be furnished to a sponsor, or used to pay project costs on behalf of a sponsor by a State agency or any other public agency which is not itself to be a sponsor of the proposed project, evidence satisfactory to the Regional Administrator that such funds will be so provided if the proposed project is approved may be submitted by the public agency which is to provide the funds rather than by the sponsor. If any portion of the estimated project costs consists of the value of donated land, labor, materials or equipment, the project application shall so state, indicating the nature of each such donation and the value attributed to each.

(2) *Lands.* Each Project Application submitted by a sponsor shall state all of the property interests which the sponsor then holds in all lands to be developed or used as part of or in connection with the airport as it will be upon completion of the proposed project. In addition, each Project Application shall contain a covenant on the part of the sponsor to acquire prior to the start of any construction work under the project, or if the lands in question are not needed for such construction, within a reasonable time, property interests satisfactory to the Administrator in all of the lands in which it does not hold such property interests at the time its Project Application is submitted: *Provided*, That in the case of a joint project, the necessary property interests may be held or acquired by any one or combination of the sponsors, in which event, the Project Application of each individual sponsor may show only those property interests which that particular sponsor holds or is to acquire.

Each Project Application shall be accompanied by a property map designated as "Exhibit A," or shall incorporate by reference an "Exhibit A" from a previous Project Application having the approval of the Regional Administrator, which shall clearly identify and show all lands described above, designating all prior and proposed acquisitions of property interests in any of such lands for which Federal aid is requested under the proposed project. As used herein, the term "lands" includes among other areas, landing areas, building areas, runway clear zones, clearways and approach zones, and areas required for "off-site" construction, entrance roads, drainage, protection of approaches, installation of air navigation facilities, or other airport purposes.

(2) *Property interests.* In general the property interest which a sponsor or sponsors must have or agree to acquire in all lands needed for landing area or building area purposes in order to meet the requirements of subparagraph (2) of this paragraph is either: (i) Title free and clear of any reversionary interest, lien, easement, lease or other encumbrance which, in the opinion of the Regional Administrator, would be of such a nature as to create an undue risk that its existence might deprive the sponsor or sponsors of possession or control of such lands, interfere with their use for public airport purposes, or make it impossible for the sponsor (or any sponsor of a joint project) to carry out and perform any of the assurances, agreements, and covenants contained in the Project Application, or (ii) a long-term leasehold estate of not less than twenty years granted to the sponsor or sponsors by another public agency having such title, on terms and conditions satisfactory to the Regional Administrator. With respect to "off-site" areas, including runway clear zones, the minimum right or property interest which a sponsor or sponsors must have or agree to acquire in the lands comprising such areas, in order to meet the requirements of subparagraph (2) of this paragraph, is any agreement, easement, leasehold estate or other right or property interest which, in the opinion of the Regional Administrator, is sufficient to provide reasonable assurances that the sponsor or sponsors will not be deprived of its or their right to occupy and/or use such lands for the purpose intended during whatever period of time such use may be necessary in order to meet the requirements of the Grant Agreement.

(4) *Plans and specifications.* Each Project Application shall incorporate by reference plans and specifications, in final form, describing all items of airport development for which Federal aid is requested under the proposed project, which plans and specifications shall be submitted with the Project Application unless previously submitted or submitted with the Project Application of another sponsor of the proposed project: *Provided*, That in special cases the Regional Administrator may authorize the postponement of the submission of final plans and specifications until a later date to be specified in the Grant Agreement if the

sponsor has submitted (i) a Master Plan Layout meeting the approval of the Regional Administrator and (ii) preliminary plans and specifications prepared in sufficient detail to identify all items of airport development included in the project. The plans and specifications shall be so prepared as to provide for the accomplishment of the proposed project in accordance with the Master Plan Layout, the regulations of this part, and all applicable local laws, ordinances and regulations.

(5) *Appraisals.* Each Project Application proposing that the project to which it relates include the acquisition of land by donation or the acquisition of any land or interest in land, the cost of which, as represented by the Sponsor, is based on other than either the actual purchase price or the amount of the award in eminent domain proceedings shall be accompanied by at least two independent appraisals of such land or interest in land, made by qualified appraisers having no personal interest, present or prospective, in the land or interest appraised.

(d) *Offer.* Upon approval of a project, the Regional Administrator will make an offer to the sponsor or sponsors to pay the United States share of the allowable project costs of the project. Such offer will state a definite amount as the maximum obligation of the United States. Such offer shall be subject to revision, amendment, modification or withdrawal by the Regional Administrator at his discretion at any time prior to acceptance thereof by the sponsor or sponsors.

(e) *Amendment of offer.* If, prior to acceptance by the sponsor or sponsors, it is determined that the amount of the maximum obligation of the United States stated in an offer is insufficient to cover the United States share of the allowable project costs, the sponsor or sponsors may request an increase in such maximum obligation, transmitting such request to the Regional Administrator through the District Airport Engineer.

(f) *Acceptance of offer.* An offer shall be accepted by the sponsor or sponsors within the time prescribed therein and in the number of counterparts stipulated in the letter of transmittal from the Regional Administrator. Such acceptance shall be made by execution of the offer in the space provided therefor, by an official of the sponsor who has been duly authorized to take such action by resolution or ordinance duly adopted by the governing body of the sponsor. The resolution or ordinance shall either (1) set forth at length the terms of the offer, or (2) have attached thereto a copy of the offer which shall be incorporated by reference in said resolution or ordinance, whichever is appropriate under applicable local law. A certified copy of such resolution or ordinance shall be attached to each executed copy of an accepted offer or Grant Agreement required to be transmitted to the District Airport Engineer pursuant to the letter of transmittal.

(g) *Grant Agreement.* An offer of the Administrator to pay a portion of the allowable project costs and an acceptance thereof by the sponsor or sponsors

in accordance with paragraph (f) of this section shall constitute a Grant Agreement between the sponsor or sponsors and the United States. Unless and until such a Grant Agreement has been executed with respect to a project in accordance with the requirements of the regulations in this part, the United States shall not pay or be obligated to pay any portion of the project costs which have been or may be incurred in carrying out the project.

(h) *Amendment of Grant Agreement.* When mutually agreed upon between the Regional Administrator and the sponsor or sponsors of a project, a Grant Agreement may be amended after execution thereof if:

(1) The amendment will not increase the maximum obligation of the United States under such Grant Agreement by more than ten per centum (10%),

(2) The amendment provides only for airport development meeting the requirements of these regulations, and

(3) The amendment is not prejudicial to the interests of the United States.

Upon agreement for amendment, the Regional Administrator will issue to the sponsor or sponsors a supplementary agreement incorporating the amendments as approved. Such agreement shall be executed by the sponsor or sponsors in accordance with the regulations governing acceptance of an offer (paragraph (f) of this section).

§ 550.6 Cosponsorship and agency.

(a) *General.* In the case of any project in which two or more public agencies desire to participate to any extent, either in accomplishing airport development under the project or in the maintenance and operation of the airport, the participating public agencies shall comply with the provisions of this section with respect to either cosponsorship or agency, whichever is applicable: *Provided*, That a public agency which desires to participate in a project only by contributing funds to a sponsor need not become a sponsor of the project nor an agent of the sponsor as provided in this section, and any funds so contributed will be considered as funds of the sponsor for purposes of the Act and the regulations in this part.

(b) *Cosponsorship.* Any two or more public agencies desiring to participate in a project may serve as sponsors of such a project if they meet all applicable requirements of the regulations in this part including the following:

(1) The sponsors shall meet the eligibility requirements of § 550.2.

(2) The sponsors shall submit a single Project Application, executed by all of the sponsors, clearly indicating the certifications, representations, warranties and obligations made or assumed by each sponsor: *Provided*, That if the sponsors so desire, each may submit a separate Project Application which does not meet all the requirements of the regulations in this part if, in the opinion of the Regional Administrator, the Project Applications submitted by all sponsors collectively meet the requirements of the regulations in this part as applied to a project sponsored by a single sponsor.

(3) Each Project Application submitted by sponsors each of which is willing to assume, jointly and severally, all of the obligations to the United States required to be assumed by a sponsor, shall be accompanied by a true copy of an agreement between the sponsors, satisfactory to the Regional Administrator, which will be incorporated in and become a part of the executed Grant Agreement. Each such sponsor's agreement shall set forth:

(i) The responsibilities of each sponsor to the others with respect to the accomplishment of the development proposed and the subsequent operation and maintenance of the airport;

(ii) The obligations which each proposes to assume to the United States; and

(iii) The sponsor or sponsors which will accept, receipt for, and disburse grant payments.

If an offer is made to the sponsors of a joint project as provided in § 550.5(d), such offer will contain a specific condition stating that the offer is made in accordance with the terms of the agreement between the sponsors, which agreement will be incorporated therein by reference, and that, by acceptance of the offer, each of the sponsors assumes only its respective obligations as agreed upon in said agreement between the sponsors.

(c) *Agency.* If a public agency so desires and such action is required or permitted under state or local law, it may, with or without participating financially, serve as agent of the public agency which is to own and operate the airport and need not itself become a sponsor of the project. In all such cases, an agency agreement clearly outlining the terms and conditions of the agency and the authority vested in the agent to act for and on behalf of the sponsor shall have been entered into, which agreement must be satisfactory to the Regional Administrator. A true copy of the agency agreement shall be submitted with the sponsor's Project Application. If an offer is made to a sponsor as provided in § 550.5(d) and an agency relationship exists between such sponsor and some other public agency, such offer may be accepted by the agent in the name and on behalf of the sponsor only if such acceptance has been specifically and lawfully authorized by the governing body of the sponsor and such authority is specifically set forth in the agency agreement.

§ 550.7 Performance of construction work.

(a) *General.* All construction work under any project shall be accomplished by contract unless the Regional Administrator determines that the project, or any portion thereof, can be more effectively and economically accomplished on a force account basis by the sponsor or by another public agency acting for or as agent of the sponsor.

(b) *Letting of contracts.* A sponsor shall comply with the following requirements in awarding construction contracts with respect to the performance of any work under a project:

(1) Unless some other method is approved by the Regional Administrator for

use on a particular project, all such contracts in excess of \$2,000 shall be awarded on the basis of public advertisement and open competitive bidding under the procedures provided by local law for the letting of public contracts. Any agreement or understanding, oral or written, between a sponsor and another public agency which is not a cosponsor of the project, pursuant to which such other public agency undertakes construction work for or as agent of the sponsor, shall not be considered a "construction contract" for purposes of this section.

(2) (i) There shall be no advertisement for bids on, or negotiation of, such a contract until the Regional Administrator has approved the plans and specifications. Unless the estimated contract price or construction cost is \$2,000 or less, there shall be no advertisement for bids or negotiation until the Regional Administrator has furnished the sponsor a copy of a decision of the Secretary of Labor establishing the minimum wage rates for skilled and unskilled labor under the proposed contract. In each case, a copy of the wage determination decision shall be set forth in the initial invitation for bids or proposed contract or incorporated therein by reference to a copy set forth in the advertised or negotiated specifications.

(ii) At least 45 calendar days prior to any such advertisement or negotiation, the sponsor shall submit to the District Airport Engineer, on Department of Labor Form DB-11, a list of all classes of labor to be employed under the proposed contract. If, after submitting such a list, the sponsor at any time has reason to believe that any additional classes of labor may be employed under the contract, the sponsor shall immediately advise the District Airport Engineer of such classes and take such steps as may be necessary to prevent the contractor, or any of his subcontractors, from employing any labor of such classes until he has been furnished a copy of a supplementary wage determination of the Secretary of Labor for such classes. The Regional Administrator will obtain and furnish the sponsor a copy of such supplementary wage determination as soon as possible following receipt by the District Airport Engineer of advice that such a determination is needed.

(iii) All minimum wage rates established by decision of the Secretary of Labor shall be subject to change or modification by decision of the Secretary of Labor issued prior to the award of the proposed contract for which they were established, except that if the proposed contract is awarded on the basis of public advertisement and open competitive bidding within 30 calendar days after the opening of bids or 90 calendar days from the date of the original wage determination decision, whichever is the earlier, no such changes or modifications shall be effective unless the decision of the Secretary of Labor in question is communicated to the Administrator more than five calendar days before the opening of bids. All changes or modifications which meet the requirements of the preceding sentence will be communicated to the sponsor by the Regional

Administrator as soon as possible after their communication to the Administrator and a copy of the decision effecting such changes or modifications shall be incorporated in the invitation for bids or proposed contract by issuance of an addendum to the specifications or otherwise, or if bids have been opened or the contract has been awarded, the sponsor shall take such other action as may be necessary to incorporate a copy of the decision in the contract.

(3) No construction contract shall be awarded except with the written concurrence of the Regional Administrator, through the District Airport Engineer, as to the reasonableness of the contract prices and conformity of the contract to the sponsor's Grant Agreement with the United States. In connection with those contracts to be awarded on the basis of public advertising and open competitive bidding, the sponsor shall submit to the District Airport Engineer, after the opening of bids, a tabulation thereof and its recommendations for award. The allowable cost of such work, on which the Federal participation will be computed, shall not exceed the bid of the lowest responsible bidder. A bid by a contractor whose name appears on the currently effective list of ineligible contractors published by the Comptroller General of the United States pursuant to § 5.6(b) of the regulations of the Secretary of Labor (29 CFR Part 5), or a firm, corporation, partnership, or association in which such a contractor has a substantial interest, shall be rejected.

(c) *Compliance with local law.* All contracts shall meet the requirements of local law.

(d) *Contract requirements.* All construction contracts entered into by a sponsor with respect to any project shall specifically include, in addition to such other provisions as may be necessary to insure accomplishment of the work involved in accordance with the Grant Agreement for such project, the following provisions (or revisions thereof approved in advance by the Administrator): *Provided*, That contracts for which a minimum wage determination of the Secretary of Labor is not required by paragraph (b) (2) of this section need not contain the provisions set forth in subparagraphs (5), (6), (7), (8), (9), (10), (12), and (13) of this paragraph:

(1) "The work in this contract is included in Federal-aid Airport Project No. -----, which is being undertaken and accomplished by (insert name of sponsor) under and in accordance with the terms and conditions of a Grant Agreement entered into between (insert name of sponsor) and the United States, under the Federal Airport Act (49 U.S.C. 1101) and Part 550 of the regulations of the Administrator of the Federal Aviation Agency (14 CFR Part 550), pursuant to which Agreement the United States has offered and agreed to pay a certain percentage of the costs of the said Project that are determined by him to be allowable project costs under the said Federal Airport Act. Any reference in this contract to the Regional Administrator, Federal Aviation Agency, or any rights granted to the said Regional Administrator or the United States by this contract shall in no sense make, or be construed as making, the said Regional Administrator or the United States a party to this contract."

(2) "The contractor shall obtain the prior written consent of the (insert name of sponsor) to any proposed assignment of any interest in or part of this contract."

(3) "No convict labor shall be employed under this contract."

(4) "In the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given to qualified individuals who have served in the military service of the United States (as defined in section 101(1) of the Soldiers' and Sailors' Civil Relief Act of 1940) and have been honorably discharged from such service, except that such preference shall be given only where such labor is available locally and is qualified to perform the work to which the employment relates."

(5) "All mechanics and laborers, employed or working upon the site of the work shall be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR Part 3)), the full amounts due at time of payment computed at wage rates not less than those contained in the wage determination decision(s) of the Secretary of Labor which is (are) attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor or subcontractor and such laborers and mechanics; and the wage determination decision(s) shall be posted by the contractor at the site of the work in a prominent place where it (they) can be easily seen by the workers."

(6) "Pursuant to the terms of the Grant Agreement between the United States and (insert name of sponsor), relating to Federal-aid Airport Project No.-----, and Part 550 of the regulations of the Administrator of the Federal Aviation Agency (14 CFR 550), the Federal Aviation Agency may withhold or cause to be withheld from the (insert name of sponsor) so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics employed by the contractor or any subcontractor on the work the full amount of wages required by this contract. In the event of failure to pay any laborer or mechanic employed or working on the site of the work all or part of the wages required by this contract, the Federal Aviation Agency may, after written notice to the (insert name of sponsor), take such action as may be necessary to cause the suspension of any further payment or advance of funds until such violations have ceased."

(7) "Whether or not payments or advances to the (insert name of sponsor) are withheld or suspended by the Federal Aviation Agency, the (insert name of sponsor): (a) may withhold or cause to be withheld from the contractor so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics employed by the contractor or any subcontractor on the work the full amount of wages required by this contract; and (b) in the event of failure of the contractor or any subcontractor to pay any laborer or mechanic employed or working on the site of the work all or part of the wages required by this contract may, after written notice to the contractor, take such action as may be necessary to cause the suspension of any further payment or advance of funds until such violations have ceased."

(8) "Payroll records will be maintained during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work. Such records will contain the name and address of each such employee, his correct classification, rate of pay, daily and weekly number of hours worked, deductions made and actual wages paid."

"The contractor will submit weekly a certified copy of all payrolls to the (insert name of sponsor). The certification will affirm that the payrolls are correct and complete, that the wage rates contained therein are not less than the minimum rates determined by the Secretary of Labor for the employees in question, as prescribed in this contract, and that the classification set forth for each laborer or mechanic conforms to the work he performed. The contractor will make his employment records available for inspection by authorized representatives of the (insert name of sponsor), the Federal Aviation Agency, and the Department of Labor and will permit such representatives to interview employees during working hours on the job."

(9) "Apprentices will be permitted to work only under a bona fide apprenticeship program registered with a State Apprenticeship Council which is recognized by the Federal Committee on Apprenticeship, U.S. Department of Labor; or if no such recognized Council exists in the State, under a program registered with the Bureau of Apprenticeship and Training, U.S. Department of Labor."

(10) "The contractor will comply with the regulations applicable to contractors and subcontractors (29 CFR Part 3, copy of which is attached) issued by the Secretary of Labor pursuant to the Copeland Act, as amended (48 Stat. 948; 62 Stat. 862; 63 Stat. 108; 72 Stat. 967; 40 U.S.C. 276c), and any amendments or modifications thereof, will cause appropriate provisions to be inserted in subcontracts to insure compliance therewith by all subcontractors subject thereto, and will be responsible for the submission of statements required of subcontractors thereunder, except as the Secretary of Labor may specifically provide for reasonable limitations, variations, tolerances, and exemptions from the requirements thereof."

(11) "Duly authorized representatives of the Federal Aviation Agency shall be permitted to inspect and review all work and all materials used in the performance of this contract."

(12) "The contractor will insert in each of his subcontracts the provisions set forth in paragraphs ----, ----, ----, ----, ----, ----, ----, ----, and ----, hereof (insert designations of eleven paragraphs of contract corresponding to subparagraphs (1), (3), (4), (5), (6), (7), (8), (9), (10), (11), and (13) hereof)."

(13) "A breach of paragraphs ---- (insert designation of paragraph of contract corresponding to subparagraph (5) hereof), through ---- (insert designation of paragraph of contract corresponding to subparagraph (12) hereof) may be grounds for termination of this contract."

(e) *Notices to proceed.* No sponsor shall permit any contractor or subcontractor to begin work under an approved project until (1) the sponsor has furnished the District Airport Engineer three conformed copies of the construction contract and (2) the District Airport Engineer has consented to the issuance to the contractor of a notice to proceed with such work. Three copies of such notice shall be furnished the District Airport Engineer promptly after its issuance.

(f) *Change orders and supplemental agreements.* No sponsor shall issue any change order under any of its construction contracts or enter into any supplemental agreement unless such change order or supplemental agreement has been approved by the District Airport Engineer. All change orders shall be in a form satisfactory to the District Airport Engineer. Not less than three copies of each shall be submitted to the District

Airport Engineer as soon as it has been reduced to writing. The provisions of paragraphs (b) through (e) of this section are applicable to supplemental agreements to the same extent as to original contracts.

(g) *Force account work.* Before any force account construction work is undertaken, either by a sponsor or by another public agency acting for or as agent of a sponsor, the sponsor shall obtain the written approval of the Regional Administrator through the District Airport Engineer. In requesting such approval, the sponsor shall submit to the District Airport Engineer the following:

(1) Adequate plans and specifications showing the nature and extent of the construction work to be accomplished by such force account;

(2) A schedule of the proposed construction and of the construction equipment that will be available for the project;

(3) Assurance that adequate labor, material and equipment, together with adequate supervisory, engineering, and inspection personnel, will be provided;

(4) A detailed estimate of cost of such force account work, broken down for each class of costs involved, such as labor, materials, rental of equipment, and other pertinent items of cost. Whenever an application for grant payment involving force account work is made by a sponsor pursuant to § 550.9 such application shall be accompanied by a periodic cost estimate for such work on Form FAA-1629. (See § 550.11(e).)

(h) *Owner contracts.* Contracts with the owners of airport hazards, buildings, pipe lines, power lines, or other structures or facilities, for the installation, extension, modification, removal or relocation thereof, are exempt from the requirements of this section except that a sponsor shall obtain the approval of the Regional Administrator through the District Airport Engineer before entering into any such contract.

(i) *Labor requirements.* Any sponsor required by this section to include in a construction contract the labor provisions required by paragraph (d) of this section shall see to it that such provisions are complied with by the contractor and shall cooperate as fully as possible with the Administrator and his representatives in effecting such enforcement. To this end, the sponsor shall, among other things:

(1) Maintain and preserve for a period of three years from the date of completion of the contract, all affidavits and copies of payrolls furnished by the contractor, and make such affidavits and copies available to the Regional Administrator whenever he may so request during such three-year period;

(2) Cause all such payrolls and affidavits to be examined as soon as possible upon their receipt to the extent necessary to determine whether the contractor is complying with the labor provisions of the contract required by paragraph (d) of this section, and particularly whether the employees of the contractor have been classified correctly, all such examinations to be made by the sponsor's resident engineer or by other em-

ployees or agents of the sponsor who are qualified to make the necessary determinations;

(3) Cause such investigations to be made during the performance of work under the contract as may be necessary to determine whether the contractor is complying with the labor provisions of the contract required by paragraph (d) of this section, and particularly whether the employees of the contractor have been classified correctly, such investigations to include interviews with employees and examinations of payroll data at the site of the work and to be made by the sponsor's resident engineer or by other employees or agents of the sponsor who are qualified to make the necessary determinations; in making such investigations, complaints of alleged violations shall be given priority and statements, written or oral, made by an employee shall be treated as confidential and shall not be disclosed to his employer without his consent; and

(4) Keep the District Airport Engineer fully advised of all examinations and investigations made pursuant to this paragraph, of all determinations made on the basis of such examinations and investigations, and of all efforts made to effect or enforce compliance with the labor provisions of the contract.

§ 550.8 Accounting and audit.

(a) *Accounting procedure.* Each sponsor shall establish and maintain, for each individual project an adequate accounting record to permit determination by representatives of the Federal Aviation Agency of all funds received (including funds of the sponsor and funds received from the United States or from other sources) and a determination of the allowability of all incurred costs of the project. Project costs shall be so segregated and grouped that the sponsor will be able to furnish, upon due notice, cost data in the following cost classifications:

- (1) Purchase price or value of land.
- (2) Incidental costs of land acquisition.
- (3) Costs of contract construction.
- (4) Costs of force account construction.
- (5) Engineering costs of plans and designs.
- (6) Engineering costs of supervision and inspection.
- (7) Other administrative costs.

(b) *Project records.* (1) *Cost evidence.* A sponsor shall secure and retain in its files for a period of three years after final grant payment documentary evidence such as invoices, cost estimates, and payrolls supporting each item of project costs.

(2) *Payment evidence.* A sponsor shall retain in its files for a period of three years after final grant payment evidence of all payments for items of project costs including vouchers, cancelled checks or warrants, and receipts for cash payments.

(c) *Audits.* A sponsor shall permit authorized representatives of the Federal Aviation Agency to audit the project records and accounts in order that the allowability of project costs and the

amount of Federal participation in the cost of the project may be determined. Progress audits may be made at any time during the life of the project at the discretion of the Regional Administrator, upon due notice to the sponsor. If work is suspended on the project for an appreciable length of time, an audit will be made prior to a semifinal grant payment, as provided in § 550.9(c). A final audit will be made prior to final payment, as provided in § 550.9(d).

§ 550.9 Grant payments.

(a) *Land acquisition payments.* If an approved project includes land acquisition as an item of airport development, the sponsor may, at any time after it has executed the Grant Agreement and after title evidence has been approved by the Regional Administrator for such land as payment is requested, make application to the Regional Administrator, through the District Airport Engineer, as provided in paragraph (e) of this section, for payment of the United States share of the allowable project costs of any such land acquisition, including any acquisition completed prior to execution of the Grant Agreement which is part of the airport development included in the project.

(b) *Partial grant payments—(1) General.* Subject to the final determination of allowable project costs as provided in paragraph (d) of this section, partial grant payments for project costs will be made to a sponsor from time to time, upon application therefor as provided in paragraph (e) of this section. In the absence of an agreement otherwise, a sponsor may apply for such partial payments on a monthly basis. Such payments may be applied for and made either on the basis of the cost of airport development accomplished or on the basis of the estimated cost of airport development expected to be accomplished.

(2) *Amount of partial grant payments.* Except as otherwise provided, partial grant payments will be made in amounts sufficient to bring the aggregate amount of all partial payments to the estimated United States share of the project costs of the airport development accomplished under the project as of the sponsor's latest application for such payment: *Provided,* That if a sponsor makes application therefor, a partial grant payment will be made as an advance payment in an amount sufficient to bring the aggregate amount of all partial payments to the estimated United States share of the estimated project costs of the airport development expected to be accomplished within 30 days from the date of the sponsor's application for such advance payment. No such partial payment, whether for work accomplished or as an advance payment for work to be accomplished, will be made in an amount which would bring the aggregate amount of all partial payments for the project to more than 90% of the estimated United States share of the total estimated costs of all airport development included in the project, exclusive of contingency items, or 90% of the maximum obligation of the United States as stated in the grant agreement,

whichever amount is the lower. In determining the amount of a partial grant payment, the Regional Administrator will deduct both from the amount of project costs incurred and from the amount of the estimated total project costs, those project costs which he may deem of questionable allowability.

(c) *Semifinal grant payments.* Whenever the accomplishment of certain airport development on a project is delayed or suspended for an appreciable length of time for reasons beyond the sponsor's control and the allowability of the project costs of all airport development completed has been determined on the basis of an audit and review of all such costs, a semifinal grant payment may be made in an amount sufficient to bring the aggregate amount of all partial grant payments for the project to the United States share of all allowable project costs incurred even though such amount may be in excess of the 90 percent limitations specified in paragraph (b) (2) of this section, but in no event to an amount in excess of the maximum obligation of the United States as stated in the Grant Agreement.

(d) *Final grant payments—(1) General.* At such time as a project has been wholly completed in accordance with the terms of the Grant Agreement, an application for final grant payment may be filed as provided in paragraph (e) of this section. The Regional Administrator will make final grant payment thereon only when he has determined that the following conditions have been met:

(i) A final inspection of all work at the project site has been conducted jointly by the District Airport Engineer and representatives of the sponsor and the contractor, unless a different procedure for final inspection is agreed to by the District Airport Engineer;

(ii) A final audit of the project account has been completed by representatives of the Federal Aviation Agency;

(iii) The sponsor has furnished final "as constructed" plans, unless otherwise agreed to by the Regional Administrator.

(2) *Amount of final grant payments.* Based upon the final inspection, the final audit, the plans, and the documents and supporting information required by paragraph (e) of this section, the Regional Administrator will determine the total amount of the allowable project costs of a project and pay the sponsor the United States share of such amount less the total amount of all prior grant payments: *Provided,* That the aggregate of all grant payments for a project shall not exceed the amount in the Grant Agreement for such project as the maximum obligation of the United States with respect thereto.

(e) *Application for grant payments.* All applications for grant payments shall be made on Form FAA-1625.1 (see § 550.11(b)) accompanied by (1) a summary of project costs on Form FAA-1630 (see § 550.11(g)) (2) a periodic cost estimate on Form FAA-1629 (see § 550.11(e)) for each contract or force account representing costs for which payment is

requested, and (3) such supporting information, including appraisals of property interests, as may be required by the Regional Administrator to permit the determination of the allowability of any costs for which payment has been requested. In the case of each such application involving work accomplished by contract, the required contractor's certification contained in the periodic cost estimate must contain the statement that "there has been full compliance with all labor provisions included in the contract identified above", except that, if the contractor is unable to make such a statement because of the existence of an honest dispute as to the nature of his obligations under the labor provisions of the contract, the Regional Administrator will accept as satisfactory a periodic cost estimate containing a certification by the contractor that "there has been full compliance with all labor provisions included in the contract identified above, except insofar as an honest dispute exists with respect to such provisions."

(f) *Excess grant payments.* If upon final determination of the allowability of all project costs of a project, it is found that the total of grant payments made to the sponsor is in excess of the total United States share of allowable project costs of the project, such excess shall be returned promptly by the sponsor to the Federal Aviation Agency.

(g) *Suspension of grant payments for violations of labor provisions.* In the event of failure or refusal of a contractor or subcontractor to comply with the labor provisions of the contractor's contract with the sponsor, the Regional Administrator will suspend further grant payments to the sponsor until such time as the violations are discontinued or until the Regional Administrator has determined the allowability of the project costs to which such violations relate or, to the extent that the violations consist of under-payments to labor, until the sponsor has furnished assurance, satisfactory to the Regional Administrator, that restitution has been or will be made to the affected employees.

§ 550.10 Memoranda and hearings.

(a) *Memoranda.* At any time prior to the issuance of a grant offer for a project by the Administrator, any public agency, person, association, firm, or corporation having a substantial interest in the disposition of the project application for such project, may file a memorandum in support thereof or in opposition thereto with the Administrator through the District Airport Engineer of the district in which the project is located. Such party may request a public hearing with respect to the location of the airport the development of which is proposed. If, in the opinion of the Administrator, the party filing the memorandum has a substantial interest in the matter, a public hearing will be held in accordance with paragraph (b) of this section.

(b) *Hearings.* If a request for a public hearing is made and approved as set forth in paragraph (a) of this section, the time and place of the hearing will be set by the Administrator. The time

will be set so as to avoid undue delay in disposing of the subject project application but so as to afford reasonable time for all parties concerned to prepare for the hearing. The hearing will be held at a place convenient to the sponsor. The Administrator will give notice of time and place by mail to the party filing the memorandum, to the sponsor or sponsors, and to such other persons as the Administrator deems necessary. A hearing will be held only for the purpose of assisting the Administrator in ascertaining facts relevant to the location of an airport, the development of which is proposed in an application pending before him. All hearings pursuant to this paragraph will be regarded as hearings in which there are no adverse parties and no adverse interests, and in which there will be no defendant or respondent. They are not hearings of the type described in sections 5, 7 and 8 of the Administrative Procedure Act (60 Stat. 237; 5 U.S.C. 1001), and will not terminate in an "adjudication" as defined by that act.

(c) *Procedure.* Any public hearing under paragraph (b) of this section will be conducted on behalf of the Administrator by such examiner or examiners as the Administrator may designate. Such examiner or examiners shall decide the time to be consumed, the type of testimony to be heard, and all other matters with respect to the conduct of the hearing.

(d) *Records.* Hearings will be recorded in such form and manner as may be determined by the examiner or examiners and the record so made shall become a part of the record of the project application. However, decisions of the Administrator will not be made solely upon the record of the hearing, but upon all relevant facts within the knowledge of the Administrator, from whatever source obtained.

§ 550.11 Forms.

There is set forth in this section a general description of the various forms referred to in the foregoing sections of this part. Copies of such forms and assistance in their completion and execution may be obtained from the District Airport Engineer of the District in which the project is located.

(a) *Request for Federal-aid, Form FAA-1623.* This form contains a statement requesting Federal aid in carrying out a project under the act. It contains appropriate spaces for insertion of information required for consideration of the request, including the location of the airport, the amount of funds available to the sponsor, a description of the proposed work and the estimated cost thereof.

(b) *Project Application, Form FAA-1624.* This form is the formal application for Federal aid to carry out a project under the Act and this part of the regulations. It consists of four parts, namely, Part I, in which there is required to be incorporated pertinent information regarding the airport and proposed work included in the project; Part II in which there is set forth the representations of the sponsor relating

to its legal authority to undertake the project, the availability of funds for its share of project costs, approvals of other non-Federal agencies, the existence of any defaults on other obligations to the United States, possible disabilities, and ownership of lands and interests in lands to be used in carrying out the project and operating the airport; Part III which contains the assurances on the part of the sponsor regarding the operation and maintenance of the airport, the further development of the airport, and the acquisition of such additional lands or interests in lands as may be required to undertake and carry out the proposed project or for operation of the airport; and Part IV which contains a statement of acceptance on the part of the sponsor and appropriate spaces for execution by the sponsor and certification by the sponsor's attorney.

(c) *Project Application for Additional Project, Form FAA-1624.1.* This form is a modification of the Project Application, Form FAA-1624, and may be used by the Sponsor, at the discretion of the Regional Administrator, for second and subsequent projects at the same airport. Form FAA-1624.1 is identical with Form FAA-1624 except that, with respect to the former, certain of the representations and assurances are incorporated by reference in lieu of being set forth in their entirety.

(d) *Grant Agreement, Form FAA-1632.* This form consists of two parts, namely, Part I, Offer, in which there is set forth an offer on the part of the United States to pay a specified percentage of the allowable costs of the project as described therein on specified terms and conditions relating to the undertaking and carrying out of the project, determination of allowability of costs, payment of the United States share thereof, and operation and maintenance of the airport in accordance with the assurances prescribed in the project application for the project; and Part II, Acceptance, which contains a statement of acceptance of the Offer by the sponsor and space for execution by the sponsor and certification by the sponsor's attorney.

(e) *Periodic Cost Estimate, Form FAA-1629.* This form, which contains a certification to be executed by the contractor (or the sponsor with respect to force account work), contains spaces for the insertion of information regarding the progress of construction work as of a specified date and the value of such work accomplished. Instructions for the preparation of the form are appended thereto.

(f) *Application for Grant Payment, Form FAA-1625.1.* This form contains a formal statement of application for a grant payment under a grant agreement for work accomplished as of a specified date or to be accomplished in a specified time in the future. It contains spaces for appropriate breakdown of project costs among the categories shown therein. It also contains certification provisions for execution by the sponsor and the District Airport Engineer, FAA.

(g) *Summary of Project Costs, Form FAA-1630.* This form contains spaces for insertion of the latest revised esti-

mate of total of project costs, the total cost incurred as of a specified date and an estimate of the aggregate of such total costs incurred to date and those to be incurred prior to a specified date in the future. Instructions for the preparation of the form are appended thereto.

2. By adding new §§ 550.23, 550.24, and 550.25 in Subpart B thereof to read as follows:

§ 550.23 General policy for administering the Federal-aid Airport Program.

(a) *General purpose of program.* The Federal Airport Act places statutory responsibility in the Administrator of the Federal Aviation Agency for bringing about a system of public airports adequate to anticipate and meet the needs of civil aeronautics, both air carrier and general aviation. Today, there exists a basic system of public and private airports to serve the nation, representing a large investment of public and private funds. Growth in the volume of air traffic, technological developments in the science of aeronautics, shifts in the relationship between the airport and its neighbors, and other factors in this dynamic industry all combine to create a changing aeronautical demand which, in turn, requires that the national system of airports be capable of adapting itself to varying conditions. The primary purpose of the Federal-aid Airport Program is to assist each community, irrespective of population, which has a substantial aeronautical requirement, in developing new or bringing its existing civil airport(s) to a standard compatible with the present and future needs of civil aeronautics, so that such airport(s) will be part of "a system of public airports adequate to anticipate and meet the needs of civil aeronautics."

(b) *Federal Aviation Act of 1958.* Under the Federal Aviation Act of 1958, the FAA is empowered and directed to encourage and foster the development of civil aeronautics and air commerce in the United States and abroad. Pursuant to this statutory direction FAA representatives will point out to airport owners deficiencies in airport facilities. In performing this function, however, it is to be understood that a recommendation to correct a deficiency does not in any way imply a commitment of funds under the Federal-aid Airport Program. Such funds are earmarked when a specific project has been included in an approved program and a tentative allocation of funds has been made. However, funds are committed only when a Grant Agreement has been executed.

(c) *National Airport Plan.* Pursuant to the Federal Airport Act, the FAA prepares annually a national plan for the development of public airports in the United States, including Puerto Rico and the Virgin Islands. Such plan, which is known as the "National Airport Plan," specifies in terms of general location and type of development; the maximum limits of airport development considered by the Administrator to be necessary to provide a system of public airports adequate to anticipate and meet the needs of civil aeronautics. An airport will be

included in the National Airport Plan and may qualify for Federal aid if, within the established forecast period, it will have a substantial aeronautical necessity. A project must be included in the current National Airport Plan in order to be eligible for inclusion in the Federal-aid Airport Program. However, the National Airport Plan should not be related to the need for financial participation in the Federal-aid Airport Program. Therefore, the inclusion of an airport in the Plan shall not be construed as a commitment either on the part of the local community to proceed with the development or on the part of the Federal Government to participate financially in such development under the Federal-aid Airport Program.

(d) *New airports.* Construction of new airports should be limited to communities where (1) the volume of air traffic, now or in the future, exceeds the potential capacity of the existing airport(s); (2) the existing airport(s) cannot economically be improved to handle their air traffic safely and adequately; (3) the community or area lacks an airport but facts show the need for one; or (4) one new airport can serve one or more communities more efficiently than existing facilities. The majority of communities can be adequately served by one properly planned, well developed civil airport. Under these conditions, Federal-aid Airport Program funds should be spent on only the one airport. The airport can be a new one provided the community has a substantial aeronautical requirement, but does not have an airport or has an existing airport which needs to be replaced. Certain metropolitan areas, however, now need, and others soon will need, more than one airport to handle their volume of civil air traffic efficiently and safely; in such cases each necessary public airport will be eligible to receive Federal-aid Airport Program funds.

(e) *Military occupancy of civil airport.* Where proposed military occupancy of a civil airport will result in depriving any segment of civil aviation of needed facilities, every effort should be made by the affected community, in its negotiations with the military services, to secure adequate reimbursement for such military occupancy. This reimbursement, or an amount equivalent thereto, should be utilized to construct an adequate civil airport or replacement facilities without Federal-aid Airport Program participation.

(f) *Emphasis on safety and efficiency.* In allocating Federal-aid Airport Program funds emphasis will be placed on projects essential to the safety and efficiency of aircraft operations at airports.

(g) *Long-range planning.* Federal-aid Airport Program funds generally will be available only to provide long-range solutions to community airport problems. The development or improvement of a facility which may be replaced in a very few years, or other short-range solution, should be adopted only when the facts, balanced against the amount of funds required, justify such a solution.

(h) *Single runway.* Funds for runway development at new airports will

generally be limited to a single runway and its approaches. Expenditures for runway improvement at existing airports will largely be restricted to the dominant runway and its approach zones with a gradual "phasing-out" of the less used runways. More than one runway will be eligible at a location where traffic volume demands additional runway capacity or where wind conditions require an additional runway for safety and operational efficiency, giving consideration to the abatement of aircraft noise and to the economic factors of air transportation at that location.

(i) *Airport buildings.* Federal-aid Airport Program funds may be used for the construction of only such buildings or parts thereof as are essential for the safety, comfort and convenience of persons using the airport for aviation purposes. There is specifically excluded from eligibility, however, any building or part of a building intended for use as a bar, cocktail lounge, night club, theater, private club, garage, hotel rooms, commercial offices, or game room.

(j) *National Defense.* In administering the Federal-aid Airport Program, the needs of National Defense will be given due consideration, but project approval will be limited to the development required to serve civil needs.

(k) *Evaluation of items of development.* Any and all items of development proposed for inclusion in a project will be evaluated in the light of current standards. Although the Federal share of an over-all development may be comparatively small, each individual item of work to be accomplished with Federal assistance will be judged on its own merit and must be fully eligible. In those cases where Federal funds constitute less than the normal Federal share of the total funds required for the items of eligible development being undertaken by the sponsor, it will save both time and money if the Federal funds are applied to construction items only, eliminating all engineering and administrative costs.

(l) *Useful and usable unit.* Each project should provide a safe, usable and useful unit of the airport or add materially to the safety or utility of the airport. If the development of a usable unit is susceptible of more economical accomplishment under stage construction, Federal-aid Airport Program funds may be programmed in advance for accomplishment of the development over a period of two or more years, within the limit of available authorization.

(m) *Master plan layout.* All work must be accomplished in accordance with an approved master plan layout.

(n) *Small projects.* Because of administrative procedures involved in the Federal-aid Airport Program, it is impractical to consider a project involving less than \$5,000 in Federal funds unless special necessity for the development warrants Federal participation. Small projects on one airport should, whenever possible, be consolidated in one Grant Agreement rather than under separate grant agreements even though the work will be accomplished over a period of years.

(o) *Single grant agreement.* All development programed for one airport during each fiscal year should be contained in a single Grant Agreement unless special circumstances justify separating the work into two or more projects.

(p) *Runway clear zones.* When funds are allocated for development of new runways or landing strips or improvement or repair of existing runways, the sponsor will be required to own, acquire, or agree to acquire, runway clear zones, as defined in § 550.38, at each end of each runway or landing strip on which the funds are to be expended. Exceptions will be considered (on the basis of a full statement of facts by the sponsor) where a showing of uneconomical acquisition cost, or lack of necessity for acquisition, can be made. If easements rather than acquisition of property for runway clear zones will afford the sponsor adequate control of the surface of such areas, easements will be satisfactory in lieu of title.

(q) *Stage development.* Where economically feasible, large developments which lend themselves to financing over a period of more than one year and accomplishment under more than one Grant Agreement, will be given tentative allocations for future years rather than the entire Federal share in one fiscal year. Grant Agreements will be made against such tentative allocations only during the fiscal years in which the funds are authorized for obligation.

(r) *Compliance with sponsorship requirements.* No Federal-aid Airport Program funds will be authorized for expenditure on an airport unless the Administrator is satisfied that the sponsorship requirements under existing and proposed agreements with the United States, applicable to that airport, have been or will be met.

(s) *Previously obligated work.* Unless specifically authorized by the Administrator, the proposed airport development shall not include any work which the sponsor of the project or any other nonfederal public agency is obligated to accomplish without Federal-aid Airport Program funds by reason of any agreement or commitment to the United States.

(t) *Land donation.* No project will be approved for the acquisition of land which has been or will be donated to the sponsor, where the sponsor is requesting a grant on the basis of the value of such land, unless the Project also includes other items of airport development the estimated cost of which would require a sponsor's contribution equaling or exceeding the United States share of the estimated value of the donated land.

§ 550.24 Programing standards.

(a) *General.* (1) The establishment of programing standards for the Federal-aid Airport Program is necessary to insure the most efficient utilization of Federal-aid Airport Program funds and to assure that the most important elements of a national system of airports will be provided.

(2) In evaluating items of development, the intent of the standard is to be carried out in spirit, as well as in

letter. Waivers of these project criteria may, under certain circumstances, be granted by the Washington Office of the FAA. However, a request for such waiver must be accompanied by a complete documentation of factual data showing why deviation from the stated principle is necessary in the public interest. These guides to eligible development will be applied at the time each annual program is developed and tentative allocation of Federal-aid Airport Program funds are made to individual airport sponsors, and when reviewing each Project Application, together with plans, specifications and supporting documents.

(b) *Land acquisition.* (1) The acquisition of land or any interest therein, or any easement or other interest in air space, shall be eligible for inclusion in a project when such acquisition is necessary:

(i) To permit the initial development of the airport as well as necessary and justifiable airport expansion, exclusive, however, of any land intended for use as a passenger automobile parking facility. Reimbursement for land already acquired for airport use, exclusive of that used or intended for use as a passenger automobile parking facility, is eligible, provided it was acquired subsequent to May 13, 1946.

(ii) To prevent or limit the establishment of airport hazards and to permit the removal, lowering, relocation or marking or lighting of existing airport hazards. Acquisition for this purpose should be encouraged and include acquisition of navigation easements in runway approach zones.

(iii) To permit the installation of landing aids.

(iv) To permit proper use, operation or maintenance of the airport as a public facility, including land required off-site for the location of necessary portions of the utility systems required to serve the airport.

(v) To provide runway clear zones.

(2) There is set forth below an itemization of typical eligible and ineligible items of land acquisition:

Typical Eligible Items

1. Land for:
 - a. Initial acquisition for entire airport developments, including building areas as delineated on the approved master layout plan.
 - b. Expansion of airport facilities.
 - c. Clear zones at ends of eligible runways.
 - d. Approach lights.
 - e. Approach protection.
 - f. Airport utilities.
2. Easements for:
 - a. Use of air space by aircraft.
 - b. Storm-water run-off.
 - c. Power lines to serve off-site obstruction lights.
 - d. Airport utilities.
3. Extinguishment of easements which interfere with airport development.

Typical Ineligible Items

1. Land for:
 - a. Industrial and other nonairport purposes.
 - b. Passenger automobile parking facilities.

(3) Land for "expansion of airport facilities" does not include the acquisition of a small parcel for a single hangar.

(c) *Preparation of site.* (1) Eligibility of grading, drainage and associated items

of site preparation will be limited to one landing strip at any airport unless the airport definitely qualifies for more than one runway on the basis of traffic volume or wind conditions, as outlined in paragraph (d) of this section, and the overall site preparation required for development in accordance with the approved master plan layout. Complete clearance of runway clear zones is desirable but as a minimum, all obstructions as determined by TSO-N18 must be removed. Grading in runway clear zone areas is eligible only to remove terrain which constitutes an obstruction. The FAA does not regard the clear zone as a graded overrun area. Specific site preparation for an airport terminal building will be eligible on the same basis as the building itself, i.e., site preparation cost to be prorated based upon eligible and ineligible building space.

(2) There is set forth below an itemization of typical eligible and ineligible items of site preparation work:

Typical Eligible Items

1. General site preparation:
 - a. Clearing of site.
 - b. Grubbing of site.
 - c. Grading of site.
 - d. Storm drainage of site.
2. Erosion control.
3. Grading to remove obstructions.
4. Grading for installing navigation aids on airport property.
5. Dredging of seaplane anchorages and channels.

Typical Ineligible Items

1. Specific site preparation (not a part of an overall site preparation project) for:
 - a. Hangars.
 - b. Passenger automobile parking facilities.
 - c. Industrial and other nonairport purposes.

(3) The eligible drainage work off the airport site includes drainage outfalls, drainage disposal, interception ditches, etc. If there is damage to adjacent property, the correction of such damage is an eligible item and may be included in the project.

(d) *Runway paving.* (1) Types of work eligible under this category include pavement construction, reconstruction and resurfacing where such resurfacing is to increase the load bearing capacity of the runway or to provide a leveling course to correct major irregularities in the pavement. Runway resealing or re-filling joints of an ordinary maintenance nature will not be eligible items for inclusion in a project. This does not exclude the bituminous resurfacing of pavements where such resurfacing will consist of a minimum of 100 pounds of plant-mixed material per square yard; nor does it exclude the application of a bituminous surface treatment (two applications of bituminous material and cover aggregate per FAA Specification P-609) on a pavement whose present surface course consists of such a bituminous surface treatment. An exception will be considered where a runway extension or partial reconstruction requires a seal coat over the entire runway to present a uniform color and appearance, or where an initial seal coat is to be applied.

(2) Federal-aid Airport Program participation in the construction, recon-

struction or resurfacing of runways will be limited to the dominant runway at any airport unless more than one runway can be justified on the basis of wind conditions, abatement of aircraft noise or traffic volume.

(3) On the basis of wind conditions, an airport will be eligible for a second runway if use of the dominant runway at that airport will require landings with cross-wind components exceeding 15 MPH for more than 5 percent of the time. Even though the 95 percent usability factor is not achieved with a single runway, a second runway should be provided only if operation experience has demonstrated the need for it, and the economic factors of air transportation at the specific location warrant the expenditure of Federal-aid Airport Program funds for this purpose. The second runway should be so oriented with regard to the dominant runway that maximum wind coverage is achieved, giving due consideration to the aircraft noise factor. Normally, wind data information for most locations is available from Weather Bureau records. However, where such information is not available for a specific location, the data from the two or more nearest wind recording stations can be used to give an indication of the wind characteristics for the site. When the airport site is located between the recording stations and the intervening terrain is level or slightly rolling, a composite wind rose made from those of the associated stations is usually acceptable. If the intervening terrain is mountainous, allowance for its effect on wind can be made by weighted averages. In determining the values to be applied to the records of each individual station, use should be made of a topographic map of the area on which the location of the wind recording station has been plotted.

(4) On the basis of traffic volume, an airport with 75,000 or more annual aircraft movements of all types not qualifying for a second runway on the basis of winds will be eligible for a second runway on the basis of traffic volume, provided that the layout and orientation of the two runways will permit both to be used to expedite traffic. Airports requiring more than two runways because of traffic volume or a combination of traffic volume and wind coverage will be handled on a case-by-case basis.

(5) There is set forth below an itemization of typical eligible and ineligible items of runway paving work:

Typical Eligible Items

1. New runways for specified loadings.
2. Runway widening or extensions for specified loadings.
3. Reconstruction of existing runways for specified loadings.
4. Resurfacing runways for specified strength or for smoothness.

Typical Ineligible Items

1. Maintenance-type work, including:
 - a. Seal coats.
 - b. Crack filling.
 - c. Resealing joints.
 - d. Runway patching.
 - e. Isolated repair.
2. Runway construction or extension beyond the limits of the service type specified in the National Airport Plan.

(e) *Taxiway paving.* (1) The construction, alteration and repair of taxiways needed to expedite the flow of ground traffic between runways and aircraft parking areas available for general public use will be eligible. Taxiways to serve an area or facility which is primarily one of exclusive or near exclusive use of a tenant or operator not furnishing aircraft servicing to the public will be ineligible. The policy concerning resealing or refilling joints covered in paragraph (d) of this section applies also to taxiway paving.

(2) There is set forth below an itemization of typical eligible and ineligible items of taxiway paving work:

Typical Eligible Items

1. Basic types of pavement listed as eligible under "Runway Paving."
2. Taxiways providing access to ends and intermediate points of eligible runways.
3. Bleed-off taxiways.
4. Bypass taxiways.
5. Run-up pads.
6. Primary taxiway systems providing access to hangar areas and other building areas delineated on approved master layout plan.
7. Secondary taxiways providing access to groups of individual storage hangars and/or multiple-unit tee hangars.

Typical Ineligible Items

1. Basic types of pavement listed as ineligible under "Runway Paving."
2. Taxiways providing access to an area not offering aircraft storage and/or service to the public.
3. Lead-ins to individual storage hangars.

(f) *Aprons.* (1) The construction, alterations and repair of aprons will be eligible upon demonstrated need as public use facilities. Aprons to serve areas which are predominantly for exclusive use or near exclusive use of a tenant or operator not furnishing aeronautical service to the public will be ineligible. The policy concerning resealing or refilling joints covered in paragraph (d) of this section applies also to apron paving.

(2) There is set forth below an itemization of typical eligible and ineligible items of apron construction work:

Typical Eligible Items

1. Basic types of pavement listed as eligible under "Runway Paving."
2. Loading ramps.
3. Aprons available for public parking, storage, and/or service.
4. Aprons serving hangars used for public storage of aircraft and/or service to the public.

Typical Ineligible Items

1. Basic types of pavement listed as ineligible under "Runway Paving."
2. Aprons serving installations for non-public use.
3. Paving inside a hangar or on the proposed site of a hangar.
4. Aprons for ineligible cargo buildings.
5. Apron services (pits or pipes for chemicals) will not be eligible.

(3) In determining public use, the present use that is being made of a hangar will govern, unless definite facts are known regarding future use. When an apron area is being built for future hangars, the likelihood of early hangar development should be assured; also, the likelihood that such future hangars will be public facilities.

(g) *Treatment of pavement shoulders at airports to serve turbojet propelled aircraft.* (1) Where turbojet powered aircraft will operate, it may be necessary to provide pavement shoulders which will reduce the possibility of ingestion of foreign matter into jet engine intakes. Such treatment normally will be limited to shoulders of taxiways and holding aprons. The treatment of runway shoulders is not necessary except in rare and isolated cases which must be justified by unusual local conditions. The treatment areas of shoulders may extend laterally from the pavement edge a distance of 25 feet. Treated pavement shoulders need not consist of full design strength pavement sections. The treated area should be designed in cognizance of prevailing climatic influences and provide a surface which can be kept free of loose particles with a minimum amount of maintenance.

(2) There is set forth below an itemization of typical eligible and ineligible items of shoulder paving work:

Typical Eligible Items

1. Treated shoulders of exit taxiways.
2. Treated shoulders of taxiways for movement of jet aircraft.
3. Holding apron shoulder treatment.
4. Seaplane ramps and docks or crop dusting aprons provided that nonexclusive use will be afforded.

Typical Ineligible Items

1. Treated runway shoulders.
2. Treated shoulders for taxiways not intended for jet aircraft operations.
3. Treated shoulders for parking, storage or servicing aprons.

(h) *Lighting and electrical work—(1) General.* Federal-aid Airport Program funds may be utilized for the installation of lighting facilities only at those airports with a sufficient volume of existing or potential night operations, as determined in each individual instance, to assure their continued operation and adequate maintenance. No project for lighting shall be considered until the sponsor has been made aware of its responsibilities regarding the manner in which the lights are required to be operated and has been aware of the cost of maintenance and operation. No Grant Offer shall be issued until the sponsor has submitted an application for a True Light Certificate indicating a lighted airport. Federal-aid Airport Program participation in airport lighting will be limited to those projects which will, upon completion, meet the requirements for a True Light Certificate and which include the removal or adequate lighting of obstructions in the approach and turning zones, as determined by TSO-N18.

(2) *Number of runways eligible for program participation.* The total number of runways that may be considered for lighting will be the same as the number of runways eligible for paving as set forth in paragraph (d) of this section. Any runway eligible for lighting will, as a minimum, be eligible for medium intensity runway lighting.

(3) *High intensity runway lighting.* Because high intensity runway lighting is considered a part of an integrated instrument landing system, an increased

percentage of Federal-aid Airport Program financial participation is allowed where such facilities are installed as an ILS component. High intensity runway lights will be eligible for participation as follows:

(i) On the instrument runway(s) of an airport equipped with an ILS, or on the designated instrument landing runways of those airports listed in the current FAA Air Traffic Control booklet "Terminal Locations for Planning Purposes" with an estimated minimum of 700 Instrument approaches during the forecast period, FAAP participation to the extent of 75 percent of the high intensity lighting cost is eligible.

(ii) Runway(s) eligible for lighting, but not eligible for high intensity lights under (a) above, will be eligible for FAAP participation of 50 percent of the cost of high intensity lighting (or the allowable Federal Airport Act percentage in public land states), provided the need for high intensity lights can be justified.

(4) *Taxiway lighting.* Taxiway lighting will be eligible upon demonstrated need based on the volume of night activity and the complexity of the taxiways system. No justification is required for the installation of lights used to identify runway exits as a part of a runway lighting project.

(5) *Beacons, lighted wind indicators, control equipment.* Any airport which is eligible for participation in the cost of runway lighting will be eligible for installation of a beacon, lighted wind indicator(s), obstruction lights, lighting control equipment and other components of basic airport lighting including separate transformer vaults and connection to the nearest available power source.

(6) *Stand-by power.* The interconnection of two or more power sources on the airport property will be eligible. The provision of second sources of power and the installation of stand-by engine generators of reasonable capacity will also be eligible.

(7) There is set forth below an itemization of typical eligible and ineligible items of airport lighting:

Typical Eligible Items

1. Runway lights.
2. Taxiway lights.
3. Taxiway guidance signs.
4. Obstruction lights.
5. Apron floodlights.
6. Beacons.
7. Wind and landing direction indicators.
8. Electrical duct and manholes.
9. Transformer or generator vaults.
10. Control panels for field lighting.
11. Control equipment for field lighting.
12. Auxiliary power.
13. Lighting off-site obstructions.

Typical Ineligible Items

1. Electronic navigation aids.
2. Approach lights.
3. Horizon lights.
4. Isolated repair and reconstruction of airport lighting.
5. Automobile parking area lighting.
6. Street or road lighting.

(i) *Buildings.* (1) It will be the policy of FAA to participate with funds made available through the Federal-aid Airport Program in the development of those buildings and areas of airport

buildings which are essential for the safety, convenience and comfort of persons using airports for public aviation purposes, and exclude from Federal participation in a Federal-aid Airport Program any building or areas therein which do not meet that test, even though such buildings or areas are desirable for the efficient use of the airport or would produce a source of revenue for the operation and maintenance of the airport and appurtenant facilities. The test of eligibility is basically one of essentiality for the traveling public.

(2) Allowable space in airport terminal or administrative buildings will be limited to that needed for the housing of activities relating to airport air traffic control, weather reporting, and communications related to air traffic control and to certain non-revenue public use areas which are enumerated hereafter in more detail. In addition, excessive interior and exterior ornamentation will not be eligible.

(3) Space in airport terminal buildings, for uses eligible and allowable under this policy, must reasonably conform with the applicable space standards of the current "Airport Terminal Buildings" booklet issued by the FAA.

(4) Building space on the airport site to house and maintain fire fighting and crash equipment relating to the safety and protection of aircraft will be eligible and allowable. Space for such equipment designed or based upon community as opposed to airport needs is not allowable. Cost of space for airport maintenance equipment is not allowable. Cost of hangars and cargo buildings will not be allowable. Hotels, motels or residences will not be allowable. Special fixtures and shop equipment will not be allowable.

(5) No Federal-aid Airport Program funds will be made available for the development of separate facilities or space in an airport building when such facilities or space are designed for use now or in the future for separate racial groups.

(6) A sponsor may desire to construct ineligible or unallowable space or space in excess of that provided for in FAA standards. In such cases, a project may be approved for construction of the entire facility provided the resulting Federal participation in the cost of such construction is limited to the United States share of the allowable cost of constructing that portion of the building needed for airport purposes and eligible under these policies. In the event a sponsor elects to include ineligible space and/or space in excess of that determined to be eligible and allowable, there should be included, as part of the Grant Agreement, a provision showing evidence of sponsor-FAA agreement as to what is recognized as being eligible and allowable under the project and that which will not be allowed. In such cases the cost of utilities and space for building services will be allowable on a pro rata basis in relation to the eligible and ineligible building space.

(7) There is set forth below a list of eligible and ineligible space areas in airport terminal or administration buildings:

Eligible Space

1. Space for United States Government services, consisting of:

- a. Air traffic communication station (ATCS).
- b. Airport traffic control quarters (tower or combined station/tower).
- c. Weather Bureau (Aeronautical connected services).

2. Public use facilities, consisting of:

- a. Public waiting areas, ticket lobby (excluding airline space), rest rooms, baggage claim areas and circulatory space in the terminal building and fingers.

Ineligible Space

1. Space for United States Government services, other than air traffic control, weather reporting and communications activities related to air traffic control, including:

- a. Agriculture.
- b. Customs.
- c. Federal Aviation Agency:
 - (i) Airport district office.
 - (ii) Air route traffic center.
 - (iii) Area traffic control quarters (relocation of center function).
 - (iv) Combined ATCS/Center (ATCS portion to be eligible).
 - (v) Flight Standards district office.
 - (vi) International Air Traffic Communication Station (IATCS).
- d. Immigration.
- e. Post Office.
- f. Public Health.

2. Airline and/or other aircraft operator space and facilities, such as:

- a. Airline communications.
- b. Airlines operation and office space.
- c. Airline reservations.
- d. Charter Flight or air taxi office.
- e. Fixed base operator office.
- f. Pilot's Lounge.
- g. Ticket counters and space therefor, and work areas.

3. Concessionaire space and facilities, such as:

- a. Advertisement areas for display cases, appliances, automobiles, etc.
- b. Automobile rental.
- c. Bank and/or currency exchange.
- d. Barber shop or beauty shop.
- e. Book shop.
- f. Camera and photography shop.
- g. Candy shop.
- h. Cocktail lounge or bar.
- i. Delicatessen.
- j. Drug Store.
- k. Florist.
- l. Game room.
- m. Gift shop.
- n. Haberdashery and women's wear.
- o. Insurance sales.
- p. Jewelry shop.
- q. Merchandise vending room.
- r. Newsstand.
- s. Restaurant or other eating facility space.
- t. Taxi and/or limousine.

4. Airport owner or operator space, such as:

- a. Airport Commission, Board or Authority Offices.
- b. Airport Employees Facilities.
- c. Airport Management Offices.
5. Non-public or non-aviation space or facilities, such as:
 - a. Air Express or cargo.
 - b. Auditorium.
 - c. Chapels or churches.
 - d. Conference rooms.
 - e. Decorative or monumental features.
 - f. Garage and/or service station.
 - g. Hotel rooms, roomettes.
 - h. Industrial and commercial offices.
 - i. Observation deck.
 - j. Physical recreational facilities.
 - k. Pools, fountains or other decorative displays.
 - l. Press room.
 - m. Professional offices (doctor's, dentist's etc.).

- n. Private club areas.
- o. Private dining rooms.
- p. VIP and public relation rooms.

(j) *Utilities.* The installation of utilities will be eligible to the extent of the eligibility of the facilities and areas served. In the case of a utility serving both eligible and ineligible facilities or areas, the eligibility of the utility will be established on a pro rata basis.

(k) *Roads.* (1) The construction, alteration and repair of airport roads and streets which are wholly within the airport boundaries will be eligible if justified on the basis of actual need for operating and maintaining the airport. In the case of entrance roads, a strip right-of-way joining the main body of the airport to the nearest public road may be considered as part of the normal boundary of the airport if:

(i) Adequate title is obtained, and
 (ii) The right-of-way was acquired to provide for an airport entrance road and was not, prior to the existence of the airport, a public thoroughfare.

(iii) The entrance road is intended to serve no other purpose than as a means of ingress to and egress from the airport.

(iv) The entrance road extends only to the nearest public highway, road, or street.

(2) All cases where such narrow right-of-way strips exceed $\frac{1}{4}$ mile in length will require approval of the Washington office.

(3) It is emphasized that FAAP funds may not be used to resolve highway problems, and that only those airport entrance roads definitely needed and intended solely for ingress to and egress from the airport are eligible.

(4) An entrance road may be joined to an existing highway or street with a normal fillet connection. The cost of acceleration-deceleration strips or grade separations will not be eligible.

(5) Off-site road or street relocation needed to permit airport development or to remove an obstruction, is eligible and should not be confused with entrance roads.

(6) There is set forth below an itemization of typical eligible and ineligible items of road construction:

Typical Eligible Items

1. Entrance roads.
2. Service roads for access to public areas.
3. Service roads for airport maintenance (including perimeter airport service road within airport boundary and not for general public access).
4. Relocation of roads to permit airport development or expansion or to remove obstructions.
5. Service roads to navigational facilities.

Typical Ineligible Items

1. Off-site roads.
 2. Roads to areas of exclusive use.
- (1) *Automobile parking facilities.* No part of the construction, alteration, or repair (including grading, drainage and other site preparation work) of facilities or areas to be used as passenger automobile parking facilities will be eligible for inclusion in a project.
- (m) *Landscaping, turfing and erosion control.* Landscaping will not be eligible. The establishment of turf on graded

areas and special treatment to prevent slope erosion will be eligible to the extent of the eligibility of the facilities or areas served, preserved or protected by such turf or treatment. In the case of such turfing or treatment for an area or facility that is part eligible and part ineligible, the eligibility of the turfing and treatment will be established on a pro rata basis.

(n) *Fencing.* Boundary or perimeter fences for security purposes will be eligible.

(o) *Sidewalks.* The construction of sidewalks will not be eligible.

(p) *Removal of obstructions.* (1) The removal of obstructions as defined in TSO-N18 will be eligible. No Federal funds will be used to remove obstructions, however, unless definite arrangements are made that will preclude the obstruction from being recreated. Where removal is not feasible, the cost of marking and/or lighting an obstruction will be eligible. Removal and relocation of obstructions will be eligible. The removal and relocation of structures necessary to accomplish essential airport development will be eligible. Removal of structures that are not obstructions as defined in TSO-N18 will be eligible when located within the boundaries of a clear zone.

(2) The removal and relocation of an airport hangar which constitutes an airport hazard does not come within that provision of the Federal Airport Act which excludes from airport development "the construction, alteration or repair of airport hangars." However, the re-erected hangar must be substantially identical to the hangar that was disassembled.

(3) Where a hangar must be relocated, either for clearance of the site for other airport development or to remove a hazard, if the existing structure is to be relocated, either with or without disassembly, the actual cost of such relocation is an eligible item of project cost, including costs incidental to the relocation, such as necessary footings and floors. However, if the existing structure is to be demolished and a new hangar is erected or constructed, only the cost of demolition of the existing hanger is an eligible item of project cost.

(q) *Miscellaneous landing aids.* The installation of the following landing aids will be eligible:

- (1) Segmented circle.
- (2) Wind and landing direction indicators.
- (3) Boundary markers.

(r) *Marking.* The initial marking of runway and taxiway systems will be eligible, as well as the re-marking of runways and taxiways where the marking has been obliterated by construction, or has become obsolete under current FAA standards. Apron marking not allied with runway and taxiway marking systems will be ineligible.

(s) *Off-site work.* The following work performed outside the boundaries of an airport or airport site will be eligible:

- (1) Removal of obstructions as stated in paragraph (p) of this section.
- (2) Outfall drainage ditches. The correction of any damage resulting from construction of ditches is an eligible cost.

(3) Relocation of roads and utilities constituting airport hazards.

(4) Clearing, grading and grubbing to permit the installation of navigational aids.

(5) Construction and installation of utilities.

(6) Lighting of obstructions.

(t) *Miscellaneous items of development.* In addition to above items, such other items that may be specifically approved by the Administrator are eligible.

(u) *Eligibility of repair vs. maintenance.* (1) Unlike repair work, maintenance work is not airport development as defined in the Act and, therefore, is legally ineligible for participation in the Federal-aid Airport Program. Consequently, it will be necessary in many cases that a determination be made whether the work proposed is maintenance or repair.

(2) As a guide in making such determinations, "maintenance" should be regarded as including any regular or recurring work necessary to preserve existing airport facilities in good condition, any work involved in the care or cleaning of existing airport facilities, and any incidental or minor repair work on existing airport facilities.

(3) On the other hand, "repair" should be regarded as encompassing any other work necessary to restore or preserve existing airport facilities to or in good condition.

(4) "Maintenance" includes, but is not limited to such items as follows:

(i) Mowing and fertilizing of turfed areas; trimming and replacing of landscaping material.

(ii) Cleaning of drainage system including ditches, pipes, catch basins, replacing and restoring eroded areas, except where caused by act of God or improper design.

(iii) Painting of buildings (interior and exterior) and replacement of damaged items normally anticipated.

(iv) Repairing and replacing burned out or broken fixtures and cable, unless major reconstruction is required.

(v) Pavement repairs in localized areas, except where the magnitude of the work is such that it constitutes a major repair item or is part of a reconstruction project.

(vi) Refilling joints and resealing surface of pavements.

§ 550.25 Development of annual airport program.

(a) *General.* In order to bring about in conformity with the National Airport Plan the establishment of a nationwide system of public airports adequate to meet the present and future needs of civil aeronautics, there will be developed for each fiscal year an annual airport program within that Plan, based on the funds available under the Federal Airport Act.

(b) *Project requests.* (1) The submission of a "Request for Aid", Form FAA-1623, for an airport development project, is necessary before any proposed project will be considered for inclusion in a program. The purpose of the project request is to indicate the Sponsor's interest in the program and to provide a basis for the programming of funds

available under the Act. The information requested in Form FAA-1623 will be accepted in lieu of that form when submitted by other means. The request will be considered only as a preliminary notice of the Sponsor's intent, without obligating it to perform any work or expend any funds. Acceptance of the request does not imply that the proposed project will be included in the program.

(2) When cosponsors of an airport are not located in the same district, a joint request for Federal aid should be submitted to the District Airport Engineer of the district in which the airport development is proposed.

(c) *Project evaluation and priority of work.* (1) In development of the annual Federal-aid Airport Program, each proposed airport project is broken down to show the logical increments of work, together with the amount of Federal funds involved in each increment. The relative national importance of any item of airport development is dependent upon (i) the specific nature of the work, and (ii) its effect on airport operations from a standpoint of safety, efficiency and convenience. In order to provide a method for the comparison of projects, basic point values are assigned to the various common types of eligible airport development. A separate rating is given to each increment of development. General guides have been issued for the use of FAA personnel in assigning rating points.

(2) In order to allow a "weighing" of assigned rating points to reflect the national importance of an increment of development, the more appropriate of the following factors are applied to each increment of a proposed project:

(i) Safety—development which definitely contributes to the safety of operations.

(ii) Efficiency—development which improves or provides for the efficiency of operations.

(iii) Convenience—development which primarily provides facilities for the convenience of the public and the airport users.

(3) Within each State, as a general rule, increments will be ranked in descending order of priority. Within the limits of contractual authority apportioned for projects in that State, project increments will be programmed in priority order.

(4) Project increments in each State which cannot be programmed from State apportionments will be ranked in descending order of national priority and will be programmed in priority order within the limits of the Discretionary Fund.

(5) Equitable maximum sums may be established as a limitation of the amount to be allocated to any one airport.

(6) In all instances the views of the State aviation agency regarding a balanced program of all types of airports will be solicited and considered in developing annual programs.

(d) *Advance programming.* In cases where fund limitations do not permit an entire eligible useful unit of development to be programed in one fiscal year, and in cases of large units of development which lend themselves to financing over a period of more than one fiscal year, ten-

tative allocations may be made for more than one fiscal year: *Provided, however,* That Grant Offers may be made against such tentative allocations only during the fiscal year in which funds are authorized for obligation. Advance programming will, as a general rule, be made only for development which must be wholly completed to provide a usable facility.

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

(Secs. 1-15, 60 Stat. 170-178, as amended; 49 U.S.C. 1101-1114)

Issued in Washington, D.C., on September 23, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 59-8071; Filed, Sept. 28, 1959; 8:45 a.m.]

[Airspace Docket No. 59-WA-12]

[Amdt. 40]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 43]

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

Revocation of Federal Airway, Associated Control Areas and Designated Reporting Points

On July 16, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 5723) stating that the Federal Aviation Agency was considering an amendment to Parts 600 and 601 of the regulations of the Administrator which would revoke Red Federal airway No. 31, its associated control areas, and designated reporting points from Cheyenne, Wyo., to Huron, S. Dak., and from Minneapolis, Minn., to La Crosse, Wis.

As stated in the notice, Red Federal airway No. 31 presently extends from Cheyenne, Wyo., to Huron, S. Dak., and from Minneapolis, Minn., to La Crosse, Wis. An IFR Airway Traffic Peak-Day Survey for each half of the calendar year 1958, showed aircraft movements on the segments from Cheyenne, Wyo., to Philip, S. Dak., as four and one respectively; Philip, S. Dak., to Pierre, S. Dak., zero and two respectively; Pierre, S. Dak., to Huron, S. Dak., zero and four respectively; Minneapolis, Minn., to La Crosse, Wis., zero and two respectively. On the basis of this survey, it appeared that the retention of this airway, and its associated control areas was unjustified as an assignment of airspace and that revocation thereof would be in the public interest. Coincident with this action, the designated reporting points associated with Red Federal airway No. 31 will be revoked.

No 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) Parts 600 and 601 (14 CFR, 1958 Supp., Parts 600, 601) are amended as follows:

1. Section 600.221 *Red Federal airway No. 31 (Cheyenne, Wyo., to La Crosse, Wis.)* is revoked.

2. Section 601.231 *Red Federal airway No. 31 control areas (Cheyenne, Wyo., to La Crosse, Wis.)* is revoked.

3. Section 601.4231 *Red Federal airway No. 31 (Cheyenne, Wyo., to La Crosse, Wis.)* is revoked.

These amendments shall become effective 0001 e.s.t. November 19, 1959.

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

Issued in Washington, D.C., on September 22, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of
Air Traffic Management.

[F.R. Doc. 59-8072; Filed, Sept. 28, 1959; 8:45 a.m.]

[Airspace Docket No. 59-WA-18]

[Amdt. 35]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 38]

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

Revocation of Segment of Federal Airway, Associated Control Areas and Designated Reporting Points

On July 18, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 5760) stating that the Federal Aviation Agency was considering an amendment to §§ 600.259, 601.259, and 601.4259 of the regulations of the Administrator which would revoke the segment of Red Federal airway No. 59 and its associated control areas between Garden City, Kans., and Gage, Okla.

As stated in the notice, Red Federal airway No. 59 presently extends from Garden City, Kans., to Oklahoma City, Okla., via Gage, Okla. An IFR Airway Traffic Peak-Day Survey for each half of the calendar year 1958 showed zero and one aircraft movements, respectively, for the segment from Garden City, Kans., to Gage Okla. On the basis of this survey, it appeared that the retention of the above segment of this airway and its associated control area was unjustified as an assignment of airspace and that revocation thereof would be in the public interest. Coincident with this action, the designated reporting point associated with Red Federal airway No. 59 will be revoked.

No adverse comments were received regarding the proposed amendments.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 600.259 (14 CFR, 1958 Supp., 600.259) and §§ 601.259, 601.4259 (14 CFR, 1958 Supp., 601.259, 601.4259, 24 F.R. 705) are amended as follows:

1. Section 600.259 *Red Federal airway No. 59 (Garden City, Kans., to Oklahoma City, Okla.)*:

a. In the caption delete "(Garden City, Kans., to Oklahoma City, Okla.)" and substitute therefor "(Gage, Okla., to Oklahoma City, Okla.)".

b. In the text delete "Garden City, Kans., radio range station via the intersection of the south course of the Garden City, Kans., radio range and the north-west course of the Gage, Okla., radio range."

2. Section 601.259 *Red Federal airway No. 59 control areas (Garden City, Kans., to Oklahoma City, Okla.)*: In the caption delete "(Garden City, Kans., to Oklahoma City, Okla.)" and substitute therefor "(Gage, Okla., to Oklahoma City, Okla.)".

3. Section 601.4259 *Red Federal airway No. 59 (Garden City, Kans., to Oklahoma City, Okla.)*:

a. In the caption delete "(Garden City, Kans., to Oklahoma City, Okla.)" and substitute therefor "(Gage, Okla., to Oklahoma City, Okla.)".

b. In the text delete "Garden City, Kans., RR" and substitute therefor "No reporting point designation."

These amendments shall become effective 0001 e.s.t. November 19, 1959.

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

Issued in Washington, D.C., on September 22, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of
Air Traffic Management.

[F.R. Doc. 59-8073; Filed, Sept. 28, 1959;
8:45 a.m.]

ERAL REGISTER (24 F.R. 6007) stating that the Federal Aviation Agency was considering an amendment to Parts 600 and 601 of the regulations of the Administrator which would revoke Red Federal airway No. 96, its associated control areas, and designated reporting points from Lake Charles, La., to Baton Rouge, La.

As stated in the notice, Red Federal airway No. 96 presently extends from Lake Charles, La., to Baton Rouge, La., An IFR Airway Traffic Peak-Day Survey for each half of the calendar year 1958 showed zero aircraft movement on this airway. On the basis of this survey, it appeared that retention of this airway, and its associated control areas, was unjustified as an assignment of airspace and that revocation thereof would be in the public interest. Coincident with this action, the designated reporting points associated with Red Federal airway No. 96 will be revoked.

No 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 matters presented.

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

1. Section 600.296 *Red Federal airway No. 96 (Lake Charles, La., to Baton Rouge, La.)* is revoked.

2. Section 601.296 *Red Federal airway No. 96 control areas (Lake Charles, La., to Baton Rouge, La.)* is revoked.

3. Section 601.4296 *Red Federal airway No. 96 (Lake Charles, La., to Baton Rouge, La.)* is revoked.

These amendments shall become effective 0001 e.s.t. November 19, 1959.

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

Issued in Washington, D.C., on September 22, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of
Air Traffic Management.

[F.R. Doc. 59-8074; Filed, Sept. 28, 1959;
8:45 a.m.]

601.6614 and 601.8001 of the regulations of the Administrator, is to modify VOR Federal airways No. 1512 and 1514 between Kansas City, Mo., and Terre Haute, Ind., by revoking the south alternates of Victor 1512 and 1514 and redesignating Victor 1514 over the same airspace as occupied by the south alternates.

Presently Victor 1512 and Victor 1514 occupy identical airspace, as does Victor 1512S and 1514S between Kansas City, Mo., and Terre Haute, Ind. In order to simplify the airway numbering of the intermediate route structure between Kansas City, Mo., and Terre Haute, Ind., Victor 1514 will be redesignated from its present route to the south alternate route and the alternate airway numbers will be deleted from the description of Victor 1512 and Victor 1514. The control areas associated with VOR Federal airways No. 1512 and 1514 are being redesignated to conform to the modified airways. With the revocation of the south alternate of VOR Federal airway No. 1512, the positive control route segment associated therewith would no longer continue in effect. Thus, since it is desired to retain the positive control route designation for this segment, the positive control route designation for VOR Federal airway No. 1514 will be amended from Pittsburgh, Pa., to Colts Neck, N.J., to Kansas City, Mo., to Colts Neck, N.J.

Since this amendment 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) §§ 600.6612 and 600.6614 (14 CFR, 1958 Supp., 600.6612, 600.6614, 23 F.R. 10340, 24 F.R. 703, 24 F.R. 1285, 24 F.R. 2230, 24 F.R. 3871) and §§ 601.6612, 601.6614 and 601.8001 (14 CFR, 1958 Supp., 601.6612, 601.6614 and 601.8001, 24 F.R. 3874) are amended as follows:

1. Section 600.6612 *VOR Federal airway No. 1512 (Los Angeles, Calif., to New York, N.Y.)*: In the text delete "including a south alternate from the Kansas City, Mo., VOR to the Terre Haute, Ind., VOR via the Marshall, Mo., VORTAC, the Columbia, Mo., VOR, the St. Louis, Mo., VOR and the Vandalia, Ill., VOR;"

2. Section 600.6614 *VOR Federal airway No. 1514 (San Francisco, Calif., to New York, N.Y.)*: In the text delete "Macon, Mo., omnirange station; Quincy, Ill., VOR; Springfield, Ill., VOR; Decatur, Ill., VOR; Terre Haute, Ind., VOR; including a south alternate from the Kansas City, Mo., VOR to the Terre Haute, Ind., VOR via the Marshall, Mo., VORTAC, the Columbia, Mo., VOR, the St. Louis, Mo., VOR and the Vandalia, Ill., VOR;" and substitute therefor "Marshall, Mo., VORTAC; Columbia Mo., VOR; St. Louis, Mo., VOR; Vandalia, Ill., VOR; Terre Haute, Ind., VOR;"

3. Section 601.6612 *VOR Federal airway No. 1512 control areas (Los Angeles, Calif., to New York, N.Y.)*: In the text delete "but excluding the airspace between the main airway and its south al-

[Airspace Docket No. 59-WA-19]

[Amdt. 38]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 41]

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

Revocation of Federal Airway, Associated Control Areas and Designated Reporting Points

On July 28, 1959, a notice of proposed rule-making was published in the FED-

[Airspace Docket No. 59-WA-191]

[Amdt. 37]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 42]

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

Modification of Federal Airway Associated Control Areas and Positive Control Route Segments

The purpose of this amendment to §§ 600.6612, 600.6614 and 601.6612,

ternate between the Kansas City, Mo., omnirange station and the Indianapolis, Ind., omnirange station".

4. Section 601.6614 *VOR Federal airway No. 1514 control areas (San Francisco, Calif., to New York, N.Y.)*: In the text delete "but excluding the airspace between the main airway and its south alternate between the Kansas City, Mo., omnirange station and Indianapolis, Ind., omnirange station".

5. In § 601.8001 *Positive control route segments*, amend *VOR Federal airway No. 1512 (Los Angeles, Calif., to New York, N.Y.)* (see § 600.6612 of this chapter), by deleting all after "Colts Neck, N.J., VOR."

6. In § 601.8001 *Positive control route segments*, *VOR Federal airway No. 1514 (San Francisco, Calif., to New York, N.Y.)* (see § 600.6614 of this chapter), delete the text in its entirety and substitute therefor "The portion of VOR Federal airway No. 1514 from Kansas City, Mo., VOR to the Colts Neck, N.J., VOR."

These amendments shall become effective 0001 e.s.t., November 19, 1959.

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

Issued in Washington, D.C., on September 22, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of
Air Traffic Management.

[F.R. Doc. 59-8076; Filed, Sept. 28, 1959;
8:46 a.m.]

[Airspace Docket No. 59-KC-19]

[Amdt. 41]

PART 600—DESIGNATION OF FEDERAL AIRWAY

[Amdt. 46]

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

Revocation of Federal Airway, Asso- ciated Control Areas and Desig- nated Reporting Points

On July 31, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 6165) stating that the Federal Aviation Agency was considering an amendment to Parts 600 and 601 of the regulations of the Administrator which would revoke Red Federal airway No. 28 and its associated control areas, and designated reporting points from Chicago, Ill., to Grand Rapids, Mich., and from Lansing, Mich., to Detroit, Mich.

As stated in the notice, Red Federal airway No. 28 presently extends from Chicago, Ill., to Grand Rapids, Mich., and from Lansing, Mich., to Detroit, Mich. An IFR Airway Traffic Peak-Day Survey for each half of the calendar year 1958 showed only 13 aircraft movements on this airway. On the basis of this sur-

vey, it appeared that the retention of this airway, and its associated control areas, was unjustified as an assignment of airspace and that revocation thereof would be in the public interest.—Coincident with this action, the designated reporting points associated with Red Federal airway No. 28 will be revoked.

Written comment concerning the proposed amendment was favorable except for one. An air carrier which schedules flights from Chicago, Ill., to Grand Rapids, Mich., and from Lansing, Mich., to Detroit, Mich., has a number of aircraft not yet equipped with dual VOR receivers. These aircraft rely on Red Federal airway No. 28 as an alternate route in event of VOR receiver failure. The air carrier plans to have dual VOR receivers installed in all of its aircraft by Dec. 31, 1959. A request was made in behalf of this air carrier to retain Red Federal airway No. 28 or delay revocation until Jan. 1, 1960. In consideration of this request, revocation of Red Federal airway No. 28 is being delayed until Jan. 14, 1960.

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

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

1. Section 600.228 *Red Federal airway No. 28 (Chicago, Ill., to Detroit, Mich.)*, is revoked.

2. Section 601.228 *Red Federal airway No. 28 control areas (Chicago, Ill., to Detroit, Mich.)*, is revoked.

3. Section 601.4228 *Red Federal airway No. 28 (Chicago, Ill., to Detroit, Mich.)*, is revoked.

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

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

Issued in Washington, D.C., on September 22, 1959.

GEORGE S. CASSIDY,
Acting Director, Bureau of
Air Traffic Management.

[F.R. Doc. 59-8077; Filed, Sept. 28, 1959;
8:46 a.m.]

[Airspace Docket No. 59-WA-16]

[Amdt. 43]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 47]

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

Revocation of Segments of Federal Airway, Associated Control Areas and Designated Reporting Points

On July 31, 1959, a notice of proposed rule-making was published in the FED-

ERAL REGISTER (24 F.R. 6166) stating that the Federal Aviation Agency was considering an amendment to §§ 600.606, 601.606 and 601.4606 of the regulations of the Administrator that would revoke the segments of Blue Federal airway No. 6, and their associated control areas, from Springfield, Ill., to Peoria, Ill., and from North Liberty, Ind., to Benton Harbor, Mich.

As stated in the notice, Blue Federal airway No. 6 presently extends from Springfield, Ill., to Peoria, Ill., and from North Liberty, Ind., to Muskegon, Mich. An IFR Airway Traffic Peak-Day Survey for each half of the calendar year 1958, showed aircraft movements for segments of the airway from Springfield, Ill., to Peoria, Ill., as zero and three movements respectively; North Liberty, Ind., to South Bend, Ind., four and zero movements respectively; South Bend, Ind., to Benton Harbor, Mich., zero movements. On the basis of this survey, it appeared that the retention of these airway segments and their associated control areas was unjustified as an assignment of airspace and that revocation thereof would be in the public interest. Such revocation would result in Blue Federal airway No. 6, and its associated control areas, extending from Bangor, Mich., to Muskegon, Mich. In addition, it would be necessary to amend the caption to § 601.4606, relating to the associated designated reporting points.

No adverse comment was received regarding the proposed amendments.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 600.606 (14 CFR, 1958 Supp., 600.606), and §§ 601.606 and 601.4606 (14 CFR, 1958 Supp., 601.606, 601.4606), are amended as follows:

1. Section 600.606 *Blue Federal airway No. 6 (Springfield, Ill., to Muskegon, Mich.)*:

a. In the caption delete "(Springfield, Ill., to Muskegon, Mich.)" and substitute therefor "(Bangor, Mich., to Muskegon, Mich.)."

b. In the text delete "From the Springfield, Ill., RR to the Peoria, Ill., RR. From the INT of the west course of the Goshen, Ind., RR and the south course of the South Bend, Ind., RR via the South Bend, Ind., RR to the INT of the north course of the South Bend, Ind., RR and the northeast course of the Chicago, Ill., RR."

2. Section 601.606 *Blue Federal airway No. 6 control areas (Springfield, Ill., to Muskegon, Mich.)*: In the caption delete "(Springfield, Ill., to Muskegon, Mich.)" and substitute therefor "(Bangor, Mich., to Muskegon, Mich.)."

3. Section 601.4606 *Blue Federal airway No. 6 (Springfield, Ill., to Muskegon, Mich.)*: In the caption delete "(Springfield, Ill., to Muskegon, Mich.)" and substitute therefor "(Bangor, Mich., to Muskegon, Mich.)."

These amendments shall become effective 0001 e.s.t. November 19, 1959.

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

Issued in Washington, D.C., on September 22, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of
Air Traffic Management.

[F.R. Doc. 59-8079; Filed, Sept. 28, 1959; 8:46 a.m.]

[Airspace Docket No. 59-WA-198]

[Amdt. 49]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 53]

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

Revocation of Federal Airway, Associated Control Areas and Designated Reporting Points

The purpose of these amendments to Parts 600 and 601 of the regulations of the Administrator is to revoke Red Federal airway No. 67 from Crestview, Fla., to Columbus, Ga., together with its associated control areas and designated reporting points.

Red Federal airway No. 67 presently extends from Crestview, Fla., to Columbus, Ga. An IFR Airway Traffic Peak-Day Survey for each half of the calendar year 1958, shows aircraft movements as three and four, respectively, for the segment of this airway from Crestview to Dothan, Ala., and one and one, respectively, for the segment from Dothan to Columbus. On the basis of this survey, it appears that the retention of this airway, and its associated control areas, is unjustified as an assignment of airspace and that revocation thereof will be in the public interest. Coincident with this action, the section relating to the reporting points for this airway will be revoked.

This action has been coordinated with the Army, the Navy, and the Air Force, and interested civil aviation organizations. Accordingly, compliance with the Notice, and public procedure provisions of section 4 of the Administrative Procedure Act have, in effect, been complied with. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

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

1. Section 600.267 *Red Federal airway No. 67 (Crestview, Fla., to Columbus, Ga.)*, is revoked.

2. Section 601.267 *Red Federal airway No. 67 control areas (Crestview, Fla., to Columbus, Ga.)*, is revoked.

3. Section 601.4267 *Red Federal airway No. 67 (Crestview, Fla., to Atlanta, Ga.)*, is revoked.

These amendments shall be effective 0001 e.s.t. November 19, 1959.

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

Issued in Washington, D.C., on September 22, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of
Air Traffic Management.

[F.R. Doc. 59-8082; Filed, Sept. 28, 1959; 8:47 a.m.]

[Airspace Docket No. 59-WA-50]

[Amdt. 45]

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

Establishment of Control Zone

On August 1, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 6203) stating that the Federal Aviation Agency was considering an amendment to Part 601 of the regulations of the Administrator that would establish a control zone within a five mile radius of the Municipal Airport, Athens, Ga., with extensions to the east and southwest.

As stated in the notice, approximately one hundred instrument approaches were recorded in calendar year 1958. Presently no control zone is designated at this location. VOR instrument approach procedures presently exist for runways two and twenty-seven at Athens, Ga., Municipal Airport. These procedures are based on the Athens VOR located on the airport. On the basis of this information it appeared desirable to establish a control zone within a five mile radius of the airport, with extensions to the east and southwest. This would provide controlled airspace for aircraft conducting instrument approaches to the airport.

No adverse comments were received regarding this 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) Part 601 (14 CFR, 1958, supp., Part 601) is amended by adding the following section:

§ 601.2452 Athens, Ga., control zone.

Within a five-mile radius of Athens, Ga., airport; within two miles either side of the 073° radial of the Athens, Ga., VOR extending from the VOR to a point 12 miles east; within two miles either side of the 194° radial of the Athens, Ga., VOR, extending from the VOR to a point 12 miles southwest.

This amendment shall become effective 0001 e.s.t. November 19, 1959.

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

Issued in Washington, D.C., on September 22, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of
Air Traffic Management.

[F.R. Doc. 59-8075; Filed, Sept. 28, 1959; 8:46 a.m.]

[Airspace Docket No. 59-LA-161]

[Amdt. 40]

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

Modification of Control Zone

The purpose of this amendment is to modify the Colorado Springs, Colo., control zone for aircraft arriving and departing the Peterson Municipal Airport, by revoking § 601.2045 and amending § 601.1984.

The control zone at Colorado Springs, Colo., is presently designated as within a five mile radius of Peterson Municipal Airport and within two miles either side of a line bearing 180° True to a point fifteen miles south of the airport. The instrument approach procedures for Peterson Municipal Airport, which are from the south, prohibit aircraft from descending below one thousand feet above the terrain until inbound and past the outer marker of the instrument landing system for the airport. The outer marker is located at the edge of the five mile radius zone. A portion of Amber Federal airway No. 3, and its associated control areas completely overlies the southerly extension of the control zone. Thus even without the extension, aircraft utilizing the instrument approach procedures for the airport would be within controlled airspace. It appears, therefore, that a control zone extension beyond the five mile radius of the airport is unnecessary for the safety of aircraft. Accordingly, it further appears the retention of the extension to the south is not justified as an assignment of airspace, and the revocation thereof would be in the public interest. If such action is taken the Colorado Springs, Colo., control zone would include only that airspace within a five mile radius of Peterson Municipal Airport.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) §§ 601.2045 and 601.1984 (14 CFR, 1958 Supp., 601.2045, 601.1984) are amended as follows:

1. Section 601.2045 *Colorado Springs, Colo., control zone*, is revoked.

2. In § 601.1984 *Five-mile radius zones*, add, "Colorado Springs, Colo.: Peterson Municipal Airport."

This amendment shall become effective 0001 e.s.t. November 19, 1959.

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

Issued in Washington, D.C., on September 22, 1959.

GEORGE S. CASSADY,
*Acting Director, Bureau of
Air Traffic Management.*

[F.R. Doc. 59-8078; Filed, Sept. 28, 1959;
8:46 a.m.]

[Airspace Docket No. 59-WA-49]

[Amdt. 44]

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

Establishment of Control Zone

On August 1, 1959, a Notice of Proposed Rule-Making was published in the FEDERAL REGISTER (24 F.R. 6203) stating that the Federal Aviation Agency was considering an amendment to Part 601 of the regulations of the Administrator that would establish a control zone within a five-mile radius of the Municipal Airport, Anniston, Ala., with an extension to the southwest.

As stated in the notice, no control zone is designated at this location. A scheduled air carrier has recently inaugurated service into Anniston, consisting of two flights daily. An ADF Standard Instrument Approach Procedure has been established to provide approaches to the Municipal Airport, Anniston, Ala., to be effective October 17, 1959. The procedure is based on the Anniston Radio Beacon located on the airport. On the basis of this information, it appeared desirable to establish a control zone to provide controlled airspace for aircraft conducting instrument approaches to this airport by designating a control zone within a five mile radius of the airport, with an extension to the southwest.

It should be noted that the action proposed in the Notice incorrectly described the extension to the southwest as 10 miles. This is not sufficient controlled airspace in which to perform the instrument approach procedure, therefore, the control zone extension will extend 12 miles.

Written comments concerning the proposed amendment were generally favorable, except for one. The Department of the Army objected to the control zone because the five-mile radius overlapped the Fort McClelland Restricted Area R-130. The control zone will be designated within a five-mile radius of the Anniston Municipal Airport excluding the portion which overlaps Restricted Area R-130.

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) Part 601 (14 CFR, 1958 Supp., Part 601) is amended by adding the following section:

§ 601.2385 Anniston, Ala., control zone.

Within a five-mile radius of the Anniston, Ala., Municipal Airport, excluding the portion which overlaps restricted area (R-130) and within two miles either side of a line bearing 232° extending from Anniston, Ala., RBN to a point 12 miles southwest.

This amendment shall become effective 0001 e.s.t., November 19, 1959.

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

Issued in Washington, D.C., on September 22, 1959.

GEORGE S. CASSADY,
*Acting Director, Bureau of
Air Traffic Management.*

[F.R. Doc. 59-8080; Filed, Sept. 28, 1959;
8:46 a.m.]

[Airspace Docket No. 59-WA-57]

[Amdt. 49]

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

Establishment of Control Zone

On August 1, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 6203) stating that the Federal Aviation Agency was considering an amendment to Part 601 of the regulations of the Administrator that would establish a control zone within a three-mile radius of the Fullerton, Calif., Airport, excluding that portion which would overlie the Long Beach, Calif., control zone.

As stated in the notice, the Fullerton Airport is in a high density air traffic area and is located in close proximity to the Long Beach Airport, Long Beach, Calif., and the Naval Air Station, Los Alamitos, Calif. Presently no control zone is designated for this airport. In order to effectively control air traffic in this complex, it appeared desirable to designate a control zone within a three-mile radius of the Fullerton, Calif., Airport, excluding that portion which would overlap the Long Beach, Calif., control zone.

Written comment concerning the proposed amendment was generally favorable. While the U.S. Navy did not object to the amendment, they did express concern over the possibility that their operation into Los Alamitos NAS may be curtailed by Fullerton Airport opera-

tions under weather conditions of less than VFR. The Federal Aviation Agency feels that the procedures for control of air traffic in the Long Beach, Los Alamitos, Fullerton complex will continue to assure equitable handling of Los Alamitos traffic after the Fullerton control zone is established.

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) Part 601 (14 CFR, 1958 Supp., Part 601) is amended by adding the following section:

§ 601.2458 Fullerton, Calif., control zone.

Within a three-mile radius of the Fullerton, Calif., Airport; excluding that portion which overlaps the Long Beach, Calif., control zone.

This amendment shall become effective 0001 e.s.t. November 19, 1959.

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

Issued in Washington, D.C., on September 22, 1959.

GEORGE S. CASSADY,
*Acting Director, Bureau of
Air Traffic Management.*

[F.R. Doc. 59-8081; Filed, Sept. 28, 1959;
8:46 a.m.]

Title 29—LABOR

Chapter IV—Bureau of Labor-Management Reports, Department of Labor

PART 401—MEANING OF TERMS USED IN THIS CHAPTER

PART 408—LABOR ORGANIZATION TRUSTEESHIP REPORTS

Section 301(a) of the Labor-Management Reporting and Disclosure Act of 1959 (Public Law 86-257; 73 Stat. 519), requires that every labor organization, which has or assumes trusteeship over any subordinate labor organization, shall file reports with the Secretary of Labor, signed by its President and Treasurer or corresponding principal officers, and by the trustees of such subordinate labor organization, containing specified information, including financial condition, relating to the trusteeship and its antecedents.

Section 301(b) of the Act incorporates and renders applicable the provisions of its section 208, which authorizes the Secretary, among other things, to prescribe the form and publication of the reports required to be filed by section 301(a).

The regulation hereinafter provided is designed to carry out these statutory provisions with respect to the filing and publication of the reports required by section 301(a). There is also provided an antecedent regulation containing the meaning of terms used in regulations

under this chapter, including the reporting regulation above mentioned.

Therefore, pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 1003), and under authority of section 301(a), (b) and section 208 of the Labor-Management Reporting and Disclosure Act of 1959 (Public Law 86-257; 73 Stat. 519), and R.S. 161 (5 U.S.C. 22), Title 29, Code of Federal Regulations is hereby amended by adding a new Chapter IV to read as follows:

Sec.	
401.1	Commerce.
401.2	State.
401.3	Industry affecting commerce.
401.4	Person.
401.5	Employer.
401.6	Employee.
401.7	Labor dispute.
401.8	Trusteeship.
401.9	Labor organization.
401.10	Labor organization engaged in an industry affecting commerce.
401.11	Secret ballot.
401.12	Trust in which a labor organization is interested.
401.13	Labor relations consultant.
401.14	Officer.
401.15	Member or member in good standing.
401.16	Secretary.
401.17	Act.
401.18	Bureau.

AUTHORITY: §§ 401.1 to 401.18 issued under secs. 208, 401(i), 402(b), 73 Stat. 519, and R.S. 161, 5 U.S.C. 22.

§ 401.1 Commerce.

"Commerce" means trade, traffic, commerce, transportation, transmission, or communication among the several States or between any State and any place outside thereof.

§ 401.2 State.

"State" includes any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act (43 U.S.C. 1331-1343).

§ 401.3 Industry affecting commerce.

"Industry affecting commerce" means any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce and includes any activity or industry "affecting commerce" within the meaning of the Labor Management Relations Act, 1947, as amended, or the Railway Labor Act, as amended.

§ 401.4 Person.

"Person" includes one or more individuals, labor organizations, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, or receivers.

§ 401.5 Employer.

"Employer" means any employer or any group or association of employers engaged in an industry affecting commerce (a) which is, with respect to employees engaged in an industry affecting commerce, an employer within the meaning of any law of the United States

relating to the employment of any employees or (b) which may deal with any labor organization concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work, and includes any person acting directly or indirectly as an employer or as an agent of an employer in relation to an employee but does not include the United States or any corporation wholly owned by the Government of the United States or any State or political subdivision thereof.

§ 401.6 Employee.

"Employee" means any individual employed by an employer, and includes any individual whose work has ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practice or because of exclusion or expulsion from a labor organization in any manner or for any reason inconsistent with the requirements of this Act.

§ 401.7 Labor dispute.

"Labor dispute" includes any controversy concerning terms, tenure, or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee.

§ 401.8 Trusteeship.

"Trusteeship" means any receivership, trusteeship, or other method of supervision or control whereby a labor organization suspends the autonomy otherwise available to a subordinate body under its constitution or bylaws.

§ 401.9 Labor organization.

"Labor organization" means a labor organization engaged in an industry affecting commerce and includes any organization of any kind, any agency, or employee representation committee, group, association, or plan so engaged in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment, and any conference, general committee, joint or system board, or joint council so engaged which is subordinate to a national or international labor organization, other than a State or local central body.

§ 401.10 Labor organization engaged in an industry affecting commerce.

A labor organization shall be deemed to be engaged in an industry affecting commerce if it—

(a) Is the certified representative of employees under the provisions of the National Labor Relations Act, as amended, or the Railway Labor Act, as amended; or

(b) Although not certified, is a national or international labor organization or a local labor organization recognized or acting as the representative of employees of an employer or em-

ployers engaged in an industry affecting commerce; or

(c) Has chartered a local labor organization or subsidiary body which is representing or actively seeking to represent employees of employers within the meaning of paragraph (a) or (b) of this section; or

(d) Has been chartered by a labor organization representing or actively seeking to represent employees within the meaning of paragraph (a) or (b) of this section as the local or subordinate body through which such employees may enjoy membership or become affiliated with such labor organization; or

(e) Is a conference, general committee, joint or system board, or joint council, subordinate to a national or international labor organization, which includes a labor organization engaged in an industry affecting commerce within the meaning of any of the preceding paragraphs of this section, other than a State or local central body.

§ 401.11 Secret ballot.

"Secret ballot" means the expression by ballot, voting machine, or otherwise, but in no event by proxy, of a choice with respect to any election or vote taken upon any matter, which is cast in such a manner that the person expressing such choice cannot be identified with the choice expressed.

§ 401.12 Trust in which a labor organization is interested.

"Trust in which a labor organization is interested" means a trust or other fund or organization (a) which was created or established by a labor organization, or one or more of the trustees or one or more members of the governing body of which is selected or appointed by a labor organization, and (b) a primary purpose of which is to provide benefits for the members of such labor organization or their beneficiaries.

§ 401.13 Labor relations consultant.

"Labor relations consultant" means any person who, for compensation, advises or represents an employer, employer organization, or labor organization concerning employee organizing, concerted activities, or collective bargaining activities.

§ 401.14 Officer.

"Officer" means any constitutional officer, any person authorized to perform the functions of president, vice president, secretary, treasurer, or other executive functions of a labor organization, and any member of its executive board or similar governing body.

§ 401.15 Member or member in good standing.

"Member" or "member in good standing", when used in reference to a labor organization, includes any person who has fulfilled the requirements for membership in such organization, and who neither has voluntarily withdrawn from membership nor has been expelled or suspended from membership after appropriate proceedings consistent with lawful provisions of the constitution and bylaws of such organization,

§ 401.16 Secretary.

"Secretary" means the Secretary of Labor.

§ 401.17 Act.

"Act" means the Labor-Management Reporting and Disclosure Act of 1959.

§ 401.18 Bureau.

"Bureau" means the Bureau of Labor-Management Reports, United States Department of Labor.

- Sec.
- 408.1 Initial trusteeship report.
 - 408.2 Semiannual trusteeship report.
 - 408.3 Annual trusteeship financial report.
 - 408.4 Personal responsibility of signatories of reports.
 - 408.5 Maintenance and retention of records.
 - 408.6 Dissemination and verification of reports.
 - 408.7 Attorney-client communications exempted.
 - 408.8 Report of officers and employees of labor organizations.
 - 408.9 Publication of reports required by this part.

AUTHORITY: §§ 208, 301 (a), (b), Pub. Law 86-257, 73 Stat. 519; R.S. 161, 5 U.S.C. 22.

§ 408.1 Initial trusteeship report.

Every labor organization which has or assumes trusteeship over any subordinate labor organization shall file with the Commissioner, Bureau of Labor-Management Reports, United States Department of Labor, Washington 25, D.C., within 30 days after September 14, 1959, or the imposition of any such trusteeship, whichever is later, a report signed by its President and Treasurer, or corresponding principal officers, as well as by the trustees of such subordinate labor organization containing the following information:

- (a) The name and address of the subordinate organization;
- (b) The date on which the trusteeship was established;
- (c) A detailed statement of the reason or reasons for establishing or continuing the trusteeship;
- (d) The nature and extent of participation by the membership of the subordinate organization in the selection of delegates to represent such organization in regular or special conventions and other policy-determining bodies and in the election of officers of the labor organization which has assumed trusteeship over such subordinate organization; and
- (e) A full and complete account of the financial condition of such subordinate organization as of the time trusteeship was assumed over it.

If a statement of the financial condition of the subordinate organization was prepared as of the time of the assumption of the trusteeship, based upon a comprehensive audit conducted in accordance with accepted standards of auditing, and certified to by an independent certified or licensed public accountant, it may be submitted in lieu of the foregoing account of the financial condition of such organization provided only that the statement is in sufficient detail to present a full and complete account of the finan-

cial condition of the subordinate organization as of the time the trusteeship was assumed over it.

§ 408.2 Semiannual trusteeship report.

Every labor organization required to file an initial report under section 301(a) of the Act and § 408.1, thereafter during the continuance of trusteeship over the subordinate labor organization, shall file with the said Bureau semiannually, and not later than six months after the due date of the initial trusteeship report, a semiannual trusteeship report containing the information required by section 301(a) of the Act and § 408.1, except for the information required by paragraph (e) of this section of each relating to the financial condition of the subordinate organization as of the time trusteeship was assumed over it.

§ 408.3 Annual trusteeship financial report.

During the continuance of a trusteeship, the labor organization which has assumed trusteeship over a subordinate labor organization, shall file with the said Bureau on behalf of the subordinate labor organization the annual financial report required by section 201(b) of the Act and part 403 of this chapter, signed by the President and Treasurer or corresponding principal officers of the labor organization which has assumed such trusteeship, and the trustees of the subordinate labor organization.

§ 408.4 Personal responsibility of signatories of reports.

Each individual required to sign a report under section 301(a) of the Act and under this part shall be personally responsible for the filing of such report and for any statement contained therein which he knows to be false.

§ 408.5 Maintenance and retention of records.

Every person required to file any report under this part shall maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Bureau may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions, and shall keep such records available for examination for a period of not less than five years after the filing of the documents based on the information which they contain.

§ 408.6 Dissemination and verification of reports.

Every labor organization required to submit a report under section 301(a) of the Act and under this part shall make available the information required to be contained in such report to all of its members, and every such labor organization and its officers shall be under a duty to permit such member for just cause to examine any books, records, and accounts necessary to verify such report.

§ 408.7 Attorney-client communications exempted.

Nothing contained in this part shall be construed to require an attorney who

is a member in good standing of the bar of any State, to include in any report required to be filed pursuant to the provisions of section 301(a) of the Act and of this part any information which was lawfully communicated to such attorney by any of his clients in the course of a legitimate attorney-client relationship.

§ 408.8 Report of officers and employees of labor organizations.

Each trustee of a subordinate labor organization, authorized to perform, or otherwise performing, executive functions of such organization, shall file with the Bureau a report containing the information required by section 202 of the Act and Part 404 of this chapter, except as otherwise therein provided.

§ 408.9 Publication of reports required by this part.

Inspection and examination of any report or other document filed as required by section 301(a) of the Act and of the provisions of this part, and the furnishing by the Bureau of copies thereof to any person requesting them, shall be governed by the provisions of Part 407 of this chapter.

Since the form and publication of the reports prescribed in this part follow the form and publication requirements of section 301 of the Act, the remaining regulations only declaring provisions of the Act applicable to trusteeships, and, it appearing that the initial reports of a substantial number of trusteeships in being as of the enactment of the Act are required to be filed not later than October 14, 1959, I find that notice, public procedure thereon and delayed effective date, otherwise required by section 4 of the Administrative Procedure Act (5 U.S.C. 1003), are unnecessary and impractical, and good cause therefor existing, the regulations in this part, as authorized by the Administrative Procedure Act, are made effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 24th day of September 1959.

JAMES P. MITCHELL,
Secretary of Labor.

[F.R. Doc. 59-8161; Filed, Sept. 25, 1959; 4:39 p.m.]

**Title 43—PUBLIC LANDS:
INTERIOR**

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1989]

[77771]

CALIFORNIA

- Power Site Cancellation No. 139;
- Power Site Restoration No. 539;
- Opening Lands From Power Withdrawals; Power Projects 249, 334, and 864; Power Site Reserves 87, 261, and 268; Power Site Classification 389

1. In determinations hereinafter described, the Federal Power Commission

vacated certain power withdrawals created by the filing of applications for preliminary permit or license under section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, as follows:

a. In DA-903 issued April 27, 1956, Project No. 864 of January 3, 1928, so far as it affects the following described lands:

MOUNT DIABLO MERIDIAN

T. 20 N., R. 6 E.,
Sec. 6, E $\frac{1}{2}$ SE $\frac{1}{4}$.

b. In DA-926 issued June 21, 1957, Projects No. 249 of April 19, 1923, and 864 of January 3, 1928, so far as they affect the following described lands:

T. 20 N., R. 6 E.,
Sec. 4, lots 1, 2, 3, 4, S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$.

c. In DA-927 issued November 8, 1957, Project No. 334 of August 2, 1922, so far as it effects the following-described lands:

T. 13 N., R. 9 E.,
Sec. 11, N $\frac{1}{2}$, S $\frac{1}{2}$ SW $\frac{1}{4}$.

2. In DA-940 issued November 12, 1957, the Federal Power Commission determined that the value of the following-described lands in Power Site Reserves Nos. 87 and 261 would not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act:

T. 6 N., R. 13 E.,
Sec. 22, NW $\frac{1}{4}$.

3. By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141) and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority contained in section 1 of the act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as Secretary of the Interior, it is ordered as follows:

a. The Executive order of April 29, 1912, creating Power Site Reserve No. 268 is hereby revoked so far as it effects the following-described lands (DA-927):

T. 13 N., R. 9 E.,
Sec. 11, NW $\frac{1}{4}$, S $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 15, NE $\frac{1}{4}$, and SW $\frac{1}{4}$.

The NW $\frac{1}{4}$ of section 11 and the lands in section 15 have been patented.

b. Power Site Classification No. 389 of October 22, 1947 is hereby cancelled so far as it affects the following-described lands (DA-930):

T. 1 N., R. 13 N.,
Sec. 28, N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$.

The areas described in this order aggregate approximately 1114.40 acres.

4. Subject to any valid existing rights, to the provisions of existing withdrawals, and to the requirements of applicable law, the lands are hereby opened to filing of applications, selection, and locations in accordance with the following: those lands described in paragraph 2 of this order being opened subject to the provisions of section 24 of the Federal Power Act:

a. Applications and selections under the nonmineral public land laws and the

regulations in 43 CFR will be received at once by the Manager named below. Preferences in the consideration of such applications will be recognized as follows:

(1) Applications under the homestead, desert land and small tract laws by veterans of World War II and the Korean Conflict, and by others claiming preference under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279-284) as amended, filed at or before 10:00 a.m. on October 29, 1959, shall be considered as simultaneously filed at that time. Rights under such preference right applications after that hour and before 10:00 a.m. on January 28, 1960, will be governed by the time of filing.

(2) All valid applications under the nonmineral public land laws other than those coming under subparagraph (1) above, presented prior to 10:00 a.m. on January 28, 1960, will be considered as simultaneously filed at that hour. Any rights under such applications filed thereafter will be governed by the time of filing.

(3) All applications under paragraph 4 shall be subject to those from persons having prior existing valid settlement rights, preference rights conferred by existing law, and equitable claims subject to allowance and confirmation.

5. Persons claiming preference rights must submit evidence of their entitlement.

6. The lands have been open to applications and offers under the mineral leasing laws and to location under the United States mining laws, pursuant to the act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

7. The State of California has waived its preference rights of application and selection under the act of August 27, 1958, and under section 24 of the Federal Power Act.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, California Fruit Building, Sacramento, California.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 23, 1959.

[F.R. Doc. 59-8093; Filed, Sept. 28, 1959; 8:48 a.m.]

[Public Land Order 1990]

[Nevada 046499]

NEVADA

Revoking Air Navigation Site
Withdrawal No. 204

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. The departmental order of May 11, 1943, reserving the following-described lands for use of the Department of Commerce in the maintenance of air navigation facilities, is hereby revoked:

MOUNT DIABLO MERIDIAN

T. 8 S., R. 43 E., unsurveyed
Sec. 29, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 30, SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 31, E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
Sec. 32, NW $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$.
T. 9 S., R. 43 E., unsurveyed
Sec. 5, N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 6, N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$.

The areas described aggregate 640 acres.

2. The land is located approximately 30 miles south of Goldfield, Nevada, in the eastern portion of Esmeralda County. Topography is generally flat to undulating and elevation is approximately 4,500 feet above sea level. Soils are poorly developed and infertile.

3. This order shall not become effective to change the status of the lands described until 10:00 a.m. on October 29, 1959. At that time, they shall be open to filing of such applications, petitions, locations, and selections under the applicable nonmineral public land laws as are permitted on unsurveyed lands, subject to valid existing rights, the requirements of applicable laws, and the 91-day preference right filing period under the Small Tract Laws for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279-284), as amended.

4. The lands shall be open to applications and offers under the mineral leasing laws and to location under the United States mining laws beginning at 10:00 a.m. on January 28, 1960.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nevada.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 23, 1959.

[F.R. Doc. 59-8094; Filed, Sept. 28, 1959; 8:48 a.m.]

[Public Land Order 1991]

[49552]

NEVADA

Withdrawing Public Lands for Department of the Air Force (Stead Air Force Base) Revoking Air Navigation Site Withdrawal No. 263

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral leasing laws but not disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, and reserved for use of the Department of the Air Force in the maintenance of air navigation facilities in connection with Stead Air Force Base:

MOUNT DIABLO MERIDIAN

T. 20 N., R. 18 E.,
Sec. 2, E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, and W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$.
T. 21 N., R. 18 E.,
Sec. 22, E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, and W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 26, SW $\frac{1}{4}$ SW $\frac{1}{4}$ (except patented portion in MS No. 4394).

T. 20 N., R. 19 E.,
 Sec. 18, NW $\frac{1}{4}$ NE $\frac{1}{4}$.
 T. 21 N., R. 19 E.,
 Sec. 24, SE $\frac{1}{4}$ SW $\frac{1}{4}$.

The areas described aggregate 189.63 acres.

2. The Bureau of Land Management order of August 21, 1950, which withdrew the following-described public lands for use of the Department of the Army for aviation purposes, as an Air Navigation Site Withdrawal No. 263, is hereby revoked:

MOUNT DIABLO MERIDIAN

T. 21 N., R. 18 E.,
 Sec. 10, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 22, SE $\frac{1}{4}$ SW $\frac{1}{4}$.
 T. 20 N., R. 19 E.,
 Sec. 2, SE $\frac{1}{4}$ NW $\frac{1}{4}$.
 T. 21 N., R. 19 E.,
 Sec. 24, SE $\frac{1}{4}$ SW $\frac{1}{4}$.

The areas described aggregate 160 acres.

3. Subject to any valid existing rights and the requirements of applicable law, the lands released from withdrawal by paragraph 2 of this order and not included in paragraph 1, are hereby opened to filing of applications, selections and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and the regulations in 43 CFR will be received at once by the Manager named below. Preferences in the consideration of such applications will be recognized as follows:

(1) Until 10:00 a.m. on March 23, 1960, the State of Nevada shall have a preferred right of application to select the released lands in accordance with and subject to the provisions of subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851-2), and the regulations in 43 CFR.

(2) Applications under the homestead, desert land and small tract laws by veterans of World War II and the Korean Conflict, and by others claiming preference under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279-284) as amended, filed at or before 10:00 a.m. on October 29, 1959, shall be considered as simultaneously filed at that time. Rights under such preference right applications after that hour and before 10:00 a.m. on December 24, 1959, will be governed by the time of filing.

(3) All valid applications under the nonmineral public land laws other than those coming under subparagraphs (1) and (2) above, presented prior to 10:00 a.m. on December 24, 1959, will be considered as simultaneously filed at that hour. Any rights under such applications filed thereafter will be governed by the time of filing.

b. The released lands will be open to applications and offers under the mineral leasing laws, and to location under the United States mining laws, at 10:00 a.m. on March 23, 1960. Locations made prior to that time shall be invalid.

4. All applications under paragraph 3 shall be subject to those from persons having prior existing valid settlement rights, preference rights conferred by existing law, and equitable claims subject to allowance and confirmation.

5. Persons claiming preference rights must submit evidence of their entitlement.

Inquiries concerning the released lands should be addressed to the Manager of the Land Office, Bureau of Land Management, Reno, Nevada.

ROGER ERNST,

Assistant Secretary of the Interior.

SEPTEMBER 23, 1959.

[F.R. Doc. 59-8095; Filed, Sept. 28, 1959; 8:48 a.m.]

[Public Land Order 1992]

[Idaho 08955]

IDAHO

Withdrawing Lands for Reclamation Purposes (Guffey Reservoir, Mountain Home Division, Snake River Project)

By virtue of the authority vested in the Secretary of the Interior by section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

Subject to valid existing rights and to existing withdrawals for power purposes, the following described public lands in Idaho are hereby withdrawn in the first form from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, and reserved for use of the Bureau of Reclamation, Department of the Interior, for reclamation purposes in connection with the Mountain Home Division, Snake River Project, Idaho:

BOISE MERIDIAN

T. 2 S., R. 1 E.,
 Sec. 18, Lots 2, 3, 4, 7, NW $\frac{1}{4}$ NE $\frac{1}{4}$, and SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 19, Lot 15;
 Sec. 30, Lots 2, 7, 10, and 15;
 Sec. 31, Lots 2, 7, 10, 13, 14, 15, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$.
 T. 3 S., R. 1 E.,
 Sec. 6, Lots 3, 4, 5, 8, 11, and SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 7, Lot 1, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 8, Lots 2, 3, 6, 7, NW $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 17, Lots 1, 2, 3, SW $\frac{1}{4}$ NE $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 21, Lots 1, 2, and E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 22, Lots 3, 8, 9 and SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 26, Lots 3, 6, and 7;
 Sec. 27, Lots 1, 2, 3, NW $\frac{1}{4}$ NE $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 34, NE $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 35, Lots 2, 3, and 4.
 T. 3 S., R. 2 E.,
 Sec. 31, Lots 2, 3, 6, NW $\frac{1}{4}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$.
 T. 4 S., R. 2 E.,
 Sec. 5, Lot 4;
 Sec. 6, Lots 2, 5, 6, 9, and SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 8, Lots 2, 4, and SW $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 9, Lots 5, 6, 7, and 8;
 Sec. 10, Lots 3, 4, 7, 8, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 15, N $\frac{1}{2}$ NE $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$.
 T. 4 S., R. 3 E.,
 Sec. 31, Lots 1, 2, and 3.
 T. 5 S., R. 3 E.,
 Sec. 4, Lot 5;
 Sec. 9, Lots 1, 4, and NE $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 1 S., R. 1 W.,
 Sec. 31, Lots 1, 2, 3, 4, 5, 6, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 32, Lots 2, 3, 4, 5, 6, 7, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, and S $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 33, Lots 1, 2, 5, 6, 7, 8, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, and S $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 34, Lots 5, 6, 7, 8, S $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
 Sec. 35, Lots 2, 5, 6, 7, 8, NW $\frac{1}{4}$ SW $\frac{1}{4}$, and S $\frac{1}{2}$ SW $\frac{1}{4}$.
 T. 2 S., R. 1 W.,
 Sec. 1, Lots 2, 3, 6, 8, 9, 12, 13, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and W $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 2, Lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 5, Lots 2, 3, 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, and S $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 6, Lots 1, 2, 3, 4, 5, 6, and SE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 12, Lots 1, 2, 4, 6, 9, 10, W $\frac{1}{2}$ W $\frac{1}{2}$, and SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 13, Lots 1, 2, and NW $\frac{1}{4}$ NE $\frac{1}{4}$.
 T. 1 S., R. 2 W.,
 Sec. 25, Lot 1, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 26, Lots 1, 2, N $\frac{1}{2}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 27, Lots 3, 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 28, Lots 6, 7, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 33, E $\frac{1}{2}$ NE $\frac{1}{4}$;
 Sec. 34, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 35, SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$.
 T. 2 S., R. 2 W.,
 Sec. 1, Lot 1;
 Sec. 2, Lot 4.

The areas described aggregate 8,388.42 acres.

ROGER ERNST,

Assistant Secretary of the Interior.

SEPTEMBER 23, 1959.

[F.R. Doc. 59-8096; Filed, Sept. 28, 1959; 8:48 a.m.]

[Public Land Order 1993]

[Fairbanks 023018]

ALASKA

Withdrawing Lands for Flood Control Purposes and for Protection of Elliott Highway

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, and upon request of the Bureau of Public Roads, Department of Commerce, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws nor disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, and reserved under jurisdiction of the Secretary of the Interior for the protection of the Elliott Highway:

FAIRBANKS MERIDIAN

T. 3 N., R. 1 W.,
 Unsurveyed;
 Sec. 14, NW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, those portions lying north-east of the Elliott Highway and southeast of the Chatanika River.

Containing approximately 60 acres.

The Bureau of Land Management, Department of the Interior, may issue

leases or permits for the surface use of the lands, conduct sales of mineral and vegetative materials thereon, and otherwise administer the lands, provided that all documents authorizing such disposals or use of the lands shall contain provisions designed to safeguard the Elliott Highway from damage by flooding or other causes as may be recommended or approved by the Bureau of Public Roads.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 23, 1959.

[F.R. Doc. 59-8097; Filed, Sept. 28, 1959;
8:48 a.m.]

Title 45—PUBLIC WELFARE

Chapter V—Foreign Claims Settlement Commission of the United States

SUBCHAPTER C—RECEIPT, ADMINISTRATION AND PAYMENT OF CLAIMS UNDER THE INTERNATIONAL CLAIMS SETTLEMENT ACT OF 1949, AS AMENDED

PART 531—FILING OF CLAIMS AND PROCEDURES THEREFOR

Procedure for Determination of Claims; Hearings

1. In § 531.5, paragraphs (c), (g) and (j) (1) are amended, and new paragraphs (k) and (l) are added, as follows:

§ 531.5 Procedure for determination of claims.

(c) Such proposed decision shall be delivered to the claimant or his attorney of record in person or by mail. Delivery by mail shall be deemed completed 5 days after the mailing of such proposed decision addressed to the last known address of the claimant or his attorney of record. One copy of the proposed decision shall be available for public inspection at the office of the Commission. Notice of proposed decision shall be posted on the bulletin board at the office of the Commission on the day of its issuance and for 20 days thereafter.

(g) Upon the expiration of 20 days after such service or receipt of notice, if no objection under this section has in the meantime been filed, such proposed decision shall, without further order or decision of the Commission, become the Commission's final determination and decision on the claim.

(j) (1) In case a claimant dies prior to the issuance of a final decision or prior to the date on which the proposed decision becomes the Commission's final decision on the claim, his legal representative shall notify the Commission immediately of such death, and shall promptly file proof of his capacity. Thereupon the legal representative shall be substituted as party claimant. However, upon failure to comply with the foregoing, the Commission may issue its decision in the name of the estate, and in the case of an award, certify the award

so issued to the Secretary of the Treasury for payment, as provided by the Act.

(k) After the date of filing with the Commission, no claim shall be amended to reflect the assignment thereof by the claimant to any other person or entity.

(l) At any time after a final decision has been issued on a claim, or a proposed decision has become the final decision on a claim, but not later than 30 days before the statutory date for the completion of the Commission's affairs in connection with such claim, a petition to reopen on the ground of newly discovered evidence may be filed. No such petition shall be entertained unless it appears therein that the newly discovered evidence came to the knowledge of the party filing the petition subsequent to the date of issuance of the final decision or the date on which the proposed decision became the final decision; that it was not for want of due diligence that such evidence did not come sooner to his knowledge; and that the evidence is material, and not merely cumulative, and that reconsideration of the matter on the basis of such evidence would produce a different decision. Such petition shall include a statement of the facts which the petitioner expects to prove, the name and address of each witness, the identity of documents, and the reasons for failure to make earlier submission of the evidence.

2. Paragraph (a) of § 531.6 is amended to read as follows:

§ 531.6 Hearings.

(a) Hearings, whether upon the Commission's own motion or upon request of claimant, shall be held upon not less than fifteen days' notice of the time and place thereof.

These amendments shall become effective as of the date of filing with the FEDERAL REGISTER.

(Sec. 3, 64 Stat. 13, as amended; 22 U.S.C. 1622)

WHITNEY GILLILLAND,
Chairman, Foreign Claims Settlement Commission of the United States.

[F.R. Doc. 59-8111; Filed, Sept. 28, 1959;
8:51 a.m.]

Title 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

SUBCHAPTER C—REGULATIONS AFFECTING SUBSIDIZED VESSELS AND OPERATORS

[Gen. Order 11, Amdt. 1]

PART 251—APPLICATION FOR SUBSIDIES AND OTHER DIRECT FINANCIAL AID (CONSTRUCTION)

Applications for Construction-Differential Subsidy

Effective upon publication in the FEDERAL REGISTER the heading of this part is changed to read as set forth above and § 251.1(a) is amended to read as follows:

§ 251.1 Applications for construction-differential subsidy under Title V, Merchant Marine Act, 1936, as amended.

(a) Applications under section 501 of the Act for subsidy to aid in the construction of new vessels or the reconstruction of existing vessels, to be operated in the foreign commerce of the United States, shall be filed on Form FMB-8 in accordance with the instructions annexed thereto.

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

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

Copies of the form referred to herein may be obtained on request from the Secretary, Federal Maritime Board, Washington 25, D.C.

Dated: September 23, 1959.

By order of the Federal Maritime Board.

[SEAL] JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59-8106; Filed, Sept. 28, 1959;
8:50 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART I—PRACTICE AND PROCEDURE

PART 17—CONSTRUCTION, MARKING, AND LIGHTING OF ANTENNA STRUCTURES

Application for Civil Air Patrol Radio Station Authorization

At a session of the Federal Communications Commission held in its offices in Washington, D.C., on the 23d day of September 1959;

The Commission having under consideration the adoption of a revised application form (FCC Form 480) for Civil Air Patrol Radio Station Authorization, and amendment of Part I—Practice and Procedure, and Part 17—Construction, Marking and Lighting of Antenna Towers and Supporting Structures; and

It appearing that the adoption of revised FCC Form 480 will result in a more efficient and consolidated form; and

It further appearing that concurrent with the adoption of revised FCC Form 480, Parts 1 and 17 of the Commission's rules should be amended to reflect the addition of Part II (Description of Proposed Antenna Structure) to FCC Form 480; and

It further appearing that general notice of proposed rule making, as prescribed by section 4 (a) of the Administrative Procedure Act, is unnecessary in the view of the procedural and editorial nature of the changes herein ordered; and

It further appearing that authority for the issuance of this Order is contained in sections 4(i), 303(r), 307(d), 308(a),

308(b), and 319(d) of the Communications Act of 1934, as amended.

It is ordered. That effective November 1, 1959, Parts 1 and 17 of the Commission's rules are amended, as set forth below; and

It is further ordered. That revised application form (FCC Form 480) "Application for Civil Air Patrol Radio Station Authorization" is hereby adopted, the use of which shall be mandatory upon the effective date of this order, and from such date FCC Form 480 will be used for describing proposed antenna structures by applicants for Civil Air Patrol authorizations; and

It is further ordered. That until the effective date of this order, the Commission will continue to entertain applications covering Civil Air Patrol stations submitted on the FCC Form currently in use.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 301, 303, 307, 308, 319, 48 Stat. 1081, 1082, 1083, 1085, 1089; 47 U.S.C. 301, 303, 307, 308, 319)

Released: September 24, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Section 1.531(b) is amended to read as follows:

§ 1.531 Application for extension of construction permit.

* * * * *

(b) Application for extension of time within which to construct a station in Public Safety, Industrial, and Land Transportation Radio Services shall be submitted on FCC Form 400-A; in the Aviation Services on FCC Form 406, except Civil Air Patrol applications which shall use FCC Form 480; in the Citizens Radio Service on FCC Form 505; and in all other services on FCC Form 701. Such application shall be filed at least 30 days prior to the expiration date of the construction permit if the facts supporting such application for extension are known to the applicant in time to permit such filing. In other cases such applications will be accepted upon a showing satisfactory to the Commission of sufficient reasons for filing within less than 30 days prior to the expiration date. Such applications will be granted upon a specific and detailed showing that the failure to complete was due to causes not under the control of the grantee, or upon a specific and detailed showing of other matters sufficient to justify the extension.

2. That portion of § 17.3 preceding paragraph (a) is amended to read as follows:

§ 17.3 Form to be used to describe proposed antenna structures.

Applications for radio facilities in the Radio Broadcast Services shall be accompanied by FCC Form 301, Section V-G (antenna); applications in the Aviation Services shall be accompanied by FCC Form 406 (Part II), except Civil Air Patrol applications which shall use FCC Form 480 (Part II); and applications in

all other services shall be accompanied by FCC Form 401-A (revised) when:

[F.R. Doc. 59-8122; Filed, Sept. 28, 1959; 8:52 a.m.]

Title 50—WILDLIFE

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

PART 34—SOUTHEASTERN REGION

Subpart—Chassahowitzka National Wildlife Refuge, Florida

HUNTING

Basis and purpose. Pursuant to the authority conferred upon the Secretary of the Interior by section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U.S.C. 715i), as amended and supplemented, and acting in accordance with the authority delegated to me by Commissioner's Order No. 4 (22 F.R. 8126), I have determined that the annual hunting of migratory game birds on the Chassahowitzka National Wildlife Refuge, Florida, would be consistent with the management of the refuge.

By notice of proposed rule making published in the FEDERAL REGISTER of August 7, 1959 (24 F.R. 6353), the public was invited to participate in the adoption of a proposed regulation (conforming substantially with the rule set forth below) which would permit the annual hunting of migratory game birds on the Chassahowitzka National Wildlife Refuge by submitting written data, views, or arguments to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within a period of 30 days from the date of publication. No comments, suggestions, or objections having been received within the 30-day period, the regulations constituting Part 34 are amended by revising § 34.46 of Subpart—Chassahowitzka National Wildlife Refuge, Florida, as follows:

§ 34.46 Hunting of migratory game birds permitted.

Subject to compliance with the provisions of Parts 6, 18, and 21 of this chapter, the hunting of migratory game birds is permitted on the hereinafter described lands of the Chassahowitzka National Wildlife Refuge, Florida, subject to the following conditions, restrictions, and requirements:

(a) *Hunting area.* The following described area is open to hunting:

Starting at the southwest corner of Section 30, Township 20 South, Range 17 East, Tallahassee meridian, thence north 34 chains to a point, thence west 22 chains to the place of beginning; thence in Township 20 South, Range 16 East, west 320 chains to a point, thence north 80 chains to a point, thence east 320 chains to a point, thence south 80 chains to the place of beginning.

(b) *State laws.* Strict compliance with all State laws and regulations is required.

(c) *Hunting dogs.* Hunting dogs, not to exceed two per hunter, may be used for the purpose of hunting and retrieving, but such dogs shall not be permitted to run at large on the refuge.

(d) *Use of boats.* Subject to the provisions of Part 6 of this chapter, the use of boats for the purpose of hunting is permitted: *Provided*, That any person who enters the public hunting area for the purpose of hunting may operate an airboat on the lands and waters of the United States only as may be authorized by a valid special permit issued by the officer in charge, which permit may limit the period during which such permit is valid and the area in which such airboats may operate: *And provided further*, That the use of speedboats and racing craft is prohibited except for official purposes.

(e) *Checking stations.* Hunters, upon entering or leaving the hunting area, shall report at such checking stations as may be established for regulating the hunting.

(f) *State cooperation.* State cooperation may be enlisted in the regulation, management, and operation of the public hunting area, and the State may promulgate such special regulations as may be necessary for such regulation, management, and operation. In the event such State regulations are promulgated, compliance therewith shall be a requisite to lawful entry for the purpose of hunting.

(Sec. 10, 45 Stat. 1224, as amended; 16 U.S.C. 715i)

In accordance with the requirements imposed by Section 4(c) of the Administrative Procedure Act of June 11, 1946, 60 Stat. 238; 5 U.S.C. 1003(c), the foregoing amendment shall become effective on the 31st day following publication in the FEDERAL REGISTER.

Dated: September 23, 1959.

LANSING A. PARKER,
Acting Director, Bureau of
Sport Fisheries and Wildlife.

[F.R. Doc. 59-8091; Filed, Sept. 28, 1959; 8:47 a.m.]

PART 35—NORTHEASTERN REGION

Subpart—Montezuma National Wildlife Refuge, New York

HUNTING

Basis and purpose. Pursuant to the authority conferred upon the Secretary of the Interior by section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U.S.C. 715i), as amended and supplemented, and acting in accordance with the authority delegated to me by Commissioner's Order No. 4 (22 F.R. 8126), I have determined that the hunting of deer during a part of the 1959 State season on the Montezuma National Wildlife Refuge, New York, would be consistent with the management of the refuge.

By notice of proposed rule making published in the FEDERAL REGISTER of August 8, 1959 (24 F.R. 6393), the public was invited to participate in the adoption of a proposed regulation (conforming substantially with the rule set forth below) which would permit the hunting of deer on the Montezuma National Wildlife Refuge by submitting written

data, views, or arguments to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within a period of 30 days from the date of publication. No comments, suggestions, or objections having been received within the 30-day period, the regulations constituting Part 35 are amended by adding § 35.21 to Subpart—Montezuma National Wildlife Refuge, New York, as follows:

§ 35.21 Bow and arrow deer hunting permitted.

Subject to the provisions of Parts 18 and 21 of this chapter, the hunting of deer of either sex by means of bow and arrow only is permitted on November 7, 8, and 15, 1959, only on the hereinafter described lands of the Montezuma National Wildlife Refuge, New York, subject to the following conditions, restrictions, and requirements:

(a) *Hunting area.* Hunting is permitted on all of the lands of the refuge except on posted lands in the immediate vicinity of the headquarters and sub-headquarters of the refuge.

(b) *State laws.* Strict compliance with all applicable State laws and regulations is required. Daily hunting hours are from 7:00 a.m. to 5:00 p.m., e.s.t.

(c) *Hunting methods.* Hunting is permitted by bow and arrow only; all equipment must comply with the standards required by State law. The possession or use of firearms on the refuge is prohibited. Dogs are not permitted for the hunting of deer.

(d) *Checking stations.* Hunting will be by permit only and hunters, upon entering or leaving the hunting area, will be required to report at such checking stations as may be established for this purpose.

(Sec. 10, 45 Stat. 1224, as amended; 16 U.S.C. 7151)

In accordance with the requirements imposed by section 4(c) of the Administrative Procedure Act of June 11, 1946, 60 Stat. 238; 5 U.S.C. 1003(c), the foregoing amendment shall become effective on the 31st day following publication in the FEDERAL REGISTER.

Dated: September 23, 1959.

LANSING A. PARKER,
*Acting Director, Bureau of
Sport Fisheries and Wildlife.*

[F.R. Doc. 59-8092; Filed, Sept. 28, 1959;
8:48 a.m.]

SUBCHAPTER F—ALASKA COMMERCIAL
FISHERIES

PART 115—SOUTHEASTERN ALASKA
AREA

Fall Chum Salmon Season

Basis and purpose. The showing of chum salmon in the various bays of Southeastern Alaska where a fall chum salmon season is permitted by § 115.8 are very poor and the season must be closed to reserve the remaining fish for spawning purposes.

Therefore, § 115.8 is amended by deleting "6 p.m. October 1," and substituting in lieu thereof "6 a.m. September 28."

Since immediate action is imperative, notice and public procedure on this amendment are not in the public interest and it shall become effective upon filing at the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U.S.C. 221)

Dated: September 28, 1959.

A. W. ANDERSON,
*Acting Director,
Bureau of Commercial Fisheries.*

[F.R. Doc. 59-8161; Filed, Sept. 28, 1959;
10:54 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Parts 160, 161]

GRAZING LEASES AND FEDERAL
RANGE CODE FOR GRAZING DIS-
TRICTS

Notice of Proposed Rule Making

Basis and Purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Act of June 28, 1934 (48 Stat. 1269, 43 U.S.C. 315, 315a-315r), as amended and supplemented, it is proposed to amend and revise the regulations issued under the said act relating to the construction or maintenance of fences on public lands, as set forth below. The main purpose of these proposed changes is to provide notice to the general public that such fences cross public lands which are open to ingress or egress for all proper and lawful purposes, as provided in sections 1 and 6 of the Act of June 28, 1934.

This proposed amendment relates to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003); however, it is the policy of the Department of the Interior that, wherever practicable, the rule making requirements be observed voluntarily. Accordingly, interested persons may submit in triplicate written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Land Management, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 22, 1959.

1. Section 160.17(a) is amended to read as follows:

§ 160.17 Construction and maintenance of improvements.

(a) *Permit required.* After the issuance of a lease, the lessee may fence the lands or any part thereof, develop water by wells, tanks, water holes, or otherwise, and make or construct other improvements for grazing or stock raising purposes, so long as such improvements do not impair the value of the lands or interfere with other uses, provided a per-

mit or cooperative agreement is obtained under the procedure set forth in this section. The lessee will be required to comply with the provisions of the laws of the State in which the leased lands are located with respect to the cost and maintenance of fences, and will post and maintain such signs and notices and in such manner as the district manager may require on those fences now or hereafter constructed or maintained by him on the public lands.

2. A new subparagraph (5) is added to paragraph (b) of § 161.11, as follows:

§ 161.11 General rules of the range.

(b) *Rules of fair range practice.* * * *

(5) Licensees and permittees shall post and maintain such signs and notices and in such manner as the district manager may require on all fences on the Federal range covered by their licenses or permits, now or hereafter constructed or maintained by them pursuant to §§ 161.6(e) (14) (i); 161.14(c) (2), and 161.15.

[F.R. Doc. 59-8099; Filed, Sept. 28, 1959;
8:49 a.m.]

[43 CFR Part 192]

OIL AND GAS LEASES

Amount of Bonds Required of Lessee

Basis and purpose. Notice is hereby given that, pursuant to the authority vested in the Secretary of the Interior by the Act of February 25, 1920 (41 Stat. 437; 30 U.S.C. sec. 181 et seq.), as amended and supplemented, it is proposed to amend 43 CFR 192.100(c) as hereinafter set forth. The purpose of this amendment is to increase the amount of an oil and gas lease operator's drilling bond from \$5,000 to \$10,000.

This proposed amendment relates to matters which are exempt from the rule making requirements of the Administrative Procedures Act (5 U.S.C. 1003); however, it is the policy of the Department of the Interior that, wherever practicable, the rule making requirements be observed voluntarily. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Bureau of Land Management, Washington 25, D.C., within

30 days of the date of publication of this notice in the FEDERAL REGISTER.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 22, 1959.

Section 192.100(c) is amended to read as follows:

§ 192.100 Amount of bonds required of lessee.

(c) All leases shall provide that where a \$10,000 bond is not already being maintained a general lease bond in the penal sum of \$10,000 conditioned upon compliance with all lease terms covering the entire leasehold, shall be furnished by the lessee prior to the beginning of drilling operations. An operator or, if there is more than one operator covering different portions of the lease, each operator may furnish a \$10,000 general lease bond in his own name as principal on the bond in lieu of the lessee. Where there are one or more operator's bond affecting a single lease, each such bond must be conditioned upon compliance with all lease terms for the entire leasehold. Where a bond is furnished by an operator, suit may be brought thereon without joining the lessee if he is not a party to the bond. An operator's bond will not be accepted unless the operator holds an operating agreement which has been approved by the Department or has pending an operating agreement in proper condition for approval. The mere designation as operator will not suffice.

[F.R. Doc. 59-8098; Filed, Sept. 28, 1959; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 28]

COTTON FIBER AND PROCESSING TESTS

Proposed Revisions in Schedule of Tests and Fees

Notice is hereby given that the United States Department of Agriculture is considering amendment of § 28.956 (7 CFR 28.956) of the regulations governing cotton fiber and processing tests to make minor revisions in the schedule of tests offered and the fees charged, pursuant to authority contained in the Cotton Statistics and Estimates Act of March 3, 1927, as amended (55 Stat. 131; 7 U.S.C. 473d).

The proposed amendment would:

1. Provide an alternate array length test based on 2 specimens per test instead of 3 specimens.
2. Delete the items for (a) foreign matter content of seed cotton, (b) moisture content of seed cotton, and (c) array fineness and maturity of cotton lint.
3. Provide for (a) furnishing Micro-naire reading results for Causticaire tests, (b) nep and waste tests comparable to the spinning tests for extra long staple cottons, and (c) furnishing a cer-

tified relisting of test results for sub-samples.

4. Adjust the fees for a few tests to more nearly cover the costs of performing the tests.

The proposed amendment of § 28.956 is as follows:

1. Under item 1, the fees of \$9.00, \$14.00, and \$19.00 would be changed to \$10.00, \$15.00, and \$20.00 respectively.

2. Item 2 would be amended as follows:

2. Fiber length array of cotton samples (reporting the average percentage of fibers by weight in each 1/8-inch group, the average length, and the average length variability as based on 3 specimens from a blended sample):

- a. Ginned cotton lint, per sample..... \$12.50
- b. Cotton comber nolis, per sample... 17.50
- c. Other cotton wastes, per sample... 22.50

3. Under item 2.1, the words "3 specimens" would be changed to "2 specimens" and the fees of \$12.50, \$17.50, and \$22.50 would be changed to \$9.00, \$14.00, and \$19.00 respectively.

4. Item number 4 would be deleted in its entirety.

5. Item number 6 would be amended as follows:

- 6. Fiber maturity and fineness of ginned cotton lint by the Causticaire method (reporting the average maturity, fineness, and Micro-naire reading as based on 2 specimens from a blended sample):
 - Per sample..... \$2.00
 - Minimum fee..... 6.00

6. Item number 6.3 would be deleted in its entirety.

7. Item number 10.1 would be deleted in its entirety and item number 10.2 would be renumbered 10.1.

8. Under item number 21, the words "item number 11" would be changed to "item numbers 11 and 12".

9. Item number 27.1 would be amended as follows:

- 27.1. Furnishing a certified relisting of test results (includes samples or sub-samples selected from any previous tests), per sheet... \$2.50

10. Item number 29 would be amended to read as follows:

- 29. Combination fiber test including test item numbers 3, 5, and 6:
 - Per sample..... \$4.00
 - Minimum fee..... 8.00
- a. When tested in connection with spinning test item numbers 11, 12, 13, 14, and 15, per sample.... 3.00
- Minimum fee..... 6.00

11. Under item number 31, the fees of "\$6.00" and "\$90.00" would be changed to "\$4.00" and "\$40.00", respectively.

12. Under item number 32, the fees of "\$10.00" and "\$150.00" would be changed to "\$6.00" and "\$60.00", respectively.

13. Under item number 33, the fees of "\$6.00" and "\$90.00" would be changed to "\$4.00" and "\$40.00", respectively.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Director, Cotton Division, Agricultural Marketing Service, United States Department of

Agriculture, Washington 25, D.C., not later than October 9, 1959.

Done at Washington, D.C., this 24th day of September 1959.

F. R. BURKE,
Acting Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 59-8115; Filed, Sept. 28, 1959; 8:51 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 73]

BIOLOGIC PRODUCTS

Sterility Requirements

Notice is hereby given of proposed rule making pursuant to section 351 of the Public Health Service Act, as amended (58 Stat. 702; 42 U.S.C. 262). Experience has indicated the need for more detailed requirements, relating to sterility of biological products, now contained in § 73.70(d). The proposed revision would strengthen and more clearly define the sterility requirements for such products. The miscellaneous amendments would define additional terms, revise the suspension and revocation of license provisions, effect certain administrative changes and amend generally various provisions of Part 73 primarily for purposes of clarification.

Notice is also given that it is proposed, in the public interest, for the protection of the public health, to make any amendments that are adopted effective immediately upon publication in the FEDERAL REGISTER.

Inquiries may be addressed, and data, views and arguments may be presented by interested parties, in writing, in triplicate, to the Surgeon General, Public Health Service, Washington 25, D.C. All relevant material received not later than 45 days after publication of this notice in the FEDERAL REGISTER will be considered.

1. Redesignate paragraphs (b), (c), (d) and (e) of § 73.70 and §§ 73.71, 73.72, 73.73, 73.74, 73.75, 73.76, 73.77, 73.78, and 73.79 as §§ 73.71, 73.72, 73.73, 73.74, 73.75, 73.76, 73.77, 73.78, 73.79, 73.80, 73.81, 73.82, and 73.83, respectively.

2. Amend § 73.70 to read as follows:

§ 73.70 Tests prior to release required for each lot.

No lot of any licensed product shall be released by the manufacturer prior to the completion of tests for conformity with standards applicable to such product. Each applicable test shall be made on each lot after completion of all processes of manufacture which may affect compliance with the standard to which the test applies.

3. Amend § 73.71, as redesignated, to read as follows:

§ 73.71 Potency.

Tests for potency shall consist of either in vitro or in vivo tests, or both,

which have been specifically designed for each product so as to indicate its potency in a manner adequate to satisfy the interpretation of potency given by the definition in § 73.1(s).

4. Amend § 73.73, as redesignated, to read as follows:

§ 73.73 Sterility.

Except as provided in paragraph (f) of this section, the sterility of each lot of each product shall be demonstrated by the performance of the tests prescribed in paragraphs (a) and (b) of this section for both bulk and final container material.

(a) *The test*—(1) *Using fluid thioglycollate medium.* The volume of product, as required by paragraph (d) of this section, (hereinafter referred to also as the "inoculum") from samples of both bulk and final container material, shall be inoculated into one or more test containers of fluid thioglycollate medium. The inoculum and medium shall be mixed thoroughly and incubated at a temperature of 30° to 32° C. for a test period of no less than seven days and examined visually for evidence of growth on the third or fourth day and on the seventh day. If incubation is continued beyond seven days, an additional examination shall be made on the last day of the test period. If the inoculum renders the medium turbid so that the absence of growth cannot be determined reliably by visual examination, portions of this turbid medium in amounts no less than 1.0 ml. shall be transferred, after the third or fourth day of incubation, from each of the test containers and inoculated into additional containers of medium. The material in the additional containers shall be incubated at a temperature of 30° to 32° C. for no less than seven days. Notwithstanding such transfer of material, examination of the original containers shall be continued as prescribed above. The additional test containers shall be examined visually for evidence of growth on the third or fourth day of incubation and on the seventh day and if incubation is continued beyond a period of seven days, an additional examination shall be made on the last day of the incubation period. If growth appears, repeat tests may be performed as prescribed in paragraph (b) of this section and interpreted as specified in paragraph (c) of this section.

(2) *Using Fluid Sabouraud Medium.* An additional test shall be made for fungi on final container material, following the procedures prescribed in subparagraph (1) of this paragraph except that (i) the medium shall be Fluid Sabouraud (formula in paragraph (e) (1) of this section); (ii) the incubation shall be at a temperature of 22° to 25° C.; (iii) the period of incubation shall be no less than 10 days.

(b) *Repeat tests*—(1) *Repeat bulk tests.* If growth appears in the test of the bulk material, the test may be repeated to rule out faulty test procedures by testing at least the same volume of material as in the first test. If this or the first bulk test cannot be completed (where e.g., bulk material is not available), a substitute test may be made us-

ing material from a sample of no less than 40 filled final containers.

(2) *First repeat final container test.* If growth appears in the test of the final container material, the test may be repeated to rule out faulty test procedures by testing material from a sample of at least the same number of final containers.

(3) *Second repeat final container test.* If growth appears in the first repeat final container test, a second repeat final container test may be performed provided (i) there was no evidence of growth in the test of the bulk material, (ii) the same viable organism was not observed in both the first and repeat test of final container material, and (iii) material

from a sample of twice the number of final containers is tested by the same method as in the first test.

(c) *Interpretation of test results.* The results of all tests performed on a lot shall be considered in determining whether or not the lot meets the requirements for sterility, except that tests may be excluded when demonstrated by adequate controls to be invalid. The lot meets the test requirements if no growth appears in the tests prescribed in paragraph (a) of this section. If repeat tests are performed, the lot meets the test requirements if no growth appears in the tests prescribed in paragraph (b) of this section. The categories of acceptable tests results are as follows:

TESTS

Categories of acceptable test results	Bulk	Repeat bulk	Final container	First repeat final container	Second repeat final container
I.....	No growth ¹		No growth		
II.....	Growth	No growth	do		
III.....	do	Test cannot be completed.	No growth (sample 60 final containers).		
IV.....	Test cannot be completed.	do	do		
V.....	No growth		Growth	No growth	
VI.....	do		do	Growth, different organism.	No growth (sample 40 final containers).

¹ "Growth" means viable microorganisms observed in any of the inoculated test containers.

(d) *Test samples and volumes*—(1) *Bulk.* Each sample for the bulk sterility test shall be representative of the bulk container material and the volume tested shall be no less than 10 ml. (Note exception in paragraph (f) (8) of this section.)

(2) *Final containers.* The sample for the final container test shall be no less than 20 final containers from each filling of each lot, selected to represent all stages of filling from the bulk container. If the amount of material in the final container is 1.0 ml. or less, the entire contents shall be tested. If the amount of material in the final container is more than 1.0 ml., the volume tested shall be the largest single dose recommended by the manufacturer or 1.0 ml., whichever is larger, but no more than 10 ml. of material from a single final container need be tested. (Note exceptions in paragraph (f) (6), (7) and (8) of this section.)

(e) *Culture medium*—(1) *Formulae.* (i) The formula for fluid thioglycollate medium is as follows:

Fluid thioglycollate medium

1-cystine.....	0.5 gm.
Sodium chloride.....	2.5 gm.
Dextrose (C ₆ H ₁₂ O ₆ ·H ₂ O).....	5.5 gm.
Granular agar (less than 15% moisture by weight).....	0.75 gm.
Yeast extract (water-soluble)....	5.0 gm.
Pancreatic digest of casein.....	15.0 gm.
Distilled water.....	1,000.0 ml.
Sodium thioglycollate (or Thioglycollic acid—0.3 ml.).....	0.5 gm.
Resazurin (0.10% solution, freshly prepared).....	1.0 ml.
Final pH 7.1±0.1.	

(ii) The formula for Fluid Sabouraud Medium is as follows:

Fluid Sabouraud Medium

Dextrose.....	20 gm.
Pancreatic digest of casein.....	5 gm.
Peptic digest of animal tissue.....	5 gm.
Distilled water, to make.....	1,000 ml.
Final pH 5.7±0.1.	

(2) *Culture medium requirement*—(i) *Quality and condition of medium and design of container.* The growth promoting qualities and conditions of the culture medium, and the design of the test container, shall be such as are shown to provide conditions favorable to aerobic and anaerobic growth of microorganisms throughout the test period.

(ii) *Ratio of inoculum to culture medium.* The ratio of the volume of the inoculum to the volume of culture medium shall be such as will dilute the preservative in the inoculum to a level that does not inhibit growth of contaminating microorganisms. Inhibitors or neutralizers of preservative may be considered in determining the proper ratio.

(f) *Exceptions.* Bulk and final container material shall be tested for sterility as described above in this section except as follows:

(1) *Different sterility tests prescribed.* When different sterility tests are prescribed for a product in this part.

(2) *Alternate incubation temperatures.* Two tests may be performed, in all respects as prescribed in paragraph (a) (1) of this section, one test using an incubation temperature of 18° to 22° C., the other test using an incubation temperature of 35° to 37° C., in lieu of performing one test using an incubation temperature of 30° to 32° C.

(3) *Different tests equal or superior.* A different test may be used provided that prior to such use a manufacturer submits data which the Surgeon General finds adequate to establish that the different

test is equal or superior to the tests described in paragraphs (a) and (b) of this section in detecting contamination and making the finding a matter of official record.

(4) *Test precluded or not required.* The tests prescribed in this section need not be performed for Whole Blood (Human), Packed Red Blood Cells, Single Donor Plasma, Smallpox Vaccine prepared from Calf lymph, and other similar products concerning which the Surgeon General finds that the mode of administration, the method of preparation or the special nature of the product precludes or does not require a sterility test.

(5) *Viscous biological products.* Thioglycollate broth medium may be used in lieu of fluid thioglycollate medium to test viscous biological products. The formula for thioglycollate broth medium is as follows:

Broth medium. Certain biological products are turbid or otherwise do not lend themselves readily to culturing in fluid thioglycollate medium because of its viscosity. In such instances, the following broth is acceptable in place of the fluid thioglycollate medium, provided it is used in Smith fermentation tubes which have been heated within 4 hours in a boiling water bath or free-flowing steam so as to drive the dissolved oxygen out of the medium in the closed arm:

I-cystine	0.5 gm.
Sodium chloride	2.5 gm.
Dextrose (C ₆ H ₁₂ O ₆ ·H ₂ O)	5.5 gm.
Yeast extract (water-soluble)	5.0 gm.
Pancreatic digest of casein	15.0 gm.
Distilled water	1,000.0 ml.
Sodium thioglycollate (or Thio- glycolic acid—0.3 ml.)	0.5 gm.
Final pH	7.1 ± 0.1.

(6) *Number of final containers more than 20, less than 200.* If the number of final containers in the filling is more than 20 or less than 200, the sample shall be no less than 10 percent of the containers.

(7) *Number of final containers—20 or less.* If the number of final containers in a filling is 20 or less, the sample need be no more than one final container, provided (i) the bulk material met the sterility test requirements and (ii) after filling, it is demonstrated by testing a simulated sample that all surfaces to which the product was exposed were free of contaminating microorganisms. The simulated sample shall be prepared by rinsing the filling equipment with sterile 1.0 percent peptone solution, pH 7.1 ± 0.1, which shall be discharged into a final container by the same method used for filling the final containers with the product.

(8) *Diagnostic products not intended for injection.* For diagnostic products not intended for injection, (i) the volume of material for the bulk test shall be no less than 2.0 ml., (ii) the sample for the final container test shall be no less than three final containers if the total number filled is 100 or less, and, if greater, one additional container for each additional 50 containers or fraction thereof, but the sample need be no more than 10 containers.

5. Amend § 73.75, as redesignated, to read as follows:

No. 190—5

§ 73.75 Requests for samples and protocols.

Samples of any lot of any licensed product, together with protocols showing the results of applicable tests, may at any time be required to be sent to the Director, Division of Biologics Standards.

a. Redesignate paragraphs (e) through (o) as (f) to (p), respectively.

b. Insert a new paragraph (e) to read as follows:

(e) "Division of Biologics Standards" means the Division of Biologics Standards of the National Institutes of Health.

c. Amend paragraph (f), as redesignated, by deleting "Hawaii, Alaska".

d. Redesignate paragraphs (p), (q) and (r) as (r), (s) and (t), respectively.

e. Insert a new paragraph (q) to read as follows:

(q) The word "sterility" is interpreted to mean freedom from viable contaminating microorganisms, as determined by the tests prescribed in § 73.73.

f. Revise paragraph (t), as redesignated, to read as follows:

(t) "Manufacturer" means any legal person or entity engaged in the manufacture of a product subject to license under the Act.

g. Redesignate paragraphs (s) and (t) as (w) and (y), respectively.

h. Insert a new paragraph (u) to read as follows:

(u) "Manufacture" means all steps in propagation or manufacture and preparation of products and includes but is not limited to filling, testing, labeling, packaging, and storage by the manufacturer.

i. Insert a new paragraph (v) to read as follows:

(v) "Location" includes all buildings, appurtenances, equipment and animals used, and personnel engaged by a manufacturer within a particular area designated by an address adequate for identification.

j. Revise paragraph (w), as redesignated, to read as follows:

(w) "Establishment" includes all locations.

k. Insert a new paragraph (x) to read as follows:

(x) The word "Lot" is interpreted to mean that quantity of uniform material identified by the manufacturer as having been thoroughly mixed in a single container.

7. Insert a new § 73.2 to read as follows:

§ 73.2 Two forms of licenses.

There shall be two forms of licenses: establishment and product.

8. Renumber present § 73.2 and § 73.3 and as thus renumbered amend such section to read as follows:

§ 73.3 Applications for establishment and product licenses; procedure for filing.

To obtain a license for any establishment or product, the manufacturer shall make application to the Director, Division of Biologics Standards, on forms prescribed for such purpose, and in the case of an application for a product license, shall submit definitive data derived from laboratory and clinical studies which demonstrate that the manufactured product meets prescribed standards of safety, purity and potency, a full description of manufacturing methods, data establishing stability of the product through the dating period, sample(s) representative of the product to be sold, bartered or exchanged or offered, sent, carried or brought for sale, barter or exchange, summaries of results of tests performed on the lot(s) represented by the submitted sample(s), and specimens of the labels, enclosures and containers proposed to be used for the product. An application for license shall not be considered as filed until all pertinent information and data shall have been submitted by the manufacturer.

9. Delete present § 73.4 and renumber present § 73.3 as § 73.4 and as thus renumbered amend such section to read as follows:

§ 73.4 Establishment licenses; issuance; conditions.

(a) *Inspection; compliance with standards.* An establishment license shall be issued only after inspection of the establishment and upon a determination that the establishment complies with the applicable standards prescribed in the regulations in this part.

(b) *Availability of product; simultaneous request for and issuance of product license.* No establishment license shall be issued unless (1) a product intended for sale, barter or exchange or intended to be offered, sent, carried or brought for sale, barter or exchange is available for examination, (2) such product is available for inspection during all phases of manufacture and (3) a product license is requested and issued simultaneously with the establishment license.

(c) *One establishment license to cover all locations.* One establishment license shall be issued to cover all locations meeting the establishment standards.

10. Insert a new § 73.5 to read as follows:

§ 73.5 Product licenses; issuance; conditions.

(a) *Examination; compliance with standards.* A product license shall be issued only upon examination of the product and upon a determination that the product complies with the standards prescribed in the regulations in this part: *Provided*, That no product license shall be issued except upon a determination that the establishment complies with the establishment standards prescribed in the regulations contained in this part, applicable to the manufacture of such product.

(b) *Manufacturing process; impairment of assurances.* No product shall be licensed if any part of the process of or relating to the manufacture of such product would, in the judgment of the Surgeon General, impair the assurances of continued safety, purity and potency as provided by the regulations contained in this part.

11. Renumber present § 73.5 as § 73.6 and as thus renumbered amend such section to read as follows:

§ 73.6 License forms.

(a) *Establishment license.* The establishment license form shall be prescribed by the Surgeon General and shall include:

- (1) The name and address of the manufacturer.
- (2) The name and address of the establishment.
- (3) The names and addresses of all locations of the establishment.
- (4) The license number.
- (5) The date of issuance.

(b) *Product license.* The product license form shall be prescribed by the Surgeon General and shall include:

- (1) The name and address of the manufacturer.
- (2) The name and address of the establishment.
- (3) The name and address of the location(s) at which the product is manufactured.
- (4) The license number of the establishment.
- (5) The proper name of the product.
- (6) Additional specifications, if any, which may be approved or required for additional labeling purposes.

12. Renumber present §§ 73.6 to 73.15 as §§ 73.7 to 73.16, respectively.

13. Amend the new § 73.9 (present § 73.8) to read as follows:

§ 73.9 Issuance, revocation and suspension.

A license shall be issued by the Secretary upon the recommendation of the Surgeon General and upon the determination by the Surgeon General that the establishment or the product, as the case may be, meets the standards established by the regulations in this part as herein prescribed or hereafter amended. Licenses shall be valid until suspended or revoked. An establishment or product license shall be revoked upon application of the manufacturer giving notice of intention to discontinue the manufacture of all products or of intention to discontinue the manufacture of a particular product for which a license is held. The Surgeon General shall recommend to the Secretary that a license be suspended or revoked whenever he finds, after notice and opportunity for hearing, that the establishment or any location thereof, or the product for which the license has been issued, fails to conform to the standards in the regulations in this part, as herein prescribed or as hereafter amended, designed to insure the continued safety, purity and potency of the manufactured product. In case of suspension, if the faulty condition is not corrected within 60 days or within such other period as may be

specified in the notice of suspension, he shall recommend that the license be revoked. Except as provided in § 73.11, prior to the suspension or revocation of a license and to the institution of proceedings looking to the suspension or revocation of a license the licensee shall be advised in writing of the facts or conduct which may warrant such action and shall be accorded opportunity within a reasonable period prescribed by the Surgeon General to demonstrate or achieve compliance with the regulations in this part.

14. Amend the new § 73.15 (present § 73.14) to read as follows:

§ 73.15 Reissuance.

(a) *Compliance with standards.* An establishment or product license, previously suspended or revoked, whether upon application, or for failure to comply with standards or changes in standards prescribed in the regulations in this part, may be reissued or reinstated upon a showing of compliance with required standards and upon such inspection and examination as may be considered necessary by the Director of the Division of Biologics Standards.

(b) *Exclusion of noncomplying location.* An establishment or product license, excluding a location or locations that fail to comply with prescribed standards, may be issued without further application and concurrently with the suspension or revocation of the license for noncompliance at the excluded location or locations.

15. Amend the first sentence of § 73.36(a) to read as follows: "Records shall be made, and concurrently with the performance, of the various steps in the manufacture, disposition and distribution of each lot, so that at any time these steps as regards any lot number may be traced by an inspector."

16. Substitute "Director, Division of Biologics Standards" for "Institute", "Institutes" or "National Institutes of Health" wherever the latter terms may appear in §§ 73.7 (as redesignated), 73.23, 73.24, 73.32(e), 73.36 (b), (e), 73.38(d), 73.72 (as redesignated), 73.82 (c) (as redesignated), 73.91, 73.92, 73.101(c), 73.103 (first paragraph), and 73.113.

17. Amend the first paragraph of § 73.104(f) and § 73.114(i) by inserting

"Director," immediately preceding "Division".

18. Amend §§ 73.37(f), 73.101(e) (3), 73.102, 73.110 (a) (last sentence), (b), (c), and 73.112 by deleting the word "preparation" and by inserting in lieu thereof the word "manufacture".

19. Amend § 73.38(c) by deleting the words "production or testing" in the first and second sentences and by inserting in lieu thereof in both sentences the word "manufacturing".

20. Amend §§ 73.101(a) and 73.111(a) by deleting the word "preparing" and by inserting in lieu thereof the word "manufacturing".

21. Amend the new §§ 73.7 (present § 73.6), 73.16 (present § 73.15) and § 73.32 (c), (f), (h), 73.37(f) (title), and 73.114(d) by deleting the word "production" and by inserting in lieu thereof the word "manufacturing".

22. Amend §§ 73.30, 73.36 (d), (f) 73.37 (c), (i) (in both cases), 73.38 (b), (d), 73.100 (b), (c), 73.110 (c), 73.111 (title), and 73.112(a) (3) by deleting the word "production" and by inserting in lieu thereof the word "manufacture".

23. Amend § 73.37(b) by deleting the word "production" wherever it may appear and by inserting in lieu thereof the word "manufacture" where it first appears and the word "manufacturing" where it subsequently appears.

24. Amend § 73.38(a) by deleting the word "production" in the first and second sentences and by inserting in lieu thereof in the first sentence the words "the manufacture" and in the second sentence the word "manufacturing".

25. Amend the last two sentences of the new § 73.16 (present § 73.15) by deleting the reference to "§§ 73.2 to 73.14" and inserting "§§ 73.2 to 73.15" in lieu thereof and by deleting the references to "§§ 73.10, 73.12 and 73.13" and by inserting "§§ 73.11, 73.13, and 73.14" in lieu thereof

(Secs. 215, 351, 58 Stat. 690, 702; 42 U.S.C. 216, 262)

Dated: September 15, 1959.

[SEAL] JOHN D. PORTERFIELD,
Acting Surgeon General.

Approved: September 23, 1959.

BERTHA S. ADKINS,
Acting Secretary.

[F.R. Doc. 59-8069; Filed, Sept. 28, 1959; 8:45 a.m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, Rev. 1959, Supp. 4]

SECURED INSURANCE CO.

**Surety Company Acceptable on
Federal Bonds**

SEPTEMBER 23, 1959.

A Certificate of Authority has been issued by the Secretary of the Treasury

to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C. secs. 6-13, as an acceptable surety on Federal bonds.

An underwriting limitation of \$265,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of May 1, 1960. Copies of the circular, when issued, may be obtained

from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D.C.

State in Which Incorporated, Name of Company, and Location of Principal Executive Office

Indiana; Secured Insurance Company, Indianapolis, Indiana.

[SEAL] JULIAN B. BAIRD,
Acting Secretary of the Treasury.

[F.R. Doc. 59-8136; Filed, Sept. 28, 1959; 8:54 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management
ARKANSAS

Notice of Proposed Withdrawal for the Reservation of Lands

SEPTEMBER 22, 1959.

The office of the Bureau of Sports Fisheries and Wildlife, United States Fish and Wildlife Service, has filed an application for the withdrawal of the lands hereafter described, from all forms of appropriation under the public land laws, including the United States Mining Laws but not the Mineral Leasing Laws, subject to valid existing rights.

The applicant desires the land as a part of the Big Lake National Wildlife Refuge for a resting area for migratory waterfowl.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Washington 25, D.C.

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

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

The land involved in the application is:

ARKANSAS

T. 14 N., R. 9 E., 5th P.M.,
Sec. 4, Lot 7, containing 0.76 acre;
Sec. 9, Lot 2, containing 1.42 acres.

The area above-described containing in the aggregate 2.18 acres.

H. K. SCHOLL,
Manager.

[F.R. Doc. 59-8100; Filed, Sept. 28, 1959; 8:49 a.m.]

Office of the Secretary
DIRECTOR, OFFICE OF SALINE WATER

Delegations of Authority

The following material is a portion of the Departmental Manual and the numbering system is that of the Manual. Material that relates solely to internal management has not been included.

The following Secretary's order is revoked: 2820 (22 F.R. 4838).

PART 211—OTHER DEPARTMENTAL OFFICES

CHAPTER 6—OFFICE OF SALINE WATER

211.6.1 *General authority.* The Director, Office of Saline Water, is authorized, except as provided in 211.6.2, to exercise the authority of the Secretary of the Interior pursuant to the act of July 3, 1952 (66 Stat. 328; 42 U.S.C. sec. 1951 et seq.), as amended, and the Joint Resolution of September 2, 1958 (72 Stat. 1706) with respect to water research and development.

211.6.2 *Limitations.* The following authorities are not delegated in the general authority listed above:

A. Authority to make rules and regulations pursuant to sec. 7 of the act of July 3, 1956, as amended (supra.).

B. Authority to acquire any interest in property by condemnation.

211.6.3 *Redelegation.* The Director, Office of Saline Water may in writing redelegate this authority to any officer or employee of the Office of Saline Water.

ELMER F. BENNETT,
Acting Secretary of the Interior.

SEPTEMBER 22, 1959.

[F.R. Doc. 59-8101; Filed, Sept. 28, 1959; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 450]

DENVER UNION STOCK YARD CO.

Notice of Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on April 15, 1959 (18 A.D. 352), which as modified by an order issued on April 30, 1959 (18 A.D. 361), authorizes the respondent, Denver Union Stock Yard Company, Denver, Colorado, to assess the current temporary schedule of rates and charges to and including December 31, 1960, unless modified or extended by further order before the latter date.

By a petition filed on September 16, 1959, the respondent requested authority to modify the current temporary schedule of rates and charges as indicated below. It was also requested that such authority become effective as soon as possible and that the current schedule, as so modified, remain in effect to and including December 31, 1961.

SECTION 6

Service and yarding charges for transit business

	Rate per Deck	
	Present	Proposed
Cattle, calves, horses and sheep.....	\$1.92	\$2.00
Hogs.....	1.18	1.50

SECTION 7

Driving, delivery, and collection charge

5. Driving livestock picked up from not more than two pens to railroad chutes for outbound shipment, the following charges will apply:

	Present rate	Proposed rate
Cattle or calves.....	None.....	1 \$2.00
Hogs.....	do.....	1 1.00
Sheep or goats.....	do.....	1 1.00
Horses or mules.....	do.....	1 2.00

1 Per car.
2 Per deck.

NOTE: This charge will not apply to livestock stopped for feed, water and rest. For charges on such livestock see section 6.

For charges for collecting livestock see section 7.

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

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., within 15 days after the publication of this notice.

Done at Washington, D.C., this 23d day of September 1959.

DAVID M. PETTUS,
Director, Livestock Division,
Agricultural Marketing Service.

[F.R. Doc. 59-8104; Filed, Sept. 28, 1959; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. 871]

PACIFIC FAR EAST LINE, INC., ET AL.

Certain Storage Practices at Stockton and Oakland, Calif.; Investigation and Hearing

On September 17, 1959, the Federal Maritime Board entered the following order:

Whereas, it appears that Pacific Far East Line, Inc., a common carrier by water in foreign commerce of the United States, is engaged in certain practices relating to the free storage of import cargo at the Port of Stockton, California; and

Whereas, it appears that Trans-Oceanic Agencies books and solicits certain inbound and outbound cargo for Pacific Far East Line, Inc. and acts as "exclusive husbanding agent" for that carrier at the Port of Stockton, California; and

Whereas, it appears that Trans-Oceanic Agencies furnishes "warehouse, or other terminal facilities in connection with a common carrier by water" within the meaning of section 1 of the Shipping Act, 1916; and

Whereas, it appears that Trans-Oceanic Agencies grants free storage at

its facility at Stockton, California for all inbound cargo it solicits and books for Pacific Far East Line, Inc.; and

Whereas, it appears that States Steamship Company, a common carrier by water in foreign commerce of the United States, is engaged in certain practices relating to the free storage of import cargo at the Port of Oakland, California; and

Whereas, it appears that Howard Terminals furnishes "warehouse, or other terminal facilities in connection with a common carrier by water" within the meaning of section 1 of the Shipping Act, 1916; and

Whereas, it appears that Howard Terminals is engaged in a practice which allows certain shippers to obtain free storage at its facility in Oakland, California; and

Whereas, it appears that the aforesaid practices may constitute the granting of undue or unreasonable preference or advantage to certain persons and localities, in violation of section 16 of the Shipping Act, 1916, as amended (46 U.S.C. 815), or may be unjustly discriminatory between shippers or ports, or may constitute unjust or unreasonable practices in violation of section 17 of said Act (46 U.S.C. 816); now therefore

It is ordered, That the Board, on its own motion, enter upon a proceeding of inquiry and investigation pursuant to section 22 of the Shipping Act, 1916, as amended (46 U.S.C. 821), to determine

(1) Whether certain storage practices of the Pacific Far East Line, Inc., at Stockton, California, are in violation of sections 16 and 17 of the Shipping Act, 1916, as amended (46 U.S.C. 815, 816), and

(2) Whether certain storage practices of Trans-Oceanic Agencies at Stockton, California, are in violation of sections 16 and 17 of the Shipping Act, 1916, as amended (46 U.S.C. 815, 816), and

(3) Whether certain storage practices of States Steamship Company at Oakland, California, are in violation of sections 16 and 17 of the Shipping Act, 1916, as amended (46 U.S.C. 815, 816); and

(4) Whether certain storage practices of Howard Terminals at Oakland, California, are in violation of sections 16 and 17 of the Shipping Act, 1916, as amended (46 U.S.C. 815, 816); and

It is further ordered, That Pacific Far East Line, Inc., Trans-Oceanic Agencies, States Steamship Company, and Howard Terminals be and the same are hereby named respondents in this proceeding, that a copy of this order be served on each of them, and that notice of this proceeding be published in the FEDERAL REGISTER; and

It is further ordered, That this proceeding be assigned for hearing before an examiner of the Hearing Examiners' Office at a date to be fixed by the Chief Examiner.

Pursuant to the above order, notice is hereby given that the hearing herein ordered will be conducted in accordance with the Board's rules of practice and procedure, at a date and place to be announced by the Chief Examiner, 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 herein, should notify the Secretary of the Board promptly and should file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR 201.74) of said rules.

Dated: September 23, 1959.

By order of the Federal Maritime Board.

[SEAL]

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59-8107; Filed, Sept. 28, 1959; 8:50 a.m.]

CONSOLIDATED FREIGHTWAYS, INC., ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to Section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

(1) Agreement No. 8408, between Consolidated Freightways, Inc., and Young Brothers Division of Oahu Railway and Land Company, covers an arrangement for the transportation of cargo in containers between points in Hawaii, upon terms and conditions set forth in the agreement.

(2) Agreement No. 8409, between Consolidated Freightways, Inc., Hawaiian Marine Freightways, Inc., and Young Brothers Division of Oahu Railway and Land Company, covers an arrangement for the transportation of cargo in containers between Pacific Coast ports of continental United States and points in Hawaii, with transshipment at Honolulu, upon terms and conditions set forth in the agreement.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 23, 1959.

By order of the Federal Maritime Board.

[SEAL]

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59-8108; Filed, Sept. 28, 1959; 8:50 a.m.]

Office of the Secretary GEORGE E. HARDING

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Pro-

duction Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER in the last six months:

- A. Deletions: No change.
- B. Additions: No change.

This statement is made as of September 19, 1959.

GEORGE E. HARDING.

SEPTEMBER 19, 1959.

[F.R. Doc. 59-8110; Filed, Sept. 28, 1959; 8:50 a.m.]

Office of the Secretary

WILBUR F. DUERINGER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER in the last six months.

- A. Deletions: No change.
- B. Additions: No change.

This statement is made as of September 12, 1959.

WILBUR F. DUERINGER.

SEPTEMBER 12, 1959.

[F.R. Doc. 59-8052; Filed, Sept. 25, 1959; 8:47 a.m.]

L. MASON TURNER

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. L. Mason Turner.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: September 15, 1959.
4. Title of position: Assistant director, Containers and Packaging Division.
5. Name of private employer: American Can Company, 100 Park Avenue, New York 17, New York.

CARLTON HAYWARD,
Director of Personnel.

SEPTEMBER 2, 1959.

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.

American Can Company.
Bank Deposits.

L. MASON TURNER.

SEPTEMBER 16, 1959.

[F.R. Doc. 59-8053; Filed, Sept. 25, 1959;
8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

ARGENTINA, POLAND, AND BOLIVIA Findings Regarding Foreign Social Insurance and Pension Systems

Section 202(t) (2) of the Social Security Act (42 U.S.C. 402(t) (2)) authorizes and requires the Secretary of Health, Education, and Welfare to find whether a foreign country has in effect a social insurance or pension system which is of general application in such country and under which periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement, or death; and whether individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in him by the Secretary of Health, Education, and Welfare, the Commissioner of Social Security has considered evidence presented by Argentina, Poland, and Bolivia, respectively, relating to the social insurance or pension systems of such countries, from which evidence it appears that Argentina, Poland, and Bolivia have social insurance or pension systems of general application in such countries which pay periodic benefits on account of old age, retirement, and death. It further appears from such evidence that under such social insurance or pension systems of Argentina and Poland, citizens of the United States who are not citizens of Argentina or Poland, and who leave those countries, are not permitted to receive such benefits outside those countries; and it appears that under such social insurance or pension system of Bolivia, citizens of the United States, who are not citizens of Bolivia, and who leave that country are permitted to receive such benefits while outside that country.

Accordingly, it is hereby determined and found by the Commissioner of Social Security that Argentina and Poland do not meet the requirements of section 202(t) (2) of the Social Security Act (42 U.S.C. 402(t) (2)), and it is determined and found by the Commissioner of Social Security that Bolivia

does meet the requirements of section 202(t) (2) of the Social Security Act (42 U.S.C. 402(t) (2)).

[SEAL] GEORGE K. WYMAN,
*Acting Commissioner of
Social Security.*

Approved: September 22, 1959.

BERTHA ADKINS,
*Acting Secretary of Health, Edu-
cation, and Welfare.*

[F.R. Doc. 59-8109; Filed, Sept. 28, 1959;
8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7723 et al.]

TRANSPACIFIC ROUTE CASE

Notice of Hearing

In the matter of applications for certificates of public convenience and necessity and amendments to existing certificates authorizing air service in the Pacific area, including direct service between the Pacific area and cities in the United States in addition to west coast cities.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, that public hearings will be held in the above-entitled proceeding at the following times and places before Examiner William J. Madden:

October 26, 1959, at 10:00 a.m. (local time) in the Ballroom of the Royal Hawaiian Hotel, Honolulu, Hawaii;

November 10, 1959, at 10:00 a.m. (Pacific standard time) in the Chambers of the Board of Supervisors, City Hall, San Francisco, California; and

November 23, 1959, at 10:00 a.m. (eastern standard time) in Room 1027, Universal Building, Florida and Connecticut Avenues NW., Washington, D.C.

Without limiting the precise scope of the issues, particular attention will be and necessity presently held by some of directed to the following matters and questions:

1. Whether the public convenience and necessity require renewal, modification, and/or amendment of the temporary certificates of public convenience the applicants; and for what terms, and under what conditions, or limitations.

2. Whether the public convenience and necessity require the new and additional services proposed by the applicants.

3. Are the applicants citizens of the United States within the meaning of section 101(13) of the Federal Aviation Act of 1958, and are they fit, willing, and able to perform such services and to conform to the provisions of the Act and the rules, regulations, and requirements of the Board thereunder?

For further details of issues involved in this proceeding, interested persons are referred to the applications and amendments thereto, petitions, motions, and orders entered in the docket of this proceeding, all of which are on file with the Docket Section of the Civil Aeronautics Board.

Notice is further given that any person not a party of record desiring to be

heard at the places noted in support of or in opposition to questions involved in this proceeding must file with the Board, on or before the dates indicated, statements setting forth the matters of fact or law which he desires to advance. Any person filing such statements may appear and participate in the hearing in accordance with rule 14 of the Board's rules of practice.

Dated at Washington, D.C., September 24, 1959.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59-8120; Filed, Sept. 28, 1959;
8:52 a.m.]

[Docket No. 8726]

EASTERN AIR LINES, INC.; EN- FORCEMENT PROCEEDINGS

Notice of Postponement of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, that the oral argument in the above-entitled proceeding now assigned to be held on October 14, 1959, is indefinitely postponed.

Dated at Washington, D.C., September 23, 1959.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59-8119; Filed, Sept. 28, 1959;
8:51 a.m.]

[Docket No. 9934]

ALLEGHENY AIRLINES, INC.

Notice of Prehearing Conference

In the matter of the application of Allegheny Airlines, Inc. for nonstop service between Wheeling, West Virginia and New York, New York.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on October 8, 1959, at 10:00 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenue NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., September 23, 1959.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59-8118; Filed, Sept. 28, 1959;
8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

STANDARD BROADCAST APPLI- CATIONS READY AND AVAILABLE FOR PROCESSING

SEPTEMBER 24, 1959.

Notice is hereby given, pursuant to § 1.354(c) of the Commission's rules,

that on October 31, 1959, the standard broadcast applications listed below will be considered as ready and available for processing, and that pursuant to § 1.106 (b) (1) and § 1.361(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., no later than (a) the close of business on October 30, 1959, or (b) if action is taken by the Commission on any listed application prior to October 31, 1959, no later than the close of business on the day preceding the day on which such action is taken, or (c) the day on which a conflicting application was "cut off" because it was timely filed for consideration with an application on a previous such list.

Adopted: September 23, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

APPLICATIONS FROM TOP OF PROCESSING LINE

BP-12238; KSAM, Huntsville, Tex.; Huntsville Broadcasting Co. Has: 1490 kc, 250 w, U. Requests: 1490 kc, 250 w, 1 kw-LS, U.
BP-12250; WILM, Wilmington, Del.; Delaware Broadcasting Co. Has: 1450 kc, 250 w, U. Requests: 1450 kc, 250 w, 1 kw-LS, U.
BP-12251; WRAW, Reading, Pa.; WRAW, Inc. Has: 1340 kc, 250 w, U. Requests: 1340 kc, 250 w, 1 kw-LS, U.
BP-12254; NEW, Wheatland, Wyo.; Kowboy Broadcasting Co. Requests: 1340 kc, 250 w, U.
BP-12261; WNEK, Macon, Ga.; Macon Broadcasting Co. Has: 1400 kc, 250 w, U. Requests: 1400 kc, 250 w, 1 kw-LS, U.
BP-12262; WOPI, Bristol, Tenn.; WOPI, Inc. Has: 1490 kc, 250 w, U. Requests: 1490 kc, 250 w, 1 kw-LS, U.
BP-12264; WBHF, Cartersville, Ga.; W. R. Frier. Has: 1450 kc, 250 w, U. Requests: 1450 kc, 250 w, 1 kw-LS, U.
BP-12270; WSSC, Sumter, S.C. Radio Sumter, Inc. Has: 1340 kc, 250 w, U. Requests: 1340 kc, 250 w, 1 kw-LS, U.
BP-12286; WELY, Ely, Minn.; Charles B. Persons. Has: 1450 kc, 250 w, U. Requests: 1450 kc, 250 w, 1 kw-LS, U.
BP-12287; KXRA, Alexandria, Minn.; Alexandria Broadcasting Corp. Has: 1490 kc, 250 w, U. Requests: 1230 kc, 250 w, 1 kw-LS, U.
BP-12288; WJEF, Grand Rapids, Mich.; Amalgamated Properties, Inc. Has: 1230 kc, 250 w, U. Requests: 1230 kc, 250 w, 500 w-LS, U.
BP-12290; WMSA, Massena, N.Y.; The Brockway Co. Has: 1340 kc, 250 w, U. Requests: 1340 kc, 250 w, 1 kw-LS, U.
BP-12294; WCRS, Greenwood, S.C.; Grenco, Inc. Has: 1450 kc, 250 w, U. Requests: 1450 kc, 250 w, 1 kw-LS, U.
BP-12297; KROC, Rochester, Minn.; Southern Minnesota Broadcasting Co. Has: 1340 kc, 250 w, U. Requests: 1340 kc, 250 w, 1 kw-LS, U.
BP-12301; WIKB, Iron River, Mich.; Iron County Broadcasting Corp. Has: 1230 kc, 250 w, U. Requests: 1230 kc, 250 w, 1 kw-LS, U.
BP-12309; WJNC, Jacksonville, N.C.; Onslow Broadcasting Corp. Has: 1240 kc, 250 w, U. Requests: 1240 kc, 250 w, 1 kw-LS, U.
BP-12310; WOKK, Meridian, Miss.; New South Broadcasting Corp. Has: 1450 kc, 250 w, U. Requests: 1450 kc, 250 w, 1 kw-LS, U.
BP-12312; WTHH, Port Huron, Mich.; The Times-Herald Co. Has: 1380 kc, 1 kw, DA-1, U. Requests: 1380 kc, 5 kw, DA-2, U.

BP-12322; WFOY, St. Augustine, Fla.; Ponce de Leon Broadcasting Co. Has: 1240 kc, 250 w, U. Requests: 1240 kc, 250 w, 1 kw-LS, U.

BP-12327; KWYN, Wynne, Ark.; East Arkansas Broadcasters, Inc. Has: 1400 kc, 250 w, U. Requests: 1400 kc, 250 w, 1 kw-LS, U.

BP-12328; WSTP, Salisbury, N.C.; WSTP, Inc. Has: 1490 kc, 250 w, U. Requests: 1490 kc, 250 w, 1 kw-LS, U.

BP-12339; KOMS, Manitou Springs, Colo.; Garden of the Gods Broadcasting Co. Has: 1490 kc, 100 w, U. Requests: 1490 kc, 250 w, U.

BP-12340; WBRE, Wilkes-Barre, Pa.; WBRE Radio, Inc. Has: 1340 kc, 250 w, Day. Requests: 1340 kc, 250 w, 1 kw-LS, U.

BP-12341; KBOW, Butte, Mont.; Copper City Radio Co. Has: 1490 kc, 250 w, U. Requests: 1490 kc, 250 w, 1 kw-LS, U.

BP-12342; WHDL, Olean, N.Y.; WHDL, Inc. Has: 1450 kc, 250 w, U. Requests: 1450 kc, 250 w, 1 kw-LS, U.

BP-12346; NEW, Ashland, Oreg.; Faith Tabernacle, Inc. Requests: 1350 kc, 1 kw, Day.

BP-12347; KMRS, Morris, Minn.; Western Minnesota Broadcasting Co. Has: 1570 kc, 1 kw, Day. Requests: 1230 kc, 250 w, U.

BP-12348; KRXL, Roseburg, Oreg.; Umpqua Broadcasters, Inc. Has: 1240 kc, 250 w, U. Requests: 1250 kc, 5 kw, Day.

BP-12351; WJLK, Detroit, Mich.; Booth Broadcasting Co. Has: 1400 kc, 250 w, U. Requests: 1400 kc, 250 w, 1 kw-LS, U.

BP-12354; KVLF, Alpine, Tex.; Big Bend Broadcasters. Has: 1240 kc, 250 w, U. Requests: 1240 kc, 250 w, 1 kw-LS, U.

BP-12355; NEW, San German, P.R.; Jose Soler. Requests: 1090 kc, 250 w, U.

BP-12356; WMVG, Milledgeville, Ga.; Michael T. Landy. Has: 1450 kc, 250 w, U. Requests: 1450 kc, 250 w, 1 kw-LS, U.

BP-12361; WGUS, North Augusta, S.C.; Dixie Broadcasting System. Has: 1600 kc, 500 w, Day. Requests: 1380 kc, 1 kw, Day.

BP-12364; KTUR, Turlock, Calif.; KTUR, Incorporated. Has: 1390 kc, 1 kw, DA-N, U. Requests: 1390 kc, 5 kw, DA-2, U.

BP-12365; NEW, Ft. Atkinson, Wis.; Shorewood Broadcasting Corp. Requests: 940 kc, 1 kw, DA-Day.

BP-12366; WBOP, Pensacola, Fla.; Tri-Cities Broadcasting Co., Inc. Has: 980 kc, 500 w, Day. Requests: 980 kc, 1 kw, Day.

BP-12372; NEW, Glen Burnie, Md.; Southfield Broadcasting Co., Inc. Requests: 1590 kc, 500 w, DA-2, U.

BP-12374; NEW, Black Mountain, N.C.; Mountain View Broadcasting Co. Requests: 1350 kc, 500 w, Day.

BP-12375; WEPM, Martinsburg, W. Va.; Martinsburg Broadcasting Co. Has: 1340 kc, 250 w, U. Requests: 1340 kc, 250 w, 1 kw-LS, U.

BP-12380; KDNT, Denton, Tex.; Harwell V. Shepard. Has: 1440 kc, 500 w, 1 kw-LS, DA-N, U. Requests: 1440 kc, 500 w, 5 kw-LS, DA-N, U.

APPLICATIONS ON WHICH 309(b) LETTERS HAVE BEEN ISSUED

BP-12265; WINC, Winchester, Va.; Richard F. Lewis, Jr., Inc. of Winchester. Has: 1400 kc, 250 w, U. Requests: 1400 kc, 250 w, 1 kw-LS, U.

BP-12311; WWIN, Baltimore, Md.; Belvedere Broadcasting Corp. Has: 1400 kc, 250 w, U. Requests: 1400 kc, 250 w, 1 kw-LS, U.

BP-12336; WHLF, South Boston, Va.; Halifax Broadcasting Co. Has: 1400 kc, 250 w, U. Requests: 1400 kc, 250 w, 1 kw-LS, U.

BP-12343; WOND, Pleasantville, N.J.; South Jersey Radio, Inc. Has: 1400 kc, 250 w, U. Requests: 1400 kc, 250 w, 1 kw-LS, U.

BP-12352; NEW, Shelbyville, Ky.; Shelby Broadcasting Co. Requests: 940 kc, 250 w, Day.

BP-12359; NEW, Redwood City, Calif.; Redwood City, Radio, Inc. Requests: 850 kc, 1 kw, DA-1, U.

BP-12360; NEW, Redwood City, Calif.; Hometown Broadcasters. Requests: 850 kc, 500 w, DA-1, U.

BP-12371; WALE, Fall River, Mass.; Narragansett Broadcasting Co. Has: 1400 kc, 250 w, U. Requests: 1400 kc, 250 w, 500 w-LS, U.

BP-12373; NEW, South Haven, Mich.; Radio 940. Requests: 940 kc, 1 kw, DA-Day.

BP-12376; KSAN, San Francisco, Calif.; Golden Gate Broadcasting Corp. Has: 1450 kc, 250 w, U. Requests: 1450 kc, 250 w, 1 kw-LS, U.

APPLICATIONS DELETED FROM PUBLIC NOTICE OF APRIL 9, 1959 (FCC 59-316) (24 F.R. 2842)

BP-11230; WITA, San Juan, Puerto Rico; Electronic Enterprises, Inc. Has: 1140 kc, 500 w, U. Requests: 1030 kc, 1 kw, U. (Deleted from above-referenced list by Commission action of July 22, 1959, FCC 59-751, 24 F.R. 6167.)

BP-11738; NEW, Sacramento, Calif.; Northern California Broadcasting Co. Requests: 1030 kc, 500 w, DA-1, U.

(Applications BP-11230 and BP-11738 are in the pending file pursuant to the provisions of the Commission's Public Notice of August 9, 1946 with respect to proposals for 770 kc and 1030 kc).

APPLICATIONS DELETED FROM PUBLIC NOTICE OF JULY 30 1959 (FCC 59-810) (24 F.R. 6248)

BP-5827; NEW, Wyandotte, Mich.; Woodward Broadcasting Co. Requests: 850 kc, 5 kw, DA-2, U. (Is in the pending file pursuant to the provisions of § 1.351 of the Commission rules.)

BP-11845; NEW, Oklahoma City, Okla.; (now Sooner State Broadcasting Co.; BP-13342). Requests: 1210 kc, 10 kw, DA-Day. (Was amended to specify changes in the directional antenna and was assigned a new file number pursuant to the provisions of § 1.354(h) of the Commission rules.)

[F. R. Doc. 59-8123; Filed; Sept. 28, 1959; 8:52 a.m.]

[Docket No. 12985; FCC 59M-1234]

EASTERN IDAHO BROADCASTING
AND TELEVISION CO.

Order Continuing Hearing

In re application of Eastern Idaho Broadcasting and Television Company, Idaho Falls, Idaho, Docket No. 12985, File No. BFCT-2390; for construction permits for new television broadcast stations (Channel 8).

The Hearing Examiner having under consideration the scheduling of a new date for commencement of hearing;

It appearing that a prehearing conference was held on September 22, 1959, at which was discussed the future progress of the proceeding and, among other things, a suitable date was agreed upon as convenient for the parties and the Examiner; and

It further appearing that the date of October 7, 1959, had already been set by the Chief Hearing Examiner in his order of July 29, 1959;

It is ordered, This 22d day of September 1959, that the hearing scheduled to commence on October 7 is continued to October 12, 1959.

Released: September 24, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-8124; Filed, Sept. 28, 1959; 8:52 a.m.]

[Docket No. 12110 etc.; FCC 59M-1230]

GRAND HAVEN BROADCASTING CO. (WGHN) ET AL.

Order Governing Course of Hearing, Scheduling Pre-Hearing Conference and Hearing

In re applications of Grand Haven Broadcasting Company (WGHN), Grand Haven, Michigan, Docket No. 12110, File No. BP-11160; Central Michigan Broadcasting Co., Oil City, Michigan, Docket No. 12889, File No. BP-11132; Harmon Leroy Stevens and John F. Wismer d/b as Stevens-Wismer Broadcasting Company, Caro, Michigan, Docket No. 12890, File No. BP-11315; Earl N. Peterson and Pearle C. Lewis d/b as Flat River Broadcasting Company, Greenville, Michigan, Docket No. 12891, File No. BP-11611; Lloyd L. Savage, Omer K. Wright, Jae D. Kitchen and C. Wayne Wright, d/b as Caro Broadcasting Company, Caro, Michigan, Docket No. 12892, File No. BP-11836; Robert F. Benkelman and James A. McCoy d/b as Tuscola Broadcasting Company, Caro, Michigan, Docket No. 12893, File No. BP-12013; for construction permits for standard broadcast stations.

At a pre-hearing conference held on September 21, 1959, the following calendar governing the future course of this proceeding was established:

October 30, 1959, Direct written presentation to be furnished other parties and the Examiner;

November 9, 1959, Further pre-hearing conference;

November 16, 1959, Hearing.

So ordered, this 22d day of September, 1959.

Released: September 23, 1959.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, Secretary.

[F.R. Doc. 59-8125; Filed, Sept. 28, 1959; 8:53 a.m.]

of Crittenden County Broadcasting Company, and of Garrett Broadcasting are mutually exclusive;

(2) The staff, studio and technical equipment proposals of Birney Imes, Jr., of Newport Broadcasting Company, of Crittenden County Broadcasting Company, and of Garrett Broadcasting Corporation are each adequate to effectuate the programming proposed;

(3) Evidence adduced under Issue 1 will be limited to the 2.0 mv/m and 0.5 mv/m contours both as to the respective proposals herein and to the availability of other primary service;

It further appearing certain agreements were reached which properly should be formalized by order;

It is ordered, This 22d day of September 1959 that:

(1) Exhibits to be offered in evidence in the presentation of the direct affirmative cases will be under oath and shall be exchanged among the parties and copies thereof supplied the Hearing Examiner on December 15, 1959;

(2) The direct cases of the applicants relative to programming proposals including program contacts, program schedules, program descriptions, and program analyses shall be presented by written, sworn exhibits and, except for corrective matters, the direct cases as to programming proposals shall be deemed frozen as of the date of exchange of such exhibits;

It is further ordered, That the hearing herein is scheduled to commence on January 18, 1960, commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: September 24, 1959.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, Secretary.

[F.R. Doc. 59-8126; Filed, Sept. 28, 1959; 8:53 a.m.]

[Docket No. 13175]

INDEPENDENT SALMON CANNERIES, INC.

Order To Show Cause

In the matter of Independent Salmon Canneries, Inc., Pier 66, Seattle 1, Washington, Docket No. 13175; order to show cause why there should not be revoked the licenses for public coast radio stations KXB-77 at Murphy Fish Trap No. 1, Ketchikan, Alaska, and KWB-30 at Ketchikan, Alaska.

There being under consideration the matter of an alleged violation of the Communications Act of 1934, as amended;

It appearing that pursuant to section 308(b) of the Communications Act of 1934, as amended, the above-named licensee was requested by letter dated May 21, 1959, to furnish a statement under oath or affirmation, within thirty days from the date of receipt of such letter, concerning, inter alia, the measures which it was taking, or had taken, to assure that the radio stations authorized

to be operated by it would not be operated by any person other than Independent Salmon Canneries, Inc.; and

It further appearing that the Commission's above-mentioned letter was sent by Certified Mail, Return Receipt Requested (No. 97217); and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the licensee's agent, G. K. Davis, on May 22, 1959, to a Post Office Department return receipt; and

It further appearing that although more than thirty days have elapsed since the licensee's receipt of the Commission's letter, no response thereto has been made; and

It further appearing that in view of the foregoing, the licensee has willfully violated section 308(b) of the Communications Act of 1934, as amended;

It is ordered, This 21st day of September, 1959, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b) (8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the licenses for the captioned radio stations should not be revoked and appear and give evidence in respect thereto at a hearing¹ to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by Certified Mail, Return Receipt Requested to the said licensee.

Released: September 23, 1959.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, Secretary.

[F.R. Doc. 59-8127; Filed, Sept. 28, 1959; 8:53 a.m.]

¹Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

[Docket No. 12837 etc.; FCC 59M-1235]

BIRNEY IMES, JR., ET AL.

Order Scheduling Hearing

In re applications of Birney Imes, Jr., West Memphis, Arkansas, Docket No. 12837, File No. BP-11465; Nathan Bolton and A. R. McCleary, d/b as Morehouse Broadcasting Company (KTRY), Bastrop, Louisiana, Docket No. 12838, File No. BP-11924; Newport Broadcasting Company, West Memphis, Arkansas, Docket No. 12839, File No. 12113; Crittenden County Broadcasting Company, West Memphis, Arkansas, Docket No. 12840, File No. BP-12405; Garrett Broadcasting Corporation, West Memphis, Arkansas, Docket No. 13057, File No. BP-12987; for construction permits.

It appearing, that a prehearing conference in the above-entitled matter was held on September 15, 1959, and certain stipulations were entered into as follows:

(1) The applications of Birney Imes, Jr., of Newport Broadcasting Company,

[Docket No. 13189]

MAURICE JABOUR**Order To Show Cause**

In the matter of Maurice Jabour, 223 Elizabeth Street, Key West, Florida, Docket No. 13189; order to show cause why there should not be revoked the license for Radio Station WC-6038 aboard the vessel "Mattie Jean."

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that pursuant to section 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows:

Official Notice of Violation dated April 21, 1959, calling attention to violations (observed April 14, 1959) of the following Commission rules:

Section 8.368(a): There was no evidence that a radiotelephone log of communications has been maintained.

Section 8.367(a) (2): A copy of Part 8 of the Commission's rules was not available on board the vessel at the time of inspection.

Section 8.368(a) (5): Official station log entries were not made to indicate periods of time when a listening watch was maintained on the frequency 2182 kc.

It further appearing that the above-named licensee received said Official notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated June 5, 1959, and sent by Certified Mail, Return Receipt Requested (No. 1-21559), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that his failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the licensee on June 8, 1959, to a Post Office Department return receipt; and

It further appearing that although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing that in view of the foregoing, the licensee has willfully violated § 1.61 of the Commission's rules;

It is ordered, This 21st day of September 1959, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and § 0.291(b) (8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked and appear and give evidence

in respect thereto at a hearing¹ to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by Certified Mail, Return Receipt Requested to the said licensee.

Released: September 23, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-8128; Filed, Sept. 28, 1959; 8:53 a.m.]

[Docket Nos. 13072-13075; FCC 59M-1225]

JEFFERSON STANDARD BROADCASTING CO. ET AL.**Order Continuing Hearing**

In re applications of Jefferson Standard Broadcasting Company, Greensboro, North Carolina, Docket No. 13072, File No. BPCT-2549; High Point Television Company, High Point, North Carolina, Docket No. 13073, File No. BPCT-2560; Southern Broadcasters, Inc., High Point, North Carolina, Docket No. 13074, File No. BPCT-2579; Hargrove Bowles, Jr., James G. W. MacLamroch, Robert Hamilton Nutt and Ralph C. Price, d/b as Tricities Broadcasting Company, Greensboro, North Carolina, Docket No. 13075, File No. BPCT-2605; for construction permits for television broadcast stations (Channel 8).

It is ordered, This 21st day of September 1959, that pursuant to agreement of counsel arrived at during the prehearing conference held on this date, the hearing

¹Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

in the above-entitled proceeding, presently scheduled to commence on October 8, 1959, is continued to December 14, 1959, at 2 p.m., in Washington, D.C.

Released: September 23, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-8129; Filed, Sept. 28, 1959; 8:53 a.m.]

[Docket No. 12938; FCC 59M-1227]

KVFC, INC. (KVFC)**Order Continuing Hearing**

In re application of KVFC, Incorporated (KVFC), Cortez, Colorado, Docket No. 12938, File No. BP-11847; for construction permit.

It is ordered, This 22d day of September 1959, that, upon oral request by counsel for the Commission's Broadcast Bureau and with the agreement of counsel for the applicant, the hearing in the above-entitled matter presently scheduled for September 30, 1959 is hereby rescheduled to commence at 10:00 a.m., October 20, 1959, in the Commission's offices in Washington, D.C.

Released: September 23, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-8130; Filed, Sept. 28, 1959; 8:53 a.m.]

[Docket No. 12990; FCC 59M-1236]

MASSACHUSETTS STEEL TREATING CORP.**Order Continuing Hearing**

In the matter of cease and desist order to be directed to Massachusetts Steel Treating Corp., 118 Harding Street, Worcester, Massachusetts, Docket No. 12990.

The Hearing Examiner having under consideration a request filed by the Commission's Field Engineering and Monitoring Bureau on September 18, 1959, requesting that the hearing in the above-entitled proceeding now scheduled for October 2, 1959, be postponed indefinitely;¹ and

It appearing that the respondent has informed the Commission by letter dated September 14, 1959; that respondent filed a timely appearance in this proceeding; that respondent now has in operation a new induction heater certified by the General Electric Company as complying with the Commission's rules; and that by October 1, 1959, the equipment which the

¹The Bureau's request for an indefinite postponement of the hearing is set forth in a document entitled "Withdrawal of Petition for Issuance of Initial Decision" that was filed by the Bureau in this proceeding on September 18, 1959.

respondent has been charged with using in violation of the Commission's rules, will be removed from its plant; and

It further appearing that in light of the above-described information submitted by respondent to the Commission, the Bureau has withdrawn its Petition of September 11, 1959, for issuance of an Initial Decision; and

It further appearing that under the circumstances shown above, a grant of the Bureau's subject request would be appropriate;

Accordingly, it is ordered, This 23d day of September 1959, that the request of the Bureau for an indefinite postponement of the hearing in this proceeding is granted, and the hearing now scheduled for October 2, 1959, is continued indefinitely.

Released: September 24, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-8131; Filed, Sept. 23, 1959;
8:53 a.m.]

[Docket No. 13056; FCC 59M-1226]

**NATIONAL BROADCASTING CO., INC.
(WRCA)**

**Order Continuing Pre-Hearing
Conference and Hearing**

In re application of National Broadcasting Company, Inc. (WRCA), New York, New York, Docket No. 13056, File No. BP-11796; for construction permit.

The Hearing Examiner having under consideration a motion filed on September 17, 1959 by National Broadcasting Company, Inc., requesting that the prehearing conference in the above-entitled proceeding presently scheduled for September 23, 1959, be continued to October 23, 1959;

It appearing that counsel for the Broadcast Bureau has informally agreed to a waiver of the four-day requirement of § 1.43 of the Commission's rules and consented to a grant of the instant motion, and good cause has been shown for the proposed continuance;

It further appearing that the date of October 23, 1959 is not available to the Hearing Examiner;

It further appearing that while the motion for continuance of the prehearing conference does not request a continuance of the hearing date, such continuance is necessary;

It is ordered, This 21st day of September 1959, that the motion insofar as it requests a continuance of the prehearing conference in the above-entitled proceeding be and the same is hereby granted, and the prehearing conference be and it is hereby continued to November 5, 1959, at 10 a.m., in Washington, D.C.

It is further ordered, That the hearing presently scheduled to commence on

October 30, 1959, be and it is hereby continued to a date to be fixed at the prehearing conference.

Released: September 23, 1959.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-8132; Filed, Sept. 23, 1959;
8:53 a.m.]

[Docket No. 12695; FCC 59M-1228]

RADIO MISSOURI CORP. (WAMV)

Order Scheduling Hearing

In re application of Radio Missouri Corporation (WAMV), East St. Louis, Illinois, Docket No. 12695, File No. BP-12193; for a construction permit.

The Hearing Examiner having under consideration matters considered at the prehearing conference held herein on September 22, 1959;

It is ordered, This 22d day of September 1959, that the hearing herein is scheduled for October 15, 1959, at 10:00 a.m.

Released: September 23, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-8133; Filed, Sept. 23, 1959;
8:53 a.m.]

[Docket No. 13180; FCC 59M-1188]

RODNEY F. JOHNSON (KWJJ)

**Order Scheduling Prehearing
Conference**

In re application of Rodney F. Johnson (KWJJ), Portland, Oregon, Docket No. 13180, File No. BP-12056; for construction permit.

It is ordered, This 16th day of September 1959, that, pursuant to § 1.111 of the Commission's rules, a prehearing conference will be held in the above-entitled matter commencing at 2:00 p.m., October 19, 1959, in the Commission's offices at Washington, D.C.

Released: September 17, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-8134; Filed, Sept. 23, 1959;
8:53 a.m.]

[Docket No. 13190]

WILLIAM S. WELLS, JR.

Order To Show Cause

In the matter of William S. Wells, Jr., Southport, North Carolina, Docket No.

13190; order to show cause why there should not be revoked the license for Radio Station WC-2958 aboard the vessel "Jackie B."

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that pursuant to § 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows:

Official Notice of Violation dated April 21, 1959, calling attention to violations (observed April 15, 1959) of the following Commission rules:

Section 8.21: Transmitter equipment installed not the same as that authorized by the station license.

Section 8.367(a)(2): A copy of Part 8 of the Commission's rules was not available on board the vessel at the time of inspection.

Section 8.368(a): There was no evidence that a radio telephone log of communications had been maintained.

Section 8.368(a)(5): Official station log entries were not made to indicate periods of time when a listening watch was maintained on the frequency 2182 kc.

It further appearing that the above-named licensee received said Official notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated June 5, 1959 and sent by Certified Mail, Return Receipt Requested (No. 1-21558), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that his failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the licensee on June 12, 1959 to a Post Office Department return receipt; and,

It further appearing that although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing that in view of the foregoing, the licensee has willfully violated § 1.61 of the Commission's rules;

It is ordered, This 21st day of September 1959, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked and appear and give evidence in respect thereto at

a hearing¹ to be held at a time and place to be specified by subsequent order; and
It is further ordered, That the Secretary send a copy of this order by Certified Mail, Return Receipt Requested to the said licensee.

Released: September 23, 1959.

FEDERAL COMMUNICATIONS
 COMMISSION,

[SEAL] MARY JANE MORRIS,
 Secretary.

[F.R. Doc. 59-8135; Filed, Sept. 23, 1959;
 8:53 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-6901]

CALIFORNIA ELECTRIC POWER CO.

Notice of Application

SEPTEMBER 22, 1959.

Take notice that on September 16, 1959, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by California Electric Power Company ("Applicant"), a corporation organized under the laws of the State of Delaware and authorized to do business in the States of California, Nevada and Arizona, with its principal business office at San Bernardino, California, seeking an order authorizing the issuance of not to exceed \$15,000,000 in aggregate principal amount of promissory notes. Applicant proposes to issue the aforesaid notes to the Bank of America National Trust and Savings Association ("Bank") in varying amounts beginning December 1959 and ending October 1960. Each note will mature within twelve months from the date of issuance and shall bear

¹Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

interest equal to the Bank's prime rate for 90-day to 180-day prime commercial loans. The funds received from the first issuance of the aforesaid notes will be used by Applicant to refund all notes outstanding on October 31, 1959, under loan agreement of September 16, 1958. Except for this refunding borrowing, the proceeds from the \$15,000,000 credit, or such portion as may be borrowed from time to time, will be applied by Applicant as interim financing to the payment of the costs of additions, betterments and improvements to Applicant's properties.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 10th day of October 1959, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
 Secretary.

[F.R. Doc. 59-8084; Filed, Sept. 28, 1959;
 8:47 a.m.]

[Docket No. G-19477]

CITIES SERVICE PRODUCTION CO. ET AL.

Order for Hearing and Suspending Proposed Change in Rates

SEPTEMBER 22, 1959.

Cities Service Production Company (Operator) et al. (Cities Service) on August 25, 1959, tendered for filing a proposed change in its presently effective rate schedule¹ for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated August 21, 1959.

Purchaser: El Paso Natural Gas Company.
 Rate schedule designation: Supplement No. 11 to Cities Service's FPC Gas Rate Schedule No. 3.

Effective date: September 25, 1959 (stated effective date is the effective date proposed by Cities Service).

In support of the proposed favored-nation rate increase, Cities Service submits a letter dated August 6, 1959, from El Paso Natural Gas Company (El Paso) stating that it began paying the rate of 13.7836 cents per Mcf, exclusive of tax reimbursement, within the favored-nation area, subject to refund, and advising that such rate is based upon spiral escalation increased rates of Phillips Petroleum Company which are being contested by El Paso. In addition, Cities Service states that the increased rate is provided by a contract negotiated at arm's length and that such increased rate is less than the going price for gas in the area.

¹Present rate previously suspended and is in effect subject to refund in Docket No. G-14097.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: 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. 11 to Cities Service's FPC Gas Rate Schedule No. 3 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 and practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 11 to Cities Service's FPC Gas Rate Schedule No. 3.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until February 25, 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) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

JOSEPH H. GUTRIDE,
 Secretary.

[F.R. Doc. 59-8085; Filed, Sept. 28, 1959;
 8:47 a.m.]

[Docket No. G-16366]

KIRBY PRODUCTION CO.

Notice of Application and Date of Hearing

SEPTEMBER 22, 1959.

Take notice that on September 19, 1958, Kirby Production Company (Kirby), (Applicant), a non-operator, filed an application for a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, authorizing the Applicant to sell natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application, as amended, which is on file with the Commission and open to public inspection.

Applicant proposes to sell natural gas, attributable to its 12.5 percent working interest, to Natural Gas Pipeline Company of America (Natural) from the McDonald Unit located in the Camrick

Southeast Pool, Beaver County, Oklahoma. The proposed sale would be made pursuant to a ratification agreement of a sales contract between the unit operator, The Atlantic Refining Company (Atlantic), and Natural. Atlantic had been granted a certificate to sell gas to Natural in Docket No. G-9980.

Concurrently with the filing of its application, the Applicant submitted the aforementioned contract proposing an initial rate of 16.4 cents per Mcf. Said contract is on file with the Commission, designated as Kirby's FPC Gas Rate Schedule No. 12 and Supplement No. 1 thereto. On June 17, 1959, the Applicant filed an amendment to its application requesting among other things, that a rate of 16.0 cents per Mcf be substituted for the 16.4 cents per Mcf.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 26, 1959, at 9:30 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, that the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 16, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-8086; Filed, Sept. 28, 1959;
8:47 a.m.]

[Docket No. G-19478]

SOHIO PETROLEUM CO.

Order for Hearing and Suspending Proposed Changes in Rates

SEPTEMBER 22, 1959.

Sohio Petroleum Company (Sohio) on August 27, 1959, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges,

are contained in the following designated filings:

Description: Notices of change, undated.
Purchaser: Tennessee Gas Transmission Company.

Rate schedule designation: Supplement No. 3 to Sohio's FPC Gas Rate Schedule No. 3. Supplement No. 3 to Sohio's FPC Gas Rate Schedule No. 4. Supplement No. 5 to Sohio's FPC Gas Rate Schedule No. 9.

Effective date: November 1, 1959 (stated effective date is the effective date proposed by Sohio).

In support of the proposed redetermined rate increases, Sohio states that its redetermined rate is provided for by its contracts and that such rate is in line with the price being paid to other sellers in the area. In addition, Sohio submits a letter from Tennessee Gas Transmission Company agreeing to the proposed redetermined rate increases effective November 1, 1959.

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

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 3 to Sohio's FPC Gas Rate Schedules Nos. 3 and 4, respectively, and Supplement No. 5 to Sohio's FPC Gas Rate Schedule No. 9, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 3 to Sohio's FPC Gas Rate Schedules Nos. 3 and 4, respectively, and Supplement No. 5 to Sohio's FPC Gas Rate Schedule No. 9.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until April 1, 1960, and until such further time as they are 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 this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

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

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-8087; Filed, Sept. 28, 1959;
8:47 a.m.]

[Docket No. G-9892 etc.]

SOUTH GEORGIA NATURAL GAS CO. ET AL.

Order Reopening Proceeding, Providing for the Receipt of Additional Evidence and Fixing Date for Protests Thereto

SEPTEMBER 21, 1959.

In the matters of South Georgia Natural Gas Company, Docket No. G-9892; Southern Natural Gas Company, Docket No. G-14587; Secure Trusts, Docket No. G-14903; Estate of Lyda Bunker Hunt, Deceased, Docket No. G-14904; H. L. Hunt, Docket No. G-14905; The Texas Company,¹ Docket No. G-15038; Olin Gas Transmission Corporation, Docket No. G-15110; Earl G. Bateman d/b/a Bateman Drilling Company, Operator, et al., Docket No. G-15141; Hunt Oil Company, Operator, Docket No. G-15146; The California Company, Docket No. G-16680; Placid Oil Company, Docket No. G-17746; Gulf Oil Corporation, Docket No. G-17760.

On August 28, 1959, the City of Lumpkin, Georgia, filed an application for rehearing of the Commission's Opinion No. 325 and accompanying order issued in the above-entitled proceedings on August 7, 1959. In that opinion and accompanying order we denied the request of the City of Lumpkin for an allocation of natural gas from the system of South Georgia Natural Gas Company upon a finding that the City had failed to show upon the record that its proposed project would be economically feasible because it would have a minimum debt service coverage ratio of less than 1.5.

In its application herein Lumpkin alleges that since the record in this proceeding was closed, the City has received numerous subscriptions for service and paid deposits therefor from 297 prospective customers for gas. Upon this basis Lumpkin would have a debt service coverage ratio of not less than 1.89 the third year, and 1.96 the fifth year. With its application, Lumpkin filed a revised engineering report which it offers to support the allegations therein and the certification of South Georgia's proposed sale to it. Accordingly, Lumpkin requests that the Commission approve the sale of gas to it by South Georgia without further hearing, or alternatively, grant the rehearing requested and permit Lumpkin to adduce the new and additional evidence.

It thus appears that Lumpkin desires to avail itself of the opportunity we said in Opinion No. 325 would be available to it, to make a future showing, if it is able to do so, of a project that is economically feasible.

Upon consideration of the application for rehearing including the revised engineering report submitted therewith we find and determine as hereinafter provided.

The Commission finds: It is necessary and appropriate to carry out the provisions of the Natural Gas Act and the public convenience and necessity require that the record in this proceeding be reopened and that the additional evidence

¹ Now Texaco Inc.

submitted by the City of Lumpkin should be received in evidence as a part of the record in this proceeding without further hearing provided that no protest to such action is received within the time hereinafter fixed.

The Commission orders: The record in the above-entitled proceedings is hereby reopened and the additional evidence submitted by the City of Lumpkin, as described above and more fully described in the application for rehearing filed herein, including the revised engineering report should be received in evidence and made a part of the record in these proceedings provided that no protest to the receipt thereof in evidence is received from any party or parties to these proceedings within ten (10) days after the date this order is issued.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-8088; Filed, Sept. 28, 1959;
8:47 a.m.]

[Docket No. G-16283]

TENNESSEE GAS TRANSMISSION CO.

Notice of Postponement of Hearing

SEPTEMBER 22, 1959.

Upon consideration of the request filed September 22, 1959, by Counsel for Tennessee Gas Transmission Company for postponement of the hearing now scheduled for September 23, 1959, in the above-designated matter;

The hearing in the above-designated matter now scheduled for September 23, 1959, is postponed to a date to be hereafter fixed by further notice.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-8089; Filed, Sept. 28, 1959;
8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1252]

AMERICAN RESEARCH AND DEVELOPMENT CORP. and JET-HEET, INC.

Notice of Application for Order Exempting Transactions Between Affiliates

SEPTEMBER 25, 1959.

Notice is hereby given that Jet-Heet, Inc. ("Applicant"), an affiliated person of American Research and Development Corporation ("Research"), Boston, Massachusetts, a registered closed-end, non-diversified investment company, which owns more than 5 percent of applicant's voting securities, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") requesting an order exempting the transactions summarized below from the provisions of section 17(a) of the Act.

Applicant is an engineering and licensing company providing development services for manufacturers seeking new products, largely in the field of heat transfer and thermomechanics. The following table shows, as of August 31, 1958, its outstanding securities and the amount thereof held by Research:

Security	Total outstanding	Held by research
Ten-year 5% subordinated income debentures.....	\$50,000	\$32,752
Five-year 6% notes.....	20,000	10,000
Common stock, shares.....	468,812	195,220

This capital structure of applicant resulted from a Plan of Reorganization which was the subject of an order issued by the Commission on July 7, 1959 (Investment Company Act Release No. 2896) granting exemption from the prohibitions of section 17(a) of the Act.

Applicant now proposes to borrow (from persons other than Research) \$100,000 for which it would issue a total of \$100,000 principal amount 6 percent Subordinated Notes maturing five years from date of issue. Upon the consent in writing of the holders of at least 97 percent in principal amount of outstanding Ten-Year 5 percent Subordinated Income Debentures, Debentures held by such consenting debenture holders would be amended (a) by including in the definition of "Senior Debt" (i) the principal of and interest on the \$100,000 principal amount of 6 percent Subordinated Notes to be issued and the principal of and interest on any other 6 percent Subordinated Notes of applicant that may from time to time be issued (provided, however, that the aggregate principal amount of 6 percent Subordinated Notes that would constitute Senior Debt at any time would not exceed \$400,000) and (ii) all debts and other obligations of applicant to banks, trust companies, lending institutions and other financing organizations (including factors) payable currently or having a maturity of less than one year and (b) by providing that all of the new 6 percent Subordinated Notes as well as all of the existing Five-Year 6 percent Notes must be paid in full before any Debentures may be prepaid at the option of applicant. The Ten-Year 5 percent Subordinated Income Debentures held by Research would be affected by this change in the definition of Senior Debt since Research has indicated that it will consent to the change.

The \$100,000 of 6 percent Subordinated Notes will be purchased by a small group of investors including Calvin D. MacCracken, President of applicant, and certain of the members of its Board of Directors. Applicant up to the present time has not entered into any negotiations or made any arrangements with respect to the sale of the remaining \$300,000 of 6 percent Subordinated Notes to which the Ten-Year 5 Percent Subordinated Income Debentures may be subordinated, but it is contemplated that such remaining Notes will be issued at such times as funds are required by applicant and purchasers for the Notes can be found.

It is further proposed that the authorized shares of applicant's common stock will be increased to 3,000,000 shares and that a total of 468,812 shares of capital stock of applicant will be sold to the purchasers of the \$100,000 of 6 percent Subordinated Notes at a price of one-tenth of one cent per share. These purchasers and the management of applicant have agreed that 31,254 of the 468,812 shares so purchased should be transferred to the holders of the \$20,000 in principal amount of Five-Year 6 Percent Notes of applicant. Since this \$20,000 in Notes is held in equal amounts by Research and Nathan W. Levin, a director and stockholder of applicant, Research and Mr. Levin will each receive 15,627 shares.

It is further provided that applicant will enter into an agreement with Research and Mr. Levin as holders of the \$20,000 of Five-Year 6 Percent Notes pursuant to which such Notes will be subordinated to all debts and obligations of applicant to banks, trust companies, lending institutions and other financing organizations (including factors) payable currently or having a maturity of less than one year and to all debts and other obligations of applicant arising in the normal course of trade. Research and Mr. Levin have indicated their willingness to accept this modification of their Notes.

The Board of Directors have also approved a proposal to grant to MacCracken an option to purchase, at any time within five years from the date of such option, 134,000 shares of stock of applicant at 19 cents per share on such terms as will qualify the option as a "restricted stock option" within the meaning of section 421 of the Internal Revenue Code. The proposed option will be submitted for stockholder approval at the same time as the new financing plan.

Generally speaking, section 17(a) of the Act prohibits an affiliated person of a registered investment company from purchasing from, or selling to, such registered investment company, any security, with certain exceptions, unless the Commission upon application pursuant to section 17(b) of the Act, grants an exemption from section 17(a) of the Act after finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its Registration Statement and reports filed under the Act, and is consistent with the general purposes of the Act.

Because of the holding of more than 5 percent of the Common Stock of applicant by Research, the two companies are affiliated persons of each other, as defined in the Act; hence the transactions between them are prohibited under section 17(a) unless the Commission grants the application pursuant to section 17(b) of the Act.

Notice is hereby given that any interested person may, not later than October 2, 1959 at 12:30 p.m., submit to the Commission in writing a request for

a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 59-8217; Filed, Sept. 28, 1959;
11:43 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 24, 1959.

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. 35709: *Petroleum products—Montana points to Illinois and Wisconsin.* Filed by Trans-Continental Freight Bureau, Agent (No. 363), for interested rail carriers. Rates on topped or reduced crude petroleum oil or refinery

cracking stock, tank-car loads from Billings, East Billings, and Laurel, Mont., to Chicago and Rockford, Ill., and Sheboygan, Wis.

Grounds for relief: Carrier market competition.

Tariff: Supplement 50 to Trans-Continental Freight Bureau, Agent, tariff I.C.C. 1604.

FSA No. 35710: *Lumber from and to points in western territory.* Filed by Western Trunk Line Committee, Agent (No. A-2082), for interested rail carriers. Rates on lumber and articles taking lumber rates, carloads from Points in Colorado, New Mexico, Utah and Wyoming to points in western trunk line territory.

Grounds for relief: Short-line distance scales and market competition with Denver, Colo.

Tariffs: Supplement 13 to Chicago and North Western Railway Company tariff I.C.C. 11349. Supplement 56 to The Denver and Rio Grande Western Railway Company tariff I.C.C. 986. Supplement 54 to Union Pacific Railroad Company tariff I.C.C. 5412.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 59-8102; Filed, Sept. 28, 1959;
8:49 a.m.]

[Notice 196]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 24, 1959.

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 recon-

sideration 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 62400. By order of September 22, 1959, the Transfer Board approved the transfer to South Branch Motor Freight, Inc., Moorefield, W. Va., of Certificate in No. MC 30967, issued April 26, 1956, to Marlin Wallace Bean, doing business as South Branch Motor Freight, Moorefield, W. Va., authorizing the transportation of: *General commodities*, and numerous other named commodities of a general commodity nature, between specified points in Delaware, Maryland, New Jersey, Pennsylvania, Virginia, West Virginia, and the District of Columbia. Donald E. Cross, 919 Munsey Building, Washington 4, D.C., for applicants.

No. MC-FC 62503. By order of September 23, 1959, the Transfer Board approved the transfer to Russell Lott, doing business as Lott Motor Lines, Meshoppen, Pa., of Certificates in Nos. MC 78932, MC 78982 Sub 1 and MC 78982 Sub 2, issued March 5, 1941, October 19, 1940 and June 2, 1949, respectively, to Richard W. Colpitts, Windsor, N.Y., authorizing the transportation of: Coal from Carbondale, Pa., and points within 8 miles thereof to Binghamton and Windsor, N.Y.; salt from Myers, N.Y., to points in Susquehanna County, Pa., and salt from Retsof and Watkins Glen, N.Y. to points in Susquehanna County, Pa., and from Retsof, Myers and Watkins Glen, N.Y., to 15 counties in Pennsylvania.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 59-8103; Filed, Sept. 28, 1959;
8:49 a.m.]

CUMULATIVE CODIFICATION GUIDE—SEPTEMBER

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