



FEDERAL REGISTER

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Washington, Tuesday, November 10, 1959

Title 6—AGRICULTURAL CREDIT

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

PART 464—TOBACCO

Subpart—Tobacco Loan Program

Set forth below are schedules of advance rates, by grades, for the 1959 crop of types 42-44, 51, 52, 53, 54, and 55 tobacco under the tobacco loan program formulated by the Commodity Credit Corporation and Commodity Stabilization Service, published July 26, 1958 (23 F.R. 5645).

- Sec.
464.1124 1959 crop; Ohio Filler Tobacco, Types 42-44, advance schedule.
464.1125 1959 crop; Connecticut Valley Broadleaf Tobacco, Type 51, and Connecticut Valley Havana Seed Tobacco, Type 52, advance schedule.
464.1126 1959 crop; New York and Pennsylvania Havana Seed Tobacco, Type 53, and Southern Wisconsin Tobacco, Type 54, advance schedule.
464.1127 1959 crop; Northern Wisconsin Tobacco, Type 55, advance schedule.

AUTHORITY: §§ 464.1124 to 464.1127 issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, as amended, 1054; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421; sec. 125, 70 Stat. 198, 7 U.S.C. 1813.

§ 464.1124 1959 crop; Ohio Filler Tobacco, Types 42-44, advance schedule.¹

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate	Grade	Advance rate
Fillers (farm wrappers):		Crop run (stripped together):	
C1MB	27	X1	27
C1M	27	X2	25
C2M	25	X3	24
C3M	24	X4	21
C4M	23	X5	19
		Farm fillers:	
		Y1	19
		Y2	17
		Y3	15

¹The Cooperative Association through which price support is made available is

§ 464.1125 1959 crop; Connecticut Valley Broadleaf Tobacco, Type 51, and Connecticut Valley Havana Seed Tobacco, Type 52, advance schedule.²

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate	Grade	Advance rate
Unsorted:		Unsorted:	
B1M	50	B5M	36
B2M	45	X1M	33
B3M	42	N1	30
B4M	39		

§ 464.1126 1959 crop; New York and Pennsylvania Havana Seed Tobacco, Type 53, and Southern Wisconsin Tobacco, Type 54, advance schedule.³

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate	Grade	Advance rate
Binders:		Strippers:	
B1M	37	C1	31
B2M	36	C2	29
B3M	35	C3	27
B4M	34	Crop-run:	
B5M	33	X1	32
B6M	32	X2	30
B7M	31	X3	28
Binder pickers:		X4	21
R1	31	X5	18
R2	30	Farm fillers:	
R3	29	Y1	24
		Y2	22
		Y3	20

authorized to deduct from the amount paid the grower fifty cents per hundred pounds to apply against receiving and overhead costs, plus a fee of \$5.00 for each lot of tobacco received for sample grading purposes. Only the original producer is eligible to receive advances. No advance is authorized for tobacco graded W (doubtful keeping order), U (unsound), or N (nondescript).

²The Cooperative Association through which price support is made available is authorized to deduct from the amount paid the grower not more than the larger of \$1.00 per hundred pounds or \$10.00 per consignment to apply against receiving and overhead costs. Only the original producer is eligible to receive advances. No advance is authorized for tobacco graded N2 (second quality nondescript), S (scrap) or No-G (no grade).

³The Cooperative Association through which price support is made available is authorized to deduct from the amount paid the grower \$1.00 per hundred pounds on tobacco of the B grade group and fifty cents per hundred pounds on tobacco of the R, C, X, and Y grade groups to apply against receiving and overhead costs, plus a fee of \$5.00 for each lot of tobacco received for

(Continued on p. 9121)

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SEMIANNUAL CFR SUPPLEMENT

(As of July 1, 1959)

The following semiannual cumulative pocket supplement is now available:

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

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

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§ 464.1127 1959 crop; Northern Wisconsin Tobacco, Type 55, advance schedule.³

{Dollars per hundred pounds, farm sales weight}

Grade	Advance rate	Grade	Advance rate
Binders:		Strippers:	
B1M -----	49	C1 -----	31
B2M -----	47	C2 -----	29
B3M -----	45	C3 -----	27
B4M -----	43	Crop-run:	
B5M -----	41	X1 -----	32
B6M -----	38	X2 -----	30
B7M -----	35	X3 -----	28
Binder pickers:		X4 -----	21
R1 -----	33	X5 -----	18
R2 -----	32	Farm fillers:	
R3 -----	32	Y1 -----	24
		Y2 -----	22
		Y3 -----	20

Issued this 5th day of November 1959.

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

[F.R. Doc. 59-9524; Filed, Nov. 9, 1959; 8:53 a.m.]

sample grading purposes. Only the original producer is eligible to receive advances. Tobacco graded B1M through B7M and marked with the special factor "Moist" or "Damp" will be supported at the advance rate for the grade minus \$4.00 and \$6.00, respectively. Grades B1M through R3 containing damaged leaves will be marked with the special factor "D" followed by the percentage of damaged leaves. The weight of the damaged leaves will be deducted and the advance will be made only on the weight of sound or undamaged tobacco. Tobacco graded in a sub-grade of the C, X, or Y group and marked with the special factor "DAM" will be supported at the advance rate for that grade less \$2.00. No advance is authorized for tobacco graded W (doubtful keeping order), U (unsound), or N (nondescript).

Title 7—AGRICULTURE

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

SUBCHAPTER A—COMMODITY STANDARDS AND STANDARD CONTAINER REGULATIONS

PART 29—TOBACCO INSPECTION

Subpart C—Standards

OFFICIAL STANDARD GRADES FOR BURLEY TOBACCO, U.S. TYPE 31

The following corrections have been made in F.R. Doc. 59-9166 published in the FEDERAL REGISTER on Thursday, October 29, 1959 (24 F.R. 8771).

1. In § 29.3014 delete the words "The lowest degree" and substitute therefor the words "A subdegree."

2. In § 29.3037 delete the word "crude" and substitute therefor the word "immature."

Done at Washington, D.C., this 4th day of November 1959.

S. T. WARRINGTON,
Acting Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 59-9487; Filed, Nov. 9, 1959; 8:49 a.m.]

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1958 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR BARLEY CROP INSURANCE

Pursuant to authority contained in paragraph (a) of § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published March 19, 1959 and June 26, 1959, which were designated for barley crop insurance for the 1960 crop year.

Colorado: Larimer.
Minnesota: Becker, West Otter Tail.
North Dakota: Stutsman, Wells.
South Dakota: Beadle, Brown, Spink.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] F. N. McCARTNEY,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 59-9514; Filed, Nov. 9, 1959; 8:52 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1958 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR DRY EDIBLE BEAN CROP INSURANCE

Pursuant to authority contained in paragraph (a) of § 401.1 of the above-

identified regulations, as amended, the following county is hereby added to the list of counties published June 26, 1959, which were designated for dry edible bean crop insurance for the 1960 crop year. The class of beans on which insurance is offered is shown opposite the name of the county.

State and County and Class of Beans Insured

Colorado, Larimer; Pinto.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] F. N. McCARTNEY,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 59-9515; Filed, Nov. 9, 1959; 8:52 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1958 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR CORN CROP INSURANCE

Pursuant to authority contained in paragraph (a) of § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published June 26, 1959, which were designated for corn crop insurance for the 1960 crop year.

Colorado: Larimer.
Illinois: Ford.
Maryland: Queen Annes.
Minnesota: Lac Qui Parle.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] F. N. McCARTNEY,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 59-9516; Filed, Nov. 9, 1959; 8:52 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1958 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR FLAX CROP INSURANCE

Pursuant to authority contained in paragraph (a) of § 401.1 of the above-identified regulations, as amended, the following county is hereby added to the list of counties published June 26, 1959, which were designated for flax crop insurance for the 1960 crop year.

North Dakota: Wells.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] F. N. McCARTNEY,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 59-9517; Filed, Nov. 9, 1959; 8:52 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1958 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR RICE CROP INSURANCE

Pursuant to authority contained in paragraph (a) of § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published June 26, 1959, which were designated for rice crop insurance for the 1960 crop year.

Arkansas: Poinsett, Saint Francis.
Louisiana: Saint Landry.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] F. N. McCARTNEY,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 59-9518; Filed, Nov. 9, 1959; 8:52 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1958 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR SOYBEAN CROP INSURANCE

Pursuant to authority contained in paragraph (a) of § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published June 26, 1959, which were designated for soybean crop insurance for the 1960 crop year.

Arkansas: Crittenden.
Illinois: Ford.
Minnesota: Pipestone, Rock, Wabasha.
Mississippi: Leflore.
South Carolina: Calhoun.
Tennessee: Lauderdale.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] F. N. McCARTNEY,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 59-9519; Filed, Nov. 9, 1959; 8:53 a.m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 730—RICE

Subpart—1960-61 Marketing Year

PROCLAMATIONS AND DETERMINATIONS WITH RESPECT TO NATIONAL ACREAGE ALLOTMENT FOR 1960 CROP, AND APPORTIONMENT OF 1960 NATIONAL ACREAGE ALLOTMENT AMONG THE SEVERAL STATES

Sec.
730.1101 Basis and purpose.
730.1103 National acreage allotment of rice for 1960.

Sec.
730.1104 Apportionment of 1960 national acreage allotment of rice among the several States.

AUTHORITY: §§ 730.1101 to 730.1104 issued under sec. 375, 52 Stat. 66; 7 U.S.C. 1375. Interpret or apply secs. 301, 352, 353, 52 Stat. 38, 60, 61, as amended; 7 U.S.C. 1301, 1352, 1353.

§ 730.1101 Basis and purpose.

(a) (1) Section 730.1103 is issued under and in accordance with sections 352 and 353 of the Agricultural Adjustment Act of 1938, as amended, to proclaim the national acreage allotment of rice for the calendar year 1960. Section 353(c) (6) of the act, as amended by section 301 of Public Law 85-835, 72 Stat. 994, provides that the national acreage allotment of rice for 1960 shall be not less than the total acreage allotted in 1956.

(2) Section 730.1104 is issued under and in accordance with section 353 of the Agricultural Adjustment Act of 1938, as amended, to apportion among the several States the national acreage allotment of rice for 1960 as proclaimed in § 730.1103 hereof. Section 353 of the act provides that the national acreage allotment of rice for 1960, less a reserve of not to exceed one per centum for apportionment to farms receiving inadequate allotments, shall be apportioned among the States in the same proportion that they shared in the total acreage allotted in 1956.

(3) Public Law 85-443 authorizes the Secretary of Agriculture under certain circumstances to divide any State into two administrative areas to be designated "producer administrative area" and "farm administrative area", and provides that if any State is so divided into administrative areas the term "State acreage allotment" for the purposes of section 353 of the Agricultural Adjustment Act of 1938, as amended, shall be deemed to mean that part of the State acreage allotment apportioned to each administrative area.

(4) Public Law 85-443 also provides that if any State is divided into administrative areas the allotment for each area shall be determined by apportioning the State acreage allotment among counties as provided in section 353(c) of the Agricultural Adjustment Act of 1938, as amended, and totaling the allotments for the counties in such area. The acreage allotments for the "farm administrative area" and "producer administrative area" in the State of Louisiana which are set out in § 730.1104 were determined by apportioning the State acreage allotment for Louisiana among the counties in the State in the same proportion which each such county shared in the total acreage allotted in the State in 1956, as provided in section 353(c) (1) of the Agricultural Adjustment Act of 1938, and totaling the allotments for the counties in each such area.

(b) The findings and determinations made in §§ 730.1103 and 730.1104 have been made on the basis of the latest available statistics of the Federal Gov-

ernment. The determinations made in § 730.1103 indicate the amount of the 1960 national acreage allotment of rice.

(c) Prior to taking action herein, public notice (24 F.R. 8186) was given in accordance with the Administrative Procedure Act (5 U.S.C. 1003), that the Secretary was preparing to determine and proclaim the national acreage allotment of rice for 1960, and to apportion among the States the 1960 national acreage allotment of rice. No data, views, or recommendations pertaining thereto were submitted pursuant to such notice.

§ 730.1103 National acreage allotment of rice for 1960.

The normal supply of rice for the marketing year commencing August 1, 1960, is determined to be 56,552 thousand hundredweight (rough basis). The carryover of rice on August 1, 1960, is determined to be 13,000 thousand hundredweight. Therefore, the production of rice needed in 1960 to make available a total supply of rice for the 1960-61 marketing year equal to the normal supply for such marketing year is 43,552 thousand hundredweight. The national average yield of rice for the five calendar years, 1955 through 1959 is determined to be 3,153 pounds per planted acre. The national acreage allotment of rice for 1960 computed on the basis of the production of rice needed in 1960 and the national average yield per planted acre of rice for the five calendar years, 1955 through 1959, is 1,381,288 acres. Since this amount is less than the total acreage allotted in 1956, which is the minimum for 1960 provided by law, the national acreage allotment of rice for the calendar year 1960 shall be 1,652,596 acres.

§ 730.1104 Apportionment of 1960 national acreage allotment of rice among the several States.

The national acreage allotment proclaimed in § 730.1103, less a reserve of 300 acres, is hereby apportioned among the several rice-producing States as follows:

State	Acres
Arizona	299
Arkansas	399,012
California	299,766
Florida	957
Illinois	20
Louisiana:	
Producer Administrative area	458,057
Farm Administrative area	16,951
State Total	475,008
Mississippi	46,674
Missouri	4,767
North Carolina	38
Oklahoma	149
South Carolina	2,846
Tennessee	517
Texas	422,313

Issued at Washington, D.C., this 4th day of November 1959. Witness my hand and the seal of the Department of Agriculture.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 59-9490; Filed, Nov. 9, 1959; 8:49 a.m.]

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

[Avocado Order 17, Amdt. 1]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

Limitation of Shipments

a. *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011), in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than November 11, 1959. Shipments of avocados are currently subject to grade regulation in accordance with the provisions of this regulation (§ 969.317; 24 F.R. 3105) and will continue to be so limited, unless such regulation is amended or terminated, until April 1, 1960; recommendation as to the need for, and the extent of, regulation of the quality of avocado shipments on and after November 11, 1959, was made by the Avocado Administrative Committee at a meeting on November 6, 1959, after consideration of all available information relative to the quality, the supply of, and demand for, such avocados, at which time the recommendations and supporting information for grade regulation in the manner and for the period herein set forth were submitted to the Department; such meeting was held to consider recommendation for such regulation after giving due notice thereof, and interested parties were afforded an opportunity to submit their views at this meeting; the provisions of this regulation are identical with the aforesaid recommendations of the committee and information concerning such provisions has been disseminated among the handlers of avocados; and compliance with

the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

b. It is, therefore, ordered that the provisions of paragraph (b) (1) of § 969.317 (24 F.R. 3105) are hereby amended to read as follows:

(1) During the period beginning at 12:01 a.m., e.s.t., November 11, 1959, and ending at 12:01 a.m., e.s.t., April 1, 1960, no handler shall handle any avocados, grown in south Florida, unless such avocados grade at least U.S. Combination grade.

c. The provisions of this amendment shall become effective at 12:01 a.m., e.s.t., November 11, 1959.

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

Dated: November 9, 1959.

S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Market-
ing Service.

[F.R. Doc. 59-9628; Filed, Nov. 9, 1959;
11:45 a.m.]

PART 997—FILBERTS GROWN IN OREGON AND WASHINGTON

Subpart—Administrative Rules and Regulations

Notice was published in the FEDERAL REGISTER of October 13, 1959 (24 F.R. 8300) that consideration was being given to establishment of administrative rules and regulations pertaining to operations under Marketing Agreement No. 115, as amended and Order No. 97, as amended (7 CFR Part 997; 24 F.R. 6185) regulating the handling of filberts grown in Oregon and Washington. Said amended marketing agreement and order are effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674). The notice afforded interested persons an opportunity to file data, views, and arguments concerning the proposed rules and regulations.

Views were received from the Filbert Control Board (established pursuant to the amended marketing agreement and order) which recommended the proposed rules and regulations, to the effect the Board did not intend by its proposal that persons handling over 250 pounds of inshell filberts in a fiscal year should be exempted from any program requirements on such quantity, but that only those persons handling 250 pounds or less should be so exempted. Such exemptions, however, do not include an exemption from minimum standards of quality in effect pursuant to § 997.45(a) for inshell filberts. The administrative rule with regard to exemptions pursuant to § 997.57 hereinafter set forth expresses such intent and, in addition, states the particular program requirements to which the exemptions will

apply. The exemption of such handling in small quantities by persons not generally recognized as handlers should not interfere with the objectives of this regulatory program.

It is hereby further found that good cause exists for not postponing the effective date of this action later than the date of publication hereof in the FEDERAL REGISTER for the reasons that: (1) Handling of filberts under the amended marketing agreement and order has already begun; (2) handlers should have an opportunity to export small size filberts as early in the season as possible; and (3) this action will relieve certain restrictions and requirements now applicable to the handling of filberts.

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

Dated: November 5, 1959, to become effective upon publication in the FEDERAL REGISTER.

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

The administrative rule herein relating to disposition of small size filberts continues in the form of an administrative rule the substance of a similar provision in the agreement and order in effect prior to August 1, 1959. Section 997.53 of the agreement and order as amended provides authority for establishing procedures for disposition of substandard filberts, and the administrative rule herein specifies type of authorized disposition and the requirements therefor deemed necessary to insure that such filberts do not enter normal market outlets for filberts.

After consideration of all relevant matters presented, including the proposal in said notice, it is hereby found that the administrative rules and regulations (Subpart—Administrative Rules and Regulations) hereinafter set forth will tend to effectuate the declared policy of the act.

It is, therefore, ordered, That, administrative rules and regulations shall be established as follows:

§ 997.453 Disposition of small size filberts.

Any inshell filberts that are substandard filberts only because they are small size filberts, as the term "small size" is defined in the Oregon Grades and Standards for Walnuts and Filberts, may be disposed of in export in the same manner and under the same conditions and procedures as prescribed in § 997.52 (b) for sales in export of certified merchantable restricted filberts.

§ 997.457 Quantity exemption.

Any handler handling up to but not to exceed a total of 250 pounds of inshell filberts during any fiscal year may handle such filberts free from the inspection and certification, restricted obligation, assessment, and reporting requirements of this part.

[F.R. Doc. 59-9522; Filed, Nov. 9, 1959;
8:53 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Revision of Part

Part 6 is revised to read as set forth below:

Sec. 6.1 Method of filling excepted positions and status of incumbents.

SCHEDULE A

- 6.100 Positions other than those of a confidential or policy-determining character for which it is not practicable to examine.
- 6.101 Entire executive civil service.
- 6.102 Department of State.
- 6.103 Treasury Department.
- 6.104 Department of Defense.
- 6.105 Department of the Army.
- 6.106 Department of the Navy.
- 6.107 Department of the Air Force.
- 6.108 Department of Justice.
- 6.109 Post Office Department.
- 6.110 Department of the Interior.
- 6.111 Department of Agriculture.
- 6.112 Department of Commerce.
- 6.113 Department of Labor.
- 6.114 Department of Health, Education, and Welfare.
- 6.116 National Security Council.
- 6.117 Interstate Commerce Commission.
- 6.119 Board of Governors, Federal Reserve System.
- 6.121 [Reserved.]
- 6.122 Veterans' Administration.
- 6.123 Federal Civil Defense Administration.
- 6.124 United States Information Agency.
- 6.125 Federal Power Commission.
- 6.126 Securities and Exchange Commission.
- 6.129 Federal Deposit Insurance Corporation.
- 6.131 National Capital Housing Authority.
- 6.132 United States Soldiers' Home.
- 6.133 General Services Administration.
- 6.134 Federal Communications Commission.
- 6.135 United States Tariff Commission.
- 6.138 National Labor Relations Board.
- 6.140 Export-Import Bank of Washington.
- 6.141 Farm Credit Administration.
- 6.142 Housing and Home Finance Agency.
- 6.144 Selective Service System.
- 6.145 Civil Service Commission.
- 6.147 National Aeronautics and Space Administration.
- 6.148 Panama Canal Company, New York.
- 6.149 Foreign Operations Administration.
- 6.155 President's Committee on Government Employment Policy.
- 6.157 Federal Home Loan Bank Board.
- 6.161 President's Committee on Fund-Raising within the Federal Service.
- 6.162 Development Loan Fund.
- 6.163 Office of Civil and Defense Mobilization.
- 6.164 Federal Aviation Agency.

SCHEDULE B

- 6.200 Positions other than those of a confidential or policy-determining character for which it is not practicable to hold a competitive examination.
- 6.202 Department of State.
- 6.203 Treasury Department.
- 6.206 Department of the Navy.
- 6.207 Department of the Air Force.
- 6.208 Department of Justice.
- 6.210 Department of the Interior.
- 6.224 United States Information Agency.
- 6.225 Federal Power Commission.
- 6.242 Housing and Home Finance Agency.
- 6.244 Selective Service System.

- Sec. 6.245 Civil Service Commission.
- 6.256 District of Columbia Government.

SCHEDULE C

- 6.300 Positions of a confidential or policy-determining character.
- 6.302 Department of State.
- 6.303 Treasury Department.
- 6.304 Department of Defense.
- 6.305 Department of the Army.
- 6.306 Department of the Navy.
- 6.307 Department of the Air Force.
- 6.308 Department of Justice.
- 6.309 Post Office Department.
- 6.310 Department of the Interior.
- 6.311 Department of Agriculture.
- 6.312 Department of Commerce.
- 6.313 Department of Labor.
- 6.314 Department of Health, Education, and Welfare.
- 6.315 Executive Office of the President.
- 6.317 Interstate Commerce Commission.
- 6.318 General Accounting Office.
- 6.320 The Tax Court of the United States.
- 6.322 Veterans' Administration.
- 6.324 United States Information Agency.
- 6.325 Federal Power Commission.
- 6.326 Securities and Exchange Commission.
- 6.327 National Mediation Board.
- 6.328 Small Business Administration.
- 6.329 Federal Deposit Insurance Corporation.
- 6.330 Federal Trade Commission.
- 6.333 General Services Administration.
- 6.334 Federal Communications Commission.
- 6.335 United States Tariff Commission.
- 6.337 Civil Aeronautics Board.
- 6.338 National Labor Relations Board.
- 6.340 Export-Import Bank of Washington.
- 6.341 Farm Credit Administration.
- 6.342 Housing and Home Finance Agency.
- 6.343 Indian Claims Commission.
- 6.346 Federal Mediation and Conciliation Service.
- 6.347 National Aeronautics and Space Administration.
- 6.349 Foreign Operations Administration.
- 6.350 Foreign Claims Settlement Commission of the United States.
- 6.351 Air Coordinating Committee.
- 6.352 Government Patents Board.
- 6.353 Subversive Activities Control Board.
- 6.354 Saint Lawrence Seaway Development Corporation.
- 6.357 Federal Home Loan Bank Board.
- 6.359 The Renegotiation Board.
- 6.360 Commission on Civil Rights.
- 6.362 Development Loan Fund.
- 6.363 Office of Civil and Defense Mobilization.
- 6.364 Federal Aviation Agency.

AUTHORITY: §§ 6.1 to 6.364 issued under R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633.

§ 6.1 Method of filling excepted positions and status of incumbents.

(a) The Commission shall decide whether the duties of any particular position are such that it may be filled as an excepted position under Schedule A, B, or C.

(b) To the extent permitted by law and the regulations in this chapter, appointments, position changes, and removals in the excepted service shall be made in accordance with any regulations or practices that the head of the agency concerned finds necessary.

(c) Persons appointed to excepted positions shall not acquire a competitive status by reason of such appointments.

NOTE: See also Part 21 of this chapter, issued pursuant to the Veterans' Preference Act of 1944, as amended, which is applicable to appointments to excepted positions; Part

22 of this chapter which is applicable in cases of discharges, suspensions for more than thirty days, furloughs without pay for thirty days or less, or reduction in rank or compensation of employees entitled to veteran preference; Part 9 of this chapter which is applicable to removals from positions listed in Schedule B of persons who have competitive status; § 2.502 (j) of this chapter under which the Commission may authorize promotions in excepted positions in order to avoid undue hardship or inequity in individual cases of meritorious nature without regard to the restrictions of section 1310 of the Supplemental Appropriation Act, 1952 (Public Law No. 253, 82d Congress), as amended; Part 10 of this chapter which is applicable to employment with reemployment rights; and Part 20 of this chapter which is applicable to reduction in force.

SCHEDULE A

§ 6.100 Positions other than those of a confidential or policy-determining character for which it is not practicable to examine.

The positions enumerated in §§ 6.101 to 6.199 are positions other than those of a confidential or policy-determining character for which it is not practicable to examine and which are excepted from the competitive service and constitute Schedule A.

§ 6.101 Entire executive civil service.

(a) Positions of Chaplain and Chaplain's Assistant.

(b) Cooks, except at fixed locations, such as, hospitals, quarantine stations, and penal institutions.

(c) Positions to which appointments are made by the President without confirmation by the Senate.

(d) Attorneys.

(e) Law clerk-trainee positions: Appointments under this paragraph shall be confined to graduates of recognized law schools or persons having equivalent experience and shall be for periods not to exceed nine months pending admission to the bar. A person may have his appointment extended not to exceed an additional period of three months pending admission to the bar provided he has actually passed the bar examination by the end of the nine-month period: No person shall be given more than one appointment under this paragraph.

(f) Chinese, Japanese, and Hindu interpreters.

(g) Any position the duties of which are part-time or intermittent in which the appointee will receive compensation during his service year that aggregates not more than 40 percent of the annual salary rate for the first step of GS-3. This limitation on compensation includes any premium pay such as for overtime, night, Sunday, or holiday work. It does not, however, include any mandatory within-grade salary increases to which the employee becomes entitled subsequent to appointment under this authority. Appointments under this authority shall not be for job employment. In the Metropolitan Area of Washington, D. C., appointments under this authority shall be subject to the prior approval of the Commission.

(h) [Reserved.]

(i) [Reserved.]

(j) Subject to prior approval by the Commission, positions in Federal mental

institutions when filled by persons who have been patients of such institutions and been discharged, and are certified by the medical head thereof as recovered sufficiently to be regularly employed but it is believed desirable and in the interest of the persons and the institution that they be employed at the institution.

(k) Subject to prior approval of the Commission, positions requiring temporary, part-time, or intermittent employment in wage board type occupations (i.e., positions excluded from Classification Act coverage by section 202(7) of the Act) on construction or repair work, where the activity is carried on in localities where examination coverage for the positions has not been provided and where because of employment conditions there is a shortage of available candidates for the positions. Appointments under this paragraph shall not extend beyond one year, and the employment thereunder shall not exceed 180 working days a year. Seasonal employments of a recurring nature are not authorized under this paragraph.

(l) Any position directly concerned with the protection of the life and safety of the President and the members of his family.

(m) Positions without compensation provided appointments thereto meet the requirements of applicable laws relating to compensation.

(n) Positions requiring the temporary or intermittent employment of professional, scientific, or technical experts for consultation purposes.

(o) Nonsupervisory positions of custodial laborer (levels 1, 2, and 3) and general laborer (levels 2 and 3) in field establishments outside central office and regional office cities of the Commission where examination coverage has not been provided for the positions, as follows:

(1) For temporary, intermittent, or seasonal employment (exclusive of positions covered by paragraph (k) of this section) not to exceed 180 working days a year in the Departments of Agriculture, Commerce, and Interior, in the Federal Aviation Agency, and in the International Boundary and Water Commission; or

(2) When it is specifically held by the Commission that this authority is applicable, for employment in localities that are isolated with respect to labor supply and where there is a shortage of available candidates for the positions.

(p) Any local physician, surgeon, or dentist employed under contract or on a part-time or fee basis, when, in the opinion of the Commission, appointment through competitive examination is impracticable.

(q) Positions of a scientific, professional or analytical nature when filled by bona fide members of the faculty of an accredited college or university who have special qualifications for the positions to which appointed. Employments under this provision shall not exceed 130 working days a year.

(r) Positions of a scientific, professional, or analytical nature when filled by bona fide graduate students at accredited colleges or universities provided that the work performed for the agency

is to be used by the student as a basis for completing certain academic requirements toward a graduate degree. Employments under this provision may be continued only so long as the foregoing conditions are met, and the total period of such employment shall not exceed one year in any individual case: *Provided*, That such employment may, with the approval of the Commission, be extended for not to exceed an additional year.

(s) Temporary or intermittent positions at GS-7 and below when the appointees are to assist scientific, professional, or technical employees. Persons employed under this provision shall be (1) bona fide students at high schools or accredited colleges or universities pursuing courses related to the field in which employed, or (2) bona fide high school science and mathematics teachers. No person shall be employed under this provision (1) in a position of a routine clerical type; or (2) in excess of 130 working days a year; or (3) at a compensation during a period of a year that aggregates for positions at GS-4 and below more than 40 percent of the annual salary for the first step of GS-3, and for positions at GS-5, 6, or 7 more than 33 1/3 percent of the annual salary for the first step of the grade at which the position is classified. The grade level at which the person enters on duty determines the pay limitation applicable to him throughout his service year. These limitations on compensation include any premium pay such as for overtime, night, Sunday, or holiday work. They do not, however, include any mandatory within-grade salary increase to which the employee becomes entitled subsequent to appointment under this authority.

§ 6.102 Department of State.

(a) *Office of the Secretary.* (1) Six Physical Science Administration Officers at GS-14 and above in the Office of the Science Adviser.

(2) Six positions of Member of the Executive Secretariat.

(3) Chief, Policy Reports Staff, Executive Secretariat.

(4) Four Assistants to the Director of the Executive Secretariat.

(5) Executive Officer, Executive Secretariat.

(6) Chief, Correspondence Review Staff, Executive Secretariat.

(b) *Office of the Special Assistant, Intelligence.* (1) Not to exceed 50 professional and technical positions.

(2) Two professional positions in the Division of Intelligence Acquisition and Distribution.

(c) *International Boundary and Water Commission, United States and Mexico.* (1) Gage readers employed part-time or intermittently at isolated localities when, in the opinion of the Commission, appointment through competitive examination is impracticable.

(d) *International Boundary Commission, United States, Alaska and Canada.* (1) Temporary and intermittent field employees such as instrumentmen, foremen, recorders, packers, cooks, and axemen, for not to exceed 130 working days or six months within any one calendar year.

(e) [Reserved.]

(f) [Reserved.]

(g) [Reserved.]

(h) *Office of Assistant Secretary for Public Affairs.* (1) Chief, Public Studies Division.

(2) Chief, Public Services Division.

(3) Chief, Historical Division.

(4) [Reserved.]

(5) One Special Assistant to the Chief, News Division.

(6) One Special Assistant to the Deputy Assistant Secretary (Domestic Affairs).

(i) *Bureau of International Organization Affairs.* (1) One Special Assistant to the Assistant Secretary.

§ 6.103 Treasury Department.

(a) *Bureau of Narcotics.* (1) Fifty positions of Narcotic Agent for undercover work.

(b) *Bureau of Customs.* (1) Positions in foreign countries designated as "interpreter-translator" and "special employees," when filled by appointment of persons who are not citizens of the United States; and positions in foreign countries of messenger and janitor.

(2) The positions of Collector of Customs at Puerto Rico and the Virgin Islands.

(3) Part-time, intermittent, or temporary Customs Inspectors, Deputy Collectors, and Deputy Collectors in Charge in Alaska at a salary rate not in excess of GS-8, for not to exceed 130 working days a year.

(4) Positions of day ("pick-up") laborers whose assignments are to intermittent duties of short duration that must be performed without delay in field establishments where hiring of "pick-up" laborers is authorized by the Bureau of Customs headquarters. Persons appointed under this authority may not be employed in this kind of work in the Bureau of Customs for more than 180 working days a year under this authority or under a combination of this authority and any other authority for excepted appointment that may be appropriate. This authority is not appropriate for job employment.

(5) Positions at the GS-9 grade level and below of customs enforcement officer, customs inspector, customs marine clerk/officer, customs sampler, customs warehouse officer, deputy collector, interpreter, janitor, and laborer that are of a continuing nature, and the duties of which are intermittent or part-time and require the services of an employee for not more than 700 hours of employment during his service year. A person appointed under this authority may not be employed in the Bureau of Customs under a combination of this authority and any other authority for excepted appointment for more than 700 hours during his service year.

(c) *Coast Guard.* (1) Lamplighters.

(2) One Cadet Hostess at the Coast Guard Academy, New London, Connecticut.

(d)-(e) [Reserved.]

(f) *United States Savings Bonds Division.* (1) Positions of State Director and Deputy State Director, and Regional Director and Assistant Regional Director.

§ 6.104 Department of Defense.

(a) *Office of the Secretary.* (1) Five Special Advisors in the immediate office of the Secretary or Deputy Secretary with responsibilities for studies and recommendations in broad program areas. These positions have advisory rather than operating duties, except as operating or administrative responsibility may be exercised in connection with pilot studies.

(2) Positions assigned exclusively to Communications Intelligence Activities.

(3) Positions assigned to or in support of special classified training activities.

(4) One Staff Assistant.

(b) *Entire Department (including the Office of the Secretary of Defense and the Departments of the Army, Navy, and Air Force).* (1) Until December 31, 1960, professional positions in Military Dependent School Systems overseas.

(2) Until December 31, 1960, positions in Attache Systems overseas, including positions in the Naval Research Branch Office in London.

(3) Until December 31, 1960, positions of clerk-translator, translator, and interpreter overseas.

§ 6.105 Department of the Army.

(a) *General.* (1) Positions the duties of which are of a quasi-military nature and involve the security of secret or confidential matter, when in the opinion of the Commission, appointment through competitive examination is impracticable.

(2) [Reserved.]

(3) Unskilled laborers and munitions handlers engaged in handling Ordnance materiel, including ammunition, where temporary or intermittent employment is necessary.

(4) Student occupational therapist positions in Army hospitals. Appointments to these positions will not extend beyond the training period applicable to each individual case, which is a minimum of three months training and a maximum of twelve months training, depending upon the individual's previous clinical training.

(5) Positions under the program for utilization of alien scientists approved under pertinent directives administered by the Joint Chiefs of Staff of the Department of Defense when occupied by alien scientists initially employed under the program, including those who have acquired United States citizenship during such employment.

(6) Positions assigned exclusively to Army Communications Intelligence Activities.

(b) *Transportation Corps.* (1) Longshoremen and stevedores employed at ports of embarkation in the United States; and all positions on vessels operated by the Transportation Corps.

(c) *Corps of Engineers.* (1) Land appraisers employed on a temporary basis for a period not to exceed one year on special projects where knowledge of local values or conditions or other specialized qualifications not possessed by appraisers regularly employed by the Corps of Engineers are required for successful results.

(2) Nonsupervisory positions of custodial laborer (levels 1, 2, and 3) and general laborer (levels 2 and 3) on survey, construction, short-term maintenance, or floating-plant operations, where because of turnover, lack of housing facilities, mobility of work site, or remoteness of personnel servicing facilities, an adequate labor force can be recruited only by immediate gate hiring on a local basis. This authority can be used only when the Commission has determined that it is specifically applicable to a given situation; ordinarily, it will not be used for employment in Civil Service central office, regional, and branch office cities or in cities where there is a local Board of U. S. Civil Service Examiners to serve the employing establishment.

(3) Positions of Academic Director, Department Head, and Instructor at the U. S. Military Academy, Preparatory School, Fort Belvoir, Va.

(d) *U. S. Military Academy, West Point, New York.* (1) Civilian professors, instructors, teachers (except teachers at the Children's School), hostesses, chapel organist and the choirmaster, librarian when filled by an officer of the Regular Army retired from active service, and military secretary to the Superintendent when filled by a Military Academy graduate retired as a regular commissioned officer for disability.

(e) [Reserved.]

(f) *National War College, Washington, D. C.* (1) Civilian directors of studies for employment of not to exceed one year: *Provided*, That such employment may, with the prior approval of the Commission, be extended for not to exceed one additional year.

(g) *Joint Brazil-United States Defense Commission.* (1) One position of clerk-stenographer-translator or civilian aide requiring a knowledge of English, Portuguese, and Spanish.

(h) *Army Language School, Presidio of Monterey, California.* (1) Language instructor positions, and professional positions in the language divisions whose duties require developing and evaluating instructional material or supervising the language instructors.

(2) Typists of foreign language material whose duties require them to make corrections in grammar and spelling of the material typed.

(i) *Army War College, Carlisle Barracks, Pennsylvania.* (1) One position of Educational Specialist for employment of not to exceed one year: *Provided*, That such employment may, with the prior approval of the Commission, be extended for not to exceed one additional year.

(j) [Reserved.]

(k) *Chemical Corps.* (1) Scientific and professional research associate positions at the Army Biological Warfare Laboratories, Fort Detrick, Maryland, when filled on a temporary or intermittent basis by persons having a doctoral degree in the biophysical or biological sciences or related fields of study, for research activities of mutual interest to the appointee and the Laboratories. Total employment under this provision may not exceed 5 positions at any one time. Employment under this

provision shall not exceed one year in any individual case: *Provided*, That such employment may, with the approval of the Commission, be extended for not to exceed an additional year.

§ 6.106 Department of the Navy.

(a) *General.* (1) Intelligence and Counter Intelligence positions assigned exclusively to Naval Intelligence Activities.

(2) Positions under the program for utilization of alien scientists approved under pertinent directives administered by the Joint Chiefs of Staff of the Department of Defense when occupied by alien scientists initially employed under the program, including those who have acquired United States citizenship during such employment.

(3) Student trainees in naval shipyards, whose salaries shall not aggregate more than \$1,100 a year. Only bona fide students engaged in the study of naval architecture shall be eligible for appointment under this subparagraph. Employment under this subparagraph shall not exceed 90 working days a year.

(4) [Reserved.]

(5) Until December 31, 1960, two positions of Teachers in indigenous schools at Chichi Jima, Bonin-Volcano Islands.

(b) *United States Naval Academy.* (1) Professors, instructors, and teachers in the United States Naval Academy, the United States Naval Postgraduate School, and the Naval War College; and the librarian, organist-choirmaster, registrar, and the assistant to the superintendent for academic matters at the United States Naval Academy.

(c) *United States Naval Home.* (1) Positions of orderly when filled by the appointment of beneficiaries of the Home.

(d) *Military Sea Transportation Service.* (1) All positions on vessels operated by the Military Sea Transportation Service.

(e) *U. S. Naval Research Laboratory, Washington, D. C., U. S. Navy Electronics Laboratory, San Diego, California, and U. S. Naval Ordnance Laboratory, White Oak, Silver Spring, Maryland.* (1) Scientific and professional research associate positions when filled on a temporary or intermittent basis by persons having a doctoral degree in physical science or related fields of study, for research activities of mutual interest to the appointee and the Laboratory. Total employment under this provision may not exceed ten positions at the U. S. Naval Research Laboratory, six positions at the U. S. Navy Electronics Laboratory and ten positions at the U. S. Naval Ordnance Laboratory, at any one time. Employment under this provision will not exceed one year in any individual case; provided that such employment may, with the approval of the Commission, be extended for not to exceed an additional year.

§ 6.107 Department of the Air Force.

(a) *Office of the Secretary.* (1) Five Special Assistants in the Office of the Secretary of the Air Force. These positions have advisory rather than operating duties except as operating or administrative responsibilities may be

exercised in connection with pilot studies.

(b) *General.* (1) [Reserved.]

(2) Positions under the program for utilization of alien scientists approved under pertinent directives administered by the Joint Chiefs of Staff of the Department of Defense when occupied by alien scientists initially employed under the program, including those who have acquired United States citizenship during such employment.

(c) *Lookout Mountain Laboratory, Los Angeles, California.* (1) All positions.

(d) *United States Air Force Academy, Colorado.* (1) Positions of Cadet Hostesses, Instructors in Physical Education, and one Instructor in Music (Choir-master).

(e) *Air Research and Development Command.* (1) Scientific and professional research associate positions when filled on a temporary or intermittent basis by persons having a doctoral degree in physical science or related fields of study, for research activities of mutual interest to the appointee and the Command. Total employment under this provision may not exceed 20 positions at any one time. Employment under this provision shall not exceed one year in any individual case: *Provided*, That such employment may, with the approval of the Commission, be extended for not to exceed an additional year.

§ 6.108 Department of Justice.

(a) *General.* (1) Field deputy United States marshals employed on an hourly basis for intermittent service.

(2) Positions of temporary deputy marshals in lieu of bailiff in the United States courts when employed on an intermittent basis.

(3) United States Marshal in the Virgin Islands.

(b) *Immigration and Naturalization Service.* (1) Information Officer.

(2) Four positions of Regional Commissioner.

(3) Until June 30, 1961, positions of Port Receptionists and Supervisory Port Receptionists.

§ 6.109 Post Office Department.

(a) *General.* (1) Clerks in fourth class post offices.

(2) Substitute rural carriers.

(3) Special delivery messengers in second, third, and fourth class post offices.

(4) Unskilled laborers employed as janitors and cleaners in small postal units in leased quarters at a compensation less than \$2,870 per annum.

(5) One Administrative Assistant to each Regional Office Manager (15 positions).

(6) One Administrative Assistant to the Assistant to the Regional Operations Manager (Dallas Office).

(7) One Administrative Assistant to the Assistant to the Regional Operations Manager (Cincinnati Office).

(8) Clerks employed on a part-time basis in third-class post offices in Alaska.

(9) Fourth-class postmaster positions in Alaska.

(10) Positions (other than Postmaster) in Samoa, The Trust Territory, Canton Island, and Wake Island.

§ 6.110 Department of the Interior.

(a) *General.* (1) Temporary, intermittent, or seasonal positions in the field service of the Department of the Interior, when filled by the appointment of persons who are certified as maintaining a permanent and exclusive residence within, or contiguous to, a field activity or district, and as being dependent for livelihood primarily upon employment available within the field activity of the Department.

(2) All positions on Government-owned ships or vessels operated by the Department of the Interior.

(3) Temporary or seasonal caretakers at temporarily closed camps or improved areas to maintain grounds, buildings or other structures and prevent damage or theft of Government property. Such appointments shall not extend beyond 130 working days a year without the prior approval of the Commission.

(4) Temporary, intermittent, or seasonal field assistants at GS-5, or its equivalent, and below in such areas as forestry, range management, soils, engineering, fishery and wildlife management, and with surveying parties. Employment under this authority shall not exceed 180 working days a year for positions at GS-4 and below in survey parties in the Bureau of Land Management and Geological Survey and shall not exceed 130 working days a year for other positions authorized under this subparagraph. This authority shall not apply to positions of field assistants engaged in fishery management work in Alaska.

(5) Temporary emergency forest and range fire and blister rust control employees in the field service of the Department of the Interior employed for fire prevention or suppression or blister rust control for not to exceed 130 working days a year, except that temporary and seasonal forest and range fire employees in the Bureau of Land Management in Alaska may be employed for fire prevention or suppression for not to exceed 180 working days a year.

(6) Persons employed in field positions the work of which is financed jointly by the Department of the Interior and cooperating persons or organizations outside the Federal service.

(7) All positions in the Bureau of Indian Affairs and other positions in the Department of the Interior directly and primarily related to the providing of services to Indians when filled by the appointment of Indians who are one-fourth or more Indian blood.

(8) Subject to prior approval of the Commission, temporary, intermittent, or seasonal positions at GS-7 or below in Alaska, as follows: Positions in nonprofessional mining activities, such as those of drillers, miners, caterpillar operators, and samplers; and positions of field assistants engaged in fishery management work. Employment under this authority shall not exceed 180 working days a year and shall be appropriate only when the activity is carried on in a remote or isolated area, there is no Board of U. S.

Civil Service Examiners to service the employing establishment, and there is a shortage of available candidates for the positions.

(9) Subject to prior approval of the Commission, temporary, part-time, or intermittent employment of mechanics, skilled laborers, equipment operators and tradesmen on construction, repair, or maintenance work for not to exceed 180 working days a year in Alaska, when the activity is carried on in a remote or isolated area, there is no Board of U. S. Civil Service Examiners to service the employing establishment, and there is a shortage of available candidates for the positions.

(10) Seasonal airplane pilots and airplane mechanics in Alaska, not to exceed 180 working days a year.

(11) [Reserved.]

(12) Three Staff Assistants, President's Council on Youth Fitness.

(b) *Bureau of Indian Affairs.* (1) All positions in the Neopit Lumber Mills on the Menominee Indian Reservation in Wisconsin, until December 31, 1960.

(2) Housekeeper positions at a gross salary not in excess of the entrance rate of grade GS-4 or its equivalent when, because of isolation or lack of quarters, appointment through competitive examination is, in the opinion of the Commission, impracticable.

(3) Subject to prior approval of the Commission, assistants in Alaska native schools (not including teachers and instructors) at a salary rate not in excess of that of GS-4 or its equivalent where the schools are in isolated or remote areas or lack suitable quarters.

(c) *Indian Arts and Crafts Board.* (1) The Executive Director.

(d) *Bonneville Power Administration.* (1) Four Area Managers.

(e) *Office of Territories.* (1) Until December 31, 1959, all positions in Alaska in the Alaska Railroad and four technical positions in the Alaska Railroad Office in Seattle, Washington.

(2) The Clerk of the High Court of American Samoa.

(3) One position of part-time Secretary and one position of Administrative Educational Aid to the U. S. Resident Administrator for Canton Island.

(4) The Government Comptroller for the Virgin Islands.

(f) *National Park Service.* (1) Temporary, intermittent or seasonal park rangers at salaries equivalent to GS-4 or below, in positions such as Naturalist, Historian, and Archeologist, for not to exceed 180 working days a year.

(g) *Bureau of Reclamation.* (1) Appraisers and examiners employed on a temporary, intermittent, or part-time basis on special valuation or prospective-entrymen-review projects where knowledge of local values or conditions or other specialized qualifications not possessed by regular Bureau employees are required for successful results. Employment under this provision shall not exceed 130 working days a year in any individual case; provided that such employment may, with prior approval of the Commission, be extended for not to exceed an additional fifty days in any single year.

(h) *Federal Petroleum Board.* (1) Chairman of the Board.

(2) Two Members of the Board.

§ 6.111 Department of Agriculture.

(a) *General.* (1) Agents employed in field positions the work of which is financed jointly by the Department and cooperating persons, organizations, or governmental agencies outside the Federal service. This authority is not applicable to positions in the Agricultural Research Service. After May 1, 1958, this authority is not applicable to poultry inspection positions, and after June 1, 1958, it is not applicable to tobacco inspection positions, in the Agricultural Marketing Service.

(2) Any local veterinarian employed on a fee basis or a part-time basis.

(3) Not to exceed 25 professional, scientific, or technical positions in grade GS-7 or higher to be filled on an exchange basis by qualified employees on the rolls of State Governments, colleges, or universities, for a limited period not to exceed one year.

(4) Local Agents, except veterinarians, employed temporarily outside of Washington, in demonstrating in their respective localities the necessity of eradicating contagious or infectious animal diseases.

(5) Temporary, intermittent, or seasonal employment in the field service of the Department of Agriculture in the kinds of positions indicated below. This authority is applicable to positions where the salary is equivalent to GS-5 or below; except that for the forest worker positions under subdivision (v) of this subparagraph it may be used regardless of salary for wage board positions. Employment under this authority shall not exceed 130 working days a year for positions under subdivisions (ii), (iii), and (iv) of this subparagraph; and total employment under this subparagraph shall not exceed 180 working days a year.

(i) Field assistants for subprofessional services.

(ii) Subject to prior approval of the Commission, clerical positions and positions in the trades, crafts, and manual laborer occupational groups exclusive of those covered by § 6.101 (k) and (o) at places other than at central office and regional and branch office cities of the Commission when (a) there is no local board of U. S. Civil Service Examiners to service the employing establishment, and (b) there is no appropriate register or there is a shortage of available eligibles.

(iii) Caretakers at temporarily closed camps or improved areas.

(iv) Field enumerators and supervisors.

(v) Forest workers engaged primarily for fire prevention or suppression activities and also other forest workers when the employment is with headquarters other than forest supervisor and regional offices.

(vi) Allotment checkers of the Commodity Stabilization Service.

(vii) Collectors of the Farmers Home Administration.

(6) [Reserved.]

(7) Not to exceed eight positions whose incumbents serve on an intermittent or temporary basis as field repre-

sentatives of the Department of Agriculture and in this capacity represent the Department's Disaster Committee in conducting surveys and appraisals of conditions in areas whose status as "major disaster" areas under Public Law 875, Eighty-first Congress, is under consideration. Employment under this authority shall not exceed 130 working days a year.

(b) *Office of the Secretary.* (1) Special Livestock Loans Committeemen employed for not more than 180 working days a year, to approve and direct the servicing of emergency livestock loans.

(c) *Rural Electrification Administration.* (1) Until June 30, 1960, not to exceed 12 positions, at grades GS-11 or higher, for employment of persons with extensive experience in the commercial or engineering phases of the telephone industry to provide specialized techniques and training in telephony. Appointments under this authority will be made only to positions of a staff, training, or advisory nature as distinguished from regular operating positions. Employment under this provision shall not exceed one year in any individual case; provided that such employment may, with the approval of the Commission, be extended for not to exceed an additional year.

(d) *Forest Service.* (1) Temporary, intermittent, or seasonal positions when filled by the appointment of persons who are certified as maintaining a permanent and exclusive residence within, or contiguous to, a national forest and as being dependent for livelihood primarily upon employment available within the national forest.

(2) Positions in Alaska of Laborers, Boat Operators, Mechanics, Equipment Operators, and Carpenters whose duties require the operation of boats in coastal waters and/or the establishment and maintenance of work camps in remote areas.

(e) *Commodity Stabilization Service.* (1) Six Area Directors at a salary equivalent to GS-15.

(2) Farmer fieldmen and farmer fieldwomen to interpret and explain and supervise farm programs.

(f) *Farmers Home Administration.* (1) State committeemen to consider, recommend, and advise with respect to the Farmers' Home Administration program.

(2) County committeemen to consider, recommend, and advise with respect to the Farmers' Home Administration program.

(3) Temporary positions whose principal duties involve the making and servicing of emergency and special livestock loans pursuant to Public Law 38, 81st Congress, as amended, and Public Law 727, 83d Congress, as amended. Appointment under this provision shall not exceed one year unless extended with the prior approval of the Commission for additional periods of not to exceed one year each.

(4) State Directors and not to exceed three positions of State Director-at-Large.

(g) *Agricultural Stabilization and Conservation Committees.* (1) State Administrative Officer.

(2) Members of State Committees.

(h) *Agricultural Marketing Service.*

(1) Milk Market Administrators.

(2) All positions on the staffs of Milk Market Administrators.

(3) Positions of cotton classers GS-9 and below, clerks GS-2, and laborers, employed on a seasonal basis in cotton-classing offices outside the Washington, D.C., Metropolitan Area. Employment under this authority (or under a combination of this authority and any other excepting authority) shall not exceed 160 working days a year in the case of cotton classers and laborers and 130 working days a year in the case of clerks.

(4) [Reserved.]

(5) Positions of poultry inspectors at GS-9 and below employed on a temporary, intermittent, or seasonal basis. Employment under this authority shall not exceed 130 working days a year.

(i) *Agricultural Research Service.* (1) Field employees on programs conducted under the terms of cooperative agreements or memorandums of understanding with States, or other non-Federal cooperating organizations, providing the employees are jointly selected and their salary is supplied by the cooperators on the basis of not less than a 40 percent contribution by each of the cooperators.

(2) Temporary field positions concerned with the control, suppression, and eradication of emergency livestock diseases. Persons appointed under this authority may not be employed in these positions in the Agricultural Research Service for longer than one year under this authority, or under a combination of this and any other authorities for excepted appointment that may be appropriate, without prior approval of the Commission. This authority shall be appropriate only in situations declared by the Secretary of Agriculture to be emergencies threatening the livestock industry of the country.

(j) *Foreign Agricultural Service.* (1) Agricultural Attache positions in foreign countries at grade GS-16 and above.

(2) Positions of Technical Leader at grade GS-12 and above employed in the training of foreign nationals on a temporary basis for not to exceed 130 working days a year.

§ 6.112 Department of Commerce.

(a) *General.* (1) [Reserved.]

(2) Agents to take and transmit meteorological observations in connection with airways whose duties require only part of their time, and whose compensation does not exceed \$190 a month; for such employment in isolated locations in Alaska the compensation may not exceed \$210 a month.

(3) Employment of individuals, firms or corporations for not to exceed one year for special statistical studies and statistical compilations, other than Personal Census Records Service, the compensation for which is derived from funds deposited with the United States under the act of May 27, 1935 (49 Stat. 292): *Provided*, That such employments may, with the approval of the Commission, be extended for not to exceed an additional year.

(4) Positions established in connection with activities of the International

Geophysical Year, 1957-58, whose duties are performed primarily in field stations beyond the continental limits of the United States. Incumbents of these positions may be stationed in continental United States for periods of orientation, training, analysis of data, and report writing. Appointments under this authority shall not exceed two years, provided that with the prior approval of the Commission they may be extended for not to exceed an additional one-year period.

(5) Not to exceed 50 scientific and technical positions whose duties are performed primarily in the Antarctic. Incumbents of these positions may be stationed in continental United States for periods of orientation, training, analysis of data, and report writing.

(b) *Office of the Secretary.* (1) The positions of Security Control Officer, Deputy Security Control Officer, and Chief, Personnel Security Division.

(2) One Civil Aviation Specialist.

(c) *Coast and Geodetic Survey.* (1) All civilian positions on vessels operated by the Coast and Geodetic Survey.

(2) Temporary positions required in connection with the surveying operations of the field service of the Coast and Geodetic Survey. Appointment to such positions shall not exceed 8 months in any one calendar year.

(d) *Bureau of the Census.* (1) Supervisors, assistant supervisors and supervisor's clerks and enumerators in the field service for temporary, part-time or intermittent employment for not to exceed one year: *Provided*, That such appointment of supervisor's clerks and enumerators may be extended for additional periods of not to exceed one year each. This subparagraph shall not be authority for employment in full time positions for longer than one year.

(e) *National Bureau of Standards.* (1) Scientific and professional research associate positions when filled on a temporary or intermittent basis by persons having a doctoral degree in physical science or related fields of study, for research activities of mutual interest to the appointee and the Bureau. Total employment under this provision may not exceed 20 positions at any one time, including those at the headquarters and at the Boulder, Colorado, Laboratories of the Bureau. Employment under this provision shall not exceed one year in any individual case; *Provided*, That such employment may, with the approval of the Commission, be extended for not to exceed an additional year.

(f) *Bureau of Public Roads.* (1) Temporary, intermittent, or seasonal employment in the field service of the Bureau of Public Roads at grades not higher than GS-5 for subprofessional engineering aide work on highway surveys and construction projects, for not to exceed 180 working days a year, whenever in the opinion of the Commission appointment through competitive examination is impracticable.

(g) *Business and Defense Services Administration.* (1) Not to exceed 30 positions, at grades GS-13 and higher, to be filled by appointment of persons, qualified as industrial specialists, who possess specialized knowledge and experience in

the field of industrial production, industrial operations and related problems, applicable to one or more of the current segments of industry served by the Business and Defense Services Administration. Appointments under this authority may be made for a period not to exceed two years, and may, with prior approval of the Commission, be extended for an additional period of two years.

(h) *Maritime Administration.* (1) Public Information Officer.

(2) One Private Secretary to the Public Information Officer.

(3) Chief, Program Planning Office.

(4) One Private Secretary to the Chief, Program Planning Office.

(5) The positions of Chief Investigator and Security Officer and Deputy Chief Investigator and Security Officer.

(6) The position of Commandant, U. S. Maritime Service and Superintendent, U. S. Merchant Marine Academy.

(7) Dean of the U. S. Merchant Marine Academy.

(8) All positions on Government owned vessels or those bareboat chartered to the Government and operated by or for the Maritime Administration.

(9) Chief, Office of Ship Construction and Repair.

(10) One Special Assistant to the Administrator (Tanker Adviser).

(11) Two Special Assistants to the Deputy Administrator.

(i) *Federal Maritime Board.* (1) Secretary to the Federal Maritime Board.

(j) *Office of the Assistant Secretary for International Affairs.* (1) Ten positions at GS-13 and above in specialized fields relating to international trade or commerce in the Bureau of Foreign Commerce or in other units under the jurisdiction of the Assistant Secretary for International Affairs. Incumbents shall be assigned to advisory rather than to operating duties, except as operating and administrative responsibility may be required for the conduct of pilot studies or special projects. Employment under this authority will not exceed two years for any individual appointee.

(2) Not to exceed 25 positions of Managers and Deputy Managers of International Trade Fairs and Exhibit Programs in foreign countries when the duties require a considerable portion of the employee's time to be spent in foreign countries.

(k) *Weather Bureau.* (1) Subject to prior approval of the Commission, which shall be contingent upon a showing of inadequate housing facilities, meteorological aid positions at the following stations in Alaska: Barrow, Bethel, Kotzebue, McGrath, Northway, and St. Paul Island.

(2) Until December 31, 1960, Meteorologist Aid and Electronic Technician positions on Guam, Canton Island, Samoa, Wake Island, and in the Trust Territory.

(3) Cook positions on Swan Island.

§ 6.113 Department of Labor.

(a) *Office of the Secretary.* (1) Chairman and two members, Employees' Compensation Appeals Board.

(b) *Bureau of Employment Security.* (1) One Minority Groups Consultant.

(c) *Government Contract Committee.* (1) All positions on the staff of the Government Contract Committee established by Executive Order 10479 of August 13, 1953.

(d) *Bureau of Labor Statistics.* (1) Not to exceed 40 positions of Statistical Investigators, GS-3 and GS-4, employed on a temporary or intermittent basis for field-survey work. Persons appointed under this authority may not be employed in this kind of work in the Bureau of Labor Statistics for more than 180 working days in any single year under this authority or under a combination of this and any other authorities for excepted appointment that may be appropriate.

§ 6.114 Department of Health, Education, and Welfare.

(a) *St. Elizabeths Hospital.* (1) Three Medical Officers (Surgical Resident).

(2) Student medical Interns for temporary or part-time employment.

(3) Temporary positions of graduate nurses appointed as students for the purpose of receiving twelve weeks of training equivalent to psychiatric affiliation. This authority shall be applied only to positions whose compensation is fixed in accordance with the provisions of section 3 of Public Law 330, Eightieth Congress.

(4) Three positions of Medical Officers (Radiology Resident), provided that employment under this authority shall not exceed one year in any individual case.

(b) *Public Health Service.* (1) Special escorts to accompany patients of the Public Health Service in accordance with existing laws and regulations. Employment under this subparagraph shall be only for the period of time necessary for the escort to deliver the patient to his destination and to return.

(2) Positions at Government sanatoria when filled by patients during treatment or convalescence.

(3) All positions in leprosy investigation stations.

(4) Positions concerned with problems in preventive medicine financed or participated in by the Department of Health, Education, and Welfare and a cooperating state, county, municipality, incorporated organization, or an individual in which at least one-half of the expense is contributed by the cooperating agency either in salaries, quarters, materials, equipment, or other necessary elements in the carrying on of the work.

(5) Medical and dental internes, externes, and residents; and student nurses.

(6) Positions of scientific, professional, or technical nature when filled by bona fide students enrolled in academic institutions provided that the work performed in the agency is to be used by the student as a basis for completing certain academic requirements required by an educational institution to qualify for a scientific, professional, or technical field; and provided further that appropriate exclusions of the positions under the authority of Public Law 330, 80th Congress, have been approved by the Civil Service Commission.

(7) Student Dietitians and Resident Physicians at Freedman's Hospital.

(8) Positions directly and primarily related to the providing of services to Indians when filled by the appointment of Indians who are one fourth or more Indian blood.

(9) Not to exceed 30 positions of clerical assistants employed on a part-time and intermittent basis to aid cooperating clinicians in non-Federal tuberculosis sanatoria in the keeping of records and the preparation of reports in connection with research studies into the effectiveness of antimicrobial agents in the treatment of tuberculosis. Persons appointed under this authority may not be employed in this kind of work in the Public Health Service for more than 180 working days in a single year under this authority or under a combination of this and any other authority for excepted appointment that may be appropriate.

(c) *Office of Education.* (1) Positions concerned with problems in education financed and participated in by the Office of Education, Department of Health, Education, and Welfare, and a cooperating State educational agency, or university or college, in which there is joint responsibility for selection and supervision of employees, and at least one-half of the expense is contributed by the cooperating agency in salaries, quarters, materials, equipment, or other necessary elements in the carrying on of the work.

(2) [Reserved.]

(3) Twenty-five positions at grade GS-12 and above the incumbents of which will engage in the development of policy, standards, regulations, procedures, and definitions in connection with the National Defense Education Act of 1958 and will consult with and advise on the administration and implementation of this Act with the Office of Education, the various States and territories, institutions of higher education, and other organizations and persons concerned with carrying out the provisions of this Act. Appointments under this provision shall be limited to persons having a particular competency in the areas concerned. Employment under this provision shall not exceed two years in any individual case and shall not extend beyond June 30, 1962.

(4) Ten positions at grade GS-13 and above the incumbents of which will engage in research and consultative services in highly specialized areas within the field of education which present current educational problems of national concern, e.g., the relationship of ROTC training to higher education, the status of a particular area of cooperative educational research, the assessment of the educational system of a particular foreign country, and other equally vital and important problem areas. Appointments made under this authority shall be limited to persons having a particular competency in the area concerned, and shall be restricted to positions concerned with current problem areas that are not a part of the continuing broad educational programs administered by the United States Office of Education. Employment under this provision shall not exceed two years for any individual appointee.

(d) *Social Security Administration.*

(1) Fifteen positions required in connection with the 1960 White House Conference on Children and Youth, as follows: Twelve professional positions in fields concerned directly with child life and three administrative positions requiring broad knowledge of, or experience with, professional and lay groups participating in programs relating to child life. Employment under this provision shall not extend beyond June 30, 1961.

(2) One position of claims examiner or social insurance representative in a district office of the Bureau of Old-Age and Survivors Insurance in the State of Arizona when filled by the appointment of a person of one-fourth or more Indian blood.

§ 6.116 National Security Council.

(a) All positions on the staff of the Council.

§ 6.117 Interstate Commerce Commission.

(a) One Congressional Liaison Officer.

§ 6.119 Board of Governors, Federal Reserve System.

(a) All positions.

§ 6.121 [Reserved.]

§ 6.122 Veterans' Administration.

(a) *General.* (1) Positions in Veterans' Administration facilities when filled by the appointment of members of such facilities receiving domiciliary care if in the opinion of the Veterans' Administration the duties can be satisfactorily performed by such members.

(2) Positions at Veterans' Administration hospitals when filled by paraplegic patients during treatment or convalescence.

(3) One Assistant to the Administrator (Racial Relations).

(b) *Construction Division.* (1) Temporary construction workers paid from "purchase and hire" funds and appointed for not to exceed the duration of a construction project.

§ 6.123 Federal Civil Defense Administration.

(a) Seven Regional Administrators.

(b) Seven Deputy Regional Administrators.

§ 6.124 United States Information Agency.

(a) Chief, Office of Security.

(b) Two Liaison Officers (Congressional) in the Office of the General Counsel.

(c) One Chief of Religious Information.

§ 6.125 Federal Power Commission.

(a) Three special assistants to the Commission.

§ 6.126 Securities and Exchange Commission.

(a) Director, Division of Corporation Finance; Director, Division of Corporate Regulations; Director, Division of Trading and Exchanges.

(b) Ten positions of Regional Administrator.

§ 6.129 Federal Deposit Insurance Corporation.

(a) All field positions concerned with the work of liquidating the assets of closed banks or the liquidation of loans to banks, and all temporary field positions the work of which is concerned with paying the depositors of closed insured banks.

(b) One position of Chief Clerk in the San Juan, Puerto Rico, office.

§ 6.131 National Capital Housing Authority.

(a) Executive Director.

§ 6.132 United States Soldiers' Home.

(a) All positions.

§ 6.133 General Services Administration.

(a) *General.* (1) Custodians, guards, watchmen, laborers, and other employees engaged in the custody, care and preservation of plants, warehouses, shipyards, airfields, and surplus facilities of a similar nature pending disposition of such facilities.

(b) *Office of the Administrator.* (1) Until June 30, 1960, one Special Assistant to the Administrator (Nicaro Nickel Project).

§ 6.134 Federal Communications Commission.

(a) [Reserved.]

(b) One Associate Chief Engineer.

(c) [Reserved.]

(d) The Chief of each of the following Bureaus: Broadcast, Common Carrier, Safety and Special Radio Services, and Field Engineering and Monitoring.

§ 6.135 United States Tariff Commission.

(a) The Secretary of the Commission.

§ 6.138 National Labor Relations Board.

(a) Election Clerks and Election Examiners for temporary, part-time, or intermittent employment in connection with elections under the Labor Management Relations Act.

§ 6.140 Export-Import Bank of Washington.

(a) The Secretary.

(b) Chiefs of the following divisions: Economics, Engineering, Examining, and Private Capital Participation.

(c) Three Special Assistants to the Board of Directors, grade GS-14 and above, with responsibility for carrying out special overseas assignments for the Board.

§ 6.141 Farm Credit Administration.

(a) Until July 31, 1961, positions in the Federal Intermediate Credit Banks, the Federal Land Banks, the Banks for Cooperatives, and positions filled by joint officers and employees for these institutions.

(b) National Farm Loan Association receivers and conservators.

(c) Not to exceed seven positions in the Credit Services of the Farm Credit Administration in grades GS-13 or above, requiring technical or administrative experience in the field of agricultural credit: *Provided*, That this authority may be used only when making

appointments of persons who have acquired such experience in the Farm Credit Administration or in one or more of the institutions supervised by the Farm Credit Administration.

(d) Until July 31, 1961, positions in the Central Bank for Cooperatives.

§ 6.142 Housing and Home Finance Agency.

(a) *Office of the Administrator.* (1) Until July 31, 1961, Executive Secretary and Deputy Executive Secretary of the National Committee and the Executive Secretary and Deputy Executive Secretary of each regional subcommittee established under Title VI of the Housing Act of 1954.

(2) Director, Compliance Division.

(3) Seven Regional Administrators.

(4) Director, Community Disposition Program.

(b) [Reserved.]

(c) *Federal Housing Administration.*

(1) [Reserved.]

(2) Six Zone Operations Commissioners.

§ 6.144 Selective Service System.

(a) State Directors.

(b) Deputy or Assistant State Directors and State Medical Officers in State Headquarters.

(c) Until June 30, 1963, Executive Secretary, National Advisory Committee on the Selection of Physicians, Dentists, and Allied Specialists.

(d) Executive Secretary, National Selective Service Appeal Board.

§ 6.145 Civil Service Commission.

(a) Positions of Members of the International Organizations Employees Loyalty Board.

§ 6.147 National Aeronautics and Space Administration.

(a) Fifty alien scientists having special qualifications in the fields of aeronautical and space research where such employment is deemed by the Administrator of the National Aeronautics and Space Administration to be necessary in the public interest.

(b) Forty scientific specialists to be engaged on special research projects.

(c) A research and development group consisting of not to exceed 35 aliens having special qualifications in fields closely related to manned space flight, where such employment is deemed by the Administrator of the National Aeronautics and Space Administration to be necessary in the public interest.

§ 6.148 Panama Canal Company, New York.

(a) All positions on vessels operated by the Panama Canal Company.

(b) Checkers employed on w. a. e. basis.

(c) One Receiving Clerk, one Delivery Clerk, and one Baggage Master-Storekeeper employed on dock (N. Y.).

(d) One General Agent, Panama Canal Line, at Port-au-Prince, Haiti.

§ 6.149 Foreign Operations Administration.

(a) Not to exceed 25 positions of a policy determining character at salaries

in excess of \$10,000 but not in excess of \$15,000 per annum.

(b) Two private secretaries or confidential assistants to the Director, one to the Deputy Director, and one to each policy determining official receiving a salary of \$15,000 per annum.

(c) Not to exceed 30 positions at GS-12 or above when filled by persons who have served overseas with the agency or its predecessor for not less than one year.

(d) The positions of Director for Personnel Security and Integrity, Deputy Director for Personnel Security and Integrity, and Director of the Inspections Division.

(e) One Special and Confidential Assistant to the Director, Office of Labor Affairs.

(f) Deputy Director, Office of Public Reports.

(g) [Reserved.]

(h) Staff Assistant, Office of the Military Adviser.

(i) One Private Secretary to the Chairman, International Development Advisory Board.

§ 6.155 President's Committee on Government Employment Policy.

(a) Executive Director.

§ 6.157 Federal Home Loan Bank Board.

(a) One Secretary, Federal Home Loan Bank Board.

(b) One Director, Division of Examinations.

(c) All temporary field positions in the Federal Savings and Loan Insurance Corporation concerned with the work of liquidating the assets of closed insured institutions, or the liquidation of loans or the handling of contributions to insured institutions and the purchase of assets therefrom, and all temporary field positions of the Federal Savings and Loan Insurance Corporation the work of which is concerned with paying the depositors of closed insured institutions.

§ 6.161 President's Committee on Fund-Raising Within the Federal Service.

(a) All positions on the staff of the Committee.

§ 6.162 Development Loan Fund.

(a) The Deputy Managing Director for Finance and Development.

§ 6.163 Office of Civil and Defense Mobilization.

(a) Eight Assistant Regional Directors for Women's Activities.

(b) One Legislative Labor Manpower Specialist, Manpower Office, Resources and Production Area.

(c) The Director and Deputy Director, Labor Participation Office, Office of National Organizations and Civic Affairs.

§ 6.164 Federal Aviation Agency.

(a) Caretakers and light attendants employed on emergency fields and other air navigation facilities, who are paid on a fee basis.

(b) Medical Officer positions on Canton and Wake Islands.

(c) Laborer positions on Swan Island.

SCHEDULE B

§ 6.200 Positions other than those of a confidential or policy-determining character for which it is not practicable to hold a competitive examination.

The positions enumerated in §§ 6.201 to 6.299 are positions other than those of a confidential or policy-determining character for which it is not practicable to hold a competitive examination and which are excepted from the competitive service and constitute Schedule B. Appointments to these positions shall be subject to such noncompetitive examination as may be prescribed by the Commission.

§ 6.202 Department of State.

(a) Persons formerly employed abroad in the Foreign Service of the United States (this means civilian employment in the executive branch) for a period of at least 4 years for service in executive and administrative positions, or for at least 2 years for professional positions, in grades GS-9 and above.

(b) Positions assigned exclusively to Department of State Cryptographic Security Activities.

(c) Director and Deputy Director, Foreign Buildings Operation.

§ 6.203 Treasury Department.

(a) Positions of Chief National Bank Examiner, Assistant Chief National Bank Examiner, District Chief National Bank Examiner, National Bank Examiner, and Assistant National Bank Examiner, whose salaries are paid from assessments against national banks and other financial institutions.

(b) Cryptographer, United States Coast Guard.

(c) Not to exceed two positions of Accountant (Tax Specialist) at grades GS-13 and above to serve as specialists on the accounting analysis and treatment of corporation taxes. Employments under this paragraph shall not exceed a period of 18 months in any individual case.

§ 6.206 Department of the Navy.

(a) Positions assigned exclusively to Navy Communications Intelligence Activities.

§ 6.207 Department of the Air Force.

(a) Positions assigned exclusively to Air Force Communications Intelligence Activities.

(b) Civilian Deans and Professors at the Air Force Institute of Technology, Wright-Patterson Air Force Base, Dayton, Ohio.

§ 6.208 Department of Justice.

(a) [Reserved.]

(b) Deputy United States Marshals, Supervisory Deputy United States Marshals, and Chief Deputy United States Marshals.

§ 6.210 Department of the Interior.

(a) Any competitive position at an Indian school when filled by the spouse of a competitive employee of the school, when because of isolation or lack of quarters, the Commission deems ap-

pointment through competitive examination impracticable.

§ 6.224 United States Information Agency.

(a) Persons formerly employed abroad in the Foreign Service of the United States or as Binational Center Grantees for a period of at least four years for service in executive and administrative positions, or for at least two years for professional positions, in grades GS-9 and above.

§ 6.225 Federal Power Commission.

(a) A Chief Engineer.

§ 6.242 Housing and Home Finance Agency.

(a) Federal Housing Administration.

(1) Ten Zone Intergroup Relations Advisors.

§ 6.244 Selective Service System.

(a) Positions in the Selective Service System when filed by persons who as commissioned officer personnel in the armed forces have previously been trained for or have been on active military duty in the Selective Service program, and cannot, for some reason beyond their control, be brought to active military duty in the current Selective Service program.

§ 6.245 Civil Service Commission.

(a) Assistant to the Chairman.

§ 6.256 District of Columbia Government.

(a) Chairman, Secretary and Members of the Board of Police and Fire Surgeons, District of Columbia.

SCHEDULE C

§ 6.300 Positions of a confidential or policy-determining character.

The positions enumerated in §§ 6.301 to 6.399 are positions of a confidential or policy-determining character which are excepted from the competitive service, to which appointments may be made without examination by the Commission and which constitute Schedule C.

§ 6.302 Department of State.

(a) Office of the Secretary. (1) Five Special Assistants.

(2) Special Assistant to the Secretary for Disarmament and Atomic Energy.

(3) Foreign Affairs Officer (Atomic Energy).

(4) [Reserved.]

(5) Two Confidential Assistants and four Private Secretaries to the Secretary.

(6) [Reserved.]

(7) Four Special Assistants to the Under Secretary.

(8) Special Assistant (Fisheries) to the Under Secretary.

(9) Two Confidential Assistants and one Private Secretary to the Under Secretary.

(10) [Reserved.]

(11) One Staff Assistant.

(12) Secretary of the International Joint Commission—United States and Canada.

(13) [Reserved.]

(14) [Reserved.]

(15) The Chief of Protocol, Office of the Under Secretary.

(16) [Reserved.]

(17) One special assistant (Multilateral Affairs).

(18) One Private Secretary to the Special Assistant to the President.

(19) Special Assistant to the Secretary for International Cultural Relations.

(20) One Confidential Assistant and one Special Assistant to the Under Secretary for Economic Affairs.

(21) Until December 31, 1959, two Confidential Assistants.

(22) One Private Secretary to the Special Assistant to the Secretary for International Cultural Relations.

(b) Bureau of Security and Consular Affairs. (1) Deputy Administrator.

(2) One Staff Assistant.

(3) Administrator.

(4) [Reserved.]

(5) Director, Office of Security.

(6) Deputy Administrator for Refugee Relief.

(7) One Private Secretary to the Administrator.

(8) One Special Assistant to the Administrator.

(c) Office of the Assistant Secretary for Congressional Relations. (1) One Congressional Liaison Officer (House).

(2) Deputy Assistant Secretary.

(3) Congressional Liaison Officer (Senate).

(4) One confidential assistant to the Assistant Secretary.

(5) [Reserved.]

(6) One Executive Assistant.

(7) Three Legislative Management Officers.

(8) One Administrative Assistant.

(9) One Deputy Assistant Secretary (Mutual Security Affairs).

(d) Office of the Assistant Secretary for Public Affairs.

(1) [Reserved.]

(2) One Deputy Assistant Secretary.

(3) One private secretary to the Assistant Secretary.

(4) Director, UNESCO Relations Staff.

(5) One special assistant to the Assistant Secretary.

(6) [Reserved.]

(7) One Chief, News Division.

(8) One Review Officer.

(9) Director, Official Position Program.

(e) Office of the Assistant Secretary for Economic Affairs. (1) One Deputy Assistant Secretary for Economic Affairs.

(2) One private secretary to the Assistant Secretary.

(3) [Reserved.]

(4) [Reserved.]

(f) Bureau of Intelligence and Research. (1) One private secretary.

(2) Director of Intelligence and Research.

(3) Deputy Director of Intelligence and Research.

(4) [Reserved.]

(5) One Assistant to the Director of Intelligence and Research.

(g) Office of the Counselor. (1) One private secretary to the Counselor.

(2) One Special Assistant to the Counselor.

(h) Bureau of Near Eastern and South Asian Affairs. (1) Deputy Assistant Secretary.

(2) One private secretary to the Assistant Secretary.

(3)–(6) [Reserved.]

(7) One Deputy Assistant Secretary for Near Eastern and South Asian Economic and Regional Affairs.

(i) Bureau of International Organization Affairs. (1) Two Deputy Assistant Secretaries.

(2) One private secretary to the Assistant Secretary.

(3) [Reserved.]

(4) One Special Assistant to the Assistant Secretary.

(5) One Special Assistant to the Assistant Secretary (Public Affairs).

(j) Bureau of European Affairs. (1) Deputy Assistant Secretary.

(2) One private secretary to the Assistant Secretary.

(3) [Reserved.]

(4) Deputy Assistant Secretary (German and NATO Affairs).

(k) Bureau of Far Eastern Affairs.

(1) Deputy Assistant Secretary.

(2) One private secretary to the Assistant Secretary.

(3) [Reserved.]

(4) One Deputy Assistant Secretary for Far Eastern Economic Affairs.

(5) One Regional Planning Advisor.

(l) Bureau of Inter-American Affairs.

(1) Deputy Assistant Secretary.

(2) One private secretary to the Assistant Secretary.

(3) [Reserved.]

(4) Special Assistant to the Assistant Secretary.

(5) One Special Assistant to the Assistant Secretary (Public Affairs).

(m) Office of the Legal Adviser. (1) Deputy Legal Adviser.

(2) One private secretary to the Legal Adviser.

(3) One Special Assistant to the Legal Adviser.

(n) Executive Secretariat. (1) Director.

(2) Deputy Director.

(o) Office of the Assistant Secretary for Policy Planning.

(1) [Reserved.]

(2) Deputy Assistant Secretary for Policy Planning.

(3) [Reserved.]

(4) Executive Secretary.

(5) [Reserved.]

(6) Ten Members.

(7) One Private Secretary to the Assistant Secretary for Policy Planning.

(8) [Reserved.]

(9) One Alternate Department Representative on the National Security Council Planning Board.

(p) Office of the Assistant Secretary for Administration. (1) [Reserved.]

(2) Deputy Assistant Secretary for Personnel.

(3) [Reserved.]

(4) One Confidential Assistant to the Assistant Secretary.

(5) One Private Secretary to the Assistant Secretary for Administration.

(q) Office of the Deputy Under Secretary for Administration. (1) One Confidential Assistant to the Deputy Under Secretary.

(2) Chief, Special Liaison Staff.

(3) One Assistant Chief, Special Liaison Staff.

(4) [Reserved.]

(5) Two Special Liaison Assistants, Special Liaison Staff.

(r) *Office of the Under Secretary for Political Affairs.* (1) Two Special Assistants and one Confidential Assistant to the Under Secretary.

(s) [Reserved.]

(t) *Bureau of African Affairs.* (1) Deputy Assistant Secretary.

(2) One Private Secretary to the Assistant Secretary.

§ 6.303 Treasury Department.

(a) *Office of the Secretary.* (1) Six Assistants to the Secretary.

(2) Two confidential assistants to the Secretary.

(3) One confidential assistant to the Under Secretary and each Assistant Secretary.

(4) One assistant to the Under-Secretary.

(5) [Reserved.]

(6) One assistant to the Secretary (Legislative).

(7) [Reserved.]

(8) One Confidential Assistant to the General Counsel.

(9) One Assistant to the Secretary for Law Enforcement.

(10) One Deputy to the Secretary.

(b) *Office of the Treasurer of the United States.* (1) One confidential administrative assistant to the Treasurer of the United States.

(2) One confidential assistant to the Treasurer of the United States.

(c) *Bureau of Customs.* (1) Commissioner of Customs.

(d) *United States Savings Bonds Division.* (1) National Director.

§ 6.304 Department of Defense.

(a) *Office of the Secretary.* (1) Two confidential or special assistants and two confidential assistants (private secretaries) to the Secretary of Defense.

(2) Two Confidential Assistants (Private Secretaries) to the Deputy Secretary of Defense and one Confidential Assistant (Private Secretary) to each of the following: the Director of Defense Research and Engineering; the Assistant Secretary of Defense, Manpower, Personnel and Reserve; the Assistant Secretary of Defense, International Security Affairs; the Chairman of the Joint Chiefs of Staff; the Defense Liaison Officer to the White House; the Assistant Secretary of Defense, Public Affairs; the Assistant Secretary of Defense, Properties and Installations; the Assistant Secretary of Defense, Health and Medical; the Assistant Secretary of Defense, Supply and Logistics; the General Counsel; the U.S. Military Representative, NATO Standing Group; and the Assistant to the Secretary of Defense, Atomic Energy.

(3) One confidential assistant to the Assistant Secretary of Defense, Supply and Logistics.

(4) [Reserved.]

(5) [Reserved.]

(6) One Special and Confidential Assistant to the Assistant Secretary of Defense, Public Affairs.

(7) Three Chauffeurs for the Secretary of Defense.

(8) Two Special Assistants to the Deputy Secretary.

(9) One Deputy Assistant Secretary, Office of the Assistant Secretary of Defense for Public Affairs.

(10) [Reserved.]

(11) One Confidential Assistant to the Assistant Secretary of Defense for Properties and Installation and two Confidential Assistants to the Assistant Secretary of Defense for International Security Affairs.

(12) [Reserved.]

(13) The Defense Advisor and Deputy Defense Advisor to USRO in Paris, France.

(14) Two private secretaries to the Defense Advisor to USRO in Paris, France.

(15) One Director, Office of Personnel Security Policy.

(16) One Deputy Assistant Secretary (National Security Council Affairs and Planning), Office of the Assistant Secretary of Defense for International Security Affairs.

(17) One Confidential Secretary to the Special Assistant to the Director of Defense Research and Engineering.

(18) One Deputy Assistant Secretary (International Security Affairs), Office of the Assistant Secretary of Defense for International Security Affairs.

(19) Director for Small Business Policy, Office of the Assistant Secretary of Defense (Supply and Logistics).

(20) One Deputy Assistant Secretary (Mutual Defense Assistance Programs), Office of the Assistant Secretary of Defense for International Security Affairs.

(21) One Special Assistant to the Assistant Secretary of Defense for International Security Affairs.

(22) One Deputy Assistant Secretary, Office of the Assistant Secretary of Defense for Properties and Installations.

(23) One Assistant to the Secretary of Defense (Legislative Affairs).

(24) One Private Secretary to the Assistant to the Secretary of Defense (Legislative Affairs).

(25) One Special Assistant to the Assistant Secretary of Defense (Comptroller).

(26) Until September 7, 1959, One Confidential Assistant (Private Secretary) to the Deputy Secretary of Defense.

(27) One Special Assistant to the Assistant to the Secretary of Defense (Legislative Affairs).

(b) *Office of Special Operations.* (1) The Director.

(2) Two Private Secretaries to the Director.

(c) *Court of Military Appeals.* (1) One Private Secretary and two Technical Assistants to each Judge of the Court.

§ 6.305 Department of the Army.

(a) *Office of the Secretary.* (1) One private secretary or confidential assistant to the Secretary, to the Under Secretary, and to each Assistant Secretary of the Army.

(2) One Deputy to each of the following: the Assistant Secretary of the Army (Financial Management), the Assistant Secretary of the Army (Logistics), and the Assistant Secretary of the Army (Manpower, Personnel and Reserve Forces).

(3) The General Counsel.

(4) One Special Assistant to the Secretary.

(5) [Reserved.]

(6) One Publications Writer.

(7) One Special Assistant to the Under Secretary of the Army.

(8) [Reserved.]

(9) Two Special Assistants to the Assistant Secretary of the Army (Logistics), including one for Procurement.

(10) One Confidential Assistant to the Deputy Assistant Secretary of the Army (Manpower, Personnel and Reserve Forces).

(11) One Special Assistant for Manpower and Personnel and one Special Assistant for Reserve Forces to the Assistant Secretary of the Army (Manpower, Personnel and Reserve Forces).

(b) *General.* (1) One Administrative Assistant to the Personal Physician to the President.

(2) One administrative assistant and one private secretary to the Military Aide to the President.

§ 6.306 Department of the Navy.

(a) *Office of the Secretary.* (1) Three civilian aides or executive assistants to the Secretary and two civilian aides or executive assistants to the Under Secretary and to each Assistant Secretary of the Navy.

(2) One private or confidential secretary to the Secretary, to the Under Secretary, and to each Assistant Secretary of the Navy.

(3) One chauffeur for the Secretary of the Navy.

(4) One Confidential Secretary to the Civilian Aide to the Secretary of the Navy.

(5) One Private Secretary to the Naval Aide to the President.

§ 6.307 Department of the Air Force.

(a) *Office of the Secretary.* (1) Three special assistants to the Secretary, and one special assistant to the Under Secretary, and to each Assistant Secretary of the Air Force.

(2) Two Private Secretaries to the Secretary, and one Private Secretary to the Under Secretary, to each Assistant Secretary of the Air Force, and one to each Special Assistant whose appointment is authorized under subparagraph (1) of this paragraph.

(3) The General Counsel.

§ 6.308 Department of Justice.

(a) *Office of the Attorney General.* (1) The Executive Assistant to the Attorney General.

(2) The Pardon Attorney.

(3) Two private secretaries to the Attorney General.

(4) One chauffeur for the Attorney General.

(5) Two Special Assistants for Public Relations.

(6) One confidential assistant to the Attorney General.

(7) Two Secretaries for the Attorney General.

(8) Two Receptionists for the Attorney General.

(b) *Office of the Deputy Attorney General.* (1) [Reserved.]

- (2) One confidential assistant (private secretary) to the Deputy Attorney General.
- (3) Head of Executive Office for United States Attorneys.
- (4) Assistant Deputy Attorney General for Legal Administration.
- (5) Assistant Deputy Attorney General for Litigation.
- (c) *Office of the Solicitor General.*
- (1) The First Assistant to the Solicitor General.
- (2) One position of Trial Attorney (General)—Second Assistant.
- (3) One confidential assistant (private secretary) to the Solicitor General.
- (d) *Anti-Trust Division.* (1) The First Assistant to the Assistant Attorney General.
- (2) Second Assistant to the Assistant Attorney General.
- (3) Chief, General Litigation Section.
- (4) Chief, Trial Section.
- (5) Chief, Special Litigation Section.
- (6) Chief, Transportation and Litigation Section.
- (7) Chief, Judgments and Judgment Enforcement Section.
- (8) Chief, Legislation and Clearance Section.
- (9) Chief, Appellate Section.
- (10) Chief, Field Office (7 positions).
- (11) One confidential assistant (private secretary) to the Assistant Attorney General.
- (12) Chief, Economic Section.
- (13) Chief, Congressional Reports Section.
- (e) *Civil Division.* (1) The First Assistant to the Assistant Attorney General.
- (2) Second Assistant to Assistant Attorney General.
- (3) Third Assistant to Assistant Attorney General.
- (4) Chief, Admiralty and Shipping Section.
- (5) Chief, Court of Claims Section.
- (6) Chief, Fraud Section.
- (7) Chief, General Litigation Section.
- (8) Chief, Government Claims Section.
- (9) Chief, Japanese Claims Section.
- (10) Chief, Patent Section.
- (11) Chief, Supreme Court Section.
- (12) Chief, Torts Section.
- (13) Chief, Veterans Affairs Section.
- (14) Chief, Admiralty and Shipping Section, New York.
- (15) One confidential assistant (private secretary) to the Assistant Attorney General.
- (f) *Criminal Division.* (1) The First Assistant to the Assistant Attorney General.
- (2) Second Assistant to Assistant Attorney General.
- (3) Chief, Administrative Regulations Section.
- (4) [Reserved.]
- (5) Chief, General Crimes Section.
- (6) Chief, Trial Section.
- (7) Chief, Appeals and Research Section.
- (8) One confidential assistant (private secretary) to the Assistant Attorney General.
- (9) Chief, Organized Crime and Racketeering Section.
- (10) Chief, Fraud Section.

- (11) One position of Trial Attorney (General)—Staff Assistant.
- (g) *Tax Division.* (1) The First Assistant to the Assistant Attorney General.
- (2) Chief, Trial Section.
- (3) Chief, Appellate Section.
- (4) Chief, Criminal Section.
- (5) Chief, Compromise Section.
- (6) One confidential assistant (private secretary) to the Assistant Attorney General.
- (7) Second Assistant to Assistant Attorney General.
- (8) Chief, Claims Section.
- (h) *Lands Division.* (1) The First Assistant to the Assistant Attorney General.
- (2) Chief, Lands Acquisition Section.
- (3) Chief, Trial Section.
- (4) Chief, Appellate Section.
- (5) Chief, Legislation and General Section.
- (6) One confidential assistant (private secretary) to the Assistant Attorney General.
- (7) Second Assistant to Assistant Attorney General.
- (8) Chief, Indian Claims Section.
- (i) *Office of Alien Property.* (1) One Deputy Director.
- (2) Chief, Legal and Legislative Section.
- (3) [Reserved.]
- (4) Chief, Claims Branch.
- (5) Chief, Litigation Branch.
- (6) Manager, Field Office (3 positions).
- (7) One confidential assistant (private secretary) to the Assistant Attorney General.
- (8) Chief, Liquidation Section.
- (9) Chief, Inter-custodial and Foreign Funds Office.
- (10) Second Assistant to Assistant Attorney General.
- (j) *Immigration and Naturalization Service.* (1) General Counsel.
- (2) One confidential assistant (private secretary) to the Commissioner.
- (3)-(7) [Reserved.]
- (8) Executive Assistant to the Commissioner.
- (9) Two Associate Commissioners, one for Operations, and one for Management.
- (10) Four Deputy Associate Commissioners, one for each of the following: Domestic Control; Travel Control; Security; and Administrative Services.
- (k) *Board of Immigration Appeals.* (1) Executive Assistant.
- (2) The Chairman.
- (3) Four Members of the Board.
- (l) *Office of Legal Counsel.* (1) One confidential assistant (private secretary) to the Assistant Attorney General.
- (2) The First Assistant to the Assistant Attorney General.
- (m) *Bureau of Prisons.* (1) The Director.
- (2) Three Assistant Directors.
- (n) *Federal Prison Industries, Inc.* (1) The Commissioner of Industries.
- (2) Associate Commissioner.
- (o) *Office of United States Attorney.* (1) Secretary and confidential assistant to the United States Attorney (ten positions).

- (p) *Internal Security Division.* (1) The First Assistant to the Assistant Attorney General.
- (2) One Executive Assistant to the Assistant Attorney General.
- (3) One Confidential Assistant to the Assistant Attorney General.
- (4) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.
- (5) Chief, Appeals and Research Section.
- (6) Chief, Civil Section.
- (7) Chief, Foreign Agents Registration Section.
- (8) Chief, Criminal Section.
- (q) *Civil Rights Division.* (1) The First Assistant to the Assistant Attorney General.
- (2) Second Assistant to the Assistant Attorney General.
- (3) One confidential assistant (private secretary) to the Assistant Attorney General.
- § 6.309 Post Office Department.
- (a) *Office of the Postmaster General.*
- (1) One special and confidential assistant to the Assistant Postmaster General (Bureau of Transportation).
- (2) One Executive Assistant to the Postmaster General.
- (3) Six Special Assistants to the Postmaster General.
- (4) One Receptionist.
- (5) Two Special Assistants to the Deputy Postmaster General.
- (6) One Assistant to the Executive Assistant to the Postmaster General.
- (7) Two Confidential Assistants to the Postmaster General.
- (8) One Private Secretary to each of the two Executive Assistants to the Postmaster General.
- (9) One Secretarial Assistant to the Postmaster General.
- (10) Until October 31, 1959, one Executive Assistant to the Postmaster General.
- (b) *Bureau of Facilities.* (1) [Reserved.]
- (2) One confidential assistant to the Assistant Postmaster General.
- (3) One private secretary to the Assistant Postmaster General.
- (4) One Deputy Assistant Postmaster General.
- (5) One Private Secretary to the Deputy Assistant Postmaster General.
- (6) One Special Assistant to the Assistant Postmaster General.
- (c) *Bureau of Transportation.* (1) Information specialist.
- (2) One Special Assistant to the Assistant Postmaster General.
- (3) One Technical Assistant to the Assistant Postmaster General.
- (4) One Confidential Assistant (Field Operations).
- (5) One Deputy Assistant Postmaster General (Rail and Highway) and one Deputy Assistant Postmaster General (Air and International).
- (6) One Confidential Assistant to the Assistant Postmaster General.
- (7) One Private Secretary to the Assistant Postmaster General.
- (d) *Bureau of Personnel.* (1) [Reserved.]

(2) One Private Secretary to the Assistant Postmaster General.

(e) *Bureau of the General Counsel.*

(1) [Reserved.]

(2) Two Private Secretaries to the General Counsel.

(3) One Deputy General Counsel.

(4) One Private Secretary to the Deputy General Counsel.

(f) *Bureau of Post Office Operations.*

(1) Two Confidential Assistants to the Assistant Postmaster General.

(2) Three Special Assistants to the Assistant Postmaster General.

(3) [Reserved.]

(4) One Private Secretary to the Assistant Postmaster General.

(g) *Bureau of Finance.* (1) One Confidential Assistant to the Assistant Postmaster General and Controller.

(2) One Special Representative to the Assistant Postmaster General and Controller.

(3) One Private Secretary to the Assistant Postmaster General and Controller.

§ 6.310 Department of the Interior.

(a) *Office of the Secretary.* (1) Assistant to the Secretary.

(2) One confidential assistant and one private secretary to the Secretary.

(3) Four special assistants to the Secretary.

(4) Six Confidential Assistants (Field Representatives).

(5) Chauffeur for the Secretary.

(6) Special assistant to the Under Secretary.

(7) Confidential assistant (administrative assistant) to the Under Secretary.

(8) One Special Assistant and one Confidential Assistant (Administrative Assistant) to each of the Assistant Secretaries for Mineral Resources, Public Land Management, Water and Power Development, and Fish and Wildlife.

(9) Director, Technical Review Staff.

(10) Assistant Director, Technical Review Staff.

(11) Advisor on International Affairs, Technical Review Staff.

(12) Planning Reports Review Coordinator, Technical Review Staff.

(13) One Confidential Assistant (Administrative Assistant) to the Director, Technical Review Staff.

(14) One Private Secretary to the Under Secretary.

(15) One Assistant to the Secretary (Public Relations).

(16) One Deputy Executive Director, President's Council on Youth Fitness.

(17) Director, Office of Oil and Gas.

(18) One Secretarial Attendant to the Secretary.

(19) Director, Office of Minerals Mobilization.

(20) Director, Office of Minerals Exploration.

(21) Director, Office of Saline Water.

(b) *Office of the Solicitor.* (1) One confidential assistant to the Solicitor.

(2) Two Special Assistants to the Solicitor.

(3) One Deputy Solicitor.

(4) Five Associate Solicitors.

(5) One Assistant to the Secretary and Legislative Counsel.

(c) *United States Fish and Wildlife Service.* (1) One Special Assistant to the Commissioner of Fish and Wildlife.

(d) *Bureau of Mines.* (1) One private secretary to the Director.

(2) One Assistant Director (Programming).

(3) One Assistant Director (Health and Safety).

(4) One Deputy Director.

(5) One Assistant Director (Helium Activities).

(e) *Geological Survey.* (1) One Private Secretary to the Director.

(f) *Bureau of Reclamation.* (1) One private secretary to the Commissioner.

(2) Three Assistant Commissioners.

(g) *Southeastern Power Administration.* (1) Administrator.

(2) One private secretary to the Administrator.

(h) *National Park Service.* (1) Director.

(2) One private secretary to the Director.

(3) One Assistant Director.

(4) One Associate Director.

(i) *Bonneville Power Administration.* (1) Administrator.

(2) One private secretary to the Administrator.

(3) One Special Assistant to the Administrator.

(4) Two Assistants to the Administrator.

(j) *Bureau of Indian Affairs.* (1) [Reserved.]

(2) Three Assistants to the Commissioner.

(3) One Private Secretary to the Commissioner.

(k) *Southwestern Power Administration.* (1) Administrator.

(2) Assistant Administrator.

(3) One Confidential Secretary, Office of the Administrator.

(l) *Office of Territories.* (1) One Director.

(2) One Confidential Assistant to the Director.

(3) Chief, Division of Insular Affairs.

(4) One Governor, American Samoa.

(5) One Secretary of American Samoa.

(6) One Chief Justice of American Samoa.

(7) One Deputy High Commissioner, Trust Territories of the Pacific Islands.

(8) One Private Secretary to the Governor of Virgin Islands.

(9) One Administrative Assistant to the Governor of Virgin Islands.

(10) One Assistant Director.

(11)-(17) [Reserved.]

(18) Director, Alaska Public Works.

(19) Chief Engineer, Alaska Public Works.

(20) [Reserved.]

(21) One Confidential Assistant to the Governor of American Samoa.

(22) One Secretary to the Government Secretary of American Samoa.

(23) One Private Secretary to the Governor of Guam.

(24) One Secretary to the Government Secretary of Guam.

(25) Chief Justice of the Trust Territory.

(26) One Secretary to the High Commissioner of The Trust Territory.

(27) One Secretary to the Deputy High Commissioner of The Trust Territory.

§ 6.311 Department of Agriculture.

(a) *Office of the Secretary.* (1) One administrative assistant to the Secretary.

(2) One assistant to the Secretary (States Relations).

(3) One assistant to the Secretary (Agricultural Programs).

(4) One executive assistant to the Secretary.

(5) Five Confidential Assistants to the Secretary.

(6) One private secretary to the Secretary.

(7) Two chauffeurs for the Secretary.

(8) One Private Secretary and Administrative Assistant to the Executive Assistant to the Secretary.

(9) One Confidential Assistant to each of the three Assistant Secretaries other than the Administrative Assistant Secretary.

(10) One Private Secretary to each of the three Assistant Secretaries other than the Administrative Assistant Secretary.

(11) One Staff Assistant-Program Appraisal.

(12) One Special Assistant to the Secretary.

(13) One Private Secretary and Administrative Assistant to the Special Assistant to the Secretary.

(b) *Rural Electrification Administration.* (1) One Private Secretary to the Administrator.

(2) One Deputy Administrator.

(3) Two Assistant Administrators.

(4) One Assistant to the Administrator.

(c) *Office of the Under Secretary*

(1) One confidential assistant to the Under Secretary.

(2) One private secretary to the Under Secretary.

(d) *Office of the General Counsel.*

(1) One Deputy General Counsel.

(2) Three Assistant General Counsels.

(3) One Private Secretary to the General Counsel.

(e) *Foreign Agricultural Service.* (1) Three Assistant Administrators.

(2) One Assistant to the Administrator.

(3) The Administrator.

(4) The Deputy Administrator.

(5) One Private Secretary to the Administrator.

(f) *Farmers Home Administration.*

(1) One Deputy Administrator.

(2) Two Assistant Administrators.

(3) One Assistant to the Administrator.

(4) One Confidential Assistant to the Administrator.

(5) One Private Secretary to the Administrator (Insured Loan Funds).

(g) *Agricultural Conservation Program.* (1) Chief, Agricultural Conservation Program.

(2) One Assistant Chief.

(3) One Private Secretary to the Chief.

(h) *Federal Crop Insurance Corporation.* (1) The Manager.

(2) One Assistant Manager.

(3) Members of the Board of Directors.
 (4) One Private Secretary to the Manager.
 (1) *Commodity Stabilization Service*.
 (1) Administrator.
 (2) One Associate Administrator.
 (3) Three Deputy Administrators.
 (4) Two Assistant Deputy Administrators.
 (5) Four Confidential Assistants to the Administrator.
 (6) One private secretary to the Administrator.
 (7) Director, Livestock and Dairy Division.
 (8) Director, Grain Division.
 (9) Director, Transportation and Storage Service Division.
 (10) Director, Cotton Division.
 (11) Director, Oils and Peanut Division.
 (12) Director, Sugar Division.
 (13) Director, Tobacco Division.
 (14) Director, Price Division.
 (15) Director, Foods and Materials Requirements Division.
 (16) Director, Soil Bank Division.
 (17) General Sales Manager.
 (18) Deputy General Sales Manager.
 (j) *Commodity Credit Corporation*.
 (1) The President.
 (2) The Executive Vice President.
 (3) The Secretary.
 (4) One Confidential Assistant to the President.
 (k) [Reserved.]
 (l) *Soil Conservation Service*. (1) Administrator.
 (2) One Deputy Administrator.
 (3) One Confidential Assistant to the Administrator.
 (4) One Private Secretary to the Administrator.
 (m) *Office of the Director, Agricultural Credit Services*. (1) The Director, Agricultural Credit Services.
 (2) One Confidential Assistant to the Director.
 (3) One Private Secretary to the Director.

§ 6.312 Department of Commerce.
 (a) *Office of the Secretary*. (1) Deputy Under Secretary for Transportation.
 (2) Nine Confidential Assistants to the Secretary.
 (3) Two Private Secretaries to the Secretary.
 (4) One Confidential Assistant and two Private Secretaries to the Under Secretary.
 (5) One Confidential Assistant and one Private Secretary to the Under Secretary for Transportation.
 (6) One Confidential Assistant and one Private Secretary to the Assistant Secretary for Domestic Affairs.
 (7) One Confidential Assistant and one Private Secretary to the Assistant Secretary for International Affairs.
 (8) One Confidential Assistant and one Private Secretary to the General Counsel.
 (9) One Private Secretary to the Deputy Under Secretary for Transportation.
 (10) Administrator, Defense Air Transport Administration.

(11) One Private Secretary to the Administrator, Defense Air Transport Administration.
 (12) Deputy General Counsel.
 (13) One Private Secretary to the Deputy General Counsel.
 (14) One Special Assistant to the Secretary.
 (15) One Chauffeur for the Secretary.
 (16) One Deputy Assistant Secretary of Commerce for International Affairs.
 (17) One Deputy Assistant Secretary of Commerce for Domestic Affairs.
 (18) One private secretary to the Deputy Assistant Secretary for Domestic Affairs.
 (19) One private secretary to the Deputy Assistant Secretary for International Affairs.
 (20) [Reserved.]
 (21) [Reserved.]
 (22) [Reserved.]
 (23) One Confidential Assistant to the Administrator, Defense Air Transport Administration.
 (24) One Confidential Assistant to the Assistant Secretary for Administration.
 (25) Director, Advisory Committee on Export Policy Staff, Office of the Assistant Secretary of Commerce for International Affairs.
 (26) Director, Office of International Trade Fairs.
 (27) Deputy Director, Office of International Trade Fairs.
 (28) Two Legislative Liaison Officers, Office of the General Counsel.
 (29) One Confidential Assistant to the Assistant Secretary for International Affairs.
 (30) One Special Assistant to the Under Secretary for Transportation to be employed on a temporary basis not to exceed June 30, 1960.
 (b) *Inland Waterways Corporation*.
 (1) Chairman of the Advisory Board.
 (c) [Reserved.]
 (d) *Business and Defense Services Administration*. (1) Director, Office of Field Service.
 (2) [Reserved.]
 (3) One Private Secretary to the Director, Field Service.
 (4) Administrator.
 (5) Two Confidential Assistants to the Administrator.
 (6) [Reserved.]
 (7) Deputy Administrator.
 (8) [Reserved.]
 (9) One Confidential Assistant to the Deputy Administrator.
 (10)–(14) [Reserved.]
 (15) One Assistant Administrator for Business Services.
 (e) *Bureau of Census*. (1) One private secretary to the Director.
 (f) *Weather Bureau*. (1) One private secretary to the Chief.
 (g) *National Bureau of Standards*.
 (1) One private secretary to the Director.
 (h) *Bureau of Public Roads*. (1) Commissioner of Public Roads.
 (2) Solicitor.
 (3) Four Special Assistants to the Federal Highway Administrator.
 (4) One private secretary to the Federal Highway Administrator.
 (5) One private secretary to the Solicitor.

(i) *Patent Office*. (1) Private secretary to the Commissioner, and to each of the Assistant Commissioners.
 (j) *Coast and Geodetic Survey*. (1) One private secretary to the Director.
 (k) *Federal Maritime Board*. (1) Two Confidential Assistants to the Chairman.
 (2) One Confidential Assistant to each Member of the Board (other than the Chairman).
 (l) *Maritime Administration*. (1) General Counsel.
 (2) One Director, Office of National Shipping Authority and Government Aid.
 (3) One Private Secretary to the Administrator.
 (4) One Private Secretary to the General Counsel.
 (5) One Private Secretary to the Director, Office of National Shipping Authority and Government Aid.
 (m) *Bureau of Foreign Commerce*.
 (1) The Director.
 (2) The Executive Director, Foreign Trade Zones Staff.

§ 6.313 Department of Labor.
 (a) *Office of the Secretary*. (1) Four special assistants, three confidential assistants, and one confidential assistant (private secretary) to the Secretary of Labor.
 (2) One chauffeur for the Secretary of Labor.
 (3) One special assistant and one private secretary to the Under Secretary of Labor.
 (4) One private secretary to each Assistant Secretary of Labor who is appointed by the President.
 (5) [Reserved.]
 (6) Private Secretary to the Secretary.
 (7) One Confidential Assistant to the Under Secretary of Labor.
 (8) One Confidential Assistant to the Assistant Secretary.
 (b) *Office of the Solicitor*. (1) [Reserved.]
 (2) One private secretary to the Solicitor.
 (c) *Office of Information*. (1) Director.
 (2) One Private Secretary to the Director.
 (d) *Bureau of Employment Security*.
 (1) Director.
 (2) [Reserved.]
 (3) One private secretary to the Director.
 (e) *Bureau of Labor Statistics*. (1) One private secretary to the Commissioner.
 (f) *Bureau of Apprenticeship and Training*. (1) Director.
 (2) [Reserved.]
 (3) One private secretary to the Director.
 (g) *Women's Bureau*. (1) Assistant Director.
 (2) One private secretary to the Director.
 (3) One Special Assistant to the Director.
 (h) *Bureau of Labor Standards*. (1) Director.
 (2) [Reserved.]

(3) One private secretary to the Director.

(4) One Confidential Assistant to the Director.

(i) *Wage and Hour and Public Contracts Divisions.* (1) Deputy Administrator.

(2) One Confidential Assistant to the Administrator.

(j) *Office of International Labor Affairs.* (1) Executive Director.

(k) [Reserved.]

(l) *Bureau of Veterans Reemployment Rights.* (1) Director.

(m) *Bureau of Employees' Compensation.* (1) Director.

§ 6.314 Department of Health, Education, and Welfare.

(a) *Office of the Secretary.* (1) Director of Security.

(2) One Confidential Assistant to the Secretary.

(3) [Reserved.]

(4) Publications Writer.

(5) [Reserved.]

(6) Two Assistants to the Secretary.

(7) One Executive Secretary.

(8) Two confidential secretaries to the Under Secretary.

(9) [Reserved.]

(10) One Assistant to the Secretary.

(11) One Congressional Liaison Officer.

(12) One Assistant to the Congressional Liaison Officer.

(13) One Confidential Assistant to the Under Secretary.

(14) One Assistant to the Secretary (for Program Analysis).

(b) *Office of Vocational Rehabilitation.*

(1) Director, Vocational Rehabilitation.

(c) *Social Security Administration.*

(1)-(3) [Reserved.]

(4) One Deputy Commissioner of Social Security.

(5) One Technical Adviser to the Commissioner of Social Security.

(d) *Office of Education.* [Reserved.]

(2) One Confidential Assistant to the Commissioner of Education.

(3) One Special Assistant to the Commissioner of Education.

(e) *Office of the Assistant Secretary for Federal-State Relations.* (1) One Confidential Assistant to the Assistant Secretary.

(2) One Special Assistant on Federal-State Problems.

(3) One Special Assistant.

(f) *Office of the General Counsel.* (1) [Reserved.]

(2) One Associate General Counsel.

(g) *Office of the Assistant Secretary for Legislation.* (1) One Special Assistant to the Assistant Secretary.

§ 6.315 Executive Office of the President.

(a) *Bureau of the Budget.* (1) [Reserved.]

(2) Three assistant directors.

(3) Two Private Secretaries to the Director.

(4) One Private Secretary to the Deputy Director.

(5) One private secretary to each of the three assistant directors.

(b) *Council of Economic Advisers.*

(1) One secretary to the Chairman and one to each Member.

§ 6.317 Interstate Commerce Commission.

(a) One private secretary to each Commissioner.

(b) Managing Director.

§ 6.318 General Accounting Office.

(a) One Administrative Assistant (Confidential Assistant) to the Comptroller General.

(b) One Private Secretary to the Comptroller General.

§ 6.320 The Tax Court of the United States.

(a) One Private Secretary and two Technical Assistants for the Chief Judge and each Judge.

§ 6.322 Veterans' Administration.

(a) *Office of the Administrator.* (1) Two Special Assistants to the Administrator.

(2) One confidential assistant (private secretary) to the Administrator.

(3) One Confidential Administrative Assistant to the Administrator.

(4) Six Confidential Assistants to the Special Assistant to the Administrator.

(5) The Deputy Administrator.

(6) The General Counsel.

(7) One Assistant Administrator for Appraisal and Security.

(8) The Associate Deputy Administrator.

(9) Chairman of the Planning and Evaluation Board.

(10) One Assistant Deputy Administrator.

(b) *Department of Medicine and Surgery.* (1) One confidential assistant (private secretary) to the Chief Medical Director.

(c) *Department of Insurance.* (1) The Chief Insurance Director.

(d) *Department of Veterans Benefits.* (1) The Chief Benefits Director.

§ 6.324 United States Information Agency.

(a) One Secretarial Assistant to the Deputy Director.

(b) One Special Assistant to the Director.

(c) One Secretarial Assistant to the Director.

(d) One Secretary to the Director.

(e)-(f) [Reserved.]

(g) One Special Assistant to the Deputy Director.

§ 6.325 Federal Power Commission.

(a) One private secretary and one confidential assistant to each Commissioner.

(b) One assistant to the Chairman.

(c) General Counsel.

(d) Executive Director.

(e) One Private Secretary to the Executive Director.

(f) One Technical Assistant to each Commissioner.

§ 6.326 Securities and Exchange Commission.

(a) One General Counsel.

(b) One Chief Accountant.

(c) [Reserved.]

(d) One Associate General Counsel.

(e) One Confidential Assistant to each Member of the Commission (5 positions).

(f) The Executive Director.

(g) One private secretary to the Executive Director.

(h) One Associate Executive Director.

§ 6.327 National Mediation Board.

(a) One private secretary to each member of the National Railroad Adjustment Board.

§ 6.328 Small Business Administration.

(a) Three Deputy Administrators.

(b) One Special Assistant to each Deputy Administrator.

(c) Two Special and Confidential Assistants to the Administrator.

(d) One General Counsel.

(e) [Reserved.]

(f) Director, Office of Procurement and Technical Assistance.

(g) Director, Office of Economic Adviser.

(h) Director, Office of Information.

(i) One Special Assistant to the Administrator.

(j) One Private Secretary to the Administrator.

(k) One Confidential Assistant (Private Secretary) to each Deputy Administrator.

(l) Deputy Director, Office of Economic Adviser.

(m) Deputy Director, Office of Procurement and Technical Assistance.

(n) [Reserved.]

(o) One Program Coordinator (Department of Defense).

(p) [Reserved.]

(q) The Deputy Administrator for the Small Business Investment Division.

(r) The Director of the Small Business Investment Division.

(s) One Administrative Assistant to the Deputy Administrator for the Small Business Investment Division.

(t) Director and Deputy Director, Office of Management and Research Assistance.

(u) Director, Office of Loan Processing.

(v) Director, Office of Loan Administration.

§ 6.329 Federal Deposit Insurance Corporation.

(a) One Assistant to each member of the Board of Directors.

§ 6.330 Federal Trade Commission.

(a) One private secretary or confidential assistant to the Chairman.

(b) General Counsel.

(c) Director, Bureau of Litigation.

(d) Director, Bureau of Investigation.

(e) Director, Bureau of Consultation.

(f) Director, Bureau of Economics.

(g) One Secretary of the Federal Trade Commission.

(h) Executive Director.

§ 6.333 General Services Administration.

(a) *Office of the Administrator.* (1) Five Members of the Board of Review.

(2) The Deputy Administrator.

(3) [Reserved.]

(4) Two Special Assistants to the Administrator.

(5) One Confidential Assistant to the Administrator.

(6) [Reserved.]

(7) One Special Assistant to the Administrator (Congressional and Public Affairs).

(8) Director of Public Information and Reports.

(9) [Reserved.]

(10) [Reserved.]

(11) Two Confidential Assistants to the Special Assistant to the Administrator (Congressional and Public Affairs).

(12) One Assistant to the Special Assistant to the Administrator (Congressional and Public Affairs).

(b) *Public Buildings Service.* (1) The Commissioner.

(c) *Federal Supply Service.* (1) The Commissioner.

(d) *National Archives and Records Service.* (1) The Archivist of the United States.

(e) *Defense Materials Service.* (1) The Commissioner.

(f) *Transportation and Public Utilities Service.* (1) The Commissioner.

§ 6.334 Federal Communications Commission.

(a) One General Counsel.

(b) One Chief Engineer.

(c)-(d) [Reserved.]

(e) One Secretary to the Commission.

§ 6.335 United States Tariff Commission.

(a) One Private Secretary to each Commissioner.

§ 6.337 Civil Aeronautics Board.

(a) [Reserved.]

(b) [Reserved.]

(c) One special assistant to the Chairman of the Board.

(d) General Counsel of the Board.

(e) Director, Bureau of Air Operations.

(f) [Reserved.]

(g) [Reserved.]

(h) Chief, Office of Compliance.

(i) One Congressional Liaison Officer.

(j) One Private Secretary to the Congressional Liaison Officer.

(k) One Deputy Congressional Liaison Officer.

(l) [Reserved.]

(m) Director, Bureau of Safety.

(n) One Administrative Assistant to each Member of the Board.

(o) One Secretary to each Member of the Board.

(p) The Executive Director of the Board.

§ 6.338 National Labor Relations Board.

(a) One Private Secretary to the Chairman of the Board.

(b) One Solicitor.

(c) One Chief Legal Assistant to each Board Member.

(d) One Confidential Assistant to each Board Member.

(e) One Associate General Counsel, Division of Operations.

(f) One Associate General Counsel, Division of Law.

(g) Two Special Assistants to the General Counsel.

(h) One Confidential Assistant to the General Counsel.

(i) One Special Assistant to the Associate General Counsel, Division of Operations.

§ 6.340 Export-Import Bank of Washington.

(a) One Executive Vice President.

(b) One Senior Vice President.

(c) One Confidential Assistant to the President.

(d) One Private Secretary to the President.

(e) One Private Secretary to the First Vice President.

(f) The General Counsel.

(g) One Private Secretary to each of the three members of the Board of Directors.

(h) One Special Assistant to the Board of Directors.

(i) The Treasurer.

§ 6.341 Farm Credit Administration.

(a) Three Directors of Credit Services.

(b) One General Counsel.

(c) One Special Assistant to the Governor.

(d) One Deputy Governor.

(e) Four Deputy Directors of Credit Services.

§ 6.342 Housing and Home Finance Agency.

(a) *Office of the Administrator.* (1) One liaison officer.

(2) One Deputy Administrator.

(3) One Assistant Administrator (Program Policy).

(4) General Counsel.

(5) One Assistant Administrator (International Housing).

(6) [Reserved.]

(7) Community Facilities Commissioner.

(8) Deputy Urban Renewal Commissioner.

(9) [Reserved.]

(10) [Reserved.]

(11) Assistant Administrator for Congressional Liaison and Public Affairs.

(12) Two Special Assistants to the Administrator.

(13) One Assistant Commissioner for Operations, Urban Renewal Administration.

(14) One Special Assistant (Administrator's Office).

(15) [Reserved.]

(16) One Assistant Commissioner for Program Planning and Development Urban Renewal Administration.

(17) One Confidential Assistant to the Commissioner, Urban Renewal Administration.

(18) One Secretary to the Community Facilities Commissioner.

(19) One Secretary to the General Counsel.

(20) One Secretary to the Liaison Officer.

(21) Assistant Commissioner for Technical Standards, Urban Renewal Administration.

(22) One Secretary to the Assistant Administrator (Program Policy).

(23) One Special Assistant to the Administrator (Workable Programs).

(b) *Federal Housing Administration.*

(1) One Deputy Commissioner.

(2) One General Counsel.

(3) One Assistant Commissioner for Field Operations.

(4) One Assistant Commissioner, Technical Standards.

(5) Two Assistants to the Commissioner.

(6) One Assistant to the Commissioner (Intergroup Relations Service).

(7) One Special Assistant to the Commissioner.

(8) One Assistant Commissioner for Programs.

(9) One Assistant Commissioner for Audit and Examination.

(10) Director, Program Division.

(11) One Confidential Assistant to the Assistant Commissioner for Programs.

(12) One Administrative Assistant to the Assistant to the Commissioner.

(13) Assistant Commissioner for Title I.

(14) One Assistant Commissioner for Mortgages and Properties.

(15) One Deputy Assistant Commissioner for Audit and Examination.

(16) One Congressional Liaison Officer.

(17) One Special Assistant for Home Mortgages.

(18) One Special Assistant for Rental Housing.

(19) One Special Assistant for Urban Renewal.

(20) One Special Assistant for Elderly Housing.

(c) *Public Housing Administration.*

(1) One Special Assistant to the Commissioner (Liaison).

(2) One Special Assistant to the Commissioner (Racial Relations).

(3) General Counsel.

(4) [Reserved.]

(5) [Reserved.]

(6) One Deputy Commissioner.

(7) [Reserved.]

(8) One Confidential Assistant to the Commissioner.

(9) Assistant Commissioner for Development.

(10) Assistant Commissioner for Management.

(d) *Federal National Mortgage Association.* (1) The President.

(2) The Vice President.

§ 6.343 Indian Claims Commission.

(a) One Private Secretary to each Commissioner.

§ 6.346 Federal Mediation and Conciliation Service.

(a) One General Counsel.

(b) Two Private Secretaries to the Director.

(c) One Private Secretary to each of the following: The Associate Director, the Assistant Director, and the General Counsel.

(d) One Private Secretary to the National Office Representative.

(e) One Special Representative.

(f) One Private Secretary to the Special Assistant to the Director.

§ 6.347 National Aeronautics and Space Administration.

(a) One Administrative Assistant to the Director of Planning and Evaluation.

(b) One Aeronautical Information Specialist.

§ 6.349 Foreign Operations Administration.

(a) *Office of the Director.* (1) Two Assistants to the Director.

(2) One Confidential Assistant (Private Secretary) to the Director.

(3) One Private Secretary to the Director.

(4) One Confidential Assistant to the Deputy Director of Foreign Operations.

(5) Two Chauffeur-Guards for the Director.

(b) *Office of the Deputy Director for Management.* (1) Deputy Director for Management.

(2) Director for Research, Statistics and Reports.

(3) One Confidential Assistant to the Director for Research, Statistics and Reports.

(4) Deputy General Counsel.

(5) Director for Public Reports.

(6) Two Special Assistants for Congressional Liaison.

(7) One Confidential Assistant (Legal) to the General Counsel.

(8) One Assistant to the Deputy Director for Management.

(c) *Office of the Deputy Director for Operations.* (1) Deputy Director for Operations.

(d) *Office of the Deputy Director for Program and Planning.* (1) Deputy Director for Program and Planning.

(e) *Office of the Assistant Director for Refugees and Migration.* (1) Assistant Director for Refugees and Migration; (2) Deputy Assistant Director for Refugees and Migration.

(f) *Office of the Deputy Director for Congressional Cooperation.* (1) Assistant to the Deputy Director for Congressional Cooperation.

(g) *Office of the Deputy Director for Mutual Defense Assistance Controls.* (1) Assistant Deputy Director for Mutual Defense Assistance Controls.

(h) *Office of the Deputy Director for Technical Services.* (1) Deputy Director for Technical Services; (2) Assistant Deputy Director for Technical Services.

(i) *Executive Secretariat.* (1) Executive Secretary; (2) Executive Secretary to the Public Advisory Board; (3) Executive Secretary to the International Development Advisory Board.

§ 6.350 Foreign Claims Settlement Commission of the United States.

(a) Special Assistant to the Commissioners.

(b) One Confidential Assistant to the Chairman.

(c) One Private Secretary to the Chairman and to each of the other two Commissioners.

§ 6.351 Air Coordinating Committee.

(a) Executive Secretary.

§ 6.352 Government Patents Board.

(a) One Confidential Assistant to the Chairman.

§ 6.353 Subversive Activities Control Board.

(a) One Executive Secretary and Chief Clerk.

(b) One Private Secretary to each Member of the Board.

(c) One Confidential Administrative Assistant to each Member of the Board.

§ 6.354 Saint Lawrence Seaway Development Corporation.

(a) One Private Secretary to the Administrator.

(b) One Special Assistant to the Administrator.

§ 6.357 Federal Home Loan Bank Board.

(a) One Assistant to the Board.

(b) One Director, Federal Home Loan Bank Operations.

(c) One General Counsel.

(d) One Director, Division of Supervision.

(e) One Secretary to the Chairman of the Board.

(f) Two Secretaries to Board Members.

(g) One General Manager, Federal Savings and Loan Insurance Corporation.

(h) One Deputy General Manager, Federal Savings and Loan Insurance Corporation.

(i) One Secretary to the Assistant to the Board.

§ 6.359 The Renegotiation Board.

(a) Two Special Assistants to the Chairman and one Special Assistant to each of the other four Renegotiation Board Members.

§ 6.360 Commission on Civil Rights.

(a) One Executive Secretary to the Commission.

(b) [Reserved.]

(c) One Administrative Assistant to the Staff Director.

§ 6.362 Development Loan Fund.

(a) One Private Secretary to the Managing Director.

§ 6.363 Office of Civil and Defense Mobilization.

(a) One Confidential Administrative Assistant to each of the following: Assistant Director for Training, Education, and Public Affairs; Assistant Director for Plans and Operations; and Assistant Director for Resources and Production.

(b) Two Confidential Administrative Assistants to the Deputy Director.

(c) Deputy Assistant Director for Manpower.

(d) Director of Security and Inspection.

(e) One Assistant to the Director.

(f) Director of Administration.

(g) Director of Special Liaison.

(h) Director of Program and Policy.

(i) Director of Research.

(j) The Deputy Assistant Director of the Office of Plans and Operations and the Deputy Assistant Director of each of the following offices under the Office of Plans and Operations: Federal, State, and Local Plans; Emergency Community Services; Continuity of Government; Chemical, Biological, and Radiological Defense; Communications and Warning; Shelter and Vulnerability Reduction.

(k) The Deputy Assistant Director of the Office of Resources and Production and the Deputy Assistant Director of each of the following offices under the Office of Resources and Production: Re-

sources Programming; Economic Stabilization; Transportation; Fuel and Energy; Production and Materials; and Telecommunications.

(l) The Deputy Assistant Director of the Office of Training, Education, and Public Affairs and the Deputy Assistant Director of each of the following offices under the Office of Training, Education, and Public Affairs: Public Affairs; Training and Education; National Organizations and Civic Affairs; Women's Activities.

(m) Two Administrative Assistants to the Director.

(n) One Courier, Office of the Director.

(o) One Receptionist, Office of the Director.

(p) One Private Secretary to the Assistant to the Director.

§ 6.364 Federal Aviation Agency.

(a) One Congressional Liaison Officer.

(b) One Assistant Congressional Liaison Officer.

(c) One Private Secretary to the Deputy Administrator.

(d) The Chief, Office of Public Affairs.

(e) One Confidential Assistant to the Chief, Office of Public Affairs.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,

Executive Assistant.

[F.R. Doc. 59-9502; Filed, Nov. 9, 1959; 8:51 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

SUBCHAPTER D—CLAIMS AND STOLEN PROPERTY

PART 31—ADMINISTRATIVE SETTLEMENT OF TORT CLAIMS AND CERTAIN PROPERTY DAMAGE CLAIMS

Subpart B—Federal Tort Claims Act

GENERAL; ALLOWABLE CLAIMS

Sections 31.9 and 31.10 are revised to read as follows.

§ 31.9 General.

The Federal Tort Claims Act (62 Stat. 983, as amended by 73 Stat. 471; 28 U.S.C. 2672) authorizes the head of each Federal agency, or his designee for the purpose, acting on behalf of the United States, to consider, ascertain, adjust, determine, and settle certain tort claims for money damages of \$2,500 or less against the United States.

§ 31.10 Allowable claims.

Tort claims, except those specifically excluded by the Federal Tort Claims Act (28 U.S.C. 2680), are allowable under the act and this subpart for damage to or loss of property and for personal injury or death, caused by the negligent or wrongful act or omission of any employee of the Department or of the Commission, while acting within the scope of his office or employment, under circumstances

where the United States, if a private person, would be liable for such damage, loss, injury, or death, in accordance with the law of the place where the act or omission occurred. Payment of more than \$2,500 in settlement of a claim may not be authorized. The claimant's only remedy, if any, for a claim exceeding \$2,500 in amount or for a claim which is disallowed, is by suit in the United States District Court for the district where the claimant resides or wherein the act or omission complained of occurred.

(Sec. 4, 63 Stat. 111, as amended; 5 U.S.C. 151c. Interpret or apply 62 Stat. 983, as amended by 73 Stat. 471; 28 U.S.C. 2672)

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

For the Secretary of State.

AARON S. BROWN,
Acting Assistant Secretary
for Administration.

OCTOBER 30, 1959.

[F.R. Doc. 59-9486; Filed, Nov. 9, 1959;
8:49 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER D—MULTIFAMILY AND GROUP HOUSING INSURANCE

PART 232—MULTIFAMILY HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING MULTIFAMILY HOUSING

PART 235—MULTIFAMILY HOUSING FOR THE ELDERLY; ELIGIBILITY REQUIREMENTS OF MORTGAGE

PART 241—COOPERATIVE HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS FOR PROJECT MORTGAGE

Miscellaneous Amendments

The following miscellaneous amendments have been made to Parts 232, 235, and 241:

1. Section 232.6 is amended to read as follows:

§ 232.6 Payment requirements.

(a) *Method of payment.* The mortgage shall provide for monthly payments on the first day of each month on account of interest and principal. Such monthly payments shall be on a level annuity or a declining annuity basis as agreed upon by the mortgagor, the mortgagee and the Commissioner.

(b) *Date of first payment to principal.* The Commissioner shall estimate the time necessary to complete the project and shall establish the date of the first

payment to principal so that the lapse of time between completion of the project and commencement of amortization will not be longer than necessary to obtain sustaining occupancy.

2. In § 232.31a, paragraphs (b) (3) and (e) are amended to read as follows:

§ 232.31a Eligibility of mortgages on trailer courts or parks for trailer coach mobile dwellings.

(b) * * *

(3) 75 percent of the estimated value of the property after the improvements are completed.

(e) A mortgage on a trailer court or park shall have a maturity satisfactory to the Commissioner not to exceed 15 years from the date of insurance.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

3. Section 235.2 is amended by redesignating paragraphs (i) and (j) as (j) and (k) respectively, and by adding a new paragraph (i) as follows:

§ 235.2 Definitions.

(i) "Private Mortgagor—Profit" means a private corporation, association or other acceptable private organization which may in the Commissioner's discretion be regulated or restricted as to rents or sales, charges, capital structure, rate of return and methods of operation.

4. In § 235.3 paragraph (c) is amended to read as follows:

§ 235.3 Maximum mortgage amounts; new construction.

(c) *Replacement cost limitation.* (1) The Commissioner's estimate of the replacement cost of the property or project when the proposed improvements are completed if executed by a Private Mortgagor—Nonprofit or a Public Mortgagor. The replacement cost may include the land, the proposed physical improvements, utilities within the boundaries of the land, architect's fees, taxes, interest during construction and other miscellaneous charges incident to construction and approved by the Commissioner.

(2) 90 percent of the Commissioner's estimate of the replacement cost of the property or project when the proposed improvements are completed if executed by a Private Mortgagor—Profit. The replacement cost may include the land, the proposed physical improvements, utilities within the boundaries of the land, architect's fees, taxes, interest during construction and other miscellaneous charges incident to construction and approved by the Commissioner and shall include an allowance for builders and sponsors profit and risk of 10 percent of the foregoing items exclusive of land unless the Commissioner, after certifying such allowance is unreasonable, prescribes a lesser percentage.

5. Section 235.7 is amended to read as follows:

§ 235.7 Supervision of mortgagors.

(a) *Private Mortgagor—Profit.* All of the provisions of § 232.19 of this subchapter apply to mortgages executed by a Private Mortgagor—Profit.

(b) *Private Mortgagor—Nonprofit.* All of the provisions of § 232.19 of this subchapter apply to mortgages executed by a Private Mortgagor—Nonprofit except that:

(1) A Private Mortgagor—Nonprofit shall not be subject to the provisions of § 232.19(b) of this subchapter (Rate of return); § 232.19(e) of this subchapter (Rents and charges); and § 232.19(g) of this subchapter (Mortgagor's equity investment);

(2) In connection with a Private Mortgagor—Nonprofit the provisions of § 232.19(d) of this subchapter (Labor standards and prevailing wage requirements), may be waived in those cases where laborers or mechanics not otherwise employed at any time on the project voluntarily donate their services without full compensation for the purpose of lowering construction costs and the Commissioner determines that amounts thus saved are fully credited to the Private Mortgagor—Nonprofit. No charge shall be made by a Private Mortgagor—Nonprofit for accommodations, facilities or services offered by the project except those charges approved by the Commissioner.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 231, 73 Stat. 665, as amended; 12 U.S.C. 1715v)

6. Section 241.9 is amended to read as follows:

§ 241.9 Payment requirements.

(a) *Method of payment.* The mortgage shall provide for monthly payments on the first day of each month on account of interest and principal. Such monthly payments shall be on a level annuity or a declining annuity basis as agreed upon by the mortgagor, the mortgagee and the Commissioner.

(b) *Date of first payment to principal.* The Commissioner shall estimate the time necessary to complete the project and shall establish the date of the first payment to principal so that the lapse of time between completion of the project and commencement of amortization will not be longer than necessary to obtain sustaining occupancy.

(Sec. 211, 52 Stat. 33; 12 U.S.C. 1715b. Interprets or applies sec. 213, 64 Stat. 54, as amended; 12 U.S.C. 1715e)

Issued at Washington, D.C., November 4, 1959.

JULIAN H. ZIMMERMAN,
Federal Housing Commissioner.

[F.R. Doc. 59-9497; Filed, Nov. 9, 1959;
8:50 a.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

[T.D. 6424]

PART 270—CIGARS AND CIGARETTES; MANUFACTURERS, IMPORTERS, AND DEALERS

PART 275—MANUFACTURED TOBACCO; MANUFACTURERS, IMPORTERS, AND DEALERS

Miscellaneous Amendments

On May 27, 1959, a notice of proposed rulemaking with respect to regulations designated as Parts 270 and 275 of Title 26 of the Code of Federal Regulations was published in the FEDERAL REGISTER (24 F.R. 4255). The purposes of the proposal were to implement the provisions of the Internal Revenue Code of 1954, as amended by section 202 of the Excise Tax Technical Changes Act of 1958 (Public Law 85-859, 72 Stat. 1275), and to make certain editorial, clarifying, and conforming changes.

Section 202 of the Excise Tax Technical Changes Act of 1958 continued the provision for the payment of taxes on tobacco products by stamp until the Secretary or his delegate, by regulation, provided for the payment of the taxes on the basis of returns. After the publication of the notice of proposed rulemaking with respect to Parts 270 and 275, Treasury Decision 6382, effective June 24, 1959, was issued to prescribe interim regulations for the taxpayment of cigars, cigarettes, and manufactured tobacco on the basis of returns. These regulations, codified in Subpart E of Part 296 of Title 26 of the Code of Federal Regulations, have necessitated certain conforming changes in the proposed amendments, as published in the notice of proposed rulemaking, primarily in the form of deleting certain proposed amendments.

No data, views, or arguments pertaining to these regulations were received during the period of 30 days from the date of publication of the notice of proposed rulemaking. However, a provision has been added to §§ 270.1 and 275.1 to prescribe that Subpart E of 26 CFR Part 296 governs in case of any conflict with any provision of these regulations. The proposed amendments of the regulations in 26 CFR Parts 270 and 275 are adopted as set forth below:

PARAGRAPH 1.26 CFR Part 270 is amended as follows:

§ 270.1 [Amendment]

(A) Section 270.1 is amended by adding a second sentence reading as follows: "The provisions of Subpart E of Part 296 of this subchapter will govern in every case where any such provision is in conflict with any provision of this part."

(B) Section 270.18 is amended to read as follows:

§ 270.18 Dealer in tobacco materials.

"Dealer in tobacco materials" shall mean any person who receives and handles tobacco materials for sale, shipment, or delivery to another dealer in such materials, to a manufacturer of tobacco products, or to a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States, or who receives tobacco materials, other than stems and waste, for use by him in the production of fertilizer, insecticide, or nicotine. The term "dealer in tobacco materials" shall not include (a) an operator of a warehouse who stores tobacco materials solely for a qualified dealer in tobacco materials, for a qualified manufacturer of tobacco products, for a farmer or grower of tobacco, or for a bona fide association of farmers or growers of tobacco; (b) a farmer or grower of tobacco with respect to the sale of leaf tobacco of his own growth or raising, or a bona fide association of farmers or growers of tobacco with respect to sales of leaf tobacco grown by farmer or grower members, if the tobacco so sold is in the condition as cured on the farm; *Provided*, That such association maintains records of all leaf tobacco acquired or received and sold or otherwise disposed of by the association, in accordance with Part 280 of this subchapter; (c) a person who buys leaf tobacco on the floor of an auction warehouse, or who buys leaf tobacco from a farmer or grower, and places the tobacco on the floor of such a warehouse, or who purchases and sells warehouse receipts without taking physical possession of the tobacco covered thereby; or (d) a qualified manufacturer of tobacco products with respect to tobacco materials received by him under his bond as such a manufacturer.

(C) Section 270.22 is amended to read as follows:

§ 270.22 Importer.

"Importer" shall mean any person in the United States to whom nontaxpaid cigars or cigarettes manufactured in a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States are shipped or consigned; any person who removes cigars or cigarettes for sale or consumption in the United States from a customs bonded manufacturing warehouse; and any person who smuggles or otherwise unlawfully brings cigars or cigarettes into the United States.

(D) A new § 270.24a to read as follows is inserted immediately after § 270.24:

§ 270.24a Internal revenue officer.

"Internal revenue officer" shall mean an officer or employee of the Treasury Department duly authorized to perform any function relating to the administration or enforcement of this part.

(E) A new § 270.27a to read as follows is inserted immediately after § 270.27:

§ 270.27a Manufactured tobacco.

"Manufactured tobacco" shall mean tobacco (other than cigars and cigarettes) prepared, processed, manipulated, or packaged, for removal, or

merely removed, for consumption by smoking or for use in the mouth or nose, and any tobacco (other than cigars and cigarettes), not exempt from tax under Chapter 52, I.R.C., sold or delivered to any person contrary to the provisions of such chapter or regulations thereunder.

(F) Section 270.28 is amended to read as follows:

§ 270.28 Manufacturer of cigars and cigarettes.

"Manufacturer of cigars and cigarettes" shall mean any person who manufactures cigars or cigarettes. The term "manufacturer of cigars and cigarettes" shall not include a person who produces cigars or cigarettes solely for his own personal consumption or a proprietor of a customs bonded manufacturing warehouse with respect to the operation of such warehouse.

(G) Section 270.29 is amended to read as follows:

§ 270.29 Manufacturer of tobacco.

"Manufacturer of tobacco" shall mean any person who prepares, processes, manipulates, or packages, for removal, or merely removes, tobacco (other than cigars and cigarettes) for consumption by smoking or for use in the mouth or nose, or who sells or delivers any tobacco (other than cigars and cigarettes) contrary to the provisions of Chapter 52, I.R.C., or regulations thereunder. The term "manufacturer of tobacco" shall not include (a) a person who in any manner prepares tobacco solely for his own personal consumption or use; (b) a proprietor of a customs bonded manufacturing warehouse with respect to the operation of such warehouse; (c) a farmer or grower of tobacco with respect to the sale of leaf tobacco of his own growth or raising, if it is in the condition as cured on the farm; or (d) a bona fide association of farmers or growers of tobacco with respect to sales of leaf tobacco grown by farmer or grower members, if the tobacco so sold is in the condition as cured on the farm, and if the association maintains records of all leaf tobacco, acquired or received and sold or otherwise disposed of, in accordance with Part 280 of this subchapter.

(H) A new § 270.29a to read as follows is inserted immediately after § 270.29:

§ 270.29a Manufacturer of tobacco products.

"Manufacturer of tobacco products" shall mean any person who manufactures cigars or cigarettes, or who prepares, processes, manipulates, or packages, for removal, or merely removes, tobacco (other than cigars and cigarettes) for consumption by smoking or for use in the mouth or nose, or who sells or delivers any tobacco (other than cigars and cigarettes) contrary to the provisions of Chapter 52, I.R.C., or regulations thereunder. The term "manufacturer of tobacco products" shall not include (a) a person who in any manner prepares tobacco, or produces cigars or cigarettes, solely for his own personal

consumption or use; (b) a proprietor of a customs bonded manufacturing warehouse with respect to the operation of such warehouse; (c) a farmer or grower of tobacco with respect to the sale of leaf tobacco of his own growth or raising, if it is in the condition as cured on the farm; or (d) a bona fide association of farmers or growers of tobacco with respect to sales of leaf tobacco grown by farmer or grower members, if the tobacco so sold is in the condition as cured on the farm, and if the association maintains records of all leaf tobacco, acquired or received and sold or otherwise disposed of, in accordance with Part 280 of this subchapter.

(I) Section 270.36 is amended to read as follows:

§ 270.36 Removal or remove.

"Removal" or "remove" shall mean the removal of cigars or cigarettes or tobacco materials from the factory, or release from customs custody, and shall also include the smuggling or other unlawful importation of such nontaxpaid cigars and cigarettes into the United States.

§ 270.37 [Deletion]

(J) Section 270.37 is deleted.

(K) Section 270.44 is amended to read as follows:

§ 270.44 Tobacco materials.

"Tobacco materials" shall mean tobacco other than manufactured tobacco, cigars, and cigarettes and shall include tobacco in process, Perique, Black Fat, leaf tobacco, and tobacco scraps, cuttings, clippings, siftings, stems, and waste.

§ 270.60 [Amendment]

(L) Section 270.60 is amended by adding a second sentence reading as follows: "Cigars not exempt from tax under this part which are removed but not intended for sale shall be taxed at the same rate as similar cigars removed for sale."

§ 270.61 [Amendment]

(M) Section 270.61 is amended by striking the third sentence and inserting, in lieu thereof, the following new sentence: "In determining the retail price, for tax purposes, regard shall be had to the ordinary retail price of a single cigar in its principal market, exclusive of any State or local taxes imposed on the retail sale of cigars."

(N) A new § 270.63a to read as follows is inserted immediately after § 270.63:

§ 270.63a Persons liable for tax.

The manufacturer or importer of cigars and cigarettes shall be liable for the taxes imposed thereon by section 5701, I.R.C.: *Provided*, That when cigars and cigarettes are transferred, without payment of tax, pursuant to section 5704, I.R.C., to the bonded premises of another manufacturer or an export warehouse proprietor, the transferee shall become liable for the tax upon receipt by him of such cigars and cigarettes and the transferor shall thereupon be relieved of his liability for such tax.

When cigars and cigarettes are released in bond from customs custody for transfer to the bonded premises of a manufacturer of cigars and cigarettes, the transferee shall become liable for the tax on such products upon release from customs custody and the importer shall thereupon be relieved of his liability for such tax. Any person who possesses cigars and cigarettes in violation of section 5751 (a) (1) or (a) (2), I.R.C.; shall be liable for a tax equal to the tax on such products.

(72 Stat. 1417, 1424; 26 U.S.C. 5703, 5751)

(O) Section 270.65 is amended to read as follows:

§ 270.65 Assessment.

Whenever any person required by law to pay tax on cigars and cigarettes fails to pay such tax, the tax shall be determined and assessed, subject to the limitations prescribed in section 6501, I.R.C., against such person. The tax so assessed shall be in addition to the penalties imposed by law for failure to pay such tax when required. Except in cases where delay may jeopardize collection of the tax, or where the amount is nominal or the result of an evident mathematical error, no such assessment shall be made until and after notice has been afforded such person to show cause against assessment. The person will be allowed 30 days from the date of such notice to show cause, in writing, against such assessment.

(72 Stat. 1417; 26 U.S.C. 5703)

(P) Section 270.70 and the headnote are amended to read as follows:

§ 270.70 Authority of internal revenue officers to enter premises.

Any internal revenue officer may enter in the daytime any premises where cigars or cigarettes are produced or kept, so far as it may be necessary for the purpose of examining such products. When such premises are open at night, any internal revenue officer may enter them, while so open, in the performance of his official duties. The owner of such premises, or person having the superintendence of the same, who refuses to admit any internal revenue officer or permit him to examine such products shall be liable to the penalties prescribed by law for the offense.

(68A Stat. 872, 903; 26 U.S.C. 7342, 7606)

§ 270.71 [Amendment]

(Q) Section 270.71 is amended by inserting the word "internal" before the words "revenue officer".

(R) Section 270.90 is amended to read as follows:

§ 270.90 Issuance of permit.

If the application for permit, bond, and supporting documents, required under this part, are approved by him, the assistant regional commissioner shall issue a permit, Form 2096, to the manufacturer of cigars and cigarettes. The permit shall bear a number and shall fully set forth where the business of the manufacturer is to be conducted. The manufacturer shall retain such permit at

all times within his factory and it shall be readily available for inspection by any internal revenue officer upon his request. Where the factory consists of more than one building, the permit shall be retained in the building in which the records, required by § 270.142, are kept.

(72 Stat. 1421; 26 U.S.C. 5713)

§ 270.141 [Amendment]

(S) Section 270.141 is amended as follows:

(1) Paragraph (a), by striking the word "a" immediately preceding the expression "revenue officer" and inserting, in lieu thereof, the words "an internal".

(2) Paragraph (c), by inserting the word "internal" before the expression "revenue officer".

§ 270.142 [Amendment]

(T) Section 270.142 is amended in paragraph (a) as follows:

(1) By deleting the words "with the permit number of such dealer or manufacturer" from subdivisions (i) and (ii) of subparagraph (1) and inserting, in lieu thereof, "with the number of such dealer's establishment or the permit number of such manufacturer".

(2) By inserting the word "internal" before the expression "revenue officer" in the fifth sentence.

§ 270.143 [Amendment]

(U) Section 270.143 is amended as follows:

(1) Paragraph (a), by inserting the word "internal" before the expression "revenue officer" in the third sentence.

(2) Paragraph (d), by striking, in the first sentence, the word "a" immediately preceding the expression "revenue officer" and inserting, in lieu thereof, the words "an internal".

(V) Section 270.152 and the headnote are amended to read as follows:

§ 270.152 Transfer of cigars and cigarettes to another factory.

A manufacturer of cigars and cigarettes may transfer such products, under his bond, without payment of tax, to the bonded premises of any manufacturer of such products.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 270.155 [Amendment]

(W) Section 270.155 is amended by striking, in the first sentence, the word "a" immediately preceding the expression "revenue officer" and inserting, in lieu thereof, the words "an internal".

(X) Section 270.160 is amended to read as follows:

§ 270.160 Destruction of tobacco materials.

Where a manufacturer of cigars and cigarettes desires to destroy tobacco materials other than stems and waste and obtain credit therefor in the records kept by him under § 270.142, he shall notify the assistant regional commissioner of the quantity of such tobacco materials and the date on which he desires the destruction to be accomplished. The assistant regional commissioner may assign an internal revenue officer to supervise the destruction of the tobacco materials or

he may authorize their destruction without supervision. Such destruction shall be accomplished by burning, or by mixing thoroughly with lime, sulphur, bone dust, ashes, or other such substance, or by other equally suitable means. A manufacturer of cigars and cigarettes who desires to destroy stems and waste may do so in the manner provided above, without notification to the assistant regional commissioner.

(72 Stat. 1423; 26 U.S.C. 5741)

§ 270.165 [Amendment]

(Y) Section 270.165 is amended as follows:

(1) Paragraph (a), by striking from the first sentence the words "or which through mistake may have been improperly or unnecessarily used, or where the taxes represented thereby have been excessive in amount, paid in error, or in any manner wrongfully collected."

(2) Paragraph (b), by striking from the second sentence the words "three years from the date of payment of the tax" and inserting, in lieu thereof, the following: "6 months after the date of withdrawal from the market, loss, or destruction of the cigars or cigarettes to which the claim relates. Such claim shall be filed with the assistant regional commissioner for the region in which the tax was paid by the affixture of stamps or, where the tax was paid in more than one region, with the assistant regional commissioner for any one of the regions in which tax was paid."

(3) Subparagraph (b) (1), by striking the words "be filed with the assistant regional commissioner, for the region in which the stamps were affixed, and the claim shall".

(4) Subparagraph (b) (2), by striking from the fourth sentence the words "which claim shall be filed with the assistant regional commissioner for the region in which the cigars or cigarettes were so destroyed".

§ 270.166 [Amendment]

(Z) Section 270.166 is amended by inserting the word "internal" before the expression "revenue officer" in the fifth sentence.

(AA) Section 270.168 is amended to read as follows:

§ 270.168 Exportation.

A manufacturer of cigars and cigarettes may transfer such products, under his bond, without payment of tax, to the bonded premises of an export warehouse proprietor or remove cigars, cigarettes, and tobacco materials, under his bond, without payment of tax, for shipment to a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States, or for consumption beyond the jurisdiction of the internal revenue laws of the United States, in accordance with the applicable provisions of Part 290 of this subchapter.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 270.181 [Amendment]

(BB) Section 270.181 is amended by striking the second sentence and inserting, in lieu thereof, the following new

sentence: "If the hearing examiner, or the Director, Alcohol and Tobacco Tax Division, on appeal, decides the permit should be suspended, for such time as to him seems proper, or be revoked, the assistant regional commissioner shall by order give effect to such decision."

§ 270.188 [Amendment]

(CC) Section 270.198 is amended as follows:

(1) Paragraph (a), by striking from the first sentence the words "or which through mistake may have been improperly or unnecessarily used, or where the taxes represented thereby have been excessive in amount, paid in error, or in any manner wrongfully collected."

(2) Paragraph (b), by striking from the second sentence the words "three years from the date of payment of the tax" and inserting, in lieu thereof, the following: "6 months after the date of withdrawal from the market, loss, or destruction of the cigars or cigarettes to which the claim relates. Such claim shall be filed with the assistant regional commissioner for the region in which the tax was paid by the affixture of stamps or, where the tax was paid in more than one region, with the assistant regional commissioner for any one of the regions in which tax was paid."

(3) Subparagraph (b) (1), by striking the words "be filed with the assistant regional commissioner, for the region in which the stamps were affixed, and the claim shall".

(DD) Section 270.213 is amended to read as follows:

§ 270.213 Restrictions relating to marks, labels, notices, stamps, and packages.

The restrictions relating to marks, labels, notices, stamps, and packages are set forth in section 5752, I.R.C.

(72 Stat. 1424; 26 U.S.C. 5752)

PAR. 2. 26 CFR Part 275 is amended as follows:

§ 275.1 [Amendment]

(A) Section 275.1 is amended by adding a second sentence reading as follows: "The provisions of Subpart E of Part 296 of this subchapter will govern in every case where any such provision is in conflict with any provision of this part."

(B) Section 275.16 is amended to read as follows:

§ 275.16 Dealer in tobacco materials.

"Dealer in tobacco materials" shall mean any person who receives and handles tobacco materials for sale, shipment, or delivery to another dealer in such materials, to a manufacturer of tobacco products, or to a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States, or who receives tobacco materials, other than stems and waste, for use by him in the production of fertilizer, insecticide, or nicotine. The term "dealer in tobacco materials" shall not include (a) an operator of a warehouse who stores tobacco materials solely for a qualified dealer in tobacco materials, for a qualified manufacturer of tobacco products, for a farmer or grower of tobacco, or for a bona fide association

of farmers or growers of tobacco; (b) a farmer or grower of tobacco with respect to the sale of leaf tobacco of his own growth or raising, or a bona fide association of farmers or growers of tobacco with respect to sales of leaf tobacco grown by farmer or grower members, if the tobacco so sold is in the condition as cured on the farm; *Provided*, That such association maintains records of all leaf tobacco acquired or received and sold or otherwise disposed of by the association, in accordance with Part 280 of this subchapter; (c) a person who buys leaf tobacco on the floor of an auction warehouse, or who buys leaf tobacco from a farmer or grower, and places the tobacco on the floor of such a warehouse, or who purchases and sells warehouse receipts without taking physical possession of the tobacco covered thereby; or (d) a qualified manufacturer of tobacco products with respect to tobacco materials received by him under his bond as such a manufacturer.

(C) Section 275.20 is amended to read as follows:

§ 275.20 Importer.

"Importer" shall mean any person in the United States to whom nontaxpaid manufactured tobacco produced in a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States is shipped or consigned and any person who smuggles or otherwise unlawfully brings manufactured tobacco into the United States.

(D) A new § 275.22a to read as follows is inserted immediately after § 275.22:

§ 275.22a Internal revenue officer.

"Internal revenue officer" shall mean an officer or employee of the Treasury Department duly authorized to perform any function relating to the administration or enforcement of this part.

(E) Section 275.24 is amended to read as follows:

§ 275.24 Manufactured tobacco.

"Manufactured tobacco" shall mean tobacco (other than cigars and cigarettes) prepared, processed, manipulated, or packaged, for removal, or merely removed, for consumption by smoking or for use in the mouth or nose, and any tobacco (other than cigars and cigarettes), not exempt from tax under Chapter 52, I.R.C., sold or delivered to any person contrary to the provisions of such chapter or regulations thereunder.

(F) Section 275.25 is amended to read as follows:

§ 275.25 Manufacturer of cigars and cigarettes.

"Manufacturer of cigars and cigarettes" shall mean any person who manufactures cigars or cigarettes. The term "manufacturer of cigars and cigarettes" shall not include a person who produces cigars or cigarettes solely for his own personal consumption or a proprietor of a customs bonded manufacturing warehouse with respect to the operation of such warehouse.

(G) Section 275.26 is amended to read as follows:

§ 275.26 Manufacturer of tobacco.

"Manufacturer of tobacco" shall mean any person who prepares, processes, manipulates, or packages, for removal, or merely removes, tobacco (other than cigars and cigarettes) for consumption by smoking or for use in the mouth or nose, or who sells or delivers any tobacco (other than cigars and cigarettes) contrary to the provisions of Chapter 52, I.R.C., or regulations thereunder. The term "manufacturer of tobacco" shall not include (a) a person who in any manner prepares tobacco solely for his own personal consumption or use; (b) a proprietor of a customs bonded manufacturing warehouse with respect to the operation of such warehouse; (c) a farmer or grower of tobacco with respect to the sale of leaf tobacco of his own growth or raising, if it is in the condition as cured on the farm; or (d) a bona fide association of farmers or growers of tobacco with respect to sales of leaf tobacco grown by farmer or grower members, if the tobacco so sold is in the condition as cured on the farm, and if the association maintains records of all leaf tobacco, acquired or received and sold or otherwise disposed of, in accordance with Part 280 of this subchapter.

(H) A new § 275.26a to read as follows is inserted immediately after § 275.26:

§ 275.26a Manufacturer of tobacco products.

"Manufacturer of tobacco products" shall mean any person who manufactures cigars or cigarettes, or who prepares, processes, manipulates, or packages, for removal, or merely removes, tobacco (other than cigars and cigarettes) for consumption by smoking or for use in the mouth or nose, or who sells or delivers any tobacco (other than cigars and cigarettes) contrary to the provisions of Chapter 52, I.R.C., or regulations thereunder. The term "manufacturer of tobacco products" shall not include (a) a person who in any manner prepares tobacco, or produces cigars or cigarettes, solely for his own personal consumption or use; (b) a proprietor of a customs bonded manufacturing warehouse with respect to the operation of such warehouse; (c) a farmer or grower of tobacco with respect to the sale of leaf tobacco of his own growth or raising, if it is in the condition as cured on the farm; or (d) a bona fide association of farmers or growers of tobacco with respect to sales of leaf tobacco grown by farmer or grower members, if the tobacco so sold is in the condition as cured on the farm, and if the association maintains records of all leaf tobacco, acquired or received and sold or otherwise disposed of, in accordance with Part 280 of this subchapter.

(I) Section 275.33 is amended to read as follows:

§ 275.33 Removal or remove.

"Removal" or "remove" shall mean the removal of manufactured tobacco or tobacco materials from the factory, or release from customs custody, and shall also include the smuggling or other un-

lawful importation of such nontaxpaid manufactured tobacco into the United States.

§ 275.34 [Deletion]

(J) Section 275.34 is deleted.

(K) Section 275.39 is amended to read as follows:

§ 275.39 Tobacco materials.

"Tobacco materials" shall mean tobacco other than manufactured tobacco, cigars, and cigarettes and shall include tobacco in process, Perique, Black Fat, leaf tobacco, and tobacco scraps, cuttings, clippings, siftings, stems, and waste.

(L) A new § 275.50a to read as follows is inserted immediately after § 275.50:

§ 275.50a Persons liable for tax.

The manufacturer or importer of manufactured tobacco shall be liable for the tax imposed thereon by section 5701, I.R.C.: *Provided*, That when manufactured tobacco is transferred, without payment of tax, pursuant to section 5704, I.R.C., to the bonded premises of another manufacturer or an export warehouse proprietor, the transferee shall become liable for the tax upon receipt by him of such tobacco and the transferor shall thereupon be relieved of his liability for such tax. When manufactured tobacco is released in bond from customs custody for transfer to the bonded premises of a manufacturer of tobacco, the transferee shall become liable for the tax on such product upon release from customs custody and the importer shall thereupon be relieved of his liability for such tax. Any person who possesses manufactured tobacco in violation of section 5751 (a) (1) or (a) (2), I.R.C., shall be liable for a tax equal to the tax on such product.

(72 Stat. 1417, 1424; 26 U.S.C. 5703, 5751)

(M) Section 275.52 is amended to read as follows:

§ 275.52 Assessment.

Whenever any person required by law to pay tax on manufactured tobacco fails to pay such tax, the tax shall be determined and assessed, subject to the limitations prescribed in section 6501, I.R.C., against such person. The tax so assessed shall be in addition to the penalties imposed by law for failure to pay such tax when required. Except in cases where delay may jeopardize collection of the tax, or where the amount is nominal or the result of an evident mathematical error, no such assessment shall be made until and after notice has been afforded such person to show cause against assessment. The person will be allowed 30 days from the date of such notice to show cause, in writing, against such assessment.

(72 Stat. 1417; 26 U.S.C. 5703)

(N) Section 275.60 and the headnote are amended to read as follows:

§ 275.60 Authority of internal revenue officers to enter premises.

Any internal revenue officer may enter in the daytime any premises where

manufactured tobacco is produced or kept, so far as it may be necessary for the purpose of examining such tobacco. When such premises are open at night, any internal revenue officer may enter them, while so open, in the performance of his official duties. The owner of such premises, or person having the superintendence of the same, who refuses to admit any internal revenue officer or permit him to examine such tobacco shall be liable to the penalties prescribed by law for the offense.

(68A Stat. 872, 903; 26 U.S.C. 7342, 7606)

§ 275.61 [Amendment]

(O) Section 275.61 is amended by inserting the word "internal" before the words "revenue officer".

§ 275.79 [Amendment]

(P) Section 275.79 is amended by striking "1939" and inserting, in lieu thereof, "1954" in the second sentence.

(Q) Section 275.80 is amended to read as follows:

§ 275.80 Issuance of permit.

If the application for permit, bond, and supporting documents, required under this part, are approved by him, the assistant regional commissioner shall issue a permit, Form 2096, to the manufacturer of tobacco. The permit shall bear a number and shall fully set forth where the business of the manufacturer is to be conducted. The manufacturer shall retain such permit at all times within his factory and it shall be readily available for inspection by any internal revenue officer upon his request. Where the factory consists of more than one building, the permit shall be retained in the building in which the records, required by § 275.132, are kept.

(72 Stat. 1421; 26 U.S.C. 5713)

§ 275.117 [Amendment]

(R) Section 275.117 is amended by striking "date of approval", where it appears the first time in the first sentence, and inserting, in lieu thereof, "effective date".

§ 275.118 [Amendment]

(S) Section 275.118 is amended by striking from the second sentence the words "who has accepted such security".

§ 275.131 [Amendment]

(T) Section 275.131 is amended as follows:

(1) Paragraph (a), by striking the word "a" immediately preceding the expression "revenue officer" and inserting, in lieu thereof, the words "an internal".

(2) Paragraph (c), by inserting the word "internal" before the expression "revenue officer".

§ 275.132 [Amendment]

(U) Section 275.132 is amended in paragraph (a) as follows:

(1) By deleting the words "with the permit number of such dealer or manufacturer" from subdivisions (i) and (ii) of subparagraph (1) and inserting, in lieu thereof, "with the number of such dealer's establishment or the permit number of such manufacturer".

(2) By inserting the word "internal" before the expression "revenue officer" in the fifth sentence.

§ 275.133 [Amendment]

(V) Section 275.133 is amended as follows:

(1) Paragraph (a), by inserting the word "internal" before the expression "revenue officer" in the third sentence.

(2) Paragraph (d), by striking, in the first sentence, the word "a" immediately preceding the expression "revenue officer" and inserting, in lieu thereof, the words "an internal".

(W) Section 275.141 and the headnote are amended to read as follows:

§ 275.141 Transfer of manufactured tobacco to another factory.

A manufacturer of tobacco may transfer manufactured tobacco, under his bond, without payment of tax, to the bonded premises of any manufacturer of such product.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 275.144 [Amendment]

(X) Section 275.144 is amended by striking, in the first sentence, the word "a" immediately preceding the expression "revenue officer" and inserting, in lieu thereof, the words "an internal".

(Y) Section 275.149 is amended to read as follows:

§ 275.149 Destruction of tobacco materials.

Where a manufacturer of tobacco desires to destroy tobacco materials other than stems and waste and obtain credit therefor in the records kept by him under § 275.132, he shall notify the assistant regional commissioner of the quantity of such tobacco materials and the date on which he desires the destruction to be accomplished. The assistant regional commissioner of the sign an internal revenue officer to supervise the destruction of the tobacco materials or he may authorize their destruction without supervision. Such destruction shall be accomplished by burning, or by mixing thoroughly with lime, sulphur, bone dust, ashes, or other such substance, or by other equally suitable means. A manufacturer of tobacco who desires to destroy stems and waste may do so in the manner provided above, without notification to the assistant regional commissioner.

(72 Stat. 1423; 26 U.S.C. 5741)

§ 275.152 [Amendment]

(Z) Section 275.152 is amended by striking ", in duplicate," from the first sentence.

§ 275.154 [Amendment]

(AA) Section 275.154 is amended as follows:

(1) Paragraph (a) by striking from the first sentence the words "or which through mistake may have been improperly or unnecessarily used, or where the taxes represented thereby have been excessive in amount, paid in error, or in any manner wrongfully collected."

(2) Paragraph (b), by striking from the second sentence the words ", in duplicate, within three years from the date of payment of the tax" and inserting, in lieu thereof, the following: "within 6 months after the date of withdrawal from the market, loss, or destruction of the manufactured tobacco to which the claim relates. Such claim shall be filed with the assistant regional commissioner for the region in which the tax was paid by the affixture of stamps or, where the tax was paid in more than one region, with the assistant regional commissioner for any one of the regions in which tax was paid."

(3) Subparagraph (b) (1), by striking the words "be filed with the assistant regional commissioner, for the region in which the stamps were affixed, and the claim shall".

(4) Subparagraph (b) (2), by striking from the fourth sentence the words ", which claim shall be filed with the assistant regional commissioner for the region in which the manufactured tobacco was so destroyed".

§ 275.155 [Amendment]

(BB) Section 275.155 is amended by inserting the word "internal" before the expression "revenue officer" in the fifth sentence.

(CC) Section 275.157 is amended to read as follows:

§ 275.157 Exportation.

A manufacturer of tobacco may transfer manufactured tobacco, under his bond, without payment of tax, to the bonded premises of an export warehouse proprietor or remove manufactured tobacco and tobacco materials, under his bond, without payment of tax, for shipment to a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States, or for consumption or use beyond the jurisdiction of the internal revenue laws of the United States, in accordance with the applicable provisions of Part 290 of this subchapter.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 275.171 [Amendment]

(DD) Section 275.171 is amended as follows:

(1) By striking "1939" from the first sentence and inserting, in lieu thereof, "1954".

(2) By striking the second sentence and inserting, in lieu thereof, the following new sentence: "If the hearing examiner, or the Director, Alcohol and Tobacco Tax Division, on appeal, decides the permit should be suspended, for such time as to him seems proper, or be revoked, the assistant regional commissioner shall by order give effect to such decision."

§ 275.187 [Amendment]

(EE) Section 275.187 is amended as follows:

(1) Paragraph (a), by striking from the first sentence the words "or which through mistake may have been improperly or unnecessarily used, or where the taxes represented thereby have been excessive in amount, paid in error, or in any manner wrongfully collected."

(2) Paragraph (b), by striking from the second sentence the words ", in duplicate, within three years from the date of payment of the tax" and inserting, in lieu thereof, the following: "within 6 months after the date of withdrawal from the market, loss, or destruction of the manufactured tobacco to which the claim relates. Such claim shall be filed with the assistant regional commissioner for the region in which the tax was paid by the affixture of stamps or, where the tax was paid in more than one region, with the assistant regional commissioner for any one of the regions in which tax was paid."

(3) Subparagraph (b) (1), by striking the words "be filed with the assistant regional commissioner, for the region in which the stamps were affixed, and the claim shall".

(FF) Section 275.202 is amended to read as follows:

§ 275.202 Restrictions relating to marks, labels, notices, stamps, and packages.

The restrictions relating to marks, labels, notices, stamps, and packages are set forth in section 5752, I.R.C.

(72 Stat. 1424; 26 U.S.C. 5752)

This Treasury decision shall be effective on the first day of the first month which begins not less than 30 days following the date of publication in the FEDERAL REGISTER.

(Sec. 7805 of the Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

Approved: November 4, 1959.

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

[F.R. Doc. 59-9499; Filed, Nov. 9, 1959; 8:50 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Parts 48, 301]

MANUFACTURERS AND RETAILERS EXCISE TAXES; PROCEDURE AND ADMINISTRATION

Notice of Hearing on Proposed Regulations

Proposed regulations under sections 4081-4084, 4091-4093, 4101, 4102, 6206, 6420, 6421 and 6675 of the Internal Revenue Code of 1954, relating to excise tax on gasoline and lubricating oil, registration and bonding of persons subject to the tax, and inspection of records by local officers, were published in the FEDERAL REGISTER for October 28, 1959; and proposed regulations under sections 7101-7103 of the Internal Revenue Code of 1954, relating to form of bonds, were published in the FEDERAL REGISTER for October 23, 1959.

A public hearing on these proposed regulations will be held on Tuesday, December 1, 1959, at 10:00 a.m., e.s.t., in United States Tax Court Room No. 2 (opposite Room 2141), Internal Revenue Building, Twelfth and Constitution Avenue NW., Washington, D.C. Persons who plan to attend the hearing are requested to so notify the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C. by November 27, 1959.

[SEAL] MAURICE LEWIS,
Director, Technical Planning
Division, Internal Revenue
Service.

[F.R. Doc. 59-9589; Filed, Nov. 9, 1959;
8:54 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 161]

REDUCTION OF MAP REQUIREMENTS

Increase in Tenure for Oil and Gas Pipelines

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 463 of the Revised Statutes (25 U.S.C. 2), it is proposed to amend 25 CFR Part 161 as set forth below. The purpose of this amendment is to eliminate the requirement for filing with the Bureau of Land Management certain records pertaining to rights-of-way across Indian lands and to correspondingly reduce the number of maps that must be submitted by an applicant for a right-of-way. The term of tenure for grants of rights-of-way for oil and gas pipelines is being enlarged from twenty (20) years to fifty (50) years. Section 161.26(b) is being republished to correct an interior cross-reference.

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

ROGER ERNST,

Assistant Secretary of the Interior.

NOVEMBER 4, 1959.

1. Section 161.8(a) is amended to read as follows:

§ 161.8 Maps.

(a) Each application for a right-of-way must be accompanied by maps of definite location consisting of an original on linen tracing or other permanent and reproducible material and three reproductions thereof. Two originals shall be filed if the applicant desires the return of an original showing the approved right-of-way. The field notes shall accompany the application, as provided in § 161.9. The width of the right-of-way shall be clearly shown on the original map.

2. Section 161.16 is amended to read as follows:

§ 161.16 Action on application.

Upon satisfactory compliance with the regulations in this part, the Superintendent is authorized to approve the application by endorsing his approval on the map of definite location. Upon approval of the application, the Superintendent shall promptly notify the applicant, and thereafter the applicant may proceed with the construction work, if such permission has not been obtained under § 161.5. The approved original right-of-way map bearing the written signature of the Superintendent shall be transmitted to the Commissioner.

3. Section 161.19 is amended to read as follows:

§ 161.19 Tenure of approved right-of-way grants.

All rights-of-way granted under the regulations in this part shall be in the nature of easements or permits for the periods stated therein. They are terminable upon abandonment or discontinuance of the use for which granted. Rights-of-way for railroads, telephone lines, telegraph lines, and public highways shall be without limitation as to term of years. Rights-of-way for all other purposes shall be for a period of not to exceed 50 years, as fixed by the Secretary and stated in the grant, and shall be subject to renewal for a like term upon compliance with the applicable regulations.

4. Section 161.26(b) is amended to read as follows:

§ 161.26 Telephone and telegraph lines; radio, television and other communications facilities.

(b) Applicants engaged in the general telephone and telegraph business may apply for additional land for office sites. The maps showing the location of proposed office sites shall be filed separately from those showing the line of route, and shall be drawn to a scale of 50 feet to an inch. Such maps shall show enough of the line of route to indicate the position of the tract with reference thereto. The tract shall be located with respect to the public survey as provided in § 161.10, and all buildings or other structures shall be platted on a scale sufficiently large to show clearly their dimensions and relative positions.

[F.R. Doc. 59-9482; Filed, Nov. 9, 1959;
8:48 a.m.]

National Park Service

[36 CFR Part 1]

LIMITATIONS ON SPEED

Notice of Proposed Rule Making

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), it is proposed to amend 36 CFR 1.42 as set forth below. The purpose of the amendment is to permit the Superintendent of an area, after an engineering and traffic investigation (§ 1.42(a)(4)), to change the speed limit on any road (§ 1.42(a)(3)), by posting the road with appropriate signs.

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

ROGER ERNST,

Assistant Secretary of the Interior.

NOVEMBER 4, 1959.

Section 1.42 is amended to read as follows:

§ 1.42 Limitations on speed.

(a) Limitations on speed of vehicles except in emergencies as provided in paragraph (b) of this section are as follows:

(1) Basic speed rule:

(i) No person shall drive a vehicle upon a highway at a speed greater than is reasonable and prudent, having due regard to the traffic, surface and width of the highway, the hazard at intersections and any other condition then existing.

(ii) No person shall drive at a speed which is greater than will permit the driver to exercise full control of the vehicle and to decrease speed or to stop as may be necessary to avoid colliding with any person, vehicle, or other conveyance on or entering the highway in compliance with legal requirements and with the duty of drivers and other persons using the highways to exercise due care.

(2) 15 miles per hour:

(i) In all campgrounds, parking areas, and places of public assemblage.

(ii) Upon that portion of the highway which passes through or borders upon a scene of emergency such as forest fires, highway repairs or construction, automobile accidents, or similar emergency.

(iii) In any business or residence area.

(iv) Upon approaching within 50 feet and in traversing an intersection of highways where the driver's view in either direction along any intersecting highway within a distance of 200 feet is obstructed, except that when traveling upon a through highway or at a traffic controlled intersection, the district speed applies.

(3) 45 miles per hour upon all other paved public roads except when official signs are posted indicating a lesser speed limit.

(4) Whenever the Superintendent shall determine upon the basis of an engineering and traffic investigation that any prima facie speed hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist on any road or other place, the Superintendent may determine and declare a reasonable and safe prima facie speed limit thereat, not in excess of 45 miles per hour, which shall be effective on such roads or other places, when appropriate signs giving notice thereof are erected by the Superintendent on such roads or other places.

(5) Any speed in violation of the speeds designated in subparagraphs (2), (3) and (4) of this paragraph shall be prima facie evidence of violation of subparagraph (1) of this paragraph.

(b) The provisions of this section shall not apply to any vehicle when driven or operated in an emergency for the protection or preservation of life, health, or for public safety: *Provided*, That this paragraph shall not be so construed as to authorize any such vehicle to be driven or operated at a rate of speed in excess of that which is reasonable under conditions prevailing at such time.

(c) As used in this section, the term "vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a roadway.

(d) The limitation on maximum speed prescribed in this section shall control over any special regulation contained in Part 2 or Part 20 of this chapter, except as follows:

§ 2.20 *Lake Mead, Coulee Dam and Shadow*

Mountain.

§ 20.5 *Mount Rainier National Park.*

§ 20.13 *Yellowstone National Park.*

§ 20.22 *Grand Teton National Park.*

[F.R. Doc. 59-9484; Filed, Nov. 9, 1959; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 46]

REGULATIONS (OTHER THAN RULES OF PRACTICE) UNDER PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930

Notice of Proposed Rule Making

Notice is hereby given that the United States Department of Agriculture is considering the revision of existing regulations, other than rules of practice (7 CFR 46.1-46.40) issued pursuant to the authority contained in the Perishable Agricultural Commodities Act, 1930 (46 Stat. 531 et seq., as amended; 7 U.S.C. 499a et seq.).

The proposed revision is intended to clarify the regulations and make various changes therein found advisable on the basis of experience in administering the act.

All persons who desire to submit written data, views, or comments for consideration in connection with the proposed regulations should file the same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D.C., not later than March 31, 1960.

The proposed regulations are as follows:

DEFINITIONS

- Sec. 46.1 Words in singular form.
- 46.2 Definitions.

LICENSES

- 46.3 License required.
- 46.4 Application for license.
- 46.5 License fee.
- 46.6 Issuance of license.
- 46.7 Copies of licenses.
- 46.8 Termination of license; notice; renewal.
- 46.9 Nonlicensed person; liability; penalty.
- 46.10 What constitutes valid license, form and use.
- 46.11 Forms of inscriptions.
- 46.12 Address, ownership, trade name, or membership changes.

ACCOUNTS AND RECORDS (GENERAL)

- 46.13 General.
- 46.14 Documents to be preserved.
- 46.15 Method of preservation or storage of records.
- 46.16 Inspection of records.

RECORDS OF TERMINAL MARKET RECEIVERS

- 46.17 Record of produce received.
- 46.18 Sales tickets.
- 46.19 Lot numbers.
- 46.20 Returns, rejections, or credit memorandums on sales.
- 46.21 Accounting for dumped produce.
- 46.22 Evidence of dumping.

RECORDS OF RETAILERS

- 46.23 Records of retailers.

BROKERS

- Sec. 46.24 Types of broker operations.
- 46.25 Duties of brokers.

TERMINAL MARKET COMMISSION MERCHANTS AND JOINT ACCOUNT PARTNERS

- 46.26 Duties.
- GROWERS' AGENTS AND SHIPPERS
- 46.27 Types of operations by growers' agents and shippers.
- 46.28 Duties of shippers.
- 46.29 Duties of growers' agents.

CONVERSION OF FUNDS

- 46.30 Conversion of funds.

DISCLOSURE OF BUSINESS

- 46.31 No disclosure of business of licensee.
- SUSPENSION AND REVOCATIONS
- 46.32 Suspension or revocation order.

PUBLICATION OF FACTS

- 46.33 Publicity.

SUNDAYS AND HOLIDAYS

- 46.34 Sundays and Holidays excluded.
- 46.35 Sundays and Holidays included.

COMMODITY INSPECTION

- 46.36 Inspection of commodities.
- 46.37 Inspection service.

LICENSEE'S RESPONSIBILITY FOR ACTS OF EMPLOYEES AND AGENTS

- 46.38 Licensee's responsibility for acts of employees and agents.

COPIES OF RECORDS

- 46.39 Copies of records; how obtained.

TRADE TERMS AND DEFINITIONS

- 46.40 Terms construed.

AUTHORITY: §§ 46.1 to 46.40 issued under sec. 15, 46 Stat. 437; 7 U.S.C. 499a et seq.

DEFINITIONS

§ 46.1 Words in singular form.

Words in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 46.2 Definitions.

The terms defined in section 1 of the act shall have the same meaning as stated therein. Unless otherwise defined, the following terms whether used in the regulations, in the act, or in the trade shall be construed as follows:

(a) "Act" means the Perishable Agricultural Commodities Act, 1930, approved June 10, 1930, and legislation supplementary thereto and amendatory thereof (46 Stat. 531; 7 U.S.C. 499a-499r);

CROSS REFERENCE: For rules of practice under the act, see Part 47 of this chapter.

(b) "Department" means the United States Department of Agriculture.

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

(d) "Service" means the Agricultural Marketing Service, United States Department of Agriculture.

(e) "Deputy Administrator" means the Deputy Administrator for Marketing Services of the Agricultural Marketing

Service, or any officer or employee of the Service, to whom authority has heretofore lawfully been delegated, or to whom authority may hereafter lawfully be delegated, to act in his stead.

(f) "Division" means the Fruit and Vegetable Division of the Service.

(g) "Director" means the Director of the Division or any officer or employee of the Division to whom authority has heretofore lawfully been delegated, or to whom authority may hereafter lawfully be delegated, by the Director to act in his stead.

(h) "In commerce" means interstate or foreign commerce as defined in section 1 (3) and (8) of the act.

(i) "Licensee" means any firm or person who holds an unrevoked and valid unsuspended license issued under the act.

(j) "Business entity" means any individual, firm, partnership, association, corporation, or other separate legal entity engaged in business as a commission merchant, dealer, or broker.

(k) "Inspector" means any person authorized or licensed by the Secretary to inspect any perishable agricultural commodity.

(l) "Broker" means any person engaged in the business of negotiating sales and purchases of produce in commerce for or on behalf of the vendor or the purchaser, respectively.

(m) "Shipper" means any person operating at shipping point who is engaged in the business of purchasing produce from growers or others and distributing such produce in commerce by resale or other methods, or who handles such produce on joint account with others.

(n) "Grower" means any person who raises produce for marketing.

(o) "Growers' agent" means any person operating at shipping point who sells or distributes produce in commerce for or on behalf of growers or others and whose operations may include the planting, harvesting, grading, packing, and furnishing containers, supplies, or other services.

(p) "Terminal market commission merchant" means any person operating on a terminal market who is engaged in the business of receiving produce in commerce for sale, on commission, for or on behalf of another.

(q) "Joint account transaction" means a produce transaction in commerce in which two or more persons participate under a limited joint venture arrangement whereby they agree to share in a prescribed manner the costs, profits, or losses resulting from such transaction.

(r) "Produce" means any perishable agricultural commodity, as defined in section 1(4) of the act.

(s) "Fresh fruits and fresh vegetables" include all products generally considered as perishable fruits and vegetables, whether or not frozen or packed in ice and whether or not held in common or cold storage, but does not include those perishable fruits and vegetables which have been dried or manufactured into articles of food of a

different kind or character. Blanching, chopping, color adding, curing, cutting, dicing, drying for the removal of surface moisture, fumigating, gassing, heating for insect control, ripening and coloring, husking, icing, peeling, polishing, pre-cooling, refrigerating, shredding, slicing, trimming, washing with or without chemicals, waxing, adding of sugar or other sweetening agents and ascorbic acid or other agents used to retard oxidation, or the mixing of several kinds of sliced, chopped, or diced fruits or vegetables for packaging in any type of containers, or comparable methods of preparation, where the product is not processed by heat to assure preservation shall not be considered a change into a food of a different kind or character.

(t) "Cherries in brine" means cherries packed in an aqueous solution containing sulphur dioxide or other bleaching agent of sufficient strength to preserve the product, with or without the addition of hardening agents.

(u) "Wholesale or jobbing quantities", as used in section 1(6) of the act, means aggregate quantities of all types of produce totaling one ton (2,000 pounds) or more in weight per day shipped or received or contracted to be shipped or received.

(v) "Truly and correctly to account" means, in connection with:

(1) Consignments, to account promptly by rendering a true and correct itemized statement showing the receipts from the sale or other disposition of the produce, and the proper, usual or specifically agreed upon selling charges and expenses properly incurred or agreed to in the handling thereof;

(2) Joint account transactions, to account promptly by rendering a true and correct itemized statement showing the receipts from the sale or other disposition of produce, the joint account cost of the produce, and the expenses properly incurred or other charges specifically agreed to in the handling thereof; and

(3) Buying brokerage transactions, where the broker pays for the produce, to account promptly by rendering a true and correct itemized statement showing the cost of the produce, the expenses properly incurred, and the amount of brokerage charged.

(w) "Account promptly", except when otherwise specifically agreed upon by the parties, means rendering a true and correct accounting:

(1) In connection with buying brokerage transactions where the broker pays for the produce within 24 hours after the date of shipment;

(2) In connection with consignment or joint account transactions within 10 days after the date of final sale of each shipment: *Provided*, That whenever a grower's agent or a shipper distributes individual lots of produce for or on behalf of others, his accounting shall be made within 5 days after the date he is paid by the purchaser or receives the accounting on consigned or joint account transactions and, whenever a grower's agent or shipper harvests, packs, or distributes entire crops or multiple lots therefrom for or on behalf of others, he

shall make interim accountings at reasonable intervals and a final accounting within a reasonable time following the close of the season's transactions: *Provided further*, That nothing in the regulations in this part shall prohibit cooperative associations from accounting to their members on the basis of seasonal pools or other arrangements provided by their regulations or bylaws; and

(3) In connection with a consignment or joint account transaction within 10 days after the date of receipt of payment of a carrier claim filed.

(x) "Full payment promptly", except when otherwise specifically agreed upon by the parties, means:

(1) Payment of the net proceeds for produce received on consignment or the pro rata share of the net profits for produce received on joint account, within 10 days after the day on which the final sale of each shipment is made;

(2) Payment by growers, growers' agents or shippers of deficits on consignments or joint account transactions, within 10 days after the day on which the accounting is received;

(3) Payment of the purchase price, brokerage, and other expenses to buying brokers who pay for the produce, within 10 days after the day on which the broker's invoice is received by the buyer;

(4) Payment of brokerage charges earned in connection with the produce purchased or sold within 10 days after the day on which the broker's invoice for brokerage is received by the principal;

(5) Payment for produce purchased by a buyer within 10 days after the day on which the produce is accepted after arrival at the contract destination without complaint by the buyer: *Provided*, That if the shipment is diverted to a destination other than the contract destination, the time shall run from the scheduled time of arrival at contract destination or the time of actual arrival at its ultimate destination, whichever is shorter.

(6) Payment to growers, growers' agents or shippers by terminal market agents or brokers, who are selling for the account of a grower, growers' agent or shipper and are authorized to collect from the buyer or receiver, within 5 days after the agent or broker receives payment from the buyer or receiver;

(7) Payment to the principal within 10 days of net proceeds realized from a carrier claim in connection with a consignment transaction or, in connection with a joint account transaction, payment to the joint account partners of their share of the joint account net proceeds realized from a carrier claim;

(8) Payment by growers' agents or shippers distributing individual lots of produce for or on behalf of others, within 5 days after the day on which he receives payment from the purchaser or receives the net proceeds on consigned or joint account transactions;

(9) Partial payments at reasonable intervals during the shipping season by a growers' agent or shipper who harvests, packs, or distributes entire crops or multiple lots therefrom for or on behalf of others and final payment within

a reasonable time following the close of the season's transactions;

(10) Nothing in these regulations shall limit the seller's privilege of shipping on a closed or advise bill of lading or other arrangement requiring cash on delivery unless there has been specific prior agreement to the contrary between the parties;

(11) Nothing in the regulations in this part—shall prohibit cooperative associations from settling with their members on the basis of seasonal pools or other arrangements provided by their regulations or bylaws;

(12) Payment in connection with any transaction or situation not specifically covered herein shall be made within a reasonable time; and

(13) If there is a dispute concerning a transaction, the foregoing time periods apply only to the undisputed amount.

(y) "Reject without reasonable cause" means in connection with purchases, consignments, or joint account transactions (1) refusing or failing without legal justification to accept produce within a reasonable time, (2) advising the seller, shipper, or his agent that produce will not be accepted in accordance with the contract, or (3) indicating an intention not to accept produce through an act or failure to act inconsistent with the contract.

(z) "Reasonable time", as used in paragraph (y) of this section, means:

(1) For frozen produce with respect to rail shipments, 48 hours after the receiver is given notice of arrival and the produce is made accessible for inspection, and with respect to truck shipments, not to exceed 12 hours after the receiver is given notice of arrival and the produce is made accessible for inspection;

(2) For fresh produce, with respect to rail shipments, not to exceed 24 hours after the receiver is given notice of arrival and the produce is made accessible for inspection; and with respect to truck shipments, not to exceed 8 hours after the receiver is given notice of arrival and the produce is made accessible for inspection; and, with respect to boat shipments, not to exceed 24 hours after the produce is unloaded and made accessible for inspection;

(3) If, within the applicable period, the receiver cannot make a thorough inspection due to adverse weather conditions or applies for but cannot obtain Federal inspection, and so notifies the consignor within the applicable period, the applicable period shall be extended until weather conditions permit inspection or until Federal inspection is made, as the case may be, plus two hours after either an oral or written report of the results of such inspection is made available to the receiver; and

(4) In computing the time periods specified above, (i) for shipments arriving on non-workdays or after the close of business on workdays, non-working hours preceding the start of business on the next working day shall not be included; and (ii) for shipments arriving during working hours, the period shall run without interruption except that, for shipments arriving less than two hours before the close of business, the unexpired balance of the time period shall be

extended and run from the start of business on the next working day.

(aa) "Acceptance" means:

(1) Any act by the consignee signifying acceptance of the shipment;

(2) Any act by the consignee which is inconsistent with the consignor's ownership, but if such act is wrongful against the consignor it is acceptance only if ratified by him; or

(3) Failure of the consignee to give notice of rejection to the consignor within a reasonable time as defined in paragraph (z) of this section: *Provided*, That acceptance shall not affect any claim for damages because of failure of the produce to meet the terms of the contract.

(bb) "Responsible position" means:

(1) A position in which the person is the owner, general partner, or officer, or director of a corporation or has direct or indirect control though stock ownership of a firm;

(2) A position in which the person is authorized to negotiate contracts of purchases, sales, consignments or joint account transactions of produce (excluding floor salesmen or other salesmen making sales at predetermined prices who operate under direct supervision and handle only local sales in less than carlot quantities and other comparable positions in relation to operations of the licensee);

(3) A position of a general supervisory nature, including one having responsibility for office management or supervision of the preparation of account sales and/or the maintenance of records required by the act; or

(4) Any other position in which the person, through exercise of his own judgment or initiative, has authority to bind or commit his employer.

(cc) "Responsibly connected" means affiliation as owner, general partner, officer, director, holder of more than 10 percent of the outstanding stock or any other person who has authority to bind or commit his employer.

LICENSES

§ 46.3 License required.

(a) No person shall at any time carry on the business of a commission merchant, dealer, or broker without a license which is valid and effective at such time.

(b) Separate licenses are required of each business entity. More than one trade name may be used by the same business entity and be covered by one license when such trade names are shown on the license certificate.

(c) Joint account arrangements between two or more licensees are not considered to be separate business entities and, therefore, do not require separate licenses.

§ 46.4 Application for license.

Any person who desires to secure a license shall make application therefor on the currently approved form to be obtained from the Director or his representatives. The applicant shall furnish the following information:

(a) Name or names in which business is conducted; place of business; mailing address; name and location of branches,

divisions, or affiliates, if any; and name of firm succeeded, if any.

(b) Type of business (i.e., wholesale, retail, trucking, processing, commission merchant, or broker), and whether the fruits and/or vegetables handled are fresh or frozen, or cherries in brine.

(c) Type of ownership. If a corporation, applicant shall furnish (1) the date incorporated; (2) the State in which incorporated; and (3) the address of the principal office.

(d) Full names and home address of the owner. If a partnership, the applicant shall furnish the full names and addresses of all partners, indicating whether general or special; or if a corporation, the applicant shall furnish the full names and addresses of all the officers, directors, holders of more than 10 percentum of the outstanding stock, and percentage of stock held by each person.

(e) Date of the first transaction coming within the provisions of the act. If business was conducted subject to the act prior to the filing of an application for a license, applicant shall furnish an explanation for such violation as prescribed in section 3(a) of the act.

(f) If the applicant, or in the case the applicant is a partnership, or in case the applicant is a corporation, any officer, director, or holder of more than 10 percentum of the stock, has prior to the filing of the application:

(1) Been connected with any firm whose license is under suspension or has been revoked, and if so, furnish the name and address of the firm whose license is under suspension or has been revoked;

(2) Been an officer, director, stockholder, partner, or owner of a firm against which there is an unpaid reparation award under the act, and if so, furnish the name and address of the firm against which the reparation was issued;

(3) Been an officer, director, stockholder, partner, or owner of a firm against which there is a pending complaint under the act, and if so, furnish the name and address of the firm against which there is a pending complaint.

(4) Within three years been adjudicated or discharged as a bankrupt or was a general partner of a partnership or officer or holder of more than 10 percentum of the stock of a corporation adjudicated or discharged as a bankrupt, and if so, furnish a copy of the petition in bankruptcy, including the schedule of creditors and certificate of adjudication or discharge; estimated value of produce that will be handled by the new firm during a month, percentage of business that will be handled on consignment or joint account, and amount of credit that will be incurred.

(5) Been convicted of one or more felonies in any State or Federal Court, and if so, furnish the name of the party convicted, alias if any, name, location of court and date convicted, nature of felony, sentence imposed, where and length of time served; if paroled, date parole terminated;

(6) Ever been licensed under the act, and if so, furnish the name and address of licensee and whether license is still in effect.

(g) Whether any person employed in a responsible position by the applicant has been the owner, partner, officer, director, holder of more than 10 percentum of the outstanding stock, or held a responsible position in any firm whose license is under suspension or has been revoked, and if so, furnish the full name of the party and the name of the firm involved.

(h) Any other information the Director deems necessary to establish the identity and eligibility of the applicant to obtain a license.

(i) The application shall be signed by the owner, all general partners, or, in case the applicant is a corporation, a duly authorized official.

(j) The application and fees shall be forwarded to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington 25, D.C., or to his representative. An application which does not contain full or complete answers to all the questions, or is not properly signed, or not accompanied by the proper fee, shall not be considered a valid application for license. The "period not to exceed 30 days" as prescribed in section 4(d) of the act shall commence on the day that a valid application for license is received by the Director or his representative.

(k) If the application is incomplete, the Director may return the application to the applicant with a request that the application be completed by furnishing the missing data. If the applicant does not respond to this request within 30 days after it is mailed by the Director, the fees submitted shall be refunded.

(l) If the Director has reason to believe that the application contains inaccurate information, he may afford the applicant an opportunity to submit a corrected application or verify or explain information contained in the application. If the applicant submits a corrected application, the original application shall be considered withdrawn. If the applicant, in response to the Director's request, submits additional or corrected information for consideration in connection with his original application, the original application plus such information shall be considered as constituting a new application.

(m) Fees shall be refunded whenever an application is withdrawn without the filing of a new application.

(n) When a valid application is received and the provisions of section 4(b) of the act are applicable, the Director shall notify the applicant by letter of the pertinent provisions of this section and the reasons for denial of license and shall refund the fee.

§ 46.5 License fee.

The annual license fee is twenty-five dollars (\$25). The Director may require the fee be submitted in the form of a money order, bank draft, cashier's check, or certified check made payable to Agricultural Marketing Service. Representatives of the Department may accept fees and issue receipts therefor.

§ 46.6 Issuance of license.

Upon receipt of a properly prepared application accompanied by the proper fee for a license, the Director shall, if the applicant is found to be eligible, issue a license certifying that the licensee is authorized to engage in the business of a commission merchant, dealer, or broker. All fees and any penalties assessed by the Director in accordance with the provisions of the act, shall be deposited in a special fund designated as the "Perishable Agricultural Commodities Act fund."

§ 46.7 Copies of licenses.

Copies of licenses may be issued upon request and upon the payment of a fee of two dollars (\$2) for each copy. Each copy shall bear the word "copy" in conspicuous letters on its face and shall be certified by the Director as a true copy of the original.

§ 46.8 Termination of license; notice; renewal.

At least thirty days prior to the anniversary date of a valid and effective license, the Director shall mail a notice to the licensee at the latest address known to the Director, advising that the license will automatically terminate on its anniversary date unless the annual fee is paid on or before such date. If the annual fee is not paid by the anniversary date, the licensee may obtain a renewal of that license at any time within 30 days by paying the annual fee, plus five dollars (\$5.00). Within 60 days after the termination date of a valid and effective license, the former licensee shall be notified that its license has terminated, unless a new license has been obtained in the meantime. No termination notice shall be mailed to a former licensee who has failed to pay a reparation award within the specified time or to a licensee whose license is under suspension or has been revoked.

§ 46.9 Nonlicensed person; liability; penalty.

Any commission merchant, dealer, or broker who violates the act by engaging in business subject to the act without a valid and effective license may settle his liability, if such violation is found by the Director not to have been willful but was due to inadvertence, by paying the amount of fees that he would have paid had he obtained and maintained a license during the period that he engaged in business subject to the act, plus an additional sum not in excess of twenty-five dollars (\$25), as may be determined by the Director.

§ 46.10 What constitutes valid license, form and use.

Each license shall bear a serial number, the names in which authorized to conduct business, type of ownership; if the business is individually owned, the name of the owner; if a partnership, the names of all general partners; the facsimile signature of the Secretary; the seal of the Department and shall be duly countersigned. The licensee may place upon his stationery, trucks, or business

sign an inscription indicating that he is licensed under the act, but such inscription must not be of such form or arrangement as to be deceptive or misleading to the public, nor shall any such inscription be displayed or used unless the person using the inscription has a license valid and effective at the time.

§ 46.11 Forms of inscriptions.

The following inscriptions, for use with or without the license number, meet the foregoing requirements and may be used by licensees: "Licensed by the U.S. Department of Agriculture under the Perishable Agricultural Commodities Act", or "Licensed under the PACA."

§ 46.12 Address, ownership, trade name, or membership changes.

The licensee shall (a) promptly inform the Director of any changes of address or any change in the officers, directors, and holders of more than 10 percent of the outstanding stock of a corporation, with the percentage of the stock held by each such person, and (b) report changes or additions in trade names to the Director prior to using such trade names in its business operation. A new license is required in case of a change in the ownership of a business, an addition or withdrawal of members of a partnership, or in case business is conducted under a different corporate charter from that to whom the license was originally issued.

ACCOUNTS AND RECORDS (GENERAL)

§ 46.13 General.

Every commission merchant, dealer, and broker shall prepare and preserve for a period of two years from the closing date of the transaction the accounts, records, and memoranda required by the act, which shall fully and correctly disclose all transactions involved in his business, including the true ownership of such business by stockholding or otherwise. Licensees shall keep records which are adapted to the particular business that the licensee is conducting and in each case such records shall fully disclose all transactions in the business in sufficient detail as to be readily understood and audited. It is impracticable to specify in detail every class of records which may be found essential since many different types of business are conducted in the produce industry and many different types of contracts are made covering a wide range of services by agents and others. The responsibility is placed on every licensee to maintain records which will disclose all essential facts regarding the transactions in his business.

§ 46.14 Documents to be preserved.

Bills of lading, diversion orders, paid freight and other bills, car manifests, express receipts, confirmations and memorandums of sales, letter and wire correspondence, inspection certificates, invoices on purchases, receiving records, sales tickets, copies of statements (bills) of sales to customers, accounts of sales, papers relating to loss and damage claims against carriers, records as to reconditioning, shrinkage and dumping, daily

inventories by lots, a consolidated record of all rebates and allowances made or received in connection with shipments handled for the account of another, an itemized daily record of cash receipts, ledger records in which purchases and sales can be verified, and all other pertinent papers relating to the shipment, handling, delivery, and sale of each lot of produce shall be preserved for a period of 2 years.

§ 46.15 Method of preservation or storage of records.

All records required to be preserved under the act shall be stored in an orderly manner and in keeping with sound business practices. The records being currently used shall be filed in order of dates, by serial numbers, alphabetically or by any other proper method which will enable the licensee to promptly locate and produce the records. Records in dead storage should be arranged in an orderly fashion, be packaged or wrapped to insure proper preservation, be adequately marked or identified, and stored in a safe, dry location. When part of the records are forwarded to others (such as accountants, traffic agencies, attorneys, etc.), proper notations should be filed in appropriate places in the records identifying the missing records and stating where they can be located.

§ 46.16 Inspection of records.

Each licensee shall, during ordinary business hours, permit any duly authorized representative of the Department to enter his place of business and inspect such accounts, records, and memoranda as may be material (a) in the investigation of complaints under the act, or (b) to the determination of ownership, control, packer, or State, country or region of origin in connection with commodity inspections, or (c) to ascertain whether there is compliance with section 9 of the act. Any necessary facilities for such inspection shall be extended to such representative by the licensee, his agents, and employees.

RECORDS OF TERMINAL MARKET RECEIVERS

§ 46.17 Record of produce received.

Terminal market receivers shall keep in the order of receipt a record of all produce received and this record shall be in the form of a bound book with numbered pages or comparable business machine record. This record shall clearly show for each lot the date of arrival and unloading; whether received by freight, express, truck, or otherwise; the car initials and number; the truck license number and the driver's name or the name of the trucking firm; the number of packages or the quantity received; the kind of produce; the name and address of the consignor or seller; whether the produce was purchased, consigned or received on joint account; and the disposition of the produce, whether jobbed or sold in carlots or trucklots, and the lot number assigned to the shipment by the receiver (as required by § 46.19).

§ 46.18 Sales tickets.

Sales tickets shall bear printed serial numbers running consecutively and shall be used in numerical order so far as practicable. No serial number shall be repeated within a 90-day period. The sales tickets shall be prepared and all the details of the sales shall be entered on the tickets in a legible manner in order that an audit can be readily made. Erasures, strike-outs, changes, etc., should be held to the minimum. When errors are made in preparing sales tickets, the tickets should be voided. Each sales ticket shall show the date of sale, the purchaser's name (so far as practicable), the kind, quantity, the unit price, and the total selling price of the produce. Each sales ticket shall show the lot number of the shipment if the produce is being handled on consignment or on joint account. Sales tickets on all other lots of the same commodity which are on hand at the same time shall also show a lot number. The original or a legible carbon copy of each sales ticket, including those voided or unused, shall be accounted for and shall be filed or stored either by dates of sales or in the order of the serial numbers for a period of two years.

§ 46.19 Lot numbers.

A lot number shall be assigned to each shipment of produce to be sold on consignment or joint account or for the account of another person or firm and should be assigned to any purchased shipment in dispute between the parties to assist in proving damages. A lot number shall be assigned to each purchased shipment of similar produce on hand at that time or received later while the consigned or joint account or disputed lot is being sold. A lot number shall be assigned to each purchased shipment which is reconditioned if the seller is to be charged with the shrinkage or loss. The lot number shall be entered on the receiving record in connection with each shipment and entered on all sales tickets identifying and segregating the sales from the various shipments on hand. The lot number shall be entered on the sales tickets by the salesmen at the time of sale or by the produce dispatcher, and not by bookkeepers or others after the sales have been made. No lot number shall be repeated within a period of 30 days after the last sale from the preceding lot to which such number was assigned.

§ 46.20 Returns, rejections, or credit memorandums on sales.

In the event of the rejection and return of any produce sold for or on behalf of another on consignment or joint account, or of any necessary allowance or adjustment being made to the buyers thereof, a credit memorandum showing the buyer's name, sales ticket number, lot number, date of the granting of the allowance, and amount of the credit or adjustment, with reasons therefor, shall be made or a notation shall be made on the original sales ticket referring to the adjustment and showing where the credit memorandum is filed. The credit

memorandum shall be on a regular form, in a ledger book, or on a sales ticket or invoice properly completed to show the facts and shall be approved by a duly authorized person. Credits granted shall be entered in the same records as the original sales tickets.

§ 46.21 Accounting for dumped produce.

A clear and complete record shall be maintained on dumping of produce received on joint account, or consignment, or handled for or on behalf of another person if a portion of such produce cannot be sold due to poor condition or is lost through re-sorting or reconditioning. If five percent or more of a shipment is dumped, an official dumping certificate, or other adequate evidence, shall be obtained to prove the produce was actually lost, unless there is a specific agreement to the contrary between the parties. The original certificate or other adequate evidence of dumping shall be forwarded to the consignor or joint account partner with the accounting and a copy shall be retained by the receiver.

§ 46.22 Evidence of dumping.

Reasonable cause for destroying any produce exists when the commodity has no commercial value or when it is dumped by order of a local health officer or other authorized official or when the shipper has specifically consented to such disposition. The term "commercial value" means any value that a commodity may have for any purpose that can be ascertained by the exercise of due diligence without unreasonable expense or loss of time. When produce is being handled for or on behalf of another person, proof as to the quantities of produce destroyed or dumped shall be provided by procuring a dumping certificate from (a) any person authorized by the United States Department of Agriculture to inspect fruits and vegetables; (b) any health officer or food inspector of any State, county, parish, city or municipality or of the District of Columbia; (c) any established commercial agency or service making inspections for the fruit and vegetable industry; or (d) when no inspector or health officer designated in paragraph (a), (b), or (c) of this section is available, the inspection and certification provided in this section may be made by any two persons having no financial interest in the produce involved or in the business of any person financially interested therein, and who are unrelated by blood or marriage to any such financially interested person, and who, at the time of the inspection and certification, and for a period of at least one year immediately prior thereto, have been engaged in the handling of the same general kind or class of produce with respect to which the inspections and certification are to be made. Any certificate issued by any persons designated in paragraph (d) of this section shall include a statement that each of them possesses the requisite qualifications. Any such certificate shall properly identify the produce by showing the commodity, lot number, brand or principal identify-

ing marks on the containers, quantity dumped, name and address of shipper, name and address of applicant, condition of the produce, time, place, and date of inspection and a statement that the produce possesses no commercial value.

RECORDS OF RETAILERS

§ 46.23 Records of retailers.

Notwithstanding the specific records and documents prescribed in the foregoing sections, licensees who purchase produce solely for sale at retail shall establish and maintain accounts and records, adapted to their type of operations, which will fully and correctly disclose all transactions relating to the purchase of produce. Such accounts and records should include the date of receipt of each lot, kind of produce, number of packages and quantity, price paid, evidence of agreement or contract of purchase, bills of lading, paid bills, and any other documents relating to the purchase of produce.

BROKERS

§ 46.24 Types of broker operations.

(a) Brokers carry on their business operations in several different ways and are generally classified by their method of operation. The following are some of the broad groupings by method of operation. The usual operation of brokers consists of the negotiation of the purchase and sale of carlots either of one commodity or of several commodities. Brokers may operate as the agent of the buyer, the seller, or of both parties. Frequently, carlot brokers never see the produce they are quoting for sale or negotiating for purchase by the buyer and they carry out their duties by relaying offers and counter-offers between the buyer and seller until a contract is effected. Generally, the seller of the produce invoices the buyer; however, when there is a specific agreement between the broker and his principal, the seller invoices the broker who, in turn, invoices the buyer, collects, and remits to the seller. Under other types of agreements, the seller ships the produce to the broker at destination who distributes to pool buyers, invoices the buyers, collects, and remits to the seller. Also, there are times when the broker is authorized by the seller to act much like a commission merchant being given blanket authority to dispose of the produce for the seller's account either by negotiation of sales to buyers not known to the seller or by placing the produce for sale on consignment with receivers in the terminal markets.

(b) There is a second general grouping of brokers which are commonly referred to as buying brokers. Their operations are typified by the fact that they act as the buyer's representative in negotiating purchases at shipping points, terminal markets, or intermediate points. Their typical type of operation is to negotiate a purchase on the buyer's instructions and authorization. Sometimes the broker negotiates the purchase without seeing the produce. In other instances he may select the merchandise after forming an appraisal of the quality of the produce being offered for sale on the market. Generally, a purchase is

made in the buyer's name and the seller invoices the buyer direct. On the other hand, acting on authority given him by the buyer, the broker may negotiate purchases in his own name, pay the seller for the produce, make arrangements for its loading and shipment, and bill the buyer direct for the cost price plus the brokerage fee and the cost of any agreed upon accessorial service charges such as ice, loading, etc.

§ 46.25 Duties of brokers.

(a) *General.* The function of a broker is to negotiate, for or on behalf of others, valid and binding contracts. A broker who fails to perform any specification or duty in connection with any transaction is in violation of the act and may be held liable for damages which accrue as a direct result of his failure. It shall be the duty of the broker to fully inform all parties concerning the terms and conditions of the proposed contract. After all parties agree on the terms and the contract is effected, the broker shall prepare in writing and deliver promptly to all parties a properly executed confirmation or memorandum of sale setting forth all of the essential details of the agreement between the parties. The broker shall retain a copy of such confirmations or memoranda as part of his accounts and records. The broker who does not issue and deliver these documents to the proper parties is failing to prepare and maintain complete and correct records as required by the act. If the broker's records do not support his contentions that a binding contract was made with proper notice to the parties, the broker may be held liable for any loss or damage resulting from such negligence or for other penalties provided by the act for failure to perform his express or implied duties. The broker shall take into consideration all the circumstances of the transaction in selecting the proper method for transmitting the written confirmation or memorandum of sale to the parties. A buying broker is required to truly and correctly account to his customer in accordance with § 46.2(v) (3).

(b) *Brokerage fees.* Brokerage fees may be charged to only one of the parties to the contract unless by mutual agreement the parties agree to split the brokerage fee. If a brokerage fee is charged to both parties (each assuming the other has not paid the brokerage fee), such action by the broker is a violation of the act. A broker employed to negotiate the sale of produce may not employ another broker or selling agent without specific prior authority from his principal. When a broker collects and when an accounting to the owner of the produce by the broker or selling agent is required, it shall show the actual gross sale and all brokerages deducted as well as all other charges incurred in connection with the shipment. A broker is not considered to be entitled to a brokerage fee unless he effects a sale or makes a valid and binding contract, fully performing his duties as a broker. Unless otherwise specifically agreed, the broker does not guarantee the performance of the contracting parties and is entitled to receive payment of the brokerage fee

whenever a valid and binding contract has been negotiated.

(c) *Brokers' responsibility for payment.* In the absence of a specific agreement, a broker is not responsible for payment to the seller by the buyer except a buying broker, who negotiates purchase in his own name under agreement with his principal, is responsible for payment of the purchase price to the seller. A broker who agrees to collect funds for or on behalf of another shall promptly remit such funds when collected and render an accounting showing the sales price of the shipment, all brokerages deducted, and all other charges incurred. Agreement to collect from the buyer and remit to the seller is not a guarantee by the broker that the buyer will pay, unless there is a specific agreement by the broker that he will pay if the buyer does not pay.

(d) *Purchases and sales by brokers.* A person who operates in a dual capacity, both as a broker and as a dealer, shall clearly disclose his status in each transaction to all of the parties with whom he is dealing. When a person purchases or sells produce as a dealer, he shall not charge or receive a brokerage fee from the seller or the buyer. A broker shall not negotiate a transaction where the broker is subject to the direct or indirect control of any party to such transaction other than his principal or where the other party is subject to the broker's direct or indirect control without the prior approval of his principal and, even if such approval is obtained, he shall not charge or receive a brokerage fee for such a transaction.

(e) *Filing carrier claims by brokers.* Without prior consent of the owner, a broker has no authority to file claims with carriers in his own name or any other name. A broker has no obligation to file carrier claims for the owners of the shipments. However, in handling transactions when a broker receives information valuable to owners in connection with carrier claim rights, the broker should promptly advise the owner. A broker who agrees to protect the carrier claims of owners shall at all times exercise reasonable care to fulfill such obligation. If a broker makes an agreement with a seller or a buyer to file and handle such a claim for the benefit of the owner of the produce, the claim shall be filed promptly with the carrier, supported by adequate evidence, and he shall take the necessary action to bring the matter to conclusion. A copy of the claim shall be forwarded to the owner of the shipment when the claim is filed. When settlement of the claim is effected, the broker shall promptly remit the net amount due the owner, after deducting the agreed or customary charges for handling the claim. Adequate information shall be furnished the owner regarding the claim while the matter is being handled with the carrier. If the owner files the claim, the broker shall promptly furnish any necessary information available in his records which is requested by the owner.

(f) *Sales at auction by brokers or other agents.* When a broker or any other person acts as agent in the sale of produce at auction, he shall report to

the auction company for listing in its catalogue the name of the owner, if known, or otherwise the name of his principal. In addition, he may show that he is acting in the capacity of agent. If a broker or an agent instructs the auction company to catalogue a shipment in his name without disclosing its true ownership, if known, or the name of his principal, he shall be deemed to have made a false or misleading statement under the act. Since sales at auction involve additional expenses, a broker or an agent shall have prior consent from his principal to such disposition.

TERMINAL MARKET COMMISSION MERCHANTS AND JOINT ACCOUNT PARTNERS
§ 46.26 Duties.

(a) *General.* All licensees who accept produce for sale on consignment or on joint account are required to exercise reasonable care and diligence in disposing of the produce promptly and in a fair and reasonable manner. When rendering account sales for produce handled for or on behalf of another, an accurate and itemized report of sales shall be made and averaging or pooling of sales is not permissible without the specific written consent of the owner of the produce prior to the accounting. Complete and detailed records shall be prepared and maintained by all commission merchants and joint account partners covering produce received, sales, quantities lost, dates and cost of repacking or reconditioning, unloading, handling, freight or demurrage charges, or any other expenses which are deducted on the accounting, in accordance with the provisions of §§ 46.17 through 46.22. Charges which cannot be supported by proper evidence in the records of the commission merchant or joint account partner shall not be deducted. The commission merchant or joint account partner may be held liable for any financial loss resulting to his principal due to his negligence or failure to perform any specific or implied duty.

(b) *Commission charges.* Before accepting produce on consignment, the parties should reach a specific agreement on the amount of commission and other charges which will be assessed by the commission merchant. In the absence of such an agreement, only the usual and customary commission and other charges shall be permitted. Without specific prior authority of the consignor, double commissions are not permitted nor may a receiver of consigned produce employ another person or firm to dispose of all or part of such produce. Unless otherwise specifically agreed upon by the parties, joint account partners shall not charge a commission fee against the joint account for disposing of the produce.

(c) *Purchasing consigned produce.* A commission merchant or joint account partner may not purchase produce received on consignment or joint account or sell such produce to any person or firm over whose business he has direct or indirect control, or to any person or firm having direct or indirect control over his business, without specific prior authority

of the consignor or the joint account partner and a specific agreement as to the price to be paid by the commission merchant or joint account partner. However, produce may be purchased by the commission merchant or joint account partner to clean up remnants of shipments so accountings will not be unduly delayed, provided the principal or consignor is fully informed when the accounting is rendered. "Remnants", as used here, mean small quantities remaining after the bulk of the shipment has been sold but shall not exceed 5 percent of the shipment. When consigned produce is purchased by a commission merchant or is sold to any person or firm over whose business he has direct or indirect control or to any person or firm having direct or indirect control over his business, he shall not charge or receive a commission fee for such sales.

(d) *Filing carrier claims.* Without the prior consent of the owner of the produce, the commission merchant has no authority to file claims with carriers in his own name or any other name: *Provided*, That the commission merchant may file a claim for breakage where the owner has been paid for the full value of the produce without any deduction for damage. Commission merchants have no obligation to file carrier claims on shipments for the owners. However, in handling transactions when commission merchants receive information valuable to the consignors in connection with carrier claim rights, the commission merchant should promptly advise the consignor. Before a commission merchant files a carrier claim on a consigned shipment, a specific agreement shall be reached with the consignor. If the commission merchant is authorized and agrees to file the claim, he shall forward a copy of the claim filed with the carrier to the consignor and shall exercise reasonable care to protect the interests of the consignor by filing the claim promptly and in the proper amount, supported by adequate evidence, and shall take the necessary action to bring the matter to a conclusion. When settlement of the claim is effected, he shall promptly remit the net amount due the consignor, after deducting the agreed handling charges. Full and complete information shall be furnished the consignor while the claim is being handled. If the consignor is to file the claim, the commission merchant shall exercise reasonable care to protect the claim rights of the consignor and shall promptly furnish all necessary information and evidence from his records to enable the consignor to file a proper claim. A joint account partner who files a carrier claim on behalf of the partnership shall forward a copy of the claim filed with the carrier to his partner, keep him advised of its status, and remit promptly his share of the net proceeds realized from such claim.

GROWERS' AGENTS AND SHIPPERS

§ 46.27 Types of operations by growers' agents and shippers.

(a) The usual operations of shippers consist of purchasing produce from growers in their own names. They dis-

tribute the produce in commerce by selling, consigning, or jointing the shipments, assuming any loss or profits that result from these operations. In addition, shippers may handle produce on joint account with growers or others.

(b) Growers' agents sell and distribute produce for or on behalf of growers and others and, in addition, may perform a wide variety of services, such as financing, planting, harvesting, grading, packing, furnishing labor, seed, containers, and other supplies or services. They usually distribute the produce in their own names and collect payment direct from the consignees. They render accountings to their principals, paying the net proceeds after deducting their expenses and fees. Some agents are limited by contract to making only sales and cannot joint or consign produce without obtaining the prior consent of the growers. Other agents are granted blanket authority by the growers to market and distribute the produce, using their discretion as to the best methods, depending on market conditions and the quality of the produce available. They can sell, consign or ship on joint account, use the services of brokers or sell through terminal market auctions. They are authorized to grant credits, make adjustments in the invoice price, handle claims with the carriers, or even abandon shipments, when circumstances justify such action, without consulting the growers. Some agents have an agreement with the growers to pool the produce and render accountings on the basis of the average or prorated selling prices after deducting the prorated expenses incurred for the various operations performed and the agents' selling fees. Some agents' contracts require an accounting on the basis of actual selling prices after deducting the actual expenses incurred for services performed and the selling fees. Some agents' contracts specify a fixed charge for harvesting, grading, packing, furnishing the container or other services, plus a selling fee, and thereby substantially reduce the record requirements necessary to prove the cost of the various operations.

§ 46.28 Duties of shippers.

(a) *General.* The responsibilities of shippers vary with their contract with growers to purchase produce or to handle produce on joint account. Similarly, their responsibilities to their customers depend upon their contracts to sell, consign or joint account produce with dealers on terminal markets. Shippers shall pay promptly for produce purchased and any deficits incurred on consigned shipments. They shall fully comply with their obligations in connection with joint account transactions. The shipper who fails to perform any express or implied duty is in violation of the act and may be held liable for any damages resulting therefrom. The shippers shall prepare and maintain records which fully and correctly disclose the details of his transactions.

(b) *Receiving records.* All shippers shall prepare and maintain a record of all produce received in the form of a bound book with numbered pages or

comparable business machine records. This receiving record shall show for each lot the date received, whether purchased or received on joint account, the quantity, quality, and kind of produce, the purchase price or joint account cost, and the name and address of the supplier.

(c) *Disposition records.* When a shipper purchases all of his produce from growers or others, his records shall also show the disposition of the produce, whether sold or consigned, date of shipment, car number, or if shipped by truck, the license number, name and address of the carrier, name and address of the buyer, commission merchant or auction, and other pertinent details of the transaction, such as the terms of sale, selling price, and date of payment.

(d) *Joint accounts with growers.* When a shipper enters into joint account transactions with growers or others, his records shall also show in detail the actual expenses incurred for the services he furnishes, such as harvesting, grading, packing and selling the produce (unless a fixed charge is agreed on between the parties to cover the cost of these services), methods of distribution, and proceeds received for the produce. If the shipper is at the same time handling similar produce not involved in the joint account transaction, a lot number or other positive means of identification shall be assigned to each lot of produce received in order to segregate and identify the various lots of produce. If the shipper consigns all or a part of the produce or employs the services of brokers or terminal market auctions, his records shall show the results of these transactions, including the expenses involved and the names and addresses of the commission merchants, brokers, and the auctions. The shipper shall render a detailed and accurate accounting and pay promptly the net proceeds due the joint partner, in accordance with § 46.2 (w) and (x). The accounting shall disclose the status of all claims collected or filed with the carriers.

(e) *Joint accounts with receivers.* When the shipper enters into a joint account agreement with a terminal market dealer, his records shall also show the expenses which may be properly charged in accordance with the joint partner, purchase price or joint account cost of the produce, and cost of harvesting, packing, grading, or other expenses. His records shall show the quantity and quality of the produce packed and shipped, the dates and methods of shipment, and all other pertinent details of his operations. At the conclusion of the transaction, a detailed and accurate accounting shall be furnished promptly to the joint partner, in accordance with § 46.2(w). If a deficit results, the shipper shall pay promptly his share of the deficit.

§ 46.29 Duties of growers' agents.

(a) *General.* The duties, responsibilities, and extent of the authority of the growers' agent depend on the type of contract made with the growers. Agreements between the growers and the agents should be reduced to a written

contract clearly defining the duties and responsibilities of both parties and the extent of the agent's authority in distributing the produce. When such agreements between the parties are not reduced to written contracts, the agent shall have available a written statement describing the terms under which he will handle the produce of the grower during the current season and shall deliver this statement to the grower on or before receipt of the first lot. The grower will be considered to have agreed to these terms if, after receiving such statement, he delivers his produce to the agent for handling in the usual manner. A copy of this statement, showing the name of the grower and the date the statement was delivered to the grower, shall be retained in the agent's files. The agent who does not have in his files either written contracts or a written statement as required herein is failing to prepare and maintain full and complete records as required by the act: *Provided*, That regulations or bylaws of cooperative marketing associations may be used in lieu of individual agreements or contracts to determine the methods of accounting and settlement with their grower members. The agent who fails to perform any express or implied duty is in violation of the act and may be held liable for any damages resulting therefrom.

(b) *Accounting for charges.* A growers' agent whose operations include such services as the planting, harvesting, grading, packing, furnishing of containers or other supplies, storing, selling or distributing produce for or on behalf of growers shall prepare and maintain complete and detailed records in order to be in a position to render to the grower accurate and detailed accountings covering his handling of the produce. He shall maintain a record of all produce received in the form of a bound book with numbered pages or comparable business machine records, showing for each lot the date received, quantity, the kind of produce and the name and address of the grower. A lot number or other positive means of identification shall be assigned to each lot in order to segregate the various lots of produce received from different growers and for similar produce being handled at the same time. Each lot shall be so identified and segregated throughout all operations conducted by the agent, including the sale or other disposition of the produce. The records shall show the result of all packing and grading operations, including the quantity lost through packing and grading and the quantity and quality packed out. If the culls are sold, they shall be included in the accounting. Unless there is a specific agreement with the growers to pool all various growers' produce, the accountings to the growers shall itemize the actual expenses incurred for the operations conducted by the agent and the actual sales prices received for the produce distributed for the account of each grower. If the agent is working under a pool agreement with the growers, the accounting to the growers shall show how the pool cost and pool sales prices are computed. If the agent and the growers have agreed on a fixed charge to cover

the various operations conducted by the agent, actual expenses incurred for harvesting, packing, grading, or other services covered by the agreement are not required to be shown in the accounting. The agent shall render promptly an accurate and detailed accounting in accordance with § 46.2(w). Unless the agent has a pooling agreement with the growers, the final accounting shall show all sales, adjustments and credits allowed buyers, rejections, details of consigned or jointed shipments, details of sales through brokers, details of sales through auctions, and the status of all claims filed with or collected from the carriers.

(c) *Sales through brokers or auctions.* Unless the growers' agent is specifically authorized in his contract with the growers to use the services of brokers, commission merchants, joint partners, or auctions, he is not entitled to use these methods of marketing the growers' produce. Any expenses incurred for such services, without the growers' permission, cannot be charged to the growers.

(d) *Filing of carrier claims.* Without the prior consent of the growers, an agent has no authority to file claims with the carriers in his own name or any other name. An agent has no obligation to file carrier claims on shipments for growers in the absence of a specific agreement to perform these duties. All information which the agent has received in handling the shipment which is essential for the growers to file such claims shall be made available to the growers. If the agent has an agreement with the growers to file and handle carrier claims, he shall exercise reasonable care in handling the claims with the carriers by filing the claim promptly in the proper amount, supported by adequate evidence, and take the necessary action to bring the matter to a conclusion.

(e) *Purchasing produce being handled for others.* A growers' agent may not purchase produce which he is handling for others. A growers' agent shall not negotiate transactions where he is subject to the direct or indirect control of any party to such transaction, other than his principal, or where the other party is subject to his direct or indirect control, without the prior approval of his principal and, furthermore, he shall not request or receive a selling fee for such a transaction.

(f) *Negligence of agent.* A growers' agent may be held responsible for any financial loss resulting to the growers due to negligence in performing or failing to perform any specific or implied duties.

(g) *Responsibility for payment.* An agent is not responsible for the payment by the buyer who has purchased the grower's produce on credit, unless he guarantees payment or is negligent in extending credit. Agreement to collect from the buyer and remit to his principal is not a guarantee by the agent that the agent will pay if the buyer does not pay.

(h) *Responsibility for payment of selling fees and expenses to the growers' agent.* In the absence of a specific agreement to the contrary, the agent does not guarantee the performance of the

contracting parties and he is entitled to the payment of his selling fees and expenses incurred in handling the produce of growers or others, providing he fully performs his duties as agent.

(i) *Agent's financial responsibility to buyers for failure to comply with contracts.* If the growers' agent contracts in his own name to deliver produce to a buyer and subsequently cannot deliver produce complying with the contract because the growers cannot or will not deliver such produce to him, he may be liable to the buyer for damages resulting from the breach of the contract.

CONVERSION OF FUNDS

§ 46.30 Conversion of funds.

Any licensee who collects or receives funds for or on behalf of another person or firm in connection with produce shall not make any use or disposition of such funds in his possession or control that will endanger or impair faithful and prompt payment to the owner or consignor of the produce or to any other person having a financial interest therein.

DISCLOSURE OF BUSINESS

§ 46.31 No disclosure of business of licensee.

No representative of the Department shall, without the consent of the licensee, divulge or make known, except to financially interested parties, or to other representatives of the Department who may be required to have such knowledge in the regular course of their official duties, or except insofar as he may be directed by the Secretary, the Deputy Administrator, the Director, or by a court of competent jurisdiction, any facts or information regarding the business of such licensee which may come to the knowledge of such representative through an examination or inspection of the business or the accounts of the licensee, unless such facts or information should be testified to at a hearing authorized by the act because they are relevant and material to the issue in the case being heard.

SUSPENSION AND REVOCATION OF LICENSES

§ 46.32 Suspension or revocation order.

(a) Whenever the Secretary shall order the suspension or revocation of a license, the person against whom such order is directed shall be served by the Hearing Clerk with a copy of the order, and be notified of the effective date thereof.

(b) Except in the case of any license automatically suspended by the act, a reasonable time shall be allowed, which shall not be less than 10 days between the date of service of the order of suspension or revocation and the date upon which such order becomes effective, during which period the licensee may make all necessary arrangements with some other person, who has a valid and effective license to safeguard the interests of consignors or other innocent parties whose property or business may be affected by such suspension or revocation

and during which the licensee may terminate his affairs and business relating to the handling of produce.

(c) After the revocation of his license or during the effective period of any suspension thereof, no person shall, either directly or indirectly, through any agent, employee, or otherwise, carry on the business of a commission merchant, dealer, or broker until his status as a licensee has been restored.

(d) The suspension or revocation of a license shall not prevent the licensee from collecting amounts due on contracts entered into prior to the date of suspension or revocation or from remitting promptly to his principals and obligees.

PUBLICATION OF FACTS

§ 46.33 Publicity.

Upon the issuance by the Secretary of an order revoking or suspending a license, or in case of automatic suspension of a license for failure to pay a reparation award, the Director shall cause general publicity to be given to such fact, in order that those doing business with the licensee whose license has been revoked or suspended may take due notice thereof.

SUNDAYS AND HOLIDAYS

§ 46.34 Sundays and holidays excluded.

Sundays and holidays shall not be included in the computation of the 5-day period provided by section 7(d) of the act, nor in connection with the periods defined in § 46.32 with exception of paragraph (a) thereof, and where specifically provided for in paragraph (y) of § 46.2.

§ 46.35 Sundays and holidays included.

Sundays and holidays shall be included in the computation of all other periods mentioned in the act or in the regulations in this part.

COMMODITY INSPECTION

§ 46.36 Inspection of commodities.

Each licensee shall, during ordinary business hours, permit any duly authorized representative of the Department to enter his place of business and inspect any lot of produce under his ownership or control covered by this act. Any necessary facilities for such inspection shall be extended to such representative by the licensee, his agents, and employees. The licensee shall be furnished a copy of any certificate or memorandum of inspection which is issued for any lot of his produce which is inspected in accordance with this section.

§ 46.37 Inspection service.

The rules and regulations of the Secretary governing inspection and certification of fresh fruits and vegetables as outlined in Part 51 of this chapter, of frozen fruits and vegetables as outlined in Part 52 of this chapter, and amendments thereto, and such additional amendments as may from time to time be promulgated shall govern the inspection of such products under the act and are hereby made a part of the regulations in this part.

LICENSEE'S RESPONSIBILITY FOR ACTS OF EMPLOYEES AND AGENTS

§ 46.38 Licensee's responsibility for acts of employees and agents.

In construing and enforcing the provisions of the act and the regulations in this part, the act, omission, or failure of any agent, officer, or other person acting for or employed by a licensee, within the scope of his employment or office, shall in every case be deemed the act, omission, or failure of the licensee.

COPIES OF RECORDS

§ 46.39 Copies of records; how obtained.

Copies of records pertaining to licensees under the act may be furnished under the conditions and at the prices prescribed in the regulations of the Department.

(a) For each photographic or photostatic copy, 25 cents per page.

(b) For each separate authentication, 25 cents.

TRADE TERMS AND DEFINITIONS

§ 46.40 Terms construed.

The following terms and definitions, when used in any contract or communication involving any transaction coming within the scope of the act, shall be construed as follows:

(a) "Today's shipment", or shipment on a specified date (such as "shipment September 12"), means in connection with shipments by rail, that the goods referred to shall be under billing by the transportation company on the date the order is given or on the date specified in time to be picked up by a train scheduled to move that day's loadings from the shipping point. When used in connection with shipments by boat, this term shall mean that the goods shall be placed alongside the boat and be under billing in time to be loaded and shipped on a boat scheduled to leave before midnight of the date specified. When used in connection with shipments by truck, this term shall mean that the goods shall be loaded and shall actually start from loading point to destination before midnight of the date specified.

(b) "Tomorrow's shipment" or "Immediate shipment" means that the shipment referred to shall be under billing by the transportation company in time to move on a transportation facility scheduled to leave not more than 24 hours later than allowed under "Today's shipment."

(c) "Quick shipment" means that the conditions of the offer, order, or confirmation will be met if the shipment is under billing by the transportation company in time to move on a transportation facility scheduled to leave not more than 48 hours later than allowed under "Today's shipment."

(d) "Prompt shipment" means that the conditions of the offer, order, or confirmation will be met if the shipment is under billing by the transportation company in time to move on a transportation facility scheduled to leave not more than 72 hours later than allowed under "Today's shipment."

(e) "Shipment first part of week" or "Shipment early part of week" means that the produce referred to shall be under billing on Monday or Tuesday of the week specified in time to be picked up by a train scheduled to move these days' loadings from the shipping point. When used in connection with shipments by truck, this term shall mean that the goods shall be loaded and shall actually start from loading point to destination before midnight on Tuesday of the week specified.

(f) "Shipment middle of week" means that the produce referred to shall be under billing by the transportation company in time to move on a transportation facility scheduled to leave Wednesday or Thursday of the week specified. When used in connection with shipments by truck, this term shall mean that the goods shall be loaded and shall actually start from loading point to destination before midnight on Thursday of the week specified.

(g) "Shipment last of week" or "Shipment latter part of week" means that the produce referred to shall be under billing by the transportation company in time to move on a transportation facility scheduled to leave on Friday or Saturday of the week specified. When used in connection with shipments by truck, this term shall mean that the goods shall be loaded and shall actually start from loading point to destination before midnight on Saturday of the week specified.

(h) "Shipment as soon as possible" or "Shipment as soon as cars can be secured" means that the shipper is uncertain as to when the shipment can be made, but expects to make it within a reasonable time and will make it soon as possible. But in any case where these words are used the buyer shall, at any time after 12 days from the date the order is given, have the right to cancel the order or contract of sale, if notice of his decision so to cancel shall have been received by the shipper before shipment has been made.

(i) "F.o.b." (for example, "f.o.b. Laredo, Tex.," or "f.o.b. California") means that the produce quoted or sold is to be placed free on board the boat, car, or other agency of the through land transportation at shipping point, in suitable shipping condition (see definitions of "suitable shipping condition," paragraphs (j) and (k) of this section), and that the buyer assumes all risk of damage and delay in transit not caused by the seller irrespective of how the shipment is billed, the buyer shall have the right of inspection at destination before the goods are paid for to determine if the produce shipped complied with the terms of the contract at time of shipment, subject to the provisions covering suitable shipping condition.

(j) "Suitable shipping condition", in relation to direct shipments, means that the commodity, at time of billing, is in a condition which, if the shipment is handled under normal transportation service and conditions, will assure delivery without abnormal deterioration at the contract destination agreed upon between the parties: *Provided*, That the

seller has no responsibility for any deterioration in transit if there is no contract destination agreed upon between the parties.

(k) "Suitable shipping condition", in connection with reconsigned rolling or tramp cars, means that the commodity, at time of sale, meets the requirements of this phrase as defined in paragraph (j) of this section, relating to direct shipments.

(l) "F.o.b. acceptance" or "Shipping point acceptance" means that the buyer accepts the produce at shipping point and has no right of rejection. The buyer has recourse against the seller if the produce was not in suitable shipping condition (see definitions, paragraphs (j) and (k) of this section) or has recourse for a material breach of contract, providing the shipment is not rejected. The buyer's remedy under this method of purchase is by recovery of damages from the seller and not by rejection.

(m) "F.o.b. acceptance final" or "Shipping point acceptance final" means that the buyer accepts the produce at shipping point and has no right of rejection. Suitable shipping condition does not apply under this trade term. The buyer does have recourse for a material breach of contract, providing the shipment is not rejected. The buyer's remedy under this type of contract is by recovery of damages from the seller and not by rejection of the shipment.

(n) "F.o.b. steamer" means that the produce is to be placed free on board steamer at shipping point, in suitable shipping condition (see definitions of "suitable shipping conditions", paragraphs (j) and (k) of this section), in accordance with the terms of the contract, and that the buyer assumes all responsibility and risk of damage thereafter.

(o) "F.a.s. steamer" means that the produce is to be delivered free alongside the steamer, in suitable shipping condition (see definitions of "suitable shipping condition", paragraphs (j) and (k) of this section), in accordance with the terms of the contract, and that the buyer assumes all responsibility and risk of damage thereafter.

(p) "Delivered" or "Delivered sale" means that the produce is to be delivered by the seller on board car, or truck or on dock if delivered by boat, at the market in which the buyer is located, or at such other market as is agreed upon, free of any and all charges for transportation or protective service. The seller assumes all risks of loss and damage in transit not caused by the buyer. For example, a sale of "U.S. No. 1 potatoes delivered Chicago" means that the potatoes, when tendered for delivery at Chicago, shall meet all the requirements of the U.S. No. 1 grade as to quality and condition.

(q) "In transit", "Roller", or "Rolling car" means that the produce referred to is in possession of the transportation company and under movement from shipping point when the quotation is made, and that the car is moving over a route in line of haul between the point of origin and the market in which delivery is to be made, and has been so

moving since date of shipment, without any delay attributable to the shipper or his agent. Unless otherwise specifically agreed, if a roller, rolling car, or a car in transit is sold f.o.b. shipping point, the buyer shall be deemed to have assumed only the lowest all-rail freight charges applicable between the point of origin and the contract destination agreed upon between the parties together with such other charges which would have accrued if the car had been originally shipped direct to the contract destination: *Provided*, That the buyer is not liable for payment for protective services if the seller does not inform him of the kind and extent of such services ordered from the carrier.

(r) "Tramp car" or "Tramp car sale" means that the produce has left the shipping point under a bill of lading issued prior to the day on which the quotation is made and has moved or is moving over a route out of line of haul with the market in which it is to be delivered or in which it is being offered or quoted, or has been moving over a route in line of haul between the point of origin and the market in which it is to be delivered or in which it is being offered or quoted, but has been delayed in transit by the seller, or has been held by the transportation company at diversion or other points en route awaiting instructions from the shipper and by such holding or delay has missed scheduled movement between points of shipment and the market in which it is to be delivered as the result of the transaction in question. Unless otherwise specifically agreed, if a "tramp car" is sold f.o.b. shipping point or a "tramp car sale" is made f.o.b. shipping point, the buyer shall be deemed to assume only the lowest authorized all-rail freight charges applicable between the point of origin and the contract destination agreed upon between the parties, together with such other charges which would have accrued if the car had been originally shipped direct to the contract destination: *Provided*, That the buyer is not liable for payment for protective services if the seller does not inform him of the kind and extent of such services ordered from the carrier.

(s) "Rolling acceptance" means that the buyer accepts at time of purchase produce which is in the possession of the transportation company and under movement from shipping point, under the terms and conditions described in paragraphs (q) and (r) of this section, except that the buyer assumes full responsibility for transportation of the goods from time of purchase, has no recourse against the seller because of any change in condition after time of purchase unless the goods when shipped were not in suitable shipping condition, and has no right of rejection on arrival. The buyer's remedy under this method of purchase is by recovery of damages from the shipper and not by rejection of the shipment. By agreement between the parties, however, the purchase may be made subject to inspection at any specified point while the car is rolling or in transit and the point at which the buyer will assume transportation charges

may be specified without affecting the time of acceptance of the commodity.

(b) "Rolling acceptance final" means the same as "Rolling acceptance" except that the buyer has no recourse against the seller because of any change in condition of the produce in transit. The buyer has recourse against the seller for any material breach of the contract providing the shipment is not rejected. The buyer's remedy under this type of contract is recovery of damages from the seller and not by rejection.

(u) (1) "Track sale" or "sale on track" means a sale of produce on track after arrival at destination and after inspection or opportunity for inspection by the buyer who shall be considered to have waived any right to reject the commodity so purchased upon receipt by him or his duly authorized representative from the seller or his duly authorized representative of the bill of lading, delivery order, or other document enabling him to obtain the goods from the carrier.

(2) The definition in subparagraph (1) of this paragraph shall not be construed as depriving the buyer of a right to reparation when the unloading of the car demonstrates that a part of the lading which was not accessible to inspection was of a quality or condition much inferior to that portion which was accessible to inspection; but notice of intention to file a claim for reparation must be given the seller within 24 hours after receipt by the buyer of the delivery order or bill of lading.

(3) If the seller gives the date of arrival when quoting price, the buyer shall, in the absence of any written memorandum of sale to the contrary, assume all charges that accrue on the shipment from the date of its arrival. If the seller fails to furnish the date of arrival when quoting price the buyer may, in the absence of any written memorandum of sale which includes the date of arrival or specific written statement as to who shall assume such charges as have accrued after arrival, assume that the shipment arrived at point of sale on the day and date upon which the purchase was made, and shall be liable only for such charges as would properly attach to a shipment arriving on the date the purchase was made.

(v) "C.a.f.," "c.a.c.," and "c.i.f." mean "cost and freight," "cost and charges," and "cost, insurance, and freight," respectively. C.a.f. sales shall be deemed to be the same as f.o.b. sales, except that the selling price shall include the correct freight charges to destination. C.a.c. sales shall be deemed to be the same as f.o.b. sales, except that the selling price includes the correct freight and refrigeration or heater charges to destination. C.i.f. sales shall be deemed to be the same as f.o.b. sales, except that the selling price includes insurance and the correct freight and refrigeration or heater charges to destination.

(w) "Carload," "carlot," or "car" when used in offers, quotations, or contracts in which the quantity is not more definitely specified, and in the absence of well-established trade custom or standard as to size of a "carload," "carlot," or "car" of the produce in question, means

not less than the minimum quantity required by the carrier's tariff applicable to the movement, and not more than 10 percent in excess of such minimum tariff requirements, except that, where the carrier's tariffs provide alternative rates and minimum, the buyer shall state which tariff minimum must be observed, and, in event of failure so to do, the shipper may exercise his discretion, in no case, however, exceeding the higher alternative minimum quantity provided by the tariff, with only such variations therefrom as are permitted by this paragraph.

(x) "Shipping-point inspection" means that the seller is required to obtain Federal or Federal-State inspection, or such private inspection as has been mutually agreed upon, to show the compliance of the lot sold with the quality, condition, and grade specifications of the contract, and that the seller assumes the risk incident to incorrect certification.

(y) "Shipping-point inspection final," or "Inspection final" following the name of the State or point, as "California inspection final," means that the seller is required to obtain Federal or Federal-State inspection, or such private inspection as has been mutually agreed upon, to show the compliance of the lot sold with the quality, condition, and grade specifications of the contract, and that the buyer assumes the risk incident to incorrect certification and is without recourse against the seller on account of quality, condition, and grade.

(z) "Subject approval wired Government inspection" means that the seller is required to obtain Federal or Federal-State inspection, or such private inspection as has been mutually agreed upon, and to correctly communicate, by wire or other agreed means, the statements on the certificate as to quality, condition and grade, and other essential information, whereupon the buyer, upon approval thereof, will be deemed to have accepted the produce without recourse against the seller on account of quality, condition, and grade.

(aa) "Guaranteed advance" used in connection with an advance payment on consigned produce means that the person making the advance guarantees that the net proceeds to the consignor shall at least equal the amount so advanced, and that the consignor cannot be held liable for any deficit resulting from the sale of the produce, if such deficit is not occasioned by or contributed to by an act of the consignor.

(bb) "Accommodation advance" or "Regular advance", used in connection with an advance of money or credit against anticipated net proceeds to be realized from the sale of consigned produce, means that the shipper has received an advance of money or credit and that, if the consigned produce does not sell for enough to cover the cost of transportation and handling, including customary or agreed commission and the advance made to him, the shipper must return to the person making the advance a sum equal to the deficit sustained.

(cc) "Price arrival", in the absence of a contrary specific understanding, means that the produce is shipped either direct

to the customer or to an agent of the shipper, for the benefit of the customer, the price to be subject to agreement between the customer and the shipper upon arrival of the produce at the customer's destination, with sufficient time being permitted for inspection.

(dd) "F.o.b. inspection and acceptance arrival" means that the produce quoted or sold is to be placed by the seller free on board car or other agency of through transportation at shipping point, the cost of transportation to be borne by the buyer, but the seller to assume all risks of loss and damage in transit not caused by the buyer, who has the right to inspect the goods upon arrival and to reject them if, upon such inspection, they are found not to meet the specifications of the contract of sale at destination. The buyer may not reject without reasonable cause. Such a sale is f.o.b. only as to price and is on a delivered basis as to grade, quality, and condition.

(ee) "F.o.b. sale at delivered price" means the same as f.o.b., except that transportation charges from shipping point to destination shall be borne by the seller; that is, the sale is f.o.b. as to grade, quality, and condition, and delivered as to price.

Dated: November 4, 1959.

S. R. SMITH,
Director,

Fruit and Vegetable Division.

[F.R. Doc. 59-9489; Filed, Nov. 9, 1959;
8:49 a.m.]

17 CFR Part 972 I

[Docket No. AO-177-A19]

MILK IN TRI-STATE MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions to Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Tri-State marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., not later than the close of business the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed

amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Gallipolis, Ohio, on December 3-5, 1958, pursuant to notice thereof which was issued November 10, 1958 (23 F.R. 8872).

Some of the issues on the record of that hearing were dealt with in a decision issued by the Assistant Secretary on April 10, 1959 (24 F.R. 2865). The remaining issues were reserved for a further decision on the record under the title "Conforming, clarifying and administrative changes". The issues under this title are dealt with in this recommended decision.

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

7. Conforming, clarifying and administrative changes. Official notice is taken of certain findings in the decision issued April 10, 1959 (24 F.R. 2865), which read as follows:

Other changes in order provisions intended to improve the clarity and specificity of the language and to facilitate administration thereof, are deferred for another decision on this record. These changes include definitions, accounting for inventory, consolidation of provisions in briefer form where possible, elimination of obsolete provisions, and such other changes in order language as will tend to clarify or make more specific certain provisions without extending the effect of the regulation. Also, with regard to definition of "fluid milk plant" and "supply plant" there is reserved for a further decision the question of whether such definitions should include facilities within the same building not qualified for handling milk for fluid consumption, and if such changes are made in plant definition, what conforming change is needed in the producer definition or other provisions. Consideration may be given also as to different allocation of milk from plants regulated under other orders.

The provisions to be revised in accordance with the previous findings and conclusions referred to are as follows:

(a) **Definitions.** The term "route" should be redefined to include specific reference to the kind of product disposition covered by the Class I definition. These are the products which generally are intended for fluid consumption.

The term "fluid milk plant" should be redefined to include all of the milk-handling facilities on the same premises. This is necessary for administrative purposes to assure a complete and accurate accounting for producer milk. Some plants in the marketing area receive milk which is not qualified for the fluid market as well as milk qualified for fluid consumption, and include manufacturing facilities where both the inspected and uninspected milk are processed. The order has required the market administrator to arrive at a classification of producer milk on the basis of milk-handling operations both in the facilities approved for supplying the fluid market and in the unapproved facilities within the same plant. A broadening of the term "fluid milk plant" to cover all of the milk-handling facilities at the same location will give a greater assurance of proper classification for producer milk in the

case of milk transferred to other fluid markets and in other handling of producer milk which involves both kinds of facilities.

The term "supply plant" should be modified similarly to include all of the milk-handling facilities at the same location. The problem of which order should regulate a supply plant if it ships milk to more than one Federal order market should be covered in a special section of this order rather than in the "fluid milk plant" definition.

The term "producer" should be modified to make clear that only those dairy farmers who have the appropriate health approval qualify as producers. This is important in connection with the kind of dual plant which handles both inspected and uninspected milk. The handler privilege and responsibility with respect to diverting a producer should be continued as under existing provisions, but the requirements with respect to accounting for and classifying milk of a diverted producer should be more specifically covered under provisions dealing with reporting and classification.

The present definition of "producer milk" states that such milk is produced by producers, but does not clearly specify that it applies only to such milk as received at a plant. The definition should be revised to specify that the milk is received from producers at a regulated plant or diverted to an unregulated plant. The definition will thus distinguish milk received directly from producers, which is the kind of milk receipt priced under the order, as opposed to milk received from other plants or from farmers who do not qualify as producers. Milk received from other plants or from farmers who do not qualify as producers is not priced by the order and is treated differently in classification.

The term "other source milk" similarly should be defined as a kind of milk receipt. Also, the modified definition would provide a more specific meaning for other source milk in the case of skim milk and butterfat used to produce milk products. This part of the definition would apply only to products reprocessed in the plant.

The term "handler" should specify that the person is a handler in his capacity as the operator of a fluid milk plant or supply plant. Since the term "person" includes an association, the words "including a cooperative association" are superfluous and may be deleted from the handler definition.

The definition of "producer-handler" should state that such person operates a fluid milk plant. This will make specific the application of regulation to any plant which supplies milk to producer-handlers in the amounts indicated in the definition of "supply plant." Assurance of orderly marketing conditions requires that the "producer-handler" definition should not serve as an avenue for undue quantities of unregulated milk to enter the market.

The definition of "cooperative association" may be made more concise by eliminating repetitive references to producer members.

(b) **Classification.** Handlers have inventories of milk and milk products at the beginning and end of each month which enter into the accounting for current receipts and utilization. The order should make specific provision for a method of accounting for inventory.

Inventory is intended to include stocks on hand of bulk milk, skim milk, cream, bottled milk and other fluid milk products designated as Class I. Manufactured products (Class II and Class III) on hand are not included in the inventory account because the milk used to produce such products will already have been accounted for. However, handlers will need to keep records of such products but they will not be included in inventory for the purposes of accounting for current receipts.

It is concluded that inventory should be accounted for as Class III milk. If fluid milk products in inventory are accounted for as Class III milk at the end of a month, it will be necessary to provide a method to deal with the producer milk inventory, which the handler accounted for to producers as Class III milk at the end of the previous month, but which is used in the current month for Class I or II purposes. Handlers, at times, also use other source milk in their operations. Producer milk from inventory should have prior claim on Class I sales over current receipts of other source milk. This can be accomplished by considering the ending inventory in one month as a receipt in the following month and subtracting such receipt (under the allocation procedure) in series starting with Class III milk following the subtraction of other source milk. To the extent that opening inventory is allocated to Class I and Class II milk and there was an equivalent amount of producer milk classified in Class III milk in the previous month (after the allocation of other source milk) a reclassification charge should be made at the difference between the Class I or Class II price in the current month and the Class III price in the preceding month. This will promote equality in the cost of milk among handlers and returns to producers, irrespective of whether or not such producer milk is from the previous month's ending inventory or is a current receipt.

The words "evaporated milk and condensed milk" occur in the definition of Class I milk as products excluded from Class I milk. These products are specifically named in the Class III definition. References throughout the order to products listed in the Class I definition will be clarified by eliminating these words from the Class I definition.

When milk is transferred between handlers if either of them has received other source milk, the skim milk or butterfat transferred should be classified at both plants so as to allocate the greatest possible Class I milk utilization to the producer milk of both handlers.

Present provisions covering shrinkage were originally designed to fit the old definition of fluid milk plant which did not include the unapproved portion of a dual plant. The changes in the fluid milk plant and supply plant definitions

herein contemplated eliminate the basis for proration of shrinkage of transfers to nonfluid milk plants.

(c) *Obsolete provisions.* It was proposed that the butter-cheese formula in the basic formula price be eliminated, since it has not been effective over a period of several years.

This part of the basic formula has been consistently lower over a period of ten years than other measures of the value of milk in manufacturing. Accordingly, it is concluded that the butter-cheese formula is not representative of the value of milk for manufacturing, nor does it properly reflect conditions in the production and marketing of milk. It should be deleted from the order.

No handler in the market now operates more than one regulated plant. If a handler operated two or more regulated plants, the combined milk utilization at all plants would be reflected in his uniform price to producers at all plants. If two or more of his plants were in different price districts, or different Class I prices applied thereat because of location differentials, the uniform price at each plant should also reflect the Class I price as it applies at the individual plant. This situation is not currently provided for in the order. The appropriate uniform prices may be calculated if the handler's plant where the highest Class I price applies is used as a basing point, and producer location differentials are expressed in terms of the difference of the Class I price at each other plant from such highest price. For each plant at which a lesser than such highest price applies, the price difference multiplied by the total hundredweight of producer milk received at the plant would be added to the combined value of producer milk at all the handler's plants. This sum would be divided by the total hundredweight of producer milk received at such plants to arrive at the uniform price at the plant where the highest Class I price applies. The respective producer location differentials would be subtracted from this price to arrive at the uniform prices at the other plants.

The butterfat differentials to handlers are arrived at by a calculation which involves the value of nonfat dry milk. This part of the calculation is a carry-over from a type of pricing of skim milk and butterfat no longer used in this order. It has only a minor effect upon the actual value of the butterfat differentials amounting currently to 6/100 of a cent. The same final result may be obtained by multiplying the butter price per pound less three cents by 1.19, instead of using the multiplier 1.2. It is concluded that the skim milk value calculation should be deleted from the butterfat differential. The multiplier applied to the butter price (after subtracting three cents per pound) should be .119, thus offsetting the deletion of the skim milk value computation, and eliminating at the same time the need for subsequent division to arrive at the butterfat differential for each one-tenth of a percent of butterfat.

The provision entitled "Diverted milk" (§ 972.53) is no longer needed inasmuch as the effect thereof is covered by other provisions which have been revised.

In the provision for payment by handlers of administrative expense, it is unnecessary to specify the obligation of cooperative associations separately, since the obligation applies to cooperatives only as handlers.

The provision presently contained in § 972.65(d) is a statement that a cooperative association's privilege to pay its members in accordance with 8c(5)(F) of the Act is not restricted by order provisions. This statement is unnecessary.

(d) *Milk and milk plants to which other orders may apply.* The definitions of "fluid milk plant" and "supply plant" as discussed in previous findings and conclusions should be subject to a general section of the order which will cover problems involving whether this order or another order applies to certain plants and certain milk receipts. Such a provision with respect to fluid milk plants was incorporated in the amendment effective May 1, 1959, based upon this record.

The application of the order to supply plants involves the consideration of pass-back of Class I utilization from fluid milk plants during the months of February through September. The fluid milk plant may make such pass-back of Class I utilization to a supply plant which furnished it with milk during at least three of the preceding months of October through January. The present definition of "supply plant" excludes plants which are regulated under another order, and thus if a plant which was a supply plant during the October-January period becomes regulated under another order during the subsequent February-September period it then becomes ineligible for pass-back during such months of other-order regulation. Presumably, there is a possibility that such a plant could become regulated under another order by reason of relatively small quantities of milk transferred. In view of this consideration, a plant which has qualified for pass-back should be allowed to continue as a supply plant under this order during the February-September period unless the Secretary determines otherwise, or the plant operator waives the qualification privilege which is based on shipments in the prior October-January period.

(e) *Renumbering.* The sections of the order should be renumbered in accordance with the conventional numbering system used in other orders in this region. Some changes in designations of paragraphs, and other minor divisions, should be made where necessary.

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

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the

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

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

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

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

Recommended marketing agreement and order. The following order amending the order regulating the handling of milk in the Tri-State marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

DEFINITIONS

§ 972.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 972.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or such other officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 972.3 Department of Agriculture.

"Department of Agriculture" means the United States Department of Agriculture.

§ 972.4 Tri-State marketing area.

"Tri-State marketing area", hereinafter called the marketing area, means all that territory within the districts described in paragraphs (a), (b), (c), and (d) of this section, including all incorporated municipalities, military reservations, facilities, and installations, and

State institutions wholly or partially within the defined districts.

(a) "Pikeville-Paintsville district" of the marketing area means the territory within the counties of Martin, Magoffin, Floyd, Johnson, and Pike, all in Kentucky.

(b) "Huntington district" of the marketing area means the territory within the counties of Boyd, Greenup, and Lawrence, in Kentucky; Lawrence County in Ohio; and the counties of Cabell and Wayne, in West Virginia.

(c) "Gallipolis-Scioto district" of the marketing area means the territory within the counties of Gallia, Meigs, Scioto, and Jackson, in Ohio; the townships of Beaver, Camp Creek, Jackson, Marion, Newton, Pee Pee, Scioto, Seal, and Union in Pike County, Ohio; Mason County in West Virginia; and Magisterial Districts 2, 3 and 8 in Lewis County, Kentucky.

(d) "Athens district" of the marketing area means the territory within Athens County, Ohio; the townships of Belpre, Marietta, Muskingum, Adams, and Waterford, in Washington County, Ohio; and Lubeck, Parkersburg, Tygart, and Williams Magisterial Districts in Wood County, West Virginia.

§ 972.5 Plant.

"Plant" means the land, buildings, surroundings, and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment which is maintained and operated primarily for the receiving, handling, or processing of milk or milk products.

§ 972.6 Route.

"Route" means any delivery (including any delivery through a vendor or a sale from a plant or plant store) of any milk or milk product in the form designated as Class I disposition in § 972.41 (a) other than delivery to any milk plant.

§ 972.7 Fluid milk plant.

"Fluid milk plant" means any plant from which a route is operated within the marketing area, except a plant which is a nonfluid milk plant pursuant to § 972.61.

§ 972.8 Supply plant.

Subject to the provisions of § 972.61 "supply plant" means any plant not a fluid milk plant pursuant to § 972.7, from which a total of 25,000 pounds or more of milk, or an amount of skim milk and butterfat from which 25,000 pounds or more of Class I milk is derived, is delivered during the month in fluid form from such plant to any plant(s) which is a fluid milk plant pursuant to § 972.7: *Provided*, That any plant which qualified as a supply plant for at least three of the months of October through January, inclusive, may retain such status during the months of February through September, inclusive, next following for the purposes of § 972.44(c) without meeting the minimum delivery requirements described above in this section during the latter months.

§ 972.9 District designation of fluid milk plants and supply plants.

(a) A fluid milk plant or supply plant located in the marketing area is a district plant for the district in which it is located.

(b) A fluid milk plant or supply plant located outside the marketing area is a district plant for the district in which the nearest place listed pursuant to § 972.58 is located or is adjacent thereto.

§ 972.10 Nonfluid milk plant.

"Nonfluid milk plant" means any plant which is not a fluid milk plant or supply plant and is utilized for receiving, processing or distributing milk or milk products.

§ 972.11 Person.

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

§ 972.12 Producer.

"Producer" means a person other than a producer-handler who produces milk under a dairy farm inspection permit or equivalent certification given by a duly constituted health authority for the production of milk for fluid consumption, which milk is:

(a) Received at a fluid milk plant or supply plant (including milk caused to be delivered to such plant by a cooperative association which is not the handler for such milk); or

(b) Diverted by a handler for his account to a nonfluid milk plant during April, May, June, or July.

§ 972.13 Handler.

"Handler" means any person in his capacity as the operator of a fluid milk plant or supply plant.

§ 972.14 Producer-handler.

"Producer-handler" means any person who produces milk, operates a fluid milk plant and receives no milk from other dairy farmers.

§ 972.15 Cooperative association.

"Cooperative association" means any cooperative association of producers, duly organized as such under the laws of any state, which the Secretary determines, after application by the association:

(a) To be qualified under the standards set forth in the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have its entire organization and all of its activities under the control of its members; and

(c) To be currently engaged in making collective sales of or marketing milk or its products for its members.

§ 972.16 Producer milk.

"Producer milk" means only that skim milk or butterfat contained in milk produced by one or more producers and (a) received at a fluid milk plant or supply plant directly from producers, or (b) diverted from a fluid milk plant or supply plant to a nonfluid milk plant in accordance with the conditions set forth in § 972.12.

§ 972.17 Other source milk.

"Other source milk" means skim milk or butterfat contained in:

(a) Receipts during the month in the form of milk or milk products designated in § 972.41 (a) excluding: (1) Receipts of such milk or milk products from a fluid milk plant or supply plant, (2) producer milk;

(b) Milk products other than those in a form designated in § 972.41 (a) from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

MARKET ADMINISTRATOR

§ 972.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 972.21 Powers.

The market administrator shall have the following powers with respect to this Part 972:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 972.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this Part 972, including, but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 972.85:

(1) The cost of his bond and of the bonds of his employees;

(2) His own compensation; and

(3) All other expenses, except those incurred under § 972.84, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to

such other person as the Secretary may designate;

(f) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate the name of any person who after the date upon which he is required to perform such acts, has not made:

(1) Reports pursuant to § 972.30 or § 972.31; or

(2) Payments pursuant to §§ 972.80 through 972.87;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Upon request, supply on or before the 25th day after the end of each month to each association of producers with respect to producers whose membership in such association has been verified by the market administrator, a record of the pounds of milk received by each handler from member producers and the class utilization of such milk. For the purpose of this report such member milk shall be prorated to each class in the proportions that the total receipts of milk from producers by such handler were classified in each class;

(i) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and

(j) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each month as follows:

(1) On or before the 5th day after the end of such month, the class prices and butterfat differentials computed pursuant to §§ 972.50 through 972.55; and

(2) On or before the 12th day after the end of such month, the uniform prices computed pursuant to § 972.71 and the butterfat differential computed pursuant to § 972.82.

REPORTS, RECORDS, AND FACILITIES

§ 972.30 Reports of receipts and utilization.

On or before the 5th day after the end of each month each handler, except a producer-handler, shall report to the market administrator for each of the plants with respect to which he is a handler for such month, and for each accounting period within the month, in the detail and on the forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and the quantities of butterfat contained in (or used in the production of, as the case may be) producer milk received at the plant or diverted therefrom, other source milk, and milk and milk products received from any other fluid milk plant(s) and supply plant(s), and their respective sources;

(b) The utilization of such milk and milk products;

(c) Such other information with respect to such receipts and utilization as

the market administrator may prescribe; and

(d) Each handler who submits reports on the basis of accounting periods of less than a month shall submit a summary report of the same information for the entire month.

§ 972.31 Other reports.

Handlers shall submit other reports as follows:

(a) The intention to receive other source milk shall be reported by the receiving handler on or before the first day other source milk is received and the intention to discontinue such receipts shall be reported on or before the last day such milk is received;

(b) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may request;

(c) On or before the 20th day after the end of each month each handler shall submit to the market administrator such handler's producer payroll for the month, which shall show:

(1) The total pounds of milk received from each producer and cooperative association and the total pounds of butterfat contained in such milk,

(2) The amount of payment to each producer and cooperative association, and

(3) The nature and the amount of any deductions and charges involved in the payments to each producer and cooperative association.

§ 972.32 Records and facilities.

Each handler shall maintain, and make available to the market administrator during the usual hours of business, such accounts and records of his operations and such facilities as are necessary to verify or to establish the correct data with respect to:

(a) The receipt and utilization, in whatever form, of all skim milk and butterfat handled;

(b) The weights, samples, and tests for butterfat and for other content of all skim milk and butterfat handled;

(c) Payments to producers and cooperative associations of producers; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and each milk product on hand at the beginning and at the end of each month.*

§ 972.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8e(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case

the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 972.40 Skim milk and butterfat to be classified.

Skim milk and butterfat required to be reported pursuant to § 972.30 shall be classified each month by the market administrator in the classes set forth in § 972.41 subject to the provisions of §§ 972.42 through 972.46.

§ 972.41 Classes of utilization.

Subject to the conditions set forth in §§ 972.42 through 972.46, the skim milk and butterfat described in § 972.40 shall be classified by the market administrator on the basis of the following classes:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat: (1) Disposed of (except as provided in paragraph (c) (2) and (3) of this § 972.41) in fluid form as milk, skim milk, buttermilk, flavored milk, and milk drink; (2) disposed of in the form of fluid sweet or cultured sour cream, any mixture of cream and milk (or skim milk) in fluid or whipped (aerated) form containing not less than 6 percent of butterfat not specified in Class II milk or Class III milk, and eggnog; (3) used to produce concentrated milk (excluding any product named in paragraph (b) or (c) of this section as Class II milk or Class III milk) for fluid consumption; and (4) not specifically accounted for as Class II milk or Class III milk;

(b) Class II milk shall be all skim milk and butterfat used to produce ice cream, ice cream mix, frozen desserts, and cottage cheese;

(c) Class III milk shall be all skim milk and butterfat (1) used to produce butter, frozen cream, spray process and roller process nonfat dry milk, all cheese (other than cottage cheese), evaporated and condensed milk (or skim milk) either in bulk or in hermetically sealed cans, any mixture disposed of in containers or dispensers under pressure for the purpose of dispensing whipped or aerated product, and any other milk product not specified in paragraph (a) or (b) of this section; (2) skim milk and buttermilk specifically accounted for as dumped or disposed of for animal feed; (3) disposed of as bulk skim milk to any manufacturer of candy, soup, or bakery products who does not dispose of milk in fluid form; (4) in actual plant shrinkage of producer milk computed pursuant to § 972.42(d) but not in excess of 2 percent thereof; (5) in actual plant shrinkage of other source milk computed pursuant to § 972.42(d); and (6) in inventory on hand at the end of the month in the form of milk products listed in paragraph (a) of this section.

§ 972.42 Shrinkage.

The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in producer milk and in other source milk in the following manner:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, by combining the shrinkage thereof for all fluid milk plants and supply plants operated by the handler, and

(b) Prorating the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) of this section, between producer milk and other source milk at his fluid milk plants and supply plants after deducting from the total receipts therein the receipts from fluid milk plants and supply plants of other handlers.

§ 972.43 Responsibility of handlers and reclassification of milk.

All skim milk and butterfat shall be Class I milk, unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise. Any skim milk or butterfat classified (except that transferred to a producer-handler) in one class shall be reclassified if used or reused by such handler or by another handler in another class.

§ 972.44 Transfers.

(a) Skim milk or butterfat transferred from a fluid milk plant (including diverted milk, in the case of movements to nonfluid milk plants under subparagraph (3) of this paragraph) as any item listed in § 972.41 (a) shall be classified as follows:

(1) If transferred to another fluid milk plant or supply plant (except the plant of a producer-handler), it shall be classified as Class I milk unless utilization in another class is reported to the market administrator by both handlers pursuant to § 972.30: *Provided*, That skim milk or butterfat assigned to a particular class shall be limited to the amount thereof remaining in such class in the transferee-plant after the subtraction of other-source milk and inventory pursuant to § 972.46 and the classification of any transfers pursuant to paragraph (b) of this section: *And-provided further*, That if either or both handlers have received other source milk, the skim milk or butterfat so transferred shall be classified so as to allocate the greatest possible Class I milk utilization (and thereafter the greatest Class II utilization) possible to the producer milk of both handlers.

(2) If transferred to a producer-handler, it shall be Class I milk; and

(3) If transferred (including by diversion) to a nonfluid milk plant, it shall be Class I milk unless:

(i) Other utilization is mutually indicated in writing to the market administrator by both the transferor and transferee on or before the 5th day after the end of the month within which such transfer was made;

(ii) The transferee-plant maintains books and records showing utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for audit; and

(iii) Such transferee-plant had actually used not less than an equivalent

amount of skim milk or butterfat in the use indicated in such statement: *Provided*, That if such transferee-plant had not actually used an equivalent amount of skim milk or butterfat in such indicated use, the remaining balance shall be classified in the next highest-prices available class of utilization as if the classes of utilization set forth in § 972.41 were applicable at such transferee-plant.

(b) Except as provided in paragraph (c) of this section, skim milk and butterfat transferred in the form of any item listed in § 972.41 (a) from a supply plant to a fluid milk plant or to another supply plant shall be classified as reported to the market administrator by both handlers on or before the 5th day after the end of the month within which such transfer was made: *Provided*, That the sum of the amounts assigned as Class I milk for any month during the period October through January, inclusive, to all supply plants supplying a fluid milk plant shall not result in the classification as Class-II milk and Class III milk of more than 10 percent of the quantity of milk received directly from producers at such fluid milk plant during the month, and if either or both handlers have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I milk utilization to the producer milk of both handlers.

(c) During each of the months of February through September, inclusive, a handler operating a fluid milk plant may allocate Class I milk to a supply plant(s) which transferred milk to such fluid milk plant for at least three of the months of October through January immediately preceding even though such milk is not transferred physically to such fluid milk plant during the current month: *Provided*, That the pounds to be subtracted from Class I milk and so allocated to any supply plant for the current month in the period February through September, inclusive, when added to any quantities actually transferred from such supply plant to such fluid milk plant during the current month and which are assigned to Class I milk pursuant to paragraph (b) of this section, shall not exceed the least of the following amounts:

(1) The monthly average number of pounds allocated as Class I milk from such fluid milk plant to such supply plant during the preceding period October through January, inclusive;

(2) An amount computed as follows: Determine the percentage which the pounds of Class I milk described under subparagraph (1) of this paragraph bears to the monthly average pounds of Class I milk at such fluid milk plant for the preceding period October through January, inclusive; and multiply the total Class I milk at such fluid milk plant for the current month by such percentage; and

(3) The pounds of milk received from producers at such supply plant during the current month.

(d) Skim milk and butterfat in the form of any item listed in § 972.41 (a) transferred (including diverted) from a supply plant to a nonfluid milk plant shall be classified on the same terms as movements from fluid milk plants to nonfluid milk plants pursuant to paragraph (a) (3) of this section.

§ 972.45 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors, the reports submitted by each handler pursuant to § 972.30 and compute the total pounds of skim milk and butterfat, respectively, in Class I milk, Class II milk, and Class III milk for such handler: *Provided*, That the skim milk contained in any product utilized, produced, or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 972.46 Allocation of skim milk and butterfat classified.

The classification of skim milk and butterfat in producer milk shall be determined as follows:

(a) The pounds of skim milk remaining in each class after making the following computations shall be the pounds in such class allocated to producer milk:

(1) Subtract from the total pounds of skim milk in Class III milk the pounds of skim milk in plant shrinkage pursuant to § 972.41 (c) (4);

(2) Subtract from the pounds of skim milk remaining in each class, in series beginning with the lowest-priced available class, the pounds of skim milk in other source milk;

(3) Subtract from the pounds of skim milk remaining in each class, in series beginning with the lowest-priced available class, the pounds of skim milk in beginning inventory in the form of milk and milk products listed in § 972.41 (a);

(4) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk received, or which were allocated pursuant to § 972.44 (c), from other fluid milk plants and supply plants assigned to such classes pursuant to § 972.44;

(5) Add to the remaining pounds of skim milk in Class III milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph (a); and

(6) If the total remaining pounds of skim milk in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the remaining pounds of skim milk in each class in series beginning with the lowest-priced available class. Any amount so subtracted shall be known as overage.

(b) Allocate classified butterfat to producer milk according to the method prescribed in paragraph (a) of this section for skim milk;

(c) Determine the weighted average butterfat test of the remaining milk in each class computed pursuant to paragraphs (a) and (b) of this section.

§ 972.47 Accounting periods.

A handler may account for receipts for milk, utilization and classification of milk at his plants for periods within a month in the same manner as for a month, if he provides to the market administrator in writing not later than 24 hours prior to the end of an accounting period notification of his intention to use such accounting period.

MINIMUM PRICES

§ 972.50 Basic formula price to be used in determining class prices.

The basic formula price to be used in determining the class prices provided by §§ 972.51 through 972.53 shall be the higher of the prices determined by the market administrator pursuant to paragraphs (a) and (b) of this section computed to the nearest tenth of a cent:

(a) The average of the basic (or field) prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the months at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location

- Borden Co., Mt. Pleasant, Mich.
- Borden, Co., New London, Wis.
- Borden Co., Orfordville, Wis.
- Carnation Co., Oconomowoc, Wis.
- Carnation Co., Richland Center, Wis.
- Carnation Co., Sparta, Mich.
- Pet Milk Co., Belleville, Wis.
- Pet Milk Co., Coopersville, Mich.
- Pet Milk Co., New Glarus, Wis.
- Pet Milk Co., Wayland, Mich.
- White House Milk Co., Manitowoc, Mich.
- White House Milk Co., West Bend, Wis.

(b) The price computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph.

(1) From the average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago, as reported by the Department of Agriculture for the month, subtract three cents, add 20 percent thereof, and then multiply by 3.5; and

(2) From the average of the carlot prices per pound of nonfat dry milk for human consumption, spray and roller process, f.o.b. manufacturing plants in the Chicago area, as published by the Department of Agriculture for the period from the 26th day of the previous month through the 25th day of the current month deduct 5.5 cents, multiply by 8.5, and then multiply by 0.965.

§ 972.51 Class I milk prices.

Subject to the provisions of §§ 972.54 through 972.57, the minimum price per hundredweight on a 3.5 percent butterfat content basis to be paid by each handler for producer milk classified as Class I milk for the month, shall be the basic formula price determined pursuant to § 972.50 adjusted as follows:

(a) Add the following amounts for the months indicated:

	Feb., Mar., and Aug.	Apr., May, June, and July	Sept., Oct., Nov., Dec., and Jan.
Pikeville-Paintsville district plants.....	\$1.65	\$1.20	\$2.10
Huntington district plants.....	1.55	1.10	2.00
Gallipolis-Seoto district plants.....	1.45	1.00	1.90
Athens district plants.....	1.35	.90	1.80

Provided, That beginning with the month of March 1960 add the following amounts for the months indicated:

	Mar., Apr., May, June, and July	Aug., Sept., Oct., Nov., Dec., Jan., and Feb.
Pikeville-Paintsville district plants.....	\$1.30	\$1.97
Huntington district plants.....	1.20	1.87
Gallipolis-Seoto district plants.....	1.10	1.77
Athens district plants.....	1.00	1.67

(b) Add or subtract a "supply-demand adjustment" of not more than 38 cents computed as follows:

(1) Divide the total gross volume of Class I milk (adjusted to eliminate duplications due to transfers between fluid milk plants) at all fluid milk plants for the second and third preceding months by the total receipts of milk from producers at such plants during the same months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "Class I utilization percentage";

(2) For each full percentage point that the Class I utilization percentage is above the applicable maximum base percentage listed below increase the Class I price by 3 cents; and for each full percentage point that the Class I utilization percentage is below the applicable minimum base percentage listed below decrease the Class I price by 3 cents:

Month for which price is being computed	Base utilization percentages	
	Minimum	Maximum
January.....	103	107
February.....	103	107
March.....	99	103
April.....	95	99
May.....	93	97
June.....	87	91
July.....	77	81
August.....	68	72
September.....	64	68
October.....	68	72
November.....	79	83
December.....	94	98

§ 972.52 Class II milk prices.

Subject to the provisions of §§ 972.54 through 972.57, the minimum price per hundredweight on a 3.5 percent butterfat content basis to be paid by each handler for producer milk classified as Class II milk for each month shall be the average of prices per hundredweight computed for such month pursuant to the formula set forth in § 972.53(a), plus 25 cents: Provided, That the Class II price shall

not be less than the price computed pursuant to § 972.53(b).

§ 972.53 Class III milk prices.

Subject to §§ 972.54 through 972.57, the minimum price per hundredweight on a 3.5 percent butterfat content basis to be paid by each handler for producer milk classified as Class III milk for the month shall be computed as follows:

(a) For each of the months of April, May, June, and July the price for Class III milk shall be the simple average, as computed by the market administrator, of the basic (or field) prices per hundredweight ascertained to have been paid or to be paid for ungraded (manufacturing-type) milk of 3.5 percent butterfat content received from farmers during such month at the following plants:

Company and Location of plant

- M and R Dietetic Laboratories, Inc., Columbus, Ohio.
- Pickerington Creamery, Pickerington, Ohio.
- Carnation Company, Coshocton, Ohio.
- Nestles' Milk Company, Marysville, Ohio.

(b) For each month, except April, May, June, and July, the price for Class III milk shall be the basic formula price.

§ 972.54 Butterfat differentials to handlers.

If the weighted average butterfat test of producer milk which is classified in any class for any handler is more or less than 3.5 percent, there shall be added to, or subtracted from, respectively, the price for such class, for each one-tenth of one percent that such weighted average butterfat test is above or below 3.5 percent, a butterfat differential (computed to the nearest tenth of a cent) calculated by the market administrator for such class as follows:

(a) *Class I milk.* Add 1.0 cent to the butterfat differential for Class II milk computed pursuant to paragraph (b) of this section;

(b) *Class II and Class III milk.* Subtract 3 cents from the average price per pound of butter for the month as described in § 972.50(b) (1), and multiply by .119.

§ 972.55 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for any other purpose is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

§ 972.56 Prices of milk transferred by one handler to another handler.

The price to be paid by a handler for milk transferred by him to another handler in any class shall be that applicable to such class of milk at the transferor handler's fluid milk plant or supply plant, pursuant to §§ 972.51 through 972.53: Provided, That any hauling charge with respect thereto chargeable to producers or to cooperative associations shall not exceed that customarily applied to deliveries of such producers or associations from their farms to the transferor handler's fluid milk plant or supply plant.

PROPOSED RULE MAKING

§ 972.57 Location adjustment credits to handlers.

(a) The price for Class I milk at a fluid milk plant or supply plant located outside the marketing area and more than 45 miles from the nearest of the following listed places, shall be, regardless of point of sale within or outside the marketing area, the same as the price for Class I milk for the district of the marketing area in which such nearest listed place is located or is adjacent to, less a location adjustment computed as follows: 2 cents per hundredweight for each 10 miles, or major fraction thereof, up to 100 miles, and 1.5 cents per hundredweight for each 10 miles, or major fraction thereof, in excess of 100 miles, by the shortest hard-surfaced highway distance as determined by the market administrator, from such fluid milk plant to such nearest listed place:

City Hall, Huntington, W. Va.
 City Hall, Ashland, Ky.
 City Hall, Portsmouth, Ohio.
 City Hall, Jackson, Ohio.
 City Hall, Athens, Ohio.
 City Hall, Marietta, Ohio.
 City Hall, Gallipolis, Ohio.
 City Hall, Pikeville, Ky.
 City Hall, Paintsville, Ky.
 City Hall, Williamson, W. Va.

(b) The location price adjustment pursuant to this section shall apply also to milk diverted from the fluid milk plant or supply plant and classified as Class I milk.

APPLICATION OF PROVISIONS**§ 972.60 Producer-handlers.**

Sections 972.40 through 972.57 and §§ 972.70 through 972.85 shall not apply to a producer-handler. Any handler who desires to qualify as a producer-handler shall furnish to the market administrator for his verification, subject to review by the Secretary, evidence of his qualifications satisfactory to the market administrator, and he shall furnish similar evidence of subsequent changes in his operations that affect his qualifications. Verification by the market administrator shall be made within 5 days after the date of receipt of such evidence, and shall be effective retroactively to the date on which the applicant became so eligible, but not earlier than the first day of the month during which verification of such eligibility is made.

§ 972.61 Plants subject to other orders.

(a) A plant from which during the month less Class I milk is disposed of on routes in the marketing area than in another market where the plant would be subject to the price and pooling requirements of another order issued pursuant to the Act if not subject to the price and pooling requirements pursuant to this part, shall be a nonfluid milk plant unless the Secretary determines it to be a fluid milk plant pursuant to this part.

(b) In any of the months of February through September, any plant which qualifies as a supply plant only pursuant to the proviso of § 972.8 and qualifies also as a fully regulated plant under

another order issued pursuant to the Act, shall be a nonfluid milk plant if the operator so requests or if the Secretary so determines:

(c) Any plant which is a nonfluid milk plant pursuant to this section shall submit such reports as the market administrator may request with respect to milk received and utilization thereof.

DETERMINATION OF UNIFORM PRICE**§ 972.70 Net obligation of handlers.**

The net obligation of each handler for producer milk received by him (including milk diverted by him pursuant to § 972.11) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of such milk in each class by the applicable class price and add together the resulting amounts;

(b) Add the amount computed by multiplying pounds of overage deducted from each class pursuant to § 972.46(a) and the corresponding step of § 972.46(b) by the applicable class price;

(c) Add a reclassification charge equal to the difference between the Class I price for the current month and the Class III price for the preceding month, or the Class II price for the current month and the Class III price for the preceding month multiplied by the hundredweight of skim milk and butterfat subtracted from Class I or Class II, respectively, pursuant to § 972.46(a) (3) and the corresponding step of § 972.46(b) which are not in excess of the skim milk and butterfat remaining in Class III in the previous month after the subtractions pursuant to § 972.46(a) (4) and the corresponding step of § 972.46(b); and

(d) With respect to each hundredweight of Class I milk allocated to a supply plant(s) pursuant to § 972.44(c), there shall be added an amount computed by multiplying such hundredweight of milk by the amount, if any, by which the Class I price at the fluid milk plant exceeds the Class I price applicable at the respective supply plant.

§ 972.71 Computation of uniform prices.

For each month the market administrator shall compute for each handler a "uniform price" per hundredweight to be paid to producers and associations of producers for milk of 3.5 percent butterfat content as follows:

(a) From the value of milk computed for such handler pursuant to § 972.70 subtract, if the weighted average butterfat test of producer milk represented by the respective value is greater than 3.5 percent, or add, if such butterfat test is less than 3.5 percent, an amount computed by: Multiplying the amount by which its weighted average butterfat test varies from 3.5 percent by the butterfat differential computed pursuant to § 972.82, and multiplying the resulting figure by the total hundredweight of such milk;

(b) Add or subtract, as the case may be, any amounts necessary to correct errors in classification for previous months as disclosed by audit of the market administrator;

(c) Adjust the resulting amount by the sum of money used in adjusting the uniform price pursuant to paragraph (f) of this section, for the previous month, to the nearest cent;

(d) Add the amount representing the total value of location adjustments on producer milk pursuant to § 972.83;

(e) Divide the result by the total hundredweight of producer milk represented by the value computed pursuant to § 972.70; and

(f) Adjust the resulting figure to the nearest cent;

(g) In case of a handler who has two or more plants at which different Class I prices apply, adjust the uniform price for each plant as provided in § 972.83.

§ 972.72 Notification to handlers.

On or before the 12th day after the end of each month, the market administrator shall notify each handler of:

(a) The amount and value of his milk in each class and the totals thereof;

(b) His uniform price at each plant; and

(c) The amounts to be paid by such handler pursuant to §§ 972.80, 972.84 and 972.85 for such month.

PAYMENTS**§ 972.80 Time and method of final payment.**

Each handler shall make payment, subject to the provisions of §§ 972.81 through 972.84, for all producer milk received (including milk diverted by him pursuant to § 972.12) during each month, as follows:

(a) Except as set forth in paragraph (b) of this section, to each producer, on or before the 18th day after such month at not less than such handler's applicable uniform price for milk of 3.5 percent butterfat;

(b) To a cooperative association on or before the 16th day after such month for milk received from producers from whom such association has received written authorization to collect payment a total amount equal to not less than the sum of the individual amounts due such producers pursuant to paragraph (a) of this section;

(c) On or before the 16th day after such month each handler shall pay to each cooperative association which operates a fluid milk plant or supply plant for skim milk and butterfat received as milk or a milk product from such cooperative association during such month, an amount of money computed by multiplying the total pounds of such skim milk and butterfat in each class by the respective class price pursuant to §§ 972.51, 972.52, and 972.53, adjusted by the appropriate butterfat and location differentials pursuant to §§ 972.54 and 972.58: *Provided*, That payment to a cooperative association for milk classified as Class I milk (but not moved) as an interhandler transfer pursuant to § 972.44 (c) during the February-September period shall be made to such cooperative association on the basis of the difference between the Class I price and the Class III price, adjusted as provided above for butterfat test and for the location of the supply plant.

§ 972.81 Partial payments.

Handlers shall make partial payments to producers as follows:

(a) On or before the last day of each month, each handler shall make payment except as set forth in paragraph (b) of this section, to each producer at not less than such handler's uniform price of the preceding month for the milk of such producer which was received by such handler during the first 15 days of the current month; and

(b) On or before the day immediately preceding the last day of each month, each handler shall make payment to a cooperative association for milk of producers from whom such association has received written authorization to collect payment at not less than such handler's uniform price of the preceding month for all such milk which was received by such handler during the first 15 days of the current month.

§ 972.82 Butterfat differential.

The applicable uniform price to be paid each producer or cooperative association pursuant to § 972.80 shall be increased or decreased for each one tenth of one percent which the butterfat content of the milk is above or below 3.5 percent, respectively, at the rate computed by the market administrator as follows: Multiply by 1.2 the average wholesale price per pound of 92-score butter at Chicago for the month as described in § 972.50(b)(1), divide the result by 10, and round to the nearest tenth of a cent.

§ 972.83 Location adjustments to producers.

In the case of any handler who operates two or more plants at which different Class I prices apply, the uniform price to producers at each plant where a lesser than the highest of such prices applies shall be reduced by the amount that the Class I price at the plant is less than such highest Class I price.

§ 972.84 Marketing services.

(a)(1) Except as set forth in paragraph (b) of this section each handler in making payments to producers (other than with respect to milk of such handler's own production) pursuant to § 972.80(a) shall make a deduction of 6 cents per hundredweight, or such amount not exceeding 6 cents per hundredweight as the Secretary may prescribe, with respect to the following:

(i) All milk received from producers at a plant not operated by a cooperative association;

(ii) All milk received at a plant operated by a cooperative association from producers who are not members of such association; and

(iii) All milk received at a plant operated by a cooperative association(s) from producers who are members thereof but for whom any of the services set forth below in this paragraph is not being performed by such association(s), as determined by the market administrator.

(2) Such deduction shall be paid by the handler to the market administrator on or before the 15th day after the end of the month. Such moneys shall be

expended by the market administrator for the verification of weights, sampling, and testing of milk received from producers and in providing for market information to producers; such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of each producer (1) who is a member of, or who has given written authorization for the rendering of marketing services and the taking of deduction therefor to, a cooperative association, (2) whose milk is received at a plant not operated by such association, and (3) for whom the market administrator determines that such association is performing the services described in paragraph (a) of this section, each handler shall deduct in lieu of the deduction specified under paragraph (a) of this section from payments made pursuant to § 972.80(a) the amount per hundredweight of milk authorized by such producer and shall pay over, on or before the 15th day after the end of the month, such deduction to the association entitled to receive it under this paragraph (b).

§ 972.85 Expense of administration.

As his pro rata share of the expense incurred pursuant to § 972.22(d) each handler shall pay the market administrator, on or before the 15th day after the end of each month 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, to be announced by the market administrator on or before the 12th day after the end of such month with respect to all receipts within the month of producer milk (including such handler's own production) and other source milk at his fluid milk plant or supply plant classified as Class I milk pursuant to § 972.46: *Provided*, That if a handler uses more than one accounting period within a month, the rate of payment with respect to the quantities of milk specified in this § 972.85 shall be the monthly rate multiplied by the number of accounting periods within the month or such lesser rate as the Secretary may determine is demonstrated as appropriate in terms of the particular costs of administering the additional accounting periods.

§ 972.86 Errors in payments.

Whenever audit by the market administrator of a handler's reports, books, records, or accounts discloses adjustments to be made, for any reason which result in moneys due the market administrator from such handler, or due such handler from the market administrator, or due any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due, and explain the basis for such adjustment; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

§ 972.87 Overdue accounts.

Any unpaid obligation of a handler or of the market administrator pursuant to §§ 972.80 through 972.87 shall be increased one-half of one percent on the

first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

§ 972.88 Termination of obligation.

The provisions of this § 972.88 shall apply to any obligation under this part for the payment of money:

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer(s) or such association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed;

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

§ 972.90 Effective time.

The provisions of this part or any amendment of this Part 972 shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to § 972.91.

§ 972.91 Suspension or termination.

The Secretary may suspend or terminate this part or any provision of this part whenever he finds that this part or any provision of this part obstructs, or does not tend to effectuate, the declared policy of the Act. This part shall terminate, in any event, whenever the provisions of the Act authorizing it cease to be in effect.

§ 972.92 Continuing power and duty of the market administrator.

(a) If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under this part the final accrual or ascertainment of which requires further acts by any handler, the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, or agency, as the Secretary may designate;

(b) The market administrator, or such other person as the Secretary may designate, shall:

(1) Continue in such capacity until removed by the Secretary,

(2) From time to time account for all receipts and disbursements, and, when so directed by the Secretary, deliver all funds or property on hand, together with the books and records of the market administrator, to such person as the Secretary may direct, and

(3) If so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant to this part.

§ 972.93 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part, the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the

contributing handlers and producers in an equitable manner.

§ 972.94 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this Part 972.

§ 972.95 Separability of provisions.

If any provision of this part, or the application thereof to any person or circumstances, is held invalid, the remainder of this part and the application of such provision to other persons or circumstances, shall not be affected thereby.

Issued at Washington, D.C., this 4th day of November 1959.

F. R. BURKE,
Acting Deputy Administrator.

[F.R. Doc. 59-9488; Filed, Nov. 9, 1959;
8:49 a.m.]

[7 CFR Parts 961,1010]

[Docket Nos. AO-160-A22-RO1 and AO-276-A2-RO1]

MILK IN PHILADELPHIA, PA., AND WILMINGTON, DEL., MARKETING AREAS

Notice of Reopened Hearing on Proposed Amendment to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the reopening of the public hearing held at Philadelphia, Pennsylvania, October 22-23, 1959 (24 F.R. 8117). The reopened hearing will be held in Room 3082 of the United States Courthouse, Ninth and Market Streets, Philadelphia, Pennsylvania beginning at 9:30 a.m., e.s.t., on November 23, 1959.

The purpose of the hearing is to permit receipt of additional evidence relating to the issues set forth in the original notice of hearing.

The reopening was requested by an interested person who, because of misunderstanding, was not present to testify at the conclusion of the hearing on October 23.

Copies of this notice of reopening and of the original notice may be procured from the market administrator, L. S. Iverson, 1528 Walnut Street, Philadelphia 2, Pennsylvania, or from the Hearing Clerk, Room 112, Administrative Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., on November 5, 1959.

WILL ROGERS,
Hearing Examiner.

[F.R. Doc. 59-9520; Filed, Nov. 9, 1959;
8:53 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 600]

[Airspace Docket No. 59-WA-75]

FEDERAL AIRWAYS

Extension of Time for Comments

In a notice of proposed rule making published in the FEDERAL REGISTER on August 8, 1959 (24 F.R. 6858), it was stated that the Federal Aviation Agency proposed to redesignate the Providence, R.I.-Boston, Mass., segment of VOR Federal airway No. 139 via the Whitney, Mass., VOR in order to provide more precise navigational guidance on this airway segment.

The Department of the Navy has advised the Federal Aviation Agency that it wishes to further discuss this matter with the Agency. This request appears to be reasonable. Therefore, in order to provide the Navy and other interested persons a further opportunity to submit additional written data, views or arguments, the date for filing such material will be extended to December 1, 1959.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator § 409.13, 24 F.R. 3499, I hereby give notice that the time within which comments will be received for consideration on Airspace Docket No. 59-WA-75 is extended to December 1, 1959. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, New York International Airport, Jamaica 30, New York.

(Secs. 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354))

Issued in Washington, D.C., on November 3, 1959.

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

[F.R. Doc. 59-9468; Filed, Nov. 9, 1959;
8:45 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 59-WA-104]

FEDERAL AIRWAYS

Extension of Time for Comments

In a notice of proposed rule making published in the FEDERAL REGISTER on August 8, 1959 (24 F.R. 6859), it was stated that the Federal Aviation Agency proposed to extend VOR Federal airway No. 451 from New Bedford, Mass., to Boston, Mass., to serve as a portion of a dual airway structure for air traffic from Boston, Nantucket, Mass., Hyannis, Mass., and Martha's Vineyard, Mass., terminals.

The Department of the Navy has advised the Federal Aviation Agency that it wishes to further discuss this matter with the Agency. This request appears to be reasonable. Therefore, in order to provide the Navy and other interested persons a further opportunity to submit

additional written data, views or arguments, the date for filing such material will be extended to December 1, 1959.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), I hereby give notice that the time within which comments will be received for consideration on Airspace Docket No. 59-WA-104 is extended to December 1, 1959. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, New York International Airport, Jamaica 30, New York.

(Secs. 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354))

Issued in Washington, D.C., on November 3, 1959.

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

[F.R. Doc. 59-9469; Filed, Nov. 9, 1959;
8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-KC-21]

**FEDERAL AIRWAYS, CONTROL AREAS
AND REPORTING POINTS**

Revocation of Federal Airway, Associated Control Areas, Reporting Points and Modification of Control Area Extensions

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 and §§ 601.1210 and 601.1282 of the regulations of the Administrator, as hereinafter set forth.

Red Federal airway No. 105 presently extends from Wichita, Kans., to Neosho, Mo. The Federal Aviation Agency is considering the revocation of Red 105 and its associated control areas. The Federal Aviation Agency IFR peak day survey for each half of calendar year 1958, showed less than three aircraft movements on this airway. On the basis of this survey, it appears that retention of this airway is unjustified as an assignment of airspace, and that revocation thereof would be in the public interest. Red 105 is a part of the boundary description of Olathe, Kans., and Wichita, Kans., control area extensions. Accordingly, these two control area extensions would be redesignated concurrently by substituting a VOR Federal Airway for Red 105 in their boundary descriptions. If this action is taken, § 601.4305 relating to associated reporting points would also be revoked.

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

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REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

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

In consideration of the foregoing, it is proposed to amend Parts 600 and 601 (14 CFR, 1958 Supp., Parts 600, 601) and §§ 601.1210 and 601.1282 (14 CFR, 1958 Supp., 601.1210, 601.1282) as follows:

1. Section 600.305 *Red Federal airway No. 105 (Wichita, Kans., to Neosho, Mo.)* is revoked.
2. Section 601.305 *Red Federal airway No. 105 control areas (Wichita, Kans., to Neosho, Mo.)* is revoked.
3. Section 601.4305 *Red Federal airway No. 105 (Wichita, Kans., to Neosho, Mo.)*, is revoked.
4. In the text of § 601.1210 *Control area extension (Olathe, Kans.)*, delete, "Red Federal airway No. 105", and substitute therefor, "VOR Federal airway No. 132".
5. In the text of § 601.1282 *Control area extension (Wichita, Kans.)*, delete, "to and along the southern boundary of Red Federal airway No. 105 to a point at latitude 37°45'00", longitude 96°04'15", and substitute therefor, "to and along the southern boundary of VOR Federal airway No. 132 to Long. 96°05'00" W".

Issued in Washington, D.C., on November 3, 1959.

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

[F.R. Doc. 59-9464; Filed, Nov. 9, 1959;
8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-WA-4]

FEDERAL AIRWAYS AND CONTROL AREAS

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

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 §§ 600.12, 601.12, 601.4012, 601.1001, and 601.1243 of the regulations of the Administrator, as hereinafter set forth.

Green Federal airway No. 2 presently extends from Seattle, Wash., to Boston, Mass. The Federal Aviation Agency has under consideration the revocation of the segment of this airway from Seattle to Detroit, Mich. The Federal Aviation Agency IFR peak-day airway traffic survey during the period July 1, 1958 through June 30, 1959, indicates less than six aircraft movements between any two reporting points for this segment of Green 2. On the basis of the survey, it appears that the retention of this segment of Green 2 and its associated control areas is unjustified as an assignment of airspace and that the revocation thereof would be in the public interest. This route from Seattle to Detroit is served by VOR Federal airway No. 2. If such action is taken, Green 2 and its associated control areas, would then extend from Detroit, Mich., to Boston, Mass. In addition, § 601.4012, relating to designated reporting points, would be amended to revoke the reporting points associated with the segment of Green 2 from Seattle to Detroit; § 601.1001 relating to the control area extension at Moses Lake, Wash., and § 601.1243 relating to the control area extension at La Crosse, Wis., would be amended to delete Green 2 from their description.

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

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

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

In consideration of the foregoing, it is proposed to amend §§ 600.12, 601.12, 601.4012, 601.1001, and 601.1243 (14 CFR, 1958 supp., 600.12, 601.12, 601.4012, 601.1001, 601.1243) to read as follows:

§ 600.12 Green Federal airway No. 2
(Detroit, Mich., to Boston, Mass.).

From the Detroit, Mich., RR via the Clear Creek, Ontario, RBN; Dunkirk, N.Y., RBN; Buffalo, N.Y., RR; INT of the E course of the Buffalo RR and the SW course of the Rochester, N.Y., RR; Rochester RR; INT of the SE course of the Rochester RR and the W course of the Syracuse, N.Y., RR; Syracuse RR; Albany, N.Y., RR; Hartford, Conn., RR; INT of the W course of the Providence, R.I., RR and the SW course of the Boston, Mass., RR to the Boston RR, excluding that portion which lies outside the continental limits of the United States.

§ 601.12 Green Federal airway No. 2
control areas (Detroit, Mich., to Boston, Mass.).

All of Green Federal airway No. 2.

§ 601.4012 Green Federal airway No. 2
(Detroit, Mich., to Boston, Mass.).

Detroit, Mich., RR; Buffalo, N.Y., RR; INT of the E course of the Buffalo, RR and the SW course of the Rochester, N.Y., RR; Rochester, RR; Syracuse, N.Y., RR; Albany, N.Y., RR; Boston, Mass., RR.

§ 601.1001 Control area extension
(Moses Lake, Wash.).

That airspace S of VOR Federal airway No. 2 within a 30-mile radius of Larson AFB, excluding that portion which lies within the boundaries of prohibited area (P-246), and the airspace within 10 miles either side of a line extending from the Moses Lake RBN to the Walla Walla, Wash., RR.

§ 601.1243 Control area extension (La Crosse, Wis.).

Within a 15-mile radius of the La Crosse, Wis., TVOR, and that airspace S of La Crosse within a 25-mile radius of the La Crosse TVOR, extending clockwise from VOR Federal airway No. 2, to VOR Federal airway No. 82.

Issued in Washington, D.C., on November 3, 1959.

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

[F.R. Doc. 59-9467; Filed, Nov. 9, 1959;
8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-NY-18]

**FEDERAL AIRWAYS, CONTROL AREAS
AND REPORTING POINTS**

Revocation of Segments

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 §§ 600.208, 601.208, and 601.4208 of the regulations of the Administrator, as hereinafter set forth.

Red Federal airway No. 8 presently extends from the Rushville, Ind., Intersection, to the South Solon, Ohio, Intersection, and from Wheeling, W. Va.,

to Newark, N.J. The Federal Aviation Agency has under consideration revocation of the segments of Red 8 from Wheeling to Lock Haven, Pa., and From Crystal Lake, Pa., to Newark. A Federal Aviation Agency IFR peak day survey during the period July 1, 1958, through June 30, 1959 showed less than ten aircraft movements for the segment from Wheeling to Lock Haven, and no aircraft movements for the segment Crystal Lake to Newark. On the basis of this survey, it appears that the retention of these airway segments and their associated control areas is unjustified as an assignment of airspace, and that the revocation thereof would be in the public interest. If such action is taken, the designated reporting points; Butler, Pa., radio beacon; Brookville, Pa., radio beacon; the intersection of the northeast course of the Allentown, Pa., radio range and the northwest course of the Newark, N.J., radio range associated with these segments would be revoked.

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

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

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

In consideration of the foregoing, it is proposed to amend §§ 600.208 (24 F.R. 2227), 601.208 (14 CFR, 1958 Supp., 601.208) and 601.4208 (24 F.R. 2232) to read as follows:

§ 600.208 Red Federal airway No. 8
(Rushville, Ind., to South Solon, Ohio, and Lock Haven, Pa., to Crystal Lake, Pa.).

From the INT of the W course of the Wright-Patterson AFB RR and the NW course of the Cincinnati, Ohio, RR via the Wright-Patterson AFB, Dayton, Ohio, RR to the INT of the east course of the Wright-Patterson AFB RR and the NE course of the Cincinnati, Ohio, RR. From the INT of the SW course of the

Elmira, N.Y., RR and the W course of the Williamsport, Pa., RR via the Williamsport, RR to the Crystal Lake, Pa., RBN.

§ 601.208 Red Federal airway No. 8
control areas (Rushville, Ind., to South Solon, Ohio, and Lock Haven, Pa., to Crystal Lake, Pa.).

All of Red Federal airway No. 8.

§ 601.4208 Red Federal airway No. 8
(Rushville, Ind., to South Solon, Ohio, and Lock Haven, Pa., to Crystal Lake, Pa.).

Williamsport, Pa., RR; Crystal Lake, Pa., RBN.

Issued in Washington, D.C., on November 3, 1959.

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

[F.R. Doc. 59-9478; Filed, Nov. 9, 1959;
8:47 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 59-KC-28]

**CONTROL ZONES AND CONTROL
AREAS**

Revocation

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

The Federal Aviation Agency has under consideration revocation of the Goodland, Kans., control zone and control area extension. The Goodland control zone is presently designated within a 5-mile radius of the Goodland, Kans., Municipal Airport and within 2 miles either side of the Goodland VOR 022° radial from the VOR to a point 10 miles north. The Goodland control area extension is designated for the protection of aircraft conducting instrument approaches to the Goodland Airport and presently includes the airspace within 5 miles either side of the Goodland VOR 022° and 202° radials from the VOR to points 20 miles north and 25 miles south. The Federal Aviation Agency airport operations records show that there were no instrument approaches conducted to the Goodland Airport in 1958. Based upon these records, it appears that the retention of this control zone and control area extension is unjustified as an assignment of airspace, and that the revocation thereof would be in the public interest. If such action is taken, the Goodland control zone and control area extension would be revoked.

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 pro-

posed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

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

In consideration of the foregoing, it is proposed to amend Part 601 (14 CFR, 1958 Supp., Part 601) as follows:

1. Section 601.2214 *Goodland, Kans.*, control zone is revoked.
2. Section 601.1109 *Control area extension (Goodland, Kans.)* is revoked.

Issued in Washington, D.C., on November 3, 1959.

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

[F.R. Doc. 59-9465; Filed, Nov. 9, 1959;
8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 59-LA-5]

CONTROL AREAS

Designation of Extension

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

The Federal Aviation Agency has under consideration the designation of a control area extension northwest of Alamosa, Colo. At present, controlled airspace in the vicinity of Alamosa is associated with airways running generally northeast, southwest, and south of the VOR. Because of the mountainous terrain in this area, aircraft departing Alamosa Airport must climb to the north before departing on course. A departure procedure using the 337° True radial of the Alamosa VOR has been approved. In order that aircraft using this procedure may remain in controlled airspace, a control area extension is proposed five miles either side of the 337° True radial of the Alamosa VOR, from the VOR to a point twenty miles northwest of the 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, P.O. Box 90007, Airport Station, Los Angeles 45, California. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

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

In consideration of the foregoing, it is proposed to amend Part 601 (14 CFR, 1958 Supp., Part 601) by adding the following section:

§ 601.1112 *Control area extension (Alamosa, Colo.)*.

That airspace within five miles either side of the 337° radial of the Alamosa, Colo., VOR, from the VOR to a point twenty miles northwest.

Issued in Washington, D.C., on November 3, 1959.

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

[F.R. Doc. 59-9466; Filed, Nov. 9, 1959;
8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 59-WA-147]

CONTROL AREAS

Modification of Extension

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.1004 of the regulations of the Administrator, as hereinafter set forth.

The present Brownsville, Tex., control area extension includes the airspace over the United States within a 40-mile radius of the Brownsville, Tex., radio range station, excluding the portions which overlap restricted areas. The Federal Aviation Agency has under consideration extending the Brownsville control area to

the northwest to provide protected airspace for holding air traffic northwest of a VOR to be installed approximately February 1, 1960, near Harlingen, Tex., at latitude 26°17'26" N., longitude 97°47'42" W. The proposed expansion of the control area extension would also provide protected airspace for proposed departure routes from Brownsville and Harlingen which will separate departing aircraft on climb from aircraft on VOR Federal airways No. 68 and 163. These departure routes would be based on the Harlingen VOR and would be via the Brownsville VOR 302° and the Harlingen VOR 179° radials to Harlingen VOR thence to Victor 68 and Victor 163 via the Harlingen VOR 013° radial.

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

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

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

In consideration of the foregoing, it is proposed to amend § 601.1004 (14 CFR, 1958 Supp., 601.1004) to read as follows:

§ 601.1004 *Control area extension (Brownsville, Tex.)*.

The airspace over the United States within a 40-mile radius of the Brownsville, Tex., VOR south of latitude 26°30'00" N.; within 5 miles either side of the Harlingen, Tex., VOR 013° radial from the VOR to VOR Federal airway No. 68; and that airspace west of Victor 68, south of latitude 26°31'00" N., and east of longitude 98°00'00" W.; excluding that portion overlying Corpus Christi Restricted Area (R-227).

Issued in Washington, D.C., on November 3, 1959.

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

[F.R. Doc. 59-9470; Filed, Nov. 9, 1959;
8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 59-WA-272]

CONTROL ZONES**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 § 601.2097 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency has under consideration modification of the Fargo, N. Dak., control zone. The present Fargo control zone is designated within a 5-mile radius of the Fargo-Hector Airport with extensions to the east and west, based on the Fargo radio range, and to the south based on the Fargo ILS localizer south course. The extension to the east, based on the east course of the Fargo radio range, presently extends to the Glyndon fan marker, 9.7 miles east of the Fargo-Hector Airport. The radio range standard instrument approach procedure for Fargo-Hector Airport permits descent below 1,000 feet above the surface within 10 nautical miles of the radio range. To provide adequate protection for aircraft executing radio range standard instrument approaches, it is proposed to redesignate this control zone extension from the 5-mile radius zone to a point 12 miles (approximately 10 nautical miles) east of the radio range. The control zone extension to the west was designated to provide protection for aircraft executing radio range standard instrument approach procedures, based on the west course of the Fargo radio range. The approach procedures for this approach have been cancelled, eliminating the requirement for this control zone extension. Therefore, it is proposed to revoke this portion of the Fargo control zone. If this action is taken, the Fargo control zone would be redesignated within a 5-mile radius of the Fargo-Hector Airport with an extension to the east based on the Fargo radio range and an extension to the south based on the Fargo ILS localizer south course.

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, 4325 Troost Avenue, Kansas City 10, Mo. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, 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 N.W., 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 § 601.2097 (14 CFR, 1958 Supp., 601.2097) to read as follows:

§ 601.2097 Fargo, N. Dak., control zone.

Within a 5-mile radius of the Fargo-Hector Airport, within 2 miles either side of the east course of the Fargo RR from the 5-mile radius zone to a point 12 miles east of the RR, and within 2 miles either side of the Fargo ILS localizer south course from the 5-mile radius zone to a point 12 miles south of the OM.

Issued in Washington, D.C., on November 3, 1959.

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

[F.R. Doc. 59-9471; Filed, Nov. 9, 1959;
8:46 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 59-WA-319]

CODED JET ROUTES**Establishment**

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

The Federal Aviation Agency has under consideration establishment of VOR/VORTAC jet route No. 88 from Santa Barbara, Calif., to Los Angeles, Calif. This will make available a coded jet route within the United States for jet operations between Los Angeles and Honolulu, Hawaii. If this action is taken, Jet Route No. 88-V would extend from the intersection of the Bakersfield VOR 210° and the Los Angeles VOR 298° radials to the Los Angeles VOR. This intersection overlies the Santa Barbara VOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writ-

ing 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 N.W., Washington 25, D.C.

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

In consideration of the foregoing, it is proposed to amend Part 602 (14 CFR, 1958 Supp., Part 602) by adding the following section:

§ 602.588 VOR/VORTAC jet route No. 88 (Santa Barbara, Calif., to Los Angeles, Calif.).

From the INT of the Bakersfield, Calif., VOR 210° and the Los Angeles, Calif., VOR 298° radials to the Los Angeles VOR.

Issued in Washington, D.C., on November 3, 1959.

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

[F.R. Doc. 59-9472; Filed, Nov. 9, 1959;
8:46 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 59-WA-344]

RESTRICTED AREAS**Modification of Restricted Area/Military Climb Corridor**

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.43 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency has under consideration modification of the Columbus (Lockbourne AFB), Ohio, Restricted Area/Military Climb Corridor (R-543) by extending it southwest and by raising the upper altitude limits. The present Climb Corridor extends along the 218° True radial of the Appleton, Ohio, VOR from 5 statute miles southwest of the airbase to the northeast boundary of the Wilmington, Ohio, Restricted Area (R-109), having a width of 5.1 statute miles at the beginning and 7 statute miles at the northeast boundary of the Wilmington Restricted Area. The lower altitude limits extend in graduated steps from 2,750 feet MSL to 10,750 feet MSL. The upper altitude limits extend from 10,750 feet MSL to 27,000 feet MSL.

The Federal Aviation Agency is considering modification of the Wilmington, Ohio Restricted Area (R-109), in Airspace Docket No. 59-WA-343. Consistent with this proposal to decrease the size of the Wilmington Restricted Area (R-109), it is proposed to modify the Lockbourne Climb Corridor by extending it southwest to the proposed northern boundary of Restricted Area (R-109).

The upper altitude limits of the existing Lockbourne Climb Corridor will not contain later models of the Century series aircraft due to the ability of the aircraft to reach high speeds and high rate of climb in a short time after take off. Accordingly, to provide protection for the air defense Century series aircraft from other aircraft operating in the vicinity of the airbase, it is proposed to designate higher altitude limits for this Climb Corridor. If such actions are taken, the Lockbourne AFB Restricted Area/Military Climb Corridor would extend from 5 statute miles southwest of the airbase on the 218° True radial of the Appleton, Ohio, VOR to the proposed northern boundary of Restricted Area (R-109), having a width of 2.55 statute miles on each side of the 218° True radial at the beginning and a width of 4.6 statute miles east and 5.5 statute miles west of the 218° True radial at the northern boundary of Wilmington Restricted Area (R-109). The lower altitude limits would extend from 2,750 feet MSL to 19,750 feet MSL. The upper altitude limits would extend from 15,750 feet MSL to 27,000 feet MSL.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica, 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 § 608.43 (23 F.R. 9135) as follows:

In § 608.43 *Ohio*, Columbus, Ohio (Lockbourne AFB), Restricted Area/Military Climb Corridor (R-543) (Huntington Chart) is amended to read:

Description. That area based on the 218° True radial of the Appleton, Ohio, VOR, beginning 5 statute miles SW of the airbase and extending to the northern boundary of the Wilmington Restricted Area (R-109),

having a width of 2.55 statute miles each side of the 218° True radial at the beginning and a width of 4.6 statute miles E and 5.5 statute miles W of the 218° True radial along the northern boundary of the Wilmington Restricted Area (R-109).

Designated altitudes:
 2,750' MSL to 15,750' MSL from 5 statute miles SW of the airbase to 6 statute miles SW of the airbase.
 2,750' MSL to 24,750' MSL from 6 to 7 statute miles SW of the airbase.
 2,750' MSL to 27,000' MSL from 7 to 10 statute miles SW of the airbase.
 6,750' MSL to 27,000' MSL from 10 to 15 statute miles SW of the airbase.
 10,750' MSL to 27,000' MSL from 15 to 20 statute miles SW of the airbase.
 15,750' MSL to 27,000' MSL from 20 to 25 statute miles SW of the airbase.
 19,750' MSL to 27,000' MSL from 25 statute miles SW of the airbase to the northern boundary of the Wilmington Restricted Area (R-109).

Time of designation. Continuous.
Controlling agency. Columbus, Ohio, Approach Control.

Issued in Washington, D.C., on November 3, 1959.

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

[F.R. Doc. 59-9473; Filed, Nov. 9, 1959;
 8:46 a.m.]

I 14 CFR Part 608 I

[Airspace Docket No. 59-WA-372]

RESTRICTED AREAS

Revocation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.13 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency is currently reviewing the utilization of all existing restricted areas. This review is based upon all data available to the Federal Aviation Agency, including any received in response to Special Airspace Regulation No. 1 (24 F.R. 5898). According to the data available, it appears that the following restricted areas do not have sufficient justification to warrant continued designation, and revocation thereof would be in the public interest.

1. Little Rock, Ark., Restricted Area (R-134), controlling agency—Adjutant General, State of Arkansas, Arkansas Air National Guard, Little Rock, Ark., is an area of 36 square miles in the central part of Arkansas, north of Little Rock. It was designated for bombing, strafing and rocket firing for use at altitudes from the surface to 9,000 feet MSL, and during daylight hours only on Saturdays and Sundays.

2. Pine Bluff, Ark., Restricted Area (R-135), controlling agency—Pine Bluff, Ark., Arsenal, is an area of 72 square miles in the south central part of Arkansas, north of Pine Bluff. It was designated for drop testing for use at altitudes from the surface to 15,000 feet MSL, and during daylight hours each day.

In view of the foregoing, the Federal Aviation Agency is considering the revocation of the restricted areas listed above.

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

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

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

In consideration of the foregoing, it is proposed to amend § 608.13 (23 F.R. 8576; 24 F.R. 2233) as follows:

In § 608.13 *Arkansas*, the following Restricted Areas are revoked:

1. Little Rock, Ark. (R-134) (Little Rock Chart).
2. Pine Bluff, Ark. (R-135) (Little Rock Chart).

Issued in Washington, D.C., on November 3, 1959.

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

[F.R. Doc. 59-9474; Filed, Nov. 9, 1959;
 8:46 a.m.]

I 14 CFR Part 608 I

[Airspace Docket No. 59-WA-373]

RESTRICTED AREAS

Revocation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.17 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency is currently reviewing the utilization of all existing restricted areas. This review is based upon all data available to the Federal Aviation Agency, including any received in response to Special Airspace Regulation No. 1 (24 F.R. 5898). According to the data available, it appears that the following restricted areas do not have sufficient justification to warrant

continued designation, and revocation thereof would be in the public interest.

Bethany Beach, Del., Restricted Area (R-67), controlling agency—Naval Air Station, Patuxent River, Md., is an area of 210 square miles in the southeastern part of Delaware, east of Selbyville. It was designated for rocketing, air to air, air-to-ground and ground to air gunnery, bombing and sonic jet flights for use at altitudes from the surface to 75,000 feet MSL, and during all hours each day.

In view of the foregoing, the Federal Aviation Agency is considering the revocation of the restricted area listed above.

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

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

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

In consideration of the foregoing, it is proposed to amend § 608.17 (23 F.R. 8578; 24 F.R. 524) as follows:

In § 608.17 *Delaware*, the following restricted area is revoked: Bethany Beach, Del. (R-67) (Washington Chart).

Issued in Washington, D.C., on November 3, 1959.

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

[F.R. Doc. 59-9475; Filed, Nov. 9, 1959;
8:46 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 59-WA-374]

RESTRICTED AREAS

Revocation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.18 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency is currently reviewing the utilization of all existing restricted areas. This review is

based upon all data available to the Federal Aviation Agency, including any received in response to Special Airspace Regulation No. 1 (24 F.R. 5898). According to the data available, it appears that the following restricted areas do not have sufficient justification to warrant continued designation, and revocation thereof would be in the public interest.

1. Avon Park, Fla., Restricted Area (R-167), controlling agency—MacDill AFB, Fla., is an area of 136 square miles in the south central part of Florida, west of Vero Beach. It was designated for bombing and gunnery from the surface to 50,000 feet MSL, and during daylight hours each day.

2. Port St. Joe, Fla., Restricted Area (R-434), controlling agency—Headquarters 3625th Flying Training Wing, Tyndall AFB, Panama City, Fla., is an area of 85 square miles in the western part of Florida, southwest of Tallahassee. It was designated for air-to-ground gunnery for use at all altitudes above the surface, and during the hours of 0630-1700, Monday through Saturday.

In view of the foregoing, the Federal Aviation Agency is considering the revocation of the restricted areas listed above.

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

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

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

In consideration of the foregoing, it is proposed to amend § 608.18 (23 F.R. 8578, 8579) as follows:

In § 608.18 *Florida*, the following Restricted Areas are revoked:

1. Avon Park, Fla. (R-167) (Miami Chart).
2. Port St. Joe, Fla. (R-434) (Mobile Chart).

Issued in Washington, D.C., on November 3, 1959.

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

[F.R. Doc. 59-9476; Filed, Nov. 9, 1959;
8:46 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 59-WA-377]

RESTRICTED AREAS

Revocation

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

The Federal Aviation Agency is currently reviewing the utilization of all existing restricted areas. This review is based upon all data available to the Federal Aviation Agency, including any received in response to Special Airspace Regulation No. 1 (24 F.R. 5898). According to the data available, it appears that the following restricted area does not have sufficient justification to warrant continued designation, and revocation thereof would be in the public interest.

Camp Claiborne, La., Restricted Area (R-431), controlling agency—England AFB, Alexandria, La., is an area of 46 square miles in the south part of Louisiana, south of Alexandria. It was designated for air-to-ground gunnery, rocketry, dive and skip bombing from the surface to 30,000 feet MSL, and from 0600 to 1800 each day under Visual Flight Rules only.

In view of the foregoing, the Federal Aviation Agency is considering the revocation of the restricted area listed above.

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

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

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

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

In § 608.26 *Louisiana*, the following Restricted Area is revoked: Camp Claiborne, La. (R-431) (Beaumont Chart).

Issued in Washington, D.C., on November 3, 1959.

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

[F.R. Doc. 59-9477; Filed, Nov. 9, 1959;
8:47 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 59-WA-376]

RESTRICTED AREAS

Revocation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.62 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency is currently reviewing the utilization of all existing restricted areas. This review is based upon all data available to the Federal Aviation Agency, including any received in response to Special Airspace Regulation No. 1 (24 F.R. 5898). According to the data available, it appears that the following restricted area does not have sufficient justification to warrant continued designation, and revocation thereof would be in the public interest.

Waikane, Hawaii, Restricted Area (R-496), controlling agency—Fleet Marine Force, Pacific Naval Station, Pearl Harbor, Hawaii, is an area of 2 square miles in the northeastern part of the Island of Oahu. It was designated for artillery and heavy infantry weapons practice from the surface to 5,000 feet MSL, and during daylight hours each day.

In view of the foregoing, the Federal Aviation Agency is considering the revocation of the restricted area listed above.

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

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

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

In consideration of the foregoing, it is proposed to amend § 608.62 (23 F.R. 8591) as follows:

In § 608.62 *Hawaii*, the following Restricted Area is revoked: Waikane, Hawaii (R-496) (Honolulu Chart).

Issued in Washington, D.C., on November 3, 1959.

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

[F.R. Doc. 59-9479; Filed, Nov. 9, 1959;
8:47 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 59-WA-378]

RESTRICTED AREAS

Revocation

Pursuant to the authority delegated to me by the Administrator § 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.64 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency is currently reviewing the utilization of all existing restricted areas. This review is based upon all data available to the Federal Aviation Agency, including any received in response to Special Airspace Regulation No. 1 (24 F.R. 5898). According to the data available, it appears that the following restricted areas do not have sufficient justification to warrant continued designation, and revocation thereof would be in the public interest.

1. Agat Bay, Guam, Restricted Area (R-474), controlling agency—Naval Air Station, Agana, is an area of 57 square miles in the southeastern part of Guam. It was designated for low altitude drops of non-explosives for use at altitudes from the surface to 1,000 feet MSL, and during all hours each day under Visual Flight Rules only.

2. Farallon de Medinilla, Guam, Restricted Area (R-476), controlling agency—Naval Air Station, Agana, Guam, is an area of 165 square miles north of Guam. It was designated for bombing for use at all altitudes, and during all hours each day.

3. Nafatan Rock, Guam, Restricted Area (R-478), controlling agency—Naval Air Station, Agana, Guam, is an area of 61 square miles north of Guam. It was designated for bombing for use at altitudes from the surface to 60,000 feet MSL, and during all hours of each day.

In view of the foregoing, the Federal Aviation Agency is considering the revocation of the restricted areas listed above.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered

before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

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

In consideration of the foregoing, it is proposed to amend § 608.64 (23 F.R. 8592; 24 F.R. 525) as follows:

In § 608.64 *Guam*, the following Restricted Areas are revoked:

1. Agat Bay, Guam (R-474) (WAC-731 Chart Guam).
2. Farallon de Medinilla, Guam (R-476) (WAC-731 Chart Guam) and (WAC-624 Pagan Island).
3. Nafatan Rock, Guam (R-478) (WAC-731 Chart Guam).

Issued in Washington, D.C., on November 3, 1959.

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

[F.R. Doc. 59-9480; Filed, Nov. 9, 1959;
8:47 a.m.]

FEDERAL COMMUNICATIONS
COMMISSION

[47 CFR Part 3]

[Docket No. 6741; FCC 59-1132]

CLEAR CHANNEL BROADCASTING IN
THE STANDARD BROADCAST BAND

Supplement to Third Notice of Further
Proposed Rule Making

1. Attached to the Third Notice of Further Proposed Rule Making (FCC 59-972), issued by the Commission on September 22, 1959, are ten maps and a sample directional antenna pattern collectively identified as "Exhibit C" (24 F.R. 7737).

2. This exhibit is referred to in paragraph 16 of the text of the Notice as follows: "There are indicated in the maps attached as Exhibit C examples of the general impact upon the present capacity of the channels for skywave service resulting from 10 kilowatt directional antenna operation of new Class II stations at centralized geographic locations under Table I. These are included in the Notice for illustrative purposes only, to show the general effect of the assignments listed therein. They should not be considered to constitute a determination that the capacity of these channels should be so delimited."

3. Inquiries addressed to the Commission have indicated that, despite the aforementioned portion of the text, an undue and misleading significance is being attached to Exhibit C. The correlation therein, in map form, of a series of existing Class I stations with a series of non-existent Class II stations, each shown at a definite location, appears to have created the erroneous impression that Exhibit C comprises detailed Commission plans for ten of the clear channels. This misinterpretation has led to: (a) Consideration of the overall proposal of Class II assignments on clear channels in terms of the limited data of Exhibit C

only; (b) limitation of the method of formulating and presenting engineering data to the method employed in Exhibit C only, although no such limitation was intended by the Commission; (c) concern on the part of certain interested parties as to corresponding Commission plans for several channels not included in Exhibit C.

4. Exhibit C does not constitute an integral part of the proposal with which it is associated. As was indicated in the aforementioned portion of the text of the Notice, Exhibit C was attached thereto for the sole purpose of illustrating the general type of situation to be anticipated

as a consequence of the implementation of this or a similar proposal. Exhibit C should therefore not be understood as placing any kind of limitation on data or showings which interested parties may wish to submit in response to the Third Notice.

Adopted: November 4, 1959.

Released: November 5, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-9513; Filed, Nov. 9, 1959;
8:52 a.m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of the Comptroller of the
Currency

[Delegation Order 2]

FIRST DEPUTY COMPTROLLER OF
THE CURRENCY ET AL.

Order of Succession To Act as
Comptroller

By virtue of the authority vested in me by Treasury Department Order No. 129 (Revision No. 2), dated April 22, 1955, it is hereby ordered as follows:

1. The following officers in the Bureau of the Comptroller of the Currency, in the order of succession enumerated, shall act as Comptroller of the Currency, during the absence or disability of the Comptroller of the Currency, or when there is a vacancy in such office:

(1) First Deputy Comptroller of the Currency.

(2) Second Deputy Comptroller of the Currency.

(3) Third Deputy Comptroller of the Currency.

(4) Fourth Deputy Comptroller of the Currency.

(5) Chief National Bank Examiner.

(6) District Chief National Bank Examiner at New York, N.Y.

(7) District Chief National Bank Examiner at San Francisco, Calif.

(8) District Chief National Bank Examiner at Chicago, Ill.

(9) District Chief National Bank Examiner at Cleveland, Ohio.

(10) District Chief National Bank Examiner at Dallas, Tex.

(11) District Chief National Bank Examiner at Atlanta, Ga.

(12) District Chief National Bank Examiner at Kansas City, Mo.

(13) District Chief National Bank Examiner at Philadelphia, Pa.

(14) District Chief National Bank Examiner at Boston, Mass.

(15) District Chief National Bank Examiner at Richmond, Va.

(16) District Chief National Bank Examiner at St. Louis, Mo.

(17) District Chief National Bank Examiner at Minneapolis, Minn.

2. In the event of an enemy attack on the continental United States, all Dis-

trict Chief National Bank Examiners, including any Acting District Chief National Bank Examiners, are authorized in their respective districts to perform any function of the Comptroller of the Currency, or the Secretary of the Treasury, whether or not otherwise delegated, which is essential to the carrying out of responsibilities otherwise assigned to them. The respective officers will be notified when they are to cease exercising the authority delegated in this paragraph.

3. Delegation Order 1 is hereby repealed.

Dated: November 4, 1959.

[SEAL] RAY M. GIDNEY,
Comptroller of the Currency.

[F.R. Doc. 59-9498; Filed, Nov. 9, 1959;
8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Document 214]

ARIZONA

Notice of Proposed Withdrawal and
Reservation of Lands

The Corps of Engineers, U.S. Department of the Army, has filed an application, AR-023667, for the withdrawal of the lands described below from all forms of appropriation, including the mining and mineral leasing laws and the grazing regulations.

The applicant desires the land for the purpose of national defense by the Department of the Army and the construction of a Nike-Hercules Missile Launching Site.

For a period of thirty (30) days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P.O. Box 148, Phoenix, Arizona.

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 of the Interior on the allowance of the application will be published in the FEDERAL

REGISTER. A separate notice will be sent to any interested parties of record.

GILA AND SALT RIVER MERIDIAN

T. 15 S., R. 13 E.

Sec. 19: Lots 3 and 4, E $\frac{1}{2}$ SW $\frac{1}{4}$

The area described totals approximately 162.31 acres.

RAYMOND C. CLEGHORN,
Acting State Supervisor.

[F.R. Doc. 59-9483; Filed, Nov. 9, 1959;
8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

November 1959 Monthly Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669) and subject to the conditions stated therein, as well as herein, the commodities listed below are available for sale on the price basis set forth.

Flaxseed has been dropped from the list because all stocks (except for odd lots) have been sold. As announced October 9 (press release USDA 2838-59), nonfat dry milk has been dropped from the list of commodities available for barter because supplies at present are limited. Interest rates per annum under the CCC Export Credit Sales Program are up $\frac{1}{2}$ of 1 percent over October.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Price

Division, Commodity Stabilization Service, U.S. Department of Agriculture, Washington 25, D.C.

All commodities currently offered for sale by CCC, plus tobacco from CCC loan stocks, are eligible for export sale under the CCC Export Credit Sales Program.

The following commodities are currently eligible for barter: Cotton, tobacco, rice (milled), wheat, corn, barley, sorghum grain, soybeans, and cheddar cheese. This list is subject to change from time to time.

Interest rates per annum under the CCC Export Credit Sales program for November 1959 are 5½ percent for periods up to six months, 5¾ percent for periods from over six and up to 18 months, and 6¾ percent for periods from over 18 months up to a maximum of 36 months.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require removal of the commodity from CCC storage within a reasonable period of time. Where conditions of sale for export differ from those for domestic sale, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Interested persons are invited to communicate with the Commodity Stabilization Service, USDA, Washington 25, D.C., with respect to all commodities or—for specified commodities—with the designated CSS Commodity Office.

Commodity Credit Corporation reserves the right to amend, from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

If CCC does not have adequate information as to the financial responsibility of prospective buyer to meet all contract obligations that might arise by acceptance of an offer or if CCC deems such buyer's financial responsibility to be inadequate CCC reserves the right (i) to refuse to consider the offer, (ii) to accept the offer only after submission by the buyer of a certified or cashier's check, bond, letter of credit or other security acceptable to CCC assuring that the buyer will discharge the responsibility under the contract, or (iii) to accept the offer upon condition that the buyer promptly submit to CCC such of

the aforementioned security as CCC may direct. If a prospective buyer is in doubt as to whether CCC is acquainted with his financial responsibility he should communicate with the CSS office at which the offer is to be placed to determine whether a financial statement or advance financial arrangement will be necessary in his case.

Disposals and other handling of inventory items often result in small quantities at given locations or in quantities not up to specifications. These lots are offered promptly upon appearance by public notice issued by the appropriate CSS office and therefore generally they do not appear in the Monthly Sales List.

On sales for which the buyer is re-

quired to submit proof to CCC of exportation the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions, and have a person, principal, or resident agent upon whom service or judicial process may be had.

Prospective buyers for export should note that generally, sales to United States Government agencies, with only minor exceptions, will constitute a domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sale, to define or limit export areas.

Commodity	Sales price or method of sale
Dairy products.....	All sales are under LD-29 and amendments. All sales are in carlots only. Domestic prices: For unrestricted use price is "in store" ¹ at storage locations of products. Export prices are on the basis of delivery f.a.s. vessel or at buyers option (o.b. cars) point of export. If delivery is to be "in store" CCC will convert to "in store" price as provided in LD-29. Submission of offers: For products in Arizona, California, Idaho, Nevada, Oregon, Utah and Washington, submit offers to the Portland CSS Commodity Office. For products in other States and the District of Columbia, submit offers to the Cincinnati CSS Commodity Office.
Nonfat dry milk (spray, roller) as available.	Domestic, unrestricted use: Cents per pound Spray process, U.S. extra grade: In barrels and drums..... 16 00 In bags..... 15 15 Roller process, U.S. extra grade: In barrels and drums..... 14 00 In bags..... 13 15
Cheddar Cheese Cheddars, flats twins, rindless blocks (Standard moisture basis).	Domestic, unrestricted use: 38.0 cents per pound for N.Y., Pa., New England, N.J., and other States bordering the Atlantic and Pacific and Gulf of Mexico. All other States 37.0 cents per pound.
Cotton, upland.....	Export, unrestricted use: 31.87 cents per pound. Domestic or export, unrestricted use: Competitive bid and under the terms and conditions of Announcement CN-A (sales by local sales agencies of choice (A) cotton for unrestricted use), Announcement NO-C-12 (sale of 1958 and prior crop cotton for unrestricted use), and Announcement NO-C-13 (sale of 1959-crop choice (A) cotton for unrestricted use). Under CN-A, cotton to be sold at highest price offered but in no event at less than 110 percent of the applicable choice (B) support price plus carrying charges. Under NO-C-12 and NO-C-13, cotton in CCC's catalogs to be sold at highest price offered but in no event at less than the higher of (1) the market price as determined by CCC or (2) 110 percent of the applicable choice (B) support price plus carrying charges.
Cotton, extra long staple.....	Domestic or export, unrestricted use: Competitive bid and under the terms and conditions of Announcements NO-C-6 as amended and NO-C-10 as amended, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. Catalogs for upland cotton (except cotton offered under CN-A) and extra long staple cotton showing quantities, qualities, and locations may be obtained for a nominal fee from the New Orleans CSS Commodity Office. Catalogs or lists of cotton offered under CN-A may be obtained from local sales agencies.
Wheat, bulk.....	Domestic, unrestricted use: commercial wheat-producing area: Market price basis in store but not less than the 1959 applicable loan rates plus (1) 20 cents per bushel if received by truck or (2) 15 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Examples of the foregoing minimum price per bushel (exrail or barge): Chicago, No. 1 RW..... \$2 27 Minneapolis, No. 1 DNS..... 2 24 Kansas City, No. 1 HW..... 2 27 Portland, No. 1 SW..... 2 18 Noncommercial wheat-producing area: Same basis as in commercial area except 133 percent of applicable support rate.
Corn, bulk.....	Export (as wheat): Under Announcement GR-261 revised, as amended, for application under arrangements for barter and approved credit sales only at prices determined daily, and under Announcement GR-212 revised, amended, for specific offerings as announced. Disposals under Payment-in-Kind Program under Announcement GR-345. Available Evanston, Dallas, Kansas City, Minneapolis and Portland CSS Commodity Offices. Domestic, unrestricted use: Market price, basis in store, but not less than the 1959 applicable loan rate plus: (1) a markup of 11 cents per bushel for corn in storage at point of production or (2) a markup of 13 cents per bushel and the rail freight from point of production to the present point of storage for corn in storage at other than the point of production. Examples of the foregoing minimum price per bushel for No. 2 yellow corn, 13.3 percent moisture and 1.4 percent foreign material including average mid-in freight from Woodford County, Ill., to Chicago and Redwood County, Minn., to Minneapolis, respectively: Chicago..... \$1.47 1/2 Minneapolis..... 1.28 1/2 Non-storable corn, unrestricted use (as available): At other than bin sites, through the offices indicated below. At bin sites, through ASO County Offices. Export: Under Announcement GR-212, revised, amended, for application to arrangements for barter and approved credit and emergency sales, and under Announcement GR-368 for Feed Grain Payment-in-Kind Program. Available Evanston, Dallas, Kansas City, Minneapolis and Portland CSS Commodity Offices.

See footnotes at end of table.

Commodity	Sales price or method of sale																
Sorghums, bulk (as available) 1957 and 1958 crop.	Domestic for crushing or export: Market price basis in store, but not less than the 1959 basic loan rate for No. 2 grade, basis point of storage, plus 20 cents per bushel, plus the value of milling, if any, as determined by the CSS Commodity Office. Market discounts for quality factors will be applied to the basic price to determine the actual sales price. Sales for application under arrangements for barter will be made under GR-212, revised and amended, l.o.b. vessel at Great Lakes ports or delivered port elsewhere. Sales prices will be the same as to other buyers plus an adjustment for transportation and other charges required to place the soybeans at the export delivery point. Available Dallas, Evanston, Kansas City, and Minneapolis CSS Commodity Offices. Domestic, unrestricted use. Market price but not less than the following minimum prices:																
Peanuts, shelled (as available).....	<table border="0"> <tr> <td>Virginias.....</td> <td>Cents</td> </tr> <tr> <td>Extra large.....</td> <td>per lb.</td> </tr> <tr> <td>Mediums.....</td> <td>2254</td> </tr> <tr> <td>No. 1's.....</td> <td>2034</td> </tr> <tr> <td>Spanish.....</td> <td>19</td> </tr> <tr> <td>No. 1's.....</td> <td>10</td> </tr> <tr> <td>S. E. Runners.....</td> <td></td> </tr> <tr> <td>No. 1's.....</td> <td>174</td> </tr> </table> <p>Domestic for crushing or export: Competitive bid under COO Peanut Announcement 1, as amended. Domestic for crushing or export: Competitive bid under Announcement 1, as amended. Available Dallas CSS Commodity Office. Export: Competitive bid under Announcement DL-OP-10 by Dallas OSS Commodity Office. Domestic, unrestricted use: Offer and acceptance basis, in galvanized metal drums (approximating 57 pounds net) in the stated quantities and on the designated storage yards, subject to the terms and conditions of Announcement TB-21-59 and supplements thereto which will be issued periodically during the month. Available through the American Turpentine Farmers Association Cooperative, Valdosta, Georgia. Export: Competitive bids for rosin in storage subject to Announcement TB-21-59 and weekly supplements thereto.</p>	Virginias.....	Cents	Extra large.....	per lb.	Mediums.....	2254	No. 1's.....	2034	Spanish.....	19	No. 1's.....	10	S. E. Runners.....		No. 1's.....	174
Virginias.....	Cents																
Extra large.....	per lb.																
Mediums.....	2254																
No. 1's.....	2034																
Spanish.....	19																
No. 1's.....	10																
S. E. Runners.....																	
No. 1's.....	174																
Peanuts, farmers' stock (as available).....	1. At the processor's plant or warehouse but with any prepaid storage and outlanding charges for the benefit of the buyer. 2. In those countries in which grain is stored in COO bin sites delivery will be made f.o.b. buyer's conveyance at bin sites without additional cost; sales will also be made in store approved warehouses in such country and adjacent countries at the same price, provided the buyer makes arrangements. (Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U.S.C. 1427, sec. 208, 63 Stat. 901)																
Tung oil.....	Issued: November 4, 1959.																
Gum rosin.....	[F.R. Doc. 59-9523; Filed, Nov. 9, 1959; 8:53 a.m.]																

ATOMIC ENERGY COMMISSION

[Docket No. 50-108]
ALLIS-CHALMERS MANUFACTURING CO.

Notice of Issuance of License
Please take notice that no request for a formal hearing having been filed following the filing of notice of proposed

action with the Office of the Federal Register on October 1, 1959, the Atomic Energy Commission has issued License No. CX-15 authorizing Allis-Chalmers Manufacturing Company to operate the critical experiments facility at the Company's site in Greendale, Milwaukee County, Wisconsin. Notice of the proposed action was published in the FEDERAL REGISTER on October 2, 1959, 24 F.R. 7969.

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

Commodity	Sales price or method of sale	U.S. No. 3	U.S. No. 4
Oats, bulk.....	Domestic, unrestricted use: Market price, basis in store, but not less than the 1959 applicable loan rate, plus (1) a markup of 10 cents per bushel for oats in storage at point of production, (2) a markup of 12 cents per bushel and the rail freight from point of production to point of storage for oats in storage at other than the point of production, plus the value of milling, if any, as determined by the CSS Commodity Office. Market discounts for quality factors will be applied to the basic price to determine the actual sales price. Sales for application under arrangements for barter will be made under GR-212, revised and amended, l.o.b. vessel at Great Lakes ports or delivered port elsewhere. Sales prices will be the same as to other buyers plus an adjustment for transportation and other charges required to place the soybeans at the export delivery point. Available Dallas, Evanston, Kansas City, and Minneapolis CSS Commodity Offices. Domestic, unrestricted use. Market price but not less than the following minimum prices:	\$0.25	\$8.54
Barley, bulk.....	Example of the foregoing minimum price per bushel (exrall or barge): Minneapolis, No. 2 or better..... \$1.10 Export: Under Announcement GR-212, revised, amended, for application to arrangements for barter and approved credit and emergency sales, and under Announcement GR-308 for Feed Grain Payment-in-Kind Program. Available Minneapolis, Evanston, Kansas City, Portland and Dallas OSS Commodity Offices. Domestic, unrestricted use: Market price basis in store but not less than the 1959 applicable loan rates plus (1) 13 cents per bushel if received by truck or (2) 10 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per bushel (exrall or barge): Minneapolis, No. 2 or better..... \$1.10 Export: Under Announcement GR-212, revised, amended, for application to approved credit and emergency sales, and under Announcement GR-308 for Feed Grain Payment-in-Kind Program. Available Minneapolis, Evanston, Kansas City, Portland, Dallas and Kansas City OSS Commodity Offices. Domestic, unrestricted use: Market price basis in store but not less than the 1959 applicable loan rates plus (1) 16 cents per bushel if received by truck or (2) 11 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per bushel (exrall or barge): Minneapolis, No. 2 or better..... \$1.24 Export: Under Announcement GR-212, revised, amended, for application to approved credit and emergency sales, and under Announcement GR-308 for Feed Grain Payment-in-Kind Program. Available Minneapolis, Evanston, Kansas City, Portland, Dallas and Kansas City OSS Commodity Offices. Domestic, unrestricted use: Market price basis in store but not less than the 1959 applicable loan rates plus (1) 28 cents per hundredweight if received by truck or (2) 19 cents per hundredweight if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per hundredweight (exrall or barge): Kansas City, No. 2 or better..... \$2.09 Export: Under Announcement GR-212, revised, amended, for application to arrangements for barter and approved credit and emergency sales, and under Announcement GR-308 for Feed Grain Payment-in-Kind Program. Available Evanston, Dallas, Kansas City, Minneapolis, and Portland OSS Commodity Offices. Domestic, unrestricted use: Market price but not less than equivalent 1959 loan rate for rough rice by varieties and grades plus 5 percent, adjusted for milling, plus 21 cents per hundredweight basis in store. Feed and varieties available by varieties and grades may be obtained from Dallas OSS Commodity Office. Example of minimum prices of milled rice per hundredweight, at mills:	\$8.50	\$7.87
Rye, bulk.....	Export: Under GR-370 for application to arrangements for barter and approved credit sales. Prices and quantities available by varieties and grades may be obtained from Dallas OSS Commodity Office. Domestic, unrestricted use: Market price but not less than the 1959 loan rate plus 5 percent, plus 22 cents per hundredweight, basis in store. Export: As milled or brown under Announcement GR-309, Rice Export Program, Payment-in-Kind, and under GR-370 for approved credit sales. Prices, quantities, and varieties of rough rice available from Dallas OSS Commodity Office.		
Grain sorghums, bulk.....	Example of minimum prices of milled rice per hundredweight, at mills:		
Rice, milled (as available).....			

Dated at Germantown, Md., this 3d day of November 1959.

For the Atomic Energy Commission.

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

[F.R. Doc. 59-9463; Filed, Nov. 9, 1959; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

STANLEY W. DENNIS

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: No change.
- B. Additions: No change.

This statement is made as of October 16, 1959.

Dated: October 26, 1959.

STANLEY W. DENNIS.

[F.R. Doc. 59-9493; Filed, Nov. 9, 1959; 8:50 a.m.]

LEONARD J. DOYLE

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: None.

This statement is made as of October 30, 1959.

Dated: October 30, 1959.

LEONARD J. DOYLE.

[F.R. Doc. 59-9494; Filed, Nov. 9, 1959; 8:50 a.m.]

GEORGE E. LAWRENCE

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 of the last six months:

- A. Deletions: No Change.
- B. Additions: No Change.

This statement is made as of October 30, 1959.

Dated: October 30, 1959.

GEORGE E. LAWRENCE.

[F.R. Doc. 59-9495; Filed, Nov. 9, 1959; 8:50 a.m.]

RALPH F. STARZ

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 of the last six months:

- A. Deletions: Amer. Marietta Corp., Clark Oil Co., Outboard Marine Corp.,
- B. Additions: Johnson Hills Inc.

This statement is made as of October 18, 1956.

Dated: October 27, 1959.

RALPH F. STARZ.

[F.R. Doc. 59-9496; Filed, Nov. 9, 1959; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 10965, 10966]

COMPAGNIE NATIONALE AIR FRANCE

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled proceedings is assigned to be held on November 12, 1959, at 10:00 a.m., e.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Leslie G. Donahue.

Dated at Washington, D.C., November 5, 1959.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59-9504; Filed, Nov. 9, 1959; 8:51 a.m.]

[Docket No. 9214, etc.]

NEW YORK-SAN FRANCISCO NON-STOP SERVICE CASE

Notice of Change in Date of Oral Argument

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, that oral argument in the above-entitled matter now assigned for November 17, 1959, is reassigned for November 12, 1959, at 10:00 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., November 5, 1959.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59-9505; Filed, Nov. 9, 1959; 8:51 a.m.]

[Docket No. 10976; Order No. E-14614]

PACIFIC AIR LINES, INC.

Excursion Fares; Order of Investigation

On September 29, 1959, Pacific Air Lines, Inc., (Pacific) filed a tariff revision to become effective November 11, 1959, providing for round-trip excursion fares between various points in California. The proposed fares range from 132 to 140 percent of the first-class one-way fares of this carrier between these points.¹ 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 reductions will be made for children.

United Air Lines, Inc., (United) filed a complaint (Docket 10943) on October 23, 1959, requesting investigation and suspension of Pacific's tariff revision. In substance, United complains that the proposed excursion fares are unreasonably low and will increase Pacific's need for subsidy; that in view of the fact that such fares would be available to substantially all of the existing local traffic between the points involved, Pacific would merely be diluting its own revenues without achieving a concomitant increase in traffic; and, that such effect would be detrimental to the economic welfare of both Pacific and other carriers competitive with it.

The questions of lawfulness of the proposed excursion fares raised by United's complaint warrant an investigation. However, the allegations of unlawfulness of these fares, and the potential economic impact upon the competitors of Pacific 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 fares

Between—	And—	Via—	Excursion fare	Excursion fare per mile
Sacramento.	San Francisco.	Stockton.	\$10.00	4.54
San Jose.....	Sacramento.	do.....	10.00	5.15
Stockton.....	San Francisco.	San Jose.	8.18	4.87

[Docket 9977]

SIX CARRIER MUTUAL AID PACT**Notice of Time for Filing Comments**

In the matter of Agreement CAB 12633-A1, amending the Six Carrier Mutual Aid Pact so as to renew it until October 20, 1960.

The above amendment was filed October 23, 1959. By letters dated October 28 and 29, 1959, respectively, the Brotherhood of Railway Clerks and International Association of Machinists and the Transport Workers' Union requested that a period of thirty days be fixed for the filing of any objections thereto.

The Board's rules of practice do not specify any time for filing of comments on agreements filed pursuant to section 412 of the Act. The importance of the instant agreement makes it desirable to fix a deadline for the submission of views thereon. However, the orderly dispatch of the Board's business will not permit the extension of this time for the period requested.

Accordingly, notice is hereby given that any comments upon this amendment shall be filed with the Board on or before November 13, 1959.

Dated at Washington, D.C., November 6, 1959.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59-9596; Filed, Nov. 9, 1959; 9:01 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13257, 13258; FCC 59-1103]

CATSKILLS BROADCASTING CO. AND ELLENVILLE BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Harry G. Borwick, David Levinson, Seymour D. Lubin, Henry L. Shipp, Joseph K. Schwartz and Philip Slutsky, d/b as Catskills Broadcasting Company, Ellenville, New York, requests: 1370 kc, 500 w, Day, Docket No. 13257, File No. BP-12266; Jerome Z. Elkin, Charles W. Letter, Samuel Elkin and Harry W. Weiss, d/b as Ellenville Broadcasting Company, Ellenville, New York, requests: 1370 kc, 500 w, Day, Docket No. 13258, File No. BP-12742; for construction permits.

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 having under consideration the above-captioned and described applications;

It appearing that, except as indicated by the issues specified below, the applicants are legally, technically, financially, and otherwise qualified to construct and operate their instant proposals; and

It further appearing that, pursuant to section 309(b) of the Communications

Act of 1934, as amended, the Commission, in a letter dated September 22, 1959, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of either of the applications would serve the public interest, convenience and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring a hearing on the particular issues hereinafter specified; and in which the applicants stated that they would appear at a hearing on the instant applications; and

It further appearing that, after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operations and the availability of other primary service to such areas and populations.

2. To determine, on a comparative basis, which of the instant proposals would better serve the public interest, convenience and necessity in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the said applications.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either of the instant applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

and provisions between Sacramento and San Francisco, California; Sacramento and San Jose, California; and San Francisco and Stockton, California, appearing on 7th Revised Page 5 and 5th Revised Page 2 of Pacific Air Lines, Inc.'s tariff C.A.B. 15 (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 be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

3. The complaint of United Air Lines, Inc. in Docket 10943, to the extent it requests investigation of the proposed excursion fares contained in Pacific's C.A.B. 15, is consolidated herein. In all other particulars such complaint is dismissed.

4. Copies of this order be served upon Pacific Air Lines, Inc., and United Air Lines, 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. 59-9506; Filed, Nov. 9, 1959; 8:51 a.m.]

[Docket No. 7723, etc.]

TRANSPACIFIC ROUTE CASE**Notice of Change in Dates and Places of Hearing**

In the matter of applications for certificates of public convenience and necessity and amendments to existing certificates authorizing air service in the Pacific area, including direct service between the Pacific area and cities in the United States in addition to west coast cities.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, that the hearing in the above-entitled proceeding, originally scheduled for November 10, 1959, in San Francisco and November 23, 1959, in Washington, D.C., is hereby postponed, due to the length of the Honolulu session, to November 17, 1959, at 10:00 a.m., P.s.t., in 421 Appraisers Building, 630 Sansome Street, San Francisco, California, and November 30, 1959, at 10:00 a.m., e.s.t., in Room 725, Universal Building, Florida and Connecticut Avenues NW, Washington, D.C., before Examiner William J. Madden.

Dated at Washington, D.C., November 5, 1959.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59-9507; Filed, Nov. 9, 1959; 8:51 a.m.]

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: November 5, 1959.

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

[F.R. Doc. 59-9509; Filed, Nov. 9, 1959;
8:52 a.m.]

[Docket No. 12954; FCC 59M-1468]

DAWKINS ESPY

Memorandum Covering Pre-Hearing Conference and Order Scheduling Hearing

In re application of Dawkins Espy, Glendale, California, Docket No. 12954, File No. BPH-2365; for construction permit for new FM broadcast station.

At a formal (reported) pre-hearing conference held on November 3, 1959, pursuant to an order released September 30, 1959 (FCC 59M-1273) the only parties to enter an appearance were counsel for Los Angeles Broadcasting Company, Inc., a respondent, and counsel for the Commission's Broadcast Bureau. Since the applicant, Dawkins Espy, had entered a formal appearance in the above-captioned matter but did not appear at the conference, the Examiner ruled that he would set a date certain for formal hearing and in the event Espy failed to appear on the designated hearing date he would then be held in default.

Counsel for Los Angeles Broadcasting Company, Inc. noted on the record that in the event Espy intended to prosecute his application through hearing, his client was desirous of taking certain field strength measurements in connection with the showing it intended to make at the hearing but was unwilling to go to that expense if Espy did not intend to continue prosecuting his application. Counsel for the Broadcast Bureau also noted for the record that the Espy application appeared to involve a variety of problems, some of which might not be covered by existing issues. In the event Espy continued prosecution of his application, Bureau counsel noted it might be necessary for the Bureau to petition for enlargement of the issues now designated. It would appear, as matters now stand, that in the event Espy appears and participates in the hearing set below there is a strong possibility that a continuance of that hearing may have to be granted to accommodate the steps proposed to be taken by the respondent and the Bureau. The Examiner agrees that Espy's failure to attend the pre-hearing conference or, insofar as the

Examiner is aware, to communicate his future plans to the Examiner or to any party to the proceeding creates such uncertainty concerning the direction the hearing referred to below will take as to justify respondent and the Bureau deferring their plans until such time as it appears that Espy will in fact appear and participate at hearing.

The ordering clause below formalizes the oral ruling made by the Examiner at the pre-hearing conference.

It is ordered, This 4th day of November 1959, that hearing in the above-entitled proceeding will be held in the above-entitled proceeding at 10:00 a.m., December 8, 1959, at the offices of the Commission in Washington, D.C.

Released: November 5, 1959.

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

[F.R. Doc. 59-9510; Filed, Nov. 9, 1959;
8:52 a.m.]

[Docket Nos. 13259-13261; FCC 59-1104]

PALMDALE BROADCASTERS (KUTY) ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Harold C. Singleton, tr/as Palmdale Broadcasters (KUTY) Palmdale, California, has: 1470 kc, 1 kw, Day, requests: 1470 kc, 5 kw, Day, Docket No. 13259, File No. BP-11522; Louis Helfman, Fontana, California, requests: 1470 kc, 500 w, Day, Docket No. 13260, File No. BP-11746; The Voice of the Orange Empire, Inc., Ltd. (KWIZ), Santa Ana, California, has: 1480 kc, 1 kw, DA-N, U, requests: 1480 kc, 1 kw, 5 kw-LS, DA-2, U, Docket No. 13261, File No. BP-12612; for standard broadcast construction permits.

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 having under consideration the above-captioned and described applications;

It appearing that, except as indicated by the issues specified below, the instant applicants are legally, technically, financially, and otherwise qualified to construct and operate their instant proposal; and

It further appearing that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated August 28, 1959, and incorporate herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant without hearing of the said applications; and in which the applicants stated that they would appear at a hearing on the instant applications; and

It further appearing that by amendment, received October 26, 1959, the applicant in BP-11522 submitted measurement data purporting to show that certain interference conditions would not prevail, but that said measurements have not been made according to procedures prescribed by the Commission rules; and

It further appearing, that, after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below:

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposal of Louis Helfman and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station KUTY and KWIZ and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations involved in the areas of interference between the proposals.

4. To determine whether the instant proposal of Louis Helfman would involve objectionable interference with Stations KTYM, KUTY and KWIZ, Inglewood, Palmdale and Santa Ana, California, respectively, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether the instant proposal of KWIZ would involve objectionable interference with Stations KPAS and KTYM, Banning and Inglewood, California, respectively, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such area and populations.

6. To determine whether interference received from the existing operations of Stations KUTY and XEAU would affect

more than ten percent of the population within the normally protected primary service area of the proposal of BP-11746, in contravention of § 3.28(c)(3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

7. To determine whether the interference received from any of the other proposals herein and any existing stations would affect more than ten percent of the population within the normally protected primary service area of any one of the instant proposals in contravention of § 3.28(c)(3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said section.

8. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

9. To determine, in the light of the evidence adduced, pursuant to the foregoing issues which, if any of the instant applications should be granted.

It is further ordered, That Stevens Broadcasting, Inc. and Albert John Williams, licensees of Stations KPAS, Benning, California and KTYM, Inglewood, California, respectively, are made parties to the proceeding, and Palmdale Broadcasters and The Voice of the Orange Empire, Inc., Ltd., are made parties as to the existing operations of Stations KUTY and KWIZ, respectively.

It is further ordered, That, in the event of a grant of the application of The Voice of the Orange Empire, Inc., Ltd., the construction permit shall contain a condition that the permittee shall, prior to program test authority, submit evidence to show that the unattenuated field at one mile at an azimuth of 183 degrees True does not exceed 215 millivolts per meter and in the event of interference to the Santa Ana Monitoring Station from harmonic or other spurious emissions on the part of Station KWIZ, the licensee shall take prompt corrective action necessary to eliminate the interference.

It is further ordered, That, in the event of a grant of the application of The Voice of the Orange Empire, Inc., Ltd., that the construction permit shall contain a condition that program test authority will not be granted until Station KBLA, Burbank, California, has begun program tests on 1500 kc and that a license will not be issued until Station KBLA has been licensed on 1500 kc.

It is further ordered, That, in the event of a grant of the application of BP-12612, the construction permit shall contain a condition that the said grant is subject to the acceptance of interference from the operations proposed in the applications of BP-12791, Inglewood, California, 1460 kc, 5 kw, DA-D; and BP-12089, Del Mar, California, 1490 kc, 250 w, U, should it occur.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants and parties re-

spondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: November 5, 1959.

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

[F.R. Doc. 59-9511; Filed, Nov. 9, 1959;
- 8:52 a.m.]

[Docket No. 13054; FCC 59M-1459]

**SUBURBAN BROADCASTING CO.,
INC. (WVIP)**

Order Continuing Hearing

In re application of Suburban Broadcasting Company, Inc. (WVIP), Mount Kisco, New York, Docket No. 13054, File No. BP-12258; for construction permit.

The Hearing Examiner having under consideration the informal request of applicant filed in the above-entitled proceeding on November 2, 1959, for a continuance of procedural dates;

It appearing that all parties have consented to immediate consideration and grant of said request and good cause for a grant thereof is present;

It is ordered, This 3d day of November 1959 on the Hearing Examiner's own motion that the dates for exchange of the exhibits to be submitted in the parties' affirmative presentation, for exchange of exhibits to be submitted as rebuttal evidence, and for notification of witnesses to be called for cross-examination are continued to November 12, 1959, November 27, 1959, and November 30, 1959, respectively;

It is further ordered, That the hearing presently scheduled to commence on November 24, 1959, is continued to December 3, 1959, commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: November 4, 1959.

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

[F.R. Doc. 59-9512; Filed, Nov. 9, 1959;
8:52 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. 19633-19647]

RUSSELL MAGUIRE ET AL.

**Order for Hearings and Suspending
Proposed Changes in Rates**

CORRECTION

OCTOBER 29, 1959.

In the matters of Russell Maguire, Docket No. G-19633; Russell Maguire (Operator), et al., Docket No. G-19634; Cities Service Production Company (Operator), et al., Docket No. G-19635; Cities Service Oil Company, Docket No. G-19636; Cities Service Oil Company (Operator), et al., Docket No. G-19637; Anderson-Prichard Oil Corporation (Operator), et al., Docket No. G-19638; Arkansas Fuel Oil Corporation, Docket No. G-19639; Arkansas Fuel Oil Corporation (Operator), et al., Docket No. G-19640; Pan American Petroleum Corporation, Docket No. G-19641; Pan American Petroleum Corporation (Operator), et al., Docket No. G-19642; Champlin Oil & Refining Company (Operator), et al., Docket No. G-19643; Anderson-Prichard Oil Corporation, Docket No. G-19644; F. A. Callery, Inc., et al., Docket No. G-19645; Tidewater Oil Company (Operator), et al., Docket No. G-19646; Tidewater Oil Company, Docket No. G-19647.

In the order for hearings and suspending proposed changes in rates, issued October 15, 1959, and published in the FEDERAL REGISTER on October 23, 1959 (24 F.R. 8615-16): In the last column, entitled "Date Suspended Until" the number "59", on the extreme right, should be changed to read "60" for each of the dates in that column. Also, in "The Commission orders:", paragraph (B), the year "1959", appearing in three different places, should be corrected to read "1960".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-9481; Filed, Nov. 9, 1959;
8:48 a.m.]

FEDERAL TRADE COMMISSION

[File No. 21-530]

FLUOROCARBONS INDUSTRY

Notice of Trade Practice Conference

A trade practice conference for the Fluorocarbons Industry will be held under the auspices of the Federal Trade Commission commencing at 10 a.m., e.s.t., on Friday, December 4, 1959, in the Biltmore Hotel, Forty-Third Street and Madison Avenue, New York, New York.

The conference will be held under the general supervision of the Honorable Robert T. Secrest, Federal Trade Commissioner, and will constitute the first step in proceedings authorized by the commission for the establishment of trade practice rules for the industry.

Members of this industry are persons, firms, corporations and organizations engaged in the manufacture, fabrication, processing and sale of finished or semi-finished products which are composed in whole or in part of fluorocarbon resins, and also those engaged in the sale and distribution of such products although the same are manufactured, fabricated, or processed by others. The products mentioned include, but are not limited to, wire and cable designed for transmission of electricity which utilize fluorocarbon resins for insulation; gaskets, bearings, rods, tubes, hose, sheets, and machinery parts coated with, or composed in whole or in part, of such resins.

The purpose of the conference is to afford all members of this industry an opportunity to consider, and propose for establishment, subject to the Commission's approval, rules designed to eliminate and prevent unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses violative of laws administered by the Commission. Any industry member may submit suggested trade practice rules for consideration at the conference and take part in the consideration and discussion of proposals or suggestions presented by others.

Among the subjects for rules which have been suggested for consideration at the conference are: misrepresentation and deception in general; misrepresenting products as conforming to standard; substitution of products; guarantees and warranties, etc.; prohibited sales below cost; prohibited discriminatory prices; consignment distribution and defamation of competitors or false disparagement of their products.

After the conference on December 4, 1959, and before any rules are finally approved by the Commission, a draft of proposed rules in appropriate form will be made available to all affected or interested parties including consumers and consumer organizations, upon public notice affording them opportunity to present their views, criticisms, and suggestions regarding the proposed rules and to be heard at a public hearing in the matter to be announced by the Commission.

Issued: November 6, 1959.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59-9581; Filed, Nov. 9, 1959;
8:53 a.m.]

FOREIGN-TRADE ZONES BOARD

APPLICATION FOR A FOREIGN-TRADE ZONE IN MAYAGUEZ, PUERTO RICO

Notice is hereby given that an application has been made to the Foreign-Trade Zones Board by the Puerto Rico Industrial Development Company, a public corporation and instrumentality of the Commonwealth of Puerto Rico, for the privilege of establishing, operating and maintaining a foreign-trade zone within

the area of the Municipality of Mayaguez, Commonwealth of Puerto Rico, which is within the port of entry of Mayaguez, Puerto Rico, pursuant to the provisions of the Foreign-Trade Zones Act of June 18, 1934, as amended (48 Stat. 998-1003; 19 U.S.C. 81a-81u). Mayaguez is in Puerto Rico Customs Zone No. 49 of the United States.

The specific area in which it is proposed to establish the Puerto Rico Foreign-Trade Zone is located on kilometer 190 along State Highway No. 2 approximately four and a half miles from the Mayaguez port. The proposed site consists of about thirty-five cuerdas (33.9 acres) of land out of which about twenty cuerdas (19.4 acres) will be developed immediately and the rest is for future expansion.

The Executive Secretary of the Foreign-Trade Zones Board (pursuant to the Board's Regulations¹) has designated E. E. Schnellbacher, the Director of the Office of Trade Promotion, Bureau of Foreign Commerce, Department of Commerce, as examiner to investigate the application and accompanying exhibits for compliance with said Regulations; and said application of the Puerto Rico Industrial Development Company having now been found to be in order, the Executive Secretary does hereby further designate, as an Examiners Committee, said Director of the Office of Trade Promotion, Chairman; F. A. Lopez Dominguez, the Collector of Customs of Puerto Rico; and Col. Paul D. Troxler, U.S. Army Engineer, U.S. Army Engineer District, Jacksonville, Florida, in whose jurisdiction the proposed zone is to be located, to make an investigation of the application and report thereon to the Board for final action.

General plans showing the location of the proposed foreign-trade zone and other pertinent information may be examined at the Office of the Collector of Customs, District No. 49, at San Juan, Puerto Rico, or at the Office of the Executive Secretary of the Foreign-Trade Zones Board, Room 3414, Commerce Building, Washington 25, D.C.

Notice is hereby given that, in connection with its consideration of the application, the Examiners Committee invites interested persons to submit their views regarding the application, including any additional facts they believe relevant. Such views must be submitted in writing on or before December 7, 1959 to the Executive Secretary of the Foreign-Trade Zones Board, Washington 25, D.C., attention Examiners Committee. Interested persons desiring an oral hearing on the matter must make written request therefor on or before that date stating their interest and reasons why a hearing is desired. If no request for a hearing is received, or if the Examiners Committee in any event determines it can proceed with its investigation without oral hearing, the Committee will complete its investigation and report to the Board as soon as practicable on the basis of the application, accompanying exhibits, and

¹ See Title 15 Code of Federal Regulations, Part 400, Article 13, Rules of Procedure and Practice.

any other available information pertaining to the matter.

Dated: November 5, 1959.

JOSEPH M. MARRONE,
Executive Secretary,
Foreign-Trade Zones Board.

[F.R. Doc. 59-9503; Filed, Nov. 9, 1959;
8:51 a.m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 373]

SECRETARY OF DEFENSE

Delegation of Authority to Represent the Federal Government in Application of Gas Light Company of Columbus, Georgia, for Increase in Gas Rates

1. Pursuant to the provisions of sections 201(a)(4) and 205(d) and (e) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, authority to represent the interest of the executive agencies of the Federal Government in the matter of Application of Gas Light Company of Columbus, Georgia, for Increase in Gas Rates, Docket No. 1478-U, before the Georgia Public Service Commission, is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration, and shall further be exercised in cooperation with the responsible officers, officials and employees of General Services Administration.

4. This delegation of authority shall be effective October 21, 1959.

Dated: November 4, 1959.

FRANKLIN FLOETE,
Administrator.

[F.R. Doc. 59-9508; Filed, Nov. 9, 1959;
8:51 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 5, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35804: Sugar—North Atlantic ports to Cincinnati, Ohio, and Louisville, Ky. Filed by O. E. Schultz, Agent (ER

No. 2520), for interested rail carriers. Rates on sugar, beet or cane, in carloads, from Baltimore, Md., Philadelphia, Pa., Albany and New York, N.Y., Boston, Mass., Norfolk and Richmond, Va., and points grouped therewith, to Cincinnati, Ohio, and Louisville, Ky.

Grounds for relief: Competition with New Orleans, La., and other southern ports at named destinations, and maintenance of port relationships at north Atlantic ports.

Tariff: Supplement 25 to Traffic Executive Association—Eastern Railroads tariff I.C.C. A-1087 (Boin series), and supplement 53 to same agent's tariff I.C.C. 573 (Swenson series).

FSA No. 35805: *Benzene, Toluene, and Xylene between points in Texas*. Filed by Texas-Louisiana Freight Bureau, Agent (No. 368), for interested rail carriers. Rates on benzene (benzol), toluene (toluol), and xylene (xylo), in tank-car loads, between points in Texas via interstate routes through adjoining States.

Grounds for relief: Intrastate competition and maintenance of interstate rates from or to higher-rated intermediate points in adjoining States.

Tariff: Supplement 42 to Texas-Louisiana Freight Bureau tariff I.C.C. 890.

FSA No. 35806: *Iron and steel articles—Galveston and Houston, Tex., to Birmingham, Ala.* Filed by Southwestern Freight Bureau, Agent (No. B-7675), for interested rail carriers. Rates on nails or spikes, NOIBN, coiled rods, wire, including barbed wire, in straight or mixed carloads, from Galveston and Houston, Tex., to Birmingham, Ala.

Grounds for relief: Truck competition.

Tariff: Supplement 72 to Southwestern Freight Bureau tariff I.C.C. 4308.

FSA No. 35807: *T.O.F.C. service between points in official and western trunk line territories*. Filed by Western Trunk Line Committee, Agent (No. A-2093), for interested rail carriers. Rates on property moving on class rates loaded in trailers and transported on railroad flat cars, between specified points in New England, trunk-line and central territories, on the one hand, and specified points in Minnesota, North Dakota, and South Dakota, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 16 to Western Trunk Line Committee tariff I.C.C. A-4281.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-9491; Filed, Nov. 9, 1959;
8:50 a.m.]

[Notice 219]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 5, 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 62472. By order of November 3, 1959, the Transfer Board approved the transfer to Anthony W. Morelli, doing business as Morelli Stone & Lime Company, Malvern, Pa., of a portion of Certificate No. MC 11544 Sub 2, issued March 19, 1958, to D. Beiler and Raymond Beiler, Downingtown, Pa., authorizing the transportation of: Soil pipe, pipe fittings, and cast-iron plumbing specialties, from East Greenville and Linfield, Pa., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Rhode Island, and the District of Columbia; and materials used or useful in the manufacture of cast-iron soil pipe, cast-iron pipe fittings, and cast-iron plumbing specialties, from the above-specified destination points to East Greenville and Linfield, Pa.; plumbing supplies, from Linfield and East Greenville, Pa., to Baltimore, Md., Danbury, Conn., Washington, D.C., points in New Jersey within 20 miles of Jersey City, N.J., points in Westchester County, N.Y., and points in the New York, N.Y., Commercial Zone, as defined; feed, from Linfield, Pa., to Baltimore, Md., and points in New Jersey and Delaware within 50 miles of Linfield; lumber, from Port Newark, N.J., to Parker Ford, Pa.; farm machinery, from Pottstown, Pa., to Tarboro, N.C., Petersburg and Suffolk, Va., points in that part of New Jersey on and north of U.S. Highway 30, and in that part of Maryland east of the Susquehanna River and the Chesapeake Bay, and points in Delaware within 20 miles of Seaford, Del., including Seaford; and from Pottstown, Pa., to points in New Jersey south of U.S. Highway 30, points in North Carolina (except Tarboro, N.C.), and points in New York within 100 miles of New York, N.Y., including New York, N.Y.; and cullet, from Pottstown, Pa., and points within 10 miles of Pottstown, to points in New Jersey on and south of U.S. Highway 30. Bernard N. Gingerich, Quarryville, Pa., for applicants.

No. MC-FC 62488. By order of November 3, 1959, the Transfer Board approved the transfer to Leo J. Nowak, doing business as Erickson Trucking Service, Litchville, N. Dak., of Certificates Nos. MC 101735 and MC 101735 Sub 1, issued August 26, 1942 and November 28, 1947, respectively, to Emil Erickson, Litchville, N. Dak., authorizing the transportation of: Cream, milk, eggs, and poultry, from points within a specified territory in North Dakota, to Moorhead, Minn.; and general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Moorhead, Minn., and Litchville, N. Dak., over regular routes, serving the intermediate and off-route points of

Fargo, Fingal, Nome, Hastings, Litchville, Marion, Dickey, Grand Rapids, LaMoure, Verona, North LaMoure Store, and Fort Ransom, North Dakota. Alan Foss, First National Bank Building, Fargo, N. Dak., for applicants.

No. MC-FC 62573. By order of November 2, 1959, the Transfer Board approved the transfer to Buster's Auto Towing Service Ltd., a corporation, Vancouver, British Columbia, Canada, of Certificate in No. MC 108953, issued November 14, 1951, to William Norman Hallatt, doing business as Vancouver Auto Towing Service, Vancouver, British Columbia, Canada, authorizing the transportation of: *Wrecked and disabled motor vehicles*, by truck-away method, between points in Washington, on the one hand, and, on the other, ports of entry on the international boundary between Washington and British Columbia, Canada. Eric Brown, Suite 921, 789 West Pender Street, Vancouver, British Columbia, Canada, for applicants.

No. MC-FC 62582. By order of November 2, 1959, the Transfer Board approved the transfer to Snowden Transfer Company, Inc., 818 14th Street NE., Washington 2, D.C., of Certificate in No. MC 31632, issued August 30, 1940, to Bernard M. Snowden, doing business as The Original Snowden Transfer, 818 14th Street NE., Washington 2, D.C., authorizing the transportation of: *Household goods*, between Washington, D.C., on the one hand, and, on the other, points in Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, and New York.

No. MC-FC 62610. By order of November 3, 1959, the Transfer Board approved the transfer to Guide Motor Freight, Inc., Caldwell, New Jersey, of a portion of Certificate in No. MC 81010 issued October 17, 1949, to Schwartz Bros. Truckmen, Inc., Newark, New Jersey, authorizing the transportation of specified commodities, from, to, and between specified points in New Jersey, New York, Connecticut, and Pennsylvania. David Millner, Bowes & Millner, 1060 Broad Street, Newark 2, N.J., for applicants.

No. MC-FC 62611. By order of November 3, 1959, the Transfer Board approved the transfer to Cannon Trucking Co., Inc., Newark, New Jersey, of the remaining portion of a Certificate in No. MC 81010 issued October 17, 1949, to Schwartz Bros. Truckmen, Inc., Newark, New Jersey, authorizing the transportation of building materials, except lumber, machinery, iron, steel, and iron and steel articles, over irregular routes, between Newark, N.J., and points within 20 miles thereof, on the one hand, and, on the other, points in specified parts of Connecticut, and Pennsylvania. David Millner, Bowes & Millner, 1060 Broad Street, Newark 2, N.J., for applicants.

No. MC-FC 62617. By order of November 3, 1959, the Transfer Board approved the transfer to Varoli & Son, Inc., Bridgeville, Pa., of the operating rights in Permit No. MC 114901, Sub 1, issued by the Commission May 28, 1959, to August Varoli and Raymond F. Varoli, a partnership, doing business as Varoli and Son, Bridgeville, Pa., authorizing the transportation, over irregular routes, of concrete pipe, concrete slabs and con-

crete cribbing, from the site of the American-Marietta Company, Concrete Products Division, Bridgeville Plant, in Collier Township, Alleghany County, Pa., to points in thirteen specified counties in West Virginia, and twenty-eight specified counties in Ohio. H. Murray Lubic, 630 Grant Building, Pittsburgh 19, Pa., for applicants.

No. MC-FC 62620. By order of November 3, 1959, the Transfer Board approved the transfer to Clyde R. Hoagland, doing business as Redway Transfer Co., Los Angeles, Calif., of Certificate No. MC 44927, issued August 16, 1955, to Polar Lines, Inc., Bell Gardens, Calif., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Los Angeles Harbor and Long Beach, Calif., on the one hand, and, on the other, points in the Los Angeles Commercial Zone; canned goods between San Diego, Long Beach, and Los Angeles Harbor, Calif.; olive oil and chocolate candies and syrups, from Los Angeles Harbor and Long Beach, Calif., to San Diego, Calif. Bailey & McWhinney, Attorneys, 639 South Spring Street, Los Angeles 14, Calif., for applicants.

No. MC-FC 62621. By order of November 3, 1959, the Transfer Board approved the transfer to Moser Truck Lines, Inc., Los Angeles, Calif., of Certificate in No. MC 110226, issued June 22, 1951, to Clyde R. Hagland, doing business as Redway Transfer Co., Los Angeles, Calif., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk and other specified commodities; and dog food, paint and paint products, fruit juices, pulp, jellies, and steel and steel products from Los Angeles and Vernon, Calif., to points in the Los Angeles Harbor Commercial Zone. Bailey & Whinney and Donald Murchison, Attorneys, 639 South Spring Street, Los Angeles 14, Calif.

No. MC-FC 62655. By order of November 3, 1959, the Transfer Board approved the transfer to Star Truck & Warehouse Co., a corporation, doing business as Star Truck & Transfer Co., and Star Truck & Transfer Co., and Pioneer Truck Co., Los Angeles, Calif., of the operating rights in Certificate No. MC 33488, issued by the Commission July 9, 1959, to Mary Martha Stanley and Mary Martha Stanley, Trustee under the Will of Edgar S. Stanley, deceased, a partnership, doing business as Star Truck & Transfer Co., Star Truck & Warehouse Co., and Pioneer Truck Co., Los Angeles, Calif., authorizing the transportation, over irregular routes, of general commodities, excluding commodities in bulk, between specified points in California, and machinery, safes, vaults, and parts thereof, from Los Angeles Harbor and Los Angeles, Calif., to

No. 220—9

points in Southern California within 300 miles of Los Angeles. Ivan McWhinney, 639 South Spring Street, Los Angeles 14, Calif., for applicants.

No. MC-FC 62667. By order of November 2, 1959, the Transfer Board approved the transfer to Albert P. Reale, doing business as P. Reale Trucking, Irvington, N.Y., of Certificate No. MC 17585, issued February 16, 1942, in the name of P. Reale, Irvington, N.Y., authorizing the transportation of heating and air conditioning equipment, and parts for such commodities over irregular routes, between Elizabeth, N.J., and New York and Irvington, N.Y., on the one hand, and, on the other, points in Connecticut, New Jersey, and New York; and, plumbing equipment and supplies, over irregular routes, between New York, N.Y., on the one hand, and, on the other, points in New Jersey and New York. Charles J. Browne, 217 Broadway, New York 7, N.Y., for applicants.

[SEAL]

HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-9492; Filed, Nov. 9, 1959;
8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3832]

MISSOURI POWER & LIGHT CO.

Notice of Filing of Application for Approval of Proposed Issue and Sale of First Mortgage Bonds

NOVEMBER 3, 1959.

Notice is hereby given that Missouri Power & Light Company ("Missouri Power"), a public-utility subsidiary of Union Electric Company, a registered holding company, has filed an application, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), for approval of its proposal to issue and sell \$4,000,000 principal amount of First Mortgage Bonds; and has designated section 6(b) of the Act as applicable to the proposed transactions.

All interested persons are referred to the application on file at the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Missouri Power proposes to issue and sell, pursuant to the competitive bidding requirements of rule 50 promulgated under the Act, \$4,000,000 principal amount of First Mortgage Bonds, --% Series, to be dated December 1, 1959, and to mature December 1, 1989. The interest rate of the bonds (which shall be a multiple of $\frac{1}{8}$ of 1 percent and the

price, exclusive of accrued interest, to be paid the company (which shall be not less than the principal amount nor more than 102 $\frac{1}{4}$ percent thereof) will be determined by the competitive bidding. The bonds are to be issued under the Indenture, dated as of July 1, 1946, between Missouri Power and Harris Trust and Savings Bank, Trustee, as heretofore supplemented and amended and as to be further supplemented and amended by an indenture dated as of December 1, 1959.

The proceeds from the sale of the bonds are to be used to retire outstanding short-term bank loans in the aggregate face amount of \$2,800,000, to finance in part the cost of construction during 1960, estimated at \$4,400,000, to reimburse the company's treasury for expenditures made for additions and improvements, and for other corporate purposes.

The fees and expenses to be incurred by Missouri Power in connection with the proposed transactions are estimated at \$46,000, including legal fees and expenses of company counsel \$4,200, fees and expenses of accountants \$1,000, printing and engraving \$22,500, and indenture trustee's fees and expenses of \$3,000. The fees and expenses of independent counsel for the underwriters, to be paid by the purchasers of the bonds, are to be supplied by amendment.

The application states that the issue and sale of the bonds must be authorized by the Public Service Commission of Missouri, that an appropriate order of that commission will be supplied by amendment to the application, and that no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than November 23, 1959, request in writing that a hearing be held in respect of the application, stating the nature of his interest, the reasons for such request, and the issues of fact or law he desires to controvert, or he may request that he be notified should the Commission order a hearing in respect of the application. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date the application, as filed or as it may hereafter be amended, may be granted, as provided in rule 23 promulgated under the Act, or the Commission may grant exemption from its rules, as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 59-9485; Filed, Nov. 9, 1959;
8:48 a.m.]

CUMULATIVE CODIFICATION GUIDE—NOVEMBER

A numerical list of parts of the Code of Federal Regulations affected by documents published to date during November. Proposed rules, as opposed to final actions, are identified as such.

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