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## Title 6—AGRICULTURAL CREDIT

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

#### SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1959 CCC Tung Bulletin]

#### PART 443—OILSEEDS

#### Subpart—1959 Crop Tung Nut Price Support Program

This bulletin contains the regulations applicable to the 1959 Crop Tung Nut Price Support Program under which the Secretary of Agriculture makes price support available through the Commodity Credit Corporation and the Commodity Stabilization Service (hereinafter referred to as "CCC" and "CSS", respectively).

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**AUTHORITY:** §§ 443.1583 to 443.1606 issued under sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 201, 401, 63 Stat. 1052, as amended, 1054; 15 U.S.C. 714c, 7 U.S.C. 1446, 1421.

#### § 443.1583 Administration.

(a) The program will be administered by the Oils and Peanut Division, CSS, under the general direction and supervision of the Executive Vice President, CCC, or the Vice President, CCC, who is Deputy Administrator for Price Support, CSS. In the field, the program will be carried out by Agricultural Stabilization and Conservation State Committees and by Agricultural Stabilization and Conservation County Committees (hereinafter called State and County Committees) and the Dallas CSS Commodity Office.

(b) State committees in tung nut producing States shall carry out the provisions of the 1959 tung nut price support program in such a manner that price support will be made available to all eligible producers.

(c) Forms will be distributed through the offices of State and county committees. All documents in connection with warehouse storage loans on tung oil and purchase agreements on tung nuts and tung oil will be approved by the county office manager or other employee of the county office designated by him to act in his behalf. Such designation shall be on file in the county office. Copies of all price support documents shall be retained in the county office.

(d) State and county committees and the Commodity office do not have authority to modify or waive any of the provisions of this bulletin or any amendments or supplements hereto.

#### § 443.1584 Availability.

(a) *Area.* The program will be available in the States of Alabama, Florida, Georgia, Louisiana, Mississippi, and Texas.

(b) *When to apply.* Purchase agreements covering tung nuts will be available from the beginning of the marketing year, November 1, 1959, through January 31, 1960. Loans and purchase agreements covering tung oil will be available from November 1, 1959, through June 30, 1960.

(c) *Where to apply.* Application for price support should be made through the office of the county committee which keeps the farm program records for the farm.

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**§ 443.1585 Methods of price support.**

Price support will be available to eligible producers of tung nuts by means of purchase agreements for eligible tung nuts and tung oil and non-recourse loans on eligible tung oil stored in approved storage facilities.

**§ 443.1586 Eligible producer.**

(a) An eligible producer shall be any individual, partnership, corporation, association, estate, or other legal entity producing tung nuts of the 1959 crop as landowner, landlord, tenant, or sharecropper. The beneficial interest in the tung nuts tendered for purchase under a purchase agreement, and in the tung nuts and the resultant tung oil tendered for a loan or for purchase under a purchase agreement, must be in the producer making such tender, and must have always been in him or in him and a former producer whom he succeeded either as landowner, landlord, tenant, or sharecropper before the tung nuts were harvested. Any eligible producer or group of eligible producers may designate in writing, on the form or forms approved by CCC, an agent to act on the producer's behalf or on the joint behalf of a group of producers in obtaining price support under this program.

(b) Any cooperative association of producers (hereinafter called "co-operative") which normally handles or crushes tung nuts delivered to it by eligible producers or markets tung oil delivered to it by eligible producers shall also be considered an eligible producer with respect to the oil produced from 1959 crop tung nuts delivered to it by eligible producers or with respect to eligible tung oil delivered to it by eligible producers provided all of the following requirements are met:

(1) The beneficial interest in the tung oil and the tung nuts from which such tung oil was extracted is and always has been in the eligible producers who deliver the tung nuts or tung oil to the cooperative or in such producers and former producers whom such producers succeeded either as landowner, landlord,

tenant, or sharecropper, before the tung nuts were harvested;

(2) The major part of the tung oil handled or marketed by the cooperative is extracted from tung nuts grown by members who are eligible producers;

(3) The eligible producers share proportionately in the proceeds from marketings of eligible tung oil according to the quantity and quality of eligible tung nuts or tung oil each delivers to the cooperative;

(4) The cooperative has the legal right to pledge the tung oil as security for a loan as well as the authority to sell such tung oil under purchase agreements; and

(5) The cooperative maintains records showing separately (i) the total quantity of tung oil processed by it from 1959 crop tung nuts obtained from all sources, (ii) the total quantity of tung oil obtained from all sources, (iii) the total quantity of tung oil processed by it from 1959 crop tung nuts obtained from all eligible producers, (iv) the total quantity of 1959 crop tung oil obtained from all eligible producers, (v) the total quantity of tung oil processed from 1959 crop tung nuts obtained from eligible producer-members, and (vi) the total quantity of 1959 crop tung oil obtained from eligible producer-members. The cooperative shall make its records available to CCC for inspection at all reasonable times through June 1962.

**§ 443.1587 Eligible tung nuts and tung oil.**

(a) *Tung nuts.* Tung nuts must be from the 1959 crop, and must be matured, air dried with hard hulls dark in color and suitable for milling.

(b) *Tung oil.* Tung oil must have been extracted from 1959 crop tung nuts and must meet sections 3 and 4 of Federal Specification TT-T-775, Tung Oil, Raw (Chinawood) dated May 28, 1957 (hereinafter referred to as Federal Specifications). The eligibility of tung oil delivered under this program must be evidenced by a certification, signed by the producer or an agent designated as provided in § 443.1591(f) or in the case of a cooperative by an authorized officer thereof, in the form prescribed in § 443.1591 (d) or (e), whichever form is appropriate.

**§ 443.1588 Disbursement of loans.**

Disbursement of loans on tung oil will be made to producers by financial institutions, pursuant to the Provisions for Participation of Financial Institutions in Pools of CCC Price Support Loans of Certain Commodities (23 F.R. 3913 and 24 F.R. 5277) and any amendments or supplements thereto, or by sight drafts drawn on CCC by the county office. Disbursement shall not be made later than July 15, 1960, unless authorized by the Executive Vice President, CCC. Payment in cash, credit to the producer's account, or the drawing of a check or draft shall constitute disbursement. The date of such draft, check, credit or cash payment shall be considered as the date of disbursement of the funds. The producer shall not present the loan documents for disbursement unless the tung oil represented by the loan documents is in existence and in good condition. If the

tung oil is not in existence and in good condition at the time of disbursement, the total amount disbursed under the loan shall be promptly refunded by the producer.

**§ 443.1589 Approved storage facilities.**

Approved facilities shall consist of storage facilities made available by tung oil mills and others having adequate facilities for handling and storing tung oil for which a tung oil storage agreement on Commodity Credit Corporation Form 77 for the 1959 crop has been entered into with CCC through the Dallas CSS Commodity Office. The names of owners or operators of approved facilities may be obtained from the Dallas CSS Commodity Office and State and county ASC offices.

**§ 443.1590 Maturity date of loans and period of notification to sell under purchase agreement.**

(a) Loans on tung oil mature on October 31, 1960, or on such earlier date as may be determined by CCC.

(b) Producers who elect to sell tung nuts under a purchase agreement must notify the county committee of their intentions within a 30-day period ending March 31, 1960, or ending on such earlier date as may be determined by CCC. Producers who elect to sell tung oil under a purchase agreement must notify the county committee of their intentions within the 30-day period ending October 31, 1960, or ending on such earlier date as may be determined by CCC.

**§ 443.1591 Applicable forms.**

The approved forms consist of the purchase agreement forms, loan forms, and such other forms and documents as may be required, which together with the provisions of this bulletin, and any supplements and amendments hereto, govern the rights and responsibilities of the producer. Note and loan agreements must have State documentary and revenue stamps affixed thereto when required by law. Purchase agreement or loan documents executed by an administrator, executor, or trustee, will be acceptable only where legally valid.

(a) *Purchase agreement documents.* The purchase agreement forms shall consist of the Purchase Agreement, Form CP-1; Commodity Delivery Notice, Form CCC Grain 50; Purchase Agreement Settlement, Form CP-4; Lien Waiver for Purchases, Form CP-5; and other applicable forms prescribed in paragraph (c) of this section.

(b) *Loan documents.* Loan forms shall consist of the Producer's Note and Loan Agreement, Form CL-B, and other applicable forms prescribed in paragraph (c) of this section.

(c) *Other forms.* Warehouse receipts, chemical analysis certificates issued by approved chemists, certification of eligibility of tung oil, producer's designation of agent, and such other forms as may be prescribed by CCC.

(d) *Producer's certification of eligibility of tung oil.* Before a loan is made on tung oil to a producer, other than a cooperative, or before delivery of tung oil from such producer under a purchase

agreement can be accepted by the county committee, the producer, or his agent designated as provided in paragraph (f) of this section, must sign a statement in substantially the following form:

I hereby certify:

(1) That the ----- pounds of tung oil stored at -----

(Name and address of storage facility) which I am pledging to CCC as collateral for loan or am tendering for delivery to CCC under purchase agreement was delivered to me as oil processed for my account by ----- out of ----- tons of 1959 (Name of mill)

crop tung nuts produced by me which I delivered to such plant for toll processing:

(2) That the beneficial interest in such tung nuts and in the resultant tung oil described above is and always has been in me or in me and a former producer whom I succeeded either as landowner, landlord, tenant, or share-cropper, before such tung nuts were harvested.

(Signature) -----

(Producer)

By -----

(Agent)

(Date)

(e) Cooperative's certification of eligibility of tung oil. Before a loan is made to a cooperative or delivery of tung oil from such cooperative under a purchase agreement can be accepted by the county committee, the manager or other official empowered to sign contracts for or on behalf of the cooperative must sign a statement in substantially the following form:

I hereby certify:

(1) That ----- pounds of tung oil stored at the mills shown below and which are being pledged to CCC as collateral for loan, or are being tendered for delivery to CCC under purchase agreement, were processed from ----- tons of eligible 1959 crop tung nuts produced by eligible producer(s);

(1) (2) (3)

Name and address of 1959 crop tung Tung oil crushed nuts delivered from tung nuts mill for crushing in col. 2 (pounds) (tons).

CCC Tung Nut Form 1 Crop Year -----

PRODUCER'S DESIGNATION OF AGENT

PURCHASE AGREEMENT

Price Support Program

I (we) the undersigned eligible tung nut producer(s) hereby appoint -----

(Name)

-----, my (our) agent with full authority to act for me (us) and in my (our) name and stead in obtaining price support under the tung nut price support program of the Commodity Credit Corporation for the crop year shown above, which is administered through State and County ASC Committees of the United States Department of Agriculture. In exercising such authority the above-named person is empowered to execute all applicable purchase agreement documents, to notify Commodity Credit Corporation of my (our) intention to sell tung nuts or tung oil, to pool my (our) tung nuts or tung oil with tung nuts or tung oil owned by other eligible producers and to warehouse such tung nuts or tung oil at my (our) pro rata expense, and to sell and deliver such pooled tung nuts or tung oil to Commodity Credit Corporation, to make joint settlement and receive payment on my (our) behalf for tung nuts or tung oil so sold and delivered, and to perform any and all other acts necessary or appropriate to the above authority

by me (us) personally. This appointment shall continue in effect until it is revoked in writing and a signed copy of the revocation is delivered to Commodity Credit Corporation through the ASC county committee. The approximate quantity of tung nuts produced in the above crop year on my (our) farm(s) is indicated below.

In witness whereof I (we) have hereunto affixed my (our) signature(s) this ----- day of ----- 19----- In presence of ----- (Witness) (Signature) (Tons) ----- (Witness) (Signature) (Tons) ----- (Witness) (Signature) (Tons) ----- (2) That the beneficial interest in such tung nuts and in the resultant tung oil described above is and always has been in such producers or in such producers and former producers whom such producers succeeded, either as landowner, landlord, tenant, or share-cropper, before such tung nuts were harvested: (Name of Cooperative) ----- By ----- Title ----- (Date)

(f) Designation of agent by a producer or group of producers. A single eligible producer may designate an agent to act in his behalf in obtaining price support, or two or more eligible producers may designate an agent to act in their joint behalf in obtaining price support. In such event the producer or group of producers shall execute a form substantially equivalent to CCC Tung Nut Form 1 for purchase agreements or to CCC Tung Nut Form 1-A for loans. A copy of each designation of agent signed by the producer(s) and indicating the maximum quantity of eligible tung nuts which the producer (or each producer in the case of a group) will produce on the producer's own farm, and on which price support is desired, must be delivered to the county office before any purchase agreement or loan documents filed by the agent on behalf of such producer(s) are approved. A separate certification of eligibility must be executed for or on behalf of each producer.

CCC Tung Nut Form 1-A Crop Year ----- PRODUCER'S DESIGNATION OF AGENT TUNG OIL LOAN Tung Nut Price Support Program I (we), the undersigned eligible tung nut producer(s) hereby appoint ----- (Name) -----, my (our) agent with full authority to act for me (us) and in my (our) name and stead in obtaining price support under the tung nut price support program of the Commodity Credit Corporation for the crop year shown above which is administered through State and county ASC Committees of the United States Department of Agriculture. In exercising such authority, the above-named person is empowered to execute all loan documents, to pool my (our) tung oil with tung oil owned by other eligible producers, to pledge to CCC as security for loan(s) warehouse receipts representing such pooled oil, to receive the proceeds of such loan(s) on my (our) behalf, to distribute all of such proceeds pro-rata to me (among us) and any other producers in accordance with the respective producer's interest in the pooled oil under loan, and to perform any and all other acts necessary or appropriate to the above authority to all intents and purposes as if performed by me (us) personally, including but not limited to the authority to redeem pooled oil under loan in accordance with instructions from me (us) and other producers having an interest in such oil. This appointment shall continue in effect until revoked in writing and a signed copy thereof delivered to Commodity Credit Corporation through the ASC county committee. The approximate quantity of tung oil crushed from tung nuts of the crop produced in the above crop year on my (our) farm is indicated below.

In witness whereof I (we) have hereunto affixed my (our) signature(s) this ----- day of ----- 19----- In presence of ----- (Witness) (Signature) (Pounds) ----- (Witness) (Signature) (Pounds) ----- (Witness) (Signature) (Pounds) -----

(g) Warehouse receipts. Warehouse receipts representing tung oil in approved warehouse storage to be placed under loan or to be delivered under a purchase agreement, must:

- (1) Be signed by the warehouseman, or his authorized representative, and be properly endorsed in blank by the producer so as to vest title in the holder;
- (2) Show the location of the warehouse;
- (3) State the quantity of tung oil guaranteed by the warehouseman;
- (4) Guarantee that the tung oil when delivered out by the warehouse, will meet Federal Specification TT-T-775, "Tung Oil" dated May 28, 1957.
- (5) State the date of issue;
- (6) Set forth in its written terms that the tung oil is insured for not less than the full market value against loss by fire, lightning, inherent explosion, windstorm, cyclone, tornado, leakage and such other hazards required by statute or insured against by the warehouseman;
- (7) Be negotiable;
- (8) Be issued in the name of the producer (in case of a cooperative, in the name of the producer delivering tung nuts or tung oil to it);
- (9) Include a statement or endorsement in substantially the following form: "All warehouse charges (including insurance) through the storage season on the tung oil represented by this warehouse receipt have been paid or otherwise provided for, and the warehouseman has no lien upon the tung oil for such charges"; and
- (10) Contain such other terms and conditions as CCC may require in tung oil storage agreement with approved warehouseman.

§ 443.1592 Personal liability of the producer. Any fraudulent representation made by any producer or agent of the producer in executing any of the purchase agreement or loan documents or in obtaining the purchase agreement or loan proceeds, or the conversion or unlawful disposition of any portion of the commodity by the producer, or agent of the producer,

any fraudulent representation made by any producer or agent of the producer in executing any of the purchase agreement or loan documents or in obtaining the purchase agreement or loan proceeds, or the conversion or unlawful disposition of any portion of the commodity by the producer, or agent of the producer,

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any fraudulent representation made by any producer or agent of the producer in executing any of the purchase agreement or loan documents or in obtaining the purchase agreement or loan proceeds, or the conversion or unlawful disposition of any portion of the commodity by the producer, or agent of the producer,

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any fraudulent representation made by any producer or agent of the producer in executing any of the purchase agreement or loan documents or in obtaining the purchase agreement or loan proceeds, or the conversion or unlawful disposition of any portion of the commodity by the producer, or agent of the producer,

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any fraudulent representation made by any producer or agent of the producer in executing any of the purchase agreement or loan documents or in obtaining the purchase agreement or loan proceeds, or the conversion or unlawful disposition of any portion of the commodity by the producer, or agent of the producer,

ducer, will render the producer or agent subject to criminal prosecution under Federal Law and liable for any damages suffered by CCC as a result of purchase of the commodity, for the amount of the loan (including interest), and for any resulting expense incurred by any holder of the note.

**§ 443.1593 Determination of quantity.**

(a) *Tung nuts.* The quantity of tung nuts delivered under purchase agreement shall be determined on the basis of net weight at point of delivery to CCC. The net weight is the gross scale weight less foreign material and bags.

(b) *Tung oil.* Where the tung oil pledged to secure a loan or tendered under a purchase agreement is represented by warehouse receipts issued by approved warehouses, the determination of quantity for purposes of settlement with the producer shall be based on the weight specified on such warehouse receipts. Where tung oil tendered under a purchase agreement is not stored in an approved warehouse, the quantity of such tung oil shall be determined on the basis of approved scale weight at destination.

**§ 443.1594 Determination of quality.**

(a) The determination of the oil content of the tung nuts and the quality of tung oil not stored in approved warehouses which is delivered under purchase agreement shall be made on the basis of samples taken by inspectors authorized or licensed by the Secretary of Agriculture. The samples shall be analyzed by chemists approved by the Department of Agriculture (hereinafter referred to as "approved chemists"). The oil content of the tung nuts shall be determined on the basis of a sample drawn at the time of delivery of the tung nuts to CCC. The time of determining the quality of tung oil and evidence of such quality shall be as provided in § 443.1603(e). The cost of sampling and analysis shall be borne by the producer.

(b) In the case of tung oil stored in approved warehouses where appropriate warehouse receipts are delivered to CCC in connection with a purchase agreement or a loan on such tung oil, the quality of such tung oil for the purposes of settlement with the producer shall be the quality shown on the warehouse receipts.

**§ 443.1595 Liens.**

If there are any liens or encumbrances on the tung nuts or tung oil, waivers acceptable to the county committee must be obtained.

**§ 443.1596 Service charges.**

Producers shall pay to the county committee service charges on the quantity of the commodity placed under loan or specified in the purchase agreement, computed at the following rates:

	Rates	Minimum charges
Tung oil.....	6 cents per hundredweight...	\$1.50
Tung nuts...	18 cents per ton.....	1.50

No service charges will be refunded.

**§ 443.1597 Insurance.**

Tung oil tendered for loan or under purchase agreement which is stored in an approved warehouse on a commingled basis must be insured by the warehouseman for not less than the full market value against the hazards specified in § 443.1591(g) (6).

**§ 443.1598 Set-offs.**

(a) If any installment or installments on any loan made available by CCC on farm storage facilities or mobile drying equipment are payable, under the provisions of the note evidencing such loan, out of any amount due the producer under the program provided for in this subpart, the producer must designate CCC or the lending agency holding such note as payee of such amount to the extent of such installments, but not to exceed that portion of the amount remaining after deduction of service charges and amounts due prior lienholders.

(b) If the producer is indebted to CCC, or if the producer is indebted to any other agency of the United States, and such indebtedness is listed on the county debt record, amounts due the producer under the program provided for in this subpart, after deduction of amounts payable on farm storage facilities or mobile drying equipment and other amounts provided in paragraph (a) of this section, shall be applied, as provided in the Secretary's Set-off Regulations, 7 CFR Part 13 (23 F.R. 3757), to such indebtedness.

(c) Compliance with the provisions of this section shall not deprive the producer of any right he might otherwise have to contest the justness of the indebtedness involved in the set-off action either by administrative appeal or by legal action.

**§ 443.1599 Interest rate.**

Loans shall bear interest at the rate of 3.5 percent per annum from the date of disbursement to the date of repayment, except that where there has been a fraudulent representation by the producer in the loan documents or in obtaining the loan, the loan shall bear interest at the rate of 6 percent per annum from the date of disbursement of the loan.

**§ 443.1600 Transfer of producer's right or equity.**

(a) *Loans.* The producer shall not transfer either his remaining interest in or his right to redeem tung oil pledged as security for a loan, nor shall anyone acquire such interest or right. Warehouse receipts will be released only to the producer or his authorized agent as provided in § 443.1601.

(b) *Purchase agreements.* The producer may not assign his interest in a purchase agreement.

**§ 443.1601 Release of tung oil under loan.**

A producer may at any time on or before maturity obtain release of the tung oil under loan by paying to CCC the principal amount of the note, plus charges and accrued interest. All charges in connection with the collection

of the note shall be paid by the producer. Partial release prior to maturity may be arranged with the county committee by paying the amount of the loan represented by the quantity of the tung oil to be released plus charges and accrued interest. However, the quantity to be released must be equal to the quantity covered by one or more warehouse receipts. Warehouse receipts redeemed by repayment shall be released only to the producer or to another whom the producer has authorized in writing to receive the warehouse receipts as his agent.

**§ 443.1602 Foreclosure.**

Upon maturity and nonpayment of a tung oil loan the holder of the note is authorized to remove the collateral tung oil from storage and to sell, assign, transfer, and deliver the collateral tung oil or documents evidencing title thereto at such time, in such manner, and upon such terms as the holder of the note may determine, at public or private sale. Disposition may also be made without removing the tung oil from storage. The holder of the note may become the purchaser of all or any part of the collateral. If, upon maturity and nonpayment of the loan, CCC is the holder of the note, then, at CCC's election, title to the unredeemed collateral tung oil shall, without a sale thereof, immediately vest in CCC, and CCC shall have no obligation to pay for any market value which such collateral may have in excess of the loan indebtedness, including interest and charges. Nothing herein shall preclude the making of the following payment to the producer, or his personal representative only, without right of assignment to or substitution of any other party: (a) Any amount by which the settlement value of the collateral tung oil may exceed the principal amount of the loan or (b) the amount by which the proceeds of sale may exceed the loan indebtedness if the collateral is sold to third parties rather than CCC acquiring title to such collateral.

**§ 443.1603 Delivery and payment under purchase agreement.**

(a) A producer who signs a purchase agreement, Form CP-1, will not be obligated to sell any specified quantity of tung nuts or tung oil to CCC but shall have the option subject to paragraphs (d) and (e) of this section of delivering to CCC at the support price any quantity of tung nuts or tung oil within the maximum specified in the purchase agreement executed by him.

(b) A producer who has signed a purchase agreement in terms of tung nuts may, at his option, deliver in lieu of tung nuts not in excess of the quantity of eligible tung oil which has been processed from such tung nuts; provided that such tung oil shall be delivered in accordance with paragraph (d) or (e) of this section, whichever is applicable.

(c) Eligible tung nuts will be purchased on the basis of the net weight and the oil content as shown by a chemical analysis. CCC will not accept delivery until a determination of eligibility has been made and a sample for chemical analysis has been drawn. The producer shall deliver tung nuts to CCC in

accordance with instructions issued by the county committee on or after March 31, 1960. If the producer is required by such instructions to make delivery to a point more distant from the farm than his usual milling point, CCC will pay the difference, if any, between the cost of transportation from the farm to the designated delivery point and the cost of transportation from the farm to the usual milling point but not in excess of an amount which the county committee determines is a reasonable difference in cost for such services. The producer must complete delivery of tung nuts within a 15-day period immediately following the date the county committee issues delivery instructions unless the county committee determines that more time is needed for delivery.

(d) In the case of tung oil stored in approved storage facilities, the producer must, not later than the day following the final date of the 30-day notification period prescribed in § 443.1590(b), or during such period of time thereafter as may be specified by CCC, submit to the county committee warehouse receipts issued in the form prescribed in § 443.1591(g). The total quantity of oil represented by such warehouse receipts shall not exceed the quantity shown on Commodity Purchase Form 1. CCC will not accept a delivery of less than the total quantity of tung oil covered by a warehouse receipt. The certification of the eligibility of tung oil, as provided in § 443.1591(d) or (e), whichever is applicable, must accompany the warehouse receipt.

(e) In the case of tung oil stored in storage facilities which have not been approved, delivery will be accepted only f.o.b. tank cars at the producer's usual milling point or at other locations approved by CCC. The county committee will on or after the final date of the 30-day notification period prescribed in § 443.1590(b), issue delivery instructions to the producer. Before issuance of such delivery instructions, the producer must submit a chemical analysis certificate (issued by an approved chemist) covering each tank car offered showing that oil meets Federal Specifications; or if it is found by the county committee that a submission of these analysis certificates on tank car lots would cause undue delay in shipment, the producer may (1) submit evidence that a sample of each car lot of oil has been properly drawn and submitted to an approved chemist for analysis, provided that the producer (i) waives his right of appeal of the findings of the approved chemist, (ii) agrees that demurrage incurred as a result of delay in receiving the chemical analysis prior to final acceptance, shall be for the producer's account, and (iii) agrees further that if the tung oil does not meet Federal Specifications the car shall be rejected with all freight, demurrage, and handling charges reverting to the account of the producer; or (2) the producer may submit chemical analysis certificates (issued by an approved chemist) showing that the tung oil offered meets Federal Specifications and is stored in sealed identity preserved tanks, provided that the producer agrees

to have such tung oil check-loaded by a representative of the CCC into tank cars for delivery to CCC and to bear all handling and other costs prior to acceptance by CCC f.o.b. tank cars. The producer must submit a certification of the eligibility of tung oil, as provided in § 443.1591(d) or (e), whichever is applicable, and complete delivery within a 15-day period immediately following the date the county committee issues delivery instructions unless the county committee determines that more time is needed for delivery. Notwithstanding the above provisions of this section, delivery of less than tank car lots may be accepted by CCC f.o.b. tank truck or other conveyance in those cases where the Dallas CSS Commodity Office determines that such action is in the interest of CCC. The tung nuts or tung oil will be purchased by CCC at the applicable support rate and payment will be made by sight drafts drawn on CCC by the ASC county office.

#### § 443.1604 Storage and handling charges.

(a) *Tung nuts.* CCC will not pay or assume any of the costs of transportation (except as provided in § 443.1603(c)), storage, cleaning, insurance premiums, bags and bagging, sampling, testing and analysis reports and tagging accruing prior to delivery of the tung nuts to CCC under a purchase agreement, nor will CCC assume the cost of handling or processing expenses which are necessary to prepare the tung nuts to meet eligibility requirements.

(b) *Tung oil.* CCC will not pay or assume the cost of transportation, sampling, insurance, testing and analysis accruing on the tung oil prior to delivery under a purchase agreement or prior to the maturity date of the loan on tung oil placed under loan, nor will CCC pay or assume any handling or processing charges which are necessary to prepare the tung oil to meet eligibility requirements. Storage charges on tung oil stored in approved warehouses shall be paid by the producer through October 31, 1960. Storage charges accruing on such tung oil after such date will be for the account of CCC. All storage charges on tung oil stored in unapproved warehouses shall be for the account of the producer.

(c) *Unexpired storage time and services.* CCC and any subsequent holder of warehouse receipts covering tung oil shall be entitled to any unexpired portion of the storage time and outloading services to which the producer became entitled under any contract between the producer and the warehouseman.

#### § 443.1605 Support prices.

(a) *Tung nuts.* The support price for tung nuts containing 18.5 percent oil (basis 15 percent moisture) shall be \$53.50 per ton in all areas. This price shall be adjusted upward or downward by 30 cents per ton for each variation of  $\frac{1}{10}$  of 1 percent oil from the base of 18.5 percent oil content (basis 15 percent moisture) on the basis of chemical analysis certificates issued by an approved chemist.

(b) *Tung oil.* The equivalent price for eligible tung oil will be 20.9 cents per pound in all areas.

#### § 443.1606 CSS Commodity Office.

The Dallas CSS Commodity Office, 500 South Ervay Street, Dallas 1, Texas, will serve the tung area.

Issued this 2d day of November 1959.

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

[F.R. Doc. 59-9421; Filed, Nov. 5, 1959;  
8:50 a.m.]

### SUBCHAPTER D—REGULATIONS UNDER SOIL BANK ACT

[Amdt. 4]

#### PART 485—SOIL BANK

##### Subpart—Conservation Reserve Program for 1960

Section 485.506(a) of the regulations governing the Conservation Reserve Program for 1960, 24 F.R. 7987, as amended, is amended by deleting the last sentence thereof, designated as item 2, and substituting therefor the following:

2. Each State shall receive its pro rata share of the remainder of the authorization for new contracts in 1960 based on its requirements, not satisfied by the allocation made in accordance with item 1 above, for (1) its Group 1 applications; (2) its Group 2 applications if there is still a remainder; (3) its Group 3 applications if there is still a remainder; (4) its Group 4 applications if there is still a remainder; (5) its Group 5 applications if there is still a remainder; (6) its Group 6 applications if there is still a remainder; (7) its Group 7 applications if there is still a remainder; and (8) its Group 8 applications if there is still a remainder. Any authorization unused because of seriously inclement winter weather shall be reallocated by the Administrator to accept offers on land which can be inspected and placed under contract before large-scale spring tillage commences.

(Sec. 124, 70 Stat. 198; 7 U.S.C. 1812)

Issued at Washington, D.C., this 2d day of November 1959.

CLARENCE D. PALMBY,  
Associate Administrator,  
Commodity Stabilization Service.

[F.R. Doc. 59-9422; Filed, Nov. 5, 1959;  
8:51 a.m.]

#### PART 485—SOIL BANK

##### Subpart—Conservation Reserve Program for 1960

###### CORRECTIONS

1. In F.R. Doc. 59-8354, beginning on page 7987 of the issue for Saturday, October 3, 1959, the word "about" appearing in the tenth line of the right-hand column on page 7988 should be "above" and the word "produced" appearing in the sixth line of the right-hand column on page 7999 should be "producer".

2. In F.R. Doc. 59-9071, appearing on page 8667 of the issue for Tuesday, October 27, 1959, the clause beginning with

"if" and ending with "Secretary" in paragraph (c) of § 485.541 thereof should be set out to the left margin in order to indicate that such clause is not restricted in its application to a situation arising under paragraph (c).

(Sec. 124, 70 Stat. 198; 7 U.S.C. 1812)

Issued at Washington, D.C., this 2d day of November 1959.

CLARENCE D. PALMBY,  
Associate Administrator,  
Commodity Stabilization Service.

[F.R. Doc. 59-9423; Filed, Nov. 5, 1959;  
8:51 a.m.]

## Title 7—AGRICULTURE

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

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

##### Subpart—United States Standards for Grades of Canned Grapefruit<sup>1</sup>

On October 7, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 8112) regarding a proposed revision of the United States Standards for Grades of Canned Grapefruit.

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

##### PRODUCT DESCRIPTION AND GRADES

- Sec. 52.1141 Product description.  
52.1142 Grades of canned grapefruit.

##### LIQUID MEDIA AND BRIX MEASUREMENTS

- 52.1143 Recommended designations of liquid media and Brix measurements for canned grapefruit.

##### FILL OF CONTAINER

- 52.1144 Recommended fill of container for canned grapefruit.

##### FACTORS OF QUALITY

- 52.1145 Ascertaining the grade of a sample unit.  
52.1146 Ascertaining the rating for the factors which are scored.  
52.1147 Drained weight.  
52.1148 Wholeness.  
52.1149 Color.  
52.1150 Defects.  
52.1151 Character.

##### EXPLANATIONS OF TERMS

- 52.1152 Explanations of terms.

<sup>1</sup> 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.

##### LOT INSPECTION AND CERTIFICATION

- Sec. 52.1153 Ascertaining the grade of a lot.

##### SCORE SHEET

- 52.1154 Score sheet for canned grapefruit.

AUTHORITY: §§ 52.1141 to 52.1154 issued under secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627.

##### PRODUCT DESCRIPTION

###### § 52.1141 Product description.

Canned grapefruit, commonly known as canned grapefruit sections, is prepared from sound, mature grapefruit (*Citrus paradisi*) which have been properly washed; the segments thereof have been separated; and the core, seeds, and major portions of membrane have been removed. The product is packed with or without the addition of water, grapefruit juice, nutritive sweetening ingredients, or artificial sweetening ingredients and other ingredients permissible under the Federal Food, Drug and Cosmetic Act; and is sufficiently processed by heat to assure preservation of the product in hermetically sealed containers.

##### GRADES OF CANNED GRAPEFRUIT

###### § 52.1142 Grades of canned grapefruit.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of canned grapefruit (1) that has a drained weight or average drained weight, as the case may be, of not less than 56.25 percent of the capacity of the container, of which not less than 75 percent by weight of the drained grapefruit consists of practically whole segments; (2) that has a good color; (3) that is practically free from defects; (4) that has a good character; (5) that has a good flavor and odor, and (6) that scores not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade B" (or "U.S. Choice") is the quality of canned grapefruit (1) that has a drained weight or average drained weight, as the case may be, of not less than 53.12 percent of the capacity of the container, of which not less than 50 percent by weight of the drained grapefruit consists of practically whole segments; (2) that has at least a reasonably good color; (3) that is at least reasonably free from defects; (4) that has at least a reasonably good character; (5) that has at least a fairly good flavor and odor, and (6) that scores not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "U.S. Broken" is the quality of canned grapefruit (1) that has a drained weight or average drained weight, as the case may be, of not less than 53.12 percent of the capacity of the container, of which less than 50 percent by weight of the drained grapefruit consists of practically whole segments; (2) that has at least a reasonably good color; (3) that is at least reasonably free from defects; (4) that has at least a reasonably good character; (5) that has at least a reasonably good flavor and odor, and (6) that scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(d) "Substandard" is the quality of canned grapefruit that fails to meet the requirements of U.S. Grade B and U.S. Broken.

##### LIQUID MEDIA AND FILL OF CONTAINER

###### § 52.1143 Recommended designations of liquid media and Brix measurements when packed in sirup.

"Cut-out" requirements for liquid media in canned grapefruit are not incorporated in the grades of the finished product since sirup or any other liquid medium, as such, is not a factor of quality for the purposes of these grades. It is recommended that canned grapefruit, when packed in sirup, have the following indicated "cut-out" Brix measurement for the respective designation:

Sirup designation:	Brix measurement
Heavy-----	13 degrees or more.
Light-----	16 degrees or more, but less than 18 degrees.
Slightly sweetened water.	12 degrees or more, but less than 16 degrees.

These recommendations are not applicable to canned grapefruit packed in water, grapefruit juice, or with artificial sweeteners.

##### FILL OF CONTAINER

###### § 52.1144 Recommended fill of container.

The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container of canned grapefruit be filled with grapefruit as full as practicable without impairment of quality and that the product and packing medium occupy not less than 90 percent of the volume of the container.

##### FACTORS OF QUALITY

###### § 52.1145 Ascertaining the grade of a sample unit.

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

(1) *Factor not rated by score points.*  
(i) Flavor and odor.

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

Factors:	Points
Drained weight-----	20
Wholeness-----	20
Color-----	20
Defects-----	20
Character-----	20
Total score-----	100

###### § 52.1146 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 ex-

ample, "18 to 20 points" means 18, 19, or 20 points.)

#### § 52.1147 Drained weight.

(a) *General.* The drained weight of canned grapefruit is determined by emptying the contents of the container upon a U.S. Standard No. 8 circular sieve of proper diameter containing 8-meshes to the inch (0.0937-inch,  $\pm 3$  percent, square openings) so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for two minutes. The drained weight is the weight of the sieve and the grapefruit less the weight of the dry sieve. The grapefruit thus drained is referred to in this subpart as "drained grapefruit" or "drained weight." A sieve 8 inches in diameter is used for the equivalent of No. 3 size cans (40 x 414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the equivalent of the No. 3 size can. "Capacity of the container" means the weight of distilled water at 68 degrees Fahrenheit which the sealed container will hold.

(b) (A) *classification.* Canned grapefruit that has a drained weight of not less than 56.25 percent of the capacity of the container may be given a score of 18 to 20 points as indicated in Table I. Whenever more than one container of the product is being graded and the average drained weight of the containers indicates a score in this classification,

the score point indicated by such average drained weight is assigned to each container; except that, if the drained weight of any individual container indicates a score of less than 16 points each container will be assigned the score for its own drained weight.

(c) (B) *classification.* (1) If the drained weight of the canned grapefruit is less than 56.25 percent, but not less than 53.12 percent of the capacity of the container, a score of 16 or 17 points may be given as indicated in Table I. Canned grapefruit that falls into this classification shall not be graded above U.S. Grade B or above U.S. Broken, whichever is applicable, regardless of the total score for the product. (This is a limiting rule.)

(2) Whenever more than one container of the product is being graded and the average drained weight indicates a score in this classification the score point indicated by such average drained weight is assigned to each container: Except that, if the drained weight of any individual container indicates a score of less than 14 points each container will be assigned the score for its own drained weight.

(d) (SStd.) *classification.* Canned grapefruit that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product. (This is a limiting rule.)

means a fairly bright color which may be variable but is not off color for any reason.

(c) (SStd.) *classification.* Canned grapefruit that fails to meet the requirements in paragraph (b) of this section may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product. (This is a limiting rule.)

#### § 52.1150 Defects.

(a) *General.* The factor of defects refers to the degree of freedom from harmless extraneous material, from seeds, from portions of albedo, from portions of tough membrane, from damaged units, and other similar defects.

(1) "Harmless extraneous material" means leaves, portions of leaves, small pieces of peel, and other similar material that is harmless.

(2) "Seed" means any seed or any portion thereof, whether or not fully developed, that measures more than  $\frac{3}{16}$  inch in any dimension. A "large seed" is one that measures more than  $\frac{3}{8}$  inch in any dimension.

(3) "Damaged unit" means any grapefruit segment or portion thereof that is damaged by lye peeling, by discoloration, or by similar injury or that is otherwise damaged to such an extent that the appearance or eating quality of the unit is seriously affected.

(b) (A) *classification.* Canned grapefruit that is practically free from defects may be given a score of 18 to 20 points. "Practically free from defects" means that any defects present do not more than slightly affect the appearance or edibility of the product, and specifically that:

(1) No harmless extraneous material is present;

(2) Not more than 5 percent by weight of the drained grapefruit may be damaged units, and

(3) That for each 20 ounces of net weight there may be present:

(i) Not more than 4 seeds including not more than one large seed, and

(ii) Not more than an aggregate area of two-square inches on the units covered by tough membrane or albedo.

(c) (B) *classification.* If the canned grapefruit is reasonably free from defects a score of 16 or 17 points may be given. Canned grapefruit that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product. (This is a limiting rule.) "Reasonably free from defects" means that any defects present do not materially detract from the appearance or edibility of the product, and specifically that:

(1) Not more than 15 percent by weight of the drained grapefruit may be damaged units, and

(2) That for each 20 ounces of net weight there may be present:

(i) Not more than one small piece of harmless extraneous material;

(ii) Not more than 12 seeds including not more than three large seeds; and

(iii) Not more than an aggregate area of 3-square inches on the units covered by tough membrane or albedo.

(d) (SStd.) *classification.* Canned grapefruit that fails to meet the require-

TABLE I—SCORE FOR DRAINED WEIGHTS

U.S. Grade	Score point	Minimum percentage drained weight is of capacity of container	Minimum drained weight for specified containers—ounces <sup>1</sup>			
			8 Z (211 x 304) 8.65 oz.	No. 303 (303 x 406) 16.85 oz.	No. 2 (307 x 409) 20.5 oz.	No. 3 cyl. (404 x 700) 51.655 oz.
A	20	59.3	5.15	10.00	12.15	30.65
	19	57.8	5.00	9.75	11.85	29.85
B or broken	18	56.25	4.85	9.50	11.55	29.05
	17	54.7	4.75	9.20	11.20	28.25
SStd.	16	53.12	4.60	8.95	10.90	27.45
	15	51.5	4.45	8.70	10.55	26.60
	14	50.0	4.35	8.45	10.25	25.85
	13 or less	Less than 50	Less than the foregoing drained weight.			

<sup>1</sup> Rounded to nearest 5/100 ounce.

#### § 52.1148 Wholeness.

(a) *General.* A "practically whole segment" means (1) any grapefruit segment that is substantially intact and retains its apparent original conformation, or (2) any portion of a segment that is not less than 75 percent of its apparent original size and is not excessively trimmed.

(b) (A) *classification.* Canned grapefruit that consists of not less than 75 percent by weight of the drained grapefruit in practically whole segments may be given a score of 18 to 20 points.

(c) (B) *classification.* If less than 75 percent but not less than 50 percent by weight of the drained grapefruit is in practically whole segments a score of 16 or 17 points may be given. Canned grapefruit that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product. (This is a limiting rule.)

(d) (Broken) *classification.* If less than 50 percent by weight of the drained grapefruit is in practically whole segments a score of 0 to 15 points may be given. Canned grapefruit that falls into this classification shall not be graded above U.S. Broken, regardless of the total score for the product. (This is a limiting rule.)

#### § 52.1149 Color.

(a) (A) *classification.* Canned grapefruit that has a good color may be given a score of 18 to 20 points. "Good color" means a practically uniform, bright, typical color-free from any noticeable tinge of amber.

(b) (B) *classification.* If the canned grapefruit has a reasonable good color a score of 16 or 17 points may be given. Canned grapefruit that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product. (This is a limiting rule.) "Reasonably good color"



score) and Grade A (92-score) butter quotations for the Chicago market, employed in the orders as factors in the formula for computing the class prices and butterfat differentials, are not available for a sufficient number of days during the period from September 25 through October 31, 1959, to be representative of such prices for the month of October 1959 or for any continuous 30-day period between September 25 and October 25, 1959, it is hereby determined that the equivalent price for Grade AA (93-score) butter at Chicago for October 1959 shall be 62.71 cents and the equivalent price for Grade A (92-score) butter at Chicago shall be 62.36 cents for October 1959, 62.04 cents for the period September 25 through October 24, 1959, and 62.04 cents for the period September 26 through October 25, 1959.

(2) Notice of proposed rule making, public procedure thereon and 30 days prior notice to the effective date hereof are impractical, unnecessary and contrary to the public interest, in that (a) prices for Grade AA (93-score) and Grade A (92-score) butter on the Chicago market have not been reported by the Dairy and Poultry Market News Service, Agricultural Marketing Service, United States Department of Agriculture, on a sufficient number of days during the period from September 25 through October 31, 1959, to be representative of such prices for the month of October 1959 or for any continuous 30-day period between September 25 and October 25, 1959; (b) the determination of an equivalent price immediately is necessary to make possible the announcement of the minimum class prices and butterfat differentials under the orders in valuing producer milk received by handlers during the months of October 1959 and November 1959; (c) an essential purpose of this determination is to give all interested persons notice that the averages of Grade AA (93-score) and Grade A (92-score) butter prices reported by the Dairy and Poultry Market News Service for October 1959 or for any continuous 30-day period between September 25 and October 25, 1959, are not being used for the purpose of the price computations required in connection with the computation of class prices and butterfat differentials under the aforesaid orders; and (d) this determination does not require substantial or extensive preparation of any person.

Issued at Washington, D.C., this 2d day of November 1959.

TRUE D. MORSE,  
*Acting Secretary.*

[F.R. Doc. 59-9396; Filed, Nov. 5, 1959  
8:47 a.m.]

[Navel Orange Reg. 168]

#### PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

##### Limitation of Handling

§ 914.468 Navel Orange Regulation 168.

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

Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 29, 1959.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., November 8, 1959, and ending at 12:01 a.m., P.s.t., September 25, 1960, no handler shall handle any navel oranges, grown in District 1, in District 3, or in District 4, which are of a size smaller than 2.32 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided*, That not to exceed 5 percent, by count, of the oranges contained in any type of container may measure smaller than 2.32 inches in diameter.

(2) As used in this section, "handler," "District 1," "District 3," and "District 4" shall have the same mean-

ing as when used in said amended marketing agreement and order.

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

Dated: November 3, 1959.

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

[F.R. Doc. 59-9417; Filed, Nov. 5, 1959;  
8:50 a.m.]

[Area No. 1]

#### PART 958—IRISH POTATOES GROWN IN COLORADO

##### Approval of Expenses and Rate of Assessment

Notice of rule making regarding the proposed expenses and rate of assessment to be made effective under Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958), regulating the handling of Irish potatoes grown in the State of Colorado, was published in the FEDERAL REGISTER October 14, 1959 (24 F.R. 8332). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The notice afforded interested persons an opportunity to file data, views, or arguments pertaining thereto not later than 15 days after publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the area committee for Area No. 1, established pursuant to said marketing agreement and order, it is hereby found and determined that:

##### § 958.232 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 1, established pursuant to Marketing Agreement No. 97 and this part, to enable such committee to perform its functions pursuant to the provisions of aforesaid marketing agreement and order, during the fiscal period ending May 31, 1960, will amount to \$900.00.

(b) The rate of assessment for Area No. 1 to be paid by each handler, pursuant to Marketing Agreement No. 97 and this part, shall be one cent (\$0.01) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and this part.

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

Dated: November 3, 1959, to become effective 30 days after publication in the FEDERAL REGISTER.

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

[F.R. Doc. 59-9420; Filed, Nov. 5, 1959;  
8:50 a.m.]

[1015.203, Amdt. 1]

**PART 1015—CUCUMBERS GROWN  
IN FLORIDA**

**Rate of Assessment**

*Findings.* (a) Pursuant to Marketing Agreement No. 118 and Order No. 115 (7 CFR Part 1015) regulating the handling of cucumbers grown in Florida effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Florida Cucumber Committee, established pursuant to said Marketing Agreement and Order, and upon other available information, it is hereby found that the amendment to the rate of assessment, as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for not postponing the effective date of this exemption for 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (1) the time intervening between the date when information upon which this exemption is based became available and the time when this exemption must become effective in order to effectuate the declared policy of the act is insufficient; (2) compliance with this exemption will not require any special preparation on the part of handlers which cannot be completed by the effective date; (3) information regarding the committee's recommendations has been made available to producers and handlers in the production area; and (4) this amendment grants exemption from assessments on pickling type cucumbers.

*Order.* In § 1015.203 (24 F.R. 8838) delete paragraph (b) and substitute in lieu thereof a new paragraph (b) as set forth below.

**§ 1015.203 Expenses and rate of assessment.**

(b) The rate of assessment to be paid by each handler pursuant to Marketing Agreement No. 118 and Order No. 115, shall be two cents (\$0.02) per 54 pound bushel of cucumbers, or respective equivalent quantities thereof, handled by him as the first handler thereof during said fiscal period. The handling of Kirby, MR 17, and other pickling type cucumbers of similar varietal characteristics shall not be assessed.

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

Dated: November 3, 1959, to become effective Nov. 6, 1959.

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

[F.R. Doc. 59-9419; Filed, Nov. 5, 1959; 8:50 a.m.]

**Title 12—BANKS AND BANKING**

**Chapter V—Federal Home Loan Bank Board**

**SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM**

[No. 12,886]

**PART 545—OPERATIONS**

**Loans to Finance Acquisition and Development of Land**

NOVEMBER 2, 1959.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amendment of Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) by the addition thereto of provisions with respect to the making of loans under the last paragraph of subsection (c) of section 5 of the Home Owners' Loan Act of 1933, as added by section 805 of the Housing Act of 1959, and for the purpose of effecting such amendment, hereby amends said Part 545 by adding thereto, immediately after § 545.6-13, the following new section, effective November 6, 1959:

**§ 545.6-14 Loans to finance acquisition and development of land.**

(a) *General provisions.* Subject to the provisions of this section, a Federal association may, if permitted by the terms of its charter, exercise the authority conferred by the last paragraph of subsection (c) of section 5 of the Home Owners' Loan Act of 1933, as amended, to invest in loans to finance the acquisition and development of land for primarily residential usage. Said authority shall be exercised by a Federal association only by the making of loans in accordance with the provisions of this section. Such loan plans, practices, and procedures, not inconsistent with this section or with other provisions of this part otherwise applicable to such loans, as may be used in the making of such loans are hereby approved by the Board.

(b) *Basic limitations.* (1) A Federal association may make loans under this section only when the aggregate of its general reserves, surplus, and undivided profits exceeds 5 percent of the amount of its withdrawable accounts. A Federal association shall not make any loan under this section if the resulting aggregate of its investments in loans under this section would exceed 3 percent of its withdrawable accounts.

(2) A Federal association shall not, directly or indirectly, make a loan under this section to any person, or to any partnership, corporation, or syndicate, hereinafter referred to as applicant, if the aggregate of the amount of such loan and of the principal balances of all outstanding loans made under this section to such applicant exceeds 15 percent of the aggregate amount of the investments in such loans that such Federal association is authorized to make pursuant to the provisions of this section: *Provided*, That in computing the amount of the balances of all outstanding loans made

to such applicant there shall be included the balances of all outstanding loans made under this section to any partnership, corporation, or syndicate of which any partner, stockholder, owner, participant, or officer is the applicant or is a partner, stockholder, owner, participant, or officer of the applicant.

(c) *Limitations on specific loans.* Loans under this section shall be made to finance, within the meaning of the last paragraph of subsection (c) of said section 5, the acquisition and development of land for primarily residential usage. Such land shall be located within the association's regular lending area, and such loans shall be loans on the security of first liens on real estate, in fee simple, consisting of land the development of which is to be financed by the loan. The principal obligation of each such loan shall be specified in the security instrument with respect to such loan and shall not exceed 60 percent of the value of such real estate security therefor as of the completion of such development. Any such loan shall be repayable within 3 years and the interest on any such loan shall be payable at least semi-annually. The security instrument with respect to each such loan shall require development of such real estate security to be commenced not more than nine months after the date of such instrument, and shall provide that the loan is in default in the event such development has not been commenced on or before the expiration of such nine months. Notwithstanding any other provision of this section, no such loan shall exceed the principal obligation as so set forth in such security instrument, or 60 percent of the value of such real estate security therefor at the time such loan is made and prior to the commencement of the development thereof plus 60 percent of the cost of the development thereof, whichever is the lesser. The value of such real estate security (1) as of the completion of such development and (2) at the time the loan is made and prior to the commencement of such development shall be determined by the association before the making of the loan, after obtaining appraisal or appraisals thereof in accordance with § 545.6-9, without regard to any provisions of § 545.6-9 relating solely to insured or guaranteed loans, and all references in this section to the value of the real estate security shall mean the respective values as so determined before the making of the loan.

(d) *Disbursements.* No Federal association shall (1) before commencement of the development of the real estate security for a loan made pursuant to the provisions of this section disburse from the proceeds of such loan an amount equal to more than 60 percent of the value of such real estate security at the time the loan is made and prior to the commencement of the development thereof, or (2) after commencement of such development and prior to the completion thereof make any disbursement of such loan proceeds when such disbursement, together with all prior disbursements, exceeds 60 percent of such

value of the real estate security plus 60 percent of the cost of such development at the date of such disbursement: *Provided*, That in no event shall more than 85 percent of the principal obligation of the loan be disbursed prior to the completion of the development of the real estate security for such loan.

(e) *Establishment and maintenance of records.* (1) A Federal association shall not make any loan pursuant to this section unless and until the applicant for such loan shall have executed and filed with the association a certificate stating: (i) the name and address of the applicant; (ii) the name and address of the principal or principals for whose benefit the loan is sought, if the applicant is acting as an agent or nominee or in behalf of any other person, partnership, corporation, or syndicate; and (iii) if the applicant or such principal is a partnership, corporation, or syndicate, the name and address of each and every person who has an interest in or is an officer of, and the nature and extent of each such person's interest in, such partnership, corporation, or syndicate; nor until it has obtained a written report on the credit standing of the applicant and the financial ability of the applicant to undertake and pay off the obligation involved in the loan.

(2) A Federal association shall not make any disbursement of the proceeds of any loan made pursuant to the provisions of this section unless and until the borrower has made to the association a certificate in writing stating the cost to the borrower of the real estate security for the loan and of the development thereof to the date of such certification, and the items comprising such costs.

(3) With respect to each loan under this section a Federal association shall include and preserve in its record of such loan each certificate and each report referred to in this section and the date and amount of each appraisal and each determination of value referred to in this section, and shall maintain such additional records as will establish that the loan and all disbursements made in connection therewith are in accordance with the provisions of this section.

(f) *Participation in making of loans; purchase and sale of participating interests; purchase of loans.* Notwithstanding any other provision of this part, a Federal association may not participate in the making of any loan, may not purchase or sell a participating interest in any loan, and may not purchase any loan, if such loan is of a type that such association may make only under this section.

(g) *Definitions.* The term "development" as used in this section means the installations and improvements necessary to produce from the land urban-type building sites so completed, in keeping with applicable governmental requirements and with general practice

in the community, that they are ready for the construction of buildings thereon for primarily residential usage.

(h) *Relation to other provisions of regulations.* The provisions of §§ 545.6-7 and 545.6-12, and the provisions of the second sentence of § 545.6-11 with respect to insurance, maintenance, and repairs, shall not be applicable to loans made under the provisions of this section, and such loans shall not be included in the aggregate amount of investments referred to in § 545.6-7.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1947 Supp.)

Resolved further that, as the new last paragraph added to subsection (c) of section 5 of the Home Owners' Loan Act of 1933 by the Housing Act of 1959 is effective immediately upon the approval of the Housing Act of 1959, and as the authority conferred by said paragraph is by the terms thereof subject to such rules and regulations as the Board may prescribe but said paragraph does not itself impose limitations or restrictions with respect to security for loans thereunder, the percentage of the value of the security which may be loaned, the maturity of loans thereunder, or other matters covered by the foregoing regulation, the Board hereby finds that, because of the time that would be involved if notice and public procedure on the above amendment were afforded, such notice and public procedure are impracticable under the provisions of § 508.12 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.12) or section 4(a) of the Administrative Procedure Act, and for the same cause deferment of the effective date of said amendment is not required under section 4(c) of said Act.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,  
Secretary.

[F.R. Doc. 59-9405; Filed, Nov. 5, 1959;  
8:48 a.m.]

#### SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. FSLIC-734]

### PART 561—DEFINITIONS

#### Insurance of Accounts Which are Community Property

NOVEMBER 2, 1959.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amendment of § 561.3 of the rules and regulations for Insurance of Accounts (12 CFR 561.3) to reflect the effect of the amendment to paragraph (b) of section 401 of the National Housing Act made by Public Law 86-112, approved

July 28, 1959, and for the purpose of effecting such amendment, hereby amends said § 561.3 as follows, effective immediately:

1. By striking out in the first sentence the language "or as community property".

2. By inserting at the end of said section the following sentence: "The last sentence of paragraph (b) of section 401 of the National Housing Act, as amended, provides that, notwithstanding any other provision of law, two persons who are husband and wife shall have, with respect to accounts in an insured institution which are community property of such husband and wife and to the extent that such accounts are community property, not to exceed \$10,000 of insurance with respect to such an account or accounts in the sole name of the husband, not to exceed \$10,000 of insurance with respect to such an account or accounts in the sole name of the wife, and not to exceed \$10,000 of insurance with respect to such an account or accounts in the sole name of both, with a proviso that in no event shall said sentence increase to an amount which is greater than the total of said amounts the aggregate of the insurance which such husband and wife may have under title IV of the National Housing Act with respect to (a) any account or accounts in such institution in the sole name of either of them or in the sole names of both, and (b) any other account or accounts in such institution to the extent that such other account or accounts would, in the absence of said sentence, be required to be included in determining the amount of the individual insurance of such husband or of such wife under subsection (a) of section 405 of said title."

(Sec. 402, 48 Stat. 1256, as amended; 12 U.S.C. 1725. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp. Applies sec. 401, 48 Stat. 1255, as amended, 12 U.S.C. 1724)

Resolved further that, as said Public Law 86-112 became effective upon the approval thereof and it is desirable that the effect thereof be reflected in said rules and regulations without delay, the Board hereby finds that notice and public procedure on the foregoing amendments to said § 561.3 are unnecessary and impracticable under the provisions of § 508.12 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.12) or section 4(a) of the Administrative Procedure Act, and, for the same cause, deferment of the effective date of said amendment is not required under section 4(c) of said Act.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,  
Secretary.

[F.R. Doc. 59-9406; Filed, Nov. 5, 1959;  
8:48 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter III—Federal Aviation Agency

### SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Reg. Docket No. 170; Amdt. 142]

## PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

### Miscellaneous Alterations

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

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

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

#### VOR STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Lexington BH.....	LEX-VOR.....	Direct.....	2300	T-dn.....	300-1	300-1	200-1½
Richmond Int.....	LEX-VOR.....	Direct.....	2300	C-dn.....	500-1	500-1	500-1½
Union Hall Int.....	LEX-VOR.....	Direct.....	2300	A-dn.....	800-2	800-2	800-2

Procedure turn N side of crs. 124° Outbnd, 304° Inbnd, 2200' within 10 miles.

Minimum altitude over facility on final approach crs, 1800'.

Crs and distance, facility to airport, 304-7.3.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.3 miles, climb to 2200' on 304 R within 10 miles, or, when requested by ATC, make climbing left turn and return to Lexington VOR at 2300'.

City, Lexington; State, Ky.; Airport Name, Blue Grass; Elev., 978'; Fac. Class., BVOR; Ident., LEX; Procedure No. 1, Amdt. 3; Eff. Date, 28 Nov. 59; Sup. Amdt. No. 2; Dated, 17 Dec. 55

PROCEDURE CANCELLED, EFFECTIVE 28 NOVEMBER 1959.

City, Los Angeles; State, Calif.; Airport Name, International; Elev., 126'; Fac. Class., BVOR; Ident., LAX; Procedure No. 1, Amdt. 6; Eff. Date, 22 Oct. 59; Sup. Amdt. No. 5; Dated, 5 Sept. 59

PROCEDURE CANCELLED, EFFECTIVE 28 NOVEMBER 1959.

City, Pocatello; State, Idaho; Airport Name, Pocatello; Elev., 4448'; Fac. Class., BVOR, LOM; Ident., PIH, PI; Procedure No. 2, Amdt. 1; Eff. Date, 4 Apr. 57; Sup. Amdt. No. Orig.; Dated, 2 Feb. 57

PROCEDURE CANCELLED, EFFECTIVE 17 NOV. 59, OR DECOMMISSIONING OF AGNEW, CALIF., VOR.

City, San Jose; State, Calif.; Airport Name, San Jose; Elev., 62'; Fac. Class., BVOR; Ident., AGW; Procedure No. 1, Amdt. 4; Eff. Date, 1 Feb. 58; Sup. Amdt. No. 3; Dated, 2 Mar. 57

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

#### TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Flint LOM.....	Flint VOR.....	Direct.....	2200	T-dn.....	300-1	300-1	200-1½
				C-dn.....	700-1	700-1	700-1½
				S-dn-36.....	700-1	700-1	700-1½
				A-dn.....	800-2	800-2	800-2

Procedure turn East side of crs, 189° Outbnd, 009° Inbnd, 2200' within 10 ml.

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

Crs and distance, breakoff point to Rwy 36, 002°-0.40 ml.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over FNT VOR, climb to 2200' on R-000, then reverse course, proceed to FNT VOR.

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

City, Flint; State, Mich.; Airport Name, Bishop Field; Elev., 781'; Fac. Class., BVOR; Ident., FNT; Procedure No. TerVOR-36, Amdt. 1; Eff. Date, 28 Nov. 59; Sup. Amdt. No. Orig.; Dated, 30 Oct. 59

**RULES AND REGULATIONS**

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

**ILS STANDARD INSTRUMENT APPROACH PROCEDURE**

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.  
 If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Austin VOR	LOM	Direct	2000	T-dn#	300-1	300-1	200-1/2
Austin RBN	LOM	Direct	2000	C-dn	400-1	500-1	500-1 1/2
Smithville Int.	LOM	Direct	2000	S-dn-30L	200-1/2	200-1/2	200-1/2
Bergstrom RBN	LOM	Direct	2000	A-dn	600-2	600-2	600-2

Radar terminal area maneuvering altitude within 20 mi and clockwise around AUS radar antenna site: 345° to 215°—2000'; 215° to 345°—2500'. Radar control must provide 3 mi or 1000' vertical separation; or 3 to 5 mi and 500' vertical separation from radio towers 1680' msl 23 mi WNW, 2049' msl 9 mi NW and 1054' msl 14 mi N.  
 Procedure turn E side SE crs, 125° Outbnd, 305° Inbnd, 2200' within 10 miles. Beyond 10 mi N.A.  
 Minimum altitude at G.S. Int Inbnd, 2200'.  
 Altitude of G.S. and distance to approach end of Rawy at OM, 2200'—4.8 mi; at MM, 800'—0.5 mi.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 3000' on NW crs ILS (305°) within 20 miles or, when directed by ATC, (1) turn right, climb to 2000', proceed direct to VOR or (2) turn right, climb to 2000', proceed direct to AUS RBN.  
 #All aircraft are restricted to 300-1 minima for take-off on Runways 3-21, 16L-34R, and 12L-30R.  
 City, Austin; State, Tex.; Airport Name, Mueller; Elev., 631'; Fac. Class., ILS; Ident., I-AUS; Procedure No. ILS-30L, Amdt. 18; Eff. Date, 28 Nov. 59; Sup. Amdt. No. 17; Dated, 13 June 59

Lexington VOR	Fayette Int.*	Direct	2600	T-dn	300-1	300-1	200-1/2
Lexington LOM	Fayette Int.*	Direct	2600	C-dn	500-1	500-1	500-1 1/2
				S-dn-22	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn North side NE crs, 042° Outbnd, 222° Inbnd, 2300' within 10 miles.  
 No glide slope.  
 Minimum altitude over Fayette Int, 1800'.  
 Crs and distance, Fayette Int to airport, 222°—4.8 mi.  
 NOTE: Procedure authorized only when aircraft equipped to receive ILS and VOR simultaneously.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 mi after passing Fayette Int, climb to 2200' on SW crs ILS to Lexington LOM within 10 mi.  
 \*Int. NE crs Lexington, Ky ILS localizer and R-340 Lexington, Ky VOR.  
 City, Lexington; State, Ky.; Airport Name, Blue Grass; Elev., 978'; Fac. Class., ILS; Ident., ILEX; Procedure No. ILS-22, Amdt. 1; Eff. Date, 28 Nov. 59; Sup. Amdt. No. Orig.; Dated 12 July 58

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

**RADAR STANDARD INSTRUMENT APPROACH PROCEDURE**

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Within:				Surveillance approach			
North Quadrant PHL LFR		20 mi	2400	T-dn	300-1	300-1	200-1/2
North Quadrant PHL LFR		10 mi	*1800	C-dn#	500-1	500-1	500-1 1/2
NW Quadrant PHL LFR		20 mi	2000	C-dn-4, 22	600-1	600-1	600-1 1/2
NW Quadrant PHL LFR		10 mi	1500	S-dn#	500-1	500-1	500-1
SW and SE Quadrant PHL LFR		20 mi	*1500	A-dn	800-2	800-2	800-2
				Precision approach			
				S-dn-9	200-1/2	200-1/2	200-1/2
				A-dn-9	600-2	600-2	600-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2500' or higher altitude when requested by ATO, proceed to Mt Holly Int or, when directed by ATC, (1) climb to 1500' and proceed to LOM, or (2) climb to 1500' and proceed to Elmer Int.  
 \*Radar control must provide 1000' clearance when within 3 miles or 600' clearance when between 3-5 miles of towers 1369' MSL 9 miles North and 1049' MSL 10 miles SE of airport.  
 #Runways 9, 17, 27, 35.  
 City, Philadelphia; State, Pa.; Airport Name, International; Elev., 11'; Fac. Class., Philadelphia; Ident., Radar; Procedure No. 1, Amdt. 2; Eff. Date, 28 Nov. 59; Sup. Amdt. No. 1; Dated, 13 Dec. 58

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

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

Issued in Washington, D.C., on October 29, 1959.

B. PUTNAM,  
 Acting Director, Bureau of Flight Standards.

## Title 17—COMMODITY AND SECURITIES EXCHANGES

### Chapter II—Securities and Exchange Commission

#### PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

#### Subpart G—Forms for Reports To Be Made by Certain Exchange Members, Brokers and Dealers

##### MINIMUM AUDIT REQUIREMENTS

On September 18, 1959, in Securities Exchange Act of 1934 Release No. 6072 the Securities and Exchange Commission announced that it had under consideration a proposed amendment to the Note to Item 5 of the Minimum Audit Requirements to be followed by independent accountants in preparing Form X-17A-5 reports of financial condition of members; brokers and dealers under Rule 17a-5 under the Securities Exchange Act of 1934. The Commission has considered all of the views and comments received on the proposal and has adopted the amendment in the form stated below.

Item 5 of the Minimum Audit Requirements provides that the independent accountant shall request written confirmation of certain accounts, including customers' accounts, of the member, broker or dealer. The amendment to the Note to Item 5 of the Minimum Audit Requirements of Form X-17A-5 specifically permits the certifying accountant in auditing the books and records of member firms of national securities exchanges who originate Monthly Investment Plan accounts to omit, under specified conditions, written confirmation of the M.I.P. accounts of the originating member firm required by Item 5 when in his judgment such procedure is not necessary. The amendment does not relieve the certifying accountant of the responsibility for requesting written confirmation of any other accounts of M.I.P. customers, or for a satisfactory verification of the M.I.P. accounts of the originating broker, or for the review of the safeguards of such accounts, or for the responsibility for performing such other auditing procedures as are ordinarily performed in the audit of the customers' accounts of a broker-dealer.

The New York Stock Exchange in its minimum audit requirements specifies that each odd-lot firm which acts as custodian of securities owned by M.I.P. customers have an audit on a surprise basis by an independent public accountant made at least once in each calendar year. Audits of the originating member firms must also be made on a surprise basis each calendar year. The Committee on Audits of Securities Brokers and Dealers of the American Institute of Certified Public Accountants feels, and the Exchange agrees, that the duplication of the confirmation procedures has entailed an audit expense which does not appear to be justified and that duplicate confirmation is confusing to the customers. Because of this confusion and in

view of the internal control inherent in M.I.P. accounting, the committee recommended that under certain conditions the independent public accountants concerned with the audits of the respective originating member firms (commission houses) be relieved of the procedure for requesting written confirmation of M.I.P. accounts to the extent that, in their judgment, such procedure is not necessary. The conditions specified by the committee are:

1. The independent public accountants who have been retained as auditors for the odd-lot houses will select the same audit date for a surprise examination of the respective odd-lot houses. (We understand this is now being done.) This will ensure that those customers having M.I.P. accounts with both odd-lot houses will receive requests for confirmations of their accounts as of the same date.

2. The odd-lot houses, at the time of the examination by independent public accountants, will prepare listings for each commission house of the M.I.P. accounts that they are maintaining for the commission firms. This will enable the commission houses and the odd-lot houses to establish a procedure whereby not only will confirmations of the customers' accounts be requested as of one audit date but, as of the same audit date, confirmations will be requested from the commission houses as to the positions maintained by the custodians.

3. The independent public accountants who have been retained as auditors for the commission houses will satisfy themselves that the listings prepared by the odd-lot houses, of funds and securities held for M.I.P. customers at the time of the examination of the odd-lot houses by independent public accountants, have been reconciled with the records of the commission houses.

*Statutory basis and text of amendment.* The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections 17(a) and 23(a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary for the execution of its functions under the Act, hereby amends the Note to Item 5 of the Minimum Audit Requirements of Form X-17A-5 (§ 249.617) as stated below. The Commission finds that such action has the effect of relieving restriction and granting exemption and that under the provisions of section 4(c) of the Administrative Procedure Act it may be and is hereby declared effective Wednesday, October 28, 1959.

In § 249.617 the text of the Note to Item 5, as amended, is as follows:

Compliance with requirements for obtaining written confirmation with respect to the above accounts shall be deemed to have been made if requests for confirmation have been mailed by the independent public accountant in an envelope bearing his own return address and second requests are similarly mailed to those not replying to the first requests, together with such auditing procedures as may be necessary: *Provided, however,* That with respect to periodic investment plans sponsored by member firms of a national securities exchange, whose members are exempted from Rule 15c3-1 by paragraph (b)(2) thereof, the independent public accountant examining the financial statements of the originating member firm

may omit direct written confirmation of such plan accounts with customers when, in his judgment, such procedures are not necessary, if (1) the originating member firm does not receive or hold securities belonging to such plan accounts and does not receive or hold funds for such accounts, except the initial payment which is promptly transmitted to the custodian; (2) the custodian is a member firm of such national securities exchange and files certified reports complying with Rule 17a-5 in connection with which the customers' accounts are confirmed by an independent public accountant; and (3) funds and securities held by the custodian for each such customer's account are reconciled with the records of the originating member firm as of the date of the most recent audit of the custodian.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

OCTOBER 28, 1959.

[F.R. Doc. 59-9394; Filed, Nov. 5, 1959; 8:47 a.m.]

## Title 32—NATIONAL DEFENSE

### Chapter I—Office of the Secretary of Defense

#### SUBCHAPTER C—MILITARY PERSONNEL

#### PART 41—RELEASE OF INFORMATION FROM MEDICAL RECORDS

#### Individuals and Agencies to Whom Records May Be Released

The Acting Secretary of Defense approved the following amendments to Part 41 on October 15, 1959: (1) In § 41.2(j), the citations have been brought up to date; (2) a new paragraph (n) has been added in § 41.2, and subsequent paragraphs have been renumbered (o) through (t); and (3) a new paragraph (u) has been added. The revised portions of § 41.2 now read as follows:

#### § 41.2 Individuals and agencies to whom medical records may be released.

\* \* \* \* \*

(j) Civil Service Commission (to consider claims under section 2, Act of June 27, 1944, Chapter 287, as amended (5 U.S.C. 851)). In addition, for personnel security investigations conducted under pertinent acts and Executive Orders, accredited agents of the Civil Service Commission may have access, for review purposes, to material designated as records of medical treatment included in official personnel folders of former civilian or military personnel of the military departments, subject to the following conditions:

\* \* \* \* \*

(n) Federal Aviation Agency (for use in connection with airman certificates under section 602, Federal Aviation Act of 1958 (49 U.S.C. 1422)).

\* \* \* \* \*

(u) Under procedures established by the Surgeon General of the service concerned, access to individual medical records may be granted to qualified individuals for the purposes of medical research and study.

(Sec. 202, 61 Stat. 500, as amended; 54 U.S.C. 171a)

MAURICE W. ROCHE,  
Administrative Secretary,  
Office of the Secretary of Defense.

OCTOBER 28, 1959.

[F.R. Doc. 59-9416; Filed, Nov. 5, 1959;  
8:49 a.m.]

**Chapter V—Department of the Army**  
**SUBCHAPTER B—CLAIMS AND ACCOUNTS**  
**PART 538—ALLOTMENTS OF PAY**  
**Class B, B-1, D, E, N, and X**  
**Allotments**

Sections 538.1 through 538.12 are revoked and the following sections substituted therefor:

**§ 538.1 General.**

(a) *Definitions*—(1) *Allotment*. The word "allotment" as used herein refers to a definite portion of the pay and allowances of a person in the military service, active or retired, which is authorized to be paid to an allottee in a manner prescribed by the Secretary of the Army.

(2) *Active duty*. For the purpose of authorizing allotments "Active duty" means duty for 6 months or more.

(3) *Allotter*. The "Allotter" is the person from whose pay the allotment is made, either by himself, or by another on his account.

(4) *Allottee*. The "allottee" is the person or institution to whom the allotment is made payable.

(5) *Certifying officer*. The term "certifying officer" as used herein refers to the personnel officer or other officer charged with the responsibility of preparing, certifying, and forwarding military pay orders and substantiating papers to designated finance and accounting officers. The term also includes an officer who has custody of the allotter's service record or who prepares a service record.

(6) *Allotment Operations*. The term "Allotment Operations" as used herein refers to the Allotment Operations, Finance Center, U.S. Army.

(b) *Eligible allotters*. Commissioned officers, warrant officers, and enlisted members, active or retired, except as restricted by paragraph (e) (3) of this section, and commissioned officers of other services or departments who may be detailed or assigned to the Department of the Army, wherever serving, may make allotments of pay.

(c) *Pay and allowances which may be allotted*—(1) *General*. The maximum amount of pay and allowances which may be allotted, including allotments required of enlisted personnel pursuant to Dependents' Assistance Act of 1950, will not exceed the total of basic pay, basic allowance for quarters for members with dependents, basic allowance for subsistence for officers and warrant officers, and special pay for doctors, dentists, and veterinarians, less the amount which must be withheld for tax purposes (income and FICA taxes) or to liquidate an

indebtedness determined under applicable regulations to be chargeable against the member's pay account. Commanding officers may further restrict the total amount which may be allotted by servicemen when necessary to meet essential personal needs of such servicemen.

(2) *Fraudulent enlistment*. Pay and allowances may not be allotted when payment is suspended pending final action on determination of fraudulent enlistment.

(d) *Allotment limitations*—(1) *Number permitted*. New allotments, or changes in types of registered allotments will be limited to the purposes and the number herein established. No action will be taken to cancel any allotment in effect prior to April 23, 1957 provided the allotment was correct at the time of registration. For the purpose of this paragraph, an allotment is considered registered upon receipt of the allotment authorization form by the finance and accounting officer having custody of the military pay record of the allotter.

(2) *Minors or incompetents*. An allotment will not be made to a person who is mentally incompetent, or to a minor unless the minor is of sufficient age and understanding to manage his own affairs (generally a minor of 16 years of age or older). However, upon receipt of a court certificate evidencing the appointment of a guardian, an allotment may be made to the person who supplies the minor or the incompetent with the necessities of life. If the minor or incompetent is confined in an institution, the grantor may register the allotment in favor of the institution.

(3) *Power of attorney*. A power of attorney will not be accepted to establish a new allotment or to change or discontinue an existing allotment.

(4) *Member awaiting trial by court-martial*. No allotments, except class Q, will be executed by or for a person in confinement awaiting trial by general or special court-martial. A class Q allotment will not be executed if a member is not in a pay status.

(5) *Nonappropriated fund activities*. Allotments are not authorized for the liquidation of indebtedness to nonappropriated fund activities.

(e) *Communications pertaining to allotments*—(1) *Correspondence*. All correspondence concerning allotments will be dispatched direct to the Allotment Operations except class X allotments as provided in § 538.5 and as provided in subparagraph (3) of this paragraph. If correspondence is accompanied by allotment authorization forms, it will be forwarded through the finance and accounting officer.

(2) *Radiograms*. The general use of official radio messages and telegrams for initiating, discontinuing, or making inquiry regarding allotments of pay is not authorized. However, radio messages and telegrams may be used under the following circumstances, provided they are confirmed by proper allotment forms within 30 days:

(i) For discontinuance of allotments, when in the opinion of the finance and accounting officer the discontinuance

will not be received in the allotment office in sufficient time to prevent over payment.

(ii) Establishment or discontinuance of allotments from remote places.

(iii) Cases involving hardship.

(3) *Retired personnel*. Class E (for commercial life insurance only), D and N allotments of retired personnel wherever located are processed by the Retired Pay Division, Finance Center, U.S. Army.

(f) *Allotment overpayments*. Any check or bond received for which entitlement does not exist must be returned immediately to the office of issuance. When an allotment payment is continued beyond the date for which a corresponding deduction is made from the service member's pay and the member fails to have the allotment check or bond returned to the office of issuance, he should be required to submit a complete and detailed explanation. Determination of liability will be made by the Commanding General, Finance Center, U.S. Army, and appropriate action will be taken where warranted.

(g) *Payment of class E or Q allotments in foreign countries*. The Finance Center, U.S. Army, mails Treasury checks to allottees in foreign countries where delivery of Treasury checks is not prohibited. Treasury checks drawn in favor of allottees residing in foreign countries where delivery of Treasury checks is prohibited will be forwarded to the Treasurer of the United States by the Finance Center, U.S. Army. Allottees residing in the Philippine Islands will be paid by the appropriate finance and accounting officer, in military payment certificates or local currency as appropriate, based upon individual payment authorization, certified for payment, received from the Finance Center, U.S. Army.

(h) *Period of allotments*. Allotments will be made for indefinite periods except the following:

(1) Class E to service relief organizations.

(2) Class E to the American Red Cross.

(3) Class E to the United States for repayment of indebtedness.

(4) Class E for payment of delinquent Federal income taxes. When allotments are initiated for definite periods, the commencement and discontinuance date will be stated on the authorization form.

**§ 538.2 Class B and B-1 allotments.**

(a) *Definitions*—(1) *Class B allotments*. An allotment made for the purchase of United States Savings Bonds on a monthly basis is designated as a class "B" allotment.

(2) *Class B-1 allotment*. An allotment made for the purchase of United States Savings Bonds on a quarterly basis is designated as a class "B-1" allotment.

(b) *Authorized purpose*. United States Savings Bonds, Series E, are issued on a monthly or quarterly basis to all Army service members on active duty by the bond issuing agent of the Finance Center, U.S. Army. The class B allotment or class B-1 allotment authorizing

the purchase and issuance of Series E bonds may provide for any one of the following deductions:

Monthly deduction	Class B allotment	Number of bonds issued monthly	Maturity value
\$18.75		1	\$25
\$37.50		1	50
\$75.00		1	100
\$150.00		2	100
\$225.00		3	100
\$300.00		4	100
\$375.00		1	500

Monthly deduction	Class B-1 allotment	Total quarterly deductions	Number of bonds issued quarterly	Maturity value
\$6.25		\$18.75	1	\$25
\$12.50		37.50	1	50
\$25.00		75.00	1	100

A separate class B allotment and class B-1 allotment will be authorized for each type of purchase desired. Where there is any difference in the inscription of the bond, i.e., amount of bond, name of coowner or beneficiary, etc., a separate allotment authorization will be prepared. Where more than one allotment authorization is submitted for the same individual, each authorization will be annotated in the upper right corner to show the number of forms in effect; for example, "1 of 2 forms." A service member may have a class B and class B-1 allotment in effect at the same time.

§ 538.3 Class D and N allotments.

(a) *Definition*—(1) *Class D*. An allotment made for the payment of premiums on United States Government life insurance is designated as a class "D" allotment.

(2) *Class N*. An allotment made for the payment of premiums on National Service Life Insurance is designated as a class "N" allotment.

(b) *Authorized purpose*—(1) *Class D*. The class D allotment is authorized for the purpose of paying premiums on United States Government life insurance on the life of the allotter only. The Veterans Administration, will in all cases be designated as allottee for class D allotments.

(2) *Class N*. The class N allotment is authorized for the purpose of paying premiums on National Service Life Insurance on the life of the allotter only. The Veterans Administration, will in all cases be designated as allottee for class N allotments.

(c) *Effective date*. The commencing date of the allotment will be the first of the month in which the application is made. If the policy is dated back, payment of the reserve to cover previous months will be by direct payment to the Veterans Administration and will not be made by allotment.

§ 538.4 Class E allotments.

(a) *Definition*. An allotment made to an individual, a fiduciary, a banking institution, a commercial life insurer, or to other eligible allottees as provided herein is designated as a class E allotment.

(b) *Authorized purposes*—(1) *Support*. A class E allotment may be authorized for payment to an individual or a banking institution or association for the support of the allotter's dependents or to provide limited financial assistance to relatives who are not legally designated as dependents. The payment of such an allotment to a banking institution will not deprive the member of the use of the allotment in subparagraph (2) of this paragraph.

(2) *Allotments to banking institutions or associations*. (i) Class E allotments may be authorized for payment to a banking institution or association for credit to a savings, checking, or trust account of the allotter. This includes Federal and State building and loan or savings and loan associations, including building and loan associations chartered by Territorial governments, the postal savings system, and credit unions. In these cases the allotter must make satisfactory arrangements with the allottee (bank, postmaster, etc.) for the acceptance of the allotment. No more than one such allotment will be allowed for any authorized allotter. Allotments may not be made to mutual funds or any other form of institution not listed in this paragraph. However, moneys credited to the allotter's account under the allotment permitted in this paragraph may then be used for any purpose in accordance with the desires and direction of the allotter.

(ii) Class E allotments to joint bank accounts are acceptable provided the allotter has made satisfactory arrangements with the bank for the acceptance of the allotment. In such case, item 9 of DA Form 1341 will contain the name and address of the bank and the name of the allotter as the person to whose credit the allotment checks will be deposited, e.g.: First National Bank, 123 Main Street, Washington, Maryland, for credit to the account of John B. Smith, 0123456. Care must be exercised to give the full and correct name, branch, if any, and address of the banking institution where the account is maintained.

(iii) Where the allotter, for the purpose of convenience to his allottee, desires to have the check mailed to a bank, item 9 of DA Form 1341 will contain the name of the dependent as allottee and will be addressed in care of the bank, e.g.: Mrs. Mary M. Jones, c/o First National Bank, 123 Main Street, Washington, Maryland.

(iv) In any case where a class E allotment is made to a bank, savings association, or other financial institution, for credit to a checking account or savings account or for repayment of a home loan, item 11 of DA Form 1341 will be annotated to show the specific purpose for which the allotment is authorized.

(3) *Commercial life insurance*. Class E allotments may be authorized for payment of premiums for insurance on the life of the allotter only. All payments to an insurer will be made to the home office of the institution issuing the insurance, or to a branch office designated by the home office. Allotments for health, accident, or hospitalization in-

urance or other contracts or agreements which as a secondary or incidental feature, include insurance on the life of the allotter are not authorized. However, allotments are authorized for policies which provide for life insurance basically on the life of the allotter, a reduced coverage on the life of the spouse, and a further reduced coverage on the life of each child.

(4) *Repayment of loans*—(i) *For purchase of home*. Class E allotments may be authorized for repayment of loans obtained for the purchase of a home, including a mobile home or house trailer used as a residence by the allotter. This does not authorize repayment of loans for business purposes or for additions or improvements to homes, mobile homes, or trailers. Allotments authorized for this purpose are in addition to those authorized under subparagraph (2) of this paragraph. No more than one such allotment will be allowed for any authorized allotter.

(ii) *To Army Emergency Relief, Naval Relief Society or Air Force Aid Society*. Allotments authorized for this purpose will be paid to the organization at the station where the loan was made or National Headquarters, Army Emergency Relief, Washington 25, D.C., when authorized by that Headquarters.

(iii) *American Red Cross*. Allotments authorized for this purpose must indicate proper Red Cross designation and address of the allottee and will be paid as follows:

(a) When the loan is made by a Red Cross Field Director, at a military installation, the allotment will be paid to the Field Director at that installation.

(b) When the loan is made by an American Red Cross chapter in a city or town, the allotment will be paid to the chapter making the loan.

(5) *Payment of delinquent federal income taxes*. Allotments for this purpose will not be accepted for periods of less than 3 months and in amounts less than \$5 per month.

(6) *Payment of indebtedness to United States*. Class E allotments may be authorized for repayment of indebtedness incurred by reason of defaulted notes guaranteed by the Federal Housing Administration or the Veterans Administration, or any other indebtedness to any department or agency of the United States Government. However, allotments will not be accepted in satisfaction of indebtedness by Army personnel for amounts due the Department of Defense. Normal collection procedures will be followed for this purpose. Allotments for repayment of indebtedness will not be accepted for periods of less than 3 months and in amounts less than \$5 per month.

(7) *Remittances from retired members*. Class E allotments are authorized for remittances from retired members on active duty for annuity deductions under 10 U.S.C., Chapter 73 (formerly Uniformed Services Contingency Option Act of 1953).

(c) *Effective date*. Ordinarily, class E allotments will be made effective the first of the month following that in which

the authorization form is executed and payment will be made accordingly, provided the authorization form is received by the Allotments and Deposits Operations before the 10th day of the month in which the allotment is to become effective. Exceptions will be made for class E allotments covering commercial insurance premiums where, because of circumstances beyond the control of the allotter, an earlier effective date may be necessary. A class E allotment will not be made effective for the month in which an officer or enlisted person enters on duty except when an enlisted person is commissioned, or is appointed a warrant officer; when an aviation cadet is commissioned; when a warrant officer is commissioned; or when a graduate, United States Military, Air Force, or Naval Academy, enters commissioned officer status.

(d) *Limitation on class E allotments—*

(1) *Minimum amount and period.* Allotments of the Army Emergency Relief, the American Red Cross, or for repayment of indebtedness to the United States or for payment of delinquent Federal income taxes will not be accepted in amounts less than \$5 or for periods of less than 3 months. The commencement and discontinuance dates will be stated on the authorization forms.

(2) *Service members on duty in Germany or Japan.* Service members on duty in Germany or Japan are not authorized to make class E allotments to their dependents when such dependents have departed from the United States to join the service members at their overseas stations. Allotments will be discontinued during the month in which notification is received by the service member that their dependents have actually departed.

(e) *Discontinuing class E allotments—*

(1) *Voluntary.* The requested date of voluntary discontinuance of class E allotments will not be earlier than the end of the month in which the request is made. For example, if DA Form 1341 is submitted in the month of November, the requested date of discontinuance in such case may be 30 November, and deductions from pay will terminate with the month of November. In cases where the Allotments and Deposits Operations is unable to terminate the allotment in accordance with the effective date on the form, that office will notify the proper finance and accounting officer. For example, where the allotter requests that a class E allotment be discontinued effective 30 November, and, because of delay in receipt, the Allotment Operations is not able to discontinue the allotment until 31 December, that office will advise the finance and accounting officer in order that an additional deduction can be made from the allotter's pay to cover the December allotment.

(2) *Involuntary.* Class E allotments discontinued involuntarily because of reduction in grade, stoppage of pay, absent without leave, or for any other reason, will be discontinued as of the last day of the month preceding the month in which the request for discontinuance is made. Involuntary discontinuance of class E allotments covering

commercial life insurance premiums should be approached with care as the allotter's insurance status is involved. Proper attention to the effective date of discontinuance will prevent many policies from lapsing unnecessarily. Whenever a class E allotment of a person, other than one who is discharged or separated from active service, has been involuntarily discontinued, the custodian of the service record will inform the allotter of the fact that the allotment has been discontinued, the effective date, and the reason for discontinuance. The allotter will also be informed of the effect of such discontinuance on his insurance status.

§ 538.5 Class X allotments.

(a) *General.* Members of the uniformed services who are stationed outside the continental limits of the United States may authorize class X allotments from their pay for the support of their dependents in an emergency situation. Dependents must be residing in a foreign country other than that in which the member is serving, but within the same major oversea command. Class X allotments will not be used to replace or supplement class E allotments, except when authorized by the commander of the area in which the allotter is stationed.

(b) *Designation of paying officer.* The major commander of each oversea command will designate a finance and accounting officer within the command to pay class X allotments to those allottees residing within the command.

(c) *Authorization.* Class X allotments will be authorized only in an emergency situation where, because of conditions existing within an area in which the allotter is stationed and the allottee is residing, other classes of allotments are impracticable. To alleviate any delay in an emergency, commanders of major oversea commands may authorize class X allotments in any area when deemed appropriate and necessary. The Chief of Finance will be notified immediately as to reasons for utilizing class X allotments and the areas involved.

(d) *Effective date and period.* Class X allotments of pay will be made for indefinite periods and ordinarily will be made effective the first of the month following that month in which the authorization form is executed.

(e) *Discontinuance.* Class X allotments will be discontinued by use of DA Form 1341 when:

(1) Service member, or dependent, or both, departs from the major command.

(2) Death of service member or dependent occurs.

(3) Requested by the allotter or allottee.

(4) The allotter is assigned or reassigned to the same foreign country where the allottee is residing.

§ 538.6 Allotments of retired personnel.

(a) *Allotments authorized.* Retired members of the Army may authorize class N allotments for National Service Life Insurance; class D for United States Government Life Insurance; and class E for the payment of premiums on

commercial life insurance on the life of the allotter only. However, class E allotments are authorized for policies which provide for life insurance basically on the life of the allotter, a reduced coverage on the life of the spouse, and a further reduced coverage on the life of each child.

(b) *Continuation in effect at time of retirement.* Allotments for payment of premiums on life insurance (class E, D, or N) which are in effect at time of retirement will be automatically continued in effect by the Retired Pay Division, Finance Center, U.S. Army, unless the retiring member specifically requests that such allotments be discontinued.

§ 538.7 Allotments to dependents of personnel missing, missing in action, beleaguered, besieged, interned in foreign countries, or captured by hostile force.

(a) *Determinations.* Determinations of military or casualty status pertaining to persons absent in any casualty status are made under authority delegated by the Secretary of the Army to The Adjutant General. All other determinations and factors are made under authority delegated by the Secretary of the Army to the director of the office charged with the administration of allotments from pay of persons absent in any casualty status.

(b) *Notification of dependents.* Whenever any person is officially reported to be missing, missing in action, beleaguered, interned in a foreign country, or captured by a hostile force (but not when change occurs from one such status to another), the emergency addressee will be promptly informed, by the office designated to do so of the:

(1) Provisions of the act March 7, 1942 (56 Stat. 145, as amended, beneficial to the dependents, or the regulations governing allotments from the pay of such persons.

(2) Information required in or to accompany allotment applications.

(3) Name and address of the allotment office to which applications should be directed. The emergency addressee will be requested to notify interested relatives and dependents of the benefits and to advise insurers or other persons who may have knowledge of life insurance premiums that should be paid by allotment to communicate information thereof on military personnel to the Settlements Operations, Finance Center, U.S. Army.

(c) *Continuance of allotments in force.* Allotments in force or applied for at the time a person enters a missing status may be continued in force for the period of the absence except where otherwise provided in this section. This applies to all types of allotments, including those for the purchase of United States Savings Bonds.

(d) *Change in allotments.* The Secretary of the Army or his authorized delegate may direct the initiation, continuance, discontinuance, increases, decreases, suspension, or resumption of payments of allotments from the pay and allowances of a missing person, when such action is justified in the interests

of the missing person, his dependents, and the Government. The allotments and increases granted will be held to the minimum necessary. All allotments and deductions from pay and allowances of any person may not exceed in monthly aggregate the total credited monthly to the account of such person. Except in unusual circumstances, a reasonable monthly balance will be reserved to insure that the person has some funds immediately available upon return to military control.

(e) *Application.* Application for granting allotments or for increases in existing allotments will be submitted to the Settlements Operations on DA Form 1341 which the dependent may obtain from personal affairs officers at military stations. Applications may be accepted if they satisfactorily establish identity, relationship, and dependency of the applicant and need for the increase or allotment requested. The application must indicate allotments, if any, currently being paid to dependents on whose behalf the application is submitted. It also must include or be accompanied by evidence establishing need for the allotment or increase requested. The specific amount needed and the date the allotment or increase is desired to be effective must be stated.

(f) *Effective date of allotment.* Allotments under this section ordinarily will be made effective for the month in which they are granted.

(g) *Overpayments of allotments—(1) Life insurance premiums.* Any premium paid by the Government on insurance issued on the life of a missing person which is or becomes unearned by reason of being for a period subsequent to the date of death of such person will be recovered by the Government and credited to the appropriation from which paid.

(2) *Delayed receipt of evidence of death.* Any allotment paid from the pay and allowances of a missing person for periods subsequent to determination of such person's entitlement to pay and allowances will not be subject to collection from the allottee as overpayments when payment has been occasioned by delay in receipt of evidence of death by Headquarters, Department of the Army. Such pay will not be charged against the pay of the deceased person. This applies whether termination of entitlement occurred under the Missing Persons Act or otherwise. It does not apply to unearned insurance premiums which are covered in subparagraph (1) of this paragraph.

(3) *Waiver of recovery from dependents.* The Secretary of the Army or his authorized delegate may waive recovery of erroneous or overpayments of allotments to dependents when recovery is deemed to be against equity and good conscience.

(h) *Allotment induced by fraud or misrepresentation.* The amount of any allotment paid and charged to the account of a missing person pursuant to the Missing Persons Act will be recredited to such person's account in any case in which the Secretary of the Army or his authorized delegate determines that

payment of such amount was induced by fraud or misrepresentation to which the missing person was not a party.

(i) *Pay account.* The military pay records of persons absent in a missing status are maintained by the Settlements Operations. During the period of absence, all allotments paid on account of the absent person and all prescribed deductions from pay for class Q allotment paid on his account are charged against such pay and allowances.

(j) *Termination of absence.* When absence of any person in a missing status is terminated by death or finding of death, all allotment payments will be discontinued and the account closed for settlement. When such status is terminated by a return to controllable jurisdiction of the Department of the Army, the person will be advised of allotments in effect which constitute charges to his account and will be afforded the opportunity to execute such changes therein as he desires. In the absence of discontinuance or changes by him, allotments continued or established during the period of his absence will continue in effect.

#### § 538.8 Increasing or decreasing allotments for benefit of dependents.

(a) *Dependent defined.* The term "dependent" as used in this section includes a lawful wife; unmarried legitimate child under 21 years of age; unmarried legitimate child over 21 years of age incapable of self-support by reason of being mentally or physically incapacitated; a dependent mother, father, or unmarried dependent stepchild or adopted child under 21 years of age; or such dependent as has been designated in official records; or an individual determined to be a dependent by the Secretary of the Army or by a subordinate designated by him.

(b) *Application.* The initiation, increase, or decrease of an allotment under this section may be requested by a dependent or other individual having knowledge of the facts and conditions deemed to warrant such action, or by the Department of the Army. Such requests will be forwarded to the Allotment Operations.

(c) *Amount.* The amount of any new or increased allotment, or the amount to which any allotment is reduced, will be the minimum deemed essential for the purpose and subject of other allotments in effect. The total of all allotments will not exceed the amounts of pay and allowances which may be allotted.

(d) *Processing.* Action under this section will be restricted to cases where remoteness of location or similar circumstances prevents appropriate and timely action by the person in service. Any action taken by the Secretary of the Army or by a subordinate designated by him which involves initiation, change, or continuation of an expiring allotment will be recorded with evidence in support thereof and will be communicated as promptly as practicable by the person or office directing the action to the person whose pay is affected, through his commanding officer. Such communication

will state the nature of the action (new allotment, increase, decrease, or continuation of expiring allotment), class of allotment, paying office, designated allottee, amount, effective date, and purpose. A reply will be required.

(e) *Action by commanding officer.* Upon receipt of notice of action the commanding officer will assure that the proper charges are made against the pay of the allotter from the effective date, and will ascertain and transmit a statement from the allotter of his desires as to the termination or change of action that has been taken. Such termination or change will not be effective earlier than the end of the calendar month during which notice thereof is forwarded to the allotment office.

(f) *Action by allotter.* The legal right of the allotter to termination of the departmental action taken in such cases is absolute. His desires will be complied with and his commanding officer notified of final action. Termination of departmental action does not however, relieve the person concerned from providing adequately for the well-being of dependents.

#### § 538.9 Changes in status of allotter or allottee.

(a) *Death of allotter.* The Allotment Operations will make no further payment of an allotment after receipt of advice of the allotter's death, even though it is known that deductions were made from the allotter's pay and not paid to the allottee. Death of allotters occurring outside the continental limits of the United States and in Alaska will be reported to the Allotment Service by The Adjutant General, Department of the Army.

(b) *Death of allottee.* Upon receipt of information of the death of any person to whom an allotment is payable, the Allotment Services will discontinue the allotment and report the date of discontinuance to the allotter through his commanding officer. All unnegotiated allotment checks will be returned to the Allotment Services. Unless the allotter has been separated from the service and has received final payment, the Allotment Services will, upon receipt of the returned check, issue authority to credit the amount on the current military pay record.

(c) *Change of name or assignment of new service number to allotter—(1) Allotments to be continued.* An allotment change is required to continue an allotment of a service member who has a change of name or a change of service number. A change of service number is effected when:

(i) An enlisted person is discharged to accept a commission or appointment as a warrant officer.

(ii) An officer is separated for immediate reenlistment as an enlisted person.

(iii) A reserve officer becomes a regular Army officer. The change will be effected by discontinuing the existing allotment and executing the new allotment on the same DA Form 1341.

(2) *Allotment to be discontinued.* If the allotter desires that the allotment be discontinued, action will be taken to

discontinue the allotment in the normal manner.

(d) *Other circumstances requiring discontinuance*—(1) *Request of the allotter*. Allotments, except the required class Q, may be discontinued at the request of the allotter.

(2) *Reduced pay of the allotter*. When, because of, reduction in grade, stoppage of pay, etc., the allotter's pay will not warrant continuance of the allotments, the allotments will be discontinued.

(3) *Forfeiture of allotter's pay*. (i) When forfeiture of pay by sentence of court-martial is such that the continuance of the allotment would prevent the collection of the forfeiture in full prior to the discharge of the allotter, the allotments will be discontinued.

(ii) When sentenced to forfeit all pay and allowances becoming due on and after the date the sentence is approved by the convening authority, the allotments will be discontinued. Allotments will also be discontinued when the convening authority orders the sentence into execution even if forfeitures are deferred and dishonorable or bad conduct discharge is suspended.

(4) *Disapproval of insurance by Veterans Administration*. If insurance is disapproved by the Veterans Administration, any class D or N allotments covering such insurance will be discontinued. [Chap. 11, AR 37-104] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply sec. 3689, 70A Stat. 213; 10 U.S.C. 3689)

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

[F.R. Doc. 59-9383; Filed, Nov. 5, 1959;  
8:45 a.m.]

## Title 49—TRANSPORTATION

### Chapter I—Interstate Commerce Commission

#### SUBCHAPTER A—GENERAL RULES AND REGULATIONS

#### PART 7—LIST OF FORMS, PART II INTERSTATE COMMERCE ACT

#### SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

#### PART 174—SURETY BONDS AND POLICIES OF INSURANCE

#### SUBCHAPTER D—FREIGHT FORWARDERS

#### PART 405—SURETY BONDS AND POLICIES OF INSURANCE

#### Miscellaneous Amendments

In the matter of security for protection of the public as provided in Part II of the Interstate Commerce Act, and of rules and regulations governing filing and approval of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities and agreements by motor carriers and brokers subject to part II of the Act; Ex Parte MC-5.

In the matter of security for protection of the public as provided in Part IV of the Interstate Commerce Act, and of rules and regulations governing filing and approval of surety bonds, policies of

insurance, qualifications as a self-insurer, or other securities and agreements by freight forwarders subject to part IV of the Act; Ex Parte No. 159.

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D.C., on the 22d day of October A.D. 1959.

The matter of revision of certain sections contained in our rules and regulations governing the filing and approval of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities and agreements prescribed pursuant to section 215 and 403 (c) and (d) of the Interstate Commerce Act (49 CFR Parts 174 and 405), being under consideration; and

It appearing that the revisions covered by this order are rules of agency procedure and that pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 1003) notice of proposed rule making is unnecessary;

It further appearing that certain forms heretofore prescribed by orders of December 4, 1954 and February 28, 1957 are no longer necessary;

It is ordered, That the text of § 174.7 (a) *Forms of endorsements, cancellation notices, etc.* (49 CFR 174.7(a)) be, and it is hereby, revised to read as follows:

(a) *Forms of endorsements, cancellation notices, etc.* Endorsements for policies of insurance, and surety bonds, certificates of insurance, applications to qualify as a self-insurer, or for approval of other securities or agreements, and notices of cancellation must be in the form prescribed and approved by the Commission. Surety bonds and certificates of insurance shall specify that coverage thereunder will remain in effect continuously until terminated as herein provided, except that in special or unusual circumstances special permission may be obtained for filing certificates of insurance or surety bonds covering periods of less than twelve months duration.

It is further ordered, That the text of § 174.7(b) *Filing of certificates of insurance and cancellation notices, etc.* (49 CFR 174.7(b)) be, and it is hereby, revised to read as follows:

(b) *Filing of certificates of insurance and cancellation notices, etc.* Certificates of insurance, surety bonds, and notices of cancellation must be filed with the Commission in triplicate.

It is further ordered, That the text of § 174.10(a) *Insured and principal defined* (49 CFR 174.10(a)) be, and it is hereby, revised to read as follows:

(a) *Insured and principal defined*. The terms "insured" and "principal" as used in certificates of insurance, surety bonds and notices of cancellation filed by or in behalf of motor carriers under these sections shall be construed to include not only the motor carrier named in the certificate, surety bond or notice of cancellation, but also the fiduciary of such motor carrier as defined in § 179.3 of this chapter—Transfers of Operating Rights. The coverage of fiduciaries herein provided for shall attach at the moment of succession of such fiduciaries.

It is further ordered, That § 7.35a *BMC 35-A (Rev. '57)*, Notice to rescind cancellation or reinstate motor carrier policy of insurance, § 7.36a *BMC 36-A (Rev. '57)*, Notice to rescind cancellation or reinstate motor carrier surety bond, and § 7.36c *BMC 36-C (Revised)*, Notice to rescind cancellation or reinstate broker's surety bonds of Part 7 List of Forms, Part II Interstate Commerce Act (49 CFR 7.35a, 7.36a, and 7.36c) be, and they are hereby, deleted from the Code of Federal Regulations.

(Sec. 204, 211, 215, 49 Stat. 546, 554, 557, as amended; 49 U.S.C. 304, 311, 315)

It is further ordered, That the text of § 405.8(a) *Forms* (49 CFR 405.8(a)) be, and it is hereby, revised to read as follows:

(a) *Forms*. Endorsements for policies of insurance, surety bonds, certificates of insurance, applications to qualify as a self-insurer or for approval of other securities or agreements and notices of cancellation must be in accordance with any forms prescribed and approved by the Commission. Surety bonds and certificates of insurance shall specify that coverage thereunder will remain in effect continuously until terminated as herein provided, except that in special or unusual circumstances special permission may be obtained for filing certificates of insurance or surety bonds covering periods of less than twelve months duration.

It is further ordered, That the text of § 405.8(b) *Procedure* (49 CFR 405.8(b)) be, and it is hereby, revised to read as follows:

(b) *Procedure*. Certificates of insurance, surety bonds and notices of cancellation must be filed with the Commission in triplicate.

It is further ordered, That § 405.8(e) *Rescinder and reinstatement* (49 CFR 405.8(e)) be, and it is hereby, deleted from the Code of Federal Regulations.

It is further ordered, That § 405.8 *Forms and Procedure* (49 CFR 405.8) be, and it is hereby amended by deleting from the list of forms in the editorial note in this § 405.8 the following:

FF 35-A (Rev. '57). Notice to Rescind Cancellation or Reinstate Freight Forwarder Policy of Insurance.

FF 36-A (Rev. '57). Notice to Rescind Cancellation or Reinstate Freight Forwarder Surety Bond.

It is further ordered, That the text of § 405.10(a) *Interpretations* (49 CFR 405.10(a)) be, and it is hereby, revised to read as follows:

(a) *Interpretations*. The terms "insured" and "principal" as used in certificates of insurance, surety bonds, and notices of cancellations, filed by or on behalf of freight forwarders under these rules shall be construed to include not only the freight forwarder named in such certificate, bond or notice, but also the fiduciary of such freight forwarder. The coverage of fiduciaries herein provided for shall attach at the moment of succession of such fiduciaries.

(Sec. 403 (c) and (d), 56 Stat. 285; 49 U.S.C. 1003)

It is further ordered, That the orders of December 14, 1954, and February 23, 1957, insofar as they apply to the use of Forms BMC 35-A (Rev. '57), BMC 36-A (Rev. '57), BMC 36-C (Revised) and FF 35-A (Rev. '57), and FF 36-A (Rev. '57) be, and they are hereby, vacated effective December 31, 1959.

It is further ordered, That this order shall be effective December 31, 1959, and shall continue in effect until further order of the Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Division 1.

[SEAL] HAROLD D. MCCOY,  
Secretary.

[F.R. Doc. 59-9399; Filed, Nov. 5, 1959;  
8:47 a.m.]

[Ex Parte No. 216]

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 145—PASSENGER SERVICE SCHEDULES

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

PART 186—PASSENGER AND EXPRESS TARIFFS AND SCHEDULES

Posting of Notice of Increased Suburban Fares

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 15th day of September A. D. 1959.

It appearing that on October 27, 1958, notice to the public was given of proposed changes to be made in the posting regulations insofar as they have application in connection with increased suburban fares for the transportation of passengers by railroad, water, and motor carriers, which notice was published in the FEDERAL REGISTER on November 4, 1958 (23 F.R. 8608); that written statements containing data, views, and arguments have been received; and that full consideration has been given to the matters and things involved:

It is ordered, That Part 145, Passenger Service Schedules, and Part 186, Passenger and Express Tariffs and Schedules, be, and they are hereby, amended as follows:

1. Section 145.0(b) *Definitions*, by adding immediately following subparagraph (3) the following subparagraphs:

(4) The term "suburban service" as used herein means the transportation of passengers between places or communities the limits of which are not more than 75 miles apart as measured by air line distances.

(5) The term "commutation fare" as used herein means the amount charged for a ticket good for travel for a limited number of trips (not for a single round trip) or for an unlimited number of trips within a certain period of time, the

amount charged being less than would be paid in the aggregate at the normal one-way fare for the maximum number of separate trips possible.

2. Section 145.34 by adding immediately following paragraph (i) the following new paragraph:

(j) *Notice of proposed increases in fares for suburban service.* (1) Each carrier of passengers whose passenger operations are confined solely to suburban service also shall notify the public of any proposal to increase its local fares by means of a notice posted in a conspicuous place in each station where tickets are sold, and in a conspicuous place in each rail passenger car or motor bus used; and each other carrier of passengers likewise shall notify the public of any proposal to increase its commutation fares for suburban service by means of a notice posted in a conspicuous place in each station where commutation tickets for which an increase is proposed are sold, and in a conspicuous place in which such commutation tickets are good for passage.

(2) The notice required by subparagraph (1) of this paragraph shall be not less than 120 square inches in size, printed in type sufficiently large to permit of its being read under ordinary conditions by passengers seated in the conveyance, and, except as provided in subparagraph (3) of this paragraph, shall contain substantially the following legend:

NOTICE OF INCREASED FARES

-----  
(Name of carrier)  
This carrier has filed with the Interstate Commerce Commission tariffs proposing increases in fares, effective \_\_\_\_\_ for \_\_\_\_\_  
(Date)  
-----

(Here describe briefly and generally the kind of transportation, points or localities affected, and the increases proposed)

Further information as to the proposed increases may be obtained from any of this carrier's offices where such transportation is sold or at its general office.-----

(Here give street address, city, and telephone number)

Under the law, any interested person may protest to the Commission and request suspension of the increased fares. The Commission's rules require that seven (7) copies of the protest shall be filed at its office in Washington, D. C., at least twelve\* (12) days before the effective date of the increased fares and should indicate in what respect the increased fares are considered to be unlawful. The rules also require that a copy of the protest be simultaneously mailed to

-----  
(Here name the carrier proposing the increased fares)

\*In the event the increased fares are published on less than thirty (30) days' notice, the words "at least twelve (12) days" should read "as promptly as possible".

(3) If a proposal to increase fares for suburban service, for which posting of notice is required by subparagraph (1) of this paragraph, is made by petition to the Commissioner prior to filing tariffs, a notice of the size and legibility required by subparagraph (2) of this paragraph shall be posted as required by subparagraph (1) of this paragraph, de-

scribing briefly the increases sought, the transportation service for which they are sought, and the points affected. The notice also shall state that interested persons may object to the carrier's petition by filing with the Commission a reply thereto in accordance with the Commission's general rules of practice, and that information regarding the Commission's rules may be obtained by writing to the Secretary of the Commission.

(4) All notices shall be posted as prescribed in subparagraph (1) of this paragraph contemporaneously with the filing with the Commission of any tariff containing the proposed increased fares, and also contemporaneously with the filing of any petition with the Commission for authority to increase fares or to file a tariff containing proposed increased fares. Notices with respect to the filing of a tariff shall remain posted until the increased fares become effective, or until suspended by the Commission or withdrawn by the carrier prior to its effective date. Notices with respect to the filing of a petition shall remain posted until action on the petition is taken by the Commission.

(Sec. 12, 24 Stat. 383, as amended, sec. 204, 49 Stat. 546, as amended, sec. 304, 54 Stat. 933; 49 U.S.C. 12, 304, 904. Interpret or apply sec. 6, 24 Stat. 380, as amended, sec. 217, 49 Stat. 560, as amended, sec. 306, 54 Stat. 935; 49 U.S.C. 6, 317, 906)

3. Section 186.0 *Tariffs, schedules, and minimum fares defined*, amend as follows:

a. Delete the title and text of paragraph (d) and substitute in lieu thereof the following:

(d) The term "suburban service" as used herein means the transportation of passengers over a regular route between places or communities the limits of which are not more than 75 miles apart as measured by air line distances.

b. Add a new paragraph (e) as follows:

(e) The term "commutation fare" as used herein means the amount charged for a ticket good for travel for a limited number of trips (not for a single round trip) or for an unlimited number of trips within a certain period of time, the amount charged being less than would be paid in the aggregate at the normal one-way fare for the maximum number of separate trips possible.

4. Section 186.6(e) delete the title and text thereof and substitute in lieu thereof the following:

(e) *Notice of proposed increases in fares for suburban service.* (1) Each carrier of passengers whose passenger operations over regular routes are confined solely to suburban service also shall notify the public of any proposal to increase its local regular-route fares by means of a notice posted in a conspicuous place in each station, agency, or office where tickets are sold and tariffs containing the proposed increased fares are required to be posted, and in a conspicuous place in each vehicle engaged in suburban service; and each other carrier of passengers likewise shall notify

the public of any proposal to increase commutation fares for suburban service by means of a notice posted in a conspicuous place in each station, agency, or office where commutation tickets for which an increase is proposed are sold and tariffs containing the proposed increased fares are required to be posted, and in a conspicuous place in each vehicle engaged in the suburban service for which the increase is proposed.

(2) The notice required by subparagraph (1) of this paragraph shall be not less than 120 square inches in size, printed in type sufficiently large to permit of its being read under ordinary conditions by passengers seated in the conveyance, and, except as provided in subparagraph (3) of this paragraph, shall contain substantially the following legend:

NOTICE OF INCREASED FARES

-----  
 (Name of carrier)  
 This carrier has filed with the Interstate Commerce Commission, tariffs proposing increases in fares, effective ----- for -----  
 (Date)  
 -----  
 (Here describe briefly and generally the kind of transportation, points or localities affected, and the increases proposed)  
 -----  
 Further information as to the proposed increases may be obtained from any of this carrier's offices where such transportation is sold or at its general office -----  
 -----  
 (Here give street address, city, and telephone number)

Under the law, any interested person may protest to the Commission and request suspension of the increased fares. The Commission's rules require that seven (7) copies of the protest shall be filed at its office in Washington, D.C., at least twelve\* (12) days before the effective date of the increased fares and should indicate in what respect fares are considered to be unlawful. The rules also require that a copy of the protest be simultaneously mailed to -----

(Here name the carrier proposing the increased fares)

\*In the event the increased fares are published on less than thirty (30) days' notice, the words "at least twelve (12) days" should read "as promptly as possible".

(3) If a proposal to increase fares for suburban service, for which the posting of notice is required by subparagraph (1) of this paragraph, is made by petition to the Commission prior to filing tariffs, a notice of the size and legibility required by subparagraph (2) of this paragraph, shall be posted as required by subparagraph (1) of this paragraph, describing briefly the increases sought, the transportation service for which they are sought, and the points affected. The notice also shall state that interested persons may object to the carrier's petition by filing with the Commission a reply thereto in accordance with the Commission's general rules of practice, and that information regarding the Commission's rules may be obtained by writing to the Secretary of the Commission.

(4) All notices shall be posted as prescribed in subparagraph (1) of this paragraph contemporaneously with the filing with the Commission of any tariff containing the proposed increased fares, and also contemporaneously with the filing of any petition with the Commission for authority to increase fares or to file a tariff containing proposed increased fares. Notices with respect to the filing of a tariff shall remain posted until the increased fares become effective, or until suspended by the Commission or withdrawn by the carrier prior to its effective date. Notices with respect to the filing of a petition shall remain posted until action on the petition is taken by the Commission.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304. Interpret or apply sec. 217, 49 Stat. 560, as amended; 49 U.S.C. 217)

*It is further ordered*, That this order shall become effective on the 15th day of January A.D. 1960.

*And it is further ordered*, That notice of this order shall be given to the general public by depositing a copy hereof in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Federal Register Division.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,  
 Secretary.

[F.R. Doc. 59-9400; Filed, Nov. 5, 1959; 8:48 a.m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Part 3 ]

[Docket No. 12946; FCC 59-1112]

TABLE OF ASSIGNMENTS; TELEVISION BROADCAST STATIONS

San Francisco and Sacramento, Calif., and Reno, Nev.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 28th day of October 1959;

The Commission has before it for consideration a petition filed October 23, 1959, by Golden Empire Broadcasting Co., licensee of television station KHSL-TV on Channel 12 at Chico, California, requesting authority to file additional comments in the above-entitled proceeding.

On July 17, 1959, the Commission released a notice of proposed rule making in this proceeding inviting comments on conflicting proposals for the allocation of an additional VHF channel at San Francisco or Sacramento and also on a proposal, conflicting only with the Sacramento proposal, for the assignment of two additional VHF channels for commercial and noncommercial educational use at Reno. The time for filing com-

ments in this proceeding expired on September 23, 1959, and for filing replies to comments, on October 8, 1959.<sup>1</sup>

Golden Empire notes in its subject petition that on October 8, 1959, S. H. Patterson, permittee of station KSNB-TV (Channel 32) at San Francisco and proponent of the proposal for adding a VHF channel, upon which comments were invited in the Commission's notice,<sup>2</sup>

<sup>1</sup>Memorandum Opinion and Order, FCC 59-868, released August 17, 1959 in Docket Nos. 12946 and 11759.

<sup>2</sup>The Patterson proposal for adding a VHF channel at San Francisco upon which comments were originally invited would assign Channel 11 to San Francisco by changing Channel 11 at San Jose (KNTV) to Channel 12. This proposal is contingent upon deletion of Channel 12 from Fresno (KFRE-TV), which has been proposed in a related rule making proceeding now pending in Docket No. 11759. The proposal is also mutually exclusive with the conflicting proposal (upon which comments were also invited) to assign Channel 12 to Sacramento by changing Channel 12 at Chico (KHSL-TV) to Channel 11. It is consistent with the proposal (upon which comments were also invited) to assign Channels 2 and \*11 to Reno, Nevada, while the Sacramento proposal is not. The proponent of the Sacramento proposal, Capitol Radio Enterprises, former permittee of station KGMS-TV on Channel 46 at Sacramento, has proposed, however, that, alternatively, the assignment of Channels 2 and 5 to Reno would be consistent with its Sacramento proposal.

filed reply comments recommending the adoption of the following new alternative method of adding a VHF channel at San Francisco, permitting the addition of two VHF channels at Reno, as follows:

City	Channel No.	
	Present	Proposed
San Francisco, Calif.	2+, 4-, 5+, 7-, *9+, 20-, 25-, 32+, 33, 44	2+, 4-, 5+, 7-, *9+, 12+, 20-, 26-, 32+, 33, 44-
Chico, Calif.	12-	11-
Reno, Nev.	4, 8, *21+, 27-	2, 4, 8, *12, 21+, 27-

Petitioner points out that, unlike Patterson's earlier proposal, Patterson's new proposal for the allocation of Channel 12 to the San Francisco area is not contingent on the removal of Channel 12 from Fresno, and that the new proposal amounts to a new request for rule making. Petitioner states that the new proposal vitally affects its Chico Channel 12 station and that a reasonable period of time—at least until November 8, 1959—should be provided for the filing of comments on that proposal.

The Commission is of the view that, under the circumstances, the public interest would be served by affording Golden Empire and such other parties as may wish to comment upon the alternative proposal for San Francisco now

recommended by S. H. Patterson in its reply comments an opportunity to do so.

In view of the foregoing, it is ordered, That the request of Golden Empire Broadcasting Co., for authority to file additional comments upon the alternative proposal for San Francisco recommended by S. H. Patterson in his reply comments is granted, and that such comments may be filed with the Commission by any interested party on or before November 8, 1959.

Released: November 3, 1959.

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

[F.R. Doc. 59-9413; Filed, Nov. 5, 1959;  
8:49 a.m.]

## FEDERAL AVIATION AGENCY

[ 14 CFR Part 507 ]

[Reg. Docket No. 172]

### AIRWORTHINESS DIRECTIVES

#### Lockheed Aircraft

Pursuant to the authority delegated to me by the Administrator (§ 405.27, 24 F.R. 2196), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive extending inspection and reinforcement procedures to Wing Station 167 on Lockheed 188 A and C aircraft. This directive will supersede AD 59-16-6 published in 24 F.R. 5997.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available for examination by interested persons in the Docket Section when the prescribed time for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) by adding the following airworthiness directive:

**LOCKHEED.** Applies to all Lockheed Model 188A and 188C aircraft except Serial Numbers: 1001, 1044, 1088 and 1090 and up, for the Wing Station 167 area inspections; 1001, 1044, 1057, 1066, 1068 and up for the Wing Station 209 area inspections.

Compliance with the following is required.  
(a) A daily visual inspection of the No. 4 left and right upper wing surface planks for

spanwise cracks. The affected areas are adjacent to the Nos. 2 and 3 nacelle attach angles above Wing Stations' 167 and 209 main landing gear ribs and near the forward edge of the plank. This inspection may be discontinued when an approved reinforcement designed to prevent cracking is installed.<sup>1</sup>

(b) If cracks are found, FAA approved repair and reinforcement must be accomplished prior to the operation of the aircraft except that the aircraft may be ferried to the base at which the repairs and reinforcement may be performed. Upon installation of an approved reinforcement and repair the aircraft may be returned to service, and the daily inspection discontinued.<sup>2</sup>

(c) An approved reinforcement shall be installed prior to January 1, 1960.  
This Airworthiness Directive supersedes AD 59-16-6.

Issued in Washington, D.C., on October 30, 1959.

B. PUTNAM,  
Acting Director,  
Bureau of Flight Standards.

[F.R. Doc. 59-9385; Filed, Nov. 5, 1959;  
8:46 a.m.]

[ 14 CFR Part 507 ]

[Reg. Docket No. 173]

### AIRWORTHINESS DIRECTIVES

#### Boeing Aircraft

Pursuant to the authority delegated to me by the Administrator (§ 405.27, 24 F.R. 2196), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive involving modifications to the water injection system on the Boeing 707-100 series aircraft.

There have been a number of incidents of failure of the compressor inlet water valve to close after completion of water injection and one incident of failure of the valve to open. The failure of the inlet water valve to open caused loss of inlet water and over-temperaturing of the engine due to decreased water flow. At low ambient temperatures when water injection is limited to the diffuser only, failure of the inlet valve to close would cause icing of the compressor blades. There have also been a number of cases when one of the two tank mounted booster pumps malfunctioned due to the failure of its pressure switch. The failure of this water pressure switch to keep the pump on the line during water injection takeoff causes loss of water to two engines and a corresponding loss of some thrust on both engines.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or argu-

<sup>1</sup> Lockheed Service Bulletin No. 88/SB-306 contains an approved reinforcement for the Wing Station 209 area.

<sup>2</sup> Eastern Air Lines sketches 62059 and 62259, revised June 25, 1959, contain an approved reinforcement and repair in the Wing Station 209 area. Lockheed sketch ALS 82959, Change A, contains an approved reinforcement and repair for the Wing Station 167 area.

ments as they may desire. Communications should be submitted in duplicate to the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available for examination by interested persons in the Docket Section when the prescribed time for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) by adding the following airworthiness directive:

**BOEING.** Applies to the following 707-100 series aircraft only: 17586 through 17591, 17609 through 17612, 17628 through 17650, 17658 through 17672, 17696 through 17702, 17925 through 17927.

Compliance required not later than 60 days after the effective date of this AD.

Because of the hazardous condition caused by water injection system failures, the following modifications shall be accomplished as indicated:

(a) Relocate the water inlet valve switch from the co-pilot's panel to the flight engineer's panel and add four transient position blue indicating lights (one for each valve). Install a placard for nomenclature.

(b) Change water booster pumps start switch on co-pilot's panel to a two-position toggle switch.

(c) Add an amber light in the position vacated by item (a) above and wire to booster pump switch through the pressure switch to indicate when pressure is off and switch is on. Install appropriate placard adjacent to switch to remind flight personnel that switch must be turned off after water pressure light goes out at the end of water injection to avoid damaging the tank mounted booster pumps.

These modifications are included in Boeing Service Bulletin No. 194 (R-1) dated June 19, 1959.

Issued in Washington, D.C., on October 30, 1959.

B. PUTNAM,  
Acting Director,  
Bureau of Flight Standards.

[F.R. Doc. 59-9384; Filed, Nov. 5, 1959;  
8:45 a.m.]

[ 14 CFR Parts 600, 601 ]

[Airspace Docket No. 59-KC-53]

### 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 §§ 600.6171 and 601.6171 of the regulations of the Administrator, as hereinafter set forth.

VOR Federal airway No. 171 presently extends from Louisville, Ky., to Alexandria, Minn. The Federal Aviation Agency has under consideration the modification of segments of this airway and its associated control areas between Scotland, Ind., and Peotone, Ill., between Nodine, Minn., and Farmington, Minn., and between Farmington, Minn., and Alexandria, Minn.

The segment of Victor 171 from Scotland to Peotone is presently designated via the Terre Haute, Ind., VOR and crosses the final approach course for ADF instrument approaches at Hulman Field, Terre Haute, between the radio beacon and the airport. To bypass this terminal area activity, it is proposed to realign this segment of Victor 171 from the Scotland VOR to the Peotone VOR via the Lewis, Ind., VOR and the Danville, Ill., VOR. In addition, to provide a bypass to the main airway for transitioning aircraft to and from the Terre Haute terminal area, it is proposed to designate a standard west alternate to Victor 171, between the Lewis VOR and the Danville VOR.

The segment of Victor 171 between the Nodine VOR, and the Farmington VOR is presently designated via the Nodine VOR 295° and the Farmington VOR 124° radials. A recent flight check of this segment indicates that a higher minimum reception altitude is necessary for proper navigational guidance at the intersection of the VOR radials. To provide satisfactory navigational guidance at the present minimum enroute altitude, it is proposed to realign the segment of Victor 171 from Nodine to Farmington via the Nodine VOR 298° and the Farmington VOR 124° radials.

The segment of Victor 171 from Farmington to Alexandria is presently designated via the Farmington VOR 304° and the Alexandria 139° radials. To provide more precise navigational guidance, it is proposed to realign this segment via an intermediate VOR, proposed to be installed approximately Nov. 19, 1959 near Darwin, Minn., at latitude 45°05' 15" N., longitude 94°27'11" W.

If such actions are taken, the segment of Victor 171 between the Scotland VOR and the Peotone VOR would be redesignated via the Lewis VOR and the Danville VOR, including a west alternate; the segment between the Nodine VOR and the Farmington VOR would be realigned via the Nodine VOR 298° and the Farmington VOR 124° radials; and the segment between the Farmington VOR and the Alexandria VOR would be designated via the Darwin 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 hear-

ing 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 §§ 600.6171 and 601.6171 (14 CFR, 1958 Supp., 600.6171, 601.6171) to read as follows:

**§ 600.6171 VOR Federal airway No. 171 (Louisville, Ky., to Alexandria, Minn.).**

From the Louisville, Ky., VOR via the Scotland, Ind., VOR; Lewis, Ind., VOR; Danville, Ill., VOR, including a west alternate; Peotone, Ill., VOR; Joliet, Ill., VOR; Rockford, Ill., VOR; Lone Rock, Wis., VOR; Nodine, Minn., VOR; INT of the Nodine VOR 298° and Farmington, Minn., VOR 124° radials; Farmington VOR; Darwin, Minn., VOR; to the Alexandria, Minn., VOR.

**§ 601.6171 VOR Federal airway No. 171 control areas (Louisville, Ky., to Alexandria, Minn.).**

All of VOR Federal airway No. 171 including a west alternate.

Issued in Washington, D.C., on October 30, 1959.

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

[F.R. Doc. 59-9386; Filed, Nov. 5, 1959;  
8:46 a.m.]

#### [ 14 CFR Part 601 ]

[Airspace Docket No. 59-WA-178]

### 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 § 601.1303 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency has under consideration a modification of the

Albany, N.Y., control area extension. The present control area extension includes the airspace within a 15-mile radius of the Albany, N.Y., VOR. It is proposed to expand the extension to the southeast from the 15-mile radius of the Albany VOR to a 40-mile radius of the VOR from the 094° radial of the Albany VOR clockwise to the 134° radial. This would provide protection for military jet aircraft making enroute approaches from the Albany VOR on a southeast heading via a VOR to be installed near Windsor, Mass., at latitude 42°30'00" N., longitude 73°03'00" W.; thence via a VOR to be installed near Leverett, Mass., at latitude 42°26'55" N., longitude 72°25'00" W.; to the Westover, Mass., AFB.

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, 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 § 601.1303 (14 CFR, 1958 Supp., 601.1303) to read as follows:

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

Within a 15-mile radius of the Albany VOR from the VOR 134° radial clockwise to the 094° radial and within a 40-mile radius of the VOR from the 094° radial clockwise to the 134° radial.

Issued in Washington, D.C., on October 30, 1959.

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

[F.R. Doc. 59-9387; Filed, Nov. 5, 1959;  
8:46 a.m.]

## NOTICES

## DEPARTMENT OF THE TREASURY

## Office of the Secretary

[Dept. Circ. 570, 1959 Rev. Supp. 7]

## FIDELITY-PHENIX INSURANCE CO.

## Surety Company Acceptable on Federal Bonds

NOVEMBER 2, 1959.

The Metropolitan Casualty Insurance Company of New York, a New York corporation, has formally changed its name to Fidelity-Phenix Insurance Company. A certified copy of Certificate of Change of Name, dated July 1, 1959, changing the name of The Metropolitan Casualty Insurance Company of New York to Fidelity-Phenix Insurance Company, which was approved by the State of New York Insurance Department on July 22, 1959, has been received and filed in the Treasury. The principal executive offices of the company have been changed from Newark, New Jersey, to New York, New York.

The change in name of The Metropolitan Casualty Insurance Company of New York does not affect its status or liability with respect to any obligation in favor of the United States or in which the United States has an interest, which it may have undertaken pursuant to its authority under the Act of Congress approved July 30, 1947 (6 U.S.C. secs. 6-13), to qualify as sole surety on such obligations.

The name of the company will appear as Fidelity-Phenix Insurance Company in the next annual revision of this circular (Treasury Department Circular No. 570) which lists the companies authorized to act as acceptable sureties on bonds in favor of the United States.

[SEAL] W. T. HEFFELFINGER,  
Fiscal Assistant Secretary.

[F.R. Doc. 59-9407; Filed, Nov. 5, 1959; 8:48 a.m.]

## DEPARTMENT OF THE INTERIOR

Bureau of Land Management  
CALIFORNIA

## Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 29, 1959.

The Bureau of Reclamation, United States Department of the Interior, has filed an application, Serial Number Sacramento 058168 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the general mining and mineral leasing laws. The applicant desires the land as a possible material source, for construction of various road relocations, reservoir, and access roads in connection with the construction and subsequent operation of the Auburn Dam and Reservoir and appurtenant works.

No. 218—4

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior,

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

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

The lands involved in the application are:

## MOUNT DIABLO MERIDIAN, CALIFORNIA

- T. 12 N., R. 8 E.,  
Sec. 25:  $W\frac{1}{2}NW\frac{1}{4}$ ,  $S\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$  excepting therefrom that portion lying within the boundaries of Mineral Survey No. 6091.
- T. 13 N., R. 9 E.,  
Sec. 10:  $E\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$ ;  
Sec. 26: All that portion of Lot 1 not included within the boundaries of Mineral Survey Nos. 1865 and 6129;  
Sec. 31: Lot 4.
- T. 14 N., R. 9 E.,  
Sec. 36; Lots 18, 19, 23, 25, and 29.
- T. 13 N., R. 10 E.,  
Sec. 28:  $N\frac{1}{2}NE\frac{1}{4}$ ;  
Sec. 30: Lots 9, 10, and 11.
- T. 14 N., R. 10 E.,  
Sec. 30: All that portion of Lot 6 not included within the boundaries of Patent No. 751451, dated May 27, 1920, Serial Sacramento 011338. The area to be withdrawn is the approximate southeast quarter of said lot.

The area described totals approximately 617.87 acres.

The land described above as the  $N\frac{1}{2}NE\frac{1}{4}$  Sec. 28, T. 13 N., R. 10 E., M.D.M., is within the Eldorado National Forest. The balance of the lands described above are public lands not within a national forest.

WALTER E. BECK,  
Manager, Land Office,  
Sacramento.

[F.R. Doc. 59-9389; Filed, Nov. 5, 1959; 8:46 a.m.]

## CALIFORNIA

## Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 30, 1959.

The Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, United States Department of the Interior, has filed an application, Serial Number Sacramento 056952 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, excepting the mining laws, the mineral leasing laws, and the disposal of materials under the Materials Act of July 31, 1947, and to reserve the lands subject to valid existing rights. The management, use and disposal of

the forest and range resources will continue under the administration of the Bureau of Land Management in accordance with applicable laws and regulations. The applicant desires the land for use by the Department of Fish and Game of the State of California for the production, development and management of the wildlife resources in the area, to be known as the Hayfork Wildlife Management Area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, California Fruit Building, Room 1000, Fourth and J Streets, Sacramento 14, California.

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

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

The lands involved in the application are:

## MOUNT DIABLO MERIDIAN, CALIFORNIA

- T. 31 N., R. 11 W.,  
Sec. 2:  $N\frac{1}{2}$  of Lot 1,  $N\frac{1}{2}S\frac{1}{2}$  of Lot 1,  $SW\frac{1}{4}SW\frac{1}{4}$  of Lot 1,  $SE\frac{1}{4}SE\frac{1}{4}$  of Lot 1;  
Sec. 5:  $SE\frac{1}{4}NW\frac{1}{4}$ ;  
Sec. 6: Lots 4, 5, 7,  $SE\frac{1}{4}NW\frac{1}{4}$ ,  $E\frac{1}{2}SW\frac{1}{4}$ ;  
Sec. 7:  $NW\frac{1}{4}NE\frac{1}{4}$ ,  $NE\frac{1}{4}NW\frac{1}{4}$ .
- T. 32 N., R. 11 W.,  
Sec. 26:  $S\frac{1}{2}SW\frac{1}{4}$ ;  
Sec. 27:  $SW\frac{1}{4}$ ,  $NW\frac{1}{4}SE\frac{1}{4}$ ,  $S\frac{1}{2}SE\frac{1}{4}$ ;  
Sec. 28:  $N\frac{1}{2}SW\frac{1}{4}$ ;  
Sec. 31: Lots 1, 2, and 4,  $NE\frac{1}{4}NW\frac{1}{4}$ ;  
Sec. 32:  $NE\frac{1}{4}SE\frac{1}{4}$ ,  $S\frac{1}{2}SE\frac{1}{4}$ ;  
Sec. 33:  $E\frac{1}{2}NE\frac{1}{4}$ ,  $SW\frac{1}{4}NW\frac{1}{4}$ ,  $SW\frac{1}{4}$ ,  $E\frac{1}{2}SE\frac{1}{4}$ ;  
Sec. 34:  $W\frac{1}{2}NE\frac{1}{4}$ ,  $NW\frac{1}{4}$ ,  $SW\frac{1}{4}$ ,  $W\frac{1}{2}SE\frac{1}{4}$ ;  
Sec. 35:  $E\frac{1}{2}NE\frac{1}{4}$ ,  $E\frac{1}{2}SE\frac{1}{4}$ ;  
Sec. 36:  $SW\frac{1}{4}NE\frac{1}{4}$ ,  $NW\frac{1}{4}$ .

Total acreage: Approximately 2,314.73 acres.

WALTER E. BECK,  
Manager, Land Office,  
Sacramento.

[F.R. Doc. 59-9390; Filed, Nov. 5, 1959; 8:46 a.m.]

## DEPARTMENT OF AGRICULTURE

## Foreign Agricultural Service

DIRECTOR OF PROGRAMS  
OPERATIONS DIVISIONRedelegation of Authority to Issue  
FAS Form 480-A Authorizations

By virtue of the authority vested in the Administrator, Foreign Agricultural Service, by the Secretary of Agriculture on October 30, 1959 (24 F.R. 8825) the Director, Programs Operations Division, Foreign Agricultural Service, is authorized, effective October 30, 1959, to issue FAS Form 480-A authorizations for the procurement of surplus agricultural

commodities and ocean transportation under the program carried out pursuant to Title I of the Agricultural Trade Development and Assistance Act of 1954 (Pub. Law 480), as amended.

Dated: November 3, 1959.

RAYMOND A. IOANES,  
Acting Administrator,  
Foreign Agricultural Service.

[F.R. Doc. 59-9424; Filed, Nov. 5, 1959;  
8:51 a.m.]

## DEPARTMENT OF COMMERCE

Office of the Secretary

HAROLD J. CARR

### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER:

- A. Deletions: None.  
B. Additions: General Telephone & Electronics Co. Parke Davis & Co.

Dated: October 26, 1959.

This statement is made as of October 20, 1959.

HAROLD J. CARR.

[F.R. Doc. 59-9397; Filed, Nov. 5, 1959;  
8:47 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-38]

MARTIN CO.

### Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 3, set forth below, to License No. CX-7. The amendment authorizes The Martin Company, as requested in its application for license amendment dated August 3, 1959, to use a technique of water height adjustment as an alternative technique for bringing a critical assembly to criticality in either cell of the Company's Critical Experiment Facility located near Middle River, Maryland. The amendment also authorizes the licensee to make certain minor changes in the equipment of the facility. The Commission has found that operation of the facility in accordance with the terms and conditions of the license, as amended, will not present any undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since the conduct of the proposed experiments does not present any substantial changes in the hazards to the health and safety of the public from those presented by the previously approved operation of the facility.

In accordance with the Commission's rules of practice (10 CFR Part 2), the Commission will direct the holding of a formal hearing on the matter of the issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within thirty days after issuance of the license amendment. For further details, see (1) the application for license amendment dated August 3, 1959, submitted by The Martin Company and (2) a hazards analysis of the proposed operation prepared by the Hazards Evaluation Branch of the Division of Licensing and Regulations, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 30th day of October 1959.

For the Atomic Energy Commission.

R. L. KIRK,  
Deputy Director, Division of  
Licensing and Regulation.

[License No. CX-7; Amtd. 3]

In addition to the activities previously authorized by the Commission in License No. CX-7, as amended, The Martin Company is authorized to (1) use a technique of water height adjustment as an alternative technique for bringing a critical assembly to criticality in either cell of the Company's Critical Experiment Facility located near Middle River, Maryland, and (2) make the specified changes in the equipment in said Facility, as described in the Company's application for license amendment dated August 3, 1959, in accordance with the procedures and subject to the limitations contained therein.

This amendment is effective as of the date of issuance.

Date of issuance: October 30, 1959.

For the Atomic Energy Commission.

R. L. KIRK,  
Deputy Director,  
Division of Licensing and Regulation.

[F.R. Doc. 59-9381; Filed, Nov. 5, 1959;  
8:45 a.m.]

[Docket No. 50-134]

## WORCESTER POLYTECHNIC INSTITUTE

### Notice of Proposed Issuance of Construction Permit and Facility License

Please take notice that the Atomic Energy Commission proposes to issue to Worcester Polytechnic Institute a provisional construction permit substantially as set forth below unless within fifteen days after the filing of this notice with the Office of the Federal Register a request for a formal hearing is filed with the Commission as provided by the Commission's rules of practice (10 CFR Part 2). The permit would authorize construction of a one kilowatt pool-type training reactor on the Institute's campus in Worcester, Massachusetts. For

further details see (1) the application submitted by Worcester Polytechnic Institute and (2) a memorandum by the Hazards Evaluation Branch of the Division of Licensing and Regulation, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Notice is also hereby given that if the Commission issues the construction permit, the Commission may without further prior public notice convert the construction permit to a Class 104 license authorizing operation of the reactor by Worcester Polytechnic Institute at the Institute's campus in Worcester, Massachusetts, if certain information concerning evacuation and emergency procedures is furnished by the applicant, and if it is found that the reactor has been constructed in compliance with the terms and conditions contained in the construction permit and in conformity with the provisions of the Act and the rules and regulations of the Commission, and in the absence of any good cause shown to the Commission that the granting of such license would not be in accordance with the provisions of the Act.

Dated at Germantown, Md., this 2d day of November 1959.

For the Atomic Energy Commission.

R. L. KIRK,  
Deputy Director, Division of  
Licensing and Regulation.

#### PROPOSED PERMIT

By application dated April 27, 1959, and amendments thereto dated June 16, 1959, June 29, 1959, July 1, 1959, July 2, 1959, July 28, 1959, and August 25, 1959 (hereinafter together referred to as "the application") Worcester Polytechnic Institute requested a Class 104 license, defined in § 50.21 of Part 50, "Licensing of Production and Utilization Facilities", Title 10, Chapter I, CFR, authorizing construction and operation on the Worcester Polytechnic Institute campus in Worcester, Massachusetts, of a one kilowatt pool-type nuclear reactor (hereinafter referred to as "the facility").

The Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The facility will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities".

B. The facility will be used in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act").

C. Worcester Polytechnic Institute is financially qualified to construct and operate the facility in accordance with the regulations contained in Title 10, Chapter I, CFR, to assume financial responsibility for the payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time.

D. Worcester Polytechnic Institute and its contractor, General Electric Company are technically qualified to design and construct the facility.

E. Worcester Polytechnic Institute has submitted sufficient information to provide reasonable assurance that a facility of the general type proposed can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

F. The issuance of a construction permit to Worcester Polytechnic Institute will not be inimical to the common defense and security or to the health and safety of the public.

Pursuant to the Act and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities," the Commission hereby issues a construction permit to Worcester Polytechnic Institute to construct the facility in accordance with the application. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

1. The earliest completion date of the facility is November 19, 1959. The latest date for completion of the facility is January 19, 1960. The term "completion date" as used herein, means the date on which construction of the facility is completed except for the introduction of the fuel material.

2. The facility shall be constructed and located at the Worcester Polytechnic Institute campus in Worcester, Massachusetts, as specified in the application.

This permit is provisional to the extent that a license authorizing operation of the facility will not be issued by the Commission unless Worcester Polytechnic Institute has submitted to the Commission (by amendment of the application) additional information concerning evacuation and emergency procedures required to complete the hazards evaluation and the Commission has found that there is reasonable assurance that the health and safety of the public will not be endangered by operation of the facility in accordance with the specified procedures.

Upon completion (as defined in paragraph "1." above) of the construction of the facility in accordance with the terms and conditions of this permit, upon the filing of the additional information needed to bring the original application up-to-date, and upon finding that the facility authorized has been constructed and will operate in conformity with the application as amended and in conformity with the provisions of the Act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the Act, the Commission will issue a Class 104 license to Worcester Polytechnic Institute pursuant to Section 104c of the Act, which license shall expire twenty (20) years after the date of this construction permit.

Date of issuance:

For the Atomic Energy Commission.

[F.R. Doc. 59-9382; Filed, Nov. 5, 1959; 8:45 a.m.]

## CIVIL SERVICE COMMISSION

### SKILLS CRITICAL TO NATIONAL SECURITY EFFORT

#### Notice of Positions for Which There is Determined To Be a Manpower Shortage

Under the provisions of Public Law 85-749, the Civil Service Commission has

determined that for the position of Glass Apparatus Maker there is a manpower shortage in skills critical to the national security effort.

Geographic coverage is restricted to positions located at the Naval Ordnance Test Station, China Lake, California.

For appointees to this position the employing agency may pay travel and transportation costs in accordance with travel regulations issued by the Bureau of the Budget.

UNITED STATES CIVIL SERVICE COMMISSION,

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

[F.R. Doc. 59-9404; Filed, Nov. 5, 1959; 8:48 a.m.]

#### CERTAIN AIRCRAFT PILOT POSITIONS IN THE LOS ANGELES, CALIF., AND SEATTLE, WASH., AREAS

##### Notice of Increase in Minimum Rates of Pay

Under the provisions of section 803 of the Classification Act of 1949, as amended (68 Stat. 1106; 5 U.S.C. 1133), pursuant to 5 CFR 25.103, 25.105, the Commission has approved increased minimum rate of pay as follows:

For all positions in the following class and grade levels in all Federal agencies in the Los Angeles, California, and Seattle, Washington, areas:

Aircraft Pilot (Flight Test Inspector), GS-1681-0

GS-9 increased to \$6885 (step seven).  
GS-11 increased to \$8230 (step six).  
GS-12 increased to \$9530 (step six).  
GS-13 increased to \$11,090 (step six).  
GS-14 increased to \$12,555 (step six).

These increases will be effective on the first day of the second pay period which begins after November 6, 1959.

UNITED STATES CIVIL SERVICE COMMISSION,

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

[F.R. Doc. 59-9403; Filed, Nov. 5, 1959; 8:48 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket 8748]

#### AMERICAN SHIPPERS ENFORCEMENT PROCEEDING

##### Notice of Postponement of Hearing

Pursuant to the joint motion of the compliance attorney and the attorney for the respondent, the hearing in this proceeding is postponed until further notice.

Dated at Washington, D.C., November 2, 1959.

[SEAL] FRANCIS W. BROWN,  
*Chief Examiner.*

[F.R. Doc. 59-9414; Filed, Nov. 5, 1959; 8:49 a.m.]

[Docket No. 10947; Order E-14588]

## WEST COAST AIRLINES, INC.

### Order of Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of October 1959.

On September 24, 1959, West Coast Airlines, Inc. (West Coast) filed a tariff revision<sup>1</sup> to become effective on October 28, 1959, providing for round-trip excursion fares of \$35.30 between Burns, Oregon, and Portland, Oregon and \$28.30 between Seattle and Spokane, Washington.<sup>2</sup> The proposed fares are approximately 150 percent of the first-class one-way fares of this carrier between these points. Among other expressed conditions, the return portion of tickets issued pursuant to this proposal must be used within five days after the date of departure of the going portion; stopovers at intermediate points will not be permitted; and no reduction will be made for children.

Northwest Airlines, Inc. (Northwest) filed a complaint on October 14, 1959, requesting investigation and suspension of West Coast's tariff revision pursuant to section 1002(a) and 1002(g) of the Federal Aviation Act of 1958. In substance, Northwest's complaint asserts that the proposed conditions and circumstances of carriage in the Seattle-Spokane market are identical with those provided at the first-class fare; that the difference between the first-class fare and the proposed excursion fare will be unjustly discriminatory; and that there are no significant cost differentials sufficient to justify the lower excursion fare. No complaint has been filed with respect to West Coast's proposed excursion fares between Portland and Burns, Oregon.

On October 16, 1959, West Coast filed an answer to the complaint of Northwest pointing out the particulars in which its proposed excursion fare tariff is more restrictive than its first-class fare tariff and asserting that excursion fares or some incentive type fare must be offered if West Coast is to compete with Northwest in the Seattle-Spokane market.

The questions of lawfulness of the excursion fare between Seattle and Spokane raised by the complaint warrant an investigation. However, the allegations of unlawfulness of this fare and the potential economic impact on the complainant do not, in our opinion, warrant suspension pending investigation.

The Board finds that its action herein is necessary and appropriate in order to carry out the provisions and objectives of the Federal Aviation Act of 1958, particularly sections 204(a), 403, 404, and 1002 thereof.

Accordingly, it is ordered, That:

1. An investigation is instituted to determine whether the excursion tariff fares and provisions between Seattle and Spokane, Washington, appearing on 6th Revised Page 5 and 2d Revised Page 2 of West Coast Airlines, Inc., tariff C.A.B.

<sup>1</sup> C.A.B. 16.

<sup>2</sup> West Coast presently has in effect round-trip excursion fares between 19 pairs of points.

16 (including subsequent revisions or modifications thereof) are, or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions.

2. The proceeding ordered herein assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

3. The complaint of Northwest Airlines, Inc. in Docket 10915, to the extent it requests investigation of the lawfulness of the proposed round-trip excursion fare between Seattle and Spokane, Washington is consolidated herein. In all other particulars such complaint is dismissed.

4. Copies of this order be served upon West Coast Airlines, Inc., and Northwest Airlines, Inc., which are hereby made parties to this proceeding. This order shall also be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL McCART,  
Acting Secretary.

[F.R. Doc. 59-9415; Filed, Nov. 5, 1959;  
8:49 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 7-2039]

### AMERICAN BOSCH ARMA CORP.

#### Notice of Application for Unlisted Trading Privileges, and of Oppor- tunity for Hearing

NOVEMBER 2, 1959.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in American Bosch Arma Corporation, common stock; File No. 7-2039.

The above named stock exchange, pursuant to section 12(f) (2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before November 17, 1959, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information

contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F.R. Doc. 59-9391; Filed, Nov. 5, 1959;  
8:46 a.m.]

[File No. 1-724]

### PHILLIPS-VAN HEUSEN CORP.

#### Notice of Application to Strike From Listing and Registration, and of Opportunity for Hearing

NOVEMBER 2, 1959.

In the matter of Phillips-Van Heusen Corporation, preferred stock; File No. 1-724.

New York Stock Exchange has made application, pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

As of October 5, 1959, only 4,615 shares remained publicly outstanding and the holders of record numbered only 100.

Upon receipt of a request, on or before November 17, 1959, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F.R. Doc. 59-9392; Filed, Nov. 5, 1959;  
8:46 a.m.]

[File No. 812-1248]

### UNIFIED FUNDS, INC.

#### Notice of Filing of Application for Order Approving Deposit Agree- ments of Face-Amount Certificate Company

OCTOBER 30, 1959.

Notice is hereby given that Unified Funds, Inc. ("Unified") of Indianapolis, Indiana, a registered face-amount cer-

tificate company, has filed an application pursuant to section 28(c) of the Investment Company Act seeking the approval of deposit agreements dated August 31, 1959, between Unified and Merchants National Bank and Trust Company ("Bank"), wherein Unified undertakes to deposit and maintain with Bank qualified investments and reserves as required by section 28 of the Act with respect to its Series E and F certificates upon the terms and conditions specified in said agreements.

Section 28(c) provides, among other things, that the Commission shall by rule, regulation, or order, in the public interest or for the protection of investors, require a registered face-amount certificate company to deposit and maintain, upon such terms and conditions as the Commission shall prescribe and as are appropriate for the protection of investors, with one or more institutions having the qualifications required by section 26(a) (1) of the Act for a trustee of a unit investment trust, all or any part of the investments maintained by such company as certificate reserve requirements under the provisions of section 28(b) of the Act.

Notice is hereby given that any interested person may, not later than November 12, 1959, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F.R. Doc. 59-9393; Filed, Nov. 5, 1959;  
8:47 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[List No. 140]

### CANADIAN BROADCAST STATIONS

#### Changes, Proposed Changes, and Corrections in Assignments

OCTOBER 23, 1959.

Notification under the provisions of Part III section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in Assignments of Canadian Broadcast Stations Modifying Appendix

containing assignments of Canadian Broadcast Stations (Mimeograph #47214-3) attached to the Recommen-

dations of the North American Regional Broadcasting Agreement Engineering Meeting.

cisco, California, Docket No. 12920, File No. BP-12744; for construction permits for standard broadcast stations.

On the oral request of counsel for applicant Mid-America, and without objection by counsel for the other parties: *It is ordered*, This 26th day of October 1959, that the prehearing conference scheduled for October 28, 1959, is further continued, to Wednesday, November 18, 1959, at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: October 27, 1959.

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

[F.R. Doc. 59-9410; Filed, Nov. 5, 1959; 8:49 a.m.]

[Docket No. 13252; FCC 59M-1448]

**SANTA ROSA BROADCASTING CO.**

**Notice of Prehearing Conference**

In re application of Santa Rosa Broadcasting Company, Santa Rosa, California, Docket No. 13254, File No. BP-11573; for construction permit.

There will be a prehearing conference, under Rule 1.111, on Monday, November 23, 1959, at 10 a.m., in the offices of the Commission, Washington, D.C.

Dated: November 2, 1959.

Released: November 2, 1959.

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

[F.R. Doc. 59-9411; Filed, Nov. 5, 1959; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION,  
MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 59-9408; Filed, Nov. 5, 1959; 8:49 a.m.]

[Docket No. 12904; FCC 59M-1436]

**WMAX, INC. (WMAX)**

**Order Continuing Hearing**

In re application of WMAX, INC. (WMAX), Grand Rapids, Michigan, Docket No. 12904, File No. BP-11744; for construction permit.

The Hearing Examiner having under consideration oral request of WMAX, Inc., for continuance of hearing; It appearing, that counsel for all other participating parties have consented to immediate consideration and grant of the request;

*It is ordered*, This 30th day of October 1959, that the above request is granted; and the hearing now scheduled for November 2, 1959 is continued until November 17, 1959, at 2:00 p.m.

Released: November 2, 1959.

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

[F.R. Doc. 59-9412; Filed, Nov. 5, 1959; 8:49 a.m.]

[Docket Nos. 12919, 12920; FCC 59M-1416]

**ROBERT L. LIPPERT AND MID-AMERICA BROADCASTERS, INC. (KOBY)**

**Order Continuing Hearing**

In re applications of Robert L. Lippert, Fresno, California, Docket No. 12919, File No. BP-10345; Mid-America Broadcasters, Inc. (KOBY), San Fran-

the date for the exchange of engineering exhibits in final form is continued from November 30 to December 30, 1959, and that the date for commencement of hearing is continued from December 8, 1959 to Thursday, January 7, 1960.

Released: November 3, 1959.

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

[F.R. Doc. 59-9409; Filed, Nov. 5, 1959; 8:49 a.m.]

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
CKTB.....	St. Catharine's, Ontario.....	610 kc. 5 kw.....	DA-1	U	III	NIO on new freq.
CKTB.....	St. Catherine's, Ontario.....	620 kc. 1 kw.....	DA-1	U	II	Delete assign. vide 610 kc.
New.....	Terrace, B.C.....	1140 kc. 1 kw.....	ND	U	II	EIO 10-15-60.
New.....	Kitimat, B.C.....	1 kw.....	ND	U	II	Delete assign.
OKEC.....	New Glasgow, N.S.....	1230 kc. 0.25 kw.....	ND	U	IV	Delete assign. vide 1320 kc.
CKBS.....	St. Hyacinthe, P.Q.....	1240 kc. 0.25 kw.....	ND	U	IV	Assign. of call letters.
CFLM.....	La Tuque, P.Q.....	1 kw D/0.25 kw N	ND	U	IV	Do.
CJME.....	Regina, Sask.....	1800 kc. 1 kw.....	DA-1	U	III	Do.
OKEC.....	New Glasgow, N.S.....	1820 kc. 1 kw D/0.25 kw N	ND	U	IV	NIO on new freq.
CHQM.....	Vancouver, B. C.....	10 kw.....	DA-1	U	III	Assign. of call letters.
CKPT.....	Peterborough, Ontario.....	1420 kc. 1 kw D/0.5 kw N	DA-2	U	III	Do.
New.....	Winnipeg, Manitoba.....	1470 kc. 5 kw.....	DA-1	U	III	EIO 10-15-60.
New (correction of class shown in List No. 137).	Duncan, B.C.....	1600 kc. 1 kw.....	DA-1	U	II	Correction of.
CHVO (PO: 1600 kc 5 kw DA-N).	Niagara Falls, Ontario.....	1600 kc. 10 kw.....	DA-2	U	III	EIO 10-15-60.

[Docket No. 12894; FCC 59M-1450]

**HIGH FIDELITY STATIONS, INC. (KPAP)**

**Order Continuing Hearing**

In re application of High Fidelity Stations, Inc. (KPAP), Redding, California, Docket No. 12894, File No. BMP-8115; for construction permit for standard broadcast station.

The Hearing Examiner having under consideration a petition filed October 30, 1959, on behalf of High Fidelity Stations, Inc., requesting the continuance of certain dates in this proceeding; and

It appearing that counsel for the other parties have informally consented to the immediate consideration and grant of the petition and that a grant thereof will conduce to the orderly dispatch of the Commission's business;

*Now therefore, it is ordered*, This 2d day of November 1959, that the date for the exchange of proposed engineering exhibits in draft form is continued from November 9 to December 9, 1959, that

## GENERAL SERVICES ADMINISTRATION

### CRUDE QUARTZ CRYSTALS HELD IN THE NATIONAL STOCKPILE

#### Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 53 Stat. 811, as amended, 50 U.S.C. 98b(e), notice is hereby given of a proposed disposition of approximately 19,000 pounds of crude quartz crystals now held in the national stockpile.

The Office of Civil and Defense Mobilization has made a revised determination, pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, that there is no longer any need for stockpiling these crude quartz crystals. The revised determination was based upon the finding of the Office of Civil and Defense Mobilization that said quartz crystals are obsolescent for use in time of war.

General Services Administration proposes to offer said crude quartz crystals for sale, on a competitive basis, beginning six months after the date of publication of this notice in the FEDERAL REGISTER. Since the quantity to be disposed of is small in relation to current consumption, the entire quantity, divided into several lots, will be offered for sale at one time.

This plan of disposition has been fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets as well as the protection of the United States against avoidable loss on disposal.

Dated: October 30, 1959.

FRANKLIN FLOETE,  
Administrator.

[F.R. Doc. 59-9388; Filed, Nov. 5, 1959;  
8:46 a.m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

KIYOSHI SHIROYAMA

#### Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Kiyoshi Shiroyama, also known as Kiyoshi Dick Shiroyama, and as K. Shiroyama, Yokohama, Japan; Claim No. 63080; \$2,032.31 in the Treasury of the United States. Vesting Orders Nos. 8145, as amended, and 12429.

Executed at Washington, D.C., on October 30, 1959.

For the Attorney General.

[SEAL] PAUL V. MYRON,  
Deputy Director,  
Office of Alien Property.

[F.R. Doc. 59-9401; Filed, Nov. 5, 1959;  
8:48 a.m.]

[Claim No. 61934]

### EMILE LAUVRIERE

#### Amended Notice of Intention To Return Vested Property

The Notice of Intention to Return Vested Property to Emile Lauvriere, which was published in the FEDERAL REGISTER on March 7, 1958 (23 F.R. 1650), is hereby amended by deleting therefrom, as claimant, the name and address of

Emile Lauvriere, Paris, France.

who is now deceased, and substituting in place thereof the following:

Jeanne Lauvriere, Paris, France.

and  
Christine Anne Tulpain, Vosges, France.

All other provisions of said Notice of Intention to Return Vested Property and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto, and under the authority thereof, are hereby ratified and confirmed.

Executed at Washington, D.C., on October 30, 1959.

For the Attorney General.

[SEAL] PAUL V. MYRON,  
Deputy Director,  
Office of Alien Property.

[F.R. Doc. 59-9402; Filed, Nov. 5, 1959;  
8:48 a.m.]

## SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 248]

### NEW HAMPSHIRE

#### Declaration of Disaster Area

Whereas, it has been reported that during the month of October, 1959, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of New Hampshire;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the

Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property situated in the following County (including any areas adjacent to said County) suffered damage or destruction as a result of the catastrophe hereinafter referred to:

County: Grafton (flood occurring on or about October 24 and 25, 1959).

Offices:

Small Business Administration Regional Office, Sheraton Building, 470 Atlantic Avenue, Boston, Mass.

Small Business Administration Branch Office, 72 North Main Street, Concord, N.H.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to April 30, 1960.

Dated: October 28, 1959.

WENDELL B. BARNES,  
Administrator.

[F.R. Doc. 59-9395; Filed, Nov. 5, 1959;  
8:47 a.m.]

## INTERSTATE COMMERCE COMMISSION

[Notice 217]

### MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 3, 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 62501. By order of October 30, 1959, the Transfer Board approved the transfer to Emil Beauseigneur, doing business as Beauseigneur Moving and Storage, 552 West 43rd St., New York, N.Y., of Certificate No. MC 112639, issued May 14, 1951, to Emil Beauseigneur, Ines Beauseigneur, 552 West 43rd Street, New York, N.Y., authorizing the transportation of: Household goods, as defined, between New York, N.Y., on the one hand, and, on the other, points in Connecticut, New Jersey, and Pennsylvania, and between New York, N.Y., on the one hand, and, on the other, points in Rhode Island, and New York.

No. MC-FC 62529. By order of October 29, 1959, the Transfer Board approved the transfer to Ira H. Hasard, doing business as Hasard Truck Lines, Portville, N.Y., of Certificate No. MC

114851 and Permit No. MC 109140, issued October 13, 1955 and September 28, 1948, respectively, to Ira H. Hasard and Freda S. Hasard, Ira H. Hasard, Executor, doing business as Hasard Truck Lines, Portville, N.Y., authorizing the transportation of; (Certificate) household goods, between points in New York on and west of U.S. Highway 15, on the one hand, and, on the other, points in New Jersey, New York, and Pennsylvania; (Permit) such commodities as are dealt in by chain, retail, and mail-order department stores, between Olean, N.Y., on the one hand, and, on the other, points in Pennsylvania within 50 miles of Olean, N.Y. Will Mountain, East State and Barry Streets, Olean, N.Y., for applicants.

No. MC-FC 62551. By order of October 29, 1959, the Transfer Board approved the transfer to Leo J. Thibodeau, doing business as Thibodeau International Transport, Detroit, Mich., of Certificate in No. MC 64087, issued May 9, 1941, to E. Ferguson Cartage Co., a Corporation, Detroit, Michigan, authorizing the transportation of: *General commodities*, with the usual exceptions including household goods and commodities in bulk, between points within 8 miles of Detroit, Mich., including Detroit. Victor J. Schaeffner, 4053 Penobscot

Building, Detroit 26, Mich., for applicants.

No. MC-FC 62557. By order of October 30, 1959, the Transfer Board approved the transfer to Stanley F. Heller, Stroudsburg, Pa., of Certificates in Nos. MC 58941, MC 58941 Sub 2, MC 58941 Sub 3, MC 58941 Sub 4, and MC 58941 Sub 6, issued June 7, 1950, June 7, 1950, June 7, 1950, June 7, 1950, and May 20, 1955, respectively, to Stanley F. Heller and Raymong B. Heller, a partnership, doing business as Stanley F. Heller and Son, Stroudsburg, Pa., authorizing the transportation of: various named commodities from, to, and between, specified points in Alabama, Connecticut, Delaware, Florida, Georgia, Indiana, Kentucky, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia. Maxwell H. Cohen, Esq., 11 South Seventh Street, Stroudsburg, Pa., for applicants.

No. MC-FC 62565. By order of October 30, 1959, the Transfer Board approved the transfer to Hudson Valley Cement Lines, Inc., Hudson, New York; of Certificate in No. MC 117303 Sub 1, issued May 8, 1959, to Charles Hawley, Salt Point, New York, authorizing the

transportation of: *Cement*, in bulk, in hopper-type vehicles, from Hudson, N.Y., to Westfield, Mass. John J. Brady, Jr., 75 State Street, Albany, N.Y., for applicants.

No. MC-FC 62674. By order of October 30, 1959, the Transfer Board approved the transfer to William Birley Haymaker, doing business as Haymaker Transfer & Storage, Roanoke, Va., a portion of Certificate No. MC 74741 issued March 24, 1958, in the name of Arnold's Transfer & Storage Co., Inc., Roanoke, Va., authorizing the transportation of household goods, as defined by the Commission, office furniture and equipment and store fixtures, between Roanoke, Va., and points within 10 miles of Roanoke, on the one hand, and, on the other, points in Tennessee and the District of Columbia; and household goods, as defined by the Commission, between Roanoke, Va., and points in Virginia within 35 miles of Roanoke, on the one hand, and, on the other, points in Maryland and Pennsylvania. Mosby J. Williams, People Federal Building, Roanoke, Va., for applicants.

[SEAL]

HAROLD D. MCCOY,  
Secretary.

[F.R. Doc. 59-9398; Filed, Nov. 5, 1959; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—NOVEMBER

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