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VOLUME 24 NUMBER 202

Washington, Thursday, October 15, 1959

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission PART 27—EXCLUSION FROM PROVISIONS OF FEDERAL EMPLOYEES PAY ACT OF 1945, AS AMENDED, AND CLASSIFICATION ACT OF 1949, AS AMENDED, AND ESTABLISHMENT OF MAXIMUM STIPENDS FOR POSITIONS IN GOVERNMENT HOSPITALS FILLED BY STUDENT OR RESIDENT TRAINEES

Medical and Dental Interns and Residents

Effective October 15, 1959, the maximum stipends prescribed under § 27.2 for the positions of Medical or Dental Interns and Residents are increased and maximum stipends are prescribed for Medical Residents, Saint Elizabeths Hospital, Department of Health, Education, and Welfare, as follows:

§ 27.2 Maximum stipends prescribed.

Medical or dental interns and residents:	
Approved internship, per year-----	\$3,800
First year approved residency-----	4,400
Second year approved residency-----	4,800
Third year approved residency-----	5,200
Fourth year approved residency-----	5,700
Medical residents, Saint Elizabeths Hospital, Department of Health, Education, and Welfare:	
First year approved residency-----	4,800
Second year approved residency-----	5,200
Third year approved residency-----	5,600

(61 Stat. 727; 5 U.S.C. 1051-1058)

UNITED STATES CIVIL SERVICE COMMISSION,
WM. C. HULL,
Executive Assistant.

[SEAL]

[F.R. Doc. 59-8740; Filed, Oct. 14, 1959; 8:53 a.m.]

PART 37—GROUP LIFE INSURANCE

Miscellaneous Amendments

Paragraph (c) of § 37.4 is revoked, the present paragraph (d) is redesignated paragraph (c), and paragraphs (a) and

(b) of § 37.4, paragraph (d)(1) of § 37.5, paragraph (a) of § 37.7, and § 37.8 are amended as set out below. This revision results from enactment of Public Law 86-377, approved September 23, 1959, which amended the Federal Employees' Group Life Insurance Act of 1954.

§ 37.4 Withholdings and contributions.

(a) During any period in any part of which an insured employee is in a pay status there shall be withheld from each biweekly salary payment of such employee the sum of 25 cents for each \$1,000 of his group life insurance. The amount withheld from the salary payment of an employee who is paid on other than a biweekly basis shall be determined at a proportionate rate, adjusted to the nearest cent.

(b) The amount withheld from the salary payment of an insured employee whose amount of insurance changes during a pay period shall be based on the last amount of insurance in force during the pay period.

(c) For each period in which an employee is insured there shall be contributed from the respective appropriation or fund which is used for the payment of his salary, wage or other compensation (or, in the case of an elected official, from such appropriation or fund as may be available for payment of other salaries of the same office or establishment) an amount equal to one-half the amount withheld from the employee's salary, wage or other compensation.

§ 37.5 Cessation and conversion of insurance coverage.

(d)(1) The life insurance of an insured employee who is separated from the service and is entitled to retirement on immediate annuity after 12 years of creditable service or for disability shall be continued or reinstated without cost to him if he is eligible for life insurance as a retired employee in accordance with the provisions of § 37.7, provided he has not exercised his right of conversion under paragraph (g) of this section.

§ 37.7 Retired employees.

(a) To be eligible for life insurance as a retired employee, an insured em-

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**SEMIANNUAL
CFR SUPPLEMENT**
(As of July 1, 1959)

The following semiannual cumulative pocket supplement is now available:

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ployee must be entitled to immediate annuity under a system legally established for the retirement of civilian employees of the Federal or District of Columbia Governments, must have had at least 12 years of creditable service or be retired for disability, and must have met all requirements for annuity (including filing of application where neces-

sary), whether or not final administrative action has been taken.

§ 37.8 Amount of insurance.

(a) The amount of an employee's life insurance shall be equal to the current rate of his annual compensation if a multiple of \$1,000, otherwise to the next higher \$1,000, but not exceeding \$20,000.

(b) The amount of accidental death and dismemberment insurance for an employee entitled thereto shall be equal to the amount of his life insurance.

(c) The amount of a retired employee's life insurance shall be the amount based on his annual compensation at the date his insurance would otherwise have ceased because of his separation from the service or completion of 12 months of continuous nonpay status, reduced by 2 percent a month, effective at the beginning of the second calendar month after (1) such date, or (2) his 65th birthday, whichever is later, with a maximum reduction of 75 percent.

(d) The amount of life insurance of an employee whose insurance is continued while he is receiving benefits under the Federal Employees' Compensation Act because of disease or injury to himself and is held by the Department of Labor to be unable to return to duty shall be the amount based on his annual compensation at the date his insurance would otherwise have ceased because of his separation from the service or completion of 12 months of continuous nonpay status.

(Sec. 11, 68 Stat. 742; 5 U.S.C. 2100)

UNITED STATES CIVIL SERVICE COMMISSION,

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

[F.R. Doc. 59-8686; Filed, Oct. 14, 1959; 8:48 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 206—REVOCATION OF APPROVAL OF PETITIONS

Validity of Certain Approved Visa Petitions

The following amendment to Chapter I of Title 8 of the Code of Federal Regulations is hereby prescribed:

Paragraph (b) of § 206.1 is amended so that when taken with the introductory material it will read as follows:

§ 206.1 Automatic revocation:

The approval of a petition made under section 204, 205, or 214(c) of the Act and in accordance with Part 204, 205, or 214 of this chapter is revoked as of the date of approval in any of the following circumstances:

(b) *Section 205.* As to a petition approved under section 205 of the Act:

(1) Upon formal notice of withdrawal filed by the petitioner with the officer who approved the petition.

(2) Upon the death of the petitioner or beneficiary.

(3) Upon the legal termination of the relationship of husband and wife when a petition has accorded status as the spouse of a citizen or lawful resident alien, respectively, under section 101 (a) (27) (A), or section 203(a) (3) of the Act.

(4) Upon a beneficiary accorded non-quota status as the child of a United States citizen reaching the age of twenty-one, except that such petition is valid to accord a status under section 203 (a) (2) of the Act if the beneficiary remains unmarried, and a status under section 203(a) (4) of the Act in the event of marriage, for a period of three years from the date of initial approval or last revalidation.

(5) Upon the marriage of a beneficiary accorded a status as a son or daughter of a United States citizen under section 203(a) (2) of the Act, except that such petition is valid to accord a status under section 203(a) (4) of the Act for a period of three years from the date of initial approval or last revalidation.

(6) Upon the marriage of a beneficiary accorded a status as a son or daughter of a lawful resident alien under section 203(a) (3) of the Act.

(7) Upon the expiration of three years from the date of initial approval or last revalidation.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be considered effective as of September 22, 1959. The regulations prescribed by the order are necessary for carrying out the provisions of sections 1, 2, and 3 of Public Law 86-363 (73 Stat. 644) which became effective on September 22, 1959. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order relieve restrictions and confer benefits upon persons affected thereby.

Dated: October 13, 1959.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 59-8739; Filed, Oct. 14, 1959; 8:53 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission
[Docket 7372 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Yorktown Textile & Trimming Corp. et al.

Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Wool Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material*

disclosure: § 13.1852 Formal regulatory and statutory requirements: Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 63-68(c)) [Cease and desist order, Yorktown Textile & Trimming Corp. et al., New York, N.Y., Docket 7372, Sept. 9, 1959]

In the Matter of Yorktown Textile & Trimming Corp., a Corporation, and Samuel Levy, and Thomas Dio Guardia, Individually, and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging manufacturers in New York City with violating the Wool Products Labeling Act by tagging as "100 percent Wool" and "90 percent Wool and 10 percent Other Fibers", interlining materials which contained substantial quantities of fibers other than wool, and by failing in other respects to comply with the labeling requirements of the Act.

After acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on September 9 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Yorktown Textile & Trimming Corp., a corporation, and its officers, and Samuel Levy and Thomas Dio Guardia, individually, and as officers of said corporation, and respondents' representatives, agents or employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of interlining materials or other wool products, as such products are defined in and subject to the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein.

2. Failing to securely affix to or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentages of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter;

(c) The name or the registered identification number of the manufacturer of

such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

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

It is ordered, That the above-named respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 9, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59-8671; Filed, Oct. 14, 1959; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

[Airspace Docket No. 59-FW-15; Amdt. 22]

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

Extension of Coded Jet Route

On August 29, 1959, a Notice of Proposed Rule-Making was published in the FEDERAL REGISTER (24 F.R. 7043) stating that the Federal Aviation Agency proposed to amend § 602.552 of the regulations of the Administrator by extending VOR/VORTAC jet route No. 52 from Birmingham, Ala., to Dallas, Tex.

As stated in the Notice, J-52-V presently extends from Birmingham, Ala., to Florence, S.C. Scheduled air carrier jet aircraft service between Dallas, Tex., and Birmingham, Ala., will be inaugurated on or about November 15, 1959. Accordingly, the Federal Aviation Agency is extending Jet Route 52-V westerly from Birmingham, Ala., to Dallas, Tex. The portion of Jet Route 52-V between Texarkana, Ark., and Dallas, Tex., would overlie VOR/VORTAC jet routes Nos. 31-V and 42-V. This will provide continuity of the Jet Route, thus improving flight planning procedures and air traffic management. This action will result in Jet Route 52-V extending from Dallas, Tex., via Texarkana, Ark., Greenwood, Miss., Birmingham, Ala., Atlanta, Ga., Augusta, Ga., Columbia, S.C., to Florence, S.C.

Written comment concerning the proposed amendment was generally favorable. However, the Fort Worth, Tex., Chamber of Commerce objected to the jet route title, "Dallas, Tex., to Florence, S.C.," in that this will leave the impression that Fort Worth will not be served by this extension. The Chamber of Commerce recommended the title read, "Dal-

las-Fort Worth area to Florence, S.C." In this instance, aircraft operating on J-52-V that terminate or originate from the Dallas-Fort Worth area are not prohibited from utilizing either of the airports serving the respective cities concerned. In consideration of the comments received, the caption to § 602.552, pertaining to jet routes, is changed to reflect the Fort Worth Chamber of Commerce recommendation.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 602.522 (14 CFR, 1958 SUPP., 602.552) is amended as follows:

§ 602.552 VOR/VORTAC jet route No. 52 (Birmingham, Ala., to Florence, S.C.).

a. In the caption, delete "(Birmingham, Ala., to Florence, S.C.)" and substitute therefor "(Dallas-Fort Worth, Tex., area to Florence, S.C.)."

b. In the text, delete "From the Birmingham, Ala., VOR via the Atlanta, Ga., VOR;" and substitute therefor "From the Dallas, Tex., VOR via the Texarkana, Ark., VOR; Greenwood, Miss., VOR; Birmingham, Ala., VOR-TAC; Atlanta, Ga., VOR;"

Issued in Washington, D.C., on October 12, 1959.

This amendment shall become effective 0001 e.s.t. November 15, 1959.

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

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

[F.R. Doc. 59-8689; Filed, Oct. 14, 1959; 8:49 a.m.]

[Reg. Docket No. 141; Amdt. 138]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Alterations

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

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

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

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Birmingham VOR	BHM-LFR	Direct	2000	T-dn	300-1	300-1	*300-1
Eden FM	BHM-LFR	Direct	2000	C-dn	800-1	900-1	900-1 ^{1/2}
				A-dn	1000-2	1000-2	1000-2

Radar terminal area transition altitudes: 0-360° within 15 miles, 2500'; 0-360° within 15-25 miles, 3500'.
 Radar control must provide 3 miles separation from tower 1802' MSL located 4 miles SW of airport or maintain 2800'.
 Procedure turn W side N crs, 358° Outbnd, 178° Inbnd, 2500' within 10 ml.
 Minimum altitude over facility on final approach crs, 2000'.
 Crs and distance, facility to airport, 178°-2.6.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.6 mi, climb to 2800' on S crs BHM-LFR within 20 ml.
 AIR CARRIER NOTE: No reduction in minimums authorized.
 *200-1/2 authorized Rny5/23 only.

City, Birmingham; State, Ala.; Airport Name, Municipal; Elev., 643'; Fac. Class., SBRAZ; Ident., BHM; Procedure No. 1, Amdt. 10; Eff. Date, 30 Oct.; Sup. Amdt. No. 9; Dated, 8 Aug. 59

From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Cibola Creek FM	SAT-LFR (Final)	Direct	1900	T-dn	300-1	300-1	200-1/2
SAT VOR	SAT-LFR	Direct	2200	C-dn	400-1	500-1	500-1 ^{1/2}
				S-dn-17	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar terminal area maneuvering altitudes measured clockwise around radar antenna site:
 045 to 230, 0-20 ml—2200'.
 230 to 045, 0-10 ml—2200'.
 230 to 045, 10-15 ml—2500'.
 230 to 045, 15-20 ml—3000'.
 Radar control must provide 1000' clearance within 3 miles or 500' clearance 3-5 miles of radio tower 19 miles Southeast of airport.
 Procedure turn W side N crs, 354° Outbnd, 174° Inbnd, 2500' within 10 miles. Beyond 10 miles NA.
 Minimum altitude over SAT VOR on final approach crs, 1900'; over SAT LFR, 1700'.#
 Crs and distance, facility to airport, 174°-2.3.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles, climb to 3000 on S crs within 20 miles.
 MAJOR CHANGE: Deletes Yates RBN.
 #Descent below 1900' not authorized if position over SAT VOR not determined. Straight-in minimums not authorized unless SAT VOR received and altitude over LFR is 1700'.

City, San Antonio; State, Tex.; Airport Name, International; Elev. 800'; Fac. Class., SMRALZ; Ident., SAT; Procedure No. 1, Amdt. 15; Eff. Date, 30 Oct. 59; Sup. Amdt. No. 14; Dated, 15 Nov. 58

PROCEDURE CANCELLED, EFFECTIVE IMMEDIATELY. FACILITY DECOMMISSIONED.

City, San Marcos; State, Tex.; Airport Name, Gary AAF; Elev., 596'; Fac. Class., MRLZW; Ident., SRO; Procedure No. 1, Amdt. 1; Eff. Date, 23 Aug. 58; Sup. Amdt. No. Orig.; Dated, 23 Feb. 57

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

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
BHM LFR	LOM	Direct	2800	T-dn	300-1	300-1	*200-1/2
BHM VOR	LOM	Direct	2800	C-dn	800-1	900-1	900-1 ^{1/2}
Chelsea Int	LOM	Direct	2800	S-dn	600-1	600-1	600-1
Leeds Int	LOM	Direct	2800	A-dn	1000-2	1000-2	1000-2
Bessemer Int	LOM (Final)	Direct	2000				

Radar terminal area transition altitudes: 0-360° within 15 miles, 2500'; within 15-25 miles, 3500'.
 Radar control must provide 3 miles separation from tower 1802' MSL located 4 miles SW of airport or maintain 2800'.
 Procedure turn N side SW crs, 232° Outbnd, 052° Inbnd, 2000' within 10 miles. (Nonstandard due obstruction.)
 Minimum altitude over facility on final approach crs, 2000'.
 Crs and distance, facility to airport, 052°-4.5 ml.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing LOM, (1) climb to 2500' on crs of 052° within 15 miles or, when directed by ATC; (2) climb to 2500' on N crs BHM LFR within 20 miles or (3) turn left, climb to 2000' and proceed to BHM VOR.
 AIR CARRIER NOTE: Sliding scale NA.
 *Runways 5 and 23 only.

City, Birmingham; State, Ala.; Airport Name, Municipal; Elev., 643'; Fac. Class., LOM; Ident., BE; Procedure No. 1, Amdt. 13; Eff. Date, 30 Oct. 59; Sup. Amdt. No. 12; Dated, 2 May 59

RULES AND REGULATIONS

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

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
MIA all directions.....				T-d*----- T-n----- C-d*----- C-n*#----- A-d*----- A-n*#-----	1000-2 2000-3 or BCOB 1000-3 1000-2 2000-3 or BCOB 1000-3 1000-3 2000-3 or BCOB 1000-3	1000-2 2000-3 or BCOB 1000-3 1000-2 2000-3 or BCOB 1000-3 1000-3 2000-3 or BCOB 1000-3	

Procedure turn W side of crs, 005° Outbnd, 185° Inbnd, 2500' within 10 mi.
 Minimum altitude over facility on final approach crs, 2000'.
 Crs from facility to missed approach point, 185°. Descend to 1000' on crs 185° within 5 mi, then proceed NE VFR to airport.
 If visual contact not established upon descent to authorized landing minimums within 5 miles or if unable to proceed VFR to airport upon descent to 1000', climb to 2500' on R-185 within 20 mi.
 *Any circling for landing or turn after takeoff must be made to the south of airport—circling north of airport NA because of high terrain.
 #Landing to the West at night NA.

City, Charlotte Amalie; State, St. Thomas, V.I.; Airport Name, Harry S. Truman; Elev., 11'; Fac. Class., BVOR; Ident., STT; Procedure No. 1, Amdt. 2; Eff. Date, 30 Oct. 59; Sup. Amdt. No. 1; Dated, 18 July 59

LAF-VOR.....	EPT-VOR.....	Direct.....	2000	T-dn----- C-d#----- C-n#----- S-d#-5----- S-n#-5----- A-dn-----	300-1 700-1 700-1½ 700-1 700-1½ 800-2	300-1 700-1 700-1½ 700-1 700-1½ 800-2	
				#Following minimums apply after passing R-162 LAF-VOR			
				C-d----- C-n----- S-d-5----- S-n-5----- A-dn-----	600-1 600-1½ 500-1 500-1 800-2	600-1 600-1½ 500-1 500-1½ 800-2	

Procedure turn South side of crs, 216° Outbnd, 036° Inbnd, 1800' within 10 mi.
 Minimum altitude over facility on final approach crs, 1300'.
 Crs and distance, facility to airport, 036°—9.6 mi.
 Minimum altitude after passing LAF-VOR R-162 on final approach crs, 1100'.
 Crs and distance after passing LAF-VOR R-162 to airport, 036°—4.4 mi.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.6 miles of EPT-VOR or 4.4 miles of LAF R-162, climb to 2300' on R-036 within 20 mi.
AIR CARRIER NOTE: Use of sliding scale reduction in landing visibility, or reduction in takeoff minimums not authorized for night operations, or for day operations when visibility below ¼ mile.
 #Dual omni receivers required for lower minimums.

City, Lafayette; State, Ind.; Airport Name, Purdue University; Elev., 607'; Fac. Class., VOR; Ident., EPT; Procedure No. 2, Amdt. 3; Eff. Date, 30 Oct. 59; Sup. Amdt. No. 2; Dated, 17 Oct. 59

TVC LFR.....	TVC VOR.....	Direct.....	2100	T-dn----- C-dn----- S-dn-36----- A-dn-----	300-1 800-1 800-1 800-2	300-1 800-1 800-1 800-2	200-¾ 800-1½ 800-1 800-2
				The following minimums apply if aircraft equipped with operative VOR and ADF and Hill Int received			
				C-dn----- S-dn-----	400-1 400-1	500-1 400-1	500-1½ 400-1

Procedure turn E side of crs, 160° Outbnd, 340° Inbnd, 2100' within 10 mi.
 Minimum altitude over facility on final approach crs, 1600'; over *Hill Int, 1400'.
 Crs and distance, facility to airport, 340°—4.4 mi; *Hill Int to airport, 340°—2.5 mi.
 If visual contact not established upon descent to authorized landing minimums, or if landing not accomplished within 4.4 miles, climb to 2500' on R-340 Traverse City VOR within 20 mi.
CAUTION: Tower 4.5 mi. NW 1540'.
 *Hill Int: Int TVC VOR R-340 and 228° brg from TVC LFR.

City, Traverse City; State, Mich.; Airport Name, Municipal; Elev., 623'; Fac. Class., BVOR; Ident., TVC; Procedure No. 1, Amdt. 1; Eff. Date, 30 Oct. 59; Sup. Amdt. No. Orig.; Dated, 21 Dec. 58

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

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition		Ceiling and visibility minimums					
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
FNT-LOM	FNT VOR	Direct	2100	T-dn C-dn S-dn-1 A-dn	300-1 500-1 500-1 800-2	300-1 500-1 500-1 800-2	200-1½ 500-1½ 500-1 800-2

Procedure turn East side of crs, 222° Outbnd, 042° Inbnd, 2100' within 10 miles.

Minimum altitude over FNT VOR on final approach crs, 1300'.

Crs and distance, breakoff point to Rny-4, 049°—0.23 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over FNT VOR, climb to 2200' on R-042, then reverse course, proceed to FNT VOR.

CAUTION: Tower 21 mi NW 1599', tower 4.3 mi SE 1220'

City, Flint; State, Mich.; Airport Name, Bishop Field; Elev., 781'; Fac. Class., BVOR; Ident., FNT; Procedure No. TerVOR-4, Amdt. Orig.; Eff. Date, 30 Oct. 59

FNT-LOM	FNT VOR	Direct	2100	T-dn C-dn S-dn-9 A-dn	300-1 600-1 600-1 800-2	300-1 600-1 600-1 800-2	200-1½ 600-1½ 600-1 800-2
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Procedure turn South side of crs, 283° Outbnd, 103° Inbnd, 2100' within 10 miles.

Minimum altitude over FNT VOR on final approach crs, 1400'.

Crs and distance, breakoff point to Rny-9, 091°—0.50 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over FNT VOR, climb on R-103 to 2200', then reverse course, proceed to FNT VOR.

CAUTION: Tower 21 mi NW 1599', tower 4.3 mi SE 1220'.

City, Flint; State, Mich.; Airport Name, Bishop Field; Elev., 781'; Fac. Class., BVOR; Ident., FNT; Procedure No. TerVOR-9, Amdt. Orig.; Eff. Date 30 Oct. 59

Flint LOM	Flint VOR	Direct	2200	T-dn C-dn S-dn-18 A-dn	300-1 600-1 600-1 800-2	300-1 600-1 600-1 800-2	200-1½ 600-1½ 600-1 800-2
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Procedure turn West side of crs, 354° Outbnd, 174° Inbnd, 2200' within 10 mi

Minimum altitude over FNT VOR on final approach crs, 1400'.

Crs and distance, breakoff point to Rny 18, 182°—0.32 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over FNT VOR, climb to 2200' on R-174, then reverse course, proceed to FNT VOR.

CAUTION: Tower 21 mi NW 1599', tower 4.3 mi SE 1220'.

City, Flint; State, Mich.; Airport Name, Bishop Field; Elev., 781'; Fac. Class., BVOR; Ident., FNT; Procedure No. TerVOR-18, Amdt. Orig.; Eff. Date, 30 Oct. 59

FNT-LOM	FNT VOR	Direct	2100	T-dn C-dn S-dn-27 A-dn	300-1 900-1 900-1 900-2	300-1 900-1 900-1 900-2	200-1½ 900-1½ 900-1 900-2
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Procedure turn North side of crs, 078° Outbnd, 258° Inbnd, 2300' within 10 miles.

Minimum altitude over FNT VOR on final approach crs, 1700'.

Crs and distance, breakoff point to Rny-27, 271°—0.49 mi.

If visual contact not established upon descent to authorized landing minimums, or if landing not accomplished over FNT VOR, climb on R-258 to 2200', then reverse course, proceed to FNT VOR.

CAUTION: Tower 21 mi NW 1599', tower 4.3 mi SE 1220'.

City, Flint; State, Mich.; Airport Name, Bishop Field; Elev., 781'; Fac. Class., BVOR; Ident., FNT; Procedure No. TerVOR-27, Amdt. Orig.; Eff. Date, 30 Oct. 59

FNT-LOM	FNT VOR	Direct	2100	T-dn C-dn S-dn-22 A-dn	300-1 800-1 800-1 800-2	300-1 800-1 800-1 800-2	200-1½ 800-1½ 800-1 800-2
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Procedure turn North side of crs, 055° Outbnd, 235° Inbnd, 2200' within 10 mi.

Minimum altitude over FNT VOR on final approach crs, 1600'.

Crs and distance, breakoff point to Rny 22, 225°—0.39 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over FNT VOR, climb on R-235 to 2200', then reverse course, proceed to FNT VOR.

CAUTION: Tower 21 mi NW 1599', tower 4.3 mi SE 1220'.

City, Flint; State, Mich.; Airport Name, Bishop Field; Elev., 781'; Fac. Class., BVOR; Ident., FNT; Procedure No. TerVOR-22, Amdt. Orig.; Eff. Date, 30 Oct. 59

Flint LOM	Flint VOR	Direct	2200	T-dn C-dn S-dn-36 A-dn	300-1 800-1 800-1 800-2	300-1 800-1 800-1 800-2	200-1½ 800-1½ 800-1 800-2
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Procedure turn East side of crs, 189° Outbnd, 009° Inbnd, 2200' within 10 mi.

Minimum altitude over FNT VOR on final approach crs, 1600'.

Crs and distance, breakoff point to Rny 36, 002°—0.40 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, over FNT VOR, climb to 2200' on R-009, then reverse course, proceed to FNT VOR.

CAUTION: Tower 21 mi NW 1599', tower 4.3 mi SE 1220'.

City, Flint; State, Mich.; Airport Name, Bishop Field; Elev., 781'; Fac. Class., BVOR; Ident., FNT; Procedure No. TerVOR-36, Amdt. Orig.; Eff. Date, 30 Oct. 59

RULES AND REGULATIONS

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

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
BHM LFR.....	LOM.....	Direct.....	2800	T-dn.....	300-1	300-1	**200-1/2
BHM VOR.....	LOM.....	Direct.....	2800	C-dn.....	800-1	900-1	900-1 1/2
Chelsea Int.....	LOM.....	Direct.....	2800	S-dn-5.....	*300-3/4	*300-3/4	*300-3/4
Bessmtr Int.....	LOM (Final).....	Direct.....	2000	A-dn.....	1000-2	1000-2	1000-2
Leeds Int.....	LOM.....	Direct.....	2800				

Radar terminal area transition altitudes: 0-360° within 15 miles, 2500'; 0-360° within 15-25 miles, 3500'.
 Radar control must provide 3 miles separation from tower 1802' MSL located 4 miles SW of airport or maintain 2800'.
 Procedure turn N side of SW crs, 232° Outbnd, 052° Inbnd, 2000' within 10 mi. (Nonstandard to avoid obstructions.)
 Minimum altitude at G.S. int inbnd, 2000'.
 Altitude of G.S. and distance to approach end of rwy at OM, 2000'—4.5 mi; at MM, 815'—0.6 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3000', turn right and proceed to Leeds Int via BHM VOR R-115 or, when directed by ATC, turn left, climb to 2000' and proceed to BHM VOR or climb to 2500' on crs of 052° from LOM within 15 mi.

AR CARRIER NOTE: Sliding scale NA.
 **Runway 5/23 only.
 *No approach lights installed. 400-3/4 required when G/S inoperative.

City, Birmingham; State, Ala.; Airport Name, Municipal; Elev., 643'; Fac. Class., ILS; Ident., IBHM; Procedure No. ILS-5, Amdt. 13; Eff. Date, 30 Oct. 59; Sup. Amdt. No. 12; Dated, 2 May 59

Charleston LFR.....	LOM.....	Direct.....	1200	T-dn.....	300-1	300-1	200-1/2
Charleston VOR.....	LOM.....	Direct.....	1200	C-dn.....	400-1	500-1	500-1 1/2
Tucker Int.....	LOM (Final).....	Direct.....	1200	S-dn-15#.....	200-1/2	200-1/2	200-1/2
				A-dn.....	600-2	600-2	600-2

Procedure turn W side NW crs, 323° Outbnd, 148° Inbnd, 1200' within 10 mi.
 Minimum altitude at G.S. interception inbnd final, 1200'.
 Altitude of G.S. and distance to approach end of rwy at OM, 1180'—3.7 mi; at MM, 256'—0.7 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn left, climb to 2000' on R-111 of CHS VOR within 15 miles or, when directed by ATC, turn left, climb to 1200' and return to CHS LOM.

CAUTION: Tower 1049' msl 10 mi SE.
 #400-3/4 required when glide slope not utilized.

City, Charleston; State, S.C.; Airport Name, Charleston AFB/Mun.; Elev., 45'; Fac. Class., ILS; Ident., IOHS; Procedure No. ILS-15, Amdt. 4; Eff. Date, 30 Oct. 59; Sup. Amdt. No. 3; Dated, 15 Aug. 59

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

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
0.....	360°.....	Within 15 mi..... Within 15-25 mi.....	#2500 3500		Surveillance approach		
				T-dn.....	300-1	300-1	*200-1/2
				C-dn.....	800-1	900-1	900-1 1/2
				S-dn-5/23.....	600-1	600-1	600-1
				S-dn-18.....	700-1	700-1	700-1
				S-dn-36.....	800-1	800-1	800-1
				A-dn.....	1000-2	1000-2	1000-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished:

Runway 5: Climb to 3000', turn right and proceed to Leeds Int via BHM VOR R-115 or, when directed by ATC, climb to 2500' on crs of 052° from LOM within 15 miles.

Runway 23: Climb to 2800', turn right and proceed to BHM VOR or, when directed by ATC, climb to 2800' and proceed to BHM LOM or, climb to 2800', turn right and proceed to BHM LFR.

Runway 5E: Climb to 2000', turn left and proceed to BHM VOR or, when directed by ATC, climb to 2500' on N crs BHM LFR within 20 miles.

Runway 18: Climb to 3000', turn left and proceed to BHM VOR or, when directed by ATC, climb to 3000', turn left and proceed to BHM LFR.

AR CARRIER NOTE: Sliding scale NA.

#Radar control must provide 3 mi separation from radio tower 1802' located 4 mi SW of airport or maintain 2800'.

*Runway 5-23 only.

City, Birmingham; State, Ala.; Airport Name, Municipal; Elev., 643'; Fac. Class., Birmingham; Ident., Radar; Procedure No. 1, Amdt. 3; Eff. Date, 30 Oct. 59; Sup. Amdt. No. 2; Dated, 8 Aug. 59

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

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

Issued in Washington, D.C., September 29, 1959.

WILLIAM B. DAVIS,
 Director, Bureau of Flight Standards.

Title 7—AGRICULTURE

Chapter 1—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 44—STANDARDS FOR SUGAR AND SUGARCANE PRODUCTS

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

United States Standards for Grades of Sugarcane Molasses¹

On September 4, 1958, a notice of proposed rule making was published in the FEDERAL REGISTER (23 F.R. 6795) regarding a proposed revision of the United States Standards for Grades of Sugarcane Molasses. These standards are the second issue by the Department of grade standards for this product.

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

Subpart—United States Standards for Grades of Sugarcane Molasses

PRODUCT DESCRIPTION AND GRADES

- Sec. 52.3651 Product description.
- 52.3652 Grades of sugarcane molasses.

FILL OF CONTAINER

- 52.3653 Recommended fill of container.

FACTORS OF QUALITY

- 52.3654 Ascertaining the grade.
- 52.3655 Required Brix solids, total sugar, ash, total sulfites.
- 52.3656 Compliance with the required Brix solids and total sugar and the maximum ash content.
- 52.3657 Ascertaining the rating for the factors which are scored.
- 52.3658 Color.
- 52.3659 Defects.

DEFINITIONS AND METHODS OF ANALYSIS

- 52.3660 Methods of analysis.
- 52.3661 Color of sugarcane molasses.
- 52.3662 Application of USDA permanent glass color standards in classifying the color of sugarcane molasses.
- 52.3663 Brix solids.
- 52.3664 Ash.
- 52.3665 Sulfur dioxide, p.p.m.
- 52.3666 Reducing sugars.
- 52.3667 Sucrose.
- 52.3668 Total sugar.

LOT INSPECTION AND CERTIFICATION

- 52.3669 Ascertaining the grade of a lot.

SCORE SHEET

- 52.3670 Score sheet for sugarcane molasses.

¹ Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

AUTHORITY: §§ 52.3651 to 52.3670 issued under sec. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627.

PRODUCT DESCRIPTION AND GRADES

§ 52.3651 Product description.

Sugarcane molasses is the clean, sound, liquid product obtained by evaporating the juice of sugarcane and the removal of all or any part of the commercially crystallizable sugar.

§ 52.3652 Grades of sugarcane molasses.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of sugarcane molasses that possesses a good flavor; that meets the requirements for Brix, sugar, ash, and sulfites as outlined in Table I of this subpart; that possesses a good color; that is practically free from defects; and that scores not less than 90 points when rated in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade B" (or "U.S. Choice") is the quality of sugarcane molasses that possesses a reasonably good flavor; that meets the requirements for Brix, sugar, ash, and sulfites as outlined in Table I of this subpart; that possesses a reasonably good color; that is reasonably free from defects; and that scores not less than 80 points when rated in accordance with the scoring system outlined in this subpart.

(c) "U.S. Grade C" (or "U.S. Standard") is the quality of sugarcane molasses that possesses a fairly good flavor; that meets the requirements for Brix, sugar, ash, and sulfites as outlined in Table I of this subpart; that possesses a fairly good color; that is fairly free from defects; and that scores not less than 70 points when rated in accordance with the scoring system outlined in this subpart.

(d) "Substandard" is the quality of sugarcane molasses that fails to meet the requirements of U.S. Grade C.

FILL OF CONTAINER

§ 52.3653 Recommended fill of container.

The recommended fill of container is not incorporated in the grades of the

TABLE I—REQUIRED MINIMUM BRIX SOLIDS AND TOTAL SUGAR AND MAXIMUM ASH AND TOTAL SULFITES

Grade designation	Brix solids (percent) (minimum)		Total sugar (percent) (minimum)		Ash (percent) (maximum)		Total sulfites (ppm) (maximum)
	Average from all containers	Limit for individual container	Average from all containers	Limit for individual container	Average from all containers	Limit for individual container	Average from all containers
Grade A.....	79.0	78.5	63.5	63.0	5.00	5.25	200
Grade B.....	79.0	78.5	61.5	61.0	7.00	7.50	250
Grade C.....	79.0	78.5	58.0	57.0	9.00	10.00	250
SShd.....	Under 79.0		Under 58.0		Over 9.00		Over 250

§ 52.3656 Compliance with the required Brix solids and total sugar and maximum ash content.

Lot compliance with the Brix, total sugar, and ash requirements shall be determined separately for each factor, and the acceptance number prescribed in paragraph (c) of this section shall be permitted for each factor. A lot is considered as meeting the Brix, total sugar, and ash requirements for the respective grade as outlined in Table I of this

product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container be filled with molasses as full as practicable.

FACTORS OF QUALITY

§ 52.3654 Ascertaining the grade.

(a) *General.* In addition to considering other requirements outlined in the standards, the following quality factors are evaluated in ascertaining the grade of the product:

(1) *Factors not rated by score points.*

(i) Brix solids.

(ii) Total sugar.

(iii) Ash.

(iv) Total sulfites.

(v) Flavor (palatability). (a) "Good flavor" means the sugarcane molasses possesses a flavor and odor characteristic of first centrifugal molasses of fancy quality.

(b) "Reasonably good flavor" means the sugarcane molasses possesses a flavor and odor characteristic of second centrifugal molasses of choice quality.

(c) "Fairly good flavor" means the sugarcane molasses possesses a flavor and odor characteristic of second centrifugal molasses of standard quality.

(2) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given each such factor is:

Factors	Points
Color	50
Defects	50
Total score.....	100

§ 52.3655 Required Brix solids, total sugar, ash, total sulfites.

The required minimum Brix solids, minimum total sugar, maximum ash content, and maximum total sulfites for the respective grade of sugarcane molasses are given in Table I of this section.

subpart: *Provided*, That

(a) The average of the Brix and average of the total sugar values are equal to or greater than the applicable "minimum averages" (from all containers) in Table I; and the average of the ash values does not exceed the applicable "maximum average" (from all containers) in Table I; and

(b) None of the Brix or total sugar values are less than the applicable "minimum limits" (for individual containers)

RULES AND REGULATIONS

in Table I; and none of the ash values exceed the applicable "maximum limit" (for individual containers) in Table I; and

(c) The number of Brix values or the number of total sugar values that are less than the applicable "minimum average" but not less than the applicable "minimum limit" of Table I or the number of ash values that are more than the applicable "maximum average" but not more than the "maximum limit" of Table I do not exceed the acceptance number prescribed for the sample size in the indicated sampling plans contained in the regulations, §§ 52.1 through 52.87.

§ 52.3657 **Ascertaining the rating for the factors which are scored.**

The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "45 to 50 points" means 45, 46, 47, 48, 49, or 50 points).

§ 52.3658 **Color.**

(a) *General.* Color has reference to the color of sugarcane molasses when examined by means of the USDA permanent glass color standards for sugarcane molasses. Information regarding these color standards may be obtained by writing to the Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C.

(b) (A) *classification.* Sugarcane molasses that possesses a good color may be given a score of 45 to 50 points. "Good color" means that the color is bright and typical of molasses properly prepared and processed from sound, well matured sugarcane, and is equal to or lighter in color than USDA permanent glass color standard No. 1 for sugarcane molasses.

(c) (B) *classification.* If the sugarcane molasses possesses a reasonably good color, a score of 40 to 44 points may be given. Sugarcane molasses that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the color is reasonably bright and is equal to or lighter in color than USDA permanent glass color standard No. 2 for sugarcane molasses.

(d) (C) *classification.* Sugarcane molasses that possesses a fairly good color may be given a score of 35 to 39 points. Sugarcane molasses that falls into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the color is equal to or lighter in color than USDA permanent glass color standard No. 3 for sugarcane molasses.

(e) (SStd.) *classification.* Sugarcane molasses that fails to meet the requirements of paragraph (d) of this section may be given a score of 0 to 34 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3659 **Defects.**

(a) *General.* Defects refers to the cleanliness of the product and the degree

of freedom from harmless extraneous material.

(b) (A) *classification.* Sugarcane molasses that is practically free from defects may be given a score of 45 to 50 points. "Practically free from defects" means that the appearance and edibility of the product are not affected by the presence of harmless extraneous material which may be in suspension or deposited as sediment in the container.

(c) (B) *classification.* If the sugarcane molasses is reasonably free from defects, a score of 40 to 44 points may be given. Sugarcane molasses that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the appearance and edibility of the product are not materially affected by the presence of harmless extraneous material which may be in suspension or deposited as sediment in the container.

(d) (C) *classification.* Sugarcane molasses that is fairly free from defects may be given a score of 35 to 39 points. Sugarcane molasses that falls into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the appearance and edibility of the product are not seriously affected by the presence of harmless extraneous material which may be in suspension or deposited as sediment in the container.

(e) (SStd.) *classification.* Sugarcane molasses that fails to meet the requirements of paragraph (d) of this section may be given a score of 0 to 34 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

DEFINITIONS AND METHODS OF ANALYSIS

§ 52.3660 **Methods of analysis.**

The analyses in this subpart, unless indicated otherwise, shall be made in accordance with the applicable methods of analyses given in Official Methods of Analysis of the Association of Official Agricultural Chemists or by any other means which give equivalent results.

§ 52.3661 **Color of sugarcane molasses.**

(a) The color classification of sugarcane molasses is determined by means of the USDA permanent glass color standards for sugarcane molasses as outlined in this subpart.

(b) Partially crystallized sugarcane molasses is liquefied by heating to approximately 54.4° C. (130° F.) and cooled to approximately 20° C. (68° F.) before ascertaining the color of the molasses by means of the USDA permanent glass color standards for sugarcane molasses.

§ 52.3662 **Application of USDA permanent glass color standards in classifying the color of sugarcane molasses.**

(a) *Sample containers.* The sample containers for use in making the visual color determination, as set forth in this subpart, are cells of colorless optical glass or plastic having an internal width of 0.100 inch with outside dimensions of approximately 1 $\frac{1}{16}$ inches by 3 $\frac{1}{2}$ inches.

(b) *Comparator; viewing box.* The comparator or viewing box for the entire color range in the visual comparison test is divided into five compartments. Each compartment is provided with viewing openings approximately 1 $\frac{3}{16}$ inches square in the two parallel sides. The USDA permanent glass color standards are mounted in a fixed position in the front openings of compartments 1, 3, and 5 of the comparator, compartments 2 and 4 being adapted to receive the sample containers.

(c) *Cloudy suspensions.* Three cloudy suspensions are required. These are referred to as "Cloudy A," "Cloudy B," and "Cloudy C," corresponding to varying degrees of cloudiness in sugarcane molasses. The cloudy suspensions are contained in capped square bottles of colorless, transparent glass having an internal width at the center of 3.15 centimeters (1.24 inches), with outside base dimensions of approximately 1 $\frac{1}{16}$ inches by 1 $\frac{1}{16}$ inches, having a capacity of two fluid ounces.

(d) *Visual comparison test.* The color of a sample of sugarcane molasses is compared with the USDA permanent glass color standards in the following manner to determine its color classification:

(1) Place the sample of sugarcane molasses in a clean, dry sample container.

(2) Place the container filled with the sample successively in compartments 2 and 4 of the comparator and visually compare the color of the sample with that of each of the glass color standards by looking through them at a diffuse source of natural or artificial daylight.

(3) If the sample is appreciably cloudy in appearance, place a suspension of comparable cloudiness (cloudy A, cloudy B, or cloudy C) behind the permanent glass color standard to facilitate color classification.

§ 52.3663 **Brix solids.**

Brix solids means the applicable solids content of sugarcane molasses or the Brix value as determined by the double dilution method by means of a Brix hydrometer corrected to 20° C. (68° F.).

§ 52.3664 **Ash.**

Percent ash means the ash content of sugarcane molasses determined as sulfated ash.

§ 52.3665 **Sulfur dioxide, p.p.m.**

Sulfur dioxide, p.p.m., means the total sulfites determined by the Monier-Williams method calculated as parts per million of sulfur dioxide (SO₂).

§ 52.3666 **Reducing sugars.**

The percent of reducing sugars is determined by the Lane-Eynon volumetric method for reducing sugars.

§ 52.3667 **Sucrose.**

The percent of sucrose is determined by the Clerget or double polarization method, using invertase as the inverting agent.

§ 52.3668 **Total sugar.**

The percent of total sugar is the sum of the percent of reducing sugars and the percent of sucrose.

LOT INSPECTION AND CERTIFICATION
§ 52.3669 Ascertaining the grade of a lot.

The grade of a lot of sugarcane molasses covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables and Processed Products Thereof and Certain Other Processed Products (§§ 52.1 through 52.87).

SCORE SHEET

§ 52.3670 Score sheet for sugarcane molasses.

Size and kind of container.....	
Container mark or identification.....	
Label.....	
Vacuum (inches).....	
Volume (liquid measure).....	
USDA color.....	
Brix solids, percent.....	
Reducing sugars, percent.....	
Sucrose, percent.....	
Total sugar, percent.....	
Ash, percent.....	
SO ₂ , p.p.m.....	

Factors	Score points
Color.....	50
Defects.....	50
Total score.....	100

Flavor () Good; () Reasonably good; () Fairly good; () Off flavor.....
Grade.....

¹ Indicates limiting rule.

The United States Standards for Grades of Sugarcane Molasses (which is the second issue) contained in this subpart (7 CFR 52.3651-52.3670) shall become effective 30 days after the date of publication hereof in the FEDERAL REGISTER, and thereupon will supersede the United States Standards for Grades of Edible Sugarcane Molasses (7 CFR 44.1-44.6) which have been in effect since August 11, 1952.

Dated: October 12, 1959.

ROY W. LENNARTSON,
 Deputy Administrator,
 Marketing Services.

[F.R. Doc. 59-8711; Filed, Oct. 14, 1959; 8:52 a.m.]

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Canned Ripe Olives¹

On April 3, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 2587) regarding

¹ Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act or with applicable state laws and regulations.

a proposed revision of the United States Standards for Grades of Canned Ripe Olives.

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

PRODUCT DESCRIPTION, TYPES, STYLES, GRADES

- Sec. 52.3751 Product description.
- 52.3752 Types of canned ripe olives.
- 52.3753 Styles of canned ripe olives.
- 52.3754 Grades of canned ripe olives.

— SIZE DESIGNATIONS

- 52.3755 Size designations for whole style.
- 52.3756 Size designations for pitted style.

RECOMMENDED MINIMUM DRAINED WEIGHTS

- 52.3757 Recommended minimum drained weights.
- 52.3758 Compliance with recommended minimum drained weights.

FACTORS OF QUALITY

- 52.3759 Ascertaining the grade of a sample unit.
- 52.3760 Ascertaining the rating for the factors which are scored.
- 52.3761 Color.
- 52.3762 Uniformity of size.
- 52.3763 Absence of defects.
- 52.3764 Character.

LOT INSPECTION AND CERTIFICATION

- 52.3765 Ascertaining the grade of a lot.

SCORE SHEET

- 52.3766 Score sheet for canned ripe olives.

AUTHORITY: § 52.3751 to 52.3766 issued under secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627.

PRODUCT DESCRIPTION, TYPES, STYLES, GRADES

§ 52.3751 Product description.

Canned ripe olives are prepared from properly matured olives which have first been properly treated to remove the characteristic bitterness; are packed in a solution of sodium chloride, with or without spices, and are sufficiently processed by heat to assure preservation of the product in hermetically sealed containers. Canned olives which are not oxidized in processing and which possess a tan to light bronze color indicative of preparation from olives of advanced maturity and commonly referred to as "tree-ripened" or "home-cured" are not covered by the standards in this subpart.

§ 52.3752 Types of canned ripe olives.

Canned ripe olives are processed as two distinct types. Unless a specific type is stated in this subpart, "canned ripe olives" refer to such olives of either "ripe type" or "green-ripe type."

(a) *Ripe type.* "Ripe type" olives are those which have been treated and oxidized in processing to produce a typical dark brown to black color.

(b) *Green-ripe type.* "Green-ripe type" olives are those which have not been oxidized in processing; which range in color from yellow-green, green-yellow,

or other greenish casts; and which may be mottled.

§ 52.3753 Styles of canned ripe olives.

(a) *Whole.* "Whole" olives are those which have not been pitted.

(b) *Pitted.* "Pitted" olives are those from which pits have been removed.

(c) *Halved.* "Halved" olives are pitted olives in which each olive is cut lengthwise into two approximately equal parts.

(d) *Sliced.* "Sliced" olives consist of parallel slices of fairly uniform thickness prepared from pitted olives.

(e) *Chopped or Minced.* "Chopped" or "Minced" olives are random-size cut pieces or cut bits prepared from pitted olives.

(f) *Broken pitted.* "Broken pitted" olives consist substantially of large pieces that may have been broken in pitting but have not been sliced or cut.

§ 52.3754 Grades of canned ripe olives.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of canned ripe olives of whole, pitted, halved, sliced, and chopped or minced styles that possess a good flavor, that possess a good color, that are practically uniform in size in whole and pitted styles of single sizes, that are practically free from defects, that possess a good character; and that for those factors which are rated in accordance with the scoring system outlined in this subpart, the total score is not less than 90 points: *Provided,* That such canned ripe olives may possess a reasonably good color and may be reasonably uniform in size, if the total score is not less than 90 points.

(b) "U.S. Grade B" (or "U.S. Choice") is the quality of canned ripe olives of whole, pitted, halved, sliced, and chopped or minced styles that possess a good flavor, that possess a reasonably good color, that are reasonably uniform in size in whole and pitted styles of single sizes, that are reasonably free from defects, that possess a reasonably good character; and that for those factors which are rated in accordance with the scoring system outlined in this subpart, the total score is not less than 80 points.

(c) "U.S. Grade C" (or "U.S. Standard") is the quality of canned ripe olives of whole, pitted, halved, sliced, chopped or minced, and broken pitted styles that possess a normal flavor, that possess a fairly good color, that are fairly uniform in size in whole and pitted styles of single sizes or whole style in mixed sizes, that are fairly free from defects, that possess a fairly good character; and that for those factors which are rated in accordance with the scoring system outlined in this subpart, the total score is not less than 70 points.

(d) "Substandard" is the quality of canned ripe olives of any style that fail to meet the applicable requirements for U.S. Grade C.

SIZE DESIGNATIONS

§ 52.3755 Size designations for whole style.

(a) *General.* The "average count" for canned whole ripe olives is ascertained from all containers in the sample and is

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calculated on the basis of drained weight of the olives.

(b) *Ascertaining compliance*—(1) *Single size.* Canned whole ripe olives shall be considered of a single size designation if the olives are fairly uniform in size and approximate the size illustrated in Table I² of this section for the average count of such size designation. Such olives which do not conform to the average count for the size illustrated shall be considered of the size designation of the next smaller size.

(2) *Blended sizes*—(i) *Family; King; Royal.* Canned whole ripe olives shall be considered of the blended size designation of "Family", "King", or "Royal" when the olives conform visually to the illustrations in Table I² of this section for the single sizes which compose the blend and conform to the average count for such size designation (See Table II).

(ii) *Other blends.* Canned whole ripe olives shall be considered "Other blends" (other than "Family", "King", or "Royal") when the olives in the blend consist of two or three adjacent sizes which conform visually to the illustrations in Table I² of this section: *Provided*, That not more than 15 percent, by count, may be definitely of a size or sizes smaller than the two or three sizes in the blend.

(3) *Mixed sizes.* Canned whole ripe olives shall be considered "Mixed sizes" when the olives are not classifiable as a single size or as blended sizes.

§ 52.3756 Size designations for pitted style.

The size designations for canned pitted ripe olives shall be that of the single size or blended size designation which conforms most closely to the size or sizes illustrated in Table I² of this section.

TABLE II

Blended sizes		Average count (per pound of drained olives)
Designation	Composition of blend	
Family	Medium, Large, and Extra Large and no more than 15 percent, by count, of Standard(s).	91 to 105 inclusive.
King	Giant, Jumbo, and the smaller half of Colossal and no more than 15 percent, by count, of Mammoth.	45 to 53 inclusive.
Royal	Large half of Colossal; and Super Colossal or Special Super Colossal.	Not to exceed 34.
Other blends.	Two or three adjacent sizes, as in Table I, and no more than 15 percent, by count, of smaller size(s).	Not applicable.

RECOMMENDED MINIMUM DRAINED WEIGHTS

§ 52.3757 Recommended minimum drained weights.

(a) *General.* The minimum drained weight recommendations for the various applicable styles in Table III and Table

²Table I has been filed with the original document and is available for inspection in the Division of the Federal Register or in the Fruit and Vegetable Division, United States Department of Agriculture, South Building, Washington 25, D.C. A printed copy of this table is attached to each copy of these standards issued by the United States Department of Agriculture.

IV are not incorporated in the grade of the finished product since drained weight, as such, is not a factor of quality for the purposes of these grades.

(b) *Method for ascertaining drained weight.* The drained weight of canned ripe olives is determined by emptying the contents of the container upon a United States Standards No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937-inch, ±3 percent, square openings) so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for two minutes. The drained weight is the weight of the sieve and olives less the weight of the dry sieve. A sieve 8 inches in diameter is used for the equivalent of No. 3 size cans (404 x 414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the equivalent of the No. 3 size can.

TABLE III—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR CANNED RIPE OLIVES (WHOLE AND PITTED STYLES)

Container sizes (metal) (overall measurements: width x height)	Buffet or 8 Z Tall (2 1/16 x 3 1/16 inches)		No. 1 Tall (3 1/16 x 4 1/16 inches) and 211 x 600 Cylinder (2 1/16 x 6 inches)		No. 10 (6 1/16 x 7 inches)
	Whole	Pitted	Whole	Pitted	Whole
<i>Size designations</i>	<i>Ounces</i>	<i>Ounces</i>	<i>Ounces</i>	<i>Ounces</i>	<i>Ounces</i>
Small (or) Select (or) Standard (s)	4 1/2	3 1/4	9	7	66
Medium	4 1/2	3 1/4	9	7	66
Large	4 1/2	3 1/2	9	7 1/2	66
Extra Large	4 1/2	3 1/2	9	7 1/2	66
Mammoth	4 1/2	3 1/2	9	7 1/2	66
Giant	4	3 1/4	8 1/2	7	64
Jumbo	4	3 1/4	8 1/2	7	64
Colossal	4	3 1/4	8 1/2	7	64
Super Colossal or Special Super Colossal	4	3	8	6 1/2	64
Family	4 1/2	3 1/2	9	7 1/2	66
King	4	3 1/4	8 1/2	6 1/2	64
Royal	4	3	8	6 1/2	64
Other blends	4 1/2	3 1/2	9	7 1/2	66
Mixed sizes	4 1/2	3 1/2	9	7 1/2	66

TABLE IV—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR CANNED RIPE OLIVES (HALVED, CHOPPED OR MINCED, SLICED, AND BROKEN PITTED STYLES)

Container sizes (metal) (overall measurements: width x height)	211 x 200 can (2 1/16 x 2 inches) and 200 x 214 can (2 x 2 1/16 inches)		No. 1 Tall (3 1/16 x 4 1/16 inches)	No. 10 (6 1/16 x 7 inches)
	<i>Styles</i>			
	<i>Ounces</i>	<i>Ounces</i>	<i>Ounces</i>	<i>Ounces</i>
Halved	2 1/4	7 1/2		60
Chopped or minced	4 1/2	15		100
Sliced	2 1/4	7 1/2		60
Broken pitted		7		65

FACTORS OF QUALITY

§ 52.3759 Ascertaining the grade of a sample unit.

(a) *General.* In addition to considering other requirements outlined in the standards the following quality factors are evaluated:

(1) *Factor not rated by score points.*

(i) Flavor.
 (2) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

	<i>Points</i>
(i) Color	20
(ii) Uniformity of size	20
(iii) Absence of defects	30
(iv) Character	30
Total score	100

§ 52.3758 Compliance with recommended minimum drained weights.

Compliance with the recommended minimum drained weights for canned ripe olives is determined by averaging the drained weights from all the containers which are representative of a specific lot and such lot is considered as meeting the recommendations if the following criteria are met:

(a) The average of the drained weights from all of the containers meets the recommended minimum drained weight;

(b) One-half or more of the containers meet the recommended minimum drained weight; and

(c) The drained weights from the containers which do not meet the minimum recommended drained weight are within the range of variability for good commercial practice.

(b) *Definition of flavor*—(1) *Good flavor.* (i) "Good flavor" in ripe type means a distinctive nut-like flavor characteristic of ripe type olives (including that of properly spiced olives) which have been properly prepared and processed and which are free from objectionable flavors of any kind.

(ii) "Good flavor" in green-ripe type means a distinctive sweet and mellow flavor characteristic of green-ripe type olives which have been properly prepared and processed and which are free from objectionable flavors of any kind.

(2) *Normal flavor.* "Normal flavor" in either ripe type (including that of properly spiced olives) or green-ripe type means that the flavor may be slightly lacking in a distinctly characteristic flavor for the respective type but the olives are free from objectionable flavors of any kind.

§ 52.3760 Ascertaining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.3761 Color.

(a) *General*. The evaluation of color shall be determined approximately 5 minutes after the olives are removed from the container and, as applicable for the type, while olives are moist, is based upon the uniformity of the exterior color or general appearance as to color of the olives within the container. The evaluation of color in "halved" style is based on the uncut surfaces.

(b) *Color measurement of ripe type*. The color of ripe type is ascertained by comparison with a spinning disc of variations in percentages of the following Munsell color discs: Red (5R 4/14), Yellow (2.5Y 8/12), and Black (N/1 Glossy).

(c) *Color appearance of green-ripe type*. Normal color for green-ripe type olives is yellow-green, green-yellow, or other greenish casts, any of which may possess a mottled appearance that is typical of green-ripe type olives.

(d) (A) *classification*. Canned ripe olives that possess a good color may be given a score of 18 to 20 points. "Good color" has the following meanings with respect to the applicable type and styles:

(1) *Ripe type*—(i) *Whole; pitted; halved*. The olives or units possess a practically uniform black color or dark rich brown color. Not less than 90 percent, by count, of the olives or units possess a color equal to or darker than that produced by spinning the Munsell color discs specified in paragraph (b) of this section in the following combinations: 3½ percent Red, 3½ percent Yellow, and 93 percent Black.

(ii) *Sliced; chopped or minced*. The general color impression of the olives as a mass is normal and typical of these styles prepared from olives of at least reasonably good color.

(2) *Green-ripe type*. The general color appearance of the olives shall be normal and practically uniform in such normal color for the type.

(e) (B) *classification*. If the canned ripe olives possess a reasonably good color, a score of 16 or 17 points may be given. "Reasonably good color" has the following meanings with respect to the applicable types and styles:

(1) *Ripe type*—(i) *Whole; pitted; halved*. The olives or units possess a reasonably uniform black color or dark brown color. Not less than 80 percent, by count, of the olives or units possess a color equal to or better than that produced by spinning the Munsell color discs specified in paragraph (b) of this section in the following combinations: 6 percent Red, 6 percent Yellow, and 88 percent Black.

(ii) *Sliced; chopped or minced*. The general color impression of the olives as a mass is normal and typical of these styles prepared from olives of at least fairly good color.

(2) *Green-ripe type*. The general color appearance of the olives shall be normal and reasonably uniform in such normal color for the type.

(f) (C) *classification*. If the canned ripe olives possess a fairly good color, a score of 14 or 15 points may be given. Canned ripe olives that fall into this classification shall not be graded above U.S. Grade C or U.S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" has the following meanings with respect to the applicable types and styles:

(1) *Ripe type*—(i) *Whole; pitted; halved*. The olives may vary in color but not less than 60 percent, by count, of the olives or units possess black color or a dark brown color or a reddish-brown color not lighter than that produced by spinning the Munsell color discs specified in paragraph (b) of this section in the following combinations: 6 percent Red, 6 percent Yellow, and 88 percent Black.

(ii) *Sliced; chopped or minced*. The general color impression of the olives as a mass is normal and varies more markedly than these styles prepared from olives of fairly good color.

(iii) *Broken pitted*. The general color impression of the olives as a mass is normal and may be variable, but is typical for this style prepared from olives of good, reasonably good, or fairly good color.

(2) *Green-ripe*. The general color impression of the olives shall be normal but may vary markedly for the type.

(g) (SStd) *classification*. Canned ripe olives that are abnormal in color for any reason or that fail to meet the requirements of paragraph (f) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3762 Uniformity of size.

(a) *General*. (1) Uniformity of size refers to the variation in diameters of whole and pitted styles. "Diameter" means the shortest measurement at the greatest thickness of the diameter of an olive measured at right angles to the pit or pit cavity.

(2) The factor of uniformity of size for whole or pitted olives of blended sizes and halved, sliced, chopped or minced, or broken pitted styles is not based on any detailed requirements and is not scored; the other three factors (color, absence of defects, and character as applicable) are scored and the total is multiplied by 100 and divided by 80, dropping any fractions to determine the total score.

(b) (A) *classification*. Canned whole and pitted ripe olives of a single size that are practically uniform in size may be given a score of 18 to 20 points. "Practically uniform in size" means that of all the olives, the variation in diameters

does not exceed ⅛ inch; and that of all the olives, in 90 percent, by count, that are most uniform in diameter, the olive with the largest diameter does not exceed the olive with the smallest diameter by more than ¼ inch.

(c) (B) *classification*. If the canned whole and pitted ripe olives of a single size are reasonably uniform in size, a score of 16 to 17 points may be given. "Reasonably uniform in size" means that of all the olives, the variation in diameters does not exceed ⅜ inch; and that of all the olives, in 80 percent, by count, that are most uniform in diameter, the olive with the largest diameter does not exceed the olive with the smallest diameter by more than ¼ inch.

(d) (C) *classification*. If the canned whole and pitted ripe olives of a single size are fairly uniform in size or if canned whole ripe olives are of mixed sizes, a score of 14 or 15 points may be given. Canned ripe olives that fall into this classification shall not be graded above U.S. Grade C or U.S. Standard, regardless of the total score (this is a limiting rule). "Fairly uniform in size" means that of all the olives, in 60 percent, by count, that are most uniform in diameter the olive with the largest diameter does not exceed the olive with the smallest diameter by more than ¼ inch.

(e) (SStd) *classification*. Canned whole ripe olives that have an average count of more than 140 per pound or canned whole and pitted ripe olives that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3763 Absence of defects.

(a) *General*. The factor of absence of defects refers to the degree of freedom from harmless extraneous material, pit material, stems and portions thereof, blemishes, wrinkles, mutilated olives, and from any other defects which affect the appearance or edibility of the product.

(b) *Definitions of defects*—(1) *Harmless extraneous material*. "Harmless extraneous material" means any vegetable substance that is harmless.

(2) *Pit material*. Pit material is classified as follows:

(i) "Pit" means any whole pit in other than whole olives, whether loose or partially attached to the flesh.

(ii) "Piece of pit" means any portion of pit regardless of size in pitted, halved, sliced, or broken pitted styles.

(iii) "Fragments of pit" means any portion of pit in chopped or minced style that weighs more than 5 milligrams.

(3) *Stem*. A stem or any portion thereof that measures ⅜ inch or less from the shoulder of the olive is not considered a defect. Stems are classified as follows:

(i) A "minor stem" is a stem or portion thereof that measures more than ⅜ inch, but not more than ⅝ inch, from the shoulder of the olive.

(ii) A "major stem" is a stem or portion thereof that measures more than ⅝ inch from the shoulder of the olive.

(4) *Blemishes*. "Blemishes" mean dark-colored surface marks in either ripe type or green-ripe type which may or may not penetrate into the flesh. Blemishes are classified as follows:

(i) "Insignificant blemishes" are surface marks which do not penetrate perceptibly into the flesh and which individually or collectively do not more than slightly affect the appearance of the olive or unit.

(ii) "Minor blemishes" are surface marks which do not penetrate perceptibly into the flesh and which individually or collectively materially affect the appearance of the olive or unit.

(iii) "Major blemishes" include:

(a) Surface marks or similar injury which may or may not be associated with a soft texture below the skin and which individually or collectively seriously affect the appearance or edibility, or both, of the olive or unit; and

(b) Surface marks or bruises or similar injury which penetrate perceptibly into the flesh and which individually or collectively seriously affect the appearance or edibility, or both, of the olive or unit.

(5) *Wrinkles*. Classification of wrinkles shall be determined while olives are moist and any increase in wrinkling due to dehydration after removing from the container shall not be considered. Wrinkles are classified as follows:

(i) "Insignificant wrinkles" are those which are hairline in appearance and approximate less than $\frac{1}{64}$ inch in width and, regardless of area covered, are not considered as defects.

(ii) "Minor wrinkles" are those which approximate $\frac{1}{64}$ inch but not more than $\frac{1}{32}$ inch in width and cover not more than approximately one-sixth of the area on the olive.

(iii) "Major wrinkles" are: (a) Minor wrinkles which cover more than one-sixth of the area on the olive; or (b) are wrinkles which are more than $\frac{1}{32}$ inch in width and cover not more than approximately one-third of the area on the olive.

(iv) "Serious wrinkles" are wrinkles which are more than $\frac{1}{32}$ inch in width and cover more than one-third of the area on the olive.

(6) *Mutilated*. A "mutilated" olive in whole or pitted styles means an olive that is so pitter-torn or damaged by other means that the entire pit cavity is exposed or the appearance of the olive is seriously affected to the same degree.

(c) (A) *classification*. Canned ripe olives of whole, pitted, halved, sliced, and chopped or minced styles that are practically free from defects may be given a score of 27 to 30 points. "Practically free from defects" means that the canned ripe olives are practically free from any defects not specifically mentioned and that these defects may affect no more than slightly the appearance or edibility of the olives; that the over-all appearance of the product is not materially affected by olives or units with

insignificant blemishes; and, in addition, has the following meanings for the applicable styles:

(1) *Whole; pitted; halved*. (i) There may be present, on an average, per 100 whole or pitted olives or per 200 units in halved style:

Not more than one piece of harmless extraneous material;

Not more than one pit or one piece of pit in pitted style;

Not more than 3 minor and major stems of which not more than 1 stem may be a major stem; and

(ii) Not more than a total of 10 percent, by count, of the olives or units may possess minor and major blemishes; minor, major, and serious wrinkles; and may be mutilated olives: *Provided*, That not more than 5 percent, by count, of the olives or units may possess major blemishes, major wrinkles, and serious wrinkles; and not more than 2 percent, by count, of the olives may be mutilated or one olive may be mutilated if there are less than 50 olives in the container.

(2) *Sliced; chopped or minced*. Harmless extraneous material, stems or pieces thereof of any size, pieces of pit or fragments of pit, or any other defects not specifically mentioned may be present provided such defects do not more than slightly affect the appearance or edibility of the product.

(d) (B) *Classification*. If canned ripe olives of whole, pitted, halved, sliced, and chopped or minced styles are reasonably free from defects, a score of 24 to 26 points may be given. Canned ripe olives that fall into this classification shall not be graded above U.S. Grade B or U.S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the canned ripe olives are reasonably free from any defects not specifically mentioned and that these defects may affect more than slightly but not materially the appearance or edibility of the olives; that the over-all appearance of the product may be materially affected by olives or units with insignificant blemishes; and, in addition, has the following meanings for the applicable styles:

(1) *Whole; pitted; halved*. (i) There may be present, on an average, per 100 whole or pitted olives or per 200 units in halved style:

Not more than 2 pieces of harmless extraneous material;

Not more than a total of 2 pits and pieces of pit in pitted style;

Not more than 6 minor and major stems of which not more than 3 stems may be major stems; and

(ii) Not more than a total of 20 percent, by count, of the olives or units may possess minor and major blemishes; minor, major, and serious wrinkles; and may be mutilated olives: *Provided*, That not more than 10 percent, by count, of the olives or units may possess major blemishes, major wrinkles, and serious wrinkles; and not more than 5 percent, by count, of the olives may be mutilated.

(2) *Sliced; chopped or minced*. Harmless extraneous material, stems or pieces thereof of any size, pieces of pit or fragments of pit, or any other defects not specifically mentioned may be present provided such defects do not affect materially the appearance or edibility of the product.

(e) (C) *Classification*. If canned ripe olives of whole, pitted, halved, sliced, chopped or minced, and broken pitted styles are fairly free from defects, a score of 21 to 23 points may be given. Canned ripe olives that fall into this classification shall not be graded above U.S. Grade C or U.S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the canned ripe olives are fairly free from any defects not specifically mentioned and that these defects may materially but not seriously affect the appearance and edibility of the olives; that the over-all appearance of the product may be seriously affected by olives or units with insignificant blemishes; and, in addition, has the following meanings for the applicable styles:

(1) *Whole; pitted; halved*. (i) There may be present, on an average, per 100 whole or pitted olives or per 200 units in halved style:

Not more than 2 pieces of harmless extraneous material;

Not more than a total of 2 pits and pieces of pit in pitted styles;

Not more than 8 minor and major stems of which not more than 4 stems may be major stems; and

(ii) Not more than a total of 30 percent, by count, of the olives or units may possess minor and major blemishes; minor, major, and serious wrinkles; and may be mutilated olives: *Provided*, That not more than 15 percent, by count, of the olives or units may possess major blemishes, major wrinkles, and serious wrinkles; and not more than 10 percent, by count, of the olives may be mutilated.

(2) *Sliced; chopped or minced*. Harmless extraneous material, stems or pieces thereof of any size, pieces of pit or fragments of pit, or any other defects not specifically mentioned may be present provided such defects do not seriously affect the appearance or edibility of the product.

(3) *Broken pitted*. (i) There may be present, on an average, per one pound of drained olives:

Not more than 2 pieces of harmless extraneous material;

Not more than 2 pits and pieces of pit;

Not more than 4 stems or pieces of stem, regardless of size; and

(ii) Not more than 10 percent, by weight, of the drained olives may be pieces affected by minor and major blemishes.

(d) (SStd) *classification*. Canned ripe olives that fail to meet the requirements of paragraph (e) of this section

may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3764 Character.

(a) *General.* The factor of character refers to the firmness, tenderness, and texture characteristic for the variety and type.

(b) (A) *classification.* Canned ripe olives of whole, pitted, halved, sliced, and chopped or minced styles that possess a good character may be given a score of 27 to 30 points. "Good character" means that for the type the olives have a fleshy texture characteristic for the variety and size; that not less than 95 percent, by count, of the olives are practically uniform in texture and are tender but not soft.

(c) (B) *classification.* If canned ripe olives of whole, pitted, halved, sliced, and chopped or minced styles possess a reasonably good character, a score of 24 to 26 points may be given. Canned ripe olives that fall into this classification shall not be graded above U.S. Grade B or U.S. Choice, regardless of the total score for the variety (this is a limiting rule). "Reasonably good character" means that for the type the olives may vary moderately in texture in that not less than 90 percent, by count, of the olives are practically uniform in texture and of the remainder not more than 5 percent, by count, of the olives may be excessively soft.

(d) (C) *classification.* If canned ripe olives of whole, pitted, halved, sliced, chopped, and broken pitted styles possess a fairly good character, a score of 21 to 23 points may be given. Canned ripe olives that fall into this classification shall not be graded above U.S. Grade C or U.S. Standards, regardless of the total score for the variety (this is a limiting rule). "Fairly good character" means that the olives may vary considerably in texture, varying from fairly soft to firm but the olives are not excessively soft; and that not less than 80 percent, by count, of the olives are practically uniform in texture and of the remainder not more than 10 percent, by count, of the olives may be excessively soft.

(e) (SStd) *classification.* Canned ripe olives that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the variety (this is a limiting rule).

LOT INSPECTION AND CERTIFICATION

§ 52.3765 Ascertaining the grade of a lot.

The grade of a lot of canned ripe olives covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 through 52.87).

SCORE SHEET

§ 52.3766 Score sheet for canned ripe olives.

Number, size, and kind of container.....		-----
Label (including size declaration).....		-----
Container mark or identification.....		-----
Net weight (ounces).....		-----
Vacuum (inches).....		-----
Drained weight (ounces).....		-----
Size.....		-----
Style.....		-----
Average count per pound (whole style).....		-----
<hr/>		
Factors	Score points	
Color.....	20	((A) 18-20
		((B) 16-17
		((C) 14-15
		((SStd) 10-13
Uniformity of size.....	20	((A) 18-20
		((B) 16-17
		((C) 14-15
		((SStd) 10-13
Absence of defects.....	30	((A) 27-30
		((B) 24-26
		((C) 21-23
		((SStd) 10-20
Character.....	30	((A) 27-30
		((B) 24-26
		((C) 21-23
		((SStd) 10-20
Total score.....	100	
<hr/>		
Flavor () Good () Normal () Off.....		
Grade.....		

¹ Limiting rule.
² Limiting rule for "fairly uniform" in single sizes or for mixed sizes.
³ Includes limiting rule on count.

The United States Standards for Grades of Canned Ripe Olives (which is the second issue) contained in this subpart shall become effective 30 days after the date of publication hereof in the FEDERAL REGISTER, and thereupon will supersede the Tentative United States Standards for Grades of Canned Ripe Olives which have been in effect since March 1, 1941.

Dated: October 12, 1959.

ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 59-8712; Filed, Oct. 14, 1959; 8:52 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System
SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Q]

PART 217—PAYMENT OF INTEREST ON DEPOSITS

Grace Period for Receipt of Savings Deposits Ending on Holiday

§ 217.114 Grace period for receipt of savings deposits ending on holiday.

(a) The Board's advice has been requested as to whether the 10-calendar-day grace period now permitted by § 217.3(d) in computing the maximum rate of interest on savings deposits, extends to the following business day in

the event that the 10th calendar day of the month falls on Saturday, Sunday, or a legal holiday.

(b) This provision was recently liberalized so as to allow a grace period of 10 calendar days rather than 5 business days in every calendar month. It was recognized that the amendment would have a slightly restrictive effect in the case of months commencing a regular quarterly or semi-annual interest period in which deposits formerly could be received through the 10th business day, but, as stated above, the general effect was of a liberalizing nature. The Board believes that 10 calendar days is sufficient time to permit a customer to make a deposit in a savings account and receive interest at the maximum rate for the entire month. Therefore, the Board does not believe that further days of grace should be allowed when the 10th calendar day falls on Saturday, Sunday, or a legal holiday.

(Sec. 11(1), 38 Stat. 262; 12 U.S.C. 248(1). Interprets or applies secs. 19, 24, 38 Stat. 270, 273, as amended, sec. 8, 48 Stat. 168, as amended; 12 U.S.C. 264(c) (7), 371, 371a, 371b, 461)

Dated at Washington, D.C., this 29th day of September, 1959.

BOARD OF GOVERNORS OF THE
 FEDERAL RESERVE SYSTEM,
 [SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 59-8670; Filed, Oct. 14, 1959; 8:46 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

[9th Gen. Revision of Export Reg.; Admt. 24 '1]

PART 370—SCOPE OF EXPORT CONTROL BY DEPARTMENT OF COMMERCE

PART 371—GENERAL LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 379—EXPORT CLEARANCE AND DESTINATION CONTROL

PART 382—DENIAL OF EXPORT PRIVILEGES

Miscellaneous Amendments

1. In § 370.8 *Shipments via Hong Kong*, paragraph (c) *General License GRO shipments under a through bill of lading*, subparagraph (1) is amended to read as follows:

(1) Shipments of all commodities under General License GRO may be trans-

¹ This amendment was published in Current Export Bulletin 822, dated October 8, 1959.

RULES AND REGULATIONS

shipped at Hong Kong without the necessity of obtaining a validated license, provided (i) such transshipments are made under a through bill of lading to a destination outside of Hong Kong, Macao, or Subgroup A and (ii) the shipment is maintained in the custody of the originating or on-forwarding carrier at all times or (iii) the shipment is exportable directly from the United States to Hong Kong under another general license.

2. In § 371.8 *General License GRO; shipments of non-Positive List commodities*, paragraph (b) *Surplus agricultural commodities and manufactures thereof*, subparagraph (1) *Contracts of sale amounting to \$10,000 or more* is amended to read as follows:

(1) *Contracts of sale amounting to \$10,000 or more.* (i) Prior to or at the time of entering into a contract to sell for export, or otherwise dispose of for exportation, except as provided by subparagraph (2) of this paragraph:

(a) Any commodity obtained directly or indirectly from the Commodity Credit Corporation, either in the form acquired or in processed form;

(b) Any commodity being sold in substitution for a commodity acquired from the CCC under an export disposal program; or

(c) Any commodity which is subsidized for export by the Secretary of Agriculture or by the CCC, either by cash payments or by payments in kind;

an exporter shall, where the contract is entered into prior to exportation of the commodity under this general license, either in the contract of sale or in connection therewith, obtain from the foreign purchaser, where the contract amounts to \$10,000 or more, a written acknowledgment of the purchaser's understanding of the prohibition without prior Bureau of Foreign Commerce approval against exportation or reexportation by any person, as set forth in this section and in § 371.4, of any such commodities, to Macao, Hong Kong and destinations in Subgroup A (see § 371.3) and the sanction of denial of export privileges which may be imposed for violation of the export regulations. Where a contract of sale involving \$10,000 or more is not to be entered into until after exportation under this general license, the exporter shall, either in the contract of sale or in connection therewith, obtain the same type of acknowledgment from the foreign purchaser prior to, or at the time of entering into the contract of sale.

(ii) Where commodities are to be exported by a party other than the original purchaser of the commodities from the Commodity Credit Corporation, the original purchaser shall inform the exporter in writing of the requirement for obtaining the signed acknowledgement from the foreign purchaser.

(iii) Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidi-

zied for export by that agency or by the Secretary of Agriculture.

3. Section 373.2 *Confirmation of country of ultimate destination and verification of actual delivery* is amended in the following particulars:

a. Paragraph (b) *Definitions* is amended to read as follows:

(b) *Definitions.* (1) As used in this section the terms "Import Certificate," "Delivery Verification," "Hong Kong Import License," or "Landing Certificate," refer to the documents issued by governments of countries listed in paragraph (a) (1) of this section to importers in such countries, and are the equivalent documents to the Import Certificate (Form FC-826) and Delivery Verification (Form FC-908) issued to United States importers (see § 368.1 of this chapter).

(2) These documents contain an undertaking by the government issuing the Import Certificate or the Delivery Verification to exercise legal control over the disposition of the commodities covered. This control is in addition to the conditions and restrictions placed on the exportation by the Bureau of Foreign Commerce. The laws and regulations of the United States are in no way modified, changed, or superseded by the issuance of an Import Certificate or Delivery Verification.

(3) In accordance with international practice, the issuing office may stamp a triangular symbol on the Import Certificate. This symbol is a notification that the importer does not intend that the commodities will be imported into or remain in the country issuing the Import Certificate, but that the issuing country represents that in any case the commodities will not be delivered to any destination except in accordance with its export regulations.

b. Paragraph (d) *Submission of Import Certificate*, subparagraph (3) *Requirements applicable to both single and multiple transactions Import Certificate* is amended by adding a new subdivision (vi) to read as follows:

(vi) *Triangular transactions.* Whenever an Import Certificate bearing a triangular symbol is submitted to the Bureau of Foreign Commerce, all parties to the transaction,² including parties located outside the country which issued the Import Certificate, shall be disclosed. This information should be submitted to the Bureau of Foreign Commerce by the exporter. If the importer objects to disclosing this information to the United States exporter, the information may be submitted directly to the Bureau of Foreign Commerce through a United States Foreign Service Post or by means of a sealed envelope sent to the United States exporter and clearly marked "To be opened by the Bureau of Foreign Commerce only."

4. Section 373.5 *Licensing policy for agricultural commodities and manufactures thereof covering shipments to Subgroup A destinations* is amended in the following particulars:

² See § 370.1(o) of this chapter for definition of parties.

a. Paragraph (a) *Subsidized commodities* is amended to read as follows:

(a) *Subsidized commodities.* It is the general policy of the Bureau of Foreign Commerce to deny applications for validated licenses to export, or authority to reexport, agricultural commodities and manufactures thereof to any Subgroup A destination, where the proposed shipment (1) consists of any commodity which is acquired directly or indirectly from the Commodity Credit Corporation, whether in the form acquired or in processed form; (2) consists of any commodity which is shipped in substitution for a commodity acquired directly or indirectly from the Commodity Credit Corporation under an export disposal program; or (3) is subsidized for export, by the Secretary of Agriculture or by the Commodity Credit Corporation either by cash payments or by payments in kind.

b. Paragraph (b) *Non-subsidized commodities* is amended to read as follows:

(b) *Non-subsidized commodities—*(1) *Exports from the United States.* License applications covering proposed shipments of agricultural commodities and manufactures thereof to any destination within country designation Subgroup A, except Communist China, North Korea, or the Communist-controlled area of Viet-Nam may be considered for approval if approval would not be in conflict with the policy stated in paragraph (a) of this section. Such license application submitted to the Bureau of Foreign Commerce shall contain the following certification in the space entitled "Additional Information" or on an attachment thereto:

I (We) certify (1) that the commodities covered by this application have not been and will not be obtained directly or indirectly from Commodity Credit Corporation stocks; (2) that the commodities will not be shipped in substitution for a commodity acquired directly or indirectly from the Commodity Credit Corporation under an export disposal program; or (3) that if the exportation is eligible for a subsidy under a surplus agricultural commodity export program of the Secretary of Agriculture or the Commodity Credit Corporation, such subsidy has not been and will not be claimed or obtained.

NOTE: See § 371.8 of this chapter for exportations under General License GRO of surplus agricultural commodities and manufactures thereof.

(2) *Reexportations.* Requests for authority to reexport agricultural commodities and manufactures thereof to any of the destinations set forth in subparagraph (1) of this paragraph may be considered for approval, (i) if approval would not be in conflict with the policy stated in paragraph (a) of this section; or, (ii) if the commodities had not been exported from the United States under either the Mutual Security program or the foreign currency, barter, or other Public Law 480 program. Such requests shall be submitted by letter to the Bureau of Foreign Commerce by the United States exporter and shall contain the following certification:

I (We) certify (1) that none of these commodities was exported from the United States under either the Mutual Security program, or the foreign currency, barter, or

other Public Law 480 program; (2) that the commodities covered by this request for authority to reexport have not been obtained directly or indirectly from Commodity Credit Corporation stocks; (3) that the commodities were not shipped in substitution for a commodity acquired directly or indirectly from the Commodity Credit Corporation under an export disposal program; or (4) that if the exportation is eligible for a subsidy under a surplus agricultural commodity export program of the Secretary of Agriculture or the Commodity Credit Corporation, such subsidy has not been and will not be claimed or obtained.

5. The *Summary of interpretations* following § 379.5 is amended by revising the answer to question 15 to read as follows:

A. No. It is only necessary to file the original documents in one port. True copies thereof, certified by the Collector of such port, may be transmitted by the forwarding agent to other ports where needed unless the authorization is otherwise specifically limited by the exporter.

6. In § 382.1 *Denial of export privileges*, paragraph (b) *Applicability to related persons* is amended to read as follows:

(b) *Applicability to related persons.* Any order denying export privileges or excluding persons from practice before the Bureau of Foreign Commerce may be made applicable not only to persons named therein but also, to the extent necessary to prevent evasion, to other persons with whom said named persons may then or thereafter be related by ownership, control, position of responsibility, or other connection in the conduct of export trade or services connected therewith. In addition, the order may contain the substance of § 381.10 of this chapter.

This amendment shall become effective as of October 8, 1959 except as to item 4, which shall become effective October 15, 1959.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023. E.O. 9630, 19 F.R. 12245, 3 CFR, 1945 Supp., E.O. 9919, 13 F.R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,

Bureau of Foreign Commerce.

[F.R. Doc. 59-8696; Filed, Oct. 14, 1959; 8:50 a.m.]

[9th Gen. Revision of Export Reg.; Amtd. P. L. 17¹]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

Commodity Interpretations

Section 399.2 *Appendix B—Commodity interpretations* is amended by adding the following interpretation:

INTERPRETATION 22: AIRCRAFT, PARTS, ACCESSORIES AND COMPONENTS

(a) *Aircraft, and parts, accessories and components therefor.*² Aircraft defined in

¹ This amendment was published in Current Export Bulletin 822, dated October 8, 1959.

² This interpretation does not refer to electronic communication and navigational commodities usable on aircraft.

Category X of the United States Munitions List, and parts, accessories, and components specially designed for such aircraft are under the export licensing authority of the Department of State. All other aircraft, and parts, accessories and components therefor are under the export licensing authority of the Department of Commerce.

Aircraft, parts, accessories and components are under the licensing authority of the Department of Commerce if one or more of the following criteria are met:

(1) Any aircraft (except a military trainer) which conforms to a Federal Aviation Agency type certificate in the normal, utility, acrobatic or transport category, provided such aircraft has not been equipped with or modified to include military equipment, such as gun mounts, turrets, rocket launchers or similar equipment designed for military combat or military training purposes.

(2) Any aircraft, which conforms to a Federal Aviation Agency type certificate in the restricted category, provided (1) such aircraft is not of a type which has been manufactured in accordance with the requirements of, and accepted for use by, a United States military service; or (ii) such aircraft has not been equipped with or modified to include military equipment, such as gun mounts, turrets, rocket launchers or similar equipment designed for military combat or military training purposes.

(3) Models C-46, C-47, and C-54 cargo and passenger transports, provided such aircraft has not been equipped with, or modified to include military equipment, such as gun mounts, turrets, rocket launchers, or similar equipment designed for military combat or military purposes.

(4) Any aircraft propeller or aircraft engine which conforms to a Federal Aviation Agency type certificate.

(5) All reciprocating engines.

(6) Parts, accessories, and components designed exclusively for aircraft, propellers, and engines described in (1), (2), (3), (4), and (5) of this paragraph.

(7) General purpose parts, accessories, and components (usable interchangeably on either military or civil aircraft).

(b) *Normal civil use for two years or less.* The term "normal civil use for two years or less," as specified on the Positive List, is computed from the date the type or model of the aircraft was placed in commercial operation.

(c) *Demilitarized aircraft.* The term "demilitarized aircraft," as specified on the Positive List means an aircraft from which military equipment, such as gun mounts, turrets, rocket launchers or similar equipment designed for military combat or military training purposes, has been removed and which conforms to a Federal Aviation Agency type certificate (1) in the normal, utility, acrobatic, or transport category, except a military trainer; or (2) in the restricted category, provided such aircraft is not of a type which has been manufactured in accordance with the requirements of, and accepted for use by, a United States military service.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023. E.O. 9630, 10 F.R. 12245, 3 CFR, 1945 Supp., E.O. 9919, 13 F.R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,

Bureau of Foreign Commerce.

[F.R. Doc. 59-8697; Filed, Oct. 14, 1959; 8:50 a.m.]

Title 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

SUBCHAPTER E—REGULATIONS UNDER NATURAL GAS ACT

[Docket No. R-179; Order 215]

PART 154—RATE SCHEDULES AND TARIFFS

Suspended Rates of Independent Producers; Procedures To Make Effective at End of Suspension Period

OCTOBER 9, 1959.

The Commission has before it for consideration the amendment of Part 154, Rate Schedules and Tariffs, of Subchapter E, Regulations Under the Natural Gas Act, Chapter I of Title 18, Code of Federal Regulations, by the prescription of a new § 154.102 and the redesignation of the existing § 154.102 as § 154.103.

The new regulation is designed to establish, by a rule applicable to all independent producers of natural gas whose filings of proposed changes in rates have been suspended, a procedure whereby such filings may be made effective at the expiration of the suspension period. The rule would, in effect, impose by general order the same requirements with respect to making such rate filings effective as are now required by individual orders applicable only to the particular rate suspension involved.

Section 4(e) of the Natural Gas Act which authorizes the Commission to suspend the operation of proposed changes in rates for a period not to exceed 5 months pending a hearing on the lawfulness of the proposed changes, further provides, in part, that:

If the proceeding [on the lawfulness of the proposed changes] has not been concluded and an order made at the expiration of the suspension period, on motion of the natural gas company making the filing, the proposed change of rate, charge, classification, or service shall go into effect. Where increased rates or charges are thus made effective, the Commission may, by order, require the natural gas company to furnish a bond, to be approved by the Commission, to refund any amounts ordered by the Commission, to keep accurate accounts in detail of all amounts received by reason of such increase, specifying by whom and in whose behalf such amounts were paid, and, upon completion of the hearing and decision, may order such natural gas company to refund, with interest, the portion of such increased rates or charges by its decision found not justified. * * *

The Commission finds:

(1) Although the amendment herein prescribed may be interpreted as a substantive rule under the provisions of section 4(a) of the Administrative Procedure Act, prior notice thereof is unnecessary in view of the limited class of proceedings to which it is applicable and the fact that it imposes no burden upon the persons affected thereby that is not already being imposed upon them by individual Commission order in every case in which a motion is made pursuant to

section 4(e) of the Natural Gas Act to put a suspended schedule into effect at the expiration of the period of suspension.

(2) The amendments herein adopted are necessary and appropriate to carry out the provisions of the Natural Gas Act.

The Commission, acting pursuant to the authority granted by the Natural Gas Act, particularly sections 4 and 16 thereof (52 Stat. 822, 830; 15 U.S.C. 717c, 717o), orders:

(A) Part 154, entitled "Rate Schedules and Tariffs," of Subchapter E, Regulations Under the Natural Gas Act, Chapter I of Title 18 of the Code of Federal Regulations, is amended as follows:

1. Add a new § 154.102 to read:

§ 154.102 Suspended changes in rate schedules; motions to make effective at end of period of suspension; procedure.

(a) If a rate suspension proceeding initiated under section 4(e) of the Natural Gas Act has not been concluded and an order made at the expiration of the suspension period, the proposed change of rate, charge, classification, or service shall go into effect on motion of the independent producer proposing the change, effective as of a date not earlier than the date of receipt of such motion by the Commission or the expiration of the suspension period, whichever is later. The Secretary, upon receipt of such a motion, shall, if the motion is legally adequate for the purpose, notify the movant that the proposed change can be made effective as provided in this section: *Provided*, That the Secretary shall refer to the Commission any motion requesting that a change in rate, charge, classification, or service be made effective, if in his judgment the motion should receive the specific attention of the Commission;

(b) Unless otherwise ordered by the Commission, increased rates or charges shall not be collected pursuant to paragraph (a) of this section until there be filed by the independent producer a bond or agreement and undertaking, to be approved by the Secretary, to comply with the provisions of paragraph (c) of this section.

(c) The independent producer shall be obligated to refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the portion of any increased rate found by the Commission in that proceeding not justified, together with interest thereon at the rate of 6 percent per annum from the date of payment to the producer until refunded; to bear all costs of any such refunding; to keep accurate accounts in detail of all amounts received by reason of the increased rates or charges effective as provided in the order, for each billing period, specifying by whom and in whose behalf such amounts were paid; and to report in writing and under oath to the Commission monthly, or quarterly if he so elects and so notifies the Commission within thirty days from the date the Secretary notifies the producer that the increased rates may be effective, for

each billing period, and for each purchaser the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rates in effect immediately prior to the effective date of the change, and under the rates allowed to become effective, together with the differences in the revenues so computed;

(d) If the producer, acting in conformity with the terms and conditions of his bond or agreement and undertaking, makes the refunds as may be required by order of the Commission, the bond or undertaking shall be discharged; otherwise it shall remain in full force and effect;

(e) The bond or undertaking and agreement required by paragraph (b) of this section may be filed concurrently with the motion to make the increased rates effective. If with his motion the producer has not filed a satisfactory bond or undertaking and agreement granting of the motion shall be conditioned upon the filing of such a bond or undertaking and agreement (whichever is appropriate) within 15 days from the date of the notification by the Secretary provided for in paragraph (a) of this section.

2. Existing § 154.102 is hereby redesignated as § 154.103 and in that section change "154.101" to read "154.102."

(Sec. 16, 52 Stat. 830; 15 U.S.C. 717a)

(B) Since, because of its nature and the facts set out in finding paragraph (1), above, these amendments are within the exception of section 4(c) of the Administrative Procedure Act, they shall be effective on the issuance of this order.

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

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-8669; Filed, Oct. 14, 1959;
8:46 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

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

Tolerances for Residues of Diuron

A petition was filed with the Food and Drug Administration by E. I. du Pont de Nemours and Company, Wilmington 98, Delaware, requesting the establishment of tolerances for residues of diuron in or on wheat grain, wheat hay, forage, and straw.

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

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U.S.C. 346a(d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR, 1958 Supp., 120.7(g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR, 1958 Supp., 120.106) are amended by changing § 120.106 to read as follows:

§ 120.106 Tolerances for residues of diuron.

Tolerances for residues of diuron (3,4-dichlorophenyl)-1,1-dimethylurea) in or on raw agricultural commodities are established as follows:

(a) 2 parts per million in or on alfalfa, bird's-foot trefoil (hay, forage), grass crops (grass hay), wheat hay, wheat forage, wheat straw.

(b) 1 part per million in or on cottonseed, grapes, pineapple, potatoes, sugarcane, wheat grain.

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

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

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

Dated: October 8, 1959.

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

[F.R. Doc. 59-8690; Filed, Oct. 14, 1959;
8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER A—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 502—RELIEF ASSISTANCE

Disaster Relief

In § 502.2, add new paragraph (c), and in § 502.5, revise paragraph (d), as follows:

§ 502.2 Statutory and policy provisions.

(c) Executive Order 10737, October 29, 1957 (22 F.R. 8799).

§ 502.5 Department of the Army policies.

(d) The Commanding General, United States Continental Army Command, and the ZI army commanders will effect the closest cooperation with the appropriate agencies concerned with disaster relief activities. The Commanding General, United States Continental Army Command, will establish liaison with Operational Headquarters, OCDM, located in Battle Creek, Mich. The ZI army commanders; Commanding General, United States Army, Alaska; Commanding General, United States Army, Pacific; and the Commanding General, United States Army, Caribbean, will establish liaison with Regional Directors of OCDM whose region encompasses areas within the Army command concerned, in order to facilitate exchange of information and to provide for immediate operating arrangements, should the need arise at a later time. Personnel, equipment and supplies, located in ZI army areas, other than the affected ZI army area, will be utilized to assist in disaster relief activities when the need is great and where a deficiency exists after consideration of all resources, including local resources in the disaster area and where movement of these resources will not compromise an assigned tactical or defense mission. This assistance will be coordinated by the Commanding General, United States Continental Army Command, without reference to Headquarters, Department of the Army.

[C 1, AR 500-60, Oct. 1, 1959] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 59-8654; Filed, Oct. 14, 1959; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration
PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart A—Education and Training of World War II Veterans and Vocational Rehabilitation Under 38 U.S.C. Ch. 31

STATUS "TRAINING DECLINED"

In § 21.209, paragraph (b) is amended and paragraph (c) is added to read as follows:

§ 21.209 Status "training declined."

(b) A veteran who is changed from status "induction pending" to status "training declined" will be informed that if his disability rating is reduced to less than compensable degree he will lose entitlement for vocational rehabilitation. He will also be informed that if he requests training after 60 days from the time he is placed in "training declined" status the entire question of need for

vocational rehabilitation will have to be reconsidered.

(c) Where the veteran requests induction into training within 60 days of the date he is placed in "training declined" status he may be entered into training without further counseling when:

(1) His disability has not been reduced to less than 10 percent, and

(2) There is no known reason why further counseling is needed.

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective October 15, 1959.

[SEAL]

A. H. MONK,
Acting Associate
Deputy Administrator.

[F.R. Doc. 59-8714; Filed, Oct. 14, 1959; 8:52 a.m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart B—Education of Korean Conflict Veterans Under 38 U.S.C. Ch. 33

CONDITIONS GOVERNING PAYMENT OF EDUCATION AND TRAINING ALLOWANCE

Section 21.2051 is revised to read as follows:

§ 21.2051 Conditions governing payment of education and training allowance.

(a) *General.* (1) The Veterans Administration shall pay to each eligible veteran who is pursuing a program of education or training under this law, and who applies therefor, an education and training allowance to meet in part the expenses of his subsistence, tuition, fees, supplies, books, and equipment (38 U.S.C. 1631(a)).

(2) The education and training allowance for an eligible veteran shall be paid, as determined under § 21.2052, only for the period of the veteran's approved enrollment under chapter 33, but no allowance shall be paid

(i) To any veteran enrolled in an institutional course which leads to a standard college degree or a course of institutional on-farm training for any period when the veteran is not pursuing his course in accordance with the regularly established policies and regulations of the institution and the requirements of this chapter (38 U.S.C. 1631(b)(1));

(ii) To any veteran enrolled in an institutional course which does not lead to a standard college degree or in a course of apprentice or other training on the job for any day of absence in excess of the rate of 30 days in a 12-month period, not counting as absences weekends or legal holidays established by Federal or State law during which the institution or establishment is not regularly in session or operation (38 U.S.C. 1631(b)(2));

(iii) To any veteran pursuing his program of education exclusively by correspondence for any period during which no lessons were serviced by the institutions; (38 U.S.C. 1631(b)(3)) or

(iv) For any month during which no instruction was received where the veteran is pursuing his course exclusively in flight training (38 U.S.C. 1632(g)).

(3) Actual payment of education and training allowance will be made in arrears. Insofar as practicable, these allowances shall be paid within 20 days after the receipt by the Veterans Administration of the certifications required by this subparagraph. (See also §§ 21.2051(c) and 21.2303.) (38 U.S.C. 1631(c).)

(i) An institutional course leading to a standard college degree or an institutional on-farm course requires a monthly certification that the veteran was actually enrolled in and pursuing the course as approved by the Veterans Administration (38 U.S.C. 1631(c)(1)(A)).

(ii) An institutional course which does not lead to a standard college degree, or an apprentice or other training on-the-job course requires a monthly certification as to actual attendance during such period (38 U.S.C. 1631(c)(1)(B)).

(iii) A program of education and training by correspondence requires a quarterly certification as to the number of lessons actually completed by the veteran and serviced by the institution (38 U.S.C. 1631(c)(1)(C) and 1632(e)).

(iv) An approved course of flight training requires a monthly certification as to the actual flight training received by the veteran (38 U.S.C. 1632(g)).

(4) The information required on monthly certifications for certain institutional courses is determined by whether the course does or does not lead to a standard college degree. In making these determinations, the following criteria will be applied:

(i) *Course leading to a standard college degree.* (a) Any course which leads to an associate, baccalaureate, or higher degree, provided the conditions of § 21.2066(d)(1) are met; or

(b) Any course which leads to an advanced degree or professional objective (determined in accordance with the criteria in § 21.2066 (e), (f)(1), (k), (l), (m), or (o)(1)).

(ii) *Course which does not lead to a standard college degree.* All other institutional courses shall be considered as courses which do not lead to a standard college degree. This includes courses given by high schools, business schools, trade or vocational schools, and those programs in colleges and junior colleges for which credit is not granted toward a standard college degree. Correspondence, flight and institutional on-farm courses are not included in these criteria because the law prescribes a different type of monthly certification for those courses. (See subparagraph (3) of this paragraph.)

(b) *Enrollment certifications.* (1) Educational institutions and training establishments shall, without delay, report to the Veterans Administration on the forms prescribed in § 21.2303, the enrollment for education or training of each eligible veteran who has been enrolled under chapter 33 (38 U.S.C. 1665(a)).

(i) Educational institutions organized on a term, quarter, or semester basis may report a veteran's enrollment for a term, a quarter, a semester, or for the ordinary

school year. A summer session may not be included as a part of the ordinary school year but must be reported separately. Enrollment certifications for the ordinary school year are encouraged. They will reduce administrative operations for the institution, the veteran, and the Veterans Administration.

(ii) Educational institutions organized on a year-round basis shall report enrollment for the length of the course. The enrollment certifications shall include a statement showing the dates during which the school closes for summer vacation, the dates of any intervals between periods of instruction which occur in the summer, and the dates of any intervals which are designated in the school's approval data as breaks between school years. No allowances may be paid for these intervals.

(iii) Job training establishments and institutional on-farm trainers shall report enrollments for the length of the course.

(iv) Correspondence schools shall report the number of lessons for which the veteran is enrolled and the charges per lesson.

(v) Reports of flight courses shall include the total tuition charges for the course.

(2) When enrollment certifications are received, the Veterans Administration will issue an official authorization showing the beginning and ending dates of each period for which an allowance may be paid. Notice of this action will be sent to the veteran and the school. The veteran will be carried in training status for the period of approved enrollment or the extent of his remaining entitlement, whichever is the lesser so long as his conduct and progress continues to be satisfactory according to the regularly prescribed standards and practices of the school and periodic certifications of training are received by the Veterans Administration as required in paragraph (c) of this section.

(c) *Periodic certifications of training*—
(1) *General.* Periodic certifications of training shall be submitted at monthly or quarterly intervals on the forms prescribed in § 21.2303. The appropriate sections of these certifications shall be completed by the veteran and by the school or establishment. Payments to veterans will not be released until these periodic certifications, properly completed, are received in the Veterans Administration (38 U.S.C. 1631(c)).

(2) *Time for filing certifications.* (i) Certifications of training for correspondence courses shall be submitted quarterly so as to be received in the Veterans Administration by the 10th day of February, May, August and November of each year.

(ii) Certifications of training for all other courses shall be submitted monthly so as to be received in the Veterans Administration not later than the 10th day of the next succeeding month, except that:

(a) When an enrollment starts on or after the 20th day of the month, the certification of training for the rest of that month shall be included with the certification for the following month. Where the enrollment ends during the first 10

days of a month, schools and training establishments are encouraged to defer submission of the certification for the immediately preceding month and to include it in the certification for the partial month.

(3) *Date for signing certifications.* Certifications of training shall be completed and signed by the veteran and the school or establishment on or after the final day of the reporting period.

(i) An exception to this requirement will be made when final examinations are completed and the school permits the veteran to leave the campus before the official closing date of the term. In such case, the veteran may complete his monthly certification of training on the last day of scheduled attendance in that term, certify his enrollment in the course through the end of the term, and give the form to the school before leaving.

(a) In an institutional course which does not lead to a standard college degree, the certification of training will show the succeeding days of the term as days of absence.

(b) In an institutional course which leads to a standard college degree, the certification of training will show the veteran to have been enrolled in and pursuing his course to the end of the term.

(4) *Courses at educational institutions organized on a term, quarter or semester basis.* Certifications of training shall be submitted monthly during the period of enrollment approved by the Veterans Administration. The following rules will govern:

(i) When a school reports an enrollment for the ordinary school year, the monthly certifications will certify that the veteran was enrolled in and pursuing his course for the intervals between terms, quarters and semesters. This rule does not apply to the intervals between the ordinary school years and the summer session.

(a) In a course which does not lead to a standard college degree, the days of the intervals shall be reported as absences, and payment will be subject to the veteran's maximum allowable absences, as required in paragraph (d) (2) of this section.

(ii) When a school reports an enrollment by term, quarter, or semester, the monthly certifications shall not cover the intervals between the terms, quarters or semesters.

(5) *Courses at educational institutions organized on a year-round basis.* Certifications of training shall be submitted monthly during the period of enrollment approved by the Veterans Administration. The appropriate monthly certifications shall show the dates on which the school closed for summer vacation, the dates of any intervals between periods of instruction which occurred in the summer, and the dates of any intervals which are designated in the approval data as breaks between school years. These intervals shall not be reported as absences. Education and training allowance will not be authorized for these intervals.

(6) *Apprentice or other on-the-job training courses.* Certifications of training shall be submitted monthly during

the period of enrollment approved by the Veterans Administration.

(7) *Institutional on-farm courses.* Certifications of training shall be submitted monthly during the period of enrollment approved by the Veterans Administration.

(8) *Correspondence courses.* Certifications of training shall be submitted, during the enrollment period approved by the Veterans Administration, for each quarter in which the veteran completes and the school services any lessons. Each certification filed shall state the total number of lessons completed by the veteran and serviced by the school since the commencement of the course.

(9) *Flight training courses.* Certifications of training shall be submitted, during the enrollment period approved by the Veterans Administration, for each month in which any instruction is given. Each certification shall state the actual flight training received by the veteran during the month.

(10) *Certifications not received.* If certifications are not received for two consecutive reporting periods, the Veterans Administration will consider that the veteran is no longer pursuing his course under the law. The veteran's course of training will be discontinued in accordance with § 21.2056(b) (5).

(d) *Absences*—(1) *General.* Veterans enrolled in apprentice or other on-the-job training courses, and in institutional courses which do not lead to a standard college degree (as described in paragraph (a) (4) (ii) of this section) are required to report absences on their monthly certification of training form.

(i) For the purposes of this paragraph a veteran is absent for a full day when he attends no scheduled class or classes on that day or when he is absent from a regularly scheduled day of work. A veteran is tardy when he is late for the start of the day of work or school. A partial day of absence means any period during or at the end of a day that the veteran is absent from work or school.

(ii) The Veterans Administration will maintain a record of absences to insure that allowances are not paid for any day of absence in excess of the rate of 30 days in a 12-month period, as determined in subparagraph (2) of this paragraph.

(2) *Maximum allowable absences.* When a veteran enters or reenters training, the number of days of allowable absence will be computed for his period of enrollment. The maximum of 30 days' absence is allowed only in those courses which are 12 months in length where attendance is required for 5 or 6 days a week or where a standard workweek for an on-the-job training course has been established at less than 5 days a week through a bona fide collective bargaining agreement. In all other 12-month courses requiring attendance on a schedule of less than 5 days a week, the number of absences allowed will be that pro rata part of 30 days which the number of days per week of training bears to 5. When the length of the course is not 12 months or a multiple of 12, maximum allowable absences shall be figured separately for each 12-month period and for the period which is less than 12 months.

In computing pro rata absences a fraction of one-half day or less will be disregarded. A fraction of greater than one-half day will be counted as 1 day. Unused allowable absences will not be carried over from one 12 months' period to another or from one school year to another. These principles apply whether the veteran is taking his course on a full-time, three-quarter-time, half-time or less-than-half-time basis.

(i) *Examples.* The following are examples of the maximum days of absence for which an education and training allowance may be paid:

(a) Where a veteran is enrolled in an institutional course requiring 5 or 6 days per week of attendance for 12 months, he would be entitled to a maximum of 30 days. If his course is 6 months in duration, he would be entitled to 15 days, i.e., one-half of 30.

(b) Where a veteran is enrolled in an institutional course requiring attendance for 2 days per week for a 12-month course, he would be entitled to a maximum of 12 days, i.e., two-fifths of 30. If, however, his course is 6 months in duration, he would be entitled to 6 days, i.e., one-half of 12.

(c) Where a veteran is enrolled in an institutional course requiring attendance of 4 days per week for a period of 12 months, he would be entitled to a maximum of 24 days, i.e., four-fifths of 30. If his course is 9 months in duration, he would be entitled to 18 days, i.e., three-fourths of 24.

(d) Where a veteran is enrolled in an institutional course requiring attendance of only 1 day per week for a period of 12 months, his maximum number of absences would be 6, i.e., one-fifth of 30. If his course is 4 months in duration, he would be entitled to 2 days, i.e., one-third of 6.

(3) *Reporting of absences.* (i) Veterans shall report their full days of absence from scheduled training and days when the school or establishment is closed for Federal, State, or local holidays and school holidays such as Thanksgiving, Christmas, or Easter, and intervals between terms, quarters, or semesters.

(a) The veteran will use the letter "A" to report each full day he is absent from scheduled training. He will use the letter "C" to report the dates the school or establishment is closed for holidays or intervals between terms, quarters, or semesters. ("C" days which are also Federal or State holidays shall be reported, but will not be charged against the veteran's absence account by the Veterans Administration.) When a school or establishment is closed for the weekend, those days shall not be reported. However, if training is normally scheduled for Saturday or Sunday and the veteran is absent, he shall report that fact as prescribed herein.

(ii) By endorsement, the school or establishment shall verify the full days of absence reported by the veteran. In addition, the school or establishment will convert partial days of absence to full days of absence in accordance with the following formula in this subdivision and report the accumulated total.

(a) Compute the average hours of daily attendance. (Divide the hours of required attendance per week by the days of required attendance per week.)

(b) Total the absences of less than a full day which occurred during the month. (See subdivision (iii) of this subparagraph.)

(c) Divide the total hours of absence for the month ((b) of this subdivision) by the average hours of daily attendance ((a) of this subdivision) to determine the full days of absence to be reported. In reporting the resulting total, a fraction of one-half day or less will be dropped, and a fraction of greater than one-half day will be reported as a full day of absence.

(iii) An occasional tardiness (not more than two per week) of one-half hour or less need not be counted if it is excused by the school or establishment in accordance with its policy as approved by the State approving agency. Tardiness which is not excused and tardiness of more than one-half hour, whether excused or not, shall be counted as one or more hours of absence. Absences during any portion of the day shall be counted, whether more or less than an hour. All early departures shall be counted even though the absence is excused. Any absence of less than an hour shall be counted as a full hour of absence.

(4) *Basis of reduction for excessive absences.* (i) Reductions will not be made from a veteran's education and training allowance until his days of absence exceed the total days allowed under his authorization of training, as provided in subparagraph (2) of this paragraph. In other words, absences will not be deducted by months on a pro rata accrual basis.

(a) Where a veteran discontinues training before completing his enrollment period, and his total absences exceed the number which would have been permitted for the shorter enrollment but do not exceed the original total allowed, an overpayment of education and training allowance will not be established. However, if the veteran reenters training the maximum number of absences to which he would be entitled upon reentrance will be adjusted to deduct the excess absences which occurred in the prior enrollment.

(ii) When a veteran is absent in excess of the total days allowed under his authorization of training (subparagraph (2) of this paragraph) his education and training allowance will be reduced in accordance with subparagraph (5) of this paragraph. This reduction will be made even though the report of excess absences is received after the training is completed or interrupted.

(5) *Amount of reduction for excessive absences.* (i) Except for courses specified in subdivision (ii) of this subparagraph, the amount of reduction for each day of excess absence will be one twenty-fifth of the veteran's monthly education and training allowance. This rate applies to on-the-job courses as well as to school courses pursued on a full-time, three-quarter-time or half-time basis.

(ii) In a school course pursued on a less than half-time basis, or a course of

on-the-job training where the standard workweek established through bona fide collective bargaining is less than 5 days a week, the rate of reduction for each day of excess absence will be determined by the following table:

Days of scheduled attendance per week:	Amount of reduction per day of excessive absence
5 or more (5/5 x 1/25)	1/25th.
4 (5/4 x 1/25)	1/20th.
3 (5/3 x 1/25)	1/15th.
2 (5/2 x 1/25)	1/10th.
1 (5/1 x 1/25)	1/5th.

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective October 15, 1959.

[SEAL] A. H. MONK,
Acting Associate
Deputy Administrator.

[F.R. Doc. 59-8715; Filed, Oct. 14, 1959, 8:52 a.m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart C—War Orphans' Educational Assistance Under 38 U.S.C. Ch. 35

CONDITIONS GOVERNING PAYMENT OF EDUCATIONAL ASSISTANCE ALLOWANCE

1. In Part 21, delete the headnote "Subpart C—War Orphans' Educational Assistance Act of 1956" and add the headnote "Subpart C—War Orphans' Educational Assistance under 38 U.S.C. Ch. 35."

2. In § 21.3051, paragraphs (a), (c), (d), (e) and (f) are amended to read as follows:

§ 21.3051 Conditions governing payment of educational assistance allowance.

(a) The educational assistance allowance shall be paid to the guardian of the eligible person; to the person recognized as legal custodian pursuant to 38 U.S.C. 3202 and § 13.207 of this chapter; to the eligible person himself if he has attained his majority and has no known legal disability; or to the person so designated under paragraph (c) of this section.

(1) The minority of a person who has been discharged from the Armed Forces will not preclude direct payment of educational assistance allowance to such person (38 U.S.C. 3202).

* * * * *

(c) Parents or guardians normally or generally have responsibilities with respect to the education of their children. There will be some instances, however, where because of distance, illness, indifference, etc., such responsibility will not be properly exercised. In recognition of this fact, when it is found by the Manager after investigation that it would be contrary to the best interest of the eligible person, would result in undue delay, or would not be administratively feasible, the regulations governing submission of application and other action required to be taken by or with respect

to the parent or guardian shall not apply. In such event, the eligible person himself shall be designated as the person by whom the required actions should be taken, unless the Manager determines that there is some known reason to conclude that the eligible person should not be so designated. In this event the Chief Attorney will designate a person suitable to take such actions and/or receive the payments.

(d) The educational assistance allowance shall be paid only for the period of the eligible person's approved enrollment, but no allowance shall be paid:

(1) On behalf of any person enrolled in a course which leads to a standard college degree for any period when such person is not pursuing his course in accordance with the regularly established policies and regulations of the educational institution and the requirements of the law (33 U.S.C. 1731(b)(1)), or

(2) On behalf of any person enrolled in a course which does not lead to a standard college degree for any day of absence in excess of 30 days in a 12-month period, or pro rata part thereof for enrollment of less than 12 months in length, not counting as absences weekends or legal holidays established by Federal or State law (or in the case of the Republic of the Philippines, Philippine law) during which the institution is not regularly in session (38 U.S.C. 1731(b)(2)).

(e) The information required on periodic certifications for certain institutional courses is determined by whether the course does or does not lead to a standard college degree. In making these determinations, the following criteria will be applied:

(1) *Course leading to a standard college degree.* (i) Any course which leads to an associate baccalaureate, or higher degree, provided the conditions of § 21.2066(d)(1) are met; or

(ii) Any course which leads to an advanced degree or professional objective (determined in accordance with the criteria in § 21.2066 (e), (f) (1), (k), (l), (m), or (o) (1)).

(2) *Course which does not lead to a standard college degree.* All other institutional courses shall be considered as courses which do not lead to a standard college degree. This includes courses given by high schools, business schools, trade or vocational schools, and those programs in colleges and junior colleges for which credit is not granted toward a standard college degree.

(f) The principle of payment of allowances in arrears as provided by 38 U.S.C. ch. 33 is extended to educational assistance allowance payable under this law. Such allowance shall be paid to or on behalf of an eligible person for any period only after the Veterans Administration shall have received from the educational institution a report certified to by the eligible person and the educational institution on a form provided by the Veterans Administration for that purpose, showing that the eligible person has been pursuing his course as required by the law. Insofar as they apply to the types of courses and to the extent of training which may be authorized under

this law, the principles of the following sections shall govern.

(1) Section 21.2051 (c) and (d)—periodic certifications of training and reporting of absences.

(2) Section 21.2051(b)—certification of enrollment.

(3) Section 21.2051(d)—absences.

(4) Section 21.2051(d)(2)—maximum allowable absences.

(5) Section 21.2051(d)(4)—basis for reduction of educational assistance allowance for excessive absences.

(6) Section 21.2051(d)(5)—amount of reduction for excessive absences.

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective October 15, 1959.

[SEAL]

A. H. MONK,
Acting Associate
Deputy Administrator.

[F.R. Doc. 59-8713; Filed, Oct. 14, 1959;
8:52 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 59-1055]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Miscellaneous Amendments

In the matter of amendment of §§ 2.104(a)(3) and 2.104(a)(4) of the Commission's rules and regulations to effect certain editorial changes therein.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 7th day of October 1959;

The Commission having under consideration the desirability of making certain editorial changes in §§ 2.104(a)(3) and 2.104(a)(4) of its rules and regulations; and

It appearing that the Atlantic City Radio Regulations (article 47, Para. 1) set forth January 1, 1949 as the effective date of the Atlantic City table of frequency allocations above 27.5 Mc; and

It further appearing that the effective date of the Atlantic City table of frequency allocations between 10 kc and 14 kc and between 2000 kc and 27.5 Mc is to be determined at a later date; and

It further appearing that parts of the subject sections of Part 2 of the Commission's rules do not agree with the above; and

It further appearing that the amendments adopted herein are editorial in nature and, therefore, prior publication of Notice of Proposed Rule Making under the provisions of section 4 of the Administrative Procedure Act is unnecessary and the amendment may become effective immediately; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended;

It is ordered, That effective October 7, 1959, § 2.104(a)(4) is amended as set forth below.

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

Released: October 9, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

Subparagraphs (3) and (4) of § 2.104 (a) are amended to read as follows:

§ 2.104 Frequency allocations.

(a) *Table of frequency allocations.*
* * *

(3) In the table of frequency allocations below 27.5 Mc, stations in services shown in column 8, in bands for which the Atlantic City table of frequency allocations is not yet in force, shall observe the provisions with respect to non-interference contained in paragraph 79 of the Cairo, 1938, Radio Regulations.

(4) The effective dates of the Atlantic City table of frequency allocations are as follows:

Frequency band:	Effective date
10-14 kc.....	(¹)
14-55 kc.....	Aug. 15, 1952
55-150 kc.....	Aug. 15, 1953
150-200 kc.....	Dec. 1, 1952
200-535 kc.....	Nov. 1, 1952
535-1605 kc.....	Dec. 1, 1952
1605-2000 kc.....	Jan. 1, 1952
2000 kc-27.5 Mc.....	(¹)
Above 27.5 Mc.....	Jan. 1, 1949

¹ Date to be determined.

[F.R. Doc. 59-8698; Filed, Oct. 14, 1959;
8:50 a.m.]

[Docket No. 13079; FCC 59-1044]

PART 3—RADIO BROADCAST SERVICES

Table of Assignments; Television Broadcast Stations; Muncie, Indiana

1. The Commission has before it for consideration the proposal set out in its Notice of Proposed Rule Making, released July 31, 1959 (FCC 59-835) to amend § 3.606 *Table of assignments*, Television Broadcast Stations, by making the following changes:

City	Channel No.	
	Present	Proposed
Muncie, Ind.....	49, 55+, *71	49, *55+, 71

2. The proposal is supported by petitioner, Ball State Teachers College, and the Joint Council on Educational Television. No comments were filed in opposition to the requested changes.

3. Channels 55 and *71, assigned to Muncie, Indiana, have been available since 1952. No applications are now pending for either channel. Petitioner has evidenced an interest in filing an application for a construction permit for an educational station on Channel

55. In the past, petitioner has acquired experience in providing television programs over Station WLBC-TV, Muncie, Indiana, and has now commenced construction of a new building which includes space allocations for a television transmitter, which it plans to use for the same, in the event a television grant is ultimately made to it. The averments of petitioner are supported by the Joint Council on Educational Television, which has assisted petitioner in planning closed circuit television facilities and broadcast television facilities.

4. The Commission takes notice that Channel 55 has long been available for commercial use and that no applications have been filed for the same. Petitioner's background, experience, and present activities lend assurance to its proposal to file for, and use, Channel 55 as an educational station. Such use would provide the people of Muncie, Indiana, and the surrounding territory with a valuable second service. We are of the view, therefore, that adoption of the proposed amendments is in the public interest.

5. Authority for the adoption of the amendments herein is contained in sections 4(i), 301, 303 (c), (d), (f), and (r), and 307(b) of the Communications Act of 1934, as amended.

6. In view of the foregoing: *It is ordered*, That effective November 16, 1959, § 3.606 of the rules is amended, insofar as the community named is concerned, to read as follows:

City	Channel No.
Muncie, Ind.....	49, *55+, 71

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

Adopted: October 7, 1959.

Released: October 9, 1959.

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

[F.R. Doc. 59-8699; Filed, Oct. 14, 1959;
8:50 a.m.]

[Docket No. 12639; FCC 59-1053]

PART 45—PRESERVATION OF RECORDS OF TELEPHONE CARRIERS

PART 46—PRESERVATION OF RECORDS OF WIRE TELEGRAPH, OCEAN-CABLE, AND RADIOTELEGRAPH CARRIERS

Preservation of Certain Records

In the matter of amendment of Parts 45 and 46 of the Commission's rules and regulations, preservation of records of telephone carriers, and preservation of records of wire-telegraph, ocean-cable, and radiotelegraph carriers, respectively, to permit increased and earlier use of microfilm in lieu of original records, Docket No. 12639.

1. On October 22, 1958, the Commission adopted a Notice of Proposed Rule Making which was published in the FEDERAL REGISTER on October 28, 1958 (23 F.R. 8316) in accordance with sec-

tion 4(a) of the Administrative Procedure Act. The proposals presented for comment were for amendment of Items 4-j, 4-k, 8 and 20-b of §§ 45.8 and 46.9 of the Commission's rules. The proposals with respect to Items 4-j and 4-k were disposed of in a First Report and Order adopted December 17, 1958 which was published in the FEDERAL REGISTER on December 25, 1958 (23 F.R. 10372). The proposals with respect to Items 8 and 20-b were to permit substitution of microfilm for originals after five years of journal entries and vouchers rather than permitting no such substitution for some and after varying periods exceeding five years for others, as is presently the rule.

2. In the Notice of Proposed Rule Making it was stated that a study of microfilming procedures and results would be made. Carriers and others possessing experience and information were invited to comment on the several aspects of the use of microfilm. A query was also made as to the justification for a uniform period after which microfilming would be permitted for records having differing retention periods and appearing to have differing degrees of importance and periods of frequent reference. American Telephone and Telegraph Company (AT&T), General Telephone Service Corporation (General), and RCA Communications, Inc. (RCA) all felt that the carriers should have the option with respect to all records of substituting microfilm copies in place of the original records at any time. AT&T later filed a further comment endorsing RCA's proposal for unlimited microfilming, and suggesting language changes for Part 45 which would accomplish the desired end.

3. With the unlimited right to substitute microfilm copies for original records recommendations before it the Commission has a choice between amending its rules and regulations in some such fashion or in the much more limited way contemplated by the proposals with respect to Items 8 and 20-b of §§ 45.8 and 46.9 in Parts 45 and 46, respectively, of the Rules. The Commission has decided to adopt the all-inclusive course of action.

4. It is implicit, from the presently effective rules on preservation of records containing, as they do, authority to substitute microfilm for originals of some records that are required to be retained permanently, that the Commission was at the time of the adoption of these rules in 1950 convinced that microfilm is a durable medium. We are advised that the U.S. Bureau of Standards has determined that microfilm records, when processed according to the archival standards established by that Bureau, have a life expectancy equivalent to that of the best quality rag papers. All microfilm emulsions currently available in the market are coated on a cellulose-acetate safety base so that the fire hazard incident to the file storage of microfilmed records is no greater than that presented by the originals in paper form. Many microfilms subjected to flood conditions and long periods of immersion have been reclaimed and restored to original usefulness.

5. United States Independent Telephone Association (USITA), RCA and General all made the point that microfilmed records are more accessible than originals. This, they say, follows from the greatly reduced bulk of the microfilms as compared with the originals. With reduced filing space requirements more records can be kept close at hand at all times. It was mentioned, and is obvious, that there are expense savings possible and likely to be realized from reduced filing space requirements although there are expenses related to microfilming which would not otherwise be incurred. Since no rule under consideration contemplates that microfilming shall be mandatory in any case carriers will naturally not resort to microfilming except when economic justification is found. There were carrier comments that microfilm copies, if properly made, are as legible as the original records. Reproductions of microfilm pictures can be made quickly and at small cost, according to comments of Gallant, Incorporated, sales representative for a microfilm reader-printer device made by Minnesota Mining and Manufacturing Company, and of Recordak Corporation, a manufacturer of microfilming equipment. RCA and General made statements to the same effect. It was stated there is no undue physical strain on employees working with microfilm. In fact, in one sense there is less strain because of the lesser weight of microfilm records and because more records can be placed within reach of a single employee.

6. It would appear that microfilming of records may contribute to the safety of their preservation because the lesser bulk of records makes it possible to keep many more of them in fireproof vaults than would otherwise be the case. Duplicate microfilm rolls of key records can be made and sent for safe keeping to isolated locations away from centers of population and thus safeguarded from certain risks of loss. There were comments to the effect that microfilm records can be indexed so effectively that they can be located more easily and quickly than the original records. Our rules in paragraph (f) of §§ 45.5 and 46.5 in Parts 45 and 46, respectively, already contain provisions regarding indexing of microfilms. If increased use of microfilm follows the relaxation of the rules on microfilming being ordered herein it will be essential that the most careful planning be done on indexing.

7. Recordak Corporation submitted with its comments a copy of a 1955 study of admissibility in evidence of film picture records. It appears that a Uniform Photographic Copies of Business and Public Records as Evidence Act (UPC Act) has been enacted into law in most of the States and has been incorporated in the Federal statutes as well. The Federal citation is given as 28 U.S.C.A. section 1732(b). RCA refers also to a study titled *Microfilming of Business Records*, 6 *Drake Law Review* 74 (May, 1957). The UPC Act, which is a companion act to the Uniform Business Records as Evidence Act, provides, in brief, that records developed and photographed (including microfilmed), both in the regular course of business, may be

destroyed in the regular course of business and the reproductions will be as admissible in evidence in any judicial or administrative proceeding as the originals would have been.

8. One comment in support of our allowing increased substitution of microfilm copies for original records was received from The Microcard Corporation. One of its products is described as a paper microform supplied with a pressure-sensitive adhesive. This microform is opaque rather than translucent as is the conventional microfilm. It is a unitized record rather than being one of many reproductions on a roll of film. A variation of the unitized adhesive microform containing a single page of material is a 3 x 5 inch card containing up to eighty pages of material. It is stated that use of the cards usually permits a files space saving of around 95 per cent. It should be noted that our rules on preservation of records do not permit the substitution, in place of original records, of unitized microforms or cards carrying a number of miniature pictures. It is understood, however, that microfilming is a necessary intermediate step in preparation of the individual microforms or of the cards. Thus, our rules would permit the substitution of the microfilm for the original records and the individual or groups of tiny reproductions might be an additional record having a definite field of usefulness for some kinds of information.

9. General recommended that the retention period for either original records or for microfilm copies of records of a particular class (for example, journals or vouchers) should be the same for everything in the class. It stated that records classification problems arise with differing retention periods tending to establish the maximum period of retention of any portion of the records as the minimum period of retention for all the records of that class. We believe there is much truth in what General says: We are not persuaded, however, to adopt the recommendation. The permission for unlimited microfilming we are adopting we believe makes it unnecessary. Microfilm takes so little space that there should be no burden of consequence if some records are retained longer than called for by the rules. Even for carriers not taking advantage of the authority to microfilm we are not disposed, on the basis of facts before us, to reduce maximum retention periods now in the rules which is what General's proposal calls for.

10. It seems to the Commission that in many respects there is substantial identity of interest in preservation of records between carriers and public utility regulatory bodies. This being true considerable room for freedom of action in the matter may be left to utilities without risk to the public interest. All we are called upon to decide in this proceeding is whether or not to permit full freedom in microfilming of records. We have determined to permit such freedom. Our action makes no change in any retention period but means only that when microfilm copies are substituted for the original records the microfilms must be re-

tained for the periods specified.

It appearing that the proposed rule making proceeding in this matter has indicated the desirability of amendment of Parts 45 and 46 of the Commission's rules and regulations to permit the substitution of microfilm for any original record at any time;

It further appearing that permission to substitute microfilm for any record at any time renders moot the requests to permit such substitution for certain records after five years;

It is ordered, That under authority contained in sections 4(i) and 220(e) of the Communications Act of 1934, as amended, Part 45 (Preservation of Records of Telephone Carriers) and Part 46 (Preservation of Records of Wire-Telegraph, Ocean-Cable and Radiotelegraph Carriers) of the Commission's rules and regulations are hereby amended as set forth below.

It is further ordered, That these amendments be effective January 1, 1960. (Sec. 4, 48 Stat. 1066, as amended, 47 U.S.C. 154. Interpret or apply sec. 220, 48 Stat. 1078; 47 U.S.C. 220)

Adopted: October 7, 1959.

Released: October 9, 1959.

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

1. Section 45.5(a) is amended to read as follows:

§ 45.5 Preservation of records on microfilm.

(a) Records may be microfilmed at any time and the microfilm retained in lieu of the original records, provided the pro-

cedures prescribed in paragraphs (b) to (f) of this section are followed.

§ 45.8 [Amendment]

2. Section 45.8 is amended as follows:
a. That portion of § 45.8 preceding the table is amended to read as follows:

The following list of records shows the periods of time that designated records shall be preserved.

b. In the list of items in § 45.8, under the "Period to be retained" column, delete each indicator referring to microfilming. These indicators are the letter M, the letter M followed by a hyphen and a numeral, and the letters M-E.

3. Section 46.5(a) is amended to read as follows:

§ 46.5 Preservation of records on microfilm.

(a) Records may be microfilmed at any time and the microfilm retained in lieu of the original records, provided the procedures prescribed in paragraphs (b) to (f) of this section are followed.

§ 46.9 [Amendment]

4. Section 46.9 is amended as follows:
a. That portion of § 46.9 preceding the table is amended to read as follows:

The following list of records shows the periods of time that designated records shall be preserved.

b. In the list of items in § 46.9 under the "Period to be retained" column, delete each indicator referring to microfilming. These indicators are the letter M, the letter M followed by a hyphen and a numeral, and the letters M-E.

[F.R. Doc. 59-8700; Filed, Oct. 14, 1959; 8:51 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

OPERATION AND MAINTENANCE CHARGES

San Carlos Irrigation Project,
Arizona

Pursuant to section 4(a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238) and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs, September 14, 1946 (11 F.R. 10297), and delegation by the Commissioner to the Area Director by Order No. 551, Amendment No. 1, dated June 5, 1951, notice is hereby given of the intention to modify § 221.110 *Basic charge* of Title 25 CFR, to Chapter I, Subchapter T, Part 221, dealing with operation and maintenance assessments against the irrigable lands of the San Carlos Project, Arizona, by increasing the basic water charges from \$3.85 per acre to \$4.25 per

acre per annum. The revised section will read as follows:

§ 221.110 Basic charge.

Pursuant to the provisions of section 10 of the act of March 3, 1905 (33 Stat. 1081) as amended and supplemented by the acts of August 24, 1912 (37 Stat. 522); August 1, 1914 (38 Stat. 583, 25 U.S.C. 385), section 5 of the act of June 7, 1924 (43 Stat. 476), March 7, 1928 (45 Stat. 210, Title 25 U.S.C. 387), and the act of August 9, 1937 (50 Stat. 577), as amended by the act of May 9, 1938 (52 Stat. 291-305), and in accordance with the public notice issued on December 1, 1932, operation and maintenance charges are assessable against the 50,000 acres of tribal lands and trust patent Indian lands of the San Carlos Indian irrigation project within the boundaries of the Pima Indian Reservation, Arizona, and the basic rate assessed for the calendar year 1960 and the subsequent years unless changed by further order, is hereby fixed at \$4.25 per acre. Such rate shall entitle each acre of land to have delivered for use thereon two (2) acre-feet of water per

acre or its proportionate share of the available water supply.

The foregoing changes are to become effective for the fiscal year 1960 and continue thereafter until further notice; the assessment for the 50,000 acres of Indian land will be payable as provided in §§ 221.111 to 221.116, inclusive.

Interested persons are hereby given opportunity to participate in preparing the proposed amendment by submitting their views and data or argument in writing to F. M. Haverland, Area Director, Phoenix Area Office, P.O. Box 7007, Phoenix, Arizona, within thirty (30) days from date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

F. M. HAVERLAND,
Area Director.

[F.R. Doc. 59-8672; Filed, Oct. 14, 1959;
8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Parts 32, 36]

NONBENEFICIARIES; CHARGES FOR EMERGENCY CARE AND TREATMENT AT HOSPITALS AND INDIAN HEALTH FACILITIES OF THE SERVICE

Notice of Proposed Rule Making

Notice is hereby given that the Surgeon General of the Public Health Service, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Part 32 to establish charges for emergency care provided nonbeneficiaries of the Service at hospitals and stations of the Public Health Service and to amend Part 36 to provide for emergency treatment of nonbeneficiaries at Indian Health facilities of the Service and to establish charges for such treatment. Interested persons may submit written data, views or arguments in duplicate in regard to the proposed amendments to the Surgeon General, Public Health Service, Washington 25, D.C. All relevant material received not later than 30 days after the publication of this notice will be considered. The amendments relating to charges are not intended to be applicable to patients admitted to a hospital prior to the effective date of the amendments.

1. Section 32.111 would be amended to read as follows:

§ 32.111 Conditions and extent of treatment; charges.

(a) Persons not entitled to treatment by the Service may be provided temporary care and treatment by the Service in case of emergency as an act of humanity. Such temporary care and treatment shall be limited to hospitalization at first-class stations and to outpatient treatment at first- and second-class stations.

(b) Persons referred to in paragraph (a) of this section who, as determined by

the medical officer in charge, are able to defray the cost of their care and treatment shall be charged for such care and treatment at the following rates (which shall be deemed to constitute the entire charge in each instance): In the case of hospitalization, at the current interdepartmental reimbursable per diem rate as established by the Bureau of the Budget; and, in the case of outpatient treatment, at rates established by the Surgeon General.

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Interpret or apply sec. 321, 58 Stat. 695, as amended, sec. 322(d), 58 Stat. 696, as amended, sec. 501, 65 Stat. 290; 42 U.S.C. 248, 42 U.S.C. 249(d), 5 U.S.C. 140).

2. Part 36 would be amended by adding a new § 36.14 which would read as follows:

§ 36.14 Nonbeneficiaries; emergency care and treatment; charges.

(a) In case of emergency, as an act of humanity, nonbeneficiaries of the Service may be provided temporary care and treatment in hospitals and facilities of the Service which are operated for Indian beneficiaries.

(b) Persons referred to in paragraph (a) of this section who, as determined by the medical officer in charge, are able to defray the cost of their care and treatment shall be charged for such care and treatment at the following rates (which shall be deemed to constitute the entire charge in each instance): In the case of hospitalization, at the current interdepartmental reimbursable per diem rate as established by the Bureau of the Budget; and in the case of outpatient treatment, at rates established by the Surgeon General.

(Sec. 3, 68 Stat. 674; 42 U.S.C. 2003. Interpret or apply 42 Stat. 208, sec. 1, 68 Stat. 674, sec. 322(d), 58 Stat. 696, as amended, sec. 501, 65 Stat. 290; 25 U.S.C. 13, 42 U.S.C. 2001, 42 U.S.C. 249(d), 5 U.S.C. 140)

Dated: September 29, 1959.

[SEAL] L. E. BURNEY,
Surgeon General.

Approved: October 8, 1959.

ARTHUR S. FLEMING,
Secretary.

[F.R. Doc. 59-8691; Filed, Oct. 14, 1959;
8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 600]

[Airspace Docket No. 59-LA-43]

FEDERAL AIRWAYS

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.6138 of the regulations of the Administrator, as hereinafter set forth.

VOR Federal airway No. 138 extends from Rock River, Wyo., to Fort Dodge, Iowa. The Federal Aviation Agency has under consideration modification of the north alternate to VOR Federal airway

No. 138 between Cheyenne, Wyo., and Rock River, Wyo. In order to provide lateral separation between aircraft departing Cheyenne Municipal Airport along this airway and aircraft in the holding pattern west of Cheyenne, it is proposed to realign the north alternate via the 323° radial of the Cheyenne VOR instead of via the 320° radial. The control areas associated with this airway are so designated that they will automatically conform to the modified airway. Accordingly, no amendment to such control areas is necessary.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

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

In consideration of the foregoing, it is proposed to amend § 600.6138 (14 CFR, 1958 Supp., 600.6138, 24 F.R. 2646) as follows:

In the text of § 600.6138 VOR Federal airway No. 138 (Rock River, Wyo., to Fort Dodge, Iowa), delete "the Cheyenne omnirange 320° radials" and substitute therefor "the Cheyenne VOR 323° radials".

Issued in Washington, D.C., on October 9, 1959.

A. D'ARCY HARVEY,
Acting Director, Bureau of
Air Traffic Management.

[F.R. Doc. 59-8692; Filed, Oct. 14, 1959;
8:49 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 59-WA-299]

FEDERAL AIRWAYS

Modification

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

PROPOSED RULE MAKING

[14 CFR Part 608]

[Airspace Docket No. 59-FW-6]

RESTRICTED AREAS

Designation of Restricted Area/Military Climb Corridor

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.26 of the regulations of the Administrator, as hereinafter set forth.

F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.6078 of the regulations of the Administrator, as hereinafter set forth.

VOR Federal airway No. 78 presently extends from Huron, S. Dak., to Eau Claire, Wis. The Federal Aviation Agency has under consideration realigning the segment of Victor 78 from the Watertown, S. Dak., VORTAC to the Minneapolis, Minn., VOR via a VOR to be installed approximately November 19, 1959, near Darwin, Minn., at latitude 45°05'15" N., longitude 94°27'11" W., to provide more precise navigational guidance. The control areas associated with Victor 78 are so designated that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary.

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

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

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

In consideration of the foregoing, it is proposed to amend § 600.6078 (24 F.R. 2646) to read as follows:

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

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

Issued in Washington, D.C., on October 9, 1959.

A. D'ARCY HARVEY,
Acting Director, Bureau of
Air Traffic Management.

[F.R. Doc. 59-8693; Filed, Oct. 14, 1959; 8:50 a.m.]

The Federal Aviation Agency has under consideration the designation of a Restricted Area/Military Climb Corridor La. The Military Climb Corridor, designated as a Restricted Area would confine the high-speed, high-rate-of-climb Century series air defense aircraft departing from the base on active air defense missions, within a relatively small area. The Restricted Area would provide protection for high-speed air defense aircraft and other users of the airspace during the climb phase of the air defense aircraft mission. If such action is taken, a Restricted Area/Military Climb Corridor would be designated at England AFB, Alexandria, La., extending along the 017° radial of the England AFB TACAN from a point 5 miles north to a point 32 miles north of the airbase, 2 miles wide at the beginning and 4.6 miles wide at the outer extremity. The lower altitude limits would extend in graduated steps from 2,100 feet MSL to 19,100 feet MSL. The upper limits would extend from 24,000 feet MSL to 27,000 feet MSL. Time of use would be continuous. The controlling agency would be the England AFB Approach Control. The controlling agency would authorize aircraft to operate within the Climb Corridor when not in use by active air defense aircraft.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

for examination at the office of the Regional Administrator.

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

In consideration of the foregoing, it is proposed to amend § 608.26 (23 F.R. 8581) as follows:

In § 608.26 Louisiana, add:

Alexandria, La. (England AFB), Restricted Area/Military Climb Corridor (R-577) (Beaumont Chart).

Description. That area centered on the 017° True radial of the England AFB, La., TACAN, with a width of 2 miles beginning at a point 5 miles north of the airbase and extending to a width of 4.6 miles at a point 32 miles north of the airbase.

Designated altitudes

2,100 feet MSL to 15,000 feet MSL from a point 5 miles north of the airbase to a point 6 miles north of the airbase.
2,100 feet MSL to 24,000 feet MSL from a point 6 miles north of the airbase to a point 7 miles north of the airbase.
2,100 feet MSL to 27,000 feet MSL from a point 7 miles north of the airbase to a point 10 miles north of the airbase.
6,100 feet MSL to 27,000 feet MSL from a point 10 miles north of the airbase to a point 15 miles north of the airbase.
10,100 feet MSL to 27,000 feet MSL from a point 15 miles north of the airbase to a point 20 miles north of the airbase.
15,100 feet MSL to 27,000 feet MSL from a point 20 miles north of the airbase to a point 25 miles north of the airbase.
19,100 feet MSL to 27,000 feet MSL from a point 25 miles north of the airbase to a point 32 miles north of the airbase.

Time of designation. Continuous.

Controlling agency. England AFB Approach Control.

Issued in Washington, D.C., on October 9, 1959.

A. D'ARCY HARVEY,
Acting Director, Bureau of
Air Traffic Management.

[F.R. Doc. 59-8694; Filed, Oct. 14, 1959; 8:50 a.m.]

FEDERAL COMMUNICATIONS
COMMISSION

[47 CFR Part 3]

[Docket No. 11968; FCC 59-1043]

TELEVISION BROADCAST STATIONS,
YUMA, ARIZ., AND EL CENTRO,
CALIF.

Table of Assignments

In the matter of amendment of § 3.606 *Table of assignments*; Television Broadcast Stations (Yuma, Arizona-El Centro, Calif.).

1. The Commission has under consideration the proposal made in its Notice of Proposed Rule Making released on March 28, 1957 (FCC 57-310) to shift Channel 13 from Yuma, Arizona to El Centro, California, in response to a petition filed by Wrather-Alvarez Broadcasting, Inc.

2. Comments were filed by Wrather-Alvarez Broadcasting, Inc., Valradio, Inc., and Imperial Broadcasting, Inc.

Radio Station KICO submitted its views in the form of a letter.

3. By a letter dated September 14, 1959, on behalf of petitioner, it was stated that petitioner no longer has an interest in this rule making procedure. At the time the rule making was initiated, it appeared that if Channel 13 were assigned to El Centro a new service would be made possible at an early date. With petitioner's withdrawal from the proceeding, there is no such probability. Under these circumstances, we are unable to find sufficient justification for ordering a channel reassignment which, for the foreseeable future, would serve little useful purpose. We therefore conclude that it would not be in the public interest to reassign the channel at this time.

4. In view of the foregoing, it is this 7th day of October 1959, ordered that the petition filed February 21, 1957, by Wrathner-Alvarez Broadcasting, Inc., is denied and this rule making proceeding is terminated.

Released: October 9, 1959.

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

[F.R. Doc. 59-8701; Filed, Oct. 14, 1959;
8:51 a.m.]

[47 CFR Parts 2, 11, 20]

[Docket No. 13220; FCC 59-1057]

PETROLEUM INDUSTRY RADIO
ACTIVITIES

Use of Frequencies Off California

In the matter of amendment of Parts 2, 11 and 20 of the Commission's rules to provide for the use of the frequency band 1750 to 1800 kc for radiolocation activities of the Petroleum Industry only, within 15 miles inland and 150 miles offshore of the shoreline of that portion of the State of California south of 35 degrees 30 minutes North latitude; Docket No. 13220.

Notice is hereby given of proposed rule making in the above-entitled matter.

Offshore Raydist, Inc. has filed a petition requesting the Commission to amend Footnote, NG21 to the table of frequency allocations contained in Part 2 of its rules and §§ 11.607(a), 11.608(a) and 11.611(c) of Part 11 of its rules, and §§ 20.29(a) and 20.29(b) of Part 20 of its rules to provide that Land Radiopositioning Stations and Mobile Radiopositioning Stations in the Industrial Radiolocation Service may be authorized to use frequencies in the band 1750-1800 kc at locations within 15 miles inland and 150 miles offshore of that portion of the State of California south of 35 degrees 30 minutes North latitude for radiolocation operations of the Petroleum Industry only.

Footnote NG21 of Part 2 of the rules, the above-mentioned sections of Subpart M of Part 11 and §§ 20.29(a) and (b) of Part 20 of the rules provide that

Land Radiopositioning Stations in the Industrial Radiolocation Service may be authorized to use frequencies in the band 1750-1800 kc in connection with petroleum industrial activities only at locations within 150 miles of the shoreline of the Gulf of Mexico; on a shared basis with the Disaster Communications Service and subject to the special restrictions set forth in Subpart M of Part 11 and § 20.29 of Part 20.

Petitioner states that proposed transmitter locations will be along the California shoreline south of latitude 35 degrees 30 minutes North, as close to the shoreline as possible, but due to difficulties in obtaining suitable transmitter sites, it may be necessary, in some cases, to locate the transmitters as much as 15 miles inland, or, in some cases, upon the islands adjacent to that portion of the California coast as indicated. At the present time, and under the present state of the art, petitioner does not contemplate locating transmitters aboard vessels.

Thus, petitioner contends, the only amendment which would be required to allow the grant is that a new area be added; namely, to include the area within 15 miles inland and 150 miles offshore of the shoreline of that portion of the State of California south of 35 degrees 30 minutes North latitude. Petitioner further contends that the amendment being requested is actually minor in nature and if granted will be consistent with the intent of Footnote NG21 and the above-mentioned sections of Subpart M of Part 11 and §§ 20.29 (a) and (b) of Part 20 of the rules as presently written; and will also be in the public interest since it will aid in the further development of prospecting for petroleum and petroleum products which are vital to our nation's economy and defense.

Accordingly, public comment is invited on the proposed amendments to Parts 2, 11 and 20 of the Commission's rules as set forth below, issued pursuant to the authority contained in section 303 (c), (f) and (r) of the Communications Act of 1934, as amended.

Any interested person who is of the opinion that the proposed amendments should not be adopted may file with the Commission on or before November 9, 1959, written data, views or arguments setting forth his comments. Comments in support of the proposed amendments may also be filed on or before that date. Comments in reply to the original comments may be filed within 10 days from the last day for filing said original data, views and arguments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments be established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral arguments; notice of the time and place of such oral argument will be given.

In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies

of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: October 7, 1959.

Released: October 12, 1959.

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

1. It is proposed to amend footnote NG21 to the table of frequency allocations contained in Part 2 of the Commission's rules to read as follows:

NG21 For radiolocation activities of the petroleum industry only, land radiopositioning stations and mobile radiopositioning stations may be authorized to use frequencies in this band provided that such use (a) shall be limited to locations within 150 miles of the shoreline of the Gulf of Mexico, or within 15 miles inland and 150 miles offshore of that portion of the shoreline of the State of California south of 35 degrees 30 minutes North latitude, (b) shall be subject, internationally, to the provisions of paragraph 88 of the Atlantic City, 1947, Radio Regulations, (c) in the Gulf of Mexico area and in the California area, shall not cause harmful interference to stations in the Disaster Communications Service between the times at New Orleans and Los Angeles, respectively, of sunset and sunrise or at any time during an actual or imminent disaster in any area. Stations in the Disaster Communications Service shall not cause harmful interference to radiopositioning stations between the times at New Orleans and Los Angeles, respectively, of sunrise and sunset, except during an actual or imminent disaster in any area.

2. It is proposed to amend Part 11 of the Commission's rules in the following particulars:

§ 11.607 [Amendment]

a. Amend § 11.607(a) to read as follows:

(a) Land Radiopositioning Stations and Mobile Radiopositioning Stations in this service, excluding speed measuring devices, may be authorized to use frequencies in the band 1750-1800 kc. Such use shall be in connection with petroleum industry activities only and shall be at locations within 150 miles of the shoreline of the Gulf of Mexico; or within 15 miles inland and 150 miles offshore of that portion of the shoreline of the State of California south of 35 degrees 30 minutes North latitude. These frequencies are shared with the Disaster Communications Service and are subject to a number of special restrictions set forth elsewhere in this subpart.

§ 11.608 [Amendment]

b. Amend § 11.608(a) to read as follows:

(a) Such stations shall be located within 150 miles of the shoreline of the Gulf of Mexico; or within 15 miles inland and 150 miles offshore of that portion of the shoreline of the State of California south of 35 degrees 30 minutes North latitude.

§ 11.611 [Amendment]

c. Amend § 11.611(c) to read as follows:

(c) *Times of sunrise and sunset.* For the purposes of this section, irrespective

PROPOSED RULE MAKING

of the time zones involved, it shall be assumed that the times of sunrise and sunset at each actual station location are as follows:

(1) *Gulf of Mexico area.* The monthly average central standard times of sunrise and sunset at New Orleans, Louisiana, are set forth in the following table:

	Jan.	Feb.	Mar.	Apr.	May	June
Sunrise.....	7:00	6:45	6:15	5:30	5:15	5:00
Sunset.....	5:15	5:45	6:15	6:30	6:45	7:00

	July	Aug.	Sept.	Oct.	Nov.	Dec.
Sunrise.....	5:15	5:30	5:45	6:00	6:30	6:45
Sunset.....	7:00	6:45	6:00	5:30	5:00	5:00

(2) *California area.* The monthly average Pacific Standard times of sunrise and sunset at Los Angeles, California, are set forth in the following table:

	Jan.	Feb.	Mar.	Apr.	May	June
Sunrise.....	7:00	6:45	6:00	5:30	4:45	4:45
Sunset.....	5:00	5:30	6:00	6:30	6:45	7:00

	July	Aug.	Sept.	Oct.	Nov.	Dec.
Sunrise.....	4:45	5:15	5:30	6:00	6:30	6:45
Sunset.....	7:00	6:45	6:00	5:15	4:45	4:45

3. It is proposed to amend § 20.29 of the Commission's rules to read as follows:

§ 20.29 Limitations on use of frequencies.

(a) The assigned frequencies in the band 1750-1800 kc are available to stations in this Service upon a shared basis with the stations in the Industrial Radiolocation Service also assigned frequencies within that band: *Provided however,* That, except when transmitting in connection with an actual or imminent disaster in any area, stations in the Disaster Communications Service shall not cause harmful interference to stations in the Industrial Radiolocation Service between the times at New Orleans, Louisiana, and Los Angeles, California, respectively, of sunrise and sunset: *And provided further,* That stations in the Industrial Radiolocation Service shall not cause harmful interference to stations in the Disaster Communications Service between the times at New Orleans, Louisiana, and Los Angeles, California, respectively, of sunset and sunrise, or at any time during an actual or imminent disaster in any area, the average times of sunrise and sunset at New Orleans, Louisiana, based on Central Standard Time, are as follows:

	Jan.	Feb.	Mar.	Apr.	May	June
Sunrise.....	7:00	6:45	6:15	5:30	5:15	5:00
Sunset.....	5:15	5:45	6:15	6:30	6:45	7:00

	July	Aug.	Sept.	Oct.	Nov.	Dec.
Sunrise.....	5:15	5:30	5:45	6:00	6:30	6:45
Sunset.....	7:00	6:45	6:00	5:30	5:00	5:00

The average times of sunrise and sunset at Los Angeles, California, based on Pacific Standard Time, are as follows:

	Jan.	Feb.	Mar.	Apr.	May	June
Sunrise.....	7:00	6:45	6:00	5:30	4:45	4:45
Sunset.....	5:00	5:30	6:00	6:30	6:45	7:00

	July	Aug.	Sept.	Oct.	Nov.	Dec.
Sunrise.....	4:45	5:15	5:30	6:00	6:30	6:45
Sunset.....	7:00	6:45	6:00	5:15	4:45	4:45

(b) During the periods specified in paragraph (a) of this section when stations in the Disaster Communications Service shall not cause harmful interference to stations in the Industrial Radiolocation Service, the operation of a disaster station for the purpose of drills or

tests shall not be permitted if the licensee of such station has reason to believe or has been informed that such operation might reasonably be expected to cause harmful interference to stations in the Industrial Radiolocation Service, except by mutual agreement between the licensees in both services through the channels of liaison prescribed in § 20.30. Stations in the Industrial Radiolocation Service are authorized to use frequencies in the 1750-1800 kc band under the condition, among others, that such use shall be limited to locations within 150 miles of the shoreline of the Gulf of Mexico, or within 15 miles inland and 150 miles offshore of that portion of the shoreline of the State of California south of 35 degrees 30 minutes North latitude.

[F.R. Doc. 59-8702; Filed, Oct. 14, 1959; 8:51 a.m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management
ALASKA

Small Tract Classification Order No. 96; Revocation

By virtue of the authority contained in the Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, and pursuant to the authority delegated to me by Bureau Order 541, dated April 21, 1954 (19 F.R. 2473), as amended, it is ordered as follows:

1. Effective immediately, Federal Register Document 55-1813 appearing on pages 1324-25 of the issue for March 3, 1955, is revoked.
2. Valid existing rights will not be affected by this revocation.

WARNER T. MAY,
Operations Supervisor.

[F.R. Doc. 59-8673; Filed, Oct. 14, 1959; 8:47 a.m.]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

The Bureau of Land and Management has filed an application, Serial Number 042637 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but excluding the mineral leasing laws and the disposition of materials under the Materials Act. The applicant desires the land for public recreation sites.

For a period of 60 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, An-

chorage Operations Office, Mailing: 334 East Fifth Avenue, Anchorage, Alaska.

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

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

The lands involved in the application are:

TALKEETNA AREA

T. 26 N., R. 5 W., S.M. (Unsurveyed), Section 26: that land above mean high water of the Susitna River and attached to the mainland which, when surveyed will be: S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$.

Containing approximately 25 acres.

CHINA FOOT LAKE—KACHEMAK BAY AREA

From the point where the south fork of the major tributary stream enters China Foot Lake at approximate latitude 59°32'12" N., longitude 151°11'10" W., as determined from the U.S.G.S. Seldovia (C-4) Quadrangle; thence southerly along the shoreline about 30 feet to the point of beginning, thence:

- 330 feet N. 45° E;
- 1,320 feet N. 45° W;
- 330 feet, about S. 45° W., to a point on shoreline;
- 1,320 feet, approximately, southeasterly along shoreline to point of beginning.

Containing approximately 10 acres.

HANAGITA LAKE—CHITINA AREA

Beginning at a point on north shore of outlet of Hanagita Lake, located approximately latitude 61°16'30" N., longitude 143°47' W. (10" DBH W. Spruce, yellow tagged);

- Thence N. 45°00' E. 4 chains to Corner No. 1;
- Thence N. 45°00' W. 10 chains to Corner No. 2;
- Thence S. 45°00' W. 5 chains to N. side of Hanagita Creek;
- Thence continuing crossing creek S. 45°00' W. 4.75 chains to Corner No. 3;
- Thence S. 45°00' E. 10 chains to Corner No. 4 located on shore of lake;
- Thence meandering N. 45°00' E. approximately 5 chains along shore of lake to creek;

Thence continuing N. 45°00' E. 1 chain to point of beginning.

Containing approximately 10 acres.
CROOKED LAKE

T. 17 N., R. 4 W., S.M.,
Section 32: Lots 47, 48.

Containing 13.53 acres.
EAST PAPOOSE LAKE

T. 17 N., R. 4 W., S.M.,
Section 30: Lot 19.

Containing 21.77 acres.
WEST PAPOOSE LAKE

T. 17 N., R. 4 W., S.M.,
Section 30: Lots 28, 29.

Containing 10.72 acres.
Aggregating 91.02 acres.

L. T. MAIN,
Operations Supervisor,
Anchorage.

[F.R. Doc. 59-8674; Filed, Oct. 14, 1959;
8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

HAWKEYE LIVESTOCK AUCTION
ET AL.

Proposed Posting of Stockyards

The Director of the Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act.

Hawkeye Livestock Auction, Fairfax, Iowa.
Newton Livestock Auction Market, Inc.,
Newton, Kans.

Elbow Lake Sales Co., Elbow Lake, Minn.
Farmers Livestock Exchange, Fergus Falls,
Minn.

Fergus Falls Auction Market, Fergus Falls,
Minn.

Stanley Sale Ring, Stanley, N. Dak.
Gillaspie Livestock Auction, Inc., Salem,
Oreg.

Anderson County Commission Co., Inc., Pal-
estine, Tex.

Leon County Livestock Commission, Center-
ville, Tex.

Trinity County Auction, Inc., Groveton, Tex.
Wood County Livestock Auction Co., Mineola,
Tex.

Notice is hereby given, therefore, that the said Director, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 9th day of October 1959.

DAVID M. PETTUS,
Director, Livestock Division,
Agricultural Marketing Service.

[F.R. Doc. 59-8681; Filed, Oct. 14, 1959;
8:48 a.m.]

GROVETON LIVESTOCK COMMISSION CO. ET AL.

Deposting of Stockyards

It has been ascertained that the Groveton Livestock Commission Company, Groveton, Texas, the South San Francisco Union Stock Yards Co., South San Francisco, California, and the Union County Livestock Auction, El Dorado, Arkansas, originally posted on March 12, 1959, May 3, 1927, and June 22, 1957, respectively, as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said act for the reason that they are no longer being conducted or operated as public markets. Accordingly, notice is given to the owners thereof and to the public that such livestock markets are no longer subject to the provisions of the act.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not deposting promptly a stockyard which is no longer within the definition of that term contained in said act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented;
7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 9th day of October 1959.

DAVID M. PETTUS,
Director, Livestock Division,
Agricultural Marketing Service.

[F.R. Doc. 59-8682; Filed, Oct. 14, 1959;
8:48 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. 856]

CONSULAR FEE DISCRIMINATION BY REPUBLIC OF ECUADOR; EQUALI- ZATION FEE

Notice of Oral Argument

Whereas, notice of filing of a motion to dismiss this proceeding by Flota Mercante Grancolombiana, S.A., appeared in the FEDERAL REGISTER, issue of September

3, 1959 (24 F.R. 7138) wherein all interested persons were invited to file briefs upon the issues raised by the motion; and

Whereas, American Merchant Marine Institute, Inc., has filed with the Federal Maritime Board a brief and affidavit in support of the proposed rule; and

Now, therefore, it is ordered that oral argument upon the issues raised by the aforesaid motion to dismiss will be heard by the Federal Maritime Board beginning at 2:00 p.m., November 2, 1959, in Room 4519, New General Accounting Office Building, Washington, D.C.

All persons desiring to participate in the oral argument must notify the Secretary, Federal Maritime Board, Washington 25, D.C., in writing, in triplicate, not later than 5:00 p.m., October 27, 1959, stating the amount of time desired for argument.

By order of the Federal Maritime Board.

Dated: October 13, 1959.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59-8732; Filed, Oct. 14, 1959;
8:53 a.m.]

BUREAU OF THE BUDGET

ORDER TRANSFERRING TO TEN- NESSEE VALLEY AUTHORITY USE, POSSESSION, AND CONTROL OF CERTAIN LANDS AND RIGHTS IN ALABAMA AT WHEELER DAM AND IN TENNESSEE AT HALES BAR DAM

By virtue of the authority vested in the President of the United States by section 7(b) of the Tennessee Valley Authority Act of 1933, 48 Stat. 63 (16 U.S.C. 831f (b)), and delegated to the Director of the Bureau of the Budget by section 1(i) of Executive Order No. 10530 of May 10, 1954, it is ordered that the use, possession, and control of the following described lands, together with improvements thereon, and land rights be, and they are hereby, transferred from the Department of the Army to the Tennessee Valley Authority, subject, however, to the provisions hereinafter set forth. Said transfer is necessary and proper for the purposes of the Tennessee Valley Authority as stated in the Tennessee Valley Authority Act of 1933, as amended:

1. A tract of land lying in Lauderdale County, State of Alabama, in the SE $\frac{1}{4}$ sec. 4, T. 3 S., R. 8 W., on the north shores of Wheeler Lake, immediately north of Wheeler Dam, and being more particularly described as follows:

Beginning at an iron pipe, a corner of the land of the United States of America in the custody of the Tennessee Valley Authority and the land of the State of Alabama; thence, with the line of the land of the State of Alabama N. 67°50' E., 250 feet to an iron pipe; thence, with the line of the land of the State of Alabama and subsequently with the line of the land of the United States of America in the custody of the Tennessee Valley Authority N. 30°20' E., 498 feet to a point in the 556-foot contour on the southwest shore of an inlet of the Second Creek Embayment of the lake; thence, continuing with

the said line of the land in the custody of the Tennessee Valley Authority, with the 556-foot contour as it meanders in a southeasterly direction approximately 840 feet; thence, leaving the contour, S. 61°45' W., 260 feet to a point; thence, S. 28°15' E., 250 feet to a point; thence, S. 61°45' W., 450 feet to a point; thence S. 28°15' E., 80 feet to a point in the 556-foot contour on the north shore of Wheeler Lake; thence, with the 556-foot contour as it meanders in a westerly direction approximately 560 feet to an iron pipe; thence, leaving the contour N. 4°10' W., 835 feet to the point of beginning. NOTE: The directions of lines are referred to the Alabama (West) Coordinate System. The land as described above contains 19.7 acres, more or less.

2. The easement and right of way for an underground septic tank, pipeline, and/or mains affecting the area immediately west of the property above described in item 1, said area extending 200 feet downstream from the axis of Wheeler Dam and 150 feet north of the north end of the cutoff wall, all as particularly described in agreement TV-42466, dated April 17, 1939.

The properties and rights described in items 1 and 2 above are the same land and rights transferred to the War Department from the Tennessee Valley Authority by agreement TV-42466, dated April 17, 1939.

3. A tract of land lying in the Second Civil District of Marion County, State of Tennessee, on the northwest shores of Hales Bar Lake and Guntersville Lake at Hales Bar Dam, and being more particularly described as follows:

Beginning at US-TVA Monument 1-13 in a fence line, a corner of the land of W. W. Brazell et al. and the land of the United States of America in the custody of the Tennessee Valley Authority; thence, with the US-TVA Purchase Boundary and with a fence line for the last approximate 135 feet, N. 23°17' E., 539 feet to US-TVA Monument 1-21; thence, with a severance line and with a line marked by fences for portions of its length N. 23°17' E., 247 feet to US-TVA Monument 1-14 at a corner in the US-TVA Purchase Boundary; thence, with the US-TVA Purchase Boundary and with the fence line N. 23°17' E., 1335 feet to U.S.E.D. Monument 1-8 at a fence corner, a corner of the land of the United States of America in the custody of the Tennessee Valley Authority and the land of the Sarah G. Bennett Heirs; thence, with the Sarah G. Bennett Heirs' line and the fence line S. 70°37' E., 352 feet, passing U.S.E.D. Monument 1-15 at 392 feet, to a point in the mean low water line of the Tennessee River; thence, with the mean low water line of the Tennessee River along the shores of Hales Bar and Guntersville Lakes as it meanders downstream approximately 2405 feet to a point in a fence line and in the line of the land of the United States of America in the custody of the Tennessee Valley Authority; thence, with the US-TVA Purchase Boundary and with a fence line N. 27°24' W., 170 feet, passing US-TVA Monument MA-127RM at 80 feet, to US-TVA Monument MA-128, a corner of the land of the United States of America in the custody of the Tennessee Valley Authority and the land of W. W. Brazell et al; thence, with W. W. Brazell et al's line and the fence line N. 27°24' W., 140 feet to the point of beginning. NOTE: The directions of lines in the above description are referred to the Tennessee Coordinate System. The land as described above contains 19.1 acres, more or less, and is the same land described in the deed from Chattanooga & Tennessee River Power Company, dated October 18, 1905, recorded in Deed Book NN at page 163 in the office of the Register of Marion County, Tennessee.

4. All right, title, and interest remaining vested in the United States of America under the jurisdiction of the Department of the Army in and to 27.0 acres, more or less, comprising a strip of land for a road extending from the land hereinabove described in item 2 in a westerly direction and subsequently in a northwesterly direction for a total distance of approximately 1½ miles to the Jasper Road, and consisting of four tracts which four tracts are specifically identified by the following deeds of record in the office of the Register of Marion County, Tennessee.

Grantor	Date of deed	Deed book	Page	Acres
(1) Chattanooga & Tennessee River Power Co.....	1-13-16	YY	399	2.00
(2) G. Sherman et al.....	19-14-16	YY	404	16.90
(3) W. M. Kelly.....	19-14-16	YY	412	6.80
(4) George Long et al.....	2-3-16	YY	409	1.30
Total.....				27.00

¹ Date of Recordation.

The foregoing lands and rights are transferred subject to such rights or interests as may be vested in third parties to rights of way for roads, electric power distribution lines and telephone lines.

RALPH W. E. REID,
Acting Director,
Bureau of the Budget.

OCTOBER 7, 1959.

[F.R. Doc. 59-8653; Filed, Oct. 14, 1959;
8:45 a.m.]

COMMITTEE FOR RECIPROCITY INFORMATION

GENERAL AGREEMENT ON TARIFFS
AND TRADE: PROVISIONAL AC-
CESSION OF SWITZERLAND AND
ISRAEL; RELATIONS WITH YUGO-
SLAVIA

Cancellation of Hearing

On September 9, 1959, the Interdepartmental Committee on Trade Agreements issued a notice of intention to consider participating in arrangements, not involving the conduct of new tariff negotiations, for the provisional accession of Switzerland and Israel to the General Agreement on Tariffs and Trade, and for relations with Yugoslavia under that Agreement closer than the observer status now applicable to that country.

On the same date the Committee for Reciprocity Information issued a notice stating that a public hearing would be held beginning at 10 a.m. on October 20, 1959, in the Hearing Room of the Tariff Commission Building, Eighth and E Streets NW., Washington, D.C., for the purpose of hearing oral statements regarding any aspect of these proposals by persons who had made applications to be heard and had filed written briefs on or before October 9, 1959.

No such applications or written briefs having been received within the time specified, the public hearings scheduled to open at 10 a.m. on October 20, 1959, are hereby canceled.

By direction of the Committee for Reciprocity Information this 13th day of October 1959.

EDWARD YARDLEY,
Secretary, Committee
for Reciprocity Information.

[F.R. Doc. 59-8738; Filed, Oct. 14, 1959;
8:53 a.m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 10501, 10602]

MODERN AIR TRANSPORT, INC., AND
JOHN P. BECKER

Notice of Postponement of Hearing

In the matter of applications by Modern Air Transport, Inc., and John P. Becker for approval of control and interlocking relationships and of an aircraft lease.

Notice is hereby given that hearing in the above entitled proceedings, now assigned for October 15, 1959, has been postponed and will be held on October 20, 1959, at 10:00 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Barron Fredricks.

Dated at Washington, D.C., October 9, 1959.

[SEAL]

FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59-8695; Filed, Oct. 14, 1959;
8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13007, etc.; FCC 59M-1320]

AMERICAN BROADCASTING-PARAMOUNT THEATRES, INC., (KABC-FM) ET AL.

Memorandum Opinion and Order Continuing Hearing

In re application of American Broadcasting-Paramount Theatres, Inc. (KABC-FM), Los Angeles, California, Docket No. 13007, File No. BPH-2628; Tri-Counties Public Service, Inc. (KUDU-FM), Ventura-Oxnard, California, Docket No. 13008, File No. BMPH-5438; William E. Clark (KDOG), La Habra, California, Docket No. 13009, File No. BMPH-5502; for construction permits (FM).

1. On October 5, 1959, William E. Clark (KDOG), La Habra, California, filed his "Petition For Review of Order of Chief Hearing Examiner", which order dated September 28, 1959, denied his request for acceptance of appearance filed late, rejected said appearance and dismissed Clark's application with prejudice.

2. On October 7, 1959, Tri-Counties Public Service, Inc. (KUDU-FM) and Richard C. Simonton, d/b as Telemusic Co., applicant and respondent, respectively, herein filed a "Joint Motion for Continuance of Date Set for Prehearing Conference" requesting a continuance of

the prehearing conference scheduled for October 13, 1959, in this proceeding, on the basis that the other applicants in this proceeding should not be required to go to the expense and inconvenience of prehearing conferences until a determination by the Commission was made of the Clark petition for review of the order referred to in the paragraph above. Subsequently, on October 7, 1959, the Chief Hearing Examiner entered an order setting aside his order released September 29, 1959, referred to in the first paragraph and reinstated the application of Clark.

3. The "Joint Motion for Continuance of Date Set for Prehearing Conference" has been rendered moot by the issuance of the order of the Chief Hearing Examiner dated October 7, 1959. Good reason, however, exists because of the shortness of time, coupled with the fact that certain counsel lives in the State of California, why the prehearing conference now scheduled for October 13, 1959, should be continued. Likewise, the hearing now scheduled for October 30, 1959, should also be continued.

Accordingly it is ordered, This 8th day of October 1959, that the prehearing conference in this proceeding now scheduled for October 13, 1959, be, and the same is hereby, continued to October 30, 1959, at 9:30 o'clock a.m., in the offices of the Commission, Washington, D.C.

It is further ordered, That the "Joint Motion for Continuance of Date Set for Prehearing Conference" be, and the same is hereby dismissed as moot: *And it is also ordered*, That the hearing in this proceeding now scheduled for October 30, 1959, be, and the same is hereby, continued without date.

Released: October 8, 1959.

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

[F.R. Doc. 59-8703; Filed, Oct. 14, 1959;
8:51 a.m.]

[Docket No. 13217; FCC 59M-1323]

CARL F. BERGSTROM

Order Scheduling Hearing

In the matter of Carl F. Bergstrom, 720 South Second Street, Jacksonville Beach, Florida, Docket No. 13217; order to show cause why there should not be revoked the license for Radio Station WD-3752 aboard the vessel "Cee Bee".

It is ordered, This 8th day of October 1959, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 29, 1959, in Washington, D.C.

Released: October 9, 1959.

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

[F.R. Doc. 59-8704; Filed, Oct. 14, 1959;
8:51 a.m.]

[Docket No. 12787 etc.; FCC 59M-1325]

WALTER L. FOLLMER ET AL.

Order Continuing Hearing

In re applications of Walter L. Follmer, Hamilton, Ohio, Docket No. 12787, File No. BP-11323; Interstate Broadcasting Company, Inc. (WQXR), New York, New York, Docket No. 12790, File No. BP-11707; Booth Broadcasting Company (WTOD), Toledo, Ohio, Docket No. 12793, File No. BP-12035; for construction permits.

The Hearing Examiner having under consideration a petition for continuance filed by Interstate Broadcasting Company, Inc., on October 2, 1959;

It appearing that the following dates have been scheduled for the events specified: Preliminary exchange of engineering information on October 16; engineering conference on October 30; final exchange of engineering exhibits on November 20, and commencement of hearing on December 1, 1959; and

It further appearing that, because of the enlargement of the issues ordered by the Commission on September 28, 1959, the parties are in need of additional time in which to prepare their cases; and

It further appearing that counsel for all other parties have indicated that they have no objection to the requested continuance whereby each date will be continued approximately thirty days;

It is ordered, This 8th day of October 1959, that the petition for continuance filed by Interstate Broadcasting Company, Inc., is granted and that the preliminary engineering exchange will be continued to November 16, the engineering conference to November 30, and the final exchange of engineering exhibits to December 21, 1959; and

It is further ordered, That the date for commencement of hearing is continued from December 1, 1959, to January 5, 1960.

Released: October 9, 1959.

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

[F.R. Doc. 59-8705; Filed, Oct. 14, 1959;
8:51 a.m.]

[Docket Nos. 12680, 12681; FCC 59M-1321]

**KANSAS BROADCASTERS, INC. AND
SALINA RADIO, INC.**

Order Continuing Hearing Conference

In re applications of Kansas Broadcasters, Inc., Salina, Kansas, Docket No. 12680, File No. BP-11527; Salina Radio, Inc., Salina, Kansas, Docket No. 12681, File No. BP-11802; for construction permits.

The Hearing Examiner having under consideration a motion filed October 5, 1959, on behalf of Kansas Broadcasters, Inc. requesting that the date for the exchange of exhibits be extended to October 30, 1959, and the date for the

further prehearing conference be extended to November 13, 1959; and

It appearing that the reason for the requested continuance arises from the fact that it has not been possible to complete the engineering exhibits because of unavoidable and unforeseen delays;

It further appearing that counsel for all parties, including the Chief, Broadcast Bureau, have consented to the requested continuance and to waive the four-day requirement of the Commission's rules, and that good cause for the requested extension having been shown;

It is ordered, This the 7th day of October 1959, that the motion filed by Kansas Broadcasters, Inc. is granted and the date for the exchange of exhibits by the applicants is extended from October 15, 1959, to October 30, 1959, and the date for further prehearing conference is extended from October 27, 1959, to November 13, 1959.

Released: October 8, 1959.

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

[F.R. Doc. 59-8706; Filed, Oct. 14, 1959;
8:51 a.m.]

[Docket No. 13200; FCC 59M-1319]

OKLAHOMA QUALITY BROADCASTING CO. (KSWO-TV)

Notice of Conference

In re application of Oklahoma Quality Broadcasting Company (KSWO-TV), a copartnership composed of R. H. Drewry, J. R. Montgomery, Ted R. Warkentin, and Edith H. Scott, Executrix of the Estate of Robert P. Scott, Deceased, Lawton, Oklahoma, Docket No. 13200, File No. BPCT-2637; for construction permit to change existing facilities.

Notice is hereby given that a prehearing conference will be held in the above-entitled proceeding at 9:30 a.m. on Friday October 23, 1959, in Washington, D.C.

Dated: October 7, 1959.

Released: October 8, 1959.

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

[F.R. Doc. 59-8707; Filed, Oct. 14, 1959;
8:51 a.m.]

[Docket No. 12666 etc.; FCC 59M-1313]

PUBLIX TELEVISION CORP. ET AL.

Order Continuing Hearing

In re applications of Publix Television Corporation, Perrine, Florida, Docket No. 12666, File No. BPCT-2393; South Florida Amusement Co., Inc., Perrine, Florida, Docket No. 12667, File No. BPCT-2410; Coral Television Corporation, South Miami, Florida, Docket No. 12668, File No. BPCT-2493; for construc-

tion permits for television broadcast stations.

The Hearing Examiner having under consideration the informal request of South Florida Amusement Co., Inc. for continuance of procedural dates in the above-entitled proceeding;

It appearing that all parties have consented to immediate consideration and grant of the said request and good cause for a grant thereof is present;

It is ordered, This 6th day of October 1959 that the said request for change of procedural dates is granted and the date for the exchange of exhibits in the further hearing herein is continued from October 5, 1959, to October 13, 1959, and the further hearing conference presently scheduled for October 9, 1959, is continued to October 15, 1959, commencing at 9:00 a.m. in the offices of the Commission at Washington, D.C.

Released: October 7, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-8708; Filed, Oct. 14, 1959;
8:51 a.m.]

[Docket No. 13089 etc.; FCC 59M-1327]

TIFFIN BROADCASTING CO.

Order Scheduling Prehearing Conferences

In re applications of William E. Benns, Jr., & Barbara Benns d/b as Tiffin Broadcasting Company, Tiffin, Ohio, et al., Docket No. 13089, File No. BP-11392; Docket Nos. 13090, 13091, 13092, 13093, 13094, 13095, 13096, 13097, 13098, 13099, 13100, 13101, 13102, 13103, 13104, 13105, 13106, 13107, 13108, 13109, 13110, 13111, 13112, 13113, 13114, 13115, 13116, 13117, 13118, 13119, 13120, 13121, 13122, 13123, 13124, 13125, 13126, 13127, 13128, 13129, 13130, 13131, 13132, 13133, 13134, 13135, 13136, 13137, 13138, 13139, 13140, 13141, 13142, 13143, 13144, 13145, 13146, 13147; for construction permits.

It is ordered, This 9th day of October 1959, with regard to future procedural steps in the above-entitled matter:

1. That the list of "Suggested Grouping of Applications" as distributed by the Commission's Broadcast Bureau at the prehearing conference held October 6, 1959 (Mimeo 78729) is hereby adopted, subject to future change as convenience may dictate;

2. That parties interested in Group 1 shall exchange and/or serve, as the case may be, their preliminary engineering data on or before November 25, 1959;

3. That further prehearing conference respecting Group 1 shall commence at 10:00 a.m., December 9, 1959;

4. That a prehearing conference respecting Group 2 shall commence at 10:00 a.m., October 14, 1959;

5. That a prehearing conference respecting Group 3 shall commence at 2:00 p.m., October 14, 1959;

6. That a prehearing conference respecting Group 4 shall commence at 10:00 a.m., October 15, 1959;

7. That a prehearing conference respecting Group 5 shall commence at 2:00 p.m., October 15, 1959;

8. That a prehearing conference respecting Group 6 shall commence at 10:00 a.m., October 16, 1959;

9. That a prehearing conference respecting Group 7 shall commence at 2:00 p.m., October 16, 1959;

10. That the above prehearing conferences shall be held in the Commission's offices in Washington, D.C.;

11. That all parties shall be responsible for selecting the proper parties to be served with pleadings and all other papers required to be served in this proceeding; that is, the Hearing Examiner will not select or delineate what particular parties any other party should serve.

Released: October 9, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-8709; Filed, Oct. 14, 1959;
8:52 a.m.]

[Docket Nos. 12952, 12953; FCC 59M-1314]

WBUD, INC., AND CONCERT NETWORK, INC.

Order Continuing Hearing

In re applications of WBUD, Inc., Trenton, New Jersey, Docket No. 12952, File No. BPH-2600; Concert Network, Inc., Trenton, New Jersey, Docket No. 12953, File No. BPH-2619; for construction permits for new FM broadcast stations.

Upon the Hearing Examiner's own motion, due to illness of counsel for the Broadcast Bureau: *It is ordered*, This 7th day of October, 1959, that hearing herein, which is presently set for October 12, 1959, be, and the same is hereby, continued without date.

Released: October 7, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-8710; Filed, Oct. 14, 1959;
8:52 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-6904]

CALIFORNIA OREGON POWER CO.

Notice of Application

OCTOBER 9, 1959.

Take notice that on October 1, 1959, an application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by The California Oregon Power Company ("Applicant"), seeking an order authorizing the acquisition by it of certain electric distribution facilities of International Paper Company ("International"). Applicant, having its principal business office at Medford, Oregon, is a corporation organized under the laws of the State of California and does business in the

States of California and Oregon. Applicant is an operating public utility engaged in the production, transmission, distribution and sale of electricity in the counties of Del Norte, Modoc, Shasta, Siskiyou and Trinity in California, and the counties of Douglas, Jackson, Josephine, Klamath and Lake in Oregon. International, a non-public utility, is organized under the laws of the State of New York and owns and operates electric distribution facilities serving residents and commercial establishments within International's owned portion of Weed, California, an unincorporated community. The electrical distribution circuits to be sold by International consist of approximately 32,000 feet and are used by International to distribute electricity to some 494 private customers, principally employees, living within International's owned area of Weed. Applicant and International have entered into an agreement, dated September 10, 1959, whereby the above-described facilities are to be purchased by Applicant for a cash consideration of \$85,000 plus any California sales or other taxes imposed upon the sale or transfer. Applicant, upon consummation of the acquisition, proposes to serve the present customers of International with the same electrical service at approximately the same rates now in force. Applicant states that the public will benefit from the acquisition by its eliminating a situation in a small community in which respective service areas are ill-defined and in some cases intermingled among customers of Applicant and International. In addition, there will be no limitation on the amount of electric service available to the customers in Weed, as is now the case.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 29th 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. 59-8655; Filed, Oct. 14, 1959;
8:45 a.m.]

[Docket No. G-18991]

CITIES SERVICE GAS CO.

Notice of Application and Date of Hearing

OCTOBER 9, 1959.

Take notice that Cities Service Gas Company (Applicant), a Delaware corporation with a principal place of business in Oklahoma City, Oklahoma, filed an application in Docket No. G-18991 on July 20, 1959, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of a tap and meter setting on an existing 16-inch transmission line in Osage County, Oklahoma, and to sell and deliver gas to L. G. Huls, dba The Avant Gas Service Company, all as more fully

described in the application on file with the Commission and open to public inspection.

The application recites that the community of Avant, Oklahoma, is presently receiving gas from Avant's local sources which have been depleted to such extent that adequate service cannot be maintained in cold weather, and gas from Cities Service will be used to supplement such local supply. In the 12 months ending September 1959, it is estimated that Avant will require 18,662 Mcf. By 1961-62, it is expected Cities Service will supply 13,162 Mcf annually, the peak day being 120 Mcf entirely from Cities Service.

Applicant states Avant will construct about three miles of 2-inch line to connect its existing 2-inch transmission line to the Cities Service System.

The estimated cost of the facilities is \$1,670 to be financed from cash on hand. Applicant will be reimbursed by Avant for the \$1,670 of facilities.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 25, 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 at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 17, 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. 59-8656; Filed, Oct. 14, 1959; 8:45 a.m.]

[Docket No. G-18948]

EL PASO NATURAL GAS CO.

Notice of Application and Date of Hearing

OCTOBER 9, 1959.

Take notice that on July 9, 1959, as supplemented on August 27, 1959, El Paso Natural Gas Company (Applicant) filed in Docket No. G-18948 an application

pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 530 feet of 2 7/8-inch lateral pipeline and necessary metering facilities, extending from Applicant's existing 16-inch Yuma lateral line to a point on the Arizona-California boundary on or near the river crossing bridge adjacent to the Southern Pacific Railroad bridge north of the city of Yuma, Arizona, all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

Applicant seeks authorization for the above facilities in order to deliver natural gas on a firm basis to Western States Utilities Company (Western States) for resale in and about the community of Winterhaven, California, which does not now have natural gas service.

The estimated cost to Applicant of the facilities required to provide the subject service to Western States is \$6,000. Western States estimates the total cost of its facilities to provide service to the Winterhaven area to be \$39,800.

The total estimated requirements of Western States for the first three full years of operation are:

	Mcf @ 14.73 psia		
	1st year	2d year	3d year
Annual.....	6,722	7,093	7,464
Peak day.....	138	146	153

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 12, 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 at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 2, 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. 59-8657; Filed, Oct. 14, 1959; 8:45 a.m.]

[Docket No. E-6903]

GULF STATES UTILITIES CO.

Notice of Application

OCTOBER 9, 1959.

Take notice that on October 1, 1959, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Gulf States Utilities Company ("Applicant"), a corporation organized under the laws of the State of Texas and doing business in the States of Texas and Louisiana with its principal business office at Beaumont, Texas, seeking an order authorizing the issuance of \$16,000,000, principal amount of First Mortgage Bonds -- percent Series A due 1989 ("New Bonds"). The New Bonds will be issued under Applicant's Indenture of Mortgage to The Hanover Bank, Trustee, dated September 1, 1926, as heretofore supplemented and modified by Supplemental Indentures to and including an Eighteenth Supplemental Indenture dated August 12, 1959, and as to be further supplemented by a Nineteenth Supplemental Indenture to be dated as of the first day of the month in which the New Bonds are issued, presently expected to be December 1, 1959. Applicant proposes to sell the New Bonds at competitive bidding. The proceeds from the issuance and sale of the New Bonds will be used by Applicant to initially reimburse its treasury in part for construction expenditures heretofore made, which will enable Applicant to pay off all its promissory notes to be outstanding as of the date of issuance of the New Bonds and permit carrying forward the construction program through the current year.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 29th 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. 59-8659; Filed, Oct. 14, 1959; 8:45 a.m.]

[Docket No. G-18833]

L. D. FRENCH, OPERATOR, ET AL.

Notice of Application and Date of Hearing

OCTOBER 9, 1959.

Take notice that on June 12, 1959, L. D. French, Operator, et al.¹ (Applicant), filed in Docket No. G-18833 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon natural gas service to Texas Eastern Transmission Corporation (Texas Eastern) from the Kivlin Lease, East Kingsville Field, Kleberg County, Texas, covered by a gas sales contract dated

¹L. D. French, the only signatory seller, is filing for himself and all other co-owners.

February 1, 1957, as amended, on file as L. D. French (Operator) et al., FPC Gas Rate Schedule No. 3, as supplemented, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that all production of gas from the Kivlin Lease ceased on or about July 11, 1958, because of depletion, and the subject lease has expired by its own terms.

Applicant was authorized to render the subject service to Texas Eastern on January 7, 1958, in Docket No. G-12350.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 10, 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 at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 30, 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. 59-8658; Filed, Oct. 14, 1959;
8:45 a.m.]

[Docket No. G-19314]

LONE STAR GAS CO.

Notice of Application and Date of Hearing

OCTOBER 9, 1959.

Take notice that on August 26, 1959, Lone Star Gas Company (Applicant) filed in Docket No. G-19314 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of various lateral pipelines and related facilities to enable Applicant to take into its certificated main pipeline system natural gas which it will purchase from producers in the general area of its existing transmission system from time to time during the calendar year 1960, at a total cost not in excess of \$1,000,000, with

the total cost of any single project limited to \$250,000, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting new supplies of gas in producing areas generally coextensive with its system.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 17, 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 at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 6, 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. 59-8660; Filed, Oct. 14, 1959;
8:45 a.m.]

[Docket No. G-18990]

CITIES SERVICE GAS CO.

Notice of Application and Date of Hearing

OCTOBER 9, 1959.

Take notice that Cities Service Gas Company (Applicant), a Delaware corporation with a principal place of business in Oklahoma City, Oklahoma, filed an application in Docket No. G-18990 on July 20, 1959, for a certificate of public convenience and necessity, authorizing the construction and operation of additional metering and regulating facilities to connect to its existing regulating station serving Osage City, Kansas, to enable Applicant to sell and deliver natural gas to the City of Burlingame, Kansas for resale and distribution in Burlingame, all as more fully described in the application on file with the Commission and open to public inspection.

The application recites that Burlingame is located approximately 6.5 miles north of Osage City and has no existing gas distribution system. It will build approximately 13.8 miles of 6-inch transmission line from the Cities Service meter to the town, paralleling Osage's line for 6.5 miles. Burlingame will operate its line and also construct and operate a distribution system in the town.

Applicant states:

(1) The estimated cost of construction of Burlingame's entire project is \$250,560, including fees and contingencies which Burlingame proposes to finance by issuing \$150,000 in general tax obligation bonds together with \$100,000 in gas revenue bonds maturing in 20 years.

(2) The proposed additional metering and regulating facilities are estimated to cost \$5,050, excluding overheads, which will be paid for out of Cities Service's treasury cash, subject to reimbursement by Burlingame.

(3) In addition to the sale proposed herein, Applicant proposes to sell gas to Burlingame for use by it in its power plant which now uses oil for boiler fuel.

(4) Burlingame's estimated annual and peak day requirements are as follows:

	Volumes Mcf @ 14.73 psia		
	1st year	2d year	3d year
Annual requirements...	52,327	58,510	64,602
Peak day requirements.	535	596	656

Excluded above are the requirements of Burlingame's power plant which are estimated at 30,000 Mcf per year.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 10, 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 at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 3, 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 inter-

mediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-8662; Filed, Oct. 14, 1959;
8:46 a.m.]

[Docket No. G-19287]

NORTHERN NATURAL GAS CO.

Notice of Application and Date of Hearing

OCTOBER 9, 1959.

Take notice that on August 20, 1959, as supplemented on September 9, 1959, Northern Natural Gas Company (Applicant), filed in Docket No. G-19287 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation during the calendar year 1960 of unspecified measuring and regulating stations and appurtenant facilities necessary for the establishment of new and additional delivery points for the sale and delivery of natural gas to Applicant's existing utility customers for resale in the vicinity of its pipeline system passing through the states of Oklahoma, Kansas, Nebraska, Iowa, South Dakota, and Minnesota, all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

Upon establishment of the proposed delivery points, service will be rendered to the ultimate consumer either through Applicant's People's Natural Gas Division (Peoples) which is Applicant's distributing division, or through Northern's utility customers. All firm volumes to be delivered will be provided from the existing contract demand of the requesting utility company or Peoples, and all interruptible sales will be subject to curtailment under Steps 5 and 6 of Applicant's presently effective tariff.

Applicant estimates that the total cost of all measuring and regulating stations and appurtenances under this application will not exceed \$200,000, and that the total cost of no individual project will exceed \$18,000.

The purpose of this budget-type application is to secure authorization for installation of delivery points without the delay in receiving authority and in rendering service to customers which would be necessitated by the filing and processing of individual applications for each separate project.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 10, 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 in-

volved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 30, 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. 59-8661; Filed, Oct. 14, 1959;
8:45 a.m.]

[Docket No. G-19452]

COLORADO INTERSTATE GAS CO.

Notice of Application and Date of Hearing

OCTOBER 8, 1959.

Take notice that on September 14, 1959, Colorado Interstate Gas Company (Applicant) filed in Docket No. G-19452 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition from the City of Trinidad, Colorado, and the operation of the Trinidad lateral facilities, consisting of approximately 36 miles of 8-inch transmission pipeline extending from Applicant's 22-inch Amarillo-Denver main line to the City of Trinidad, and the town border meter and regulator station for that City, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The City of Trinidad, present owner and operator of the subject facilities, purchases gas from Applicant under the latter's G-1 rate schedule for retail distribution to its residents and for direct industrial sales and municipal power plant use.

The purpose of the proposed acquisition is to relieve the City of Trinidad of the financial burden of operating the lateral pipeline and to place the City in the same position as Applicant's other G-1 customers who obtain their gas supply directly at the town border.

Applicant proposes to pay the City the original cost of the subject facilities, \$517,553, less depreciation from January 1, 1952, to the estimated date of sale, December 31, 1959, or an estimated net book value of \$393,340. Applicant will have an additional expense of approximately \$3,000 for minor alterations in the town border meter and regulator station.

This matter is one that should be disposed of as promptly as possible under

the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 5, 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., respecting the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 2, 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. 59-8663; Filed, Oct. 14, 1959;
8:46 a.m.]

[Docket No. G-18534]

HOPE NATURAL GAS CO. AND EQUITABLE GAS CO.

Notice of Application and Date of Hearing

OCTOBER 9, 1959.

Take notice that Hope Natural Gas Company (Hope) and Equitable Gas Company (Equitable), filed on May 4, 1959, a joint motion to amend the Commission's order issued May 29, 1958, in Docket Nos. G-14780 and G-14781 to authorize delivery of natural gas on an exchange basis between the two parties during 1959 and 1960, as hereinafter described, and as more fully represented in the joint motion to amend, which is on file with the Commission and open to public inspection.

The joint motion herein is in effect an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act and will, hereinafter, be treated as such.

In the joint application Equitable proposes to sell and deliver to Hope up to 2,040,000 Mcf (at 14.73 psia) of natural gas during each of the summer seasons of 1959 and 1960 (June through October), and Hope proposes to sell the same volumes to Equitable during the 1959 and 1960 winter seasons (November through March). It is proposed that the exchange deliveries will be made through existing interconnections between the

[Docket Nos. 19603-19612]

W. C. McBRIDE, INC., ET AL.**Order for Hearing and Suspending Proposed Changes in Rates¹**

- OCTOBER 8, 1959.

In the matters of W. C. McBride, Inc., Docket No. G-19603; Shell Oil Company, Docket No. G-19604; Champlin Oil & Refining Company (Operator), et al., Docket No. G-19605; Amerada Petroleum Corporation, Docket No. G-19606; Houston Natural Gas Production Company et al., Docket No. G-19607; Beal, Tro-

baugh & Associates (Operator), et al., Docket No. G-19608; Union Oil Company of California, Docket No. G-19609; The Superior Oil Company, Docket No. G-19610; Pan American Petroleum Corporation (Operator), Docket No. G-19611; The Bradley Producing Corporation, Docket No. G-19612.

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

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser	Notice of change dated—	Date tendered	Effective date ¹	Rate suspended until—
G-19603	W. C. McBride, Inc.	28	7	Texas Eastern Transmission Corp.	9-11-59	9-14-59	11-1-59	4-1-60
G-19604	Shell Oil Co.	27	7	United Fuel Gas Co.	9-11-59	9-14-59	11-1-59	4-1-60
G-19604	do	26	8	do	9-10-59	9-14-59	11-1-59	4-1-60
G-19605	Champlin Oil & Refining Co. (operator), et al.	18	2	Tennessee Gas Transmission Co.	9-11-59	9-14-59	11-1-59	4-1-60
G-19606	Amerada Petroleum Corp.	53	8	Texas Eastern Transmission Corp.	9-11-59	9-14-59	11-1-59	4-1-60
G-19607	Houston Natural Gas Production Co., et al.	1	2	Tennessee Gas Transmission Co.	9-4-59	9-14-59	11-1-59	4-1-60
G-19608	Beal, Trobaugh & Associates (operator), et al.	1	2	El Paso Natural Gas Co.	Not dated	9-14-59	10-15-59	3-15-60
G-19608	do	6	6	do	do	9-14-59	10-15-59	3-15-60
G-19608	do	4	3	do	do	9-14-59	10-15-59	3-15-60
G-19608	do	5	1	do	do	9-14-59	10-15-59	3-15-60
G-19609	Union Oil Co. of California	12	5	United Fuel Gas Co.	do	9-11-59	11-1-59	4-1-60
G-19610	The Superior Oil Co.	2	5	Tennessee Gas Transmission Co.	9-14-59	9-15-59	11-1-59	4-1-60
G-19610	do	63	-1	do	9-14-59	9-15-59	11-1-59	4-1-60
G-19611	Pan American Petroleum Corp. (operator).	8	19	Texas Eastern Transmission Corp.	9-10-59	9-14-59	11-1-59	4-1-60
G-19612	The Bradley Producing Corp.	2	3	Natural Gas Pipe Line Co. of America.	9-14-59	9-16-59	10-17-59	3-17-60

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

² Rate in effect subject to refund in Docket No. G-16623 (also subject to order in Docket No. G-14823).

³ Rate in effect subject to refund in Docket No. G-16595 (also subject to orders in Docket Nos. G-13441, G-11353 and G-9475).

⁴ Rate in effect subject to refund in Docket No. G-16595 (also subject to orders in Docket Nos. G-13441, G-11320 and G-9446).

⁵ Rate in effect subject to refund in Docket No. G-16662 (also subject to order in Docket No. G-13401).

⁶ Rate in effect subject to refund in Docket No. G-16692 (also subject to orders in Docket Nos. G-17682 and G-13433).

⁷ Rate in effect subject to refund in Docket No. G-16677 (also subject to orders in Docket Nos. G-13118 and G-11341).

⁸ Rate in effect subject to refund in Docket No. G-17591.

In support of their proposed increases, Shell Oil and Union Oil each states that its contract was negotiated at arm's-length, and that the proposed rate is a part of the initial schedule. Shell Oil states that the prices sought are less than those certificated for certain new sales in the area, and Union Oil maintains that its rate would not exceed the going price in the area.

Champlain submits a price redetermination letter from its purchaser, with a price based upon the average of the three highest area prices. Applicant states that the proposed rate, which includes tax reimbursements, reflects the fair value of the gas.

Bell, Trobaugh & Associates, in support of their proposed favored-nation increases, recite only that they were negotiated after arm's length bargaining.

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

McBride and Amerada state merely that the respective increases sought are supported by contract.

Pan American supports its proposals as being a part of the initial rate schedule, bargained for at arm's-length, and in line with current area prices.

Bradley states that the proposed rate is provided for by contract, that the pricing provisions thereof collectively represent the negotiated price, and that the proposed rate is part of the initial rate schedule filing.

Houston and Superior Oil base their proposed redeterminations of rates to Tennessee Gas upon the average of the three highest prices in the area.

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

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed

parties' respective systems and will require no additional facilities.

The application states that Equitable expects to have excess gas available to it during the summer seasons of 1959 and 1960, and anticipates the need for additional gas during the 1959-60 and 1960-61 winter heating seasons over and above its available supply. Hope, on the other hand, states it can absorb Equitable's excess gas during the summer seasons through the use of its greater storage capacity, and will be able to return equivalent volumes to Equitable during the winter heating seasons without any detrimental effect on service to its existing customers. Deliveries by each party will be on an interruptible basis.

Currently, with the Motion to Amend Certificate Order, Equitable filed its Rate Schedule S-1 (Third Revised Sheet No. 10-A) and on May 22, 1959 Hope filed its Rate Schedule WS-1 (Original Sheet No. 3-C) and their service agreements thereunder.

Equitable's Rate Schedule S-1 is generally available for service on an interruptible basis for the two summer periods, June 1 through October 31, 1959 and 1950, and provides a price of 25 cents per Mcf.

Hope's proposed service agreement dated May 15, 1959, provides for the sale of the same volumes during each winter season under Rate Schedule WS-1. This rate schedule provides for delivery of gas on an interruptible basis at a rate of 48.19 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 sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 10, 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 Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 3, 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. 59-2664; Filed, Oct. 14, 1959; 8:46 a.m.]

changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

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

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

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

(D) 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. 59-8666; Filed, Oct. 14, 1959;
8:46 a.m.]

[Docket No. G-19331]

**MANUFACTURERS LIGHT AND
HEAT CO.**

**Notice of Application and Date of
Hearing**

OCTOBER 9, 1959.

Take notice that The Manufacturers Light and Heat Company (Applicant), a Pennsylvania corporation with its principal place of business in Pittsburgh, Pennsylvania, filed an application in Docket No. G-19331, on August 27, 1959, pursuant to section 7 of the Natural Gas Act, for permission and approval to abandon its McKinley Storage Field in Elk County, Pennsylvania, subject to the jurisdiction of the Commission, all as more fully described in the application on file with the Commission, and open to public inspection.

Applicant states that it proposes to reclassify the facilities in McKinley Field, the original cost of which is \$262,350, from Storage Plant to Production Plant when the storage operation is completed and to operate the wells thereafter as long as gas can be produced economically therefrom.

The application states that:

The McKinley Storage Field was activated in 1940 for the purpose of serving

the Bradford and Warren, Pennsylvania, markets and consists of 4,237 acres and 55 producing wells.

From 1940 to 1949 the maximum yearly injection was 368,606 Mcf, the maximum yearly withdrawal was 125,804 Mcf and the maximum shut-in pressure was 311 psig.

It has become apparent that some gas was migrating to applicant's protective wells and that the storage area and protective acreage would have to be greatly expanded in order to obtain closure and prevent migration of the injected gas.

Applicant states it ceased injecting gas in November 1949 but has continued to withdraw stored gas since that time. The volume of stored gas in November 1949 of 1,498,109 Mcf has since been reduced to 189,375 Mcf as of December 31, 1958. Applicant estimates that the stored gas will be exhausted by June 1, 1960.

The application recites that McKinley Storage is not now required to supply the Bradford and Warren, Pennsylvania market requirements because the major part of such requirements are presently and will continue to be served with gas transported through the Sixty Trust Line from Applicant's 16-inch Clinton County Line as certificated by the Commission in Docket No. G-9444. The abandonment and conversion of McKinley Field from storage to production will not cause any abandonment of service, according to the application.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 17, 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 at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 5, 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. 59-8665; Filed, Oct. 14, 1959;
8:46 a.m.]

[Project 2259]

PORTLAND GENERAL ELECTRIC CO.

Order Fixing Hearing

OCTOBER 8, 1959.

On March 19, 1959, Portland General Electric Company (Applicant), of Portland, Oregon, filed an application for license under the Federal Power Act for proposed hydroelectric development, known as the Round Butte Project, designated in the Commission's records as Project No. 2259. The dam having a maximum height of 440 feet will maintain a reservoir at a maximum elevation of about 1945 feet above sea level is to be located across the Deschutes River, approximately one-half mile below its confluence with the Metolius River in Jefferson County, Oregon.

Responses to the notice of the application indicate a widespread public interest in Oregon with regard to this project.

The Commission finds: It is appropriate and in the public interest that a public hearing be held concerning the matters involved and the issues presented by the application for license for Project No. 2259, and that such hearing be convened in Oregon.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly sections 4, 6 and 308 thereof, and the Commission's rules of practice and procedure, a public hearing shall be held commencing on November 30, 1959, at 10:00 a.m., P.s.t., in the United States Court House (seventh floor) at Broadway and Main Street, Portland, Oregon, concerning the matters involved and the issues presented by the application for a license for Project No. 2259.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-8667; Filed, Oct. 14, 1959;
8:46 a.m.]

[Project 2093]

**VIRGINIA ELECTRIC AND POWER
CO.**

Order Fixing Hearing

OCTOBER 8, 1959.

Application was filed August 31, 1951, and later amended, the last having been filed April 2, 1959, by Virginia Electric and Power Company, of Richmond, Virginia (Applicant) for a license under the Federal Power Act for proposed major Project No. 2093, known as the Gaston Project, to be located on the Roanoke River, a navigable water of the United States, in Halifax, Northampton, and Warren Counties, North Carolina, and affecting lands of the United States acquired for the federal multiple-purpose Kerr Project.

Permission to intervene in this proceeding was granted by Commission order issued June 4, 1959, to Halifax Pa-

per Company, Inc., of Roanoke Rapids, North Carolina. The basis stated in the petition for intervention is that Halifax Paper has been advised that the construction and operation of the proposed Gaston Project upstream from Halifax Paper's Kraft pulp and paper plant, even with the addition of a submerged wier to promote discharge of water from the reservoir above the elevation of the reservoir thermocline—should a thermocline develop, will adversely affect the quality of the water which is available to Halifax Paper's plant from the Roanoke River.

B. F. Turner, of Weldon, North Carolina, was permitted to intervene in this proceeding by Commission order issued July 13, 1959. The basis stated in the petition for intervention also concerns the lowered quality of water which, according to the petition, would be caused by construction of the Gaston Project.

Permission to intervene in this proceeding was granted by Commission order issued July 17, 1959, to the North Carolina State Department of Conservation and Development, the North Carolina State Stream Sanitation Committee, and the North Carolina Wildlife Resources Commission. As in the aforementioned petitions to intervene, the issue of concern in the State agencies' petition is with respect to the lowered quality of water in the lower Roanoke River which it is alleged would be caused by construction of the Gaston Project.

By letter dated September 9, 1959, Applicant advised us that a hearing on its pending application for license, at the earliest possible date, was earnestly desired.

The Commission finds: In the circumstances recited herein, it is in the public interest that a public hearing be held in this matter involving the pending application for license, as amended, including the issue respecting the effect, if any, of the proposed Gaston Project on the quality of the water in the Roanoke River downstream therefrom.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon it by the Federal Power Act, particularly sections 4(e), 6, 10 and 308 thereof, and the Commission's rules of practice and procedure, a public hearing shall be held on November 3, 1959, commencing at 10:00 a.m., e.s.t., at the Commission's hearing room, General Accounting Office Building, 441 G Street NW., Washington 25, D.C., respecting the issues involved in the pending application for license, as amended, for proposed Project No. 2093, including the issue respecting the effect, if any, of the construction of proposed Project No. 2093 on the quality of the water in the Roanoke River downstream from the project.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-8668; Filed, Oct. 14, 1959; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 241]

SOUTH CAROLINA

Declaration of Disaster Area

Whereas, it has been reported that during the month of September, 1959, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of South Carolina;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property situated in the following Counties (including any areas adjacent to said Counties) suffered damage or destruction as a result of the catastrophe hereinafter referred to:

Counties: Bamberg, Beaufort, Berkeley, Charleston, Colleton, Dorchester, Georgetown, Hampton, Jasper, Orangeburg and Richland (hurricane occurring on or about September 29, 1959).

Offices: Small Business Administration Regional Office, 900 North Lombardy Street, Richmond 20, Va.

Small Business Administration Branch Office, Universal Building, Room 103, 1745 Sumter Street, Columbia, S.C.

2. A special field office will be established in Charleston, South Carolina, location to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to April 30, 1960.

Dated: October 5, 1959.

WENDELL B. BARNES,
Administrator.

[F.R. Doc. 59-8675; Filed, Oct. 14, 1959; 8:47 a.m.]

[Declaration of Disaster Area 242]

CALIFORNIA

Declaration of Disaster Area

Whereas, it has been reported that during the month of September 1959, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of California;

Whereas, the Small Business Administration has investigated and has re-

ceived other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Office below indicated from persons or firms whose property situated in the following City (including any areas adjacent to said City) suffered damage or destruction as a result of the catastrophe hereinafter referred to:

City: Redding (flood occurring on or about September 18, 1959).

Office: Small Business Administration Regional Office, 525 Market Street, San Francisco 5, Calif.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to April 30, 1960.

Dated: October 5, 1959.

WENDELL B. BARNES,
Administrator.

[F.R. Doc. 59-8676; Filed, Oct. 14, 1959; 8:47 a.m.]

[Declaration of Disaster Area 243]

TEXAS

Declaration of Disaster Area

Whereas, it has been reported that during the month of October 1959, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Texas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Office below indicated from persons or firms whose property situated in the following Counties (including any areas adjacent to said Counties) suffered damage or destruction as a result of the catastrophe hereinafter referred to:

Counties: Collin, Dallas and Tarrant (tornado and flood occurring on or about October 1, 2, 3, and 4, 1959).

Office: Small Business Administration Regional Office, Fidelity Building, 1000 Main Street, Dallas 2, Tex.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to April 30, 1960.

Dated: October 5, 1959.

WENDELL B. BARNES,
Administrator.

[F.R. Doc. 59-8677; Filed, Oct. 14, 1959;
8:47 a.m.]

[Declaration of Disaster Area 244]

OKLAHOMA

Declaration of Disaster Area

Whereas, it has been reported that during the month of October 1959, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Oklahoma;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property situated in the following Counties (including any areas adjacent to said Counties) suffered damage or destruction as a result of the catastrophe hereinafter referred to:

Counties: Canadian, Craig, Garfield, Kay, Kingfisher, Logan, Noble, Pawnee, Payne, Osage, Ottawa, Rogers and Tulsa (floods occurring on or about October 2 and 3, 1959).

Offices:

Small Business Administration Regional Office, Fidelity Building, 1000 Main Street, Dallas 2, Tex.

Small Business Administration Branch Office, Bankers Service Life Building, Room 312, 114 North Broadway, Oklahoma City 2, Okla.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to April 30, 1960.

Dated: October 5, 1959.

WENDELL B. BARNES,
Administrator.

[F.R. Doc. 59-8678; Filed, Oct. 14, 1959;
8:47 a.m.]

[Declaration of Disaster Area 245]

TEXAS

Declaration of Disaster Area

Whereas, it has been reported that during the month of October 1959, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Texas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property situated in the following Counties (including any areas adjacent to said Counties) suffered damage or destruction as a result of the catastrophe hereinafter referred to:

Counties: Blanco, Gillespie, Kerr and Zavala (rain and flood occurring on or about October 3, 4 and 5, 1959).

Offices:

Small Business Administration Regional Office, Fidelity Building, 1000 Main Street, Dallas 2, Tex.

Small Business Administration Branch Office, Kallison Building, Room 412, 434 South Main Avenue, San Antonio 5, Tex.

2. Special field offices will be established, location to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to April 30, 1960.

Dated: October 6, 1959.

WENDELL B. BARNES,
Administrator.

[F.R. Doc. 59-8679; Filed, Oct. 14, 1959;
8:48 a.m.]

[Declaration of Disaster Area 246]

MISSOURI

Declaration of Disaster Area

Whereas, it has been reported that during the month of October 1959, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Missouri;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Office below indicated from persons or firms whose property situated in the following County (including any areas adjacent to said County) suffered damage or destruction as a result of the catastrophe hereinafter referred to:

County: Newton (flood occurring on or about October 2, 3 and 4, 1959).

Office: Small Business Administration Regional Office, Home Savings Building, Fifth Floor, 1006 Grand Avenue, Kansas City 6, Mo.

2. A temporary field office will be established at Seneca, Missouri, location to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to April 30, 1960.

Dated: October 6, 1959.

WENDELL B. BARNES,
Administrator.

[F.R. Doc. 59-8680; Filed, Oct. 14, 1959;
8:48 a.m.]

**INTERSTATE COMMERCE
COMMISSION**

[Notice No. 204]

**MOTOR CARRIER TRANSFER
PROCEEDINGS**

OCTOBER 12, 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 general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. 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 61757. By order of October 7, 1959, Division 4, approved the transfer to Walter Pitts, West Memphis, Ark., of Certificate No. MC 106803, issued November 20, 1946, to Orval J. Dean, Harrisburg, Ill., authorizing the transportation of: Mining, excavating, construction and road building, contractors' machinery, equipment and supplies, requiring special equipment, between points in that part of Illinois on and south of Illinois Highway 15, on the one hand, and, on the other, points in Indiana, Kentucky, and Missouri. W. J. Jordan, 7 South Sixth Street, Terre Haute, Indiana, for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-8684; Filed, Oct. 14, 1959;
8:48 a.m.]

[Rev. S.O. 562; Taylor's I.C.C. Order 108]

MIDLAND VALLEY RAILROAD CO.

Rerouting or Diversion of Traffic

In the opinion of Charles W. Taylor, Agent, the Midland Valley Railroad Company, because of bridge washout at Arkansas City, Kansas, is unable to transport traffic routed over its line.

It is ordered, That:

(a) Rerouting traffic: The Midland Valley Railroad Company, is hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipments on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with the pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 12:01 a.m., October 7, 1959.

(g) Expiration date: This order shall expire at 11:59 p.m., October 21, 1959, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 7, 1959.

INTERSTATE COMMERCE
COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 59-8685; Filed, Oct. 14, 1959;
8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 12, 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. 35750: *Plaster and related articles from Southard, Okla., and Texas points.* Filed by Southwestern Freight Bureau, Agent (No. B-7647), for interested rail carriers. Rates on plaster and gypsum wallboard, and related articles, carloads from Southard, Okla., Acme, Celetex, Rotan and Sweetwater, Tex., to points in official (including Illinois) territory.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 72 to Southwestern Freight Bureau, Agent, tariff I.C.C. 4017.

FSA No. 35751: *Coal mines in Clearfield, Pa., district to Middletown, Conn.* Filed by The New York Central Railroad Company, Agent (No. 3), for itself and the New York, New Haven and Hartford Railroad Company. Rates on coal bituminous, blacksmith, and cannel, carloads from mines on the New York Central Railroad in Pennsylvania in the Clearfield district to Middletown, Conn.

Grounds for relief: Carrier competition.

Tariff: Supplement 79 to the New York Central Railroad Company tariff I.C.C. 1544.

FSA No. 35752: *Water—Motor rates—Seatrains Lines.* Filed by Seatrain Lines, Inc., for itself (No. 10) and on behalf of the Missouri Pacific Freight Transport Company parties to schedule listed below. Rates on various commodities moving on class rates loaded in containers of Seatrain Lines, Inc., between points in New Jersey, on the one hand, and points in Texas, on the other.

Grounds for relief: Rail-water, water-rail, and rail-water-rail competition.

Tariff: Supplement 7 to Seatrain Lines, Inc., tariff I.C.C. 175.

FSA No. 35753: *Liquefied petroleum gas—Mocane, Okla., to points in W.T.L. and I.F.A. territories.* Filed by Southwestern Freight Bureau, Agent (No. B-7655), for interested rail carriers. Rates on liquefied petroleum gas, tank-car loads from Mocane, Okla., to points in western trunk-line and Illinois territories.

Grounds for relief: Market competition.

Tariff: Supplement 98 to Southwestern Freight Bureau, Agent, tariff I.C.C. 4279.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 59-8683; Filed, Oct. 14, 1959;
8:48 a.m.]

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