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Title 7—AGRICULTURE

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

SUBCHAPTER A—COMMODITY STANDARDS AND STANDARD CONTAINER REGULATIONS

PART 29—TOBACCO INSPECTION

Subpart C—Standards

A notice of proposed rulemaking covering a modification of the United States Official Standard Grades for Burley Tobacco was published in the FEDERAL REGISTER of September 26, 1959 (24 F.R. 7789), and afforded interested persons the opportunity to submit written data, views, or arguments in connection therewith. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice of rule making, the following United States Official Standard Grades for Burley Tobacco are hereby promulgated under the authority contained in The Tobacco Inspection Act (49 Stat. 731; 7 U.S.C. 511 et. seq.) to become effective 15 days after publication in the FEDERAL REGISTER.

These standards are the same as published under proposed rule making; except in § 29.3014 substitute "A subdegree" for "The lowest degree" and in § 29.3037 substitute "immature" for "crude."

These official standard grades are as follows:

1. Delete §§ 29.401-29.495 in Subpart C of Part 29 and substitute therefor immediately after § 29.1225 the following:

OFFICIAL STANDARD GRADES FOR BURLEY TOBACCO (U.S. TYPE 31)

Sec.	DEFINITIONS
29.3001	Definitions.
29.3002	Air-cured.
29.3003	Air-dried.
29.3004	Body.
29.3005	Burley, Type 31.
29.3006	Buff color (L).
29.3007	Class.
29.3008	Clean.
29.3009	Color.

Sec.	DEFINITIONS
29.3010	Color intensity.
29.3011	Color symbols.
29.3012	Combination color symbols.
29.3013	Condition.
29.3014	Crude.
29.3015	Cured.
29.3016	Damage.
29.3017	Dark red color (D).
29.3018	Dirty.
29.3019	Elements of quality.
29.3020	Fiber.
29.3021	Finish.
29.3022	Foreign matter.
29.3023	Form.
29.3024	General color.
29.3025	General quality.
29.3026	Grade.
29.3027	Grademark.
29.3028	Green (G).
29.3029	Greenish (V).
29.3030	Group.
29.3031	Injury.
29.3032	Leaf scrap.
29.3033	Leaf structure.
29.3034	Leaf surface.
29.3035	Length.
29.3036	Lot.
29.3037	Maturity.
29.3038	Mixed color (M).
29.3039	Nested.
29.3040	No grade.
29.3041	Offtype.
29.3042	Oil.
29.3043	Order (case).
29.3044	Package.
29.3045	Packing.
29.3046	Pink or pinkish.
29.3047	Quality.
29.3048	Raw.
29.3049	Red color (R).
29.3050	Rework.
29.3051	Semicured.
29.3052	Side.
29.3053	Sound.
29.3054	Special factor.
29.3055	Steam-dried.
29.3056	Stem.
29.3057	Stemmed.
29.3058	Strength (tensile).
29.3059	Strips.
29.3060	Subgrade.
29.3061	Sweated.
29.3062	Sweating.
29.3063	Tan color (F).
29.3064	Tannish-red color (FR).
29.3065	Tobacco.
29.3066	Tobacco products.
29.3067	Type.

(Continued on p. 8773)

CONTENTS

	Page
Agricultural Marketing Service	
Notices:	
Stockyards:	
Lampasas Commission Co.; depositing	8807
Reed's Livestock Commission Co. et al.; proposed posting ..	8807
Proposed rule making:	
Milk in Greater Kansas City marketing area; decision on proposed amendments to tentative agreement and order ..	8796
Rules and regulations:	
Milk in Greater Boston, Springfield, and Worcester, Mass., marketing areas; order suspending certain provisions ..	8784
Standard grades:	
Apricots, dehydrated, low-moisture	8782
Peaches, dehydrated, low-moisture	8779
Tobacco inspection, burley ..	8771
Agriculture Department	
See also Agricultural Marketing Service; Commodity Credit Corporation; Commodity Stabilization Service; Farmers Home Administration.	
Notices:	
Arkansas; designation of area for production emergency loans	8808
Civil Aeronautics Board	
Notices:	
Passenger credit plans; prehearing conference	8808
Rules and regulations:	
Uniform system of accounts and reports for certificated air carriers; local carrier service reports showing passenger loads for all flights and route segments	8786
Commerce Department	
See Federal Maritime Board.	
Commodity Credit Corporation	
Sheep and wool; determination of producers' approval on referendum (see Commodity Stabilization Service).	



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CONTENTS—Continued

Commodity Stabilization Service	Page
Notices:	
Sheep and wool; determination of producers' approval on referendum	8807
Defense Department	
See Navy Department.	
Farmers Home Administration	
Rules and regulations:	
Processing loans to associations; miscellaneous amendments	8784
Federal Aviation Agency	
Proposed rule making:	
Coded jet route, establishment	8802
Control zone, revocation	8802
Control zone and control area extension, revocation	8802

CONTENTS—Continued

Federal Aviation Agency—Con.	Page
Proposed rule making—Con.	
Federal airways and control areas:	
Extension	8800
Modification	8801
Federal airways and reporting points; modification	8801
Federal airways, control areas and reporting points; revocation	8800
Rules and regulations:	
Federal airway and associated control areas; establishment	8788
Federal Communications Commission	
Notices:	
Hearings, etc.:	
Clearwater Broadcasting Corp. (WDCL)	8808
Fancy Handbags & Modern Leather Mfg. Co.	8808
Radio St. Croix, Inc., and Radio Crawfordville, Inc.	8809
WJIV, Inc. (WJIV), et al.	8809
Proposed rule making:	
Frequency allocations and radio treaty matters; aviation services	8803
Rules and regulations:	
Radio broadcast services; miscellaneous amendments	8795
Federal Maritime Board	
Notices:	
Gulf West Africa Line et al.; agreements filed for approval	8808
Federal Power Commission	
Notices:	
Hearings, etc.:	
Anderson-Prichard Oil Corp.	8810
Blanco Oil Co. et al.	8810
London, D. E.	8812
Tennessee Gas Transmission Co.	8813
Transcontinental Gas Pipe Line Corp.	8813
Western Kentucky Gas Co.	8813
Rules and regulations:	
Uniform system of accounts, public utilities and licensees; accumulated deferred taxes on income	8790
Food and Drug Administration	
Rules and regulations:	
General policy or interpretation; label declaration of vitamin E in foods for special dietary use	8792
Health, Education, and Welfare Department	
See Food and Drug Administration.	
Interior Department	
See Land Management Bureau.	
Internal Revenue Service	
Rules and regulations:	
Procedure and administration; authority to prescribe and modify seals	8790
Interstate Commerce Commission	
Notices:	
Motor carrier transfer proceedings	8810

CONTENTS—Continued

Land Management Bureau	Page
Notices:	
Filing of survey plats and orders providing for opening of public lands:	
Alaska (3 documents)	8805, 8806
Louisiana	8806
Oregon; filing of supplemental survey plat	8807
Rules and regulations:	
California; public land order, correction	8795
National Aeronautics and Space Administration	
Rules and regulations:	
Patents	8788
Navy Department	
Rules and regulations:	
Payments of amounts due mentally incompetent naval personnel; and rules applicable to the public	8792
Small Business Administration	
Notices:	
Branch managers; authority delegations relating to financial assistance, procurement and technical assistance and administrative functions:	
Des Moines, Iowa	8817
Houston, Tex.	8819
Indianapolis, Ind.	8814
Madison, Wis.	8816
San Antonio, Tex.	8820
Securities and Exchange Commission	
Notices:	
Dunlookin Mining Co., Inc.; hearing, etc.	8814
Treasury Department	
See Internal Revenue Service.	
CODIFICATION GUIDE	
A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.	
A Cumulative Codification Guide covering the current month appears at the end of each issue beginning with the second issue of the month.	
3 CFR	Page
Executive orders:	
8979 (see F.R. Docs. 59-9132 and 59-9133)	8805
6 CFR	
354	8784
7 CFR	
29	8771
52 (2 documents)	8779, 8782
904	8784
996	8784
999	8784
Proposed rules:	
913	8795
14 CFR	
241	8786
600	8788
601	8788
1201	8788
1245	8788

CODIFICATION GUIDE—Con.

14 CFR—Continued Page

Proposed rules:

600 (4 documents) ----- 8800, 8801

601 (6 documents) ----- 8800-8802

602 ----- 8802

18 CFR

101 ----- 8790

21 CFR

3 ----- 8792

125 ----- 8792

26 (1954) CFR

301 ----- 8790

32 CFR

726 ----- 8792

765 ----- 8792

43 CFR

Public land orders:

1552 (see F.R. Doc. 59-9133) -- 8805

1989 (correction) ----- 8795

47 CFR

3 ----- 8795

Proposed rules:

2 ----- 8803

9 ----- 8803

Sec.

29.3068 Undried.

29.3069 Uniformity.

29.3070 Unsound (U).

29.3071 Unstemmed.

29.3072 Variegated (K).

29.3073 Wet (W).

29.3074 Width.

ELEMENTS OF QUALITY

29.3101 Elements of quality and degrees of each element.

RULES

29.3103 Rules.

29.3104 Rule 1.

29.3105 Rule 2.

29.3106 Rule 3.

29.3107 Rule 4.

29.3108 Rule 5.

29.3109 Rule 6.

29.3110 Rule 7.

29.3111 Rule 8.

29.3112 Rule 9.

29.3113 Rule 10.

29.3114 Rule 11.

29.3115 Rule 12.

29.3116 Rule 13.

29.3117 Rule 14.

29.3118 Rule 15.

29.3119 Rule 16.

29.3120 Rule 17.

29.3121 Rule 18.

29.3122 Rule 19.

29.3123 Rule 20.

29.3124 Rule 21.

29.3125 Rule 22.

29.3126 Rule 23.

GRADES

29.3151 Flyings (X Group).

29.3152 Lugs or Cutters (C Group).

29.3153 Leaf (B Group).

29.3154 Tips (T Group).

29.3155 Mixed (M Group).

29.3156 Nondescript (N Group).

29.3157 Scrap (S Group).

SUMMARY OF STANDARD GRADES

29.3181 Summary of standard grades.

KEY TO STANDARD GRADEMARKS

29.3182 Key to standard grademarks.

DEFINITIONS

§ 29.3001 Definitions.

As used in these standards, the words and phrases hereinafter defined shall have the indicated meanings so assigned.

§ 29.3002 Air-cured.

Tobacco cured under natural atmospheric conditions. Artificial heat is sometimes used to control excess humidity during the curing period to prevent house-burn and barn-burn in damp weather. Air-cured tobacco should not carry the odor of smoke or fumes resulting from the application of artificial heat.

§ 29.3003 Air-dried.

The condition of unfermented tobacco as customarily prepared for storage under natural atmospheric conditions.

§ 29.3004 Body.

The thickness and density of a leaf or the weight per unit of surface. (See Elements of quality.)

§ 29.3005 Burley, Type 31.

That type of air-cured tobacco, commonly known as Burley, produced principally in Kentucky, Tennessee, Virginia, North Carolina, Ohio, Indiana, West Virginia, and Missouri.

§ 29.3006 Buff color (L).

A light yellow slightly shaded toward red.

§ 29.3007 Class.

A major division of tobacco based on method of cure or principal usage.

§ 29.3008 Clean.

Tobacco is described as clean when it contains only a normal amount of sand or soil particles. Leaves grown on the lower portion of the stalk normally contain more dirt or sand than those from higher stalk positions. (See rule 20.)

§ 29.3009 Color.

The third factor of a grade, based on the relative hues, saturations or chroma, and color values common to the type.

§ 29.3010 Color intensity.

The varying degree of saturation or chroma. Color intensity as applied to tobacco describes the strength or weakness of a specific color or hue. It is applicable to all colors except variegated. Color intensity is reversed in its application to grades of greenish and green tobaccos and is omitted from these grade specifications. (See Elements of quality.)

§ 29.3011 Color symbols.

As applied to Burley, single color symbols are as follows: L—buff, F—tan, R—red, D—dark red, K—variegated, M—mixed color, V—greenish, and G—green. F and R are considered in relation to the type as a whole when used with the M group. (See definition of General color.)

§ 29.3012 Combination color symbols.

As applied to Burley, combination color symbols are as follows: FR—tan-nish red, VF—greenish tan, VR—green-

ish red, GF—green tan, and GR—green red. (See rules 17 and 18.)

§ 29.3013 Condition.

The state of tobacco which results from the method of preparation or from the degree of fermentation. Words used to describe the condition of tobacco are as follows: Undried, air-dried, steam-dried, sweating, sweated, and aged. Burley is air-dried or steam-dried for storage and aging.

§ 29.3014 Crude.

The lowest degree of maturity. Crude leaves are usually hard and slick as a result of extreme immaturity. A similar condition may result from sunburn or sunscald. Any leaf which is crude to the extent of 20 percent of its leaf surface may be described as crude. (See rule 19.)

§ 29.3015 Cured.

Tobacco dried of its sap by either natural or artificial processes.

§ 29.3016 Damage.

The effect of mold, must, rot, black rot, or other fungous or bacterial diseases which attack tobacco in its cured state. Tobacco having the odor of mold, must, or rot is considered damaged. (See rule 23.)

§ 29.3017 Dark red color (D).

A dark reddish brown.

§ 29.3018 Dirty.

The state of tobacco containing an abnormal amount of dirt or sand, or tobacco to which additional quantities of dirt or sand have been added. (See rule 23.)

§ 29.3019 Elements of quality.

Elements of quality and the degrees used in the specifications of the official standard grades of Burley, Type 31, are shown in § 29.3101. Words have been selected to describe the degrees of each element. Some of the words are almost synonymous in their meaning, yet, they are sufficiently different to represent steps within the range of the elements of quality to which they are applied.

§ 29.3020 Fiber.

The term applied to the veins in a tobacco leaf. The large central vein is called the midrib or stem. The smaller lateral and cross veins are considered from the standpoint of size and color and in some types are treated as elements of quality. In Burley, fiber size and color are not of great importance, except where a fine distinction must be made between several lots of high quality or between sides of the same lot.

§ 29.3021 Finish.

The reflectance factor in color perception. Finish indicates the sheen or shine of the surface of a tobacco leaf. Descriptive terms range from bright to dingy. (See Elements of quality.)

§ 29.3022 Foreign matter.

Any extraneous substance or material such as stalks, suckers, straw, strings, rubber bands, et cetera. Abnormal

amounts of dirt or sand also are included. (See rule 23.)

§ 29.3023 Form.

The stage of preparation of tobacco such as unstemmed or stemmed.

§ 29.3024 General color.

The color of tobacco considered in relation to the type as a whole. General color is distinguished from the restricted use of the term "color" within a group. It is basically related to body and other overall characteristics of the type.

§ 29.3025 General quality.

The quality of tobacco considered in relation to the type as a whole. General quality is distinguished from the restricted use of the term "quality" within a group.

§ 29.3026 Grade.

A subdivision of a type according to group, quality, and color.

§ 29.3027 Grademark.

A grademark normally consists of three symbols which indicate group, quality, and color. A letter is used to indicate group, a number to indicate quality, and a letter or letters to indicate color. For example, C2F means Lugs, second quality, and tan color.

§ 29.3028 Green (G).

A color term applied to immature or crude tobacco. Any leaf which has a green color affecting 20 percent or more of its leaf surface may be described as green. (See rule 18.)

§ 29.3029 Greenish (V).

A color term applied to greenish-tinged tobacco. Any leaf which has a greenish tinge or a pale green color affecting 20 percent or more of its surface may be described as greenish. (See rule 17.)

§ 29.3030 Group.

A division of a type covering closely related grades based on certain characteristics which are related to stalk position or the general quality of the tobacco. Groups in Burley, Type 31, are as follows: Flyings (X), Lugs or Cutters (C), Leaf (B), Tips (T), Mixed (M), Nondescript (N), and Scrap (S).

§ 29.3031 Injury.

Hurt or impairment from any cause except the fungous or bacterial diseases which attack tobacco in its cured state. (See definition of Damage.) Injury to tobacco may be caused by field diseases, insects, or weather conditions; insecticides, fungicides, or cell growth inhibitors; nutritional deficiencies or excesses; or improper fertilizing, harvesting, curing, or handling. Injured tobacco includes dead, burnt, hail-cut, torn, broken, frostbitten, sunburned, sunscalded, scorched, fire-killed, bulk-burnt, steam-burnt, barn-burnt, house-burnt, bleached, bruised, discolored, or deformed leaves; or tobacco affected by wildfire, rust, frog-eye, mosaic, root rot, wilt, black shank, or other diseases. (See Elements of quality and rule 14.)

§ 29.3032 Leaf scrap.

A by-product of unstemmed tobacco. Leaf scrap results from handling unstemmed tobacco and consists of loose and tangled whole or broken leaves.

§ 29.3033 Leaf structure.

The cell development of a leaf as indicated by its porosity or solidity. (See Elements of quality.)

§ 29.3034 Leaf surface.

The smoothness or roughness of the web or lamina of a tobacco leaf. Leaf surface is affected to some extent by the size and shrinkage of the veins or fibers. (See Elements of quality.)

§ 29.3035 Length.

The linear measurement of cured tobacco leaves from the butt of the midrib to the extreme tip. (See Elements of quality.)

§ 29.3036 Lot.

A pile, basket, bulk, or more than one bale, case, hogshead, tierce, package, or other definite package unit.

§ 29.3037 Maturity.

The degree of ripeness. Tobacco is mature when it reaches its prime state of development. The extremes are expressed as crude and mellow. (See Elements of quality.)

§ 29.3038 Mixed color (M).

Distinctly different colors of the type mingled together. (See rule 16.)

§ 29.3039 Nested.

Any tobacco which has been loaded, packed, or arranged to conceal foreign matter or tobacco of inferior grade, quality, or condition. Nested includes: (a) Any lot of tobacco which contains foreign matter or damaged, injured, tangled, or other inferior tobacco, any of which cannot be readily detected upon inspection because of the way the lot is packed or arranged; (b) any lot of tied tobacco which contains foreign matter in the inner portions of the hands or which contains foreign matter in the heads under the tie leaves; (c) any lot of tied tobacco in which the leaves on the outside of the hands are placed or arranged to conceal inferior quality leaves on the inside of the hands or which contains wet tobacco or tobacco of lower quality in the heads under the tie leaves; and (d) any lot of tobacco which consists of distinctly different grades, qualities, or conditions and which is stacked or arranged in layers with the same kinds together so that the tobacco in the lower layer or layers is distinctly inferior in grade, quality, or condition from the tobacco in the top or upper layers. (See rule 23.)

§ 29.3040 No grade.

A designation applied to a lot of tobacco which is classified as nested, off-type, rework, semicured, tobacco damaged 20 percent or more, abnormally dirty tobacco, tobacco containing foreign matter, and tobacco having an odor foreign to the type. (See rule 23.)

§ 29.3041 Offtype.

Tobacco of distinctly different characteristics which cannot be classified as Burley, Type 31. (See rule 23.)

§ 29.3042 Oil.

A soft, semifluid constituent of tobacco. Oil, although present in Burley tobacco to a limited degree, is not considered an element of quality in the specifications of the standard grades for this type.

§ 29.3043 Order (case).

The state of tobacco with respect to its moisture content.

§ 29.3044 Package.

A hogshead, tierce, case, bale, or other securely enclosed parcel or bundle.

§ 29.3045 Packing.

A lot of tobacco consisting of a number of packages submitted as one definite unit for sampling or inspection. It is represented to contain the same kind of tobacco and has a common identification number or mark on each package.

§ 29.3046 Pink or pinkish.

A color term applied to pink or pinkish tobacco. Any leaf which has a pink or pinkish color affecting 20 percent or more of its leaf surface is considered as mixed color. (See rule 16.)

§ 29.3047 Quality.

A division of a group or the second factor of a grade, based on the relative degree of one or more elements of quality in tobacco.

§ 29.3048 Raw.

Freshly harvested tobacco or tobacco as it appears between the time of harvesting and the beginning of the curing process.

§ 29.3049 Red color (R).

A brownish red.

§ 29.3050 Rework.

Any lot of tobacco which needs to be resorted or otherwise reworked to prepare it properly for market in the manner which is customary in the type area, including: (a) Tobacco which is so mixed that it cannot be classified properly in any grade of the type, because the lot contains a substantial quantity of two or more distinctly different grades which should be separated by sorting; (b) tobacco which contains an abnormally large quantity of foreign matter or an unusual number of muddy or extremely dirty leaves which should be removed; and (c) tobacco not tied in hands, not packed straight, not properly tied, or otherwise not properly prepared for market. (See rule 23.)

§ 29.3051 Semicured.

Tobacco in the process of being cured or which is partially but not thoroughly cured. Semicured includes tobacco which contains fat stems, wet butts, swell stems, frozen tobacco, and tobacco having frozen stems or stems that have not been thoroughly dried in the curing process. (See rule 23.)

§ 29.3052 Side.

A certain phase of quality, color, or length as contrasted with some other phase of quality, color, or length; or any peculiar characteristic of tobacco.

§ 29.3053 Sound.

Free of damage.

§ 29.3054 Special factor.

A symbol or term authorized to be used with specified grades. Tobacco to which a special factor is applied may meet the general specifications but has a peculiar side or characteristic which tends to modify the grade. (See rule 9.)

§ 29.3055 Steam-dried.

The condition of unfermented tobacco as customarily prepared for storage by means of a redrying machine or other steam-conditioning equipment.

§ 29.3056 Stem.

The midrib or large central vein of a tobacco leaf.

§ 29.3057 Stemmed.

A form of tobacco, including strips and strip scrap, from which the stems or midribs have been removed.

§ 29.3058 Strength (tensile).

The stress a tobacco leaf can bear without tearing. Tensile strength is not an important element of quality in Burley tobacco.

§ 29.3059 Strips.

The sides of a tobacco leaf from which the stem has been removed; or a lot of tobacco composed of strips.

§ 29.3060 Subgrade.

Any grade modified by a special factor symbol.

§ 29.3061 Sweated.

The condition of tobacco which has passed through one or more fermentations natural to tobacco packed with a normal percentage of moisture. This condition is sometimes described as aged.

§ 29.3062 Sweating.

The condition of tobacco in the process of fermentation.

§ 29.3063 Tan color.

A light red-yellow.

§ 29.3064 Tannish-red color (FR).

A light red shaded toward tan.

§ 29.3065 Tobacco.

Tobacco as it appears between the time it is cured and stripped from the stalk, or primed and cured, and the time it enters into the different manufacturing processes. The acts of stemming, sweating, and conditioning are not regarded as manufacturing processes. Tobacco, as used in these standards, does not include manufactured or semimanufactured products, stems, cuttings, clippings, trimmings, siftings, or dust.

§ 29.3066 Tobacco products.

Manufactured tobacco, including cigarettes, cigars, smoking tobacco, chew-

ing tobacco, and snuff, which is subject to Internal Revenue tax.

§ 29.3067 Type.

A division of a class of tobacco having certain common characteristics and closely related grades. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths is classified as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

§ 29.3068 Undried.

The condition of unfermented tobacco which has not been air-dried or steam-dried.

§ 29.3069 Uniformity.

An element of quality which describes the consistency of a lot of tobacco as it is prepared for market. Uniformity is expressed in grade specifications as a percentage. The percentage is applicable to group, quality, and color. (See rule 13.)

§ 29.3070 Unsound (U).

Damaged under 20 percent. (See rule 21.)

§ 29.3071 Unstemmed.

A form of tobacco, including whole leaf and leaf scrap, from which the stems or midribs have not been removed.

§ 29.3072 Variegated (K).

Any leaf of which 20 percent or more of its surface is yellow, grayish, mottled,

or bleached, and does not blend with the normal colors of the type or group and is generally characterized by a lower degree of leaf structure and maturity than tobacco of the corresponding group and quality. (See rule 15.)

§ 29.3073 Wet (W).

Any sound tobacco containing excessive moisture to the extent that it is in an unsafe or doubtful-keeping order. Wet applies to any tobacco which is not damaged but which is likely to damage if treated in the customary manner. (See rule 22.)

§ 29.3074 Width.

The relative breadth of a tobacco leaf expressed in relation to its length. (See Elements of quality.)

ELEMENTS OF QUALITY

§ 29.3101 Elements of quality and degrees of each element.

These standardized words or terms are used to describe tobacco quality and to assist in interpreting grade specifications. Tobacco attributes or characteristics which constitute quality are designated as elements of quality. The range within each element is expressed by the use of words or terms designated as degrees. These several degrees are arranged to show their relative value, but the actual value of each degree varies with type, group, and grade. In each case the first and last degrees represent the full range for the element, and the intermediate degrees show gradual steps between them.

Elements	Degrees				
	1	2	3	4	5
1 Body.....	Tissuey.....	Thin.....	Medium.....	Fleshy.....	Heavy.....
2 Maturity.....	Mellow.....	Ripe.....	Mature.....	Underripe.....	Immature.....
3 Leaf structure (porosity and solidity).....	Porous.....	Open.....	Firm.....	Close.....	Solid.....
4 Leaf surface (smoothness).....	Smooth.....	Even.....	Wavy.....	Wrinkly.....	Rough.....
5 Finish.....	Bright.....	Clear.....	Moderate.....	Dull.....	Dingy.....
6 Color intensity.....	Deep.....	Strong.....	do.....	Weak.....	Pale.....
7 Width.....	Broad.....	Spready.....	Normal.....	Narrow.....	Stringy.....
8 Length.....	(1)	(1)	(1)	(1)	(1)
9 Uniformity.....	(2)	(2)	(2)	(2)	(2)
10 Injury tolerance.....	(2)	(2)	(2)	(2)	(2)

1 Expressed in inches.
2 Expressed in percentage.

RULES

§ 29.3103 Rules.

The application of these official standard grades shall be in accordance with the following rules.

§ 29.3104 Rule 1.

Each grade shall be treated as a subdivision of a particular type. When the grade is stated in an inspection certificate, the type also shall be stated.

§ 29.3105 Rule 2.

The determination of a grade shall be based upon a thorough examination of a lot of tobacco or of an official sample of the lot.

§ 29.3106 Rule 3.

In drawing an official sample from a hogshead or other package of tobacco, three or more breaks shall be made at such points and in such manner as the inspector or sampler may find necessary to determine the kinds of tobacco and

the percentage of each kind contained in the lot. One break shall be made not more than six inches from the top of the package and one not more than six inches from the bottom. All breaks shall be made so that the tobacco contained in the center of the package is visible to the sampler. Tobacco shall be drawn from at least three breaks from which a representative sample of not less than six hands shall be selected. The sample shall include tobacco of each different group, quality, color, length, and kind found in the lot in proportion to the quantities of each contained in the lot.

§ 29.3107 Rule 4.

The grade assigned to any lot of tobacco shall be a true representation of the tobacco at the time of inspection and certification. If, at any time, it is found that a lot of tobacco does not comply with the specifications of the grade previously assigned, it shall not thereafter be represented as such grade.

RULES AND REGULATIONS

§ 29.3108 Rule 5.

A lot of tobacco on the marginal line between two colors shall be placed in the color with which it best corresponds with respect to body or other associated elements of quality.

§ 29.3109 Rule 6.

Any lot of tobacco which meets the specifications of two grades shall be placed in the higher grade. Any lot of tobacco on the marginal line between two grades shall be placed in the lower grade.

§ 29.3110 Rule 7.

A lot of tobacco meets the specifications of a grade when it is not lower in any degree of any element of quality than the minimum specifications of such grade.

§ 29.3111 Rule 8.

In determining the grade of a lot of tobacco, the lot as a whole shall be considered. Minor irregularities which do not affect over one percent of the tobacco shall be overlooked.

§ 29.3112 Rule 9.

Any special factor symbol, approved by the Director of the Tobacco Division of the Agricultural Marketing Service, may be used after a grademark to show a peculiar side or characteristic of the tobacco which tends to modify the grade.

§ 29.3113 Rule 10.

Interpretations, the use of specifications, and the meaning of terms shall be in accordance with determinations or clarifications made by the Chief of the Standards Branch and approved by the Director.

§ 29.3114 Rule 11.

The use of any grade may be restricted by the Director during any marketing season, when it is found that the grade is not needed or appears in insufficient volume to justify its use.

§ 29.3115 Rule 12.

Any lot of leaf tobacco in which 20 percent or more of its leaves are under 16 inches in length shall be designated as Tips (T Group).

§ 29.3116 Rule 13.

Degrees of uniformity shall be expressed in terms of percentages. The percentages shall govern the portion of a lot which must meet the specifications of the grade. The minor portion must be closely related but may be of a different group, quality, and color from the major portion. These percentages shall not affect limitations established by other rules.

§ 29.3117 Rule 14.

The application of injury as an element of quality shall be expressed in terms of a percentage of tolerance. The appraisal of injury shall be based upon the percentage of affected leaf surface or the degree of injury. In appraising injury, consideration shall be given to the normal characteristics of the group as related to injury.

§ 29.3118 Rule 15.

Any lot of tobacco containing over 30 percent of variegated leaves shall be described as "variegated" and designated by the color symbol "K." Variegated leaves may be included in any group to the following extent: In the third quality, 10 percent; in the fourth quality, 20 percent; and in the fifth quality, 30 percent.

§ 29.3119 Rule 16.

Any lot of tobacco of B, C, or X groups which contains 30 percent or more of pink or pinkish leaves or contains 30 percent or more of a color distinctly different from the major color shall be classified as "mixed" and designated by the color symbol "M."

§ 29.3120 Rule 17.

Any lot of tobacco containing 20 percent or more of greenish leaves, or any lot which contains 20 percent of greenish and green leaves combined, shall be designated by the color symbol "V" in the C group and the combination color symbols "VF" or "VR" in the B and T groups.

§ 29.3121 Rule 18.

Any lot of tobacco containing 20 percent or more of green leaves, or any lot which is not crude but contains 20 percent or more of green and crude combined, shall be designated by the color symbol "G" in the X and C groups and the combination color symbols "GF" or "GR" in the B and T groups.

§ 29.3122 Rule 19.

Crude leaves shall not be included in any grade of any color except green, green tan, and green red. Any lot containing 20 percent or more of crude leaves shall be designated as Nondescript.

§ 29.3123 Rule 20.

All standard grades must be clean.

§ 29.3124 Rule 21.

Tobacco damaged under 20 percent but which otherwise meets the specifications of a grade shall be treated as a subgrade by placing the special factor "U" after the grademark. Tobacco damaged 20 percent or more shall be designated as "No-G."

§ 29.3125 Rule 22.

Sound tobacco that is wet or is doubtful-keeping order but which otherwise meets the specifications of a grade shall be treated as a subgrade by placing the special factor "W" after the grademark. This special factor does not apply to tobacco designated as "No-G."

§ 29.3126 Rule 23.

Tobacco shall be designated as No Grade, using the grademark "No-G," when it is dirty, nested, offtype, semi-cured, needs to be reworked, damaged 20 percent or more, contains foreign matter, or has an odor foreign to the type.

GRADES

§ 29.3151 Flyings (X Group).

This group consists of leaves normally grown at the bottom of the stalk. These

leaves are flat and open-faced and have a blunt or oblate tip. Compared with other groups on the stalk, Flyings consist of relatively thin to tissuey leaves which show the highest degree of maturity and the most open leaf structure. Flyings show a material amount of injury characteristic of leaves grown near the ground. (See rule 14.)

U.S.

Grades Grade Names and Specifications

X1L	Choice Buff Flyings	Tissuey, mellow, open to porous, even, clear finish, strong color intensity, 95 percent uniform, and 5 percent injury tolerance.
X2L	Fine Buff Flyings	Tissuey, mellow, open to porous, even, moderate finish and color intensity, 90 percent uniform, and 10 percent injury tolerance.
X3L	Good Buff Flyings	Tissuey, ripe to mellow, open to porous, wavy, dull finish, weak color intensity, 80 percent uniform, and 20 percent injury tolerance.
X4L	Fair Buff Flyings	Tissuey, mature to ripe, open to porous, wrinkly to wavy, dingy finish, pale color intensity, 70 percent uniform, and 30 percent injury tolerance.
X5L	Low Buff Flyings	Tissuey, mature to ripe, open to porous, wrinkly, dingy finish, pale color intensity, 60 percent uniform, and 40 percent injury tolerance.
X1F	Choice Tan Flyings	Thin, mellow, open to porous, even, clear finish, strong color intensity, 95 percent uniform, and 5 percent injury tolerance.
X2F	Fine Tan Flyings	Thin, mellow, open to porous, even, moderate finish and color intensity, 90 percent uniform, and 10 percent injury tolerance.
X3F	Good Tan Flyings	Thin, ripe to mellow, open to porous, wavy, dull finish, weak color intensity, 80 percent uniform, and 20 percent injury tolerance.
X4F	Fair Tan Flyings	Thin, mature to ripe, open to porous, wrinkly to wavy, dingy finish, pale color intensity, 70 percent uniform, and 30 percent injury tolerance.
X5F	Low Tan Flyings	Thin, mature to ripe, open to porous, wrinkly, dingy finish, pale color intensity, 60 percent uniform, and 40 percent injury tolerance.
X3R	Good Red Flyings	Medium body, ripe, firm to open, wavy, dull finish, weak color intensity, 80 percent uniform, and 20 percent injury tolerance.
X4R	Fair Red Flyings	Medium body, mature to ripe, firm to open, wrinkly to wavy, dingy finish, pale color intensity, 70 percent uniform, and 30 percent injury tolerance.
X5R	Low Red Flyings	Medium body, mature to ripe, firm to open, wrinkly, dingy finish, pale color intensity, 60 percent uniform, and 40 percent injury tolerance.
X4M	Fair Mixed Color Flyings	Medium to tissuey body, mature to ripe, firm to porous, wrinkly to wavy, dingy finish, pale color intensity, 70 percent uniform, and 30 percent injury tolerance.
X5M	Low Mixed Color Flyings	Medium to tissuey body, mature to ripe, firm to porous, wrinkly, dingy finish, pale color intensity, 60 percent uniform, and 40 percent injury tolerance.

- U.S. Grades Grade Names and Specifications**
- X4G Fair Green Flyings
Medium to tissuey body, immature, firm, wrinkly to wavy, dingy finish, 70 percent uniform, and 30 percent injury tolerance.
 - X5G Low Green Flyings
Medium to tissuey body, immature, firm, wrinkly, dingy finish, 60 percent uniform, and 40 percent injury tolerance.

§ 29.3152 Lugs or Cutters (C Group).

This group consists of leaves normally grown at the midportion of the stalk. Cured leaves from this stalk position have a tendency to roll, concealing the stem or midrib. Lugs or Cutters have an oblate to rounded tip and are usually thin to medium in body. The leaves are spready in relation to their length and show little or no ground injury.

- U.S. Grades Grade Names and Specifications**
- C1L Choice Buff Lugs
Thin, ripe, open, smooth, bright finish, deep color intensity, broad, 20" or over in length, 95 percent uniform, and 5 percent injury tolerance.
 - C2L Fine Buff Lugs
Thin, ripe, open, smooth, bright finish, strong color intensity, spready, 20" or over in length, 90 percent uniform, and 10 percent injury tolerance.
 - C3L Good Buff Lugs
Thin, ripe, open, even, clear finish, moderate color intensity, normal width, 18" or over in length, 85 percent uniform, and 15 percent injury tolerance.
 - C4L Fair Buff Lugs
Thin, mature to ripe, firm to open, wavy to even, moderate finish, weak color intensity, narrow to normal width, 80 percent uniform, and 20 percent injury tolerance.
 - C5L Low Buff Lugs
Thin, mature, firm to open, wavy, dull finish, pale color intensity, narrow, 70 percent uniform, and 30 percent injury tolerance.
 - C1F Choice Tan Lugs
Medium to thin body, ripe, open, smooth, bright finish, deep color intensity, broad, 20" or over in length, 95 percent uniform, and 5 percent injury tolerance.
 - C2F Fine Tan Lugs
Medium to thin body, ripe, open, smooth, bright finish, strong color intensity, spready, 20" or over in length, 90 percent uniform, and 10 percent injury tolerance.
 - C3F Good Tan Lugs
Medium to thin body, ripe, open, even, clear finish, moderate color intensity, normal width, 18" or over in length, 85 percent uniform, and 15 percent injury tolerance.
 - C4F Fair Tan Lugs
Medium to thin body, mature to ripe, firm to open, wavy to even, moderate finish, weak color intensity, narrow to normal width, 80 percent uniform, and 20 percent injury tolerance.
 - C5F Low Tan Lugs
Medium to thin body, mature, firm to open, wavy, dull finish, pale color intensity, narrow, 70 percent uniform, and 30 percent injury tolerance.
 - C3R Good Red Lugs
Medium to thin body, ripe, open, even, clear finish, moderate color intensity, normal width, 18" or over in length, 85 percent uniform, and 15 percent injury tolerance.

- U.S. Grades Grade Names and Specifications**
- C4R Fair Red Lugs
Medium to thin body, mature to ripe, firm to open, wavy to even, moderate finish, weak color intensity, narrow to normal width, 80 percent uniform, and 20 percent injury tolerance.
 - C5R Low Red Lugs
Medium to thin body, mature, firm to open, wavy, dull finish, pale color intensity, narrow, 70 percent uniform, and 30 percent injury tolerance.
 - C3K Good Variegated Lugs
Medium body, ripe, open, even, normal width, 18" or over in length, 85 percent uniform, and 15 percent injury tolerance.
 - C4K Fair Variegated Lugs
Medium body, mature to ripe, firm to open, wavy to even, narrow to normal width, 80 percent uniform, and 20 percent injury tolerance.
 - C5K Low Variegated Lugs
Medium body, mature, close to firm, wavy, narrow, 70 percent uniform, and 30 percent injury tolerance.
 - C3M Good Mixed Color Lugs
Medium to tissuey body, mature to ripe, firm to open, even, moderate finish and color intensity, normal width, 18" or over in length, 85 percent uniform, and 15 percent injury tolerance.
 - C4M Fair Mixed Color Lugs
Medium to tissuey body, mature to ripe, firm to open, wavy to even, dull finish, weak color intensity, narrow to normal width, 80 percent uniform, and 20 percent injury tolerance.
 - C5M Low Mixed Color Lugs
Medium to tissuey body, mature to ripe, firm to open, wavy, dingy finish, pale color intensity, narrow, 70 percent uniform, and 30 percent injury tolerance.
 - C3V Good Greenish Lugs
Medium to thin body, underripe, open, even, clear finish, normal width, 18" or over in length, 85 percent uniform, and 15 percent injury tolerance.
 - C4V Fair Greenish Lugs
Medium to thin body, underripe, firm to open, wavy to even, moderate finish, narrow to normal width, 80 percent uniform, and 20 percent injury tolerance.
 - C5V Low Greenish Lugs
Medium to thin body, underripe, firm to open, wavy, dull finish, narrow, 70 percent uniform, and 30 percent injury tolerance.
 - C4G Fair Green Lugs
Medium body, immature, close to firm, wavy to even, moderate finish, narrow to normal width, 80 percent uniform, and 20 percent injury tolerance.
 - C5G Low Green Lugs
Medium body, immature, close to firm, wavy, dull finish, narrow, 70 percent uniform, and 30 percent injury tolerance.

§ 29.3153 Leaf (B Group).

This group consists of leaves normally grown above the midpoint of the stalk. Cured leaves from the upper stalk position have a tendency to fold, concealing the face of the leaf and exposing the stem or midrib. These leaves have a pointed tip and generally are medium to heavy in body. They are narrower in relation to their length than corresponding qualities of the C Group.

- U.S. Grades Grade Names and Specifications**
- B1F Choice Tan Leaf
Medium body, ripe, open, smooth, clear finish, deep color intensity, spready, 20" or over in length, 95 percent uniform, and 5 percent injury tolerance.
 - B2F Fine Tan Leaf
Medium body, ripe, open, even, clear finish, strong color intensity, spready, 20" or over in length, 90 percent uniform, and 10 percent injury tolerance.
 - B3F Good Tan Leaf
Medium body, mature to ripe, firm to open, wavy to even, moderate finish and color intensity, narrow to normal width, 18" or over in length, 85 percent uniform, and 15 percent injury tolerance.
 - B4F Fair Tan Leaf
Medium body, mature, firm, wavy, dull finish, weak color intensity, narrow, 16" or over in length, 80 percent uniform, and 20 percent injury tolerance.
 - B5F Low Tan Leaf
Medium body, mature, firm, wrinkly, dingy finish, pale color intensity, stringy, 16" or over in length, 70 percent uniform, and 30 percent injury tolerance.
 - B1FR Choice Tannish-red Leaf
Fleshy to medium body, ripe, open, smooth, clear finish, deep color intensity, spready, 20" or over in length, 95 percent uniform, and 5 percent injury tolerance.
 - B2FR Fine Tannish-red Leaf
Fleshy to medium body, ripe, open, even, clear finish, strong color intensity, spready, 20" or over in length, 90 percent uniform, and 10 percent injury tolerance.
 - B3FR Good Tannish-red Leaf
Fleshy to medium body, mature to ripe, firm to open, wavy to even, moderate finish and color intensity, narrow to normal width, 18" or over in length, 85 percent uniform, and 15 percent injury tolerance.
 - B4FR Fair Tannish-red Leaf
Fleshy to medium body, mature, firm, wavy, dull finish, weak color intensity, narrow, 16" or over in length, 80 percent uniform, and 20 percent injury tolerance.
 - B5FR Low Tannish-red Leaf
Fleshy to medium body, mature, firm, wrinkly, dingy finish, pale color intensity, stringy, 16" or over in length, 70 percent uniform, and 30 percent injury tolerance.
 - B1R Choice Red Leaf
Heavy to fleshy, ripe, firm to open, even, clear finish, deep color intensity, spready, 20" or over in length, 95 percent uniform, and 5 percent injury tolerance.
 - B2R Fine Red Leaf
Heavy to fleshy, ripe, firm to open, wavy, clear finish, strong color intensity, spready, 20" or over in length, 90 percent uniform, and 10 percent injury tolerance.
 - B3R Good Red Leaf
Heavy to fleshy, mature to ripe, firm, wrinkly to wavy, moderate finish and color intensity, narrow to normal width, 18" or over in length, 85 percent uniform, and 15 percent injury tolerance.
 - B4R Fair Red Leaf
Heavy to fleshy, mature, close to firm, wrinkly, dull finish, weak color intensity, narrow, 16" or over in length, 80 percent uniform, and 20 percent injury tolerance.

RULES AND REGULATIONS

U.S.
Grades Grade Names and Specifications

B5R	Low red Leaf Heavy to fleshy, mature, close, rough, dingy finish, pale color intensity, stringy, 16" or over in length, 70 percent uniform, and 30 percent injury tolerance.
B4D	Fair Dark-red Leaf Heavy to fleshy, mature, close, wrinkly, dull finish, weak color intensity, narrow, 16" or over in length, 80 percent uniform, and 20 percent injury tolerance.
B5D	Low Dark-red Leaf Heavy to fleshy, underripe to mature, solid, rough, dingy finish, pale color intensity, stringy, 16" or over in length, 70 percent uniform, and 30 percent injury tolerance.
B3K	Good Variegated Leaf Fleshy to medium body, mature to ripe, firm to open, wrinkly to wavy, narrow to normal width, 18" or over in length, 85 percent uniform, and 15 percent injury tolerance.
B4K	Fair Variegated Leaf Fleshy, mature, close to firm, wrinkly, narrow, 16" or over in length, 80 percent uniform, and 20 percent injury tolerance.
B5K	Low Variegated Leaf Heavy to fleshy, underripe to mature, solid to close, rough, stringy, 16" or over in length, 70 percent uniform, and 30 percent injury tolerance.
B3M	Good Mixed Color Leaf Fleshy to medium body, mature to ripe, firm to open, wavy to even, moderate finish and color intensity, narrow to normal width, 18" or over in length, 85 percent uniform, and 15 percent injury tolerance.
B4M	Fair Mixed Color Leaf Fleshy to medium body, mature to ripe, firm to open, wavy, dull finish, weak color intensity, narrow, 16" or over in length, 80 percent uniform, and 20 percent injury tolerance.
B5M	Low Mixed Color Leaf Fleshy to medium body, underripe to mature, firm to open, wrinkly, dingy finish, pale color intensity, stringy, 16" or over in length, 70 percent uniform, and 30 percent injury tolerance.
B3VF	Good Greenish-tan Leaf Medium body, underripe, firm to open, wavy to even, moderate finish, narrow to normal width, 18" or over in length, 85 percent uniform, and 15 percent injury tolerance.
B4VF	Fair Greenish-tan Leaf Medium body, underripe, close to firm, wavy, dull finish, narrow, 16" or over in length, 80 percent uniform, and 20 percent injury tolerance.
B5VF	Low Greenish-tan Leaf Medium body, underripe, close, wrinkly, dingy finish, stringy, 16" or over in length, 70 percent uniform, and 30 percent injury tolerance.
B3VR	Good Greenish-red Leaf Heavy to fleshy, underripe, firm, wrinkly to wavy, moderate finish, narrow to normal width, 18" or over in length, 85 percent uniform, and 15 percent injury tolerance.
B4VR	Fair Greenish-red Leaf Heavy to fleshy, underripe, close to firm, wrinkly, dull finish, narrow, 16" or over in length, 80 percent uniform, and 20 percent injury tolerance.
B5VR	Low Greenish-red Leaf Heavy to fleshy, underripe, close, rough, dingy finish, stringy, 16" or over in length, 70 percent uniform, and 30 percent injury tolerance.

U.S.
Grades Grade Names and Specifications

B3GF	Good Green-tan Leaf Fleshy to medium body, immature, firm to open, wrinkly to wavy, moderate finish, narrow to normal width, 18" or over in length, 85 percent uniform, and 15 percent injury tolerance.
B4GF	Fair Green-tan Leaf Fleshy to medium body, immature, close to firm, wrinkly, dull finish, narrow, 16" or over in length, 80 percent uniform, and 20 percent injury tolerance.
B5GF	Low Green-tan Leaf Fleshy to medium body, immature, close, rough, dingy finish, stringy, 16" or over in length, 70 percent uniform, and 30 percent injury tolerance.
B3GR	Good Green-red Leaf Heavy to fleshy, immature, close to firm, wrinkly to wavy, moderate finish, narrow to normal width, 18" or over in length, 85 percent uniform, and 15 percent injury tolerance.
B4GR	Fair Green-red Leaf Heavy to fleshy, immature, solid to close, wrinkly, dull finish, narrow width, 16" or over in length, 80 percent uniform, and 20 percent injury tolerance.
B5GR	Low Green-red Leaf Heavy to fleshy, immature, solid, rough, dingy finish, stringy, 16" or over in length, 70 percent uniform, and 30 percent injury tolerance.

§ 29.3154 Tips (T Group).

This group consists of leaves usually grown at the top of the stalk. These relatively narrow and sharp-pointed leaves have the general characteristics of B-Group tobacco. Tips have a slightly lower degree of maturity and leaf structure than other leaves on the stalk. (See rule 12.)

U.S.
Grades Grade Names and Specifications

T3F	Good Tan Tips Medium body, mature to ripe, firm to open, wavy to even, moderate finish and color intensity, narrow to normal width, under 16" in length, 85 percent uniform, and 15 percent injury tolerance.
T4F	Fair Tan Tips Medium body, mature, firm, wavy, dull finish, weak color intensity, narrow, under 16" in length, 80 percent uniform, and 20 percent injury tolerance.
T5F	Low Tan Tips Medium body, mature, firm, wrinkly, dingy finish, pale color intensity, stringy, under 16" in length, 70 percent uniform, and 30 percent injury tolerance.
T3FR	Good Tannish-red Tips Fleshy to medium body, mature to ripe, firm to open, wavy to even, moderate finish and color intensity, narrow to normal width, under 16" in length, 85 percent uniform, and 15 percent injury tolerance.
T4FR	Fair Tannish-red Tips Fleshy to medium body, mature, firm, wavy, dull finish, weak color intensity, narrow, under 16" in length, 80 percent uniform, and 20 percent injury tolerance.
T5FR	Low Tannish-red Tips Fleshy to medium body, mature, firm, wrinkly, dingy finish, pale color intensity, stringy, under 16" in length, 70 percent uniform, and 30 percent injury tolerance.

U.S.
Grades Grade Names and Specifications

T3R	Good Red Tips Heavy to fleshy, mature to ripe, firm, wrinkly to wavy, moderate finish and color intensity, narrow to normal width, under 16" in length, 85 percent uniform, and 15 percent injury tolerance.
T4R	Fair Red Tips Heavy to fleshy, mature, close to firm, wrinkly, dull finish, weak color intensity, narrow, under 16" in length, 80 percent uniform, and 20 percent injury tolerance.
T5R	Low Red Tips Heavy to fleshy, mature, close, rough, dingy finish, pale color intensity, stringy, under 16" in length, 70 percent uniform, and 30 percent injury tolerance.
T4D	Fair Dark-red Tips Heavy to fleshy, mature, close, wrinkly, dull finish, weak color intensity, narrow, under 16" in length, 80 percent uniform, and 20 percent injury tolerance.
T5D	Low Dark-red Tips Heavy to fleshy, underripe to mature, solid, rough, dingy finish, pale color intensity, stringy, under 16" in length, 70 percent uniform, and 30 percent injury tolerance.
T4K	Fair Variegated Tips Fleshy, mature, close to firm, wrinkly, narrow, under 16" in length, 80 percent uniform, and 20 percent injury tolerance.
T5K	Low Variegated Tips Heavy to fleshy, underripe to mature, solid to close, rough, stringy, under 16" in length, 70 percent uniform, and 30 percent injury tolerance.
T4VF	Fair Greenish-tan Tips Medium body, underripe, close to firm, wavy, dull finish, narrow, under 16" in length, 80 percent uniform, and 20 percent injury tolerance.
T5VF	Low Greenish-tan Tips Medium body, underripe, close, wrinkly, dingy finish, stringy, under 16" in length, 70 percent uniform, and 30 percent injury tolerance.
T4VR	Fair Greenish-red Tips Heavy to fleshy, underripe, close to firm, wrinkly, dull finish, narrow, under 16" in length, 80 percent uniform, and 20 percent injury tolerance.
T5VR	Low Greenish-red Tips Heavy to fleshy, underripe, close, rough, dingy finish, stringy, under 16" in length, 70 percent uniform, and 30 percent injury tolerance.
T4GF	Fair Green-tan Tips Fleshy to medium body, immature, close to firm, wrinkly, dull finish, narrow, under 16" in length, 80 percent uniform, and 20 percent injury tolerance.
T5GF	Low Green-tan Tips Fleshy to medium body, immature, close, rough, dingy finish, stringy, under 16" in length, 70 percent uniform, and 30 percent injury tolerance.
T4GR	Fair Green-red Tips Heavy to fleshy, immature, solid to close, wrinkly, dull finish, narrow, under 16" in length, 80 percent uniform, and 20 percent injury tolerance.
T5GR	Low Green-red Tips Heavy to fleshy, immature, solid, rough, dingy finish, stringy, under 16" in length, 70 percent uniform, and 30 percent injury tolerance.

§ 29.3155 Mixed (M Group).

This group consists of tobacco of distinctly different groups which are mixed together in various combinations.

- U.S. *Grade Names and Specifications*
- M3F Good Light Mixed Group
General quality of X3, C3, B3, T3, or better, medium to tissuey body, light general color, under 20 percent greenish, and 15 percent injury tolerance.
- M4F Fair Light Mixed Group
General quality of X4, C4, B4, T4, or better, medium to tissuey body, light general color, under 20 percent greenish, and 20 percent injury tolerance.
- M5F Low Light Mixed Group
General quality of X5, C5, B5, T5, or better, medium to tissuey body, light general color, under 20 percent greenish, and 30 percent injury tolerance.
- M3R Good Dark Mixed Group
General quality of X3, C3, B3, T3, or better, heavy to medium body, dark general color, under 20 percent green, and 15 percent injury tolerance.
- M4R Fair Dark Mixed Group
General quality of X4, C4, B4, T4, or better, heavy to medium body, dark general color, under 20 percent green, and 20 percent injury tolerance.
- M5R Low Dark Mixed Group
General quality of X5, C5, B5, T5, or better, heavy to medium body, dark general color, under 20 percent green, and 30 percent injury tolerance.

§ 29.3156 Nondescript (N Group).

Extremely common tobacco which does not meet the minimum specifications or which exceeds the tolerance of the lowest grade of any other group.

- U.S. *Grade Names and Specifications*
- N1L First Quality Light Colored Nondescript
Thin to tissuey body and 60 percent injury tolerance.
- N1F First Quality Medium Colored Nondescript
Fleshy to medium body and 60 percent injury tolerance.
- N1R First Quality Dark Colored Nondescript
Heavy to fleshy body and 60 percent injury tolerance.
- N1G First Quality Crude Green Nondescript
60 percent crudes leaves or injury tolerance.
- N2L Second Quality Light to Medium Colored Nondescript
Medium to tissuey body and over 60 percent injury tolerance.
- N2R Second Quality Medium to Dark Colored Nondescript
Heavy to medium body and over 60 percent injury tolerance.
- N2G Second Quality Crude Green Nondescript
Over 60 percent crude leaves or injury.

§ 29.3157 Scrap (S Group).

A by-product of unstemmed and stemmed tobacco. Scrap accumulates from handling tobacco in farm buildings, warehouses, packing and conditioning plants, and stemmeries.

- U.S. *Grade Name and Specifications*
- S Scrap
Loose, tangled, whole, or broken unstemmed leaves, or web portions of tobacco leaves reduced to scrap by any process.

SUMMARY OF STANDARD GRADES

§ 29.3181 Summary of standard grades.

17 Grades of Flyings

X1L	X1F	X3R	X4G
X2L	X2F	X4R	X5G
X3L	X3F	X5R	
X4L	X4F	X4M	
X5L	X5F	X5M	

24 Grades of Lugs or Cutters

C1L	C2F	C5R	C5M
C2L	C3F	C3K	C3V
C3L	C4F	C4K	C4V
C4L	C5F	C5K	C5V
C5L	C3R	C3M	C4G
C1F	C4R	C4M	C5G

35 Grades of Leaf

B1F	B5FR	B4K	B4VR
B2F	B1R	B5K	B5VR
B3F	B2R	B3M	B3GF
B4F	B3R	B4M	B4GF
B5F	B4R	B5M	B5GF
B1FR	B5R	B3VF	B3GR
B2FR	B4D	B4VF	B4GR
B3FR	B5D	B5VF	B5GR
B4FR	B3K	B3VR	

21 Grades of Tips

T3F	T3R	T5K	T5GF
T4F	T4R	T4VF	T4GR
T5F	T5R	T5VF	T5GR
T3FR	T4D	T4VR	
T4FR	T5D	T5VR	
T5FR	T4K	T4GF	

6 Grades of Mixed Group

M3F	M5F	M4R	
M4F	M3R	M5R	

7 Grades of Nondescript

N1L	N1F	N2R	N2G
N2L	N1R	N1G	

1 Grade of Scrap
S
Special factors "U" and "W" may be applied to all grades.
Tobacco not covered by the standard grades is designated by No.-G.

KEY TO STANDARD GRADEMARKS
§ 29.3182 Key to standard grademarks.

- Groups
- X—Flyings.
 - C—Lugs or Cutters.
 - B—Leaf.
 - T—Tips.
 - M—Mixed.
 - N—Nondescript.
 - S—Scrap.
- Qualities
- 1—Choice.
 - 2—Fine.
 - 3—Good.
 - 4—Fair.
 - 5—Low.
- Colors
- L—Buff.
 - F—Tan.
 - FR—Tannish red.
 - R—Red.
 - D—Dark red.
 - K—Variegated.
 - M—Mixed.
 - V—Greenish.
 - VF—Greenish tan.
 - VR—Greenish red.
 - G—Green.
 - GF—Green tan.
 - GR—Green red.

(49 Stat. 734; 7 U.S.C. 511m)

Done at Washington, D.C., this 26th day of October 1959.

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

[F.R. Doc. 59-9166; Filed, Oct. 28, 1959; 8:52 a.m.]

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

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

Subpart—United States Standards for Grades of Dehydrated, Low-Moisture Peaches¹

On May 16, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 3998) regarding a proposed issuance of the United States Standards for Grades of Dehydrated, Low-Moisture Peaches.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Dehydrated, Low-Moisture Peaches 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).

Sec.	PRODUCT DESCRIPTION, MOISTURE, STYLES, GRADES
52.3911	Product description.
52.3912	Moisture of low-moisture peaches.
52.3913	Styles of low-moisture peaches.
52.3914	Grades of low-moisture peaches.

Sec.	FACTORS OF QUALITY
52.3915	Ascertaining the grade.
52.3916	Ascertaining the rating for the factors which are scored.
52.3917	Color.
52.3918	Uniformity of size.
52.3919	Absence of defects.
52.3920	Texture.

Sec.	EXPLANATIONS AND METHODS OF ANALYSES
52.3921	Explanations of methods and analyses.

Sec.	LOT INSPECTION AND CERTIFICATION
52.3922	Ascertaining the grade of a lot.

Sec.	SCORE SHEET
52.3923	Score sheet for low-moisture peaches.

AUTHORITY: §§ 52.3911 to 52.3923 issued under secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627.

PRODUCT DESCRIPTION, MOISTURE, STYLES, AND GRADES

§ 52.3911 Product description.

Dehydrated, low-moisture peaches, hereinafter referred to as "low-moisture peaches", are prepared from clean and sound fresh or previously dried peaches which are cut, chopped, or otherwise prepared into various sizes and shapes; are prepared to assure a clean, sound, wholesome product; are processed by dehydration whereby practically all of the moisture is removed to produce a very dry texture; and are packaged (including kind of container and proper closure) to assure retention of the low-moisture characteristics of the product. The

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.

product shall have been subjected to sulfur treatment sufficiently to retain a characteristic color but no other additives may be present.

§ 52.3912 Moisture of low-moisture peaches.

The moisture content of the finished product shall be not more than the following for the respective styles:

- Nugget-type—3.0 percent.
- Pieces—3.0 percent.
- Dices—5.0 percent.
- Sliced—5.0 percent.

§ 52.3913 Styles of low-moisture peaches.

(a) *Nugget-type*. "Nugget-type" is especially processed to produce popcorn-like or foam-textured units of irregular-shapes of such size that practically all of the units will pass through 0.625 inch ($\frac{5}{8}$ inch) square openings.

(b) *Pieces*. "Pieces" consist of irregularly-shaped cut or chopped pieces of such size that practically all of the units will pass through 0.625 inch ($\frac{5}{8}$ inch) square openings.

(c) *Diced*. "Diced" consists of predominantly partial cube-shaped units with a square dimension on one surface of such units.

(d) *Slices*. "Slices" consist of predominantly parallel-cut strips of irregular shapes and thicknesses.

§ 52.3914 Grades of low-moisture peaches.

(a) "U.S. Grade A" (or "U.S. Fancy") low-moisture peaches is the quality of low-moisture peaches that possess a normal flavor and odor, that possess a good color, that are reasonably uniform in size, that are practically free from defects, that possess a good texture; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 85 points: *Provided*, That the low-moisture peaches may be fairly uniform in size and may possess a reasonably good texture if the total score is not less than 85 points.

(b) "U.S. Grade B" (or "U.S. Choice") low-moisture peaches is the quality of low-moisture peaches that possess a normal flavor and odor, that possess a reasonably good color, that are fairly uniform in size, that are reasonably free from defects, that possess a reasonably good texture; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 70 points: *Provided*, That the low-moisture peaches may vary in uniformity of size, if the total score is not less than 70 points.

(c) "Substandard" low-moisture peaches is the quality of low-moisture peaches that fail to meet the requirements of U.S. Grade B.

FACTORS OF QUALITY

§ 52.3915 Ascertaining the grade.

In addition to considering other requirements outlined in the standards, the following quality factors are evaluated:

(a) *Factors not rated by score points*.
(1) Flavor and odor.

(b) *Factors rated by score points*. (1) 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:

	Points
(i) Color.....	20
(ii) Uniformity of size.....	20
(iii) Absence of defects.....	40
(iv) Texture.....	20
<hr/>	
Total score.....	100

(2) The factors of flavor and odor, color, certain defects as may be applicable, and texture are ascertained upon the low-moisture peaches and the cooked product as specified in this subpart.

(c) *Flavor and odor*. "Normal flavor and odor" means that the low-moisture peaches and the cooked product possess a characteristic flavor and odor that is free from objectionable flavors or objectionable odors of any kind. A flavor and odor in the low-moisture peaches indicative of proper sulfur treatment is not considered objectionable unless after cooking the flavor is objectionable from such detectable cause.

§ 52.3916 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, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.3917 Color.

(a) (A) *classification*. Low-moisture peaches that possess a good color may be given a score of 17 to 20 points. "Good color" means that the over-all color is characteristic for the product and respective style ranging from deep rich yellow or yellow-orange to deeper orange-amber among the units and within individual units and is reasonably uniform; and that such characteristic color, upon cooking, is a reasonably bright color typical of cooked low-moisture peaches that have been properly prepared and processed.

(b) (B) *classification*. If the low-moisture peaches possess a reasonably good color, a score of 14 to 16 points may be given. Low-moisture peaches that fall 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 over-all color may vary considerably ranging from slightly dull yellow or slightly dull yellow-orange to darker orange and dark amber; and that such characteristic color, upon cooking, may be slightly dull but is typical of cooked low-moisture peaches that have been properly prepared and processed.

(c) (SStd) *classification*. Low-moisture peaches that fail to meet the requirements of paragraph (b) 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).

§ 52.3918 Uniformity of size.

(a) (A) *classification*. Low-moisture peaches that are reasonably uniform in size may be given a score of 17 to 20 points. "Reasonably uniform in size" has the following meanings for the respective styles:

(1) *Nugget-type; pieces*. Practically all of the units are of such size and shape as to pass through 0.625 ($\frac{5}{8}$ inch) square openings and not more than 10 percent, by weight, of the low-moisture peaches may pass through meshes of a U.S. Standard No. 8 sieve (0.0937-inch, ± 3 percent, square openings).

(2) *Diced*. Practically all of the units, except for fine pieces, are definite partial cube-shapes and not less than 60 percent, by weight, of the low-moisture peaches approximate cube-shapes of $\frac{1}{4}$ inch to $\frac{1}{2}$ inch square on one surface dimension; and not more than 5 percent, by weight, of the low-moisture peaches may pass through meshes of a U.S. Standard No. 8 sieve (0.0937-inch, ± 3 percent, square openings).

(3) *Slices*. Practically all of the units, except for small pieces, are definite parallel-cut strips and not less than 70 percent, by weight, of the low-moisture peaches approximate $\frac{1}{4}$ inch to $\frac{1}{2}$ inch in width and approximate $\frac{3}{4}$ inch or more in length; and not more than 5 percent, by weight, of the low-moisture peaches may pass through meshes of a U.S. Standard No. 8 sieve (0.0937-inch, ± 3 percent, square openings).

(b) (B) *classification*. If the low-moisture peaches are fairly uniform in size, a score of 14 to 16 points may be given. "Fairly uniform in size" has the following meanings for the respective styles:

(1) *Nugget-type; pieces*. Practically all of the units are of such size and shape as to pass through 0.625 ($\frac{5}{8}$ -inch) square openings and not more than 25 percent, by weight, of the low-moisture peaches may pass through meshes of a U.S. Standard No. 8 sieve (0.0937-inch, ± 3 percent, square openings).

(2) *Diced*. Practically all of the units, except for fine pieces, are definite partial cube-shapes and not less than 40 percent, by weight, of the dehydrated peaches approximate cube-shapes of $\frac{1}{4}$ inch to $\frac{1}{2}$ inch square on one surface dimension; and not more than 10 percent, by weight, of the low-moisture peaches may pass through meshes of a U.S. Standard No. 8 sieve (0.0937-inch, ± 3 percent, square openings).

(3) *Slices*. Practically all of the units, except for small pieces, are definite parallel-cut strips of varying lengths; and not less than 50 percent, by weight, of the low-moisture peaches approximate $\frac{1}{4}$ inch to $\frac{1}{2}$ inch in width; and not more than 10 percent, by weight, of the low-moisture peaches may pass through meshes of a U.S. Standard No. 8 sieve (0.0937-inch, ± 3 percent, square openings).

(c) (SStd) *classification*. Low-moisture peaches that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above

U.S. Grade B, regardless of the total score for the product (this is a partial limiting rule).

§ 52.3919 Absence of defects.

(a) *General.* The factor of absence of defects refers to the degree of freedom from damaged and seriously damaged units and from other defects or injury that affect the appearance or eating quality of the units or product.

(b) *Definitions.* (1) "Damaged units" are units that possess defects which materially affect the appearance of the low-moisture peaches and are of such nature that they may or may not disappear upon cooking and include, but are not limited to:

(i) Units that are definitely mechanically damaged other than from preparation by cutting or chopping; and

(ii) Units that possess scars, blemishes, insect injury, or other abnormality.

(2) "Seriously damaged units" include units that are seriously darkened (very dark brown to black) or which in any other way seriously affect the appearance of the low-moisture peaches and that the damage is of such nature that it does not disappear upon cooking.

(c) (A) *classification.* Low-moisture peaches that are practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that the low-moisture peaches are practically free from any defects that affect more than slightly the appearance or eating quality either in the low-moisture peaches or after cooking; and that not more than a total of 5 percent, by weight, of the low-moisture peaches may be damaged units: *Provided*, That not more than 2 percent, by weight, of the low-moisture peaches may be seriously damaged units.

(d) (B) *classification.* If the low-moisture peaches are reasonably free from defects, a score of 28 to 33 points may be given. Low-moisture peaches that fall 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 low-moisture peaches are reasonably free from any defects that affect materially the appearance or eating quality either in the low-moisture peaches or after cooking; and that not more than a total of 10 percent, by weight, of the low-moisture peaches may be damaged units: *Provided*, That not more than 4 percent, by weight, of the low-moisture peaches may be seriously damaged units.

(e) (SStd) *classification.* Low-moisture peaches that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3920 Texture.

(a) (A) *classification.* Low-moisture peaches that possess a good texture may be given a score of 17 to 20 points. "Good texture" means with respect to the low-moisture peaches that the units may vary in texture from partially pliable to brittle but are otherwise reasonably uni-

form in texture; and, after cooking in accordance with the method outlined in this subpart, meet the following requirements for the applicable style:

(1) *Nugget-type.* The cooked mass has a reasonably uniform texture and finish that is coarse or grainy without practically any hard particles.

(2) *Pieces.* The cooked product is practically free from hard, firm, or tough units and there is no more than moderate disintegration except for fine pieces that may have been present.

(3) *Diced.* The cooked product is practically free from hard or tough units and substantially retain the semblance of diced peaches except for small pieces or odd-shaped pieces that may have been present.

(4) *Slices.* The cooked product is practically free from hard or tough units and substantially retains the semblance of strips of peaches except for small pieces or odd-shaped pieces that may have been present.

(b) (B) *classification.* If the low-moisture peaches possess a reasonably good texture, a score of 14 to 16 points may be given. "Reasonably good texture" means with respect to the low-moisture peaches that the units may vary in texture from partially pliable to brittle and may lack uniformity of texture; and, after cooking in accordance with the method outlined in this subpart, meet the following requirements for the applicable style:

(1) *Nugget-type.* The cooked mass has a fairly uniform texture and finish that may range from fine and grainy to coarse and grainy; and hard particles may be noticeable but not objectionable.

(2) *Pieces.* The cooked product is fairly free from hard, firm, or tough units and may disintegrate generally into a coarse, saucelike consistency.

(3) *Diced.* The cooked product is fairly free from hard or tough units and consists of substantial amounts of diced peach pieces intermingled with a slight amount of mushiness from small pieces which may have been present.

(4) *Slices.* The cooked product is fairly free from hard or tough units and consists of substantial amounts of strips of peaches intermingled with a slight amount of mushiness from small pieces which may have been present.

(c) (SStd) *classification.* Low-moisture peaches that fail to meet the requirements of paragraph (b) 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).

EXPLANATIONS AND METHODS OF ANALYSES

§ 52.3921 Explanations of methods and analyses.

(a) *Moisture method.* "Moisture" in low-moisture peaches is determined in accordance with the official method applicable to dried fruits as outlined in the "Official Methods of Analysis of the Association of Official Agricultural Chemists" or in accordance with methods which produce equivalent results.

(b) *Cooking procedure—(1) General.* The cooking procedures that follow are

not intended to be a recipe for purposes of food preparation but are for the purposes of ascertaining compliance with requirements for applicable quality factors as outlined in this subpart.

(2) *Method.* Add 50 grams of low-moisture peaches to 400 ml. of water, bring to a boil, and simmer with only gentle and occasional stirring for the time specified for the respective styles:

(i) *Nugget-type; pieces.* Simmer for 15 minutes.

(ii) *Diced; sliced.* Simmer for 25 minutes.

(c) *Screening method.* The technique for ascertaining compliance with the requirements in all styles for particles that pass through a U.S. Standard No. 8 sieve is as follows:

(1) *Nugget-type; pieces; diced; slices.*

(i) Place a 100 gram representative sample of the low-moisture peaches on a U.S. Standard No. 8, 8-inch diameter, full-height sieve to which a bottom pan has been attached;

(ii) Place the assembly on a smooth level surface and with a steady, fairly rapid sieving motion, move the assembly approximately 20 inches in a straight line and return to its original position, repeating the movement 20 times;

(iii) Weigh the fine material sifted through to the bottom pan and, on the basis of the original sample, calculate the percentage which passed through the No. 8 sieve.

LOT INSPECTION AND CERTIFICATION

§ 52.3922 Ascertaining the grade of a lot.

The grade of a lot of low-moisture peaches covered by these standards is determined by 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

§ 52.3923 Score sheet for low-moisture peaches.

Size and kind of container.....	-----
Container mark or identification.....	-----
Label (including statement of sulfur content).....	-----
Net Weight.....	-----
Moisture content (percent).....	-----
Style.....	-----

Factors	Score points
Color.....	20 (A) 17-20 (B) 14-16 (SStd) 10-13
Uniformity of size.....	20 (A) 17-20 (B) 14-16 (SStd) 10-13
Absence of defects.....	40 (A) 34-40 (B) 12-33 (SStd) 10-27
Texture.....	20 (A) 17-20 (B) 14-16 (SStd) 10-13
Total score.....	100

Flavor and odor () Normal () Off.....	-----
Grade.....	-----

¹ Indicates limiting rule.

² Indicates partial limiting rule.

The United States Standards for Grades of Dehydrated, Low-moisture Peaches (which is the first issue) contained in this subpart shall become ef-

fective 30 days after the date of publication hereof in the FEDERAL REGISTER.

Dated: October 26, 1959.

Roy W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 59-9164; Filed, Oct. 28, 1959;
8:51 a.m.]

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

Subpart—United States Standards for Grades of Dehydrated, Low-Moisture Apricots¹

On May 16, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 3996) regarding a proposed issuance of the United States Standards for Grades of Dehydrated, Low-Moisture Apricots.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Dehydrated, Low-Moisture Apricots 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):

which are cut, chopped, or otherwise prepared into various sizes and shapes; are prepared to assure a clean, sound, wholesome product; are processed by dehydration whereby practically all of the moisture is removed to produce a very dry texture; and are packaged (including kind of container and proper closure) to assure retention of the low-moisture characteristics of the product. The product shall have been subjected to sulfur treatment sufficiently to retain a characteristic color but no other additives may be present.

§ 52.3872 Moisture of low-moisture apricots.

The moisture content of the finished product shall be not more than the following for the respective styles:

- Nugget-type—3.5 percent.
- Pieces—3.5 percent.
- Diced—5.0 percent.
- Sliced—5.0 percent.

§ 52.3873 Styles of low-moisture apricots.

(a) *Nugget-type*. "Nugget-type" is especially processed to produce popcorn-like or foam-textured units of irregular-shapes of such size that practically all of the units will pass through 0.625 inch (5/8-inch) square openings.

(b) *Pieces*. "Pieces" consist of irregularly-shaped cut or chopped pieces of such size that practically all of the units will pass through 0.625 inch (5/8-inch) square openings.

(c) *Diced*. "Diced" consists of predominantly partial cube-shaped units with a square dimension on one surface of such units.

(d) *Slices*. "Slices" consist of predominantly parallel-cut strips of irregular shapes and thicknesses.

§ 52.3874 Grades of low-moisture apricots.

(a) "U.S. Grade A" (or "U.S. Fancy") low-moisture apricots is the quality of low-moisture apricots that possess a normal flavor and odor, that possess a good color, that are reasonably uniform in size, that are practically free from defects, that possess a good texture; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 85 points: *Provided*, That the low-moisture apricots may be fairly uniform in size and may possess a reasonably good texture, if the total score is not less than 85 points.

(b) "U.S. Grade B" (or "U.S. Choice") low-moisture apricots is the quality of low-moisture apricots that possess a normal flavor and odor, that possess a reasonably good color, that are fairly uniform in size, that are reasonably free from defects, that possess a reasonably good texture; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 70 points: *Provided*, That the low-moisture apricots may vary in uniformity of size, if the total score is not less than 70 points.

(c) "Substandard" low-moisture apricots is the quality of low-moisture apricots that fail to meet the requirements of U.S. Grade B.

FACTORS OF QUALITY

§ 52.3875 Ascertaining the grade.

In addition to considering other requirements outlined in the standards, the following quality factors are evaluated:

(a) *Factors not rated by score points.*
(1) Flavor and odor.

(b) *Factors rated by score points.* (1) 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	40
(iv) Texture	20

Total score..... 100

(2) The factors of flavor and odor, color, certain defects as may be applicable, and texture are ascertained upon the low-moisture apricots and the cooked product as specified in this subpart.

(c) *Flavor and odor*. "Normal flavor and odor" means that the low-moisture apricots and the cooked product possess a characteristic flavor and odor that is free from objectionable flavors or objectionable odors of any kind. A flavor and odor in the low-moisture apricots indicative of proper sulfur treatment is not considered objectionable unless after cooking the flavor is objectionable from such detectable cause.

§ 52.3876 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, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.3877 Color.

(a) (A) *classification*. Low-moisture apricots that possess a good color may be given a score of 17 to 20 points. "Good color" means that the over-all color is characteristic for the product and respective style ranging from bright reddish-orange to bright orange-amber among the units and within individual units and is reasonably uniform; and that such characteristic color, upon cooking, is a reasonably bright color typical of cooked low-moisture apricots that have been properly prepared and processed.

(b) (B) *classification*. If the low-moisture apricots possess a reasonably good color, a score of 14 to 16 points may be given. Low-moisture apricots that fall 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 overall color may vary considerably ranging from slightly dull orange to dull amber; and that such characteristic color, upon cooking, may be slightly dull but is typical of cooked low-moisture apricots that have been properly prepared and processed.

PRODUCT DESCRIPTION, MOISTURE, STYLES, GRADES

Sec.	Product description.
52.3871	Product description.
52.3872	Moisture of low-moisture apricots.
52.3873	Styles of low-moisture apricots.
52.3874	Grades of low-moisture apricots.

FACTORS OF QUALITY

52.3875	Ascertaining the grade.
52.3876	Ascertaining the rating for the factors which are scored.
52.3877	Color.
52.3878	Uniformity of size.
52.3879	Absence of defects.
52.3880	Texture.

EXPLANATIONS AND METHODS OF ANALYSES

52.3881	Explanations of methods and analyses.
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LOT INSPECTION AND CERTIFICATION

52.3882	Ascertaining the grade of a lot.
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SCORE SHEET

52.3883	Score sheet for low-moisture apricots.
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AUTHORITY: §§ 52.3871 to 52.3883 issued under secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627.

PRODUCT DESCRIPTION, MOISTURE, STYLES, AND GRADES

§ 52.3871 Product description.

Dehydrated low-moisture apricots, hereinafter referred to as "low-moisture apricots" are prepared from clean and sound fresh or previously dried apricots

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.

(c) (*SStd*) classification. Low-moisture apricots that fail to meet the requirements of paragraph (b) 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).

§ 52.3878 Uniformity of size.

(a) (*A*) classification. Low-moisture apricots that are reasonably uniform in size may be given a score of 17 to 20 points. "Reasonably uniform in size" has the following meanings for the respective styles:

(1) *Nugget-type; pieces*. Practically all of the units are of such size and shape as to pass through 0.625 ($\frac{5}{8}$ -inch) square openings and not more than 10 percent, by weight, of the low-moisture apricots may pass through meshes of a U.S. Standard No. 8 sieve (0.0937-inch, ± 3 percent, square openings).

(2) *Diced*. Practically all of the units, except for fine pieces, are definite partial cube-shapes and not less than 60 percent, by weight, of the low-moisture apricots approximate cube-shapes of $\frac{1}{4}$ inch to $\frac{1}{2}$ inch square on one surface dimension; and not more than 5 percent, by weight, of the low-moisture apricots may pass through meshes of a U.S. Standard No. 8 sieve (0.0937-inch, ± 3 percent, square openings).

(3) *Slices*. Practically all of the units, except for small pieces, are definite parallel-cut strips and not less than 70 percent, by weight, of the dehydrated apricots approximate $\frac{1}{4}$ inch to $\frac{1}{2}$ inch in width and approximate $\frac{3}{4}$ inch or more in length; and not more than 5 percent, by weight, of the low-moisture apricots may pass through meshes of a U.S. Standard No. 8 sieve (0.0937-inch, ± 3 percent, square openings):

(b) (*B*) classification. If the low-moisture apricots are fairly uniform in size, a score of 14 to 16 points may be given. "Fairly uniform in size" has the following meanings for the respective styles:

(1) *Nugget-type; pieces*. Practically all of the units are of such size and shape as to pass through 0.625 ($\frac{5}{8}$ -inch) square openings and not more than 25 percent, by weight, of the low-moisture apricots may pass through meshes of a U.S. Standard No. 8 sieve (0.0937-inch, ± 3 percent, square openings).

(2) *Diced*. Practically all of the units, except for fine pieces, are definite partial cube-shapes and not less than 40 percent, by weight, of the dehydrated apricots approximate cube-shapes of $\frac{1}{4}$ inch to $\frac{1}{2}$ inch square on one surface dimension; and not more than 10 percent, by weight, of the low-moisture apricots may pass through meshes of a U.S. Standard No. 8 sieve (0.0937-inch, ± 3 percent, square openings).

(3) *Slices*. Practically all of the units, except for small pieces, are definite parallel-cut strips of varying lengths; and not less than 50 percent, by weight, of the low-moisture apricots approximate $\frac{1}{4}$ inch to $\frac{1}{2}$ inch in width; and not more than 10 percent, by weight, of the low-moisture apricots may pass through meshes of a U.S. Standard No. 8

sieve (0.0937-inch, ± 3 percent, square openings).

(c) (*SStd*) classification. Low-moisture apricots that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a partial limiting rule).

§ 52.3879 Absence of defects.

(a) *General*. The factor of absence of defects refers to the degree of freedom from damaged and seriously damaged units and from other defects or injury that affect the appearance or eating quality of the units or product.

(b) *Definitions*. (1) "Damaged units" are units that possess defects which materially affect the appearance of the low-moisture apricots and are of such nature that they may or may not disappear upon cooking and include, but are not limited to:

(i) Units that are definitely mechanically damaged other than from preparation by cutting or chopping; and

(ii) Units that possess scars, blemishes, insect injury, or other abnormality.

(2) "Seriously damaged units" include units that are seriously darkened (very dark brown to black) or which in any other way seriously affect the appearance of the low-moisture apricots and that the damage is of such nature that it does not disappear upon cooking.

(c) (*A*) classification. Low-moisture apricots that are practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that the low-moisture apricots are practically free from any defects that affect more than slightly the appearance or eating quality either in the low-moisture apricots or after cooking; and that not more than a total of 5 percent, by weight, of the low-moisture apricots may be damaged units: *Provided*, That not more than 2 percent, by weight, of the low-moisture apricots may be seriously damaged units.

(d) (*B*) classification. If the low-moisture apricots are reasonably free from defects, a score of 28 to 33 points may be given. Low-moisture apricots that fall 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 low-moisture apricots are reasonably free from any defects that affect materially the appearance or eating quality either in the low-moisture apricots or after cooking; and that not more than a total of 10 percent, by weight, of the low-moisture apricots may be damaged units; *Provided*, That not more than 4 percent, by weight, of the low-moisture apricots may be seriously damaged units.

(e) (*SStd*) classification. Low-moisture apricots that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3880 Texture.

(a) (*A*) classification. Low-moisture apricots that possess a good texture may

be given a score of 17 to 20 points. "Good texture" means with respect to the low-moisture apricots that the units may vary in texture from partially pliable to brittle but are otherwise reasonably uniform in texture; and, after cooking in accordance with the method outlined in this subpart, meet the following requirements for the applicable style:

(1) *Nugget-type*. The cooked mass has a reasonably uniform texture and finish that is coarse or grainy without practically any hard particles.

(2) *Pieces*. The cooked product is practically free from hard, firm, or tough units and there is no more than moderate disintegration except for fine pieces that may have been present.

(3) *Diced*. The cooked product is practically free from hard or tough units and substantially retains the semblance of diced apricots except for small pieces or odd-shaped pieces that may have been present.

(4) *Slices*. The cooked product is practically free from hard or tough units and substantially retains the semblance of strips of apricots except for small pieces or odd-shaped pieces that may have been present.

(b) (*B*) classification. If the low-moisture apricots possess a reasonably good texture, a score of 14 to 16 points may be given. "Reasonably good texture" means with respect to the low-moisture apricots that the units may vary in texture from partially pliable to brittle and may lack uniformity of texture; and, after cooking in accordance with the method outlined in this subpart, meet the following requirements for the applicable style:

(1) *Nugget-type*. The cooked mass has a fairly uniform texture and finish that may range from fine and grainy to coarse and grainy; and hard particles may be noticeable but not objectionable.

(2) *Pieces*. The cooked product is fairly free from hard, firm, or tough units and may disintegrate generally into a coarse, saucelike consistency.

(3) *Diced*. The cooked product is fairly free from hard or tough units and consists of substantial amounts of diced apricot pieces intermingled with a slight amount of mushiness from small pieces which may have been present.

(4) *Slices*. The cooked product is fairly free from hard or tough units and consists of substantial amounts of strips of apricots intermingled with a slight amount of mushiness from small pieces which may have been present.

(c) (*SStd*) classification. Low-moisture apricots that fail to meet the requirements of paragraph (b) 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).

EXPLANATION AND METHODS OF ANALYSES

§ 52.3881 Explanations of methods and analyses.

(a) *Moisture method*. "Moisture" in low-moisture apricots is determined in accordance with the official method applicable to dried fruits as outlined in the "Official Methods of Analysis of the Association of Official Agricultural Chem-

RULES AND REGULATIONS

ists" or in accordance with methods which produce equivalent results.

(b) *Cooking procedure*—(1) *General*. The cooking procedures that follow are not intended to be a recipe for purposes of food preparation but are for the purposes of ascertaining compliance with requirements for applicable quality factors as outlined in this subpart.

(2) *Method*. Add 50 grams of low-moisture apricots to 400 ml. of water, bring to a boil, and simmer with only gentle and occasional stirring for the time specified for the respective styles:

(i) *Nugget-type; pieces*. Simmer for 15 minutes.

(ii) *Diced; sliced*. Simmer for 25 minutes.

(c) *Screening method*. The technique for ascertaining compliance with the requirements in all styles for particles that pass through a U.S. Standard No. 8 sieve is as follows:

(1) *Nugget-type; pieces; diced; slices*. (i) Place a 100-gram representative sample of the low-moisture apricots on a U.S. Standard No. 8, 8-inch diameter, full-height sieve to which a bottom pan has been attached;

(ii) Place the assembly on a smooth level surface and with a steady, fairly rapid sieving motion, move the assembly approximately 20 inches in a straight line and return to its original position, repeating the movement 20 times;

(iii) Weigh the fine material sifted through to the bottom pan and, on the basis of the original sample, calculate the percentage which passed through the No. 8 sieve.

LOT INSPECTION AND CERTIFICATION

§ 52.3882 Ascertaining the grade of a lot.

The grade of a lot of low-moisture apricots covered by these standards is determined by 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

§ 52.3883 Score sheet for low-moisture apricots.

Factors		Score points	
Color.....	20	(A) 17-20 (B) 14-16 (SStd) 10-13	
Uniformity of size.....	20	(A) 17-20 (B) 14-16 (SStd) 10-13	
Absence of defects.....	40	(A) 34-40 (B) 28-33 (SStd) 10-27	
Texture.....	20	(A) 17-20 (B) 14-16 (SStd) 10-13	
Total score.....	100		
Flavor and odor () Normal () Off.....			
Grade.....			

¹ Indicates limiting rule.

² Indicates partial limiting rule.

The United States Standards for Grades of Dehydrated, Low-moisture

Apricots (which is the first issue) contained in this subpart shall become effective 30 days after the date of publication hereof in the FEDERAL REGISTER.

Dated: October 26, 1959.

Roy W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 59-9165; Filed, Oct. 28, 1959;
8:51 a.m.]

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

PART 904—MILK IN GREATER BOSTON, MASS., MARKETING AREA

PART 996—MILK IN SPRINGFIELD, MASS., MARKETING AREA

PART 999—MILK IN WORCESTER, MASS., MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the orders regulating the handling of milk in the Greater Boston, Massachusetts, marketing area (7 CFR Part 904), the Springfield, Massachusetts, marketing area (7 CFR Part 996), and the Worcester, Massachusetts, marketing area (7 CFR Part 999), it is hereby found and determined that:

(a) For the month of November 1959 all the provisions of § 904.48(b), § 996.48(b) and § 999.48(b) of the respective orders, except the provision "The supply-demand adjustment factor shall be" and the provision ".88" as they appear in subparagraph (4), no longer tend to effectuate the declared policy of the Act.

The supply-demand adjustor, as set forth in the sections of the respective orders referred to above, is intended to reflect in the computation of the New England basic Class I price for the current month the current regional supply-demand balance based on experience in the second and third preceding months as measured by conditions existing in the Greater Boston, Springfield, and Worcester markets. With the institution of regulation in the Southeastern New England and Connecticut markets there has been a shifting of supplies and sales as between the five New England markets which has resulted in an apparent shortening of the regional supply as measured by the present mechanics of the supply-demand adjustor.

On the basis of the evidence introduced at a public hearing held in Boston on April 14-15, 1959, it was concluded that, in fact, there had been no significant change in the actual supply-demand situation in the region. Accordingly, the supply-demand adjustment factor was held by suspension action at 0.90 for the pricing months of May through October.

Evidence received at the public hearing held at Boston on October 19-20, 1959 indicates that the Class I price level maintained by suspension of the supply-

demand adjustment factor to 0.90 since May 1959 has brought forth an adequate supply of milk to meet the fluid milk uses in the five markets. While other factors contained in the New England basic Class I price formula forecast a price increase for the month of November, the overall supply-demand relationship does not warrant such action. Use of a supply-demand adjustment factor of 0.88 for the month of November 1959 will provide for continuance of the same basic Class I price level as that which has resulted in an adequate supply of milk for the five markets during the preceding months of 1959.

Failure to suspend the provisions as herein provided would result in a Class I price for the month of November 1959 in the five New England Federal order markets higher than would otherwise prevail. Any price higher than that which will result from this action would be higher than necessary to provide an adequate supply of pure and wholesome milk, and would be higher than justified by the actual supply-demand situation.

Because of previous announcements that this public hearing will be reopened, amendment action based on this incomplete hearing record is not appropriate.

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are not practical, not necessary, and contrary to public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in each of the respective marketing areas.

Therefore, good cause exists for making this order applicable for the month of November 1959.

It is therefore ordered, That the aforesaid provisions of the aforesaid orders are hereby suspended effective upon issuance for the month of November 1959.

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

Issued at Washington, D.C., this 26th day of October 1959.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 59-9162; Filed, Oct. 28, 1959;
8:51 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

SUBCHAPTER D—SOIL AND WATER CONSERVATION LOANS

[FHA Instruction 442.4]

PART 354—PROCESSING LOANS TO ASSOCIATIONS

Miscellaneous Amendments

1. Section 354.1 in Title 6, Code of Federal Regulations (20 F.R. 7213) is revised to include a definition of the term

"private lender" as used in this part, and to read as follows:

§ 351.1 General.

Sections 354.1 to 354.10 set forth the procedures for making insured and direct Soil and Water Conservation loans to associations. The general policies and authorities are contained in Part 351 of this Chapter. The term "private lender" means any source of insured funds other than the insurance fund and funds made available under agreements entered into with State Rural Rehabilitation Corporations under section 2(f) of the Rural Rehabilitation Corporation Trust Liquidation Act.

2. Section 354.5(e) in Title 6, Code of Federal Regulations (20 F.R. 7214) is revised to prescribe the preparation of Form FHA-5, "Loan Authorization," and to read as follows:

§ 351.5 Later actions before loan approval.

(e) When a direct loan or a loan from the insurance fund will be made, Form FHA-5, "Loan Authorization," will be prepared as follows: An original and one copy of Form FHA-5 will be prepared for each advance in the amounts as indicated on Form FHA-23. The originals of each Form FHA-5 will be signed by the association officials on the same date. On each Form FHA-5, in the space for "Number of Installments," will be entered the number of installments in which the advance will be disbursed. In the space "First Installment Due" the next January 1 following the date of each particular advance as indicated on Form FHA-23 will be entered.

3. Section 354.7(c) in Title 6, Code of Federal Regulations (22 F.R. 9567) is revised to clarify the reference to insured loans made by a private lender, provide for a direct request for a check by the County Supervisor from a private lender when attestation of signature is not required, and to read as follows:

§ 351.7 Actions between approval and closing of loan.

(c) *Requesting loan check from private lender.* (1) For an insured loan by a private lender, the County Supervisor will prepare Form FHA-971, "Request for Check," and submit it to the State Director. If the lender does not require attestation of the County Supervisor's signature, Form FHA-971 may be delivered direct to the lender. Whenever the bank handling a supervised bank account will require the lender's personal check to clear before disbursing funds, the lender should be requested to furnish a certified or cashier's check. When suitable arrangements can be made with the lender, a bank draft may be used to obtain insured loan funds.

(2) For a loan with more than one advance, the County Supervisor will request the check for each subsequent advance by submitting Form FHA-971 in sufficient time so that the check will be issued on or about the proposed date of the advance. The County Supervisor will remind the lender, by appropriate

notation on Form FHA-971 submitted for each subsequent advance, to insert the date of the loan check in the column for that purpose in the table entitled "Schedule of Advances" on the reverse side of the note.

(3) When Form FHA-971 is received from the County Office, the State Office will check or enter the name and address of the lender and see that these entries are correct, attest the signature of the County Supervisor on the original of Form FHA-971, and forward the original Form FHA-971 to the lender.

(4) Upon request mailed to the Farmers Home Administration, U.S. Department of Agriculture, Washington 25, D.C., the lender will be furnished with a duplicate of the signature card of each employee of the State Office who is authorized to attest the signature of the County Supervisor on Form FHA-971.

4. Section 354.8 in Title 6, Code of Federal Regulations (20 F.R. 7214, 8535, 21 F.R. 4997, 22 F.R. 9569) is revised to prescribe a new type of promissory note and insurance endorsement to be used with insured loans, to make certain changes in processing insured loans, to establish the rate of the annual charge, to reorganize certain routines for clarification, and to read as follows:

§ 351.8 Loan closing.

A loan to an association will be closed in accordance with closing instructions as soon as possible after receiving the loan check. When the purchase of bonds of a statutory association is involved, the form of bonds will be developed in accordance with State statutes, the form will be submitted to the Administrator for approval and the loan will be closed in accordance with special instructions from the Administrator.

(a) *Authority to execute, file, and record legal instruments.* Properly bonded County Office employees are authorized to execute and file or record any legal instruments necessary to obtain or preserve security for association loans. This includes mortgages and similar lien instruments, as well as affidavits, acknowledgements, and other certifications when the mortgagee must execute such certification under State law.

(b) *Preparation of promissory note.* The note will be prepared and completed at the time of loan closing. Form FHA-218, "Promissory Note (Insured SW Loan for Association)," will be used for insured loans. Form FHA-521, "Promissory Note—Direct Soil and Water Conservation Loan for Associations," will be used for direct loans.

(1) The note will be executed by the association officials authorized by its Board of Directors to sign documents and instruments required for obtaining the loan. Any special instructions needed for the execution of the note will be furnished by the Farmer's Home Administration.

(2) The date of the note will be the date of the closing of the loan.

(3) The face amount of the note will be for the total amount of the loan, including all advances, as indicated on Form FHA-23.

(4) Payments on Soil and Water Conservation loans to associations will be scheduled in annual installments.

(i) For a direct loan or an insured loan by a private lender or from the insurance fund, if the borrower will not have sufficient funds to pay a full amortized installment prior to the first January 1 following the date of loan closing, the first installment may be for the amount equal to the interest to become due from the date of the note or, if more than one advance is involved, from the date of each advance to the next succeeding January 1. When one or more advances on the loan will be made after January 1 of the year following loan closing, the installment on each succeeding January 1 up to and including the January 1 following the last advance may be for an amount equal to interest that will accrue on the advances made, provided the association will be unable during such period to pay a full amortized installment on the entire loan. Thereafter, the annual amortized installments will be computed by multiplying the full amount of the loan by the factor for the number of years during which amortized installments are scheduled.

(ii) For a direct loan or an insured loan by a private lender, if the lender is agreeable, the first two installments or the first three installments may be for an amount equal to the interest only on the note in accordance with Part 351 of this Chapter, irrespective of whether the loan is made in one or more advances. When principal payments are deferred on a loan involving more than one advance, the period for which interest-only payments may be scheduled will not extend beyond the third January 1 following the date of loan closing. In case of deferment, annual amortized installments will be computed by multiplying the full amount of the loan by the factor for the number of years during which amortized installments will be scheduled.

(5) When a loan is closed between December 1 and January 1, the first installment will be collected at the time of loan closing.

(6) When the loan will be disbursed in more than one advance, the amount of each advance, including the first one, will be entered on the reverse side of the note, in the space entitled "Schedule of Advances." The date of the first advance will be the date of the loan closing. The date entered for each subsequent advance will be the estimated date on which it will be needed by the association. The date on which each subsequent advance was made will be the date of the loan check. The lender or Finance Office (for direct loan or a loan from the insurance fund) will enter on the original note the date of the loan check for each subsequent advance.

(7) For insured loans, other than those made from the insurance fund, the promissory note will be assigned to the lender simultaneously with loan closing. This will be done by endorsing the note over to the lender, using the form of endorsement on the reverse of the note. Form FHA-250, "Insurance Endorsement (Insured FO or SW Loan)," will

also be executed simultaneously with loan closing for delivery to the lender with the note. The rate of the annual charge to be inserted at the time of loan closing in paragraph 4 of Form FHA-250 is 1 percent.

(8) Each County Supervisor and each State Director is authorized to sign the endorsement on the reverse of the note and to execute Form FHA-250. The insurance endorsement constitutes the Government's contract of insurance of the loan.

(c) *Obtaining property insurance.* The association will provide insurance coverage at the time of loan closing in the amounts and types specified by the State Director in his approval memorandum.

(d) *Obtaining fidelity bonds.* At the time the loan check is delivered, the association will provide a fidelity bond covering the position entrusted with the receipt and disbursement of its funds and custody of any property. The amount of the bond will be at least equal to the maximum amount of money that the association will have on hand at any one time exclusive of loan funds deposited in a supervised bank account and loan checks endorsed directly to vendors. The association will pay the premium for the bond. The United States of America, as its interests may appear, will be named as an obligee in the bond. The fidelity bond may be obtained locally through an acceptable bonding company.

(e) *Payment of fees and costs.* Statutory fees and other charges for filing or recording mortgages or other legal instruments and notary and lien search fees incident to loan transactions will be paid by the association from its own funds or from the proceeds of the loan. Whenever cash is accepted by Farmers Home Administration personnel to be used to pay the filing or recording fees for security instruments, or the cost of making lien searches, Form FHA-385, "Acknowledgment of Payment for Recording and Lien Search Fees," will be executed.

(f) *Distribution of certain recorded documents.* The originals of the recorded deeds, easements, permits, certificates of water rights, leases, or other contracts and similar documents which are not required by the loan approval official to be held by the Farmers Home Administration will be returned to the officers of the association.

5. Section 354.9 in Title 6, Code of Federal Regulations (20 F.R. 7215) is revised to discontinue furnishing a copy of the note to the borrower, modify the regulations with respect to the different types of insured loans, reorganize the section for clarification, and to read as follows:

§ 354.9 Actions subsequent to loan closing.

(a) The real estate or chattel mortgages will be delivered to the recording office for recordation or filing, as appropriate. When the mortgage is recorded or filed, as appropriate, the County Supervisor will conform one copy with the original, including the recording or filing data showing the date and place of recordation and the book and page num-

ber. The conformed copy of the mortgage will be delivered to the borrower and the original for both insured and direct Soil and Water Conservation loans will be retained in the borrower's County Office case folder.

(b) For an insured loan by a private lender, the original note properly endorsed and the original insurance endorsement will be given or sent to the lender immediately after loan closing. If for any reason it is not possible for the same County Supervisor who signed Form FHA-971 to endorse the note and sign the insurance endorsement, it will be sent to the State Office instead of directly to the lender. In such a case, the State Director or other authorized State official will attest on Form FHA-250 the signature of the different County Supervisor before sending the note and the insurance endorsement to the lender. This will not be necessary when a local lender has no objection to a different signature on an insurance endorsement from that on Form FHA-971.

(c) Any water stock certificates will be sent to the State Office for safekeeping.

(d) Loan funds may be disbursed as soon as the loan has been closed and the notes mailed.

(Secs. 2, 5, 6, 50 Stat. 869, as amended, 870, secs. 9, 10, 68 Stat. 735, sec. 11, 72 Stat. 841; 16 U.S.C. 590s, 590v, 590w, 590x-2 to 4; Order of Acting Sec. of Agric. 19 F.R. 74, 22 F.R. 8188)

Dated October 22, 1959.

K. H. HANSEN,
Administration,
Farmers Home Administration.
[F.R. Doc. 59-9146; Filed, Oct. 28, 1959;
8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER B—ECONOMIC REGULATIONS

[Reg. ER-284]

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Local Service Carrier Reports Showing Passenger Loads for All Flights and Route Segments

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of October 1959.

A Notice of Proposed Rule Making to provide for the filing by local service carriers of reports showing passenger loads for all flights and route segments over their respective systems was published in the FEDERAL REGISTER (24 F.R. 2449) and circulated to the industry as Draft Release No. 108, dated March 24, 1959.

This regulation establishes (in CAB Form 41) monthly Reporting Schedules T-5¹ and T-6,² which are designed to provide the Board with information it

¹ Filed as part of original document.

deems necessary to a proper and adequate implementation of the "Use it or lose it" policy enunciated in the Board's opinion issued in the "Seven States Area Investigation," decided December 8, 1959 (Docket No. 7454, et al.), and with information needed in subsidy mail rate proceedings.

In Schedule T-5, "Passenger Loads by Segment," each local service carrier will be required to report for every pair of points served on each of its certificated route segments, the number of one-way flights scheduled and the revenue aircraft miles and revenue passenger miles performed, by month; and the average passenger loads carried, by month and 12 months to date. In Schedule T-6, "Passenger Loads by Flight," each such carrier will be required to report, by month, the number of trips operated and average passenger loads carried between each pair of points, on each flight operated.

Generally, the comment received objected to the reporting requirements proposed in Draft Release No. 108 on the grounds that the proposal would impose an unnecessary burden and expense on the carriers, and that the data presently available to the Board in Form 41 reports and internal management reports should suffice for the Board's analytical needs. The Board does not find the presently available information sufficient.

As was explained in Draft Release No. 108, in area route proceedings (particularly in those conducted subsequent to the "Seven States Area Investigation") the Board's determinations have not been limited to grants of new individual route segments, but have also involved modification of existing segments by changes in linear description, extensions of existing or newly modified segments, or liberalized operating authority over both existing and new segments, or over a combination of the two. Furthermore, it is reasonable to expect that local service carriers in the future will schedule a greater number of flights via on-segment junction points, that is, from one portion of a segment to a portion of another segment. For these reasons, the Board deems it necessary to the proper implementation of the "Use it or lose it" policy that it have available sufficient passenger load information by segment and by flight on a system-wide basis to determine the patterns of traffic flow for each of the local service carriers. With the information required to be reported in Schedules T-5 and T-6, the Board will be able to ascertain the efficiency of the patterns of air service being operated over the route systems of each of the local service carriers and to determine which patterns may not warrant continued subsidy support under the "Use it or lose it" policy.

In practice the Board has had to obtain passenger load information by flight and point-to-point by segment for subsidy proceedings on a case-to-case basis. Such a procedure has not provided the Board with information on a sufficiently timely basis to facilitate recurrent evaluation of the impact of carrier scheduling patterns upon subsidy requirements.

This regulation will provide the Board with current information pertaining to scheduling practices of the local service carriers and enable the Board to take appropriate action more promptly with respect to subsidy evaluation.

While information presently made available in Form 41 reports regarding passenger originations at points served will be sufficient for determining whether individual cities served are meeting minimum standards of passenger originations required under the Board's "Use it or lose it" policy, such data are not indicative of traffic flow which is necessary for determining the efficiency of the patterns of air service operated. Such presently available information is not, therefore, adequate for the Board's needs.

The local service carriers were requested on an informal basis in 1958 to submit monthly to the Board's mail rate staff copies of their internal management reports showing individual segment load or flight load data. However, the response to such request did not prove satisfactory. Only six carriers have made regular monthly submissions of their management reports. Four others have submitted such reports occasionally and three carriers have never complied with the request. While the data received have been of some value to the Board for analytical purposes, in general they have not been satisfactory for analysis on a comparative basis due to lack of uniformity in substance. The T-5 and T-6 Schedules established by this regulation will assure adequacy and uniformity with respect to the substance of the data reported.

In light of comment received, the reporting sequence of the formats of Schedules T-5 and T-6 has been modified to facilitate machine tabulation. In addition, a provision has been added to permit any local service carrier, with Board approval, to report the information required on its own continuous-feed machine forms.

Upon reconsideration, in the light of comment received, it is recognized that the usefulness for comparative purposes of average passenger load data by flight for 12-month periods may be impaired to the extent that variations in flights occur. Accordingly, the proposal to require such data to be reported on a 12-month cumulative basis has been deleted from Schedule T-6 as prescribed herein.

On the other hand, the Board is unable to accede to the contention that the reporting in Schedule T-5 of passenger load segment data on a 12-month cumulative basis will impose an unreasonable burden upon the carriers. Due to the limited size of the Board's staff, it would not be practicable for the Board to undertake for its own needs to compile such information on the group of local service carriers. Accordingly, under the circumstances, the Board believes it is justified in requiring the individual carriers to supply such information to the Board in Schedule T-5.

In light of comment received, language has been added to paragraph (c) of the instructions to Schedule T-5 to explain that where a pair of points is common to more than one route segment, the aver-

age load data reported for the particular pair of points should be included in the data for each segment. Thus, the average load computation reported for such pairs of points will be repeated on each segment involved.

Flights conducted pursuant to exemption authority from a point on one segment named in a reporting carrier's certificate to a point on another segment so named, should be reported as belonging to that segment over which the longer portion of such flight is conducted.

It is recognized that some of the local service carriers may have to incur additional expense in order to comply with the reporting requirements of this regulation, while others will be able to supply the information simply by making minor adjustments to procedures presently established. In any event, the Board considers that, on balance, any added expense which may be incurred will be more than outweighed by the public benefits which will be derived from the use made of such information by the Board in the implementation of the "Use it or lose it" policy and in subsidy mail rate proceedings involving local service carriers.

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

Since there is an urgent need for the information required to be reported under this regulation to facilitate timely implementation of Board policy, the Board finds that it would be contrary to the public interest to provide the usual 30 day notice between publication and effective date, and that good cause exists for making this regulation effective on November 1, 1959. Thus, the first report to be filed under this regulation will pertain to the month of November and must be postmarked no later than December 30, 1959.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 241 of the Economic Regulations (14 CFR 241) as follows, effective November 1, 1959:

1. By amending the list of schedules in § 241.22(a) by inserting immediately after Schedule T-4 the following schedules:

Schedule	Title	Frequency	Post-mark interval (days)
***	***	***	***
T-5	Passenger loads by segment—Local service air carriers.	Monthly.	30
T-6	Passenger loads by flight—Local service air carriers.	Monthly.	30

2. By adopting Schedules T-5 and T-6.

3. By amending § 241.25 by adding the following instructions:

Schedule T-5—Passenger Loads by Segment—Local Service Air Carriers.

(a) This schedule shall be filed monthly by each local service air carrier. However,

* Schedules T-5 and T-6, filed as part of original document, are obtainable from the Publications Section of the Board.

upon approval by the Board, a carrier may submit the information required on its own continuous-feed machine forms.

(b) In Column (1) headed "Segment No." insert the number of the segment as designated in the Certificate of Public Convenience and Necessity.

(c) In Columns (2) and (3) headed "Pairs of Points" insert the letter codes for each pair of points consecutively served on the designated segment. If the segment has been modified by Board authorization, include also any pairs between which consecutive service is rendered under the modification. Identify by asterisks the terminals which begin and end the linear description of the segment as it appears in the certificate. If the segment terminals have been modified by Board authorization, such terminals shall be identified instead of those designated in the certificate. Where a pair of points is common to more than one segment, the related data shall be repeated for each such segment.

Each flight conducted pursuant to exemption authority from a point on one segment named in the certificate to a point on another segment shall be reported as a flight belonging to that segment over which the longer portion of such flight is conducted.

(d) In Column (4) headed "Number of One-way Flights Scheduled" enter the number of one-way flights, excluding extra sections, scheduled between the pairs of points indicated in the two previous columns.

(e) In Column (5) headed "Revenue Aircraft Miles" enter the revenue aircraft miles actually operated during the month on all revenue flights, including extra sections, between the pairs of points indicated, regardless of (1) whether such flights also operated between other pairs of points on the segment, and (2) whether the flights also served points on other segments.

(f) In Column (6) headed "Revenue Passenger Miles" enter the revenue passenger-miles traveled during the month by all revenue passengers between the pairs of points indicated.

(g) In Columns (7) and (8) headed "Average Passenger Loads" enter the average number of passengers carried per flight between each pair of points, for the month and the 12 months ending with the reporting month, respectively.

(h) Below the last pair of points reported for any segment insert the words "Segment Total" and record the appropriate totals for Columns (5) through (8). "Segment Totals" for average passenger loads reported in Columns (7) and (8) for the month and 12-months-to-date shall be derived by dividing the total revenue passenger miles by the total revenue aircraft miles for the segment.

(i) Show all averages to one decimal place.

(j) After each "Segment Total," skip a line before recording the next segment.

Schedule T-6—Passenger Loads by Flight—Local Service Air Carriers.

(a) This schedule shall be filed monthly by each local service air carrier. However, upon approval by the Board, a carrier may submit the information required on its own continuous-feed machine forms.

(b) In Column (1) headed "Flight No." enter the number of each flight operated during the month. If the routing of a particular flight was changed during the month but the number designation remained the same, report each different full routing as a separate flight.

(c) In Column (2) headed "No. of Trips Operated" show the number of times the flight actually operated during the month (count extra sections as separate flights).

(d) In Columns (3) and (4) under "Points Served" enter the letter codes for each consecutive pair of points on the flight.

(e) In Column (5) headed "Average Passenger Loads" enter the average number of revenue passengers carried on the flight dur-

ing the month between each pair of points listed in the two previous columns.

(f) Below the last pair of points reported for each flight insert the words "Flight Total" and in the column headed "Average Passenger Loads" enter the average number of revenue passengers carried on the flight for the month. These averages shall be derived by dividing (1) the total number of revenue passenger-miles accumulated on the flight by (2) the total number of revenue aircraft miles accumulated on the flight.

(g) Show all averages to one decimal place.

(h) After each "Flight Total," skip a line before recording the next flight. Where the CAB Form is used, continue the report in the second set of columns on the right side of the form.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 407, 72 Stat. 766; 49 U.S.C. 1377)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 59-9116; Filed, Oct. 28, 1959;
8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-WA-206]

[Amdt. 79]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 91]

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

Establishment of a Federal Airway and Associated Control Areas

The purpose of these amendments to Parts 600 and 601 of the Regulations of the Administrator is to establish VOR Federal airway No. 463, and its associated control areas, from Norwich, Conn., to Putnam, Conn.

The establishment of this Victor airway will expedite the movement of air traffic in the Boston, Mass., terminal area in that aircraft en route to the Boston area from the southwest will be able to feed off existing airways at the Norwich VOR to the Putnam VOR, thence via Victor 292 to the Framingham, Mass., intersection, at which point traffic will be integrated with other terminal traffic. Such action will result in Victor 463 and its associated control areas extending from the Norwich to the Putnam VOR.

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

come effective more than 30 days after publication.

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

§ 600.6463 VOR Federal airway No. 463 (Norwich, Conn., to Putnam, Conn.).

From the Norwich, Conn., VOR to the Putnam, Conn., VOR.

§ 601.6463 VOR Federal airway No. 463 control areas (Norwich, Conn., to Putnam, Conn.).

All of VOR Federal airway No. 463.

These amendments shall become effective 0001 E.S.T. December 17, 1959.

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

Issued in Washington, D.C., on October 21, 1959.

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

[F.R. Doc. 59-9117; Filed, Oct. 28, 1959;
8:45 a.m.]

Chapter V—National Aeronautics and Space Administration

PART 1201—PATENTS

PART 1245—PATENTS

Waivers

1. Subpart C of Part 1201 of this Chapter is hereby superseded.
2. A new Part 1245 is hereby added.

Sec.	Scope of subpart.
1245.100	Scope of subpart.
1245.101	Definitions.
1245.102	Applicability.
1245.103	Policy.
1245.104	Criteria for granting waivers.
1245.105	Reservation of nonexclusive license.
1245.106	Voidability of waivers.
1245.107	Waivers are not contracts.
1245.108	Procedures.
1245.109	Acceptance of waiver.
1245.110	Advisory opinions.

AUTHORITY: §§ 1245.100 to 1245.110 issued under 42 U.S.C. 2457(f), 2473(b)(1).

Subpart J—Patent Waiver Regulations

§ 1245.100 Scope of subpart.

This subpart prescribes regulations under section 305(f) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457(f)) for the waiver of rights of the United States to inventions.

§ 1245.101 Definitions.

As used in this subpart:

(a) "Contract of the Administration" means any agreement or arrangement, and any subcontract thereunder, with the National Aeronautics and Space Administration (NASA) or another Government agency on the Administration's behalf, including grants made by the Administration under Public Law 85-934 (42 U.S.C. 1891-1893).

(b) "Contractor" means a party which has undertaken to perform work under a contract of the Administration.

(c) "To develop to the point of practical application" means to manufacture in the case of a composition or product, to practice in the case of a process, or to operate in the case of a machine, and under such conditions as to establish that the invention is being worked or that its benefits are reasonably accessible to the public.

§ 1245.102 Applicability.

This subpart applies to all inventions which may be conceived or first actually reduced to practice under conditions enabling the Administrator, NASA, to acquire exclusive rights therein on behalf of the United States pursuant to section 305(a) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457 (a)) and as to which title has not been formally conveyed to the United States.

§ 1245.103 Policy.

The Administrator considers that waiver would be in the interests of the United States where (a) the stimulus of private ownership of patent rights will encourage the development of the invention to the point of practical application earlier than would otherwise be the case, or (b) there are substantial equities justifying the retention of private rights in the invention.

§ 1245.104 Criteria for granting waivers.

(a) *Inventions not generally eligible for waivers.* Pending the further development of space technology, the interests of the United States would not generally be served by waiver of rights of the United States with respect to any invention which is:

(1) Primarily adapted for and especially useful in the development and operation of vehicles, manned or unmanned, capable of sustained flight without support from or dependence upon the atmosphere, or

(2) Of basic importance in continued research toward the solution of problems of sustained flight without support from or dependence upon the atmosphere; provided, that the foregoing shall not preclude the Administrator from granting a waiver as to such inventions under paragraph (d) of this section.

(b) *Prima facie case for waiver.* Except for inventions described in paragraph (a) of this section, the Administrator considers that a prima facie case that the interests of the United States would be served by waiver of title or an exclusive license shall have been established when:

(1) It is shown that the invention was conceived prior to and independently of, but was first actually reduced to practice in the performance of work under a contract of the Administration, and the invention is covered by a United States patent issued or application filed prior to the award of the contract; or

(2) It is shown that the invention was conceived or first actually reduced to practice in the performance of a contract of the Administration for research work with a nonprofit institution of higher education or a nonprofit organization whose primary purpose is the conduct of scientific research, and the contract does

not call for the delivery of models or equipment or the development of practical processes; or

(3) It appears that the invention has only incidental utility in the conduct of activities with which the Administration is particularly concerned and has substantial promise of commercial utility; or

(4) It is shown that the invention is directed specifically to a line of business of the contractor with respect to which the contractor's previous expenditure of funds in the field of technology to which the invention pertains has been large in comparison to the amount of funds for research or development work in the same field of technology expended under the contract of the Administration in which the invention was conceived or first actually reduced to practice.

(c) *Foreign rights.* Upon request, waiver will be granted of rights to an invention in countries other than the United States in which the Administration does not desire to file an application for patent for such invention.

(d) *Other inventions.* In the case of inventions not coming within the scope of paragraph (b) of this section, waiver may be granted on such terms as may be appropriate whenever it appears to the satisfaction of the Administrator that waiver would be in the interests of the United States in accordance with the policy enunciated in § 1245.103.

(e) *Inventions pertaining to atomic energy.* Waivers will not be granted for inventions relating to atomic energy or special nuclear material except with the approval of the Atomic Energy Commission.

§ 1245.105 Reservation of nonexclusive license.

All waivers shall be subject to the reservation of an irrevocable, nonexclusive, nontransferable, royalty-free license for the practice of such invention throughout the world by or on behalf of the United States or any foreign government pursuant to any treaty or agreement with the United States.

§ 1245.106 Voidability of waivers.

(a) All waivers other than those described in paragraph (b) of this section will be voidable at the option of the Administrator unless the recipient of the waiver shall, on or before the end of the fifth year from the date of the grant of a United States patent on such invention or the end of the eighth year from the date of acceptance of waiver, whichever is sooner, demonstrate to the Administrator that:

(1) The invention has been developed to the point of practical application, or

(2) The invention has been made available for licensing either royalty-free or at a reasonable royalty rate, or

(3) There are circumstances justifying failure to comply with either of the foregoing and concurrently justifying continuance of the waiver.

(b) Waivers will not be voidable, except for failure to comply with conditions imposed under paragraph (c) of this section, when they relate to:

(1) An invention conceived prior to and independently of, but first actually reduced to practice in the performance of, work under a contract of the Administration, or

(2) An invention which has been developed to the point of practical application prior to the request for waiver.

(c) All waivers will be voidable at the option of the Administrator for failure to comply with:

(1) Such conditions concerning the filing and prosecution of patent applications as may be necessary to protect the rights retained by the United States, and

(2) Such special conditions applicable to the particular invention as may be required in the interests of the United States.

(d) Before voiding a waiver for failure to comply with the conditions imposed on such waiver, whether under paragraphs (a) or (c) of this section, there will be furnished to the recipient of the waiver a written notice of intention to void the waiver, and the recipient of the waiver will be allowed 30 days after receipt of such notice in which to request a hearing before the Inventions and Contributions Board on the question of whether the waiver should be voided.

§ 1245.107 Waivers are not contracts.

Waivers shall not be deemed to be contracts requiring the performance of work within the meaning of section 305(b) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457(b)). Inventions made in connection with the development of any invention to the point of practical application as a part of compliance, or in attempting to comply, with a condition of a waiver, shall not be deemed from such fact alone to be inventions made in the performance of work under a contract of the Administration within the meaning of section 305(a) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457(a)).

§ 1245.108 Procedures.

(a) *Petition.* Petitions for waiver may be filed by a contractor, an assignee of a contractor, or an inventor who is not under an obligation to assign the invention to the contractor by which he was employed when the invention was made. Petitions shall be addressed to the Administrator and shall:

(1) Identify by number and date the contract under which the invention was made;

(2) Identify the invention by name of inventor, brief description, and the location of records wherein the invention is disclosed;

(3) State facts showing that the invention qualifies under the criteria of § 1245.104 for consideration for waiver;

(4) Specify the extent of waiver requested, i.e., title to the invention, exclusive license, or title to foreign rights;

(5) State whether or not a patent application has been filed for such invention;

(6) If a patent application has not been filed, present information concerning publication, public use, or sale of

the invention, which would indicate the need for prompt action on the petition;

(7) Include any additional statements, information, or reasons in support of its requests which the petitioner desires to submit; and

(8) Be signed by the petitioner.

Any statements pertaining to subparagraphs (1) through (7) of this paragraph may be attached to the petition if suitably identified and cross-referenced in the petition.

(b) *Processing of petitions.*—(1) Petitions will be submitted to the Office of the General Counsel, National Aeronautics and Space Administration, Washington 25, D.C.

(2) The Assistant General Counsel for Patent Matters will review such petitions for compliance with paragraph (a) of this section and submit to the Inventions and Contributions Board a Findings of Fact and Recommendation with respect to each such petition which will state:

(i) Whether, in his opinion, the petition sets forth facts which qualify the invention for waiver under one or more of the criteria in § 1245.104;

(ii) A recommendation that waiver in the extent requested either be or not be granted, or, in the alternative, that waiver in an extent different from that requested be granted; and

(iii) Any special conditions which should be included in the instrument of waiver.

(3) The Inventions and Contributions Board will consider the petition and Findings of Fact and Recommendation of the Assistant General Counsel for Patent Matters and notify the petitioner:

(i) Whether it proposes to recommend to the Administrator the granting of waiver in the extent requested, in an extent different from that requested, or denial of the request;

(ii) Of any conditions upon which it proposes to recommend the granting of waiver;

(iii) Of the reasons for any recommended action adverse to or different from the waiver requested by the petitioner; and

(iv) That the petitioner may, within 30 days from receipt of the notification, request an oral hearing before the Board, in the event the petitioner is not satisfied with the action the Board proposes to recommend.

(4) If the petitioner requests a hearing, the Board will set a place and date for such hearing and notify the petitioner and the Assistant General Counsel for Patent Matters.

(5) If the Board proposes to recommend the granting of a waiver, and the petitioner does not request a hearing within 30 days as above provided or informs the Board that a hearing will not be requested, the Board shall transmit its recommendation to the Administrator.

(6) After a hearing as provided in subparagraph (4) of this paragraph, the Board shall transmit to the Administrator the petition, the record of proceedings, its findings of fact with respect to the request for waiver, and its recommendation.

(c) *Procedure when there is a potential statutory bar.* Whenever it appears that a statutory bar is running against the filing of an application for patent for the invention or that the securing of a valid patent in any country appears to be threatened by the passage of time, and delay in acting on the petition for waiver might result in loss of the patent rights in the invention, the Assistant General Counsel for Patent Matters will arrange with the petitioner for the preparation and filing of the patent application by the petitioner pending action on the petition for waiver, subject to reimbursement of the reasonable costs of the petitioner in preparing and filing such patent application if waiver is not granted, or, if granted, is not accepted by the petitioner.

§ 1245.109 Acceptance of waiver.

No waiver shall be valid unless accepted in writing by the petitioner.

§ 1245.110 Advisory opinions.

(a) *Action by contractor.* Paragraph (d) (iv) of the "Property Rights in Inventions" clause¹ authorizes a contractor to request an advisory opinion as to whether a waiver might be granted in advance of submitting the written statement required by paragraph (d) (i) of the "Property Rights in Inventions" clause. Whenever a contractor desires such an opinion, and desires to know the extent, terms and conditions of the waiver which the Board would recommend to the Administrator, in order to aid it in determining whether to submit a statement for the purpose of contesting the presumption that the invention was made in the performance of work under the contract by a person described in paragraphs (1) and (2) of section 305(a) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457(a)), and under the conditions therein described, it may do so by a letter addressed to the Inventions and Contributions Board, to which shall be attached a petition prepared and signed in the same manner as provided in § 1245.108(a).

(b) *Action by NASA.* Such petition shall be processed and considered in the manner provided in § 1245.108(b) above. The contractor may be invited to appear before the Board for an informal hearing, but the hearing provided in § 1245.108(b) (4) will not be accorded as a matter of right in connection with a request for an advisory opinion. The Board will render such an advisory opinion within three months after receipt by NASA of the request therefor.

Effective date. This subpart supersedes the interim waiver regulations published in the FEDERAL REGISTER of March 5, 1959 (24 F.R. 1644), and is effective upon publication in the FEDERAL REGISTER.

T. KEITH GLENNAN,
Administrator.

[F.R. Doc. 59-9152; Filed, Oct. 28, 1959;
8:49 a.m.]

¹ Clause IX-A contained in § 1201.190 of Chapter V, Title 14 of the Code of Federal Regulations (24 F.R. 3574, 3577, as amended by 24 F.R. 6615).

Title 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

SUBCHAPTER C—ACCOUNTS, FEDERAL POWER ACT

[Docket No. R-180; Order 216]

PART 101—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR CLASS A AND CLASS B PUBLIC UTILITIES AND LICENSEES

Accumulated Deferred Taxes on Income

Misunderstanding has arisen concerning the intent of the first paragraph of (Account 266), § 101.266 *Accumulated deferred taxes on income*, of the Uniform System of Accounts for Public Utilities and Licensees, and, as a consequence, the Commission has under consideration an amendment to clarify apparent misinterpretations. The paragraph in question, prescribed, *inter alia*, by Order No. 204, issued May 29, 1958 (23 F.R. 4164) reads as follows: "The subaccounts below are provided for the use of Public Utilities and Licensees which (a) have filed with the Commission, copy of an order or other authorization by a state public service commission having jurisdiction, authorizing accounting for deferred taxes on income, (b) in the absence of necessity of authorization by a state public service commission having jurisdiction, have filed with the Commission a statement of proposed plan of accounting for deferred taxes on income, or (c) which have obtained authorization of the Commission for use of subaccount 266.3 relating to deferred tax accounting other than with respect to accelerated amortization or liberalized depreciation."

The Commission, in prescribing Account 266, intended by clauses (a) and (b) of the first paragraph to permit deferral of taxes (a) only when authority to do so for State commission purposes is evidenced by filing with the Commission a copy of the State commission order or other authorization and (b) by utilities which are not subject to State regulation when a proposed plan of accounting is filed and accepted for filing by the Commission. Clause (c) was intended to relate to proposed deferrals other than with respect to accelerated amortization and liberalized depreciation where the Commission has specifically authorized tax deferral. In addition, the Commission intended, when this account was prescribed, that it should be used not only for current entries but for deferred taxes accumulated prior to the issuance of the order prescribing the account.

The Commission finds:

(1) It is necessary and appropriate to carry out the provisions of the Federal Power Act and to more clearly express the Commission's intended meaning that the first paragraph of Account 266 of the Commission's Uniform System of Accounts Prescribed for Public Utilities and Licensees be clarified by revising it to read as ordered herein.

(2) In view of the facts set out above, good cause exists that this revision be effective as of the date of the issuance of this order.

(3) The revision herein adopted is a matter of interpretation and no general notice of proposed rulemaking, pursuant to section 4 (a) of the Administrative Procedure Act, is necessary.

The Commission, acting pursuant to the authority granted by the Federal Power Act, particularly sections 301, 304, and 309 thereof (49 Stat. 854, 855, and 858; 16 U.S.C. 825, 825c, and 825h) orders:

(A) The Uniform System of Accounts Prescribed for Public Utilities and Licensees, being Subchapter C of Ch. I, Federal Power Commission, of Title 18 of the Code of Federal Regulations, is amended by revising the first paragraph of § 101.266 to read as follows:

§ 101.266 Accumulated deferred taxes on income.

Public utilities and licensees shall use the subaccounts provided below for prior accumulations of deferred taxes on income and for additional provisions. A copy of the order or other authorization to practice deferred tax accounting of the state public service commission also having jurisdiction shall be filed with the Commission, or, in the absence of a state public service commission having accounting jurisdiction, the public utility or licensee shall file with this Commission a copy of its plan of accounting for deferred taxes on income. The filing of such order or other authorization, or accounting plan, shall constitute permission for additional accumulations of deferred taxes on income. Subaccount 266.3 is provided for use of those public utilities and licensees which have obtained permission of the Commission for specific types of deferrals on taxes on income other than with respect to accelerated amortization or liberalized depreciation.

(B) This amendment shall become effective upon the issuance of this order.

Issued: October 22, 1959.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-9131; Filed, Oct. 28, 1959;
8:47 a.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

[T.D. 6422]

PART 301—PROCEDURE AND ADMINISTRATION

Authority To Prescribe or Modify Seals

In order to provide regulations under section 7514 as added to the Internal Revenue Code of 1954 by section 91 of the Technical Amendments Act of 1958 (72 Stat. 1667), the following regula-

tions, which apply to taxes imposed by the Internal Revenue Codes of 1939 and 1954, are hereby prescribed:

§ 301.7514 Statutory provisions; authority to prescribe or modify seals.

Sec. 7514. Authority to prescribe or modify seals. The Secretary or his delegate is authorized to prescribe or modify seals of office for the district directors of internal revenue and other officers or employees of the Treasury Department to whom any of the functions of the Secretary shall have been or may be delegated. Each seal so prescribed shall contain such device as the Secretary or his delegate may select. Each seal shall remain in the custody of any officer or employee whom the Secretary or his delegate may designate, and, in accordance with the regulations approved by the Secretary or his delegate, may be affixed in lieu of the seal of the Treasury Department to any certificate or attestation (except for material to be published in the FEDERAL REGISTER) that may be required of such officer or employee. Judicial notice shall be taken of any seal prescribed in accordance with this authority, a facsimile of which has been published in the FEDERAL REGISTER together with the regulations prescribing such seal and the affixation thereof.

[Sec. 7514 as added by sec. 91, Technical Amendments Act 1953 (72 Stat. 1667)]

§ 301.7514-1 Seals of office.

(a) Establishment of seals—(1) Commissioner of Internal Revenue. There is hereby established in and for the office of the Commissioner of Internal Revenue an official seal. The seal is described as follows, and illustrated below: A circle within which shall appear that part of the seal of the Treasury Department represented by the shield and side wreaths. Exterior to this circle and within a circumscribed circle in the form of a rope shall appear in the upper part the words "OFFICE OF" and in the lower part the words "COMMISSIONER OF INTERNAL REVENUE."



(2) District directors of internal revenue (i) There is hereby established an official seal in and for each of the offices of district director of internal revenue listed in subdivision (ii) of this subparagraph. The seal is described as follows, and one such seal is illustrated below: A circle within which shall appear that part of the seal of the Treasury Department represented by the shield and side wreaths. Exterior to this circle and within a circumscribed circle in the form of a rope shall appear in the upper part

the words "DISTRICT DIRECTOR OF INTERNAL REVENUE" and in the lower part the location of the office for which the seal is established.



(ii) The offices of district director of internal revenue for which seals are established in subdivision (i) of this subparagraph are as follows:

- District Director of Internal Revenue, Birmingham, Ala.
- District Director of Internal Revenue, Phoenix, Ariz.
- District Director of Internal Revenue, Little Rock, Ark.
- District Director of Internal Revenue, Los Angeles, Calif.
- District Director of Internal Revenue, San Francisco, Calif.
- District Director of Internal Revenue, Denver, Colo.
- District Director of Internal Revenue, Hartford, Conn.
- District Director of Internal Revenue, Wilmington, Del.
- District Director of Internal Revenue, Jacksonville, Fla.
- District Director of Internal Revenue, Atlanta, Ga.
- District Director of Internal Revenue, Honolulu, Hawaii.
- District Director of Internal Revenue, Boise, Idaho.
- District Director of Internal Revenue, Chicago, Ill.
- District Director of Internal Revenue, Springfield, Ill.
- District Director of Internal Revenue, Indianapolis, Ind.
- District Director of Internal Revenue, Des Moines, Iowa.
- District Director of Internal Revenue, Kansas City, Kans.
- District Director of Internal Revenue, Wichita, Kans.
- District Director of Internal Revenue, Louisville, Ky.
- District Director of Internal Revenue, New Orleans, La.
- District Director of Internal Revenue, Augusta, Maine.
- District Director of Internal Revenue, Baltimore, Md.
- District Director of Internal Revenue, Boston, Mass.
- District Director of Internal Revenue, Detroit, Mich.
- District Director of Internal Revenue, St. Paul, Minn.
- District Director of Internal Revenue, Jackson, Miss.
- District Director of Internal Revenue, St. Louis, Mo.
- District Director of Internal Revenue, Helena, Mont.

- District Director of Internal Revenue, Omaha, Nebr.
- District Director of Internal Revenue, Reno, Nev.
- District Director of Internal Revenue, Portsmouth, N.H.
- District Director of Internal Revenue, Camden, N.J.
- District Director of Internal Revenue, Newark, N.J.
- District Director of Internal Revenue, Albuquerque, N. Mex.
- District Director of Internal Revenue, Albany, N.Y.
- District Director of Internal Revenue, Brooklyn, N.Y.
- District Director of Internal Revenue, Buffalo, N.Y.
- District Director of Internal Revenue, Lower Manhattan, New York, N.Y.
- District Director of Internal Revenue, Upper Manhattan, New York, N.Y.
- District Director of Internal Revenue, Syracuse, N.Y.
- District Director of Internal Revenue, Greensboro, N.C.
- District Director of Internal Revenue, Fargo, N. Dak.
- District Director of Internal Revenue, Cincinnati, Ohio
- District Director of Internal Revenue, Cleveland, Ohio
- District Director of Internal Revenue, Columbus, Ohio
- District Director of Internal Revenue, Toledo, Ohio
- District Director of Internal Revenue, Oklahoma City, Okla.
- District Director of Internal Revenue, Portland, Oreg.
- District Director of Internal Revenue, Philadelphia, Pa.
- District Director of Internal Revenue, Pittsburgh, Pa.
- District Director of Internal Revenue, Scranton, Pa.
- District Director of Internal Revenue, Providence, R.I.
- District Director of Internal Revenue, Columbia, S.C.
- District Director of Internal Revenue, Aberdeen, S. Dak.
- District Director of Internal Revenue, Nashville, Tenn.
- District Director of Internal Revenue, Austin, Tex.
- District Director of Internal Revenue, Dallas, Tex.
- District Director of Internal Revenue, Salt Lake City, Utah
- District Director of Internal Revenue, Richmond, Va.
- District Director of Internal Revenue, Burlington, Vt.
- District Director of Internal Revenue, Seattle, Wash.
- District Director of Internal Revenue, Parkersburg, W. Va.
- District Director of Internal Revenue, Milwaukee, Wis.
- District Director of Internal Revenue, Cheyenne, Wyo.

(3) Director of International Operations. There is hereby established in and for the office of the Director of International Operations an official seal. The seal is described as follows, and illustrated below: A circle within which shall appear that part of the seal of the Treasury Department represented by the shield and side wreaths. Exterior to this circle and within a circumscribed circle in the form of a rope shall appear in the upper part of the words "DIRECTOR OF INTERNATIONAL OPERATIONS" and in the

lower part "Washington, D.C. Internal Revenue Service".



(b) *Custody of seal.* Each seal established by this section shall be in the custody of the officer for whose office such seal is established.

(c) *Use of official seal.* Each seal of office established by this section may be affixed in lieu of the seal of the Treasury Department to any certificate or attestation required to be made by the officer for whose office such seal is established in authentication of originals and copies of books, records, papers, writings, and documents of the Internal Revenue Service in the custody of such officer, for all purposes, including the purposes of 28 U.S.C. 1733(b), Rule 44 of the Federal Rules of Civil Procedure, and Rule 27 of the Federal Rules of Criminal Procedure, except that—

(1) No such seal shall be affixed to material to be published in the FEDERAL REGISTER, and

(2) The seal of the office of a district director of internal revenue or the Director of International Operations shall not be affixed to the certification of copies of books, records, papers, writings, or documents in his custody in any case in which, pursuant to Executive order, Treasury decision, or the Statement of Procedural Rules (Part 601 of this chapter), such copies may be furnished to applicants only by the Commissioner.

(d) *Judicial notice.* In accordance with the provisions of section 7514, judicial notice shall be taken of the seals established under this section.

Because this Treasury decision relates to regulations which constitute a general statement of policy and establish rules of Departmental practice and procedure, it is hereby found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

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

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

Approved: October 26, 1959.

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

[F.R. Doc. 59-9151; Filed, Oct. 28, 1959; 8:49 a.m.]

Title 21—FOOD AND DRUGS

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

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

PART 125—LABEL STATEMENTS CONCERNING DIETARY PROPERTIES OF FOOD PURPORTING TO BE OR REPRESENTED FOR SPECIAL DIETARY USES

Label Declaration of Vitamin E in Foods for Special Dietary Use

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055; 21 U.S.C. 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F.R. 1045), and pursuant to the provisions of the Administrative Procedure Act (sec. 3, 60 Stat. 237, 238; 5 U.S.C. 1002), the following statement of policy is issued:

§ 3.9 Label declaration of vitamin E in food for special dietary use.

(a) Section 125.3(a) (2) of this chapter, issued under the authority of section 403(j) of the Federal Food, Drug, and Cosmetic Act (sec. 403(j), 52 Stat. 1048; 21 U.S.C. 343(j)) requires that if a food purports to be or is represented for special dietary use by man by reason, in whole or in part, of a vitamin for which the need in human nutrition has not been established, the label of such food shall bear the statement "The need for _____ in human nutrition has not yet been established," the blank to be filled in with the name of such vitamin.

(b) Heretofore the Food and Drug Administration has considered vitamin E as among those vitamins for which the need in human nutrition has not been established. However, in the opinion of nutrition scientists, recent evidence showed that this vitamin is needed in human nutrition. The scientific studies upon which this conclusion is based demonstrate that the vitamin E utilized in the physiological processes of the human body is that derived only from the diet. The Food and Drug Administration therefore considers the requirement of § 125.3(a) (2) of this chapter, quoted in paragraph (a) of this section as no longer applicable to food offered for special dietary use by reason of vitamin E.

(c) The difficulty of producing experimental dietary deficiency of vitamin E emphasizes that the diets used in this country are amply supplied with this vitamin. Any claim in the labeling of drugs or of foods offered for special dietary use by reason of vitamin E that there is need for dietary supplementation with vitamin E, will be considered false.

The following cross-references are inserted preceding § 125.1 in Part 125:

CROSS REFERENCES: For other regulations in this chapter concerning special dietary foods, see §§ 1.11, 3.9, and 3.32.

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

Dated: October 23, 1959.

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

[F.R. Doc. 59-9169; Filed, Oct. 28, 1959; 8:52 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

PART 726—PAYMENT OF AMOUNTS DUE MENTALLY INCOMPETENT MEMBERS OF THE NAVAL SERVICE

SUBCHAPTER G—MISCELLANEOUS RULES

PART 765—RULES APPLICABLE TO THE PUBLIC

Miscellaneous Amendments

Scope and purpose. Part 726 is revised to reflect current law and regulations. Part 765 is amended by adding a recently revised regulation pursuant to the Uniform Code of Military Justice, Article 136 "Authority to administer oaths and to act as notary" (10 U.S.C. 936).

1. Part 726 is revised to read as follows:

- Sec.
- 726.1 Purpose.
 - 726.2 Background information.
 - 726.3 Authority of the Judge Advocate General to appoint trustees to receive Federal moneys to which incompetent personnel are or may become entitled.
 - 726.4 Procedure for medical examinations of alleged incompetents.
 - 726.5 Action by the disbursing officer.
 - 726.6 Procedure for appointment of a trustee.
 - 726.7 Reports and supervision of trustees.
 - 726.8 Requirement that a trustee shall file a final accounting report at termination of trusteeship.
 - 726.9 Authority of the Judge Advocate General to issue implementing instructions.

AUTHORITY: §§ 726.1 to 726.9 issued under sec. 5031, 70A Stat. 278, as amended; 10 U.S.C. 5031. Interpret or apply secs. 1-4, 64 Stat. 249, 250, as amended by Public Law 86-145; 37 U.S.C. 351-354.

§ 726.1 Purpose.

This part provides the regulations for the naval service necessary to carry out the provisions of the Act of June 21, 1950 (64 Stat. 249, 37 U.S.C. 351-354), as amended by Public Law 86-145, and prescribes procedures for investigating into the mental competency of members of the naval service entitled to pay who are alleged to be incapable of managing their affairs, and for effecting payments of amounts due in the accounts of members of the naval service found by competent medical authority to be mentally incapable of managing their own affairs. According to said Act as amended, competent medical authority shall consist of a board appointed from available medical

officers or physicians under his jurisdiction by the head of whichever of the following departments or agencies is providing medical treatment for the member, or by a person designated by the head of that department or agency:

- (1) Department of the Army,
- (2) Department of the Navy,
- (3) Department of the Air Force,
- (4) Department of Health, Education, and Welfare,
- (5) Veterans Administration,

If the hospitalization or medical care of the member is not provided by the United States, the board shall be appointed by the secretary of the department having jurisdiction of the member. Each board shall consist of at least three qualified medical officers or physicians one of whom must be specially qualified in the treatment of mental disorders.

§ 726.2 Background information.

The Act referred to in § 726.1 grants authority for the appointment of a trustee (without the necessity for appointment in judicial proceedings of a committee, guardian, or other legal representative by a court of competent jurisdiction) to receive the active duty pay and allowances, or any amounts due for accumulated or accrued leave, or retired or retainer pay, otherwise payable to any member of the Navy or Marine Corps who shall have been found mentally incapable of managing his own affairs by competent medical authority.

§ 726.3 Authority of the Judge Advocate General to appoint trustees to receive Federal moneys to which incompetent personnel are or may become entitled.

(a) Each of the following, to wit, the Judge Advocate General, the Deputy and Assistant Judge Advocate General, any Assistant Judge Advocate General of the Navy, and the Director, Office of the Judge Advocate General, West Coast, is designated and is authorized to appoint, at his discretion, the person or persons who may receive active-duty pay and allowances, amounts due for accumulated or accrued leave, or any retired or retainer pay, otherwise payable to personnel on the active or retired list of the Navy or Marine Corps, including transferred members of the Fleet Reserve and Fleet Marine Corps Reserve, and members of the Reserve components of the Navy or Marine Corps entitled to Federal pay, either on the active or any retired list of said services, who in the opinion of competent medical authority have been determined to be mentally incapable of managing their own affairs, and for whom no legal committee, guardian, or other representative has been appointed by a court of competent jurisdiction.

(b) The Director, Office of the Judge Advocate General, West Coast, has been granted authority to fully administer the Fiduciary Affairs Branch of the Office of the Judge Advocate General providing for the appointment, supervision, and discharge of trustees for persons in the naval service found to be incapable of managing their own affairs; it has been provided that all matters pertaining to trustees for incompetents shall be forwarded to the Director, Office of the Judge Advocate General, West Coast, San Bruno, California, who is herein-after referred to as "Director."

§ 726.4 Procedure for medical examinations of alleged incompetents.

(a) *Convening of medical board upon notification by Director.* When a request for a trustee appointment has been received by the Director, the Director, after examining the sufficiency of the request or recommendation for appointment of a trustee, will request:

(1) The commanding officer of the naval hospital to which the alleged mental incompetent may most conveniently be referred for examination or

(2) In cases of members receiving medical treatment by a hospital or other activity of the Department of the Army, the Department of the Air Force, the Department of Health, Education, and Welfare, or the Veterans' Administration, the commanding officer or head of the hospital or activity or the appropriate commandant of the naval district or river command or

(3) In cases of members receiving medical treatment by a non-Federal hospital or other institution, the appropriate commandant of the naval district or river command to convene a board of medical officers or physicians as required by the Act referred to in § 726.1 to examine the member in order to determine whether he is capable of handling his own affairs.

(b) *Provisions for members in naval hospitals or ordered before medical boards.*—(1) *Members in naval hospitals presenting mental disorders who are not immediately due for consideration of disposition under Title 10, U.S. Code 1201-1221.* Whenever it appears to the commanding officer of a naval hospital that a member undergoing treatment therein may be mentally incapable of managing his own affairs, such commanding officer shall, unless the member is to be immediately presented to a medical board preliminary to his appearance before a physical evaluation board (see Part 725 of this chapter as revised, 24 F.R. 6416), convene a medical board of not less than three medical officers or physicians under the jurisdiction of the Secretary of the Navy, one of whom shall be specially qualified in the treatment of mental disorders, to inquire into the mental competency of such member.

(2) *Members presenting mental disorders who are ordered before medical boards, preliminary to their appearance before a physical evaluation board.* Whenever the case of any member presenting or alleged to present a mental disorder is referred to a clinical or other medical board, preliminary to appearance before a physical evaluation board, the convening authority will insure that the board is constituted as set forth in the Act referred to in § 726.1, and in the event a medical board not constituted as provided therein should determine that any member whose case is being considered presents a mental disorder, it shall suspend its proceedings and advise the convening authority in order that a properly constituted medical board may be convened to consider such case.

(3) *Members on the Temporary Disability Retired List who present mental disorders.* Whenever a member on the

temporary disability retired list who presents, or is alleged to present, a mental disorder is referred to a command for a periodic physical examination by orders of the Chief of Naval Personnel or the Commandant of the Marine Corps pursuant to § 725.901 of this chapter as revised (24 F.R. 6432), such command shall convene a board as required in the Act referred to in § 726.1.

(c) *Action by the convening authority.*

(1) Upon receipt of information that a member of the naval service is alleged to be incapable of handling his own affairs, the convening authority will convene a board of not less than three medical officers or physicians as required by the Act referred to in § 726.1 to determine if the alleged incompetent is capable of managing his own affairs. At least one of the members of the board, preferably a psychiatrist, shall personally observe the alleged mental incompetent and satisfy himself that the medical record correctly reflects the individual's state of mental health. Upon request by proper authority, such a board shall also be convened if a member of the other Armed Forces is receiving medical treatment in a naval hospital. The composition of the board shall be in accordance with the Act referred to in § 726.1; medical officers of the uniformed services as members may include those of the Reserve components on active or inactive duty.

(2) The convening authority will insure that the board specially reports, or attaches to its record a signed certification, that the member is mentally capable or incapable of managing his own affairs.

(3) The convening authority will forward one copy of the record and competency certification to the Director to be used as the medical basis for a trustee appointment in the case of a finding that a member is incapable of managing his own affairs, or, if found capable of handling his own affairs, the medical basis for termination of a trusteeship where previously established on a finding of incompetency.

(4) In addition, the convening authority will in the case of a finding of incompetency set forth in his forwarding endorsement to the Director, the name, relationship, and address of the member's next of kin, and such other pertinent data as shall be available to enable the Director to appoint a trustee to receive amounts which are or may become payable to the member except where a trustee or other legal representative had already been appointed as the result of a prior determination of mental incapacity, such as when originally placed on the temporary disability retired list or prior determination of mental incapacity as the result of a previous periodic physical examination.

(5) In addition, where the member is found to be mentally incapable of managing his own affairs and a trustee or other legal representative to receive the pay of the individual has not been appointed, the convening authority shall immediately notify the Navy or Marine Corps disbursing officer holding the member's active-duty pay account or the Commanding Officer, U.S. Navy Finance Center, Cleveland 14, Ohio, or the Com-

mandant of the Marine Corps (CDH), Washington 25, D.C., in the case of retired members and personnel of the Fleet Reserve of the Navy and Naval Reserve, or retired members and personnel of the Fleet Marine Corps Reserve of the Marine Corps and Marine Corps Reserve, respectively, and request that the member's pay account be placed in a suspended status pending the appointment of a trustee by the Director or the appointment of a committee, guardian, or other legal representative by a court of competent jurisdiction. The convening authority will at the same time advise the Director when this has been done.

§ 726.5 Action by the disbursing officer.

(a) After notification by the convening authority, the disbursing officer shall place the active-duty pay account of the incompetent member in a suspended status, or, in the case of retired members or personnel of the Fleet Reserve or Fleet Marine Corps Reserve, the Navy Finance Center or Commandant of the Marine Corps (CDH) shall place the pay account of the member in a suspended status pending the appointment of a trustee by the Director, or the appointment of a committee, guardian, or other legal representative by a court of competent jurisdiction, or until notified by the Director that a board of medical examiners thereafter has found the member to be mentally capable of managing his own affairs.

(b) Should the member's pay account be transferred to another activity due to transfer of the member to another Navy or Marine Corps activity or a Veterans' Administration hospital, separation, death, or retirement of the member, the Director will be notified by the disbursing officer of the change of status or transfer of the pay account of the member.

§ 726.6 Procedure for appointment of a trustee.

(a) *Request for appointment of a trustee.* Requests for the appointment of a person or persons to receive moneys due Navy or Marine Corps personnel believed to be mentally incapable of managing their own affairs should be submitted to the Director by any person or persons who believe, because of their relationship, they should receive payments on behalf of the alleged incompetent; by the commanding officer of the alleged incompetent, if the latter is on active duty; by the commanding officer of any Armed Forces or Public Health Service hospital in which the alleged incompetent is undergoing treatment; by the head of any Veterans' Administration hospital or other public or private institution in which the alleged incompetent is undergoing treatment; or by any other person or organization acting for and in the best interests of the alleged mental incompetent.

(b) *Interview of prospective trustee.* Upon receipt of a request for the appointment of a trustee, and after a medical report has been received showing that the member is incapable of handling his own affairs, the Director may request the Commandant of the Naval District in which the prospective trustee resides to designate an officer to interview the prospective trustee and to make a recom-

mendation as to whether the prospective trustee is suitable to be appointed as trustee to receive the Navy or Marine Corps pay of the incompetent and to use such pay in the best interest of said incompetent. The Commandant will forward the report of such interview together with his recommendations to the Director.

(c) *Requirement that an applicant for trusteeship furnish a surety bond as a condition precedent to appointment.* The trustee appointed to receive moneys in behalf of the incompetent shall furnish a bond in all cases when the amounts to be received may be expected to exceed \$1,000, and in such other cases when deemed appropriate by the Director. The bond so required and furnished shall have as a surety a company approved by the Federal Government and shall be in such amount as required by the Director. Expenses in connection with the furnishing of such bond may be paid out of sums due the incompetent after the appointment of a trustee. The officer designated to interview the prospective trustee will advise and assist the prospective trustee regarding securing the required bond.

(d) *Requirement that an applicant for trusteeship furnish an affidavit as a condition precedent to appointment.* The interviewing officer will have the prospective trustee execute an affidavit for filing with the Director, deposing that any moneys henceforth received by virtue of the appointment of a trustee shall be applied solely to the use and benefit of the incompetent and his legal dependents, if any, and that no fee, commission, or charge shall be demanded or in any manner accepted for any service or services rendered in connection with such appointment as trustee.

(e) *Appointment of trustee by the Director.* After receipt of a medical report that an individual is incompetent, and the required affidavit and bond have been furnished, the Director may appoint a suitable person not under legal disability to act as trustee to receive and expend, under instructions of the Director, all amounts due from the Navy or Marine Corps whether active-duty pay and allowances, amounts due for accumulated or accrued leave, or any retired or retainer pay.

(f) *Notification to the disbursing officer of the appointment of a trustee.* Upon the appointment of a trustee to receive moneys due an incompetent, the Director shall in the case of those incompetents on active duty notify the commanding officer of the incompetent and such commanding officer shall notify the disbursing officer having custody of the incompetent's pay record. The Director, in the case of retired personnel of the Navy and Naval Reserve, and personnel of the Fleet Reserve, shall notify the Commanding Officer, U. S. Navy Finance Center, Cleveland 14, Ohio, and the Chief of Naval Personnel of the appointment. In cases of retired personnel of the Marine Corps and Marine Corps Reserve, and personnel of the Fleet Marine Corps Reserve, the Director shall notify the Commandant of the Marine Corps (CDH) of the appointment of a trustee. After such notification, payments of all moneys due to the

incompetent shall be made by the appropriate officer to the designated trustee.

§ 726.7 Reports and Supervision of Trustees.

(a) *Requirement that trustee file annual accounting report showing the status of the trust account.* The trustee so appointed shall submit accounting reports annually or at such time as the Director may desire. The reports shall show all funds received from the Navy or Marine Corps in behalf of the incompetent; all expenditures made in behalf of the incompetent, accompanied by receipts or vouchers covering such expenditures, when requested; and a statement of the condition of the trustee account at the time of submission of the report. If the trustee fails to report promptly at the end of any annual reporting period or such other time as the Director desires, he may in his discretion cause further payments to such trustee to cease and may, if deemed advisable, appoint a successor trustee not under legal disability so to act to receive the future payments of moneys due the incompetent.

(b) *Conditions under which payments shall cease to be paid to the trustee.* Payments of amounts due incompetent personnel shall cease to be paid to the trustee upon receipt of notification by the disbursing officer, Commanding Officer, U.S. Navy Finance Center, or Commandant of the Marine Corps (CDH), of the occurrence of any of the following:

- (1) Death of the incompetent.
- (2) Death or disability of the trustee appointed.
- (3) Receipt of notice that a committee, guardian, or other legal representative has been appointed for the incompetent by a court of competent jurisdiction.
- (4) Receipt of notification by the Director of the failure of a trustee to render the reports required.
- (5) Receipt of notification by the Director that there is probable cause to believe that there is improper use of moneys received on behalf of the incompetent.
- (6) Receipt of notification by the Director that a board of medical officers has found the former incompetent mentally capable of managing his own affairs. The Director may, at his discretion, accept the findings of a Veterans' Administration or Public Health Service hospital, or other public or private institution, that a person formerly found incompetent is competent.
- (7) That the Director deems it to be in the best interest of the incompetent.

In the event of termination of payments under subparagraphs (2), (4), (5), or (7) of this paragraph, the Director may, if deemed appropriate, appoint a successor trustee, under the terms of this part.

(c) *Notification by the disbursing officer to the Director of all payments made to trustee.* The disbursing officer carrying the active-duty pay account of incompetents will report to the Director all payments made to trustees and will notify the Director when the accounts of the incompetent have been transferred to another activity.

(d) Notification by the Commanding Officer, U.S. Navy Finance Center, and Commandant of the Marine Corps (CDH) to the Director of change in status in the pay account of the incompetent. The Commanding Officer, U.S. Navy Finance Center, and the Commandant of the Marine Corps (CDH) will notify the Director if the retired pay is waived in favor of Veterans' Administration compensation and, if so waived, the name and address of the individual signing the waiver and the address of the Veterans' Administration Regional Office making payment of the Veterans' Administration compensation. In addition, the said officers will notify the Director of any other change in the status of the retired pay account of the incompetent, such as caused by death; or appointment of a legal guardian, committee, or other legal representative by a court of competent jurisdiction. Said officers will furnish the Director with a report as to amounts of pay paid trustees annually or as requested or at the time of change of status of the trusteeship.

§ 726.3 Requirement that a trustee shall file a final accounting report at termination of trusteeship.

The trustee, when payments hereunder are terminated, shall file a final accounting report with the Director. When the final accounting report has been approved, the trustee shall be discharged by said Director and the surety released on its bond. In the event of death or disability of a trustee, the final accounting report will be filed by his legal representative.

§ 726.9 Authority of the Judge Advocate General to issue implementing instructions.

All powers given the Director in this part are also vested in the Judge Advocate General. The Judge Advocate General is authorized to issue such further instructions, not in conflict with this part, as may be necessary from time to time to give full force and effect thereto.

2. Part 765 is amended by adding the following section at the end thereof:

§ 765.20 Authority to administer oaths and to act as notary.

(a) Article 136 of the Uniform Code of Military Justice (10 U.S.C. 936), entitled "Authority to administer oaths and to act as notary," lists several categories of persons who are granted authority as set forth in subsections (a) and (b) of the article. Subsections (a) (1) through (6) and (b) (1) through (5) list specific categories, and (a) (7) and (b) (6) provide that additional persons may be designated by regulations of the armed forces or by statute to exercise authority under the article. In accordance with the provisions of Article 136 (a) (7) and (b) (6), the following officers of the Navy and Marine Corps on active duty, including retired and reserve officers, are authorized to administer oaths for the purpose of military administration, including military justice, and shall have the general powers of a notary public and of a consul of the United States in the performance of all notarial acts to be executed by members of the Armed

Forces, wherever they be, and by other persons subject to the Uniform Code of Military Justice outside the United States, and to administer oaths necessary in the performance of their duties:

(1) Officers certified by the Judge Advocate General of the Navy under Articles 26 and 27 of the Uniform Code of Military Justice (10 U.S.C. 826 and 827); and

(2) Officers of the grade of Lieutenant Commander and Major, or above.

(b) Further, the following officers of the Navy and Marine Corps on active duty, including retired and reserve officers, are authorized in accordance with the provisions of Article 136(b) (6) of the Uniform Code of Military Justice to administer oaths necessary in the performance of their duties: Officers designated as Casualty Assistance Calls Program Officers while so acting.

(10 U.S.C. 936, 5031, 6011, 37 U.S.C. 351-354)

Dated: October 26, 1959.

By direction of the Secretary of the Navy.

[SEAL] CHESTER WARD,
Rear Admiral, U.S. Navy,
Judge Advocate General of the Navy.

[F.R. Doc. 59-9167; Filed, Oct. 28, 1959; 8:52 a.m.]

**Title 43—PUBLIC LANDS:
INTERIOR**

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1989]

[777711]

CALIFORNIA

Power Site Cancellation No. 139; Power Site Restoration No. 539; Opening lands from power withdrawals; Power Projects 249, 334, and 864; Power Site Reserves 87, 261, and 268; Power Site Classification 389.

Correction

In F.R. Document 59-8093, appearing in the issue for Tuesday, September 29, 1959, at page 7829, make the following change:

In the land description following paragraph 3a, line 2 should read "Sec. 11, NW¼, S½SW¼".

which require that each broadcast station keep on hand a prescribed number of spare vacuum tubes. A spare tube is required for every type used in the equipment and, if several of the same type are used, additional spares are necessary; as determined by the tables in §§ 3.40(e), 3.317(e) and 3.687(h) of the rules.

3. These detailed requirements were adopted into the rules a number of years ago, first for standard broadcast (AM) stations and then extended to FM and TV stations. They were bottomed upon the desirability of avoiding or shortening broadcast service interruptions resulting from tube failures.

4. Upon reexamination, we believe these provisions carry with them an administrative burden, affecting the Commission and the station licensees, which is no longer warranted. The high reliability now realized in broadcast station operations results from various factors. While recognizing the importance of spare tubes to equipment reliability, we believe their availability, as with many other equipment components, can now more appropriately be left with the responsibility and initiative of the station licensees than with the requirements of the rules. Thus, we are deleting these provisions from our rules. The amendment is of minor nature for which a rule making notice and public procedures are unnecessary.

5. Authority for the adoption of the amendment is contained in sections 4(i), 301, and 303(r) of the Communications Act of 1934, as amended.

6. Accordingly, it is ordered, That effective November 30, 1959, §§ 3.40, 3.317, and 3.687 of the Commission's rules are amended as set forth below.

(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)

Released: October 23, 1959.

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

§ 3.40 [Amendment]

1. Section 3.40 is amended by deleting the text of paragraph (e) and inserting in lieu thereof the word (Reserved).

2. Section 3.317(e) is amended to read as follows:

§ 3.317 Transmitters and associated equipment.

* * * * *
(e) An accurate circuit diagram, as furnished by the manufacturer of the equipment, shall be retained at the transmitter location.

3. Section 3.687(h) is amended to read as follows:

§ 3.687 Transmitters and associated equipment.

* * * * *
(h) An accurate circuit diagram, as furnished by the manufacturer of the equipment, shall be retained at the transmitter location.

[F.R. Doc. 59-9159; Filed, Oct. 23, 1959; 8:50 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 59-1074]

PART 3—RADIO BROADCAST SERVICES

Miscellaneous Amendments

1. At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 21st day of October 1959;

2. The Commission has before it for consideration the provisions of the rules

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 913]

[Docket No. AO-23-A18]

MILK IN GREATER KANSAS CITY MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Kansas City, Missouri, on May 27-29, 1959, pursuant to notice thereof issued on May 6, 1959 (24 F.R. 3764).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on September 10, 1959 (24 F.R. 7406) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

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

1. The status of cow pools under the order;
2. Expansion of the marketing area;
3. Cooperative association as a handler;
4. Changing the base-rating months; and
5. Administrative changes.

A proposal to revise the method of paying producers from the present market-wide pool to an individual-handler pool was not supported at the hearing and no further reference to it is made herein.

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

1. *Status of cow pools.* It was proposed that a "cow pool" should be treated under the order as if it were a regulated handler and that the individual contributors of cows to the pool be treated as producers.

At the time of the hearing, there was only one cow pool supplying milk to the Greater Kansas City market. This operation was located at Meservey, Iowa, approximately 300 miles from Kansas City. The milk produced at the cow pool was delivered by a tank truck to a pool plant located in Kansas City, Missouri.

The cow pool is a large-scale cow feeding and milking operation. Facilities are provided for the feeding and milking of approximately 1,000 cows. At the time of the hearing, about 600 cows were being milked. Modern milking apparatus, including the use of pipe-

lines and farm bulk storage tanks, were in operation. As a functional entity, the cow pool has little to distinguish it from other large-scale feeding and milking operations in other parts of the country, some of which market milk under Federal regulation. Except for its size and the fact that all feedstuffs are purchased, rather than produced in part on the farm, the cow pool has little to distinguish its physical functions from smaller operations in this market.

The distinguishing characteristic of the cow pool is the contractual arrangements by which it operates. The operator of the pool provides the feeding, stabling, and milking facilities. He also arranges for the purchase of feed, veterinary services, and other incidentals. He arranges for the marketing of the milk and for the collection of the proceeds thereon. The individual contributors furnish cows to the pool which the operator shelters, feeds, and milks. For these services, the operator charges certain annual fees and subtracts the cost of feeding, veterinary expense, etc., from the proceeds of the sale of each contributor's milk. Unlike the traditional "producer", therefore, there is a distinct division of ownership within the enterprise with the physical facilities being owned by the operator, and the cows being owned by the individual contributors. (In practice about three-fourths of the cows in the pool have been placed by cash investors rather than by dairy farmers.)

It is these unique contractual arrangements between the owner of the milking and feeding facilities and the cow contributors which cause concern to proponents. They state that the individual contributors are entitled to the direct protection of the Federal order, and that this can be achieved only by designating such contributors as "producers". It follows, of course, that if the individual contributors are designated as "producers", the operator of the cow pool will be considered as a "handler" who receives or purchases the milk from the "producers".

The purpose of a Federal milk marketing order is to help achieve orderly marketing conditions in the sale of milk by farmers to processors or handlers. One—perhaps the chief—tool for attaining this end is the establishment of minimum class prices payable to producers, which prices are uniform as among all handlers.

The question here is a very practical one: How to achieve most effectively the application of uniform prices payable by regulated handlers and, thus, how to achieve in the most practical fashion conditions of orderly marketing in the sale of milk by producers to handlers. Without doubt, the significant "handler" in this situation is the processor and distributor in Kansas City who has been purchasing the milk of the cow pool. He is the one who must be obligated to pay uniform minimum prices if the ends sought by the order

are to be attained. If the Department were to accept proponents' suggestions, however, and consider the operator of the cow pool as a handler, it would relieve the operator of the pool plant in Kansas City of the obligation of accounting to the cow pool and to the equalization fund under the order for the minimum prices specified in the order. This is so because inter-handler prices may not generally be regulated, and the reach of the minimum price provisions is limited to the transaction between the producer and the first handler.

Moreover, the payment of minimum prices by the cow pool operator to the individual cow contributors cannot practically be achieved. The contractual arrangements between the operators and the contributors would vitiate such effort, for the contributors must be allowed to contract with the operator for the payment of the unique services rendered by the operator. The amount of the payment for these services need only be adjusted to evade any minimum price regulation which might be attempted. Furthermore, various forms of incorporation or purchase agreements could be arranged to evade the proposed definition of cow pool. In addition, the definition would apply to many forms of joint operation which have existed in the market for many years and which the proponents had no desire to modify.

To follow the suggestion of proponents, therefore, would be to render less effective the application of the uniform price provisions of the order with respect to the milk delivered by the cow pool to the Kansas City distributor. This could engender disorderly marketing conditions in this market and, hence, would not tend to effectuate the declared policy of the Act. The proposal to designate the operator of a cow pool as a handler and individual cow contributors as producers must, therefore, be denied.

A producers' association in its exceptions contended that a cow pool and a country receiving station are functionally similar and the cow pool and the traditional dairy producer are dissimilar. Therefore, it was maintained, the operator of a cow pool should be treated under the order in a manner similar to the treatment of country plant operators: that is to say, the operator of a cow pool should be considered a handler under the order rather than as a producer, as the decision concludes.

The decision in this matter does not turn upon this claimed similarity or lack of it. It may be helpful to exceptors, however, in understanding the decision to explain the Department's view with regard to this claimed similarity. A country station receives the product of dairy farmers delivered to it in the form of whole fluid milk. Presumably, the farmers who deliver the milk to the station have performed the functions of owning the cows, feeding, sheltering, and caring for them, and milking them. The cow pool in contrast receives no milk as such; instead, it accepts the cows given

to its care by cow owners, many of whom consider themselves as mere investors in the dairy enterprise. The cow pool provides for the shelter, feeding, other care, and milking of cows which are the significant functions of a dairy enterprise. If our decision were to turn on whether a cow pool is more nearly like a dairy farmer or more nearly like a receiving station, it seems clear that the cow pool is more like a dairy farmer in that it performs most of the functions which dairy farmers traditionally perform.

Producer-handler. Cow pools constitute a device which handlers might use to avoid regulations. A distributor could organize a cow pool to produce his entire supply of milk and incur less investment and less financial risk than if he owned the entire production facilities and cattle outright and incurred directly the costs of feed, veterinary care, cow replacements, and other related expenses. As the operator of a cow pool he might claim to be a person who operates both a dairy farm(s) and a milk processing or bottling plant and thus qualify as a producer-handler. As a producer-handler, he would be exempt from the operation of the marketwide equalization pool and from the necessity of paying minimum prices to producers.

The cow pool presently serving the market has not been organized or operated in such fashion. However, such a development is possible under the present order, and the producer-handler definition should be clarified to specify that both the milk production and the processing facilities be the personal enterprise and risk of the operator. Written information to such effect should be furnished to the market administrator for such verification as he deems necessary.

2. Marketing area. The Greater Kansas City marketing area should be expanded to include all of Miami County, Kansas, and all of the Missouri counties of Cass, Bates, Lafayette, Johnson, Henry, and St. Clair. This territory comprises a contiguous area within which there is such a high degree of competition in the sales and procurement of milk as to constitute a distinct marketing area to which a single pricing system is applicable.

Most of the cities of any size within the counties recommended for inclusion in the marketing area have Grade A ordinances. As a result the plants, many with overlapping routes, competing for fluid sales in such area are distributing milk of comparable quality.

The inclusion of certain of these counties within the marketing area will involve some plants from which only minimal volumes of fluid sales are distributed. Application of order pricing and payment provisions to those distributors having less than one economical route would entail effort and expense without contributing significantly to orderly marketing. Therefore, plants from which less than 600 pounds of Class I milk per day are distributed on routes in the marketing area should be exempt from the pricing and payment provisions of the order. However, the reporting

and audit provisions of the order should apply to such distributors inasmuch as their volume of sales in the area will have to be established.

Miami County, in Kansas, should be included in the marketing area. More than 90 percent of the fluid sales are made by regulated handlers. None of the three unregulated plants accounting for the remaining fluid sales in the county are likely to be subject to the pricing provisions of the order inasmuch as two of the presently unregulated plants are operated by producer-dealers and, on the basis of the record, the third unregulated plant as well as one of the producer-dealers would not be subject to the pricing provisions of the order as less than 600 pounds of milk per day are distributed in the marketing area from such plants. In addition, the regulated handler having the largest proportion of sales in the county testified that unless Miami County were included he could not be assured of pooling his plant at all times. This proposal was supported by the major cooperative association and was not opposed.

In Missouri, the southern portion of Cass County and all of the territory within the counties of Bates, Lafayette, Johnson, Henry, and St. Clair should be included in the marketing area. Handlers regulated under the Kansas City order account for 90 percent or more of the fluid sales within Cass, Bates, and Lafayette Counties, for nearly 80 percent in Johnson County, and nearly 70 percent in Henry County. Handlers regulated under either the Kansas City order or the Ozarks order have more than 70 percent of the Class I business in St. Clair County.

The remaining Class I sales within the territory in these Missouri counties are accounted for by two plants located in St. Joseph, Missouri, and by one located at Sedalia, Missouri. One of these plants is partially regulated at the present time and would not likely be subject to full regulation as a result of the proposed area expansion. The other plants, which are now totally unregulated, could well become fully regulated by virtue of the area expansion.

Although two of the plants are primarily associated with the St. Joseph market and the other with the Sedalia area, the competition between the Kansas City handlers and these handlers in territories outside the respective cities is so extensive that no clear line can be drawn between the sales territories. Clearly, orderly marketing can best be achieved if all handlers selling milk in territories predominantly served by the Kansas City handlers are made subject to the provisions of the order. Whether the St. Joseph and Sedalia handlers are fully or partially subject to the order will depend upon their proportions of sales in the expanded marketing area. None of them proposed that any changes be made in the pool plant standards. The location adjustments of 16 cents at plants located in St. Joseph and 17 cents at Sedalia would be retained and would apply to plants at such locations, whether fully or partially regulated.

In the recommended decision the marketing area was expanded to include Pettis, Benton, and Morgan Counties. A major factor in such recommendation was the fact that a handler whose plant is located in Sedalia, Missouri, the county seat of Pettis County, would probably be subject to regulation by virtue of his distribution in the counties west of Sedalia. Since his operations would be regulated and since his distribution, plus that of the presently regulated handlers was so large a proportion of the total sales in the three counties, it was deemed most equitable to include the major part of his sales territory in the marketing area and thereby assure him that his competitors in the three counties would also be subject to regulation.

In his exceptions, however, he specifically rejected this line of reasoning. In the circumstances, Pettis, Morgan, and Benton Counties should not be included. It follows that Sedalia should not be named as a point from which to compute location adjustments.

The marketing area should not be expanded to include the Fort Riley, Kansas, military base.

A plant located at Junction City, in Geary County, is the only unregulated plant from which fluid sales are distributed at Fort Riley. Although one of the present regulated handlers proposed that all of Geary County be included in the marketing area, he supported only the addition of that portion of the county which is in Fort Riley.

If Fort Riley were included in the marketing area and the Junction City handler continued to operate in the same fashion as he did at the time of the hearing, his plant would be qualified as a distributing pool plant. This handler purchases a portion of his Grade A supply from local dairy farmers and the remainder from a plant operated by the Nemaha Cooperative Association at Sabetha, Kansas. The quantities of milk obtained from the Sabetha plant during the year preceding the hearing averaged one-third of the total supply at Junction City. These shipments represented only 15 to 20 percent of the total available supply of Grade A milk at the Sabetha plant.

The Sabetha plant, therefore would not qualify as a supply pool plant under the present terms of the order. The proponents of extension of the area to include Fort Riley did not indicate that they favored any modification of the pool plant standards. In fact, a representative of the largest cooperative association of producers emphatically objected to any reduction in the pool plant percentage standards.

In the circumstances, the proposal to include Fort Riley would involve a supply of milk which is primarily associated with other markets not presently regulated by any order. Furthermore, the presently regulated handlers held a portion of the Fort Riley contract at the time of the hearing and have frequently been successful bidders on portions of the contract in the past several years. One factor in their ability to obtain the contracts is that the principal competition for producer milk in the vicinity of

Junction City is from the Wichita market which has commonly had higher blend prices than those prevailing in the Kansas City market.

In view of the ambiguous status of the Sabetha plant with respect to the order, the comparatively high prices paid for milk by the Junction City distributor, and the fact that the regulated handlers have usually furnished at least a portion of the Fort Riley supplies, it is concluded that this military installation should not be included in the marketing area.

3. *Cooperative association as a handler.* The present order provides for the designation of a cooperative association as a handler with respect to bulk tank milk of the association's members which is delivered in a tank truck owned or operated by the association to another handler's pool plant. Because individual member-producers' milk is commingled in the tank truck before it reaches the handler's plant, thereby losing its identification with the individual producer, it is administratively most feasible to fix the association with the responsibility for determining the monthly weights and butterfat tests of individual producers' deliveries.

It is also most practical, from the administrative viewpoint, to provide the association with the option of acting as a handler on can milk of its members which is delivered to two or more plants operated by other handlers in any given month. Such can deliveries should be considered as having been received by the cooperative association at the plant at which the milk is actually delivered. This will make it possible for a single butterfat test to be applied to a can-shipper's deliveries regardless of the number of plants at which his deliveries are received during the payment period. It will also simplify the determination of such producers' daily bases. No opposition to this proposal was offered at the hearing.

A cooperative association should also be permitted to be the handler on bulk tank milk delivered to a producer-handler. Under the present order, a producer-handler can obtain supplemental milk for Class I use only by transfer from pool plants. Milk on which a cooperative is defined as a handler under the order is as fully associated with the market as that physically received at pool plants and sales of such milk to other handlers are accounted for and priced as interhandler transfers. It follows that an association without a plant, but operating as a handler, should be afforded the same opportunity to furnish milk to a producer-handler as the operator of a pool plant.

4. *Base rating.* The present method of computing producer bases should not be revised.

Two issues were raised with respect to the base-rating provisions. One issue related to changes in the base-setting and base-paying months to accommodate shifts in monthly Class I utilization percentages. However, three of the major producers associations opposed any revision in base-rating months until more experience has been obtained with

the present plan. It was pointed out that revisions in the base-rating months would involve fundamental changes in farm production practices and that the present plan should be revised only after careful study and discussion with producers. In addition, some of the data introduced into the record indicated that the present program has led to some improvement in the seasonality of production. Therefore, the present base-rating months should be retained.

A second issue raised regarding the base-excess plan had to do with bases for new producers. Certain handlers proposed that individual producers who are so new to the market as not to have established a base should be allowed to establish one calculated as a percentage of their production during the base-operating months. The handlers maintained that it was difficult to attract new producers during February through July without providing bases. (The order already provides that producers at newly regulated pool plants shall have bases computed from their deliveries to such plant in the previous fall months. There was no proposal to change this provision.) In view of the general adequacy of the supply of producer milk in this market and the fact that bases apply only during the flush months, it is concluded that it is not now necessary to provide bases for individual new producers.

5. *Administrative changes.* Obligations of the market administrator to handlers and of handlers to individual producers, cooperative associations, or to the producer-settlement, marketing service, and administrative funds, which are not paid within the calendar month when payment is due, should incur an interest payment of one-half of one percent on the unpaid balance on the first day of each following month.

The purpose of this provision is to compensate producers and handlers at the usual rate, 6 percent per year; for monetary obligations which are not honored when due. This proposal was unopposed at the hearing.

An administrative change should also be made with respect to diverted milk. In §913.11, defining "handler", a cooperative association is defined as the handler with respect to milk diverted to a nonpool plant under specified conditions. It is further specified that milk so diverted will be considered to have been received at the pool plant from which diverted.

The order does not specify the point at which milk diverted by a proprietary handler is to be considered as having been received. It is important that such point be specified for purposes of applying pool plant qualification standards, location adjustments, and maximum shrinkage allowances. It is appropriate that milk diverted by a proprietary handler, as well as milk diverted by a cooperative association, be considered as having been received at the pool plant from which diverted.

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

These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

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

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

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

It is hereby ordered. That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of

said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Referendum order; determination of representative period; and designation of referendum agent. It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order amending the order regulating the handling of milk in the Greater Kansas City marketing area, is approved or favored by the producers, as defined under the terms of the order, as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

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

U. Grant Grayson is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177) such referendum to be completed on or before the 25th day from the date this decision is issued.

Issued at Washington, D.C., this 26th day of October 1959.

CLARENCE L. MILLER,
Assistant Secretary.

Order¹ Amending the Order Regulating the Handling of Milk in the Greater Kansas City Marketing Area

§ 913.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Greater Kansas City marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions there-

of, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

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

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

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, two cents per hundredweight or such amount not to exceed two cents per hundredweight as the Secretary may prescribe, with respect to the quantities of milk specified in §§ 913.61 and 913.88.

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

1. Revise § 913.6 to read as follows:

§ 913.6 Greater Kansas City marketing area.

"Greater Kansas City marketing area" hereinafter called "marketing area" means all of the territory in Jackson, Cass, Bates, Lafayette, Johnson, Henry, and St. Clair Counties, all in Missouri; those portions, excluding Platte City, Missouri, of Platte and Clay Counties in Missouri, south of a line extending in an easterly direction from the Missouri River on the west along State Highway 92 to the intersection of State Highway 92 and U. S. Highway 69, thence north to the north section line of Section 26 in Washington Township in Clay County, thence east along the north section lines of Sections 26 and 25 in Washington Township to the boundaries of Clay and Ray Counties; all of the Counties of Wyandotte, Leavenworth, Johnson, Douglas, Shawnee, Lyon, Morris, and Miami in the State of Kansas, and Riley County, Kansas, exclusive of the Fort Riley military reservation.

2. Add to § 913.7 the following: "Milk diverted pursuant to paragraph (a) (2) of this section shall be considered as having been received at the plant from which it is diverted."

3. Revised § 913.11 to read as follows:
§ 913.11 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any person in his capacity as the operator of a nonpool plant from which fluid milk products are disposed of on a route(s) in the marketing area;

(c) Any cooperative association which chooses to report as a handler with respect to the milk of its member producers which is delivered to the pool plant of another handler or to the plant of a producer-handler in a tank truck owned or operated by or under contract to such cooperative association for the account of such cooperative association. (Such milk shall be considered as having been received by such cooperative association at the plant to which it is delivered.);

(d) Any cooperative association which chooses to report as a handler with respect to the milk of its member-producers which is delivered in cans to the pool plants of two or more handlers in a single delivery period (such milk shall be considered as having been received by such cooperative association at the plant to which it is delivered); or

(e) Any cooperative association with respect to the milk of any producer which such cooperative association causes to be diverted from a pool plant to a non-pool plant for the account of such cooperative association.

4. Revise § 913.12 to read as follows:
§ 913.12 Producer-handler.

"Producer-handler" means a person who operates both a dairy farm(s) and a milk processing or bottling plant at which each of the following conditions is met during the month:

(a) Milk is received from the dairy farm(s) of such person or from a cooperative association pursuant to § 913.11 (c) but from no other dairy farm;

(b) Fluid milk products are disposed of on routes to retail or wholesale outlets in the marketing area; and

(c) The butterfat or skim milk disposed of in the form of a fluid milk product does not exceed the butterfat or skim milk, respectively, received in the form of milk from the dairy farm(s) of such person and in the form of a fluid milk product from pool plants of other handlers or from a cooperative association pursuant to § 913.11(c); and

(d) Such person shall furnish to the market administrator for his verification, subject to review by the Secretary, evidence that the maintenance, care and management of the dairy animals and other resources necessary for the production of milk in his name are and continue to be the personal enterprise of and at the personal risk of such producer in his capacity as a handler.

5. Amend § 913.60 to read as follows:
§ 913.60 Exempt handlers.

Sections 913.40 through 913.45, 913.50 through 913.53, 913.61, 913.70, 913.71, and 913.80 through 913.88 shall not apply to a producer-handler or to a handler operating a plant from which less than

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

an average of 600 pounds of Class I milk per day is distributed on routes in the marketing area.

6. In § 913.70 (c) and (d) change "§ 913.46(a) (5)" to "§ 913.46(a) (4)".

§ 913.36 [Amendment]

7. Change the present text of "§ 913.86" to "§ 913.86(a)" and add the following:

(b) *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 913.80, 913.84, 913.85, 913.86(a), 913.87, and 913.88 shall be increased one-half of one percent on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

[F.R. Doc. 59-9163; Filed, Oct. 28, 1959; 8:51 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-KC-3]

FEDERAL AIRWAYS AND CONTROL AREAS

Extension

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6170 and 601.6170 of the regulations of the Administrator, as hereinafter set forth.

VOR Federal airway No. 170 presently extends from Milwaukee, Wis., to Philadelphia, Pa. The Federal Aviation Agency has under consideration extending Victor 170 and its associated control areas westerly from Milwaukee to Nodine, Minn., via a VOR to be installed approximately March 31, 1960, near Wisconsin Dells, Wis., at latitude 43°33'03" N., longitude 89°45'41" W. At present, air traffic operating between Milwaukee and Minneapolis, Minn., is limited to a single airway system for that portion of the route between Milwaukee and Nodine and must traverse a concentrated military air operations area in the vicinity of Truax Field, Madison, Wis. To provide a bypass route around this military air operations area, it is proposed to extend Victor 170 from Milwaukee to Nodine, via the Dells VOR.

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 §§ 600.6170 (23 F.R. 10339, 24 F.R. 2229) and 601.6170 (14 CFR, 1958 Supp., 601.6170) to read as follows:

§ 600.6170 VOR Federal airway No. 170 (Nodine, Minn., to Salem, Mich., and Erie, Pa., to Philadelphia, Pa.).

From the Nodine, Minn., VOR via the Dells, Wis., VOR; INT of the Dells VOR 097° and the Milwaukee, Wis., VOR 307° radials; Milwaukee VOR; Pullman, Mich., VOR; to the Salem, Mich., VOR. From the Erie, Pa., VOR via the Bradford, Pa., VOR; Selinsgrove, Pa., VOR; Tower City, Pa., VOR; INT of the Lancaster, Pa., VOR 047° and the Pottstown, Pa., VOR 275° radials; to the West Chester, Pa., VOR.

§ 601.6170 VOR Federal airway No. 170 control areas (Nodine, Minn., to Salem, Mich., and Erie, Pa., to Philadelphia, Pa.).

All of VOR Federal airway No. 170.

Issued in Washington, D.C., on October 21, 1959.

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

[F.R. Doc. 59-9118; Filed, Oct. 28, 1959; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-KC-34]

FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

Revocation

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

Blue Federal airway No. 42 presently extends from Goshen, Ind., to Saginaw, Mich. The Federal Aviation Agency IFR peak day survey for each half of calendar year 1958 showed less than ten aircraft movements on the segment of Blue 42 between Burr Oak, Mich., and Saginaw and no aircraft movements on all other segments of the airway. On the basis of the survey, it appears that

the retention of this airway and associated control areas is unjustified as an assignment of airspace, and that the revocation thereof would be in the public interest. If such action is taken, § 601.4642 related to designated reporting points would also be revoked. The designated reporting point, Battle Creek, Mich., radio range station, which would otherwise be revoked with this action, but which is also required as a designated reporting point on Red Federal airway No. 63, would be concurrently redesignated in § 601.4263. In addition, the northwest extension to the Lansing, Mich., control area, presently bounded by Blue 42, would be redesignated as being bounded by VOR Federal airway No. 274.

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 Parts 600 and 601 (14 CFR, 1958 Supp., Parts 600, 601), and §§ 601.4263, and 601.1261 (14 CFR, 1958 Supp., 601.4263, 601.1261) as follows:

§ 600.642 [Revocation]

1. Section 600.642 *Blue Federal airway No. 42 (Goshen, Ind., to Saginaw, Mich.)* is revoked.

§ 601.642 [Revocation]

2. Section 601.642 *Blue Federal airway No. 42 control areas (Goshen, Ind., to Saginaw, Mich.)* is revoked.

§ 601.4642 [Revocation]

3. Section 601.4642 *Blue Federal airway No. 42 (Goshen, Ind., to Saginaw, Mich.)* is revoked.

§ 601.4263 [Amendment]

4. Section 601.4263 *Red Federal airway No. 63 (Bangor, Mich., to Jackson, Mich.)*: In the text, delete "No reporting

point designation." and substitute therefor, "Battle Creek, Mich., RR."

5. Section 601.1261 is amended to read:

§ 601.1261 Control area extension (Lansing, Mich.).

The airspace within a 15-mile radius of the Lansing VOR, and within 5 miles either side of the NW course of the Lansing RR extending from the RR to VOR Federal airway No. 274. The airspace S of Lansing bounded on the S by VOR Federal airway No. 100, on the NW by VOR Federal airway No. 218, and on the NE by VOR Federal airway No. 45.

Issued in Washington, D.C., on October 21, 1959.

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

[F.R. Doc. 59-9120; Filed, Oct. 28, 1959;
8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-WA-213]

FEDERAL AIRWAYS AND REPORTING POINTS

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 §§ 600.6008, 600.6268, and 601.7001 of the regulations of the Administrator, as hereinafter set forth.

VOR Federal airway No. 8 presently extends from Long Beach, Calif., to Washington, D.C. The Federal Aviation Agency has under consideration modification of the segment of Victor 8 between Pittsburgh, Pa., and Martinsburg, W. Va., by realigning this segment via a VOR proposed to be installed approximately December 15, 1959, near Indian Head, Pa., at latitude 39°58'33" N. longitude 79°21'21" W., to provide more precise navigational guidance. If such action is taken, Victor 8 between Pittsburgh and Martinsburg would be designated via the Indian Head VOR. Concurrently, the associated Domestic VOR reporting points, Scottdale, Pa., Intersection, and the Flint Stone, Md., Intersection would be redescribed to coincide with the modified airway. In addition, an amendment to the text of § 600.6268 would be necessary to align the starting point of VOR Federal airway No. 268 to coincide with the modified Flint Stone Intersection. The control areas associated with VOR Federal airways No. 8 and No. 268 are so designated that they will automatically conform to the modified airways. 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, Federal Building, New York International Airport, Jamaica 30, N.Y. 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 §§ 600.6008 (14 CFR, 1958 Supp., 600.6008, 23 F.R. 10337, 24 F.R. 2227), 600.6268 (24 F.R. 1284), and 601.7001 (14 CFR, 1958 Supp., 601.7001) as follows:

1. In the text of § 600.6008 VOR Federal airway No. 8 (Long Beach, Calif., to Washington, D.C.), delete "Pittsburgh, Pa., omnirange station;" and substitute therefor "Pittsburgh, Pa., VOR; Indianhead, Pa., VOR;"

2. In the text of § 600.6268 VOR Federal airway No. 268 (Flint Stone, Md., to Baltimore, Md.), delete "From the point of INT of the Front Royal, Va., VOR 335° and the Martinsburg, W. Va., VOR 298° radials" and substitute therefor, "From the point of INT of the Grantsville, Md., VOR 082° and the Martinsburg, W. Va., VOR 297° radials"

3. In § 601.7001 Domestic VOR reporting points:

(a) Scottdale Intersection is amended to read:

Scottdale Intersection: The INT of the Pittsburgh, Pa., VOR 120° and the Uniontown, Pa., VOR 018° radials.

(b) Flintstone Intersection is amended to read:

Flint Stone Intersection: The intersection of the Grantsville, Md., VOR 082° and the Martinsburg, W. Va., VOR 297° radials.

Issued in Washington, D.C., on October 21, 1959.

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

[F.R. Doc. 59-9122; Filed, Oct. 28, 1959;
8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-WA-223]

FEDERAL AIRWAYS AND CONTROL AREAS

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 §§ 600.6119 and 601.6119 of the regulations of the Administrator, as hereinafter set forth.

VOR Federal airway No. 119 presently extends from Huntington, W. Va., to Rochester, N.Y. The Federal Aviation Agency has under consideration extending Victor 119 southerly from Huntington to London, Ky., via a VOR proposed to be installed approximately July 15, 1960, near Newcombe, Ky., at latitude 38°09'30" N., longitude 82°54'37" W., and realignment of the Parkersburg, W. Va., to Wheeling, W. Va., segment by designating it via a VOR to be installed approximately February 15, 1960, near Bellaire, Ohio, at latitude 40°01'04" N., longitude 80°49'03" W. The extension of Victor 119 would provide a bypass route northwest of the Charleston, W. Va., terminal area for air traffic operating between the Nashville, Tenn., and the Pittsburgh, Pa., areas. The modification of the Parkersburg to Wheeling segment via the Bellaire VOR would provide more precise navigational guidance on this segment. If such actions are taken, reference to the Huntington radio beacon would be deleted and Victor 119 and its associated control areas would then extend from London, Ky., via Newcombe, Henderson, W. Va., Parkersburg, Bellaire, Wheeling and thence as presently designated to Rochester, N.Y.

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, Federal Building, New York International Airport, Jamaica 30, N.Y. 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 §§ 600.6119 and 601.6119 (14 CFR, 1958 Supp., 600.6119, 601.6119) as follows:

1. Section 600.6119 VOR Federal airway No. 119 (Huntington, W. Va., to Rochester, N.Y.):

(a) In the caption, delete "(Huntington, W. Va., to Rochester, N.Y.)" and substitute therefor, "(London, Ky., to Rochester, N.Y.)".

(b) In the text, delete "From the Huntington, W. Va., nondirectional radio beacon via the Henderson, W. Va., omnirange station; Parkersburg, W. Va., omnirange station; Wheeling, W. Va., omnirange station;" and substitute therefor, "From the London, Ky., VOR via the Newcombe, Ky., VOR; Henderson, W. Va., VOR; Parkersburg, W. Va., VOR; Bellaire, Ohio, VOR; Wheeling, W. Va., VOR;".

2. Section 601.6119 VOR Federal airway No. 119 control areas (Huntington, W. Va., to Rochester, N.Y.): In the caption, delete "(Huntington, W. Va., to Rochester, N.Y.)" and substitute therefor, "(London, Ky., to Rochester, N.Y.)".

Issued in Washington, D.C., on October 21, 1959.

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

[F.R. Doc. 59-9123; Filed, Oct. 28, 1959;
8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 59-KC-31]

CONTROL ZONES AND CONTROL AREAS

Revocation of Control Zone and Control Area Extension

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

The Emporia, Kans., control zone is presently designated to include the airspace within a 3-mile radius of the Emporia Airport with an extension to the southeast based on the Emporia VOR. The Emporia control area extension, which provides protected airspace for aircraft conducting instrument approaches to the Emporia airport, is presently designated to include the airspace within 5 miles either side of the 134° and 314° radials of the Emporia VOR extending from the VOR to points 25 miles southeast and northwest. The Federal Aviation Agency has under consideration the revocation of the Emporia control zone and control area extension. An IFR airport traffic survey conducted by the Kansas City, Mo., Air Route Traffic Control Center shows that there were

no instrument approaches conducted within this control zone and control area extension during calendar year 1958. On the basis of the survey, it appears that the retention of this control zone and control area extension is unjustified as an assignment of airspace, and that the revocation thereof would be in the public interest.

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 Part 601 (14 CFR, 1958 Supp., Part 601) as follows:

1. Section 601.2430 Emporia, Kans., control zone is revoked.

2. Section 601.1315 Control area extension (Emporia, Kans.) is revoked.

Issued in Washington, D.C., on October 21, 1959.

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

[F.R. Doc. 59-9119; Filed, Oct. 28, 1959;
8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 59-KC-40]

CONTROL ZONES

Revocation

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

The Vandalia, Ill., control zone is presently designated to include the airspace within a three-mile radius centered on the Vandalia Airport and within two

miles either side of the 003° and 183° radials of the Vandalia VOR extending from the three mile radius zone to points 12 miles north and 20 miles south of the VOR. The Federal Aviation Agency has under consideration the revocation of this control zone. An IFR airport traffic survey conducted by the St. Louis Air Route Traffic Control Center shows that there were no instrument approaches conducted within this control zone during the calendar year 1958. On the basis of the survey, it appears that the retention of this control zone is unjustified as an assignment of airspace, and that the revocation thereof would be in the public interest.

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 Part 601 (14 CFR, 1958 Supp., Part 601) as follows: § 601.2429 Vandalia, Ill., control zone is revoked.

Issued in Washington, D.C., on October 21, 1959.

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

[F.R. Doc. 59-9121; Filed, Oct. 28, 1959;
8:45 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 59-WA-334]

CODED JET ROUTES

Establishment

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 602 of the

regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency has under consideration the establishment of VOR/VORTAC jet route No. 90 from Seattle, Wash., to Chicago, Ill., via the Mullin Pass, Idaho, VOR; to the Billings, Mont., VOR; the Dupree, S. Dak., VOR; the Sioux Falls, S. Dak., VOR; the Mason City, Iowa, VOR; to the Northbrook, Ill., VOR. At present, the most direct route for jet aircraft operating between Seattle and Chicago is via VOR/VORTAC jet route No. 18 to Dickenson, Mont.; VOR/VORTAC jet route No. 34 to Lacrosse, Wis.; thence via VOR/VORTAC jet route No. 30 to Naperville, Ill. The route under consideration would improve air traffic management and service to jet aircraft operating between these terminals by providing a more direct route between Seattle and Chicago. If such action is taken, Jet Route No. 90-V would extend from Seattle to Chicago.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within 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 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.

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 Part 602 (14 CFR, 1958 Supp., Part 602) by adding the following section:

§ 602.590 VOR/VORTAC jet route No. 90 (Seattle, Wash., to Chicago, Ill.).

From the Seattle, Wash., VOR via the INT of the Seattle VOR 091° and the Mullin Pass, Idaho, VOR 269° radials; Mullin Pass VOR; Billings, Mont., VOR; Dupree, S. Dak., VOR; Sioux Falls, S. Dak., VOR; Mason City, Iowa, VOR; INT of the Mason City VOR 110° and the Northbrook, Ill., VOR 276° radials; to the Northbrook VOR.

Issued in Washington, D.C., on October 21, 1959.

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

[F.R. Doc. 59-9124; Filed, Oct. 28, 1959;
8:46 a.m.]

No. 212—5

FEDERAL COMMUNICATIONS COMMISSION

I 47 CFR Parts 2, 9 I

[Docket No. 13256; FCC 59-1090]

REALLOCATION OF CERTAIN FREQUENCIES

Notice of Proposed Rule Making

In the matter of amendment of Part 2—Frequency Allocations and Radio Treaty Matters; General Rules and Regulations, to reallocate frequencies in the band 118-136 Mc; and amendment of Part 9—Aviation Services, to reflect the reallocation of the 118-136 Mc band; Docket No. 13256.

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

2. Below are set forth certain proposed changes in the Commission's Table of Frequency Allocations contained in Part 2 of the rules in the frequency range 118-136 Mc. These changes are for the purpose of providing (a) additional frequencies for air traffic control facilities believed necessary for flight safety and (b) frequencies on a protected basis for earth-space and space communication. This rule making proceeding has been initiated by the Commission on the basis of representations made by the Executive Branch.

3. The Federal Aviation Agency (FAA) and the Office of Civil and Defense Mobilization (CCDM) represent that the additional frequencies for air traffic control would permit the implementation of a Federal Aviation Agency program directed toward improving air traffic control communication and involving the expansion of ground facilities operated by that agency for communication with aircraft. These additional frequencies would also become available for use by Government and non-Government aircraft stations and non-Government aeronautical stations for air traffic control communication.

4. As set forth in Appendix 1, the band 132-135 Mc would become a joint band (Government/non-Government) allocated to the Aeronautical Mobile (R) service and would continue to be used for Government fixed, mobile and radio positioning services provided harmful interference is not caused to the aeronautical mobile (R) service. This reallocation is proposed for the purpose of providing additional frequencies for aeronautical and aircraft stations for air traffic control communications.

5. It is also proposed to allocate the band 135-136 Mc to the (a) earth-space and (b) space services as a joint Government/non-Government band which may also be used by Government fixed, mobile and radio positioning services on condition that harmful interference is not caused to the earth-space or space services. These changes would result in a corresponding reduction in the 132-144 Mc band now allocated for use by Government services.

6. Appendix 1 also sets forth further proposed allocation changes in the aeronautical mobile bands between 118 Mc

and 132 Mc so as to reallocate the band 126.825-128.825 Mc to shared Government/non-Government use for the aeronautical mobile service. As in the case of the 132-135 Mc reallocation proposal, this change is proposed for the purpose of providing additional frequencies for use by aeronautical and aircraft stations for air traffic control communications. This spectrum space would come from the band 126.825-132.0 Mc currently allocated to the non-Government aeronautical mobile service and used primarily by U.S. scheduled airlines. The proposed changes would provide a total of five megacycles of additional spectrum space for air traffic control communication within the frequency range of existing equipment (108-136 Mc). It is proposed that, in the event these allocation changes are adopted, the effective date will be July 1, 1960.

7. Appendix 2 sets forth the proposed amendment of Part 9, Aviation Services, to reflect the reallocation set forth in Appendix 1. There are, at this time, approximately 1,080 Aeronautical Enroute Stations deployed in the band 126.825-132.0 Mc. Of these, approximately 712 are in the 126.825-128.825 Mc portion of this band. Should the Aviation Service Rules be finalized in the proposed form, it would appear to be necessary for the stations between 126.825 and 128.825 Mc to move to the 128.825-132.025 Mc portion of the band. The Commission is particularly desirous of comments with regard to the means by which all of the existing services provided in the band 126.825-132.0 Mc will be accommodated in a satisfactory manner in the band 128.825-132.025 Mc.

8. The proposed amendment is issued under the authority of section 303 (c), (f) and (r) of the Communications Act of 1934, as amended.

9. 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 30, 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.

10. In accordance with the provisions of § 1.54 of the Commission's rules, original and 14 copies of all statements, briefs and comments shall be furnished the Commission.

Adopted: October 21, 1959.

Released: October 23, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

PROPOSED RULE MAKING

Section 2.104(a) (5) is amended as follows:

Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature of service (of stations)					
5	6	7	8	9	10	11					
123.075-123.825 (US94) (US100) (US101)	G, NG	123.075-123.825	Aeronautical mobile.	a. Aeronautical. b. Aircraft.	123.1	Flight test; Flying school.					
					123.15	Flight test.					
					123.2	Do.					
					123.25	Do.					
					123.3	Flight test; Flying school.					
					123.35	Flight test.					
					123.4	Do.					
					123.45	Do.					
					123.5	Flight test; Flying school.					
					123.55	Flight test.					
					123.6-123.8 (NG47)	Aeronautical mobile.					
					123.85-132.0 (US 1)	NG	128.825-132.0	Aeronautical mobile.	a. Aeronautical. b. Aircraft.	128.85 132.0 (NG47)	Aeronautical mobile.
					132.0-135.0 (US 2) (US 1) (US 4)	G, NG	132.0-135.0	Aeronautical mobile (R).	a. Aeronautical. b. Aircraft.	132.05	Aeronautical mobile (R).
134.95											
132.05-134.95 (NG47)											
132.05											
132.95											
132.95											
132.95											
135.0-136.0 (US 3) (US 4)	G, NG	135.0-136.0	a. Earth-space. b. Space.	a. Earth. b. Space.	135.0						
					136.0						
					135.0						
					136.0						
					135.0						
					136.0						
					135.0						
					136.0						
					135.0						
					136.0						
					135.0						
					136.0						

(a)

Mc	Mc	Mc	Mc
118.00A	121.00	125.85	132.05
118.05	121.05	125.90	132.10
118.10	121.10	125.95	132.15
118.15	121.15	126.00	132.20
118.20	121.20	126.05	132.25
118.25	121.25	126.10C	132.30
118.30	121.30	126.15C	132.35
118.35	121.35	126.20C	132.40
118.40	121.40	126.25C	132.45
118.45	121.65B	126.30C	132.50
118.50	121.70B	126.35	132.55
118.55	121.75B	126.40	132.60
118.60	121.80B	126.45	132.65
118.65	121.85B	126.50	132.70
118.70	121.95B	126.55	132.75
118.75	123.60	126.60	132.80
118.80	123.65	126.65	132.85
118.85	123.70	126.75	132.90
118.90	123.75	126.80	132.95
118.95	123.80	126.85	133.00
119.00	123.85	126.90	133.05
119.05	123.90	126.95	133.10
119.10	123.95	127.00	133.15
119.15	124.00	127.05	133.20D
119.20	124.05	127.10	133.25
119.25	124.10	127.15	133.30
119.30	124.15	127.20	133.35
119.35	124.20	127.25	133.40
119.40	124.25	127.30	133.45
119.45	124.30	127.35	133.50
119.50	124.35	127.40	133.55
119.55	124.40	127.45	133.60
119.60	124.45	127.50	133.65
119.65	124.50	127.55	133.70
119.70	124.55	127.60	133.75
119.75	124.60	127.65	133.80
119.80	124.65	127.70	133.85
119.85	124.70	127.75	133.90
119.90	124.75	127.80	133.95
119.95	124.80	127.85	134.00
120.00	124.85	127.90	134.05
120.05	124.90	127.95	134.10
120.10	124.95	128.00	134.15
120.15	125.00	128.05	134.20
120.20	125.05	128.10	134.25
120.25	125.10	128.15	134.30
120.30	125.15	128.20	134.35
120.35	125.20	128.25	134.40
120.40	125.25	128.30	134.45
120.45	125.30	128.35	134.50
120.50	125.35	128.40	134.55
120.55	125.40	128.45	134.60
120.60	125.45	128.50	134.65
120.65	125.50	128.55	134.70
120.70	125.55	128.60	134.75
120.75	125.60	128.65	134.80
120.80	125.65	128.70	134.85
120.85	125.70	128.75	134.90
120.90	125.75	128.80	134.95
120.95	125.80		

US 1 The frequency 132.0 Mc may be authorized to non-Government stations only.
 US 2 The Government fixed, mobile and radiopositioning services are permitted in the band 132.0-135.0 Mc on condition that harmful interference is not caused to the aeronautical mobile (R) service.
 US 3 The Government fixed, mobile and radiopositioning services are permitted in the band 135.0-136.0 Mc on condition that harmful interference is not caused to the earth-space and the space services.
 US 4 The frequency 135.0 Mc may be authorized for Government aeronautical mobile communications, other than air traffic control communications, when requirements can not be satisfied within the band 132-135 Mc, on condition that harmful interference is not caused to other services operating in accordance with the Table of Frequency Allocations.

Part 9 is amended as follows:

1. Section 9.312 (h) and (o) are amended as follows:

§ 9.312 Frequencies available.

(h) These frequencies are available for air traffic control operations:

Mc	Mc	Mc	Mc
118.00A	120.10	124.05	126.15C
118.05	120.15	124.10	126.20C
118.10	120.20	124.15	126.25C
118.15	120.25	124.20	126.30C
118.20	120.30	124.25	126.35
118.25	120.35	124.30	126.40
118.30	120.40	124.35	126.45
118.35	120.45	124.40	126.50
118.40	120.50	124.45	126.55
118.45	120.55	124.50	126.60
118.50	120.60	124.55	126.65
118.55	120.65	124.60	126.70D
118.60	120.70	124.65	126.75
118.65	120.75	124.70	126.80
118.70	120.80	124.75	126.85
118.75	120.85	124.80	126.90
118.80	120.90	124.85	126.95
118.85	120.95	124.90	127.00
118.90	121.00	124.95	127.05
118.95	121.05	125.00	127.10
119.00	121.10	125.05	127.15
119.05	121.15	125.10	127.20
119.10	121.20	125.15	127.25
119.15	121.25	125.20	127.30
119.20	121.30	125.25	127.35
119.25	121.35	125.30	127.40
119.30	121.40	125.35	127.45
119.35	121.65B	125.40	127.50
119.40	121.70B	125.45	127.55
119.45	121.75B	125.50	127.60
119.50	121.80B	125.55	127.65
119.55	121.85B	125.60	127.70
119.60	121.95B	125.65	127.75
119.65	123.60	125.70	127.80
119.70	123.65	125.75	127.85
119.75	123.70	125.80	127.90
119.80	123.75	125.85	127.95
119.85	123.80	125.90	128.00
119.90	123.85	125.95	128.05
119.95	123.90	126.00	128.10
120.00	123.95	126.05	128.15
120.05	124.00	126.10C	128.20

Mc	Mc	-Mc	Mc
128.25	132.35	133.25	134.15
128.30	132.40	133.30	134.20
128.35	132.45	133.35	134.25
128.40	132.50	133.40	134.30
128.45	132.55	133.45	134.35
128.50	132.60	133.50	134.40
128.55	132.65	133.55	134.45
128.60	132.70	133.60	134.50
128.65	132.75	133.65	134.55
128.70	132.80	133.70	134.60
128.75	132.85	133.75	134.65
128.80	132.90	133.80	134.70
132.05	132.95	133.85	134.75
132.10	133.00	133.90	134.80
132.15	133.05	133.95	134.85
132.20	133.10	134.00	134.90
132.25	133.15	134.05	134.95
132.30	133.20E	134.10	

A—The frequency 118.0 Mc may be used for air traffic control communications on the condition that no harmful interference is caused to the aeronautical radionavigation service.

B—Available on a secondary basis to its primary use as an airport utility frequency.

C—Available on a non-interference basis to government use of 126.18 Mc.

D—For communication with Air Traffic Communication Stations.

E—The frequency 133.20 megacycles is available to aircraft for communication with USAF radar facilities for the purpose of obtaining weather advisory service.

(o) [Reserved]

2. Section 9.321(c) is amended to read as follows:

§ 9.321 Frequencies available.

(c) 126.7 megacycles: Air Carrier Aircraft to Air Traffic Communication Stations.

3. Section 9.411(a) is amended to read as follows:

§ 9.411 Frequencies available.

A—The frequency 118.0 Mc may be used for air traffic control communications on the condition that no harmful interference is caused to the aeronautical radionavigation service.

B—Available on a secondary basis to its primary use as an airport utility frequency.

C—Available on a non-interference basis to government use of 126.18 Mc.

D—The frequency 133.20 megacycles is available to aircraft for communications with USAF radar facilities for the purpose of obtaining weather advisory service.

4. Section 9.416(b) is amended to read as follows:

§ 9.416 Power.

(b) The power of airdrome control stations operating on the frequencies specified in § 9.411(a) shall not exceed 50 watts.

5. Section 9.432(e) is amended to read as follows:

§ 9.432 Frequencies available.

(e) Frequencies for VHF aeronautical enroute operations. The VHF frequencies listed in § 9.433 to 9.436 and § 9.440 are available to aeronautical enroute stations upon a showing that the proposed operation is compatible with existing operations in the band.

6. Section 9.433(b) is amended to read as follows:

§ 9.433 Continental U.S. (Excluding Alaska).

Mc	Mc	Mc	Mc
128.85	129.65	130.45	131.25
128.90	129.70	130.50	131.30
128.95	129.75	130.55	131.35
129.00	129.80	130.60	131.40
129.05	129.85	130.65	131.45
129.10	129.90	130.70	131.50
129.15	129.95	130.75	131.55
129.20	130.00	130.80	131.60
129.25	130.05	130.85	131.65
129.30	130.10	130.90	131.70
129.35	130.15	130.95	131.75
129.40	130.20	131.00	131.80
129.45	130.25	131.05	131.85
129.50A	130.30	131.10	131.90
129.55	130.35	131.15	131.95
129.60	130.40	131.20	132.00

A. A common frequency, available for use at all aeronautical enroute stations.

7. Section 9.434(d) is amended to read as follows:

§ 9.434 Alaska.

(d) The following frequencies are available for assignment to aeronautical

enroute stations in Alaska subject to the provisions of paragraph (b) of this section.

Mc	Mc	Mc	Mc
129.1	129.7	130.3	130.9
129.3	129.9	130.5	
129.5	130.1	130.7	

8. Section 9.435 is amended to read as follows:

§ 9.435 Hawaii.

Frequencies available for assignment to serve domestic routes in the State of Hawaii are as follows:

Kc	Mc	Mc
3453.5	129.1	129.9
5559	129.3	130.1
6649.5	129.5	130.3
	129.7	

9. Section 9.436 is amended to read as follows:

§ 9.436 West Indies.

Frequencies available for assignment to serve domestic routes in U. S. possessions in the West Indies are as follows:

Kc	Mc	Mc
2861	129.1	129.5
4689.5	129.3	129.7

10. Section 9.440 is amended to read as follows:

§ 9.440 International very high frequency service.

The frequencies listed in § 9.433(b) are available for use by aeronautical enroute stations serving international operations.

[F.R. Doc. 59-9158; Filed, Oct. 28, 1959; 8:50 a.m.]

presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws, other than those mentioned under paragraph (1) and applications and offers under the mineral leasing laws, presented prior to 10:00 a.m. on January 29, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning 10:00 a.m. on January 29, 1960.

5. Persons claiming preference rights based upon valid settlement statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

6. Applications for these lands, which shall be filed in the Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent such regulations are applicable. Applications under the homestead and homesite laws shall be governed by the regulations contained in Parts 64, 65 and 166 of Title 43 of the Code of Federal Regulations.

7. Inquiries concerning these lands shall be addressed to the Manager, Anchorage Land Office, Anchorage, Alaska.

Dated: October 22, 1959, Anchorage, Alaska.

IRVING W. ANDERSON,
Manager,
Anchorage Land Office.

[F.R. Doc. 59-9132; Filed, Oct. 28, 1959; 8:47 a.m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Filing of Plat of Survey and Order Providing for Opening of Public Lands

1. Plat of original survey of the land described below will be officially filed in the Anchorage Land Office, Anchorage, Alaska effective at 10:00 a.m., November 1, 1959.

SEWARD MERIDIAN

T. 8 N., R. 10 West,
Section 30, All;
Section 31, All.

Containing 1,180.59 acres.

2. The land is located in the Kenai Alaska area. Bishop Creek flows through the northeasterly portion of Sec. 30 and southeasterly in section 31. The land is situated on a ridge about 150 feet higher than the surrounding country in the southwestern part, to rolling in the northern portion and nearly level along the easterly portion of the section. The soil is sandy loam covered with spruce and birch timber, with an undergrowth of alder and berry bushes.

3. All of the above described land lies within the exception strip of the Kenai National Moose Range as established by Executive Order 8979 dated December 16, 1941, which provided that certain portions of the Moose Range are available to appropriation under the public land laws.

4. Subject to valid existing rights and the requirements of applicable law the land described in paragraph number 1 is hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager, Anchorage Land Office, beginning on the date of this order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraph:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications

ALASKA

Notice of Filing of Plat of Survey and Order Providing for Opening of Public Lands

1. Plat of survey of the lands described below will be officially filed in the Anchorage Land Office, Anchorage, Alaska, effective at 10:00 a.m., November 1, 1959.

SEWARD MERIDIAN

T. 8 N., R. 11 West,
Sections 25 through 28,
Sections 33 through 36.

Comprising 4,138.02 acres.

2. The land is located in the Kenai, Alaska area. The terrain is nearly level to rolling in the southern and central portion, with low rolling hills in the northern part. The soil is sandy loam and covered with a mixed stand of spruce, birch, cottonwood and undergrowth of berry bushes. Generally, the land appears suitable for agricultural use.

3. The following lands were withdrawn by Public Land Order 1552 dated Novem-

ber 7, 1957 from all forms of appropriation including the mining but not the mineral leasing laws, and reserved under the jurisdiction of the Secretary of the Interior for administration, conveyance or other disposition in accordance with the provisions of the Act of May 4, 1956 (70 Stat. 130) as amended by the Act of August 30, 1957 (71 Stat. 510):

SEWARD MERIDIAN

T. 8 N., R. 11 West,

Section 36:

- Lot 5, 6.77 acres;
- Lot 6, 8.12 acres;
- Lot 7, 37.47 acres;
- Lot 8, 14.25 acres.

Section 34:

- Lot 21, 13.21 acres;
- Lot 27, 11.49 acres;
- Lot 28, 8.66 acres.

Section 27:

- Lot 4, 4.59 acres;
- Lot 5, 3.04 acres.

Comprising a total of 107.60 acres.

4. All lands as described in paragraph one lie within the six mile exception strip from the Kenai National Moose Reserve established by Executive Order No. 3979, dated December 16, 1941, and the lands are under jurisdiction of the Bureau of Land Management.

5. Subject to valid existing rights and the requirements of applicable law, the lands described in paragraph one of this order and not withdrawn by paragraph three, are hereby opened to filing of applications, selections and locations in accordance with the following:

a. Applications and selections under the non-mineral public land laws and offers under the mineral leasing laws may be presented to the Manager, Anchorage Land Office, beginning on the date of this order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraph:

(1) Applications by person having prior existing valid settlement rights, reference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the non-mineral public land laws, other than those mentioned under paragraph (1) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a.m., on January 29, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning 10:00 a.m., on January 29, 1960.

6. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims.

Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

7. Applications for these lands, which shall be filed in the Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent such regulations are applicable. Applications under the homestead and homesite laws shall be governed by the regulations contained in Parts 64, 65, and 166 of Title 43 of the Code of Federal Regulations.

8. Inquiries concerning these lands shall be addressed to the Manager, Anchorage Land Office, Anchorage, Alaska.

Dated: October 22, 1959, Anchorage, Alaska.

IRVING W. ANDERSON,
Manager,
Anchorage Land Office.

[F.R. Doc. 59-9133; Filed, Oct. 28, 1959;
8:47 a.m.]

ALASKA

Notice of Filing of Plat of Survey and Order Providing for Opening of Public Lands

1. Plat of original survey of the land described below will be officially filed in the Anchorage Land Office, Anchorage, Alaska effective at 10:00 a.m., November 1, 1959.

SEWARD MERIDIAN

T. 20 N., R. 8 East,
Section 24: All;
Section 25: All;
Section 26: S½S½, Lots 1, 2, 3, 4.

Containing 1,589.26 acres.

2. The land is located in the Index Lake area at approximate Milepost 100 on the Glenn Highway. The terrain is rough, steeply rolling. The soil types are glaciated and covered with spruce and birch timber and an under growth of grass.

3. Subject to valid existing rights and the requirements of applicable law, all of the land described in Paragraph 1 is hereby opened to filing of applications, selections and locations in accordance with the following:

a. Applications and selections under the non mineral leasing laws may be presented to the Manager, Anchorage Land Office, beginning on the date of this order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraph:

(1) Applications by persons having prior valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the non-mineral public land laws, other than those mentioned under paragraph (1) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a.m. on January 29, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning 10:00 a.m., on January 29, 1960.

4. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

5. Applications for these lands, which shall be filed in the Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent such regulations are applicable. Applications under the homestead and homesite laws shall be governed by the regulations contained in Parts 64, 65, and 166 of Title 43 of the Code of Federal Regulations.

6. Inquiries concerning these lands shall be addressed to the Manager, Anchorage Land Office, Anchorage, Alaska.

Dated: October 22, 1959, Anchorage, Alaska.

IRVING W. ANDERSON,
Manager,
Anchorage Land Office.

[F.R. Doc. 59-9134; Filed, Oct. 28, 1959;
8:47 a.m.]

[83563]

LOUISIANA

Notice of Filing of Plat of Survey and Order Providing for Opening of Public Lands

OCTOBER 22, 1959.

The Plat of Resurvey and Extension Survey, Group 44, Louisiana, of lands described herein, accepted August 3, 1959, will be officially filed in the Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D.C., effective 10:00 a.m., on December 7, 1959.

LOUISIANA MERIDIAN, TERREBONNE PARISH,
LOUISIANA

T. 20 S., R. 20 E.	
Sec. 19, Lot 1, containing-----	638.44
Sec. 30, All, containing-----	471.45
Sec. 31, All, containing-----	91.59
Containing in the aggregate--	1,201.48

This survey was made as an administrative measure, in order to extend the rectangular system to include lands not previously surveyed by the Government.

As determined from its examination by the surveyor, the lands included in this survey were found to have an elevation

of from six (6) to twelve (12) inches above mean high tide. The banks are sheer due to the sloughing of bank material. Wave action keeps a narrow bank of wavecast material and debris ringed around the outer shores, which bank or escarpment is from two (2) to six (6) inches higher than the interior areas. The lowered interior of these lands, with their surrounding escarpment banks create a "bowl" effect which catches and holds the rainfall. The lands are presently covered by marsh grass, rosea cane and some black mangrove. The lands are unoccupied except for a hunting and fishing lodge on the westerly side of Grand Cut.

The lands are classified as being over 50 percent swamp in character in the year 1849, within the meaning and interpretation of the Swamp Land Grant Act of March 2, 1849 (9 Stat. 352).

Upon the effective date hereof, the lands involved will become subject to the operation of and disposition under the existing appropriate public land laws.

The State of Louisiana on September 29, 1958, filed its application BI M 047683 to select the lands under the Swamp Land Grant Acts of March 2, 1849 (9 Stat. 352), and September 28, 1850 (9 Stat. 519), and requested a patent therefor.

H. K. SCHOLL,
Manager.

[F.R. Doc. 59-9135; Filed, Oct. 28, 1959; 8:47 a.m.]

OREGON

Notice of Filing of Supplemental Plat of Survey

OCTOBER 22, 1959.

Notice is hereby given that a supplemental plat of survey, accepted April 20, 1959, showing an extension by protraction of the following described lands, will be officially filed in the Land Office, Portland, Oregon, effective at 10:00 a.m., on November 27, 1959:

WILLAMETTE MERIDIAN

T. 32 S., R. 9 E., W.M., Oregon
Sec. 4, Lots 12 to 22, inclusive, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$.

The area described aggregates 368.50 acres.

The lands are within the exterior boundaries of the Klamath Indian Reservation, ceded to the United States by treaty with the Klamath and Modoc Tribes and Yahooskin Band of Snake Indians on October 14, 1864, as amended, accepted and ratified by the Act of October 14, 1864 (16 Stat. 707).

The area is under the jurisdiction of the Bureau of Indian Affairs, Department of the Interior and is not available for disposal under the Public Land Laws, General Mining Regulations, the Mineral Leasing Act of February 25, 1920, or other Acts administered by the Bureau of Land Management.

VIRGIL O. SEISER,
Manager.

[F.R. Doc. 59-9136; Filed, Oct. 28, 1959; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

**Agricultural Marketing Service
LAMPASAS COMMISSION CO.**

Deposting of Stockyard

It has been ascertained that the Lampasas Commission Company, Lampasas, Texas, originally posted on April 17, 1959, as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer comes within the definition of a stockyard under said act for the reason that it is no longer being conducted or operated as a public market. Accordingly, notice is given to the owner thereof and to the public that such livestock market is 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 no longer is 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 23d day of October 1959.

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

[F.R. Doc. 59-9143; Filed, Oct. 28, 1959; 8:48 a.m.]

**REED'S LIVESTOCK COMMISSION CO.
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.

- Reed's Livestock Commission Co., Hayward, Calif.
- W. L. Moseley Live Stock Co., Blakely, Ga.
- Mitchell County Auction, Osage, Iowa.
- Glasco Livestock Exchange, Glasco, Kans.
- Farmers Market & Auction, Charlotte Hall, Md.
- Kalamazoo Livestock Sales Co., Kalamazoo, Mich.
- Platte County Sales Co., Platte City, Mo.
- Zimmerman Stockyards, Blair, Nebr.
- Geauga Livestock Commission, Middlefield, Ohio.
- Medina Livestock Auction, Medina, Ohio.
- Shattuck Sales Barn, Shattuck, Okla.

Woodland Auction Yards, Woodland, Washington.

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 23d day of October 1959.

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

[F.R. Doc. 59-9144; Filed, Oct. 28, 1959; 8:48 a.m.]

**Commodity Stabilization Service and
Commodity Credit Corporation**

SHEEP AND WOOL

**Determination of Producers' Approval
on Referendum**

Pursuant to Section 708 of the National Wool Act of 1954, as amended (68 Stat. 912, 72 Stat. 994, 7 U.S.C. 1787), a referendum was held among producers of sheep and wool in the United States to determine whether they approved a proposed agreement by the Secretary of Agriculture with the American Sheep Producers Council, Inc., for developing and conducting advertising and sales promotion programs and for deductions from payments to such producers to be made pursuant to the act for the marketing years 1959, 1960, and 1961. Notice of the referendum (24 F.R. 5312) issued on June 24, 1959, included a copy of the proposed agreement.

In the referendum held pursuant to the notice, 68.9 percent of the voting producers who during any one period of 30 consecutive days since January 1, 1959, and prior to their casting the ballots were engaged in the United States in the production for market of sheep and wool, voted in favor of the agreement, and those voting in favor owned 81.1 percent of the sheep owned by all the voting producers. The period from January 1, 1959, to the time the ballots were cast is a representative period of production.

Accordingly, I hereby determine that in said referendum more than two-thirds of the total number of producers and more than two-thirds of the total volume of production represented in the referendum indicated approval of the agreement as required in said act, and that therefore the agreement has the approval of the requisite number of producers.

I have this day signed the agreement and it became effective upon my signature.

(Sec. 708, 68 Stat. 912, 72 Stat. 994; 7 U.S.C. 1787)

Done at Washington, D.C., this 23d day of October 1959.

[SEAL] E. T. BENSON,
Secretary.

[F.R. Doc. 59-9145; Filed, Oct. 28, 1959;
8:49 a.m.]

Office of the Secretary

ARKANSAS

Designation of Area for Production Emergency Loans

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

Arkansas

Crawford. Logan.
Franklin. Sebastian.
Johnson.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1960, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 23d day of October 1959.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 59-9147; Filed, Oct. 28, 1959;
8:49 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

GULF WEST AFRICA LINE ET AL. Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

(1) Agreement No. 8274-1, between the carriers comprising the Gulf West Africa Line joint service and Waterman Steamship Corporation of Puerto Rico, modifies approved Agreement No. 8274, covering a through billing arrangement in the trade from ports in West Africa to Puerto Rico, with transshipment at New Orleans or Mobile. The purpose of the modification is to provide for a division of the transshipment expenses at New Orleans and Mobile on the basis of 60 percent to Gulf West Africa Line and 40 percent to Waterman, instead of on the basis of 50

percent to each party, as presently provided in the agreement.

(2) Agreement No. 57-72, between the member lines of the Pacific Westbound Conference and Orient Steam Navigation Co., Ltd., provides for the admission of Orient Steam to associate membership in that conference (Agreement No. 57, as amended). As an associate member, Orient Steam will be obligated to abide by all the rates, rules, regulations and decisions of the conference; will have no vote in conference affairs; will be permitted to participate in conference contracts with shippers; and will be exempt from posting the usual surety bond required of regular members.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: October 26, 1959.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59-9153; Filed, Oct. 28, 1959;
8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 10917]

PASSENGER CREDIT PLANS

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled investigation is assigned to be held on December 3, 1959, at 10:00 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Ralph L. Wiser.

In order to facilitate conduct of the conference it is requested that parties transmit to the examiner and parties to the case on or before November 24, 1959 (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of positions of the parties; and (5) proposed procedural dates.

Counsel will be expected to state the views of their clients with respect to matters discussed during the course of the conference. Parties are also requested to consider and be prepared to submit proposals at the conference for the shortening of the hearing and the record by joint presentations of evidence and argument by parties with common interests and common positions.

Dated at Washington, D.C., October 23, 1959.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59-9160; Filed, Oct. 28, 1959;
8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12934; FCC 59M-1396]

CLEARWATER BROADCASTING CORP. (WDCL)

Order Continuing Hearing

In re application of Clearwater Broadcasting Corporation (WDCL) Tarpon Springs, Florida, Docket No. 12934, File No. BML-1746; for modification of license.

The Hearing Examiner having under consideration a Motion for Continuance of Hearing, filed October 20, 1959 on behalf of the applicant, requesting that the hearing now scheduled to be commenced on October 26, 1959 be continued for approximately one month, and

It appearing that applicant will not be ready to proceed on the scheduled hearing date, that Bureau Counsel agrees to the requested continuance, and that a grant of the motion will conduce to the orderly dispatch of the Commission's business; now therefore,

It is ordered, This 22d day of October 1959, that the aforesaid motion is granted, and that the hearing now scheduled to be commenced on October 26, 1959 is continued to 10:00 a.m. on Wednesday, December 2, 1959.

Released: October 22, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-9154; Filed, Oct. 28, 1959;
8:50 a.m.]

[Docket No. 13199; FCC 59M-1400]

FANCY HANDBAGS & MODERN LEATHER MFG. CO.

Order Continuing Hearing

In the matter of Cease and Desist Order to be directed to Jerome Stein and Harry Stein d/b as Fancy Handbags & Modern Leather Mfg. Co., 33 Blecker Street, New York 12, New York, Docket No. 13199.

The Hearing Examiner having under consideration requests by the respondent (filed October 21, 1959) and the Chief of the Commission's Field Engineering and Monitoring Bureau (filed October 22, 1959) for an indefinite continuance of hearing in the above-entitled proceeding;

It appearing that good cause exists to warrant the continuance herein sought;

It is ordered, This 23d day of October 1959, that the requests are granted, and that the hearing in the above-entitled proceeding, which heretofore was scheduled to commence October 29, 1959, is continued without date.

Released: October 23, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-9155; Filed, Oct. 28, 1959;
8:50 a.m.]

[Docket No. 12179, etc.; FCC 59-1067]

RADIO ST. CROIX, INC. AND RADIO CRAWFORDSVILLE, INC.**Memorandum Opinion and Order Amending Issues**

In re applications of Radio St. Croix, Incorporated, New Richmond, Wisconsin, Docket No. 12179, File No. BP-10925; Radio Crawfordsville, Inc., Crawfordsville, Indiana, Docket No. 12798, File No. BP-12330; et al., Docket Nos. 12181, 12793, 12791, 12792, 12794, 12795, 12796, 12797, 12799, 12800, 12801, 12802, 12803, 12805, 12905, 12906, and 12907; for construction permits.

1. The Commission has before it for consideration (1) a petition to modify issues filed August 11, 1959, by Radio Crawfordsville, Inc. (Crawfordsville) and (2) a reply to the petition filed August 31, 1959, by the Chief, Broadcast Bureau.

2. On March 4, 1959, the Commission designated for hearing the application of Crawfordsville for a construction permit for a new standard broadcast station at Crawfordsville, Indiana, together with various other applicants proposing to use 1550 kc and adjacent channels. The hearing has been scheduled for January 11, 1960.

3. Crawfordsville requests that Issue No. 12, which calls for a determination of the financial qualifications of several of the applicants, be modified so as to delete reference to petitioner.

4. It is alleged by petitioner that the Commission's section 309(b) letter of January 26, 1959, contained only this reference to its finances: "No subscription agreements by Richard E. Lindsay and Ralph J. Bitzer for purchase of 150 shares in applicant corporation." Petitioner notes that stock subscription agreements were submitted by an amendment filed February 25, 1959, showing that Richard E. Lindsay had paid for 8 shares of stock at \$100 per share and subscribed for 126 shares making his total capital contribution \$13,400. The amendment further showed that Ralph J. Bitzer had paid for 4 shares of stock at \$100 per share and subscribed for an additional 63 shares making his capital contribution \$6,700.

5. Petitioner argues that its application showed, at the time the section 309(b) letter was issued, that the estimated cost of construction was \$26,840 of which \$18,630 was covered by a deferred payment agreement to be amortized over a 36-month period; that the estimated first year's cost of operation and revenue were shown as \$60,000 and \$72,000 respectively. From this showing Crawfordsville contends that it was then financially qualified to put its station on the air and operate it for a reasonable period of time as "repeatedly held" by the Commission, citing Southeastern Enterprises, Inc. (13 RR 139).

6. Petitioner argues that contrary to Commission's oft delineated criteria of financial showing required of an applicant, the order of designation contained

a recital clause to the effect that capital stock agreements for a total of \$20,000 "are insufficient to meet total required expenditures of approximately \$25,119 for the first year, and, accordingly, it cannot be found that the instant applicant is financially qualified." Thus, Crawfordsville was included in the financial issue in this proceeding.

7. In response to the above-recited circumstances, Crawfordsville filed on March 19, 1959, amended stock subscriptions by Lindsay and Bitzer showing that they had increased their commitments to the applicant from \$20,100 to an aggregate of \$27,000. This amendment was granted by order released April 7, 1959 (FCC 59M-446). Upon these bases, Crawfordsville filed the petition now before us for modification of the issues.

8. The Broadcast Bureau replied by supporting the petition to modify the issues for substantially the same reasons as those urged by the petitioner.

9. The Commission has considered the petitioner's request for modification of the issues and its allegations and arguments in support thereof. Aside from the fact that Crawfordsville's financial qualifications need not have been placed in issue by the designation order,¹ we note that Crawfordsville will have \$27,000 with which to finance its instant proposal; that the station can be constructed and put on the air for a cash expenditure not exceeding \$9,000. Thus, assuming a cost of operation of \$5,000 per month, on the basis of petitioner's estimates, the applicant should be able to operate its proposed station for more than three months, without the benefit of revenue. We agree that the petition should be granted for as we said in *Kaiser Hawaiian Village Television, Inc.*, 15 RR 85, 87, "The applicant has demonstrated that it can operate for a reasonable period regardless of revenues and no more is required."

10. Crawfordsville states that this petition was not filed earlier because it was believed that the issue relating to its own financial qualifications had been rendered moot by the amendment which was accepted by order released April 7, 1959. This is not good cause by any of the Commission's standards; the Commission's designated issues are not subject to change by any action taken by the Hearing Examiner. However, since we see no useful purpose to be served by further evidence on this matter, the Commission's processes will be served and no prejudice will accrue to any of the parties, we find it appropriate here to waive the requirements of § 1.141 of our rules and to modify the issues as requested.

Accordingly, it is ordered, This 21st day of October 1959, that the petition to modify the issues filed August 11, 1959, by Radio Crawfordsville, Inc., is granted,

¹As a number of our Decisions and Opinions have indicated, it is not required that an applicant demonstrate that it has sufficient funds available to meet its total required capital expenditures for the first year.

and Issue No. 12 is amended by deleting reference to petitioner.

Released: October 23, 1959.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-9156; Filed, Oct. 28, 1959; 8:50 a.m.]

[Docket No. 13000; FCC 59M-1399]

WJIV, INC. (WJIV) ET AL.**Order Following Prehearing Conference**

In re applications of WJIV, Inc. (WJIV), Savannah, Georgia, Docket No. 13000, File No. BP-11364; WORD, Inc. (WORD), Spartanburg, South Carolina, Docket No. 13002, File No. BP-12537; Richard F. Kamradt and Robert St. Tamblin, d/b as KTM BROADCASTING COMPANY, North Charleston, South Carolina, Docket No. 13003, File No. BP-12579; for construction permits.

A prehearing conference in the above-entitled matter having been held on October 22, 1959, and it appearing that certain agreements were reached therein which properly should be formalized in an Order:

It is ordered, This 23d day of October 1959; that:

1. The affirmative cases of the applicants shall be presented by written, sworn exhibits;

2. In the event any proposed written material is excluded at the hearing (except for grounds of irrelevancy or immateriality), then the party offering such matter shall be afforded the opportunity of restoration thereof by competent oral testimony;

3. The applicants shall make a formal exchange of their exhibits in final form with the other parties herein whose stations will be affected by their respective proposals (with copies of such exhibits to be supplied to the Hearing Examiner and the Broadcast Bureau) by November 24, 1959;

4. The applicants shall be notified by the parties concerned by December 4, 1959, as to those witnesses for the applicants who are to be made available for cross-examination at the hearing on Tuesday, December 8, 1959; and

It is further ordered, That the hearing in this proceeding heretofore scheduled to commence on October 26, 1959, is hereby continued to December 8, 1959, commencing at 10:00 o'clock a.m., in the offices of the Commission, Washington, D.C.

Released: October 23, 1959.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-9157; Filed, Oct. 28, 1959; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 211]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 26, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62425. By order of October 22, 1959, the Transfer Board approved the transfer to W. Evan Craigie and Nelson R. Braddy, a partnership, doing business as Hamilton Furniture and Storage Company, Philadelphia, Pa., of Certificate in No. MC 93407, issued January 13, 1941, to Thos. N. Ross, Jr., doing business as Hamilton Furniture & Storage Co., Philadelphia, Pa., authorizing the transportation of: *Household goods*, between Philadelphia, Pa., and points within 15 miles of Philadelphia, on the one hand, and, on the other, points in the District of Columbia and those in Delaware, Maryland, Pennsylvania, New Jersey, and New York within 125 miles of Philadelphia. Francis I. Farley, 711 Western Saving Fund Building, Philadelphia, Pa., for applicants.

No. MC-FC 62575. By order of October 22, 1959, the Transfer Board approved the transfer to O. K. Transfer and Storage Co., Shawnee, Oklahoma, a corporation, Shawnee, Okla., of Certificate in No. MC 15897, issued July 13, 1956, to V. L. Wallace, doing business as O. K. Transfer & Storage Co., of Shawnee, Shawnee, Okla., authorizing the transportation of: *Household goods*, between Shawnee, Okla., and points in Oklahoma within 135 miles of Shawnee, on the one hand, and, on the other, points in Arkansas, Kansas, Louisiana, Missouri, Nebraska, New Mexico, and Texas. O. K. Winterringer, 614 Federal National Bank Building, Shawnee, Okla., for applicants.

No. MC-FC 62624. By order of October 22, 1959, the Transfer Board approved the transfer to Chautauqua Transit, Inc., Jamestown, N.Y., of Certificate in No. MC 114352, issued April 18, 1955, to Lester D. Ostrander, doing business as Chautauqua Transit, Jamestown, N.Y., authorizing the transportation of: Passengers and their baggage, and express, newspapers, and mail, in the same vehicle with passengers, between Westfield, N.Y., and Jamestown, N.Y. Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y., for applicants.

No. MC-FC 62637. By order of October 22, 1959, the Transfer Board approved the transfer to Ernest B. Lewy Storage & Transfer, Inc., Greenville, Miss., of Certificate No. MC 84340, issued May 24, 1951, in the name of Ernest B. Lewy, Greenville, Miss., authorizing the transportation of household goods, over irregular routes, between points in Arkansas, Louisiana, and Mississippi within 60 miles of Greenville, Miss., including Greenville, and between points in Arkansas, Louisiana, and Mississippi within 60 miles of Greenville, Miss., including Greenville, on the one hand, and, on the other, points in Arkansas, Louisiana, and Mississippi beyond 60 miles of Greenville, Miss., and those in Tennessee. Douglas C. Wynn, P.O. Box 459, Greenville, Miss., for applicants.

No. MC-FC 62654. By order of October 22, 1959, the Transfer Board approved the transfer to W. J. Pope and V. W. Pope, doing business as Aetna Freight Lines, Los Angeles, Calif., of Certificate No. MC 96662 issued April 2, 1954, in the name of V. W. Pope, doing business as Aetna Freight Lines, Los Angeles, Calif., authorizing the transportation of washing powder, soap, toilet preparations, electric storage batteries, lead storage battery plates, and rubber tires, over irregular routes, from points in the Los Angeles, Calif., Commercial Zone, to points in the San Francisco, Calif., Commercial Zone; and general commodities, excluding household goods and commodities in bulk, and other specified commodities, over irregular routes, from points in the Los Angeles, Calif., Commercial Zone to points in the Los Angeles Harbor, Calif., Commercial Zone. V. W. Pope, 218 West Ann Street, Los Angeles 12, Calif., for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-9148; Filed, Oct. 28, 1959;
8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-17557]

ANDERSON-PRICHARD OIL CORP.

Notice of Application and Date of Hearing

OCTOBER 22, 1959.

Take notice that Anderson-Prichard Oil Corporation (Applicant), a Delaware corporation with a principal office in Oklahoma City, Oklahoma, filed an application in Docket No. G-17557 on January 16, 1959, pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon service to Orange Grove Oil & Gas Corporation (Orange Grove) from the Augusta Mueller, et al., Lease in the Wade City Field, Jim Wells County, Texas, covered by a contract dated November 14, 1951, as amended, between Applicant and H. J. Mosser, predecessor in interest to Orange Grove, which contract is on file as Anderson-Prichard Oil Corporation FPC Gas Rate Schedule No. 54, all as more fully described in the application on file with

the Commission, and open to public inspection.

Applicant states that in August of 1958 the Mueller No. 8 Well, the only producing well on the Mueller Lease, ceased producing gas in measurable quantities because of water encroachment and the last sales of gas from the lease were made in August of 1958.

The subject sale by Applicant, now proposed to be abandoned, was authorized on December 23, 1955, in Docket No. G-6687.

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 30, 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 19, 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. 59-9125; Filed, Oct. 28, 1959;
8:46 a.m.]

[Docket No. G-19781, etc.]

BLANCO OIL CO. ET AL.

Order for Hearing and Suspending Proposed Changes in Rates¹

OCTOBER 21, 1959.

In the matters of Blanco Oil Company (Operator), et al., Docket No. G-19781; Columbian Carbon Company, Docket No. G-19782; Mel Dar Corporation, Docket No. G-19814; Bass & Vessels, et al., Docket No. G-19815; Bass & Vessels (Operator), et al., Docket No. G-19816; Champlin Oil & Refining Company, et al., Docket No. G-19817; Champlin Oil & Refining Company (Operator), et al.,

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.

Docket No. G-19818; Willard E. Ferrell, Agent, Brushy Fork Development Company, Docket No. G-19819; Rycade Oil Corporation, Docket No. G-19820; Benedum-Trees Oil Company, et al., Docket No. G-19821; Union Producing Company, Docket No. G-19822; The Superior Oil Company, Docket No. G-19823; George H. Coates, et al., Docket No. G-19824; H. L. Hawkins & H. L. Hawkins, Jr., et al.,

Docket No. G-19825; Sinclair Oil & Gas Company, Docket No. G-19826; Big "6" Drilling Company, et al., Docket No. G-19827; Western Natural Gas Company, et al., Docket No. G-19828; NAFCO Oil and Gas, Inc., et al., Docket No. G-19829; Austral Oil Company, Inc. (Operator), et al., Docket No. G-19830; Austral Oil Company, Inc., Agent, Oil Participations, Inc., Docket No. G-19831; Harkins &

Company (Operator), et al., Docket No. G-19832; San Salvador Development Company, Inc., Docket No. G-19833.

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

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Notice of change Dated—	Date tendered	Effective date ¹ unless suspended	Rate suspended until—	Cents per Mcf.	
									Rate in effect	Proposed increased rate
G-19781..	Blanco Oil Co. (operator), et al.	1	3	Tennessee Gas (Seven Sisters Field, Duval County, Tex.)	9-14-59	9-21-59	11-1-59	4-1-60	² 12.12268	15.0952
G-19782..	Columbian Carbon Co.....	17	1	Equitable Gas Co. (Jefferson, Grant & Summersville Dist. Nicholas County & Falls Dist., Fayette Counties, W. Va.)	³ 7-31-59 9-25-59	9-25-59	10-26-59	3-26-60	⁴ 21.0	27.5
G-19814..	Mel Dar Corp.....	1	3	Tennessee Gas (Mustang Island Field, Nueces County, Tex.)	9-18-59	9-21-59	11-1-59	4-1-60	² 12.12268	15.0952
G-19815..	Bass & Vessels, et al.....	9	1	Tennessee Gas (N. E. Starr Co. Field, Starr County, Tex.)	9-15-59	9-21-59	11-1-59	4-1-60	² 12.12268	15.0952
G-19816..	Bass & Vessels (operator), et al.	7	2	Tennessee Gas (N. Rincon Field, Starr County, Tex.)	9-15-59	9-21-59	11-1-59	4-1-60	² 12.12268	15.0952
G-19817..	Champlin Oil & Refining Co., et al.	3	6	Tennessee Gas (Carthage Field, Panola County, Tex.)	9-18-59	9-21-59	11-1-59	4-1-60	² 12.62	14.4248
G-19818..	Champlin Oil & Refining Co. (operator), et al.	22	2	do	9-18-59	9-21-59	11-1-59	4-1-60	² 12.62	14.4248
G-19819..	Willard E. Ferrell, agent, Brushy Fork Development Co.	3	2	Equitable Gas Co. (Ritchie County, W. Va.)	9-15-59	9-22-59	10-23-59	3-23-60	² 20.0	25.0
G-19820..	Rycade Oil Corp.....	3	6	El Paso (Kermit Gas Plant, Winkler County, Tex.)	9-21-59	9-23-59	10-24-59	3-24-60	² 10.19696	12.96266
G-19821..	Benedum-Trees Oil Co., et al.	10	3	Texas Eastern (De Late Charco Field, Brooks County, Tex.)	Undated	9-23-59	11-1-59	4-1-60	² 14.6	14.8
G-19822..	Union Producing Co.....	220	3	Unit Gas Co., Inc. (Palo Blanco Fld., Brooks Co., Tex.)	9-18-59	9-22-59	11-1-59	4-1-60	² 10.1	10.3
G-19823..	The Superior Oil Co.....	45	5	Tennessee Gas (Four Isle Dome, Penchant, Palmetto Bayou & Clovelly Flds., Terrebonne Parish, La.)	9-21-59	9-22-59	11-1-59	4-1-60	⁴ 18.5	23.09167
G-19824..	George H. Coates, et al.....	2	3	Tennessee Gas (San Salvador Field, Hidalgo County, Tex.)	9-22-59	9-23-59	11-1-59	4-1-60	² 12.12268	15.0952
G-19825..	H. L. Hawkins & H. L. Hawkins, Jr., et al.	11	16	Trunkline Gas Co. (Lakeside Field, Cameron Parish, La.)	9-18-59	9-21-59	(U)	(U)	⁴ 11.26176	23.5
G-19826..	Sinclair Oil & Gas Co.....	1	8	Tennessee Gas (Mustang Island Field, Nueces County, Tex.)	9-21-59	9-23-59	11-1-59	4-1-60	² 12.12268	15.26187
			3	Tennessee Gas (Donna Field, Hidalgo County, Tex.)	9-21-59	9-23-59	11-1-59	4-1-59	² 12.12268	15.0952
			35	Tennessee Gas (Edinburg Field, Hidalgo County, Tex.)	9-21-59	9-23-59	11-1-59	4-1-60	² 12.12268	15.0952
			173	Tennessee Gas (Seeligson Field, Jim Wells County, Tex.)	9-21-59	9-23-59	11-1-59	4-1-60	² 12.12268	15.0952
G-19827..	Big "6" Drilling Co., et al..	1	2	Tennessee Gas (Calallen Field, Nueces County, Tex.)	9-18-59	9-23-59	11-1-59	4-1-60	² 11.90337	14.87589
G-19828..	Western Natural Gas Co., et al.	2	2	Tennessee Gas (San Salvador Field, Hidalgo County, Tex.)	9-23-59	9-24-59	11-1-59	4-1-60	² 11.90337	14.87589
G-19829..	NAFCO Oil and Gas, Inc., et al.	17	4	Natural Gas P/L (Hansford Field, Hansford County, Tex.)	Undated	9-24-59	11-1-59	4-1-60	² 15.6458	⁸ 16.6584
G-19830..	Austral Oil Company, Inc. (operator), et al.	2	5	United Fuel (S. Lake Arthur Jefferson Davis, Cameron & Vermillion Parish, La.)	9-21-59	9-24-59	11-1-59	4-1-60	⁴ 19.1	19.5
G-19831..	Austral Oil Co., Inc., agent for Oil Participations, Inc.	4	6	Tennessee Gas (Spartan Field, San Patricio County, Tex.)	9-21-59	9-24-59	11-1-59	4-1-60	² 12.12268	15.0952
G-19832..	Harkins & Co. (operator), et al.	1	1	Tennessee Gas (Piedra Lumbre Field, Duval County, Tex.)	9-21-59	9-25-59	11-1-59	4-1-60	² 12.12268	15.0952
G-19833..	San Salvador Development Co., Inc.	1	3	Tennessee Gas (San Salvador Field, Hidalgo County, Tex.)	Undated	9-25-59	11-1-59	4-1-60	² 12.12268	15.0952

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

² Pressure Base 14.65 psia.

³ Supplemental Agreement renegotiates base rate from 21.0 cents to 25.0 cents per Mcf.

⁴ Pressure Base 15.625 psia.

⁵ Includes 2.5 cents per Mcf for compression charged by seller.

⁶ Rate in effect subject to refund in Docket No. G-16669.

⁷ Rate in effect subject to refund in Docket No. G-16725.

⁸ Includes 0.5 cent per Mcf for high Btu value of gas.

⁹ Rate in effect subject to refund in Docket No. G-16591.

¹⁰ Includes 0.21931 cent per Mcf for dehydration deducted by buyer.

¹¹ See Commission order par (B).

Abbreviations:

- Tennessee Gas—Tennessee Gas Transmission Company.
- El Paso—El Paso Natural Gas Company.
- Texas Eastern—Texas Eastern Transmission Corporation.
- Natural Gas P/L—Natural Gas Pipeline Company of America.
- United Fuel—United Fuel Gas Company.

In support of their proposed rate increases, Blanco Oil Company (Operator), et al. (Blanco), Mel Dar Corporation, Bass & Vessels, et al., Bass & Vessels (Operator), et al., George H. Coates, et al., Big "6" Drilling Company, et al. (Big "6"), Western Natural Gas Company, et al. (Western Natural), Austral Oil Company, Inc., Agent, for Oil Participations, Inc. (Austral), Harkins & Company (Operator), et al. (Harkins) and San Salvador Development Company, Inc. (San Salvador) cite their contract redetermination provisions and state that the contract was negotiated

at arm's length, the price redetermination provisions was a major incentive for its signing such contract as it afforded protection against inflation and insured receipt of a fair, competitive price. Blanco additionally states that the increased price, which is to hold for a five year period, will not compensate for increased costs of exploration, development and production which have been sustained and which may reasonably be expected to continue to increase. Blanco submitted limited cost data. Big "6", Western Natural, Austral, Harkins and San Salvador state additionally

that the proposed rates do not exceed the going price for gas in the area. Western Natural in addition states that the proposed rate is below its system-wide cost of service as shown in its Exhibits Nos. 16 and 25 presented in the section 5(a) proceedings involving Western Natural's rates in Docket No. G-9281. Columbian Carbon Company (Columbian)'s increase is based upon a supplemental agreement in which in return for the higher price, Columbian agrees to engage in additional drilling in 75 undeveloped leaseholds in search of additional gas reserves which Equitable Gas

Company, its purchaser, desired to obtain. The agreement provides that in the event the higher price shall not become effective in its entirety due to any final action taken by the Federal Power Commission, then either party may cancel the agreement. Columbian states that the proposed price was agreed upon through arm's length bargaining and the proposed rate does not exceed other certificated rates for sales of gas in the same general area. Columbian submitted cost data for the year 1958 but no comparative data are shown for prior years.

H. L. Hawkins & H. L. Hawkins, Jr., et al. state that the increased rate is provided by contract and represents the value of natural gas as a commodity and request that their cost of service study submitted in connection with a motion to terminate suspension proceedings dated December 15, 1958 be incorporated by reference.

Sinclair Oil & Gas Company (Sinclair) states that the proposed rate will not result in an excessive return but will assist Sinclair in obtaining a return commensurate with the risks inherent in the exploration and development, production, gathering, transportation and sale of natural gas.

Champlin Oil & Refining Company, et al. and Champlin Oil & Refining Company (Operator), et al. (Champlin) states that the proposed rate represents the fair value of seller's gas, such rate is an integral part of the consideration for which Champlin committed its gas to an interstate sale, and the proposed rate is less than initial contract rates recently filed with the Commission for gas sales in the East Texas area.

Willard E. Ferrell, Agent, Brushy Fork Development Company (Ferrell) states that the increased rate is necessary in order to continue his drilling program. He has completed eight wells on 600 acres of dedicated acreage, one of which turned out to be a dry hole at a cost of \$16,000. Ferrell states that the price of gas in the surrounding states exceed the 25 cents per Mcf he has requested and submits a letter from Equitable Gas Company, his purchaser, wherein Equitable Gas Company agrees to the proposed rate contingent upon Commission approval.

In support of its proposed increase Rycade Oil Corporation (Rycade) states that the increase is provided by the favored-nation clause of its contract with El Paso Natural Gas Company and that the proposed rate is below recently certificated prices in the same general area. El Paso Natural Gas Company has protested Rycade's filing and has requested rejection.

Benedum-Trees Oil Company, et al. in support of its increased rate states that the increased rate is provided by contract, it does not exceed the fair market value of the gas in the area, and the increased rate is necessary to offset the inevitable increase in the cost of doing business as field pressures and field deliverability decline.

Union Producing Company states that expenses have increased, incentive is needed for further exploration and development, and the increased rate does not exceed other certificated rates in the same area.

The Superior Oil Company has submitted a redetermination letter from Tennessee Gas Transmission Company providing for the subject increase and states that its contract was negotiated at arm's length and the pricing provisions providing for the increased rate were part of the consideration for entering into such contract.

NAFCO Oil and Gas, Inc., et al. states that the increased rate is provided by contract, the periodic pricing provision was an inducement to the parties to enter into the contract; and the increase requested is proportionate to the inflation of currency value and the increase in the cost of borrowing money.

Austral Oil Company, Inc., (Operator), et al. states that the increased rate is provided by a contract negotiated at arm's length; this rate is an integral part of the consideration for entering into the contract; and such rate is lower than prices currently paid for similar gas in the same general 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 changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

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

(B) Pending hearing and decision thereon, each of the aforementioned supplements, with the exception of H. L. Hawkins & H. L. Hawkins, Jr., et al., 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. Supplement No. 16 to Hawkins' FPC Gas Rate Schedule No. 11 is suspended and the use thereof deferred to a date five months from the date the buyer commences deliveries of gas from Pan American Petroleum Corporation under its rate schedule No. 88 or March 22, 1960 whichever is later 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 (Commissioner Kline dissenting on the suspension of rates provided for in Docket No. G-19822, Union Producing Company).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-9126; Filed, Oct. 23, 1959;
8:46 a.m.]

[Docket No. G-14568]

D. E. LONDON

Notice of Application and Date of Hearing

OCTOBER 22, 1959.

Take notice that D. E. London (Applicant), with a principal place of business in Ringling, Oklahoma, filed an application on February 24, 1958, pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continuation of the sale of natural gas, previously made by W. W. Woodworth (Woodworth), to Lone Star Gas Company (Lone Star), from certain acreage in the Asphaltum Field, Jefferson County, Oklahoma, pursuant to a gas sales contract dated January 1, 1953, between Woodworth and Lone Star, all as more fully described in an application on file with the Commission and open to public inspection.

Applicant states that by two separate instruments of assignment, each dated March 27, 1957, Woodworth conveyed the subject acreage to London. Woodworth was authorized in Docket No. G-9832 to render the service now proposed to be continued by London. In connection with the application in Docket No. G-14568, London filed concurrently a notice of succession to W. W. Woodworth FPC Gas Rate Schedule No. 1 and on March 19, 1958, filed the above-mentioned assignments of March 27, 1957.

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 30, 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 Commis-

sion, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 19, 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. 59-9127; Filed, Oct. 28, 1959;
8:46 a.m.]

[Docket No. G-19083]

TENNESSEE GAS TRANSMISSION CO.
Notice of Application and Date of Hearing

OCTOBER 22, 1959.

Tennessee Gas Transmission Company (Applicant), filed an application on July 29, 1959, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the sale of natural gas in interstate commerce as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission, and open to public inspection.

Applicant proposes to sell its 25 percent working interest in the Talmage-Butler Unit, in Simsboro Field, Lincoln Parish, Louisiana to Arkansas Louisiana Gas Company (Arkansas Louisiana), under a gas sales contract dated June 5, 1951, by and between Murphy Corporation, et al., as Seller, and Arkansas Louisiana, as Buyer. The application states that Applicant acquired signatory status to such contract by an amendment and ratification agreement thereto dated May 7, 1959.

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 30, 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 16, 1959. Failure of any party to

appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-9128; Filed, Oct. 28, 1959;
8:46 a.m.]

[Docket No. G-18783]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Permitting Substitution of Tariff Sheets Subject to Hearing and Suspension

OCTOBER 21, 1959.

On September 21, 1959, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing Substitute Fifth Revised Sheet No. 28-P, Substitute Third Revised Sheet No. 28-Q and Substitute Second Revised Sheet No. 28-R to its FPC Gas Tariff, Original Volume No. 1. These tariff sheets are in substitution for Fifth Revised Sheet No. 28-P, Third Revised Sheet No. 28-Q and Second Revised Sheet No. 28-R to Transco's FPC Gas Tariff, Original Volume No. 1 suspended with other tariff sheets in this docket by Commission order issued June 17, 1959. The suspended tariff sheets proposed a systemwide annual increase in rates of \$15,549,531 which included an increase of \$471,755 for storage service under Rate Schedule S-2. The proposed substitute sheets would reduce the suspended increase for storage by \$415,831 to \$55,924.

Transco states that \$415,831 of the \$471,755 increase in storage service under suspension was due to a prior increase filed by Texas Eastern Transmission Corporation (Texas Eastern) in Docket No. G-12706, effective November 1957, for corresponding storage service purchased by Transco.

Texas Eastern filed a revision in its rate schedule for storage service to Transco effective July 1, 1959 which reduced the rate to the level of the rate in effect prior to the date the G-12706 rates became effective. As a consequence Transco now requests special permission pursuant to Section 154.66 of the Commission's Regulations under the Natural Gas Act to substitute a rate lower than its suspended storage rate to reflect the reduction in cost from Texas Eastern. Transco also states: "This filing is made contingent upon the granting by the Commission of permission to file these substitute tariff sheets, and the suspension of the effectiveness of such substitute sheets to November 18, 1959, which is the end of the suspension period of Transcontinental's increased rates under Rate Schedule S-2 filed in Docket No. G-18783."

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

The Commission finds: Good cause has been shown for permitting the substitu-

tion of Transco's Substitute Fifth Revised Sheet No. 28-P, Substitute Third Revised Sheet No. 28-Q and Substitute Second Revised Sheet No. 28-R in the place of Fifth Revised Sheet No. 28-P, Third Revised Sheet No. 28-Q and Second Revised Sheet No. 28-R to Transco's FPC Gas Tariff, Original Volume No. 1: *Provided, however*, That said Substitute Revised Tariff Sheets are subject, in all respects, to this proceeding and the orders issued herein as though said Substitute Revised Tariff Sheets were originally filed in lieu of Fifth Revised Sheet No. 28-P, Third Revised Sheet No. 28-Q and Second Revised Sheet No. 28-R to Transco's FPC Gas Tariff, Original Volume No. 1; and 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 said Substitute Revised Tariff Sheets and the rates contained therein be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) Substitute Fifth Revised Sheet No. 28-P, Substitute Third Revised Sheet No. 28-Q and Substitute Second Revised Sheet No. 28-R are hereby substituted in the place of Fifth Revised Sheet No. 28-P, Third Revised Sheet No. 28-Q and Second Revised Sheet No. 28-R to Transco's FPC Gas Tariff, Original Volume No. 1: *Provided, however*, That said Substitute Revised Tariff Sheets shall be subject, in all respects, to this proceeding and the orders issued herein as though said Substitute Revised Tariff Sheets were originally filed in lieu of Fifth Revised Sheet No. 28-P, Third Revised Sheet No. 28-Q and Second Revised Sheet No. 28-R to Transco's FPC Gas Tariff, Original Volume No. 1.

(B) Pending hearing and decision thereon Substitute Fifth Revised Sheet No. 28-P, Substitute Third Revised Sheet No. 28-Q and Substitute Second Revised Sheet No. 28-R to Transco's FPC Gas Tariff, Original Volume No. 1 are hereby suspended and the use thereof deferred until November 18, 1959, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-9129; Filed, Oct. 28, 1959;
8:46 a.m.]

[Docket No. G-19235]

WESTERN KENTUCKY GAS CO.

Notice of Application

OCTOBER 22, 1959.

Take notice that on August 14, 1959, supplemented on September 25, 1959, Western Kentucky Gas Company (Applicant) filed in Docket No. G-19235 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Texas Gas Transmission Corporation (Texas Gas) to establish an additional physical connection of its transmission system with certain proposed facilities of Applicant and to

sell natural gas to Applicant on a firm basis for distribution and resale in the town of Elkton, Todd County, Kentucky, and environs, all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

The facilities which Applicant proposes to construct and operate consist of approximately 5½ miles of 3-inch pipeline extending from Texas Gas' 10-inch Slaughters-Russellville lateral to the town of Elkton and a natural gas distribution system within said town. The estimated total cost of these facilities is \$150,000, which will be financed through short-term bank loans and retained earnings.

The estimated requirements of Applicant to serve the community of Elkton for the first five years of operation are:

Year of service	Mcf @ 15.025 psia	
	Peak day	Annual
1	352	34,053
2	528	49,838
3	616	57,637
4	701	65,447
5	789	73,107

Protests or petitions to intervene in this proceeding 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 13, 1959.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-9130; Filed, Oct. 28, 1959;
8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF-2285]

DUNLOOKIN MINING CO., INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

OCTOBER 23, 1959.

I. Dunlookin Mining Co., Inc. (issuer), a Nevada corporation, filed with the Commission on May 7, 1956 a notification on Form 1-A and an offering circular, and filed amendments thereto, relating to a proposed offering of 40,000 shares of its no par value common stock at \$5 per share, for an aggregate amount of \$200,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable grounds to believe that the terms and conditions of Regulation A have not been complied with in that the issuer has failed to file a final report of sales on Form 2-A, as required by Rule 224.

III. It is ordered, Pursuant to Rule 223(a) of the General Rules and Regula-

tions under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 59-9137; Filed Oct. 28, 1959;
8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-VII-5
(Rev. 2)]

BRANCH MANAGER, INDIANAPOLIS, INDIANA

Delegation Relating to Financial Assistance, Procurement and Technical Assistance and Administrative Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 4), as amended (22 F.R. 5811, 2197; 23 F.R. 557, 1768, 8435, 24 F.R. 5321) there is hereby delegated to the Branch Manager, Indianapolis, Indiana Branch Office, Small Business Administration, the following authority:

A. *Specific—Financial Assistance.* To take the following actions in accordance with the limitations of such delegations as set forth in SBA-500, Financial Assistance Manual:

1. To approve the following types of loans:
 - a. Direct business loans in an amount not exceeding \$20,000.
 - b. Participation business loans in an amount not exceeding \$100,000.
 - c. Disaster loans in an amount not exceeding \$50,000.
2. To decline original applications but not reconsiderations of Disaster loans.
3. To approve or decline Limited Loan Participation Loans.
4. To enter into Disaster Participation Agreements with banks.
5. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

WENDELL B. BARNES,
Administrator.

By _____
Manager,
Indianapolis Branch Office.

6. To modify or amend Washington approved authorizations for business or disaster loans by the issuance of Certificates of Modification, and to modify or amend authorizations for loans approved under delegated authority, in any manner consistent with the original authority to approve loans: *Provided, however,* In addition to the restrictions set forth in SBA-500, Financial Assistance Manual, this delegation of authority to modify shall not be extended to those conditions inserted by the Regional Office.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To reinstate any loan authorization cancelled prior to the first disbursement within six months from the date of the original authorization providing that no adverse change has occurred since the loan application was approved.

9. To cancel wholly or in part undisbursed balances of partially disbursed loans and deferred participation agreements, where the Administration has not purchased its participation.

10. To approve, after disbursement or partial disbursement, the salary of new employees, not to exceed \$10,000 per annum.

11. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorizations.

12. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing and administration of any disaster loan including, without limiting the generality of the foregoing, all powers, terms, conditions and provisions as authorized herein for other loans. Said powers, terms, conditions and provisions shall apply to all documents, agreements or other instruments heretofore or hereafter executed in connection with any loan included in the above functions where such documents, agreements or other instruments are now, or shall be hereafter, in the name of the Reconstruction Finance Corporation or the Small Business Administration.

13. To take the following actions in all loans except those loans classified as "problem loans" or "in liquidation":

a. Extend to the maturity of a loan or to a date prior to the maturity, one monthly principal payment in any calendar year, and not more than a total of four such payments during the term of the loan, or one quarterly principal installment payment during the term of the loan, for loans with principal balances not exceeding \$100,000.

b. Carry loans which are delinquent or past-due not more than three months in such status for an additional period of not more than six months when the principal balances of such loans do not exceed \$100,000.

c. Extend the maturity of loans (within the statutory limitations) when the principal balances of such loans do not exceed \$100,000.

d. Approve or decline requests for changes in the repayment terms of notes for loans with principal balances not exceeding \$100,000.

e. Waive amounts due under net earnings clause.

f. Approve requests to exceed fixed asset limitations and waive violations of this limitation.

g. Approve payment of cash or stock dividends, payment of bonuses, increases in salaries, employment of new personnel, and waivers of violation of salary and bonus limitations, provided the Branch Manager considers the bonuses and/or salaries to be paid reasonable and that consent will not be given to any such payment if the payment will impair the borrower's cash position and if the loan is not current in all respects at the time the payment is made.

h. Approve changes in use of loan proceeds in connection with partially disbursed loans.

i. Waive violations of agreements to maintain working capital of a specified amount.

14. To take the following actions in the administration and collection of business or disaster loans:

a. Approve or reject substitutions of accounts receivable and inventories.

b. Release, or consent to the release of inventories, accounts receivable or cash collateral, real or personal property, offered as collateral on loan, including the release of all collateral when loan is paid in full.

c. Release dividends on life insurance policies held as collateral for loans, approve the application of same against premiums due; release or consent to the release on participation loans, of insurance funds covering loss or damage to property securing the loan and expired hazard insurance policies.

d. Approve the sale of real or personal property and the exchange of equipment held as collateral on loans.

e. Defer until final maturity date payments on principal falling due prior to or within thirty days after initial disbursement and provide for the coincidence of principal and interest payments.

f. Designate proxies to vote at stockholders' meetings on stock held as collateral, and determine how such shares are to be voted.

g. Effect the purchase of the Administration's agreed portion of a participation loan upon the request of the participation institution, consent to the sale to another institution of the Small Business Administration portion of a participation loan, and to cancel any deferred participation agreement upon request of the institution.

15. To accept and join with others in the acceptance of resignations of trustees under declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is a holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

16. To remove and join with others in

the removal of any trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

17. To select and designate persons or corporations as original, substitute or successor trustees under declarations of trust, trust indentures, deeds of trust or other trust instruments or agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, bond or instrument issued pursuant thereto and secured thereby to accept on behalf of Small Business Administration or its Administrator beneficial interests in real or personal property.

18. To appoint, consent to or approve of the appointment and join with others in the appointment, consent or approval of appointment of substitute and successor trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

19. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the granted powers, including, but without limiting the generality of the foregoing, the execution and delivery of quit claim, bargain and sale or special warranty deeds, leases, subleases, assignments, subornations, satisfaction pieces, affidavits, and such other documents as may be appropriate or necessary to effectuate the foregoing, and ratifying and confirming all that said Branch Manager shall lawfully do or cause to be done by virtue hereof.

20. To take peaceable custody of collateral, as mortgagee in possession thereof or otherwise, whenever such action becomes necessary to protect the interests of or a loan made by Small Business Administration; to take all steps necessary for the preservation and protection of the property, pending foreclosure of the lien and sale of the collateral; and, to obligate the Administration in an amount not in excess of a total of \$1,000 for any one loan, for those expenditures as may be required to accomplish these purposes.

21. To enter into written arrangements with custodians or caretakers of collateral covering their services, which shall not have the effect of making such persons employees of Small Business Administration but shall be limited to

their temporary services for the specific purpose involved.

22. To enter into written arrangements with owners of premises, when it is necessary to use a building not part of the loan collateral for the storage of chattels pending foreclosure and sale, for a period of not more than 90 days, including a period of 10 days after the date of sale of the collateral to permit orderly removal of the property from the premises.

23. To post indemnity or other bonds in proceedings in cases where such undertakings are required by State Law.

Procurement and technical assistance. To take the following actions in accordance with the limitations of such delegations as set forth in SBA-400, Agency Policy Manual, and SEA-600, Procurement and Technical Assistance Manual:

24. To develop with government procurement agencies required local procedures for implementing established inter-agency policy agreements, including but not limited to steps such as determining joint set-asides and representation at procurement centers.

Administrative. To take the following actions in accordance with the limitations of such delegations as set forth in SBA-100, Administrative Manual, and SBA-200, Controller's Manual:

25. To administer oaths of office.

26. To approve (a) annual and sick leave, and (b) leave without pay not to exceed 30 days for employees under the supervision of the Branch Manager.

27. To (a) make emergency purchases not in excess of \$25 in any one object class in any one instance but not more than \$50 in any one month for total purchases in all object classes, (b) authorize purchases not in excess of such limitations for payment from an Imprest Fund, and (c) to contract for the repair and maintenance of equipment and furnishings in an amount not to exceed \$25 in any one instance.

28. In connection with the establishment of Disaster Loan Offices, to (a) obligate Small Business Administration to reimburse General Services Administration for the rental of office space, (b) rent office equipment, and (c) procure (without dollar limitation) emergency supplies and materials.

29. To (a) authorize or approve official travel and (b) administratively approve travel reimbursement claims.

30. To negotiate for motor vehicle services from the General Services Administration and to rent garage space for the storage of such vehicles.

B. Correspondence. To sign all non-policy making correspondence, including Congressional correspondence, relating to the functions of the Branch Office.

II. The specific authority delegated in I.A. 1 through 30, except Section 24, may not be redelegated. The authority delegated in I.B. (with the exception of congressional correspondence) may be redelegated, limiting such redelegation to routine correspondence only.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated by the Regional Director to the Branch

Manager, Indianapolis, Indiana, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: September 10, 1959.

GEORGE E. HALE,
Acting Regional Director.

[F.R. Doc. 59-9138; Filed, Oct. 28, 1959;
8:48 a.m.]

[Delegation of Authority No. 30-VIII-6
(Rev. 2)]

**BRANCH MANAGER, MADISON,
WISCONSIN**

**Delegation Relating to Financial As-
sistance, Procurement and Techni-
cal Assistance and Administrative
Functions**

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 4), as amended, (22 F.R. 5811, 8197, 23 F.R. 557, 1768, 8435, 24 F.R. 5321), there is hereby delegated to the Branch Manager, Madison, Wisconsin Branch Office, Small Business Administration, the following authority:

A. *Specific—Financial assistance.* To take the following actions in accordance with the limitations of such delegations as set forth in SBA-500, Financial Assistance Manual:

1. To approve the following types of loans:

- a. Direct business loans in an amount not exceeding \$20,000.
- b. Participation business loans in an amount not exceeding \$100,000.
- c. Disaster loans in an amount not exceeding \$50,000.

2. To decline original applications but not reconsiderations of Disaster loans.

3. To approve or decline Limited Loan Participation Loans.

4. To enter into Disaster Participation Agreements with banks.

5. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

WENDELL B. BARNES,
Administrator.

By _____
Manager,
Madison Branch Office.

6. To modify or amend Washington approved authorizations for business or disaster loans by the issuance of Certificates of Modification, and to modify or amend authorizations for loans approved under delegated authority, in any manner consistent with the original authority to approve loans: *Provided, however,* in addition to the restrictions set forth in SBA-500, Financial Assistance Manual, this delegation of authority to modify shall not be extended to those conditions inserted by the Regional Office.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To reinstate any loan authorization cancelled prior to the first disbursement within six months from the date of the original authorization providing that no

adverse change has occurred since the loan application was approved.

9. To cancel wholly or in part undisbursed balances of partially disbursed loans and deferred participation agreements, where the Administration has not purchased its participation.

10. To approve, after disbursement or partial disbursement, the salary of new employees, not to exceed \$10,000 per annum.

11. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

12. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing and administration of any disaster loan including, without limiting the generality of the foregoing, all powers, terms, conditions, and provisions as authorized herein for other loans. Said powers, terms, conditions, and provisions shall apply to all documents, agreements, or other instruments heretofore or hereafter executed in connection with any loan included in the above functions where such documents, agreements or other instruments are now, or shall be hereafter, in the name of the Reconstruction Finance Corporation or the Small Business Administration.

13. To take the following actions in all loans except those loans classified as "problem loans" or "in liquidation":

- a. Extend to the maturity of a loan or to a date prior to the maturity, one monthly principal payment in any calendar year, and not more than a total of four such payments during the term of the loan, or one quarterly principal installment payment during the term of the loan, for loans with principal balances not exceeding \$100,000.

b. Carry loans which are delinquent or past due not more than three months in such status for an additional period of not more than six months when the principal balances of such loans do not exceed \$100,000.

c. Extend the maturity of loans (within the statutory limitations) when the principal balances of such loans do not exceed \$100,000.

d. Approve or decline requests for changes in the repayment terms of notes for loans with principal balances not exceeding \$100,000.

e. Waive amounts due under net earnings clause.

f. Approve requests to exceed fixed asset limitations and waive violations of this limitation.

g. Approve payment of cash or stock dividends, payment of bonuses, increases in salaries, employment of new personnel, and waivers of violation of salary and bonus limitations, provided the Branch Manager considers the bonuses and/or salaries to be paid reasonable and that consent will not be given to any such payment if the payment will impair the borrower's cash position and if the loan is not current in all respects at the time the payment is made.

h. Approve changes in use of loan proceeds in connection with partially disbursed loans.

i. Waive violations of agreements to maintain working capital of a specified amount.

14. To take the following actions in the administration and collection of business or disaster loans:

a. Approve or reject substitutions of accounts receivable and inventories.

b. Release, or consent to the release of inventories, accounts receivable or cash collateral, real or personal property, offered as collateral on loan, including the release of all collateral when loan is paid in full.

c. Release dividends on life insurance policies held as collateral for loans, approve the application of same against premiums due; release or consent to the release on participation loans, of insurance funds covering loss or damage to property securing the loan and expired hazard insurance policies.

d. Approve the sale of real or personal property and the exchange of equipment held as collateral on loans.

e. Defer until final maturity date payments on principal falling due prior to or within thirty days after initial disbursement and provide for the coincidence of principal and interest payments.

f. Designate proxies to vote at stockholders' meetings on stock held as collateral, and determine how such shares are to be voted.

g. Effect the purchase of the Administration's agreed portion of a participation loan upon the request of the participation institution, consent to the sale to another institution of the Small Business Administration portion of a participation loan, and to cancel any deferred participation agreement upon request of the institution.

15. To accept and join with others in the acceptance of resignations of trustees under declarations of trust, trust indentures, deeds of trust, and other trust instruments and agreements under which the Small Business Administration or its Administrator is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is a holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

16. To remove and join with others in the removal of any trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

17. To select and designate persons or corporations as original, substitute or successor trustees under declarations of trust, trust indentures, deeds of trust or other trust instruments or agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its

Administrator now or hereafter is the holder of any note, bond or instrument issued pursuant thereto and secured thereby to accept on behalf of Small Business Administration or its Administrator beneficial interests in real or personal property.

18. To appoint, consent to or approve of the appointment and join with others in the appointment, consent or approval of appointment of substitute and successor trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

19. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the granted powers, including, but without limiting the generality of the foregoing, the execution and delivery of quit claim, bargain and sale or special warranty deeds, leases, subleases, assignments, subordinations, satisfaction pieces, affidavits, and such other documents as may be appropriate or necessary to effectuate the foregoing, and ratifying and confirming all that said Branch Manager shall lawfully do or cause to be done by virtue hereof.

20. To take peaceable custody of collateral, as mortgagee in possession thereof or otherwise, whenever such action becomes necessary to protect the interests of or a loan made by Small Business Administration; to take all steps necessary for the preservation and protection of the property, pending foreclosure of the lien and sale of the collateral; and, to obligate the Administration in an amount not in excess of a total of \$1,000 for any one loan, for those expenditures as may be required to accomplish these purposes.

21. To enter into written arrangements with custodians or caretakers of collateral covering their services, which shall not have the effect of making such persons employees of Small Business Administration but shall be limited to their temporary services for the specific purpose involved.

22. To enter into written arrangements with owners of premises, when it is necessary to use a building not part of the loan collateral for the storage of chattels pending foreclosure and sale, for a period of not more than 90 days, including a period of 10 days after the date of sale of the collateral to permit orderly removal of the property from the premises.

23. To post indemnity or other bonds in proceedings in cases where such undertakings are required by State law.

Procurement and technical assistance. To take the following actions in accordance with the limitations of such delegations as set forth in SBA-400, Agency Policy Manual, and SBA-600, Procurement and Technical Assistance Manual:

24. To develop with government procurement agencies required local procedures for implementing established

inter-agency policy agreements, including but not limited to steps such as determining joint set-asides and representation at procurement centers.

Administrative. To take the following actions in accordance with the limitations of such delegations as set forth in SBA-100, Administrative Manual, and SBA-200, Controller's Manual:

25. To administer oaths of office.

26. To approve (a) annual and sick leave, and (b) leave without pay not to exceed 30 days for employees under the supervision of the Branch Manager.

27. To (a) make emergency purchases not in excess of \$25 in any one object class in any one instance but not more than \$50 in any one month for total purchases in all object classes, (b) authorize purchases not in excess of such limitations for payment from an Imprest Fund, and (c) to contract for the repair and maintenance of equipment and furnishings in an amount not to exceed \$25 in any one instance.

28. In connection with the establishment of Disaster Loan Offices, to (a) obligate Small Business Administration to reimburse General Services Administration for the rental of office space, (b) rent office equipment, and (c) procure (without dollar limitation) emergency supplies and material.

29. To (a) authorize or approve official travel and (b) administratively approve travel reimbursement claims.

30. To negotiate for motor vehicle services from the General Services Administration and to rent garage space for the storage of such vehicles.

B. Correspondence. To sign all non-policy making correspondence, including congressional correspondence, relating to the functions of the Branch Office.

II. The specific authority delegated in I.A. 1 through 30, except Section 24, may not be redelegated. The authority delegated in I.B. (with the exception of congressional correspondence) may be redelegated, limiting such redelegation to routine correspondence only.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated by the Regional Director to the Branch Manager, Madison, Wisconsin, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: September 10, 1959.

GEORGE E. HALE,

Acting Regional Director.

[F.R. Doc. 59-9139; Filed, Oct. 28, 1959; 8:48 a.m.]

[Delegation of Authority No. 30-VII-10 (Rev. 2)]

BRANCH MANAGER, DES MOINES, IOWA

Delegation Relating to Financial Assistance, Procurement and Technical Assistance and Administrative Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation

No 30 (Rev. 4), as amended (22 F.R. 5811, 8197, 23 F.R. 557, 1768, 8435, 24 F.R. 5321), there is hereby delegated to the Branch Manager, Des Moines, Iowa Branch Office, Small Business Administration, the following authority:

A. Specific—Financial assistance. To take the following actions in accordance with the limitations of such delegations as set forth in SBA-500, Financial Assistance Manual:

1. To approve the following types of loans:

a. Direct business loans in an amount not exceeding \$20,000.

b. Participation business loans in an amount not exceeding \$100,000.

c. Disaster loans in an amount not exceeding \$50,000.

2. To decline original applications but not reconsiderations of Disaster loans.

3. To approve or decline Limited Loan Participation Loans.

4. To enter into Disaster Participation Agreements with banks.

5. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

WENDELL B. BARNES,
Administrator.

By _____
Manager,
Des Moines Branch Office.

6. To modify or amend Washington approved authorizations for business or disaster loans by the issuance of Certificates of Modification, and to modify or amend authorizations for loans approved under delegated authority, in any manner consistent with the original authority to approve loans, provided however in addition to the restrictions set forth in SBA-500, Financial Assistance Manual, this delegation of authority to modify shall not be extended to those conditions inserted by the Regional Office.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To reinstate any loan authorization cancelled prior to the first disbursement within six months from the date of the original authorization providing that no adverse change has occurred since the loan application was approved.

9. To cancel wholly or in part undisbursed balances of partially disbursed loans and deferred participation agreements, where the Administration has not purchased its participation.

10. To approve, after disbursement or partial disbursement, the salary of new employees, not to exceed \$10,000 per annum.

11. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

12. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing and administration of any disaster loan including, without limiting the generality of the foregoing, all powers, terms, conditions and provisions as authorized herein for other

loans. Said powers, terms, conditions and provisions shall apply to all documents, agreements or other instruments heretofore or hereafter executed in connection with any loan included in the above functions where such documents, agreements or other instruments are now, or shall be hereafter, in the name of the Reconstruction Finance Corporation or the Small Business Administration.

13. To take the following actions in all loans except those loans classified as "problem loans" or "in liquidation":

a. Extend to the maturity of a loan or to a date prior to the maturity, one monthly principal payment in any calendar year, and not more than a total of four such payments during the term of the loan, or one quarterly principal installment payment during the term of the loan, for loans with principal balances not exceeding \$100,000.

b. Carry loans which are delinquent or past-due not more than three months in such status for an additional period of not more than six months when the principal balances of such loans do not exceed \$100,000.

c. Extend the maturity of loans (within the statutory limitations) when the principal balances of such loans do not exceed \$100,000.

d. Approve or decline requests for changes in the repayment terms of notes for loans with principal balances not exceeding \$100,000.

e. Waive amounts due under net earnings clause.

f. Approve requests to exceed fixed asset limitations and waive violations of this limitation.

g. Approve payment of cash or stock dividends, payment of bonuses, increases in salaries, employment of new personnel and waivers of violation of salary and bonus limitations, provided the Branch Manager considers the bonuses and/or salaries to be paid reasonable and that consent will not be given to any such payment if the payment will impair the borrower's cash position and if the loan is not current in all respects at the time the payment is made.

h. Approve changes in use of loan proceeds in connection with partially disbursed loans.

i. Waive violations of agreements to maintain working capital of a specified amount.

14. To take the following actions in the administration and collection of business or disaster loans:

a. Approve or reject substitutions of accounts receivable and inventories.

b. Release, or consent to the release of inventories, accounts receivable or cash collateral, real or personal property, offered as collateral on loan, including the release of all collateral when loan is paid in full.

c. Release dividends on life insurance policies held as collateral for loans, approve the application of same against premiums due; release of consent to the release on participation loans, of insurance funds covering loss or damage to property securing the loan and expired hazard insurance policies.

d. Approve the sale of real or personal property and the exchange of equipment held as collateral on loans.

e. Defer until final maturity date payments on principal falling due prior to or within thirty days after initial disbursement and provide for the coincidence of principal and interest payments.

f. Designate proxies to vote at stockholders' meetings on stock held as collateral, and determine how such shares are to be voted.

g. Effect the purchase of the Administration's agreed portion of a participation loan upon the request of the participation institution, consent to the sale to another institution of the Small Business Administration portion of a participation loan, and to cancel any deferred participation agreement upon request of the institution.

15. To accept and join with others in the acceptance of resignations of trustees under declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is a holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

16. To remove and join with others in the removal of any trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

17. To select and designate persons or corporations as original, substitute or successor trustees under declarations of trust, trust indentures, deeds of trust or other trust instruments or agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, bond or instrument issued pursuant thereto and secured thereby to accept on behalf of Small Business Administration or its Administrator beneficial interests in real or personal property.

18. To appoint, consent to or approve of the appointment and join with others in the appointment, consent or approval of appointment of substitute and successor trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

19. To do and to perform all and every act and thing requisite, necessary and

proper to be done for the purpose of effecting the granted powers, including, but without limiting the generality of the foregoing, the execution and delivery of quit claim, bargain and sale or special warranty deeds, leases, subleases, assignments, subordinations, satisfaction pieces, affidavits, and such other documents as may be appropriate or necessary to effectuate the foregoing, and ratifying and confirming all that said Branch Manager shall lawfully do or cause to be done by virtue hereof.

20. To take peaceable custody of collateral, as mortgagee in possession thereof or otherwise, whenever such action becomes necessary to protect the interests of or a loan made by Small Business Administration; to take all steps necessary for the preservation and protection of the property, pending foreclosure of the lien and sale of the collateral; and, to obligate the Administration in an amount not in excess of a total of \$1,000 for any one loan, for those expenditures as may be required to accomplish these purposes.

21. To enter into written arrangements with custodians or caretakers of collateral covering their services, which shall not have the effect of making such persons employees of Small Business Administration but shall be limited to their temporary services for the specific purpose involved.

22. To enter into written arrangements with owners of premises, when it is necessary to use a building not part of the loan collateral for the storage of chattels pending foreclosure and sale, for a period of not more than 90 days, including a period of 10 days after the date of sale of the collateral to permit orderly removal of the property from the premises.

23. To post indemnity or other bonds in proceedings in cases where such undertakings are required by State law.

Procurement and technical assistance. To take the following actions in accordance with the limitations of such delegations as set forth in SBA-400, Agency Policy Manual, and SBA-600, Procurement and Technical Assistance Manual:

24. To develop with government procurement agencies required local procedures for implementing established inter-agency policy agreements, including but not limited to steps such as determining joint set-aside and representation at procurement centers.

Administrative. To take the following actions in accordance with the limitations of such delegations as set forth in SBA-100, Administrative Manual, and SBA-200, Controller's Manual:

25. To administer oaths of office.

26. To approve (a) annual and sick leave, and (b) leave without pay not to exceed 30 days for employees under the supervision of the Branch Manager.

27. To (a) make emergency purchases not in excess of \$25 in any one object class in any one instance but not more than \$50 in any one month for total purchases in all object classes, (b) authorize purchases not in excess of such limitations for payment from an Imprest Fund, and (c) to contract for the repair and maintenance of equipment and fur-

nishings in an amount not to exceed \$25 in any one instance.

28. In connection with the establishment of Disaster Loan Offices, to (a) obligate Small Business Administration to reimburse General Services Administration for the rental of office space, (b) rent office equipment, and (c) procure (without dollar limitation) emergency supplies and materials.

29. To (a) authorize or approve official travel and (b) administratively approve travel reimbursement claims.

30. To negotiate for motor vehicle services from the General Services Administration and to rent garage space for the storage of such vehicles.

B. Correspondence. To sign all non-policy making correspondence, including congressional correspondence, relating to the functions of the Branch Office.

II. The specific authority delegated in I.A. 1 through 30, except Section 24, may not be redelegated. The authority delegated in I.B. (with the exception of congressional correspondence) may be redelegated, limiting such redelegation to routine correspondence only.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated by the Regional Director to the Branch Manager, Des Moines, Iowa, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: September 10, 1959.

GEORGE E. HALE,
Acting Regional Director.

[F.R. Doc. 59-9140; Filed, Oct. 28, 1959;
8:48 a.m.]

[Delegation of Authority 30-X-5
(Revision 1)]

BRANCH MANAGER, HOUSTON, TEXAS

Delegation Relating to Financial Assistance, Procurement and Technical Assistance and Administration Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 5), (24 F.R. 7713), there is hereby delegated to the Branch Manager, Houston Branch Office, Small Business Administration, the authority:

A. Specific—Financial assistance. To take the following actions in accordance with the limitations of such delegations set forth in SBA-500, Financial Assistance Manual:

1. To approve but not decline the following types of loans:

a. Direct Business Loans in an amount not exceeding \$20,000.

b. Participation Business Loans in an amount not in excess of \$100,000.

2. To approve or decline Disaster Loans in an amount not exceeding \$50,000, but not to decline reconsiderations of applications for such loans.

3. To approve or decline Limited Loan Participation Loans.

4. To enter into Disaster Participation Agreements with banks.

5. To execute loan authorization for Washington approved loans and for loans approved under delegated authority, such execution to read as follows:

WENDELL B. BARNES, *Administrator*,
By _____
Branch Manager.

6. To modify or amend authorizations for business or disaster loans approved by Branch Manager under delegated authority, by the issuance of Certifications of Modification.

7. To extend, with concurrence of Branch Counsel, the disbursement period upon request of borrower on all loan authorizations.

8. To approve when requested, upon concurrence of Branch Counsel, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the Loan Authorization and Participation Agreement.

9. To approve, with concurrence of Branch Counsel, the extension or deferment of payments on principal falling due prior to or within 30 days after the initial disbursement on account of the loan, and provide for the coincidence of principal and interest payments.

10. To approve, with the concurrence of Branch Counsel, the compensation paid and to be paid by the borrower as attorneys fees for legal services rendered in connection with the loan.

11. To approve the compensation paid and to be paid by the borrower as fees to accountants, appraisers, architects, or engineers for services rendered in connection with the loan.

12. To approve, with recommendation of Branch Counsel, Requests for Disbursement and Notification of Checks Delivered, and transmit same directly to the Office of the Controller.

13. To cancel wholly or in part undisbursed balances of partially disbursed loans and deferred participation agreements, where the Administration has not purchased its participation.

14. Release, or consent to the release of all collateral when loan is paid in full.

15. Approve or reject substitution of accounts receivable and inventories as "exchangeable collateral".

16. Release, or consent to the release of insurance settlement funds covering loss or damage to property securing a loan in aggregate amount not exceeding \$1,000 for any one specific loss or damage occurrence, and execute the endorsement of Small Business Administration on checks and drafts representing such funds.

17. To take the following actions to effect the servicing, administration and collection of direct business loans having an outstanding balance not in excess of \$20,000; participation loans having an outstanding balance not in excess of \$100,000; and disaster loans having an outstanding balance not in excess of \$50,000; except those loans currently classified as "Problem or In Liquidation":

a. Waive amounts due under net earnings clause.

b. Approve request to exceed fixed assets limitations and waive violations of this limitation.

c. Approve payment of cash or stock dividends, payment of bonuses, increases in salaries, employment of new personnel, and waivers of violations of salary and bonus limitations, provided the loan is current in all respects at the time the payment is authorized, or the waiver approved, and if the payment is reasonable and will not impair borrower's cash position.

d. Waive violations of agreements to maintain working capital of a fixed amount or ratio.

e. Release dividends on life insurance policies held as collateral for loans, and approve application of same against premiums due on such policies.

f. Release, or approve the release of real or personal property, securing a loan for the purpose of sale, provided the sale proceeds are applied as a principal payment on the loan in inverse order of maturity.

g. Release, or approve the release of machinery and equipment, furniture and fixtures, securing a loan for the purpose of allowing borrower to trade the property for other machinery or equipment, furniture and fixtures, useful in the operation of borrower's business, provided the newly acquired property is hypothecated to secure the loan subject only to purchase money lien, if any exists.

h. To take peaceable custody of collateral, as mortgagees in possession thereof or otherwise, whenever such action becomes necessary to protect the interests of or a loan made by S.B.A.; to take all steps necessary for the preservation and protection of the property, pending foreclosure of the lien and sale of the collateral; and, to obligate the Administration in an amount not in excess of a total of \$1,000 for any one loan, for those expenditures as may be required to accomplish these purposes.

i. Approve changes in use of loan proceeds in connection with partially disbursed loans.

18. To take the following actions in the administration of fisheries' loans:

a. Amend loan authorizations.

b. Extend the period of disbursement of loans of \$50,000 or less for a period of not to exceed four months.

c. Amend the hull insurance provisions of any authorization issued prior to January 31, 1958, for a loan of \$10,000 or less.

d. Cancel loan authorizations prior to disbursement upon the written request of the applicant.

e. Administer fisheries' loans within the same authority exercised with respect to SBA loans.

19. To do and to perform all and every act and thing requisite, necessary, and proper to be done for the purpose of effecting the granted powers, including, but without limiting the generality of the foregoing, the execution and delivery of quit claim, bargain and sale or special warranty deeds, leases, subleases, assignments, subordinations, satisfaction pieces, affidavits, renewal of mortgages or judgments, and such other documents as may be appropriate or necessary to

effectuate the foregoing, and ratifying and confirming all that said Branch Manager shall lawfully do or cause to be done by virtue hereof.

20. To do and to perform every act and thing requisite, necessary and proper to be done for the purpose of effecting all actions in connection with any disbursed loan when the action is specifically approved by the Regional Director.

Procurement and technical assistance. To take the following actions in accordance with the limitations of such delegations as set forth in SBA-400, Agency Policy Manual, and SBA-600, Procurement and Technical Assistance Manual:

21. To develop with government procurement agencies required local procedures for implementing established inter-agency policy agreements, including but not limited to steps such as determining joint set-asides and representation at procurement centers.

Administrative. 22. To administer oaths of office.

23. To approve annual and sick leave for employees under his supervision.

24. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by GSA.

B. Correspondence. To sign all non-policy making correspondence, including Congressional correspondence, relating to the functions of the Branch Office.

II. The specific authority delegated in I.A., except paragraph I.A. 21, may not be redelegated.

The specific authority delegated in I.B. may be redelegated limiting such redelegation to routine correspondence only.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated by the Regional Director to the Branch Manager, Houston, Texas, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: October 2, 1959.

A. W. BUCKER,
Acting Regional Director, Small
Business Administration, Region X.

[F.R. Doc. 59-9141; Filed, Oct. 28, 1959;
8:48 a.m.]

[Delegation of Authority 30-X-9 (Revision
1)]

**BRANCH MANAGER, SAN ANTONIO,
TEXAS**

Delegation Relating to Financial Assistance, Procurement and Technical Assistance and Administrative Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 5), (24 F.R. 7713), there is hereby delegated to the Branch Manager, San Antonio Branch Office, Small Business Administration, the authority:

A. Specific—Financial assistance. To take the following actions in accordance with the limitations of such delegations set forth in SBA-500, Financial Assistance Manual:

1. To approve but not decline the following types of loans:

a. Direct Business Loans in an amount not exceeding \$20,000.

b. Participation Business Loans in an amount not in excess of \$100,000.

2. To approve or decline Disaster Loans in an amount not exceeding \$50,000, but not to decline reconsiderations of applications for such loans.

3. To approve or decline Limited Loan Participation Loans.

4. To enter into Disaster Participation Agreements with banks.

5. To execute loan authorization for Washington approved loans and for loans approved under delegated authority, such execution to read as follows:

WENDELL B. BARNES,
Administrator.

By _____
Branch Manager.

6. To modify or amend authorizations for business or disaster loans approved by Branch Manager under delegated authority, by the issuance of Certificates of Modification.

7. To extend, with concurrence of Branch Counsel, the disbursement period upon request of borrower on all loan authorizations.

8. To approve when requested, upon concurrence of Branch Counsel, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the Loan Authorization and Participation Agreement.

9. To approve, with concurrence of Branch Counsel, the extension or deferment of payments on principal falling due prior to or within 30 days after the initial disbursement on account of the loan, and provide for the coincidence of principal and interest payments.

10. To approve, with the concurrence of Branch Counsel, the compensation paid and to be paid by the borrower as attorneys fees for legal services rendered in connection with the loan.

11. To approve the compensation paid and to be paid by the borrower as fees to accountants, appraisers, architects, or engineers for services rendered in connection with the loan.

12. To approve, with recommendation of Branch Counsel, Requests for Disbursement and Notification of Checks Delivered, and Transmit same directly to the Office of the Controller.

13. To cancel wholly or in part undischarged balances of partially disbursed loans and deferred participation agreements, where the Administration has not purchased its participation.

14. Release, or consent to the release of all collateral when loan is paid in full.

15. Approve or reject substitutions of accounts receivable and inventories as "exchangeable collateral".

16. Release, or consent to the release of insurance settlement funds covering loss or damage to property securing a loan in aggregate amount not exceeding

\$1,000 for any one specific loss or damage occurrence, and execute the endorsement of Small Business Administration on checks and drafts representing such funds.

17. To take the following actions to effect the servicing, administration and collection of direct business loans having an outstanding balance not in excess of \$20,000; participation loans having an outstanding balance not in excess of \$100,000; and disaster loans having an outstanding balance not in excess of \$50,000; except those loans currently classified as "Problem or in Liquidation":

a. Waive amounts due under net earnings clause.

b. Approve request to exceed fixed assets limitations and waive violations of this limitation.

c. Approve payment of cash or stock dividends, payment of bonuses, increases in salaries, employment of new personnel, and waivers of violations of salary and bonus limitations, provided the loan is current in all respects at the time the payment is authorized, or the waiver approved, and if the payment is reasonable and will not impair borrower's cash position.

d. Waive violations of agreements to maintain working capital of a fixed amount or ratio.

e. Release dividends on life insurance policies held as collateral for loans, and approve application of same against premiums due on such policies.

f. Release, or approve the release of real or personal property securing a loan for the purpose of sale, provided the sale proceeds are applied as a principal payment on the loan in inverse order of maturity.

g. Release, or approve the release of machinery and equipment, furniture and fixtures, securing a loan for the purpose of allowing borrower to trade the property for other machinery or equipment, furniture and fixtures, useful in the operation of borrower's business, provided the newly acquired property is hypothecated to secure the loan subject only to purchase money lien, if any exists.

h. To take peaceable custody of collateral, as mortgagees in possession thereof or otherwise, whenever such action becomes necessary to protect the interests of or a loan made by S.B.A.; to take all steps necessary for the preservation and protection of the property, pending foreclosure of the lien and sale of the collateral; and, to obligate the Administration in an amount not in excess of a total of \$1,000 for any one loan, for those expenditures as may be required to accomplish these purposes.

i. Approve changes in use of loan proceeds in connection with partially disbursed loans.

18. To take the following actions in the administration of fisheries' loan:

a. Amend loan authorizations.

b. Extend the period of disbursement of loans of \$50,000 or less for a period of not to exceed four months.

c. Amend the hull insurance provisions of any authorization issued prior to January 31, 1958, for a loan of \$10,000 or less.

7 CFR—Continued

1008—1009	8087
1011—1014	8087
1015	8089, 8542
1016	8087
1018	8087
1023	8087
1070	8717
1101	8542
1102	8543
1103	8543
1104	8162
1105	8170, 8543
<i>Proposed rules:</i>	
52	8112
53	8499
55	7899
58	8550
81	8114
722	7900
723	8237
725	8237
727	8237
729	8239
730	8186, 8239
815	8239
902	8739
904	8116
913	8796
922	8466
924	8116, 8651
927	8184
933	8299
938	8332
943	8653
954	8186
955	8610
957	7962
958	8332
959	8741
960	8414
961	8117
968	8680
990	8116
996	8116
997	8300
999	8116
1005	7963
1010	8117
1012	8300, 8654
1015	8118
1019	8116
1024	8693
1027	7964
1070	8301

8 CFR

206	8359
-----	------

9 CFR

54	8254
77	8544
201	8411

Proposed rules:

92	7900
----	------

12 CFR

217	8371
220	8411, 8670
544	8461
563	7894

13 CFR

120	8325
121	7943

14 CFR

40	8089
41	8090, 8254
42	8090
241	8786
299	8719

14 CFR—Continued

375	8091
507	7981, 8092
514	7943
600	7895, 7896, 8092, 8093, 8491, 8544, 8631-8639, 8720, 8788
601	7895, 7896, 7982, 8092, 8093, 8491, 8544-8546, 8631-8640, 8720, 8788
602	8360, 8640, 8721
608	7982, 8670
609	7944, 7983, 8360, 8670, 8674
610	7985, 8641
1201	8788
1245	8788

Proposed rules:

40	8302
41	8302
42	8302
241	8419, 8747
507	8188, 8302, 8610, 8611, 8681
514	7965, 8681
600	7966, 8118, 8119, 8270, 8381, 8503, 8504, 8553, 8655, 8656, 8747-8749, 8800, 8801
601	7966, 7967, 8118, 8119, 8270, 8504-8506, 8553, 8655, 8656, 8747-8749, 8800-8802
602	7967, 8506, 8554, 8657, 8749, 8802
608	7967, 8271, 8382, 8658

15 CFR

370	8371
371	8170, 8371
373	8170, 8371
374	8170
379	8371
382	8371
385	8170
399	8173, 8373

16 CFR

13	7897, 8201, 8203-8209, 8255, 8256, 8293, 8325, 8326, 8359
----	-----------------------------------------------------------

17 CFR

1	8141
230	8627
<i>Proposed rules:</i>	
257	8271

18 CFR

101	8790
154	8373

19 CFR

1	8444
23	7949

Proposed rules:

14	8265
16	8265

21 CFR

3	8792
9	8065, 8492
19	8226
25	8412
51	8412
120	8374
121	8293
125	8792
141c	8226
146a	8492
146b	8492
146c	8226, 8492
304	8412

Proposed rules:

9	8503
18	7964
53	8467
120	8270, 8681
121	7965, 8658

22 CFR

41	8548
42	8005

24 CFR

3	8604
200	8650
201	8463
221	8651
269	8651
294	8651

25 CFR

89	8298
163	8257
171	7949
172	7949
173	7949
174	7949
184	7949
217	8065

Proposed rules:

171	8333
174	8333
175	8333
176	8333
221	7901, 8380

26 (1939) CFR

317	8546
-----	------

26 (1954) CFR

1	8294
50	8546
230	8643
231	8643
235	8643
301	8644, 8790
<i>Proposed rules:</i>	
1	8177, 8231, 8722-8724
48	8724, 8735
301	8609

28 CFR

4	8493
---	------

29 CFR

2	8494
406	7949
407	7951
782	8019

Proposed rules:

687	8552
694	8447
699	8552

30 CFR

<i>Proposed rules:</i>	
250	8080

31 CFR

316	8019
332	8045

32 CFR

1	8213
2	8218
3	8218
5	8220
6	8220
7	8221
8	8223
9	8224
13	8224
14	8225
15	8225
30	8565
82	8565
502	8374
533	8444
536	8257, 8676
582	8298
595	8143
606	8143

32 CFR—Continued	Page
726	8792
765	8792
800	8596
808	8145
823	8225, 8679
824	8679
861	8145
1001	8146
1051	8146
1052	8146
1053	8147
1054	8152
1055	8157
1057	8157
1058	8157
1059	8161
1030	8162
1621	8447
32A CFR	
<i>BDSA (Ch. VI):</i>	
M-1A, Dir. 1	8495
<i>NSA (Chapter XVIII):</i>	
AGE-1	7951
AGE-4	7951
33 CFR	
207	8226
210	7952
35 CFR	
4	8547
36 CFR	
311	8496
<i>Proposed rules:</i>	
1	7961, 8184
13	7961
37 CFR	
1	7954
38 CFR	
1	8174
17	8326
21	8375, 8377
39 CFR	
45	8463
62	8721
168	8143, 8330
202	8463
41 CFR	
201	8067

41 CFR—Continued	Page
<i>Proposed rules:</i>	
202	8419, 8741
42 CFR	
<i>Proposed rules:</i>	
32	8381
36	8381
43 CFR	
9	8649
194	8067
254	8649
258	8649
295	7955
<i>Proposed rules:</i>	
147	8078
149	8078
<i>Public land orders:</i>	
309	8499
1552	8805
1588	7956
1736	8722
1861	8499
1927	7958
1943	7956
1979	8299
1988	8499
1989	8299, 8795
1993	8299
1995	7956
1996	7956
1997	7957
1998	7957, 8607
1999	7958
2000	8006
2001	8093
2002	8175
2003	8175
2004	8176
2005	8260
2006	8260
2007	8331
2008	8447
2009	8498
2010	8498
2011	8499
2012	8650
2013	8721
2014	8722
44 CFR	
401	8548

45 CFR	Page
102	8228
301	8412
531	8068
46 CFR	
157	7960
172	7961, 8607
221	8465
308	8093
309	8260
47 CFR	
1	8176
2	8378
3	8378, 8795
7	8068
8	8071
12	7951
13	8176
14	8075
45	8379
46	8379
<i>Proposed rules:</i>	
2	8383, 8803
3	8382, 8421
9	8189, 8803
11	8383
13	8189
20	8383
49 CFR	
71	8056
72	8056
73	8056
74	8059
78	8060
95	8006
165a	8464
170	8464
<i>Proposed rules:</i>	
141	8448
170	8507
174a	8006
181	8448
182	8448
194	8554
50 CFR	
6	7959
17	8177
31	7897, 7898,
8075-8077, 8211, 8262-8264,	8549
8077,	8549
8077,	8607
7899, 7960, 7981, 8177,	8608

