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**Title 7—AGRICULTURE**

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

**PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA**

**Changes in Representation of Certain Districts on Bartlett Pear Commodity Committee**

Notice was published in the FEDERAL REGISTER issue of December 28, 1959 (24 F.R. 11108), that the Department was giving consideration to proposed amendments to the rules and regulations (Subpart—Rules and Regulations; 7 CFR 936.100, 24 F.R. 469) currently in effect pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of Bartlett pears, plums, and Elberta peaches grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice which was submitted by the Control Committee (established pursuant to said amended marketing agreement and order as the agency to administer the provisions thereof), it is hereby found that the amendment, as hereinafter set forth, of the said rules and regulations is in accordance with the provisions of the said amended marketing agreement

and order and will tend to effectuate the declared purposes of the Agricultural Marketing Agreement Act of 1937, as amended. Such amendment is hereby approved; and the said rules and regulations are amended as follows:

1. Delete § 936.116 and substitute therefor the following:

§ 936.116 Changes in representation of certain districts on Bartlett Pear Commodity Committee.

The representation or membership on the Bartlett Pear Commodity Committee is changed to provide for:

(a) Three (3) members to represent the North Sacramento Valley District, Central Sacramento Valley District, Sacramento River District, Stockton District, Contra Costa District, Santa Clara District, and Solano District;

(b) Two (2) members to represent the Placer District;

(c) Three (3) members to represent the Lake District;

(d) One (1) member to represent the North Coast District and the North Bay District;

(e) One (1) member to represent the Colfax District; and

(f) Two (2) members to represent the El Dorado District; and all of the area not included in the North Sacramento Valley District, Central Sacramento Valley District, Colfax District, Placer District, Sacramento River District, Stockton District, Solano District, Contra Costa District, Santa Clara District, Lake District, North Coast District, and North Bay District.

It is hereby further found that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (1) changes in the representation of districts on the commodity committees are required to be based, insofar as practicable, on shipments of fruit during the past 3 seasons; (2) accurate information concerning such shipments was not available to the Department until December 18, 1959; (3) notice that consideration was being given to the proposed amendment was issued on December 28, 1959, and published in the FEDERAL REGISTER on December 31, 1959; (4) nominations for membership on the commodity committees are required to be made not later than February 15, of each year; and (5) it is necessary that this amendment be made effective as soon as practicable in order that the required nomination meetings may be scheduled and nominations made prior to such date.

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

Dated, January 14, 1960, to become effective upon publication in the FEDERAL REGISTER.

G. R. GRANGE,  
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 60-481; Filed, Jan. 18, 1960; 8:46 a.m.]

**Title 14—AERONAUTICS AND SPACE**

**Chapter V—National Aeronautics and Space Administration**

**PART 1209—BOARDS AND COMMITTEES**

**Subpart 2—Source Selection Boards**

**MISCELLANEOUS AMENDMENTS**

The following miscellaneous revisions are made to this subpart: 1. Section 1209.201 is revised to read as follows:

§ 1209.201 Policy.

It is the policy of NASA to utilize Source Selection Boards in evaluating proposals and recommending procurement sources for all competitive negotiated procurements where it is estimated that the total cost of the contract will exceed \$1,000,000. Board action is also required for procurements in a lesser amount for feasibility studies or preliminary work where it is likely that the source selected will receive other contracts for later phases of the same project which together would total more than \$1,000,000. In other appropriate cases, a NASA contracting officer may request the appointing authority as designated in § 1209.202, to apply Source Selection Board procedures to a particular procurement. Any project requiring action of a Source Selection Board will be submitted by the NASA installation concerned to the Associate Administrator, NASA, for approval before any procurement action is taken.

2. Section 1209.202(a) is revised to read as follows:

§ 1209.202 Establishment of Boards.

(a) NASA Headquarters: The Director of Business Administration (hereinafter referred to as the "appointing authority") shall appoint members of Source Selection Boards for contracts placed by NASA Headquarters, and shall designate one member of each board as Chairman. A member of the Headquarters business management staff will be designated as a permanent Board member to represent the Office of Business Administration on a continuing basis. Technical members shall be appointed on the recommendation of the Director of the appropriate technical program office.

3. Section 1209.203 is revised to read as follows:

§ 1209.203 Procurement Advisory Committees.

In the case of more complicated procurements, the appointing authority may, in his discretion, establish Procurement Advisory Committees to evaluate different phases of the proposals and make recommendations to the Source Selection Board. In such cases, at least a Technical Committee and a Business Management Committee shall be formed.

One member of the Business Management Committee shall be appointed as a permanent member. Members of such committees may be selected from other Government agencies and from the Jet Propulsion Laboratory, where appropriate. The appointing authority shall designate a Chairman for each committee.

4. Section 1209.205 is revised to read as follows:

§ 1209.205 Final selection of source.

The report and recommendations of a Source Selection Board shall be submitted through appropriate channels, including the Director of the technical program office concerned and the Director of Business Administration at Headquarters, to the Administrator, NASA, who shall determine the selection of source or direct such other action as he deems appropriate. After selection of source by the Administrator, the permanent member of the Board will prepare a summary statement for the Administrator's signature, setting forth the reasons for selection of the contractor. The General Counsel and the Assistant Administrator for Congressional Relations will be consulted in the preparation of this statement.

The above revisions are effective January 19, 1960.

(Secs. 1209.201, 1209.202(a), 1209.203, and 1209.205 issued under 42 U.S.C. 2473(b))

T. KEITH GLENNAN,  
Administrator.

[F.R. Doc. 60-491; Filed, Jan. 18, 1960; 8:49 a.m.]

## Title 21—FOOD AND DRUGS

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

#### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

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

##### Tolerances for Residues of Heptachlor and Heptachlor Epoxide

On October 27, 1959, a proposal was published in the FEDERAL REGISTER (24 F.R. 8681) to revoke the tolerances for heptachlor and to establish tolerances of zero for residues of heptachlor and heptachlor epoxide. This proposal was based upon evidence that the tolerances originally established for heptachlor were established on data which later proved to be inaccurate and incomplete concerning identity and magnitude of residues on food and feed crops, and concerning the transmission of residues from animal feed to milk and meat.

The Velsicol Chemical Corporation, 330 East Grand Avenue, Chicago, Illinois, presented comments on this proposal and made a counter proposal that a zero tolerance be established for the forage crops, alfalfa, clover, sweet

clover, and grass, but that a tolerance for combined heptachlor and heptachlor epoxide up to 0.25 part per million should be established on the remaining crops. In support of the counter proposal they presented a report of a chronic toxicity study on heptachlor epoxide and some residue data. However, the data available are not adequate to show what tolerances would be necessary to cover residues of heptachlor and heptachlor epoxide, nor do they contain evidence of validation of the method of analysis whereby these tolerances could be enforced. Until the necessary tolerance levels are determined, it is not possible to determine that they would be safe.

After consideration of the data available and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(b), (e), 68 Stat. 514; 21 U.S.C. 346a (b), (e)), and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 1958 Supp., 120.29 (a)), the following amendments are ordered:

##### § 120.3 [Amendment]

1. In § 120.3 *Tolerances for related pesticide chemicals* (21 CFR 1958 Supp., 120.3), paragraph (e) (4) is amended by deleting the item "Heptachlor" from the list of chlorinated hydrocarbons.

##### § 120.101 [Amendment]

2. In § 120.101 *Specific tolerances for pesticide residues in or on fresh fruits and vegetables* (21 CFR 1958 Supp., 120.101), paragraph (e) (61) is amended by deleting the item "Heptachlor ---- 0.1 p.p.m."

3. Section 120.104 (21 CFR 1958 Supp., 120.104) of the regulations establishing tolerances for pesticide chemicals in or on raw agricultural commodities is revoked and a new § 120.104, reading as follows, is promulgated:

##### § 120.104 Tolerances for residues of heptachlor and heptachlor epoxide.

A tolerance of zero is established for residues of heptachlor (1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-4,7-methanoindene) and heptachlor epoxide (1,4,5,6,7,8,8-heptachloro-2,3-epoxy-2,3,3a,4,7,7a-hexahydro-4,7-methanoindene) in or on each of the following raw agricultural commodities: Alfalfa, apples, barley, beets (including sugar beets), black-eyed peas, brussels sprouts, cabbage, carrots, cauliflower, cherries, clover, corn, cotton, cowpeas, grain sorghum (milo), grapes, grass (pasture and range), kohlrabi, oats, onions, peaches, peanuts, peas, pineapple, potatoes, radishes, rutabagas (yellow turnips) without tops, rye, sugarcane, sweet clover, sweetpotatoes, tomatoes, turnips (including tops), wheat.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person

filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable, and reasonable grounds for the objections, and request a public hearing on the objections. Objections shall be filed in quintuplicate and may be accompanied by a memorandum or brief in support thereof.

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

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U.S.C. 346a)

Dated: January 11, 1960.

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

[F.R. Doc. 60-473; Filed, Jan. 18, 1960; 8:45 a.m.]

## PART 121—FOOD ADDITIVES

### Extension of Effective Date of Statute for Certain Specified Food Additives; Correction

In F.R. Doc. 60-392, appearing in the FEDERAL REGISTER of January 15, 1960 (25 F.R. 343), the date "March 6, 1959" in § 121.86 is corrected to read "March 6, 1960".

Dated: January 15, 1960.

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

[F.R. Doc. 60-561; Filed, Jan. 18, 1960; 8:59 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart B—Exemption of Certain Food Additives From the Requirement of Tolerances

SUBSTANCES GENERALLY RECOGNIZED AS SAFE; SPICES, SEASONINGS, FLAVORINGS, ESSENTIAL OILS, OLEORESINS, AND NATURAL EXTRACTIVES

Pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 409, 701, 52 Stat. 1055, 72 Stat. 1785; 21 U.S.C. 348, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (23 F.R. 9500), and after having considered all comments on the proposed order published in the FEDERAL REGISTER of April 21, 1959 (24 F.R. 3055), containing a list of spices, seasonings, essential oils, oleoresins, and natural extractives generally recognized as safe within the meaning of section 409 of the act, the Commissioner has concluded that the substances in that list, with the exception of cinchona bark (red), cinchona bark (yellow), orris root, orris (concrete, liquid), quinine, wintergreen, and methyl salicylate are generally recognized as safe. The failure to include these substances in the list published in this order does not indicate that these substances as they are used for flavoring are not safe. However, it is concluded

that in the case of the first five there is not a general recognition of their safety without adequate restrictions being placed upon their use as flavoring agents, through the promulgation of appropriate regulations. In the case of methyl salicylate and wintergreen, it was decided to delay any determination on the question of general recognition of safety pending the completion of pharmacological studies of methyl salicylate. These studies have been underway for some time and are expected to be completed by January 1, 1961.

*It is ordered, That the food additive regulations (21 CFR 121.101 (24 F.R. 9368)) be amended by adding to § 121.101(d) the following new paragraph (e), reading as follows:*

§ 121.101 Substances generally recognized as safe.

(1) SPICES AND OTHER NATURAL SEASONINGS AND FLAVORINGS (LEAVES, ROOTS, BARKS, BERRIES, ETC.)

Common name	Botanical name of plant source
Allspice	Pimenta officinalis Lindl.
Anise	Pimpinella anisum L.
Anise, star	Illicium verum Hook. f.
Basil, sweet	Ocimum basilicum L.
Basil, bush	Ocimum minimum L.
Bay	Laurus nobilis L.
Calendula	Calendula officinalis L.
Capers	Capparis spinosa L.
Capsicum	Capsicum frutescens L. or Capsicum annuum L.
Caraway	Carum carvi L.
Caraway, black (black cummin)	Nigella sativa L.
Cardamom (cardamon)	Elettaria cardamomum Maton.
Cassia, Chinese	Cinnamomum cassia Blume.
Cassia, Padang or Batavia	Cinnamomum burmanni Blume.
Cassia, Saigon	Cinnamomum loureirii Nees.
Cayenne pepper	Capsicum frutescens L. or Capsicum annuum L.
Celery seed	Apium graveolens L.
Chives	Allium schoenoprasum L.
Cinnamon, Ceylon	Cinnamomum zeylanicum Nees.
Cinnamon, Chinese	Cinnamomum cassia Blume.
Cinnamon, Saigon	Cinnamomum loureirii Nees.
Clary (clary sage)	Salvia sclarea L.
Cloves	Eugenia caryophyllata Thunb.
Coriander	Coriandrum sativum L.
Cumin (cummin)	Cuminum cyminum L.
Cumin, black (black caraway)	Nigella sativa L.
Dill	Anethum graveolens L.
Fennel, common	Foeniculum vulgare Mill.
Fennel, sweet (finocchio, Florence fennel)	Foeniculum vulgare Mill. var. dulce (DC.) Alef.
Fenugreek	Trigonella foenum-graecum L.
Garlic	Allium sativum L.
Ginger	Zingiber officinale Rosc.
Glycyrrhiza	Glycyrrhiza glabra L. and other spp. of Glycyrrhiza.
Grains of paradise	Amomum melegueta Rosc.
Horsradish	Armoracia lapathifolia Gilib.
Lavender	Lavandula officinalis Chaix.
Licorice	Glycyrrhiza glabra L. and other spp. of Glycyrrhiza.
Mace	Myristica fragrans Houtt.
Marigold, pot.	Calendula officinalis L.
Marjoram, pot.	Majorana onites (L.) Benth.
Marjoram, sweet	Majorana hortensis Moench.

SPICES AND OTHER NATURAL SEASONINGS AND FLAVORINGS (LEAVES, ROOTS, BARKS, BERRIES, ETC.)—Continued

Common name	Botanical name of plant source
Mustard, black or brown	Brassica nigra (L.) Koch.
Mustard, brown	Brassica juncea (L.) Coss.
Mustard, white or yellow	Brassica alba (L.) Boiss.
Nutmeg	Myristica fragrans Houtt.
Oregano (oreganum, Mexican oregano, Mexican sage, origan)	Lippia spp.
Paprika	Capsicum annuum L.
Parsley	Petroselinum crispum (Mill.) Mansf.
Pepper, black	Piper nigrum L.
Pepper, cayenne	Capsicum frutescens L. or Capsicum annuum L.
Pepper, red	Do.
Pepper, white	Piper nigrum L.
Peppermint	Mentha piperita L.
Poppy seed	Papaver somniferum L.
Pot marigold	Calendula officinalis L.
Pot marjoram	Majorana onites (L.) Benth.
Rosemary	Rosmarinus officinalis L.
Rue	Ruta graveolens L.
Saffron	Crocus sativus L.
Sage	Salvia officinalis L.
Savory, summer	Satureia hortensis L. (Satureja).
Savory, winter	Satureia montana L. (Satureja).
Sesame	Sesamum indicum L.
Spearmint	Mentha spicata L.
Star anise	Illicium verum Hook. f.
Tarragon	Artemisia dracunculus L.
Thyme	Thymus vulgaris L.
Turmeric	Curcuma longa L.
Vanilla	Vanilla planifolia Andr. or Vanilla tahitensis J. W. Moore
Zedoary	Curcuma zedoaria Rosc.

(2) ESSENTIAL OILS, OLEORESINS (SOLVENT-FREE), AND NATURAL EXTRACTIVES (INCLUDING DISTILLATES)

Common name	Botanical name of plant source
Allspice	Pimenta officinalis Lindl.
Almond, bitter (free from prussic acid)	Prunus amygdalus Batsch, Prunus armeniaca L., or Prunus persica (L.) Batsch.
Angelica root	Angelica archangelica L.
Angelica seed	Do.
Angelica stem	Do.
Angostura (cusparia bark)	Galipea officinalis Hancock.
Anise	Pimpinella anisum L.
Asafetida	Ferula assa-foetida L. and related spp. of Ferula.
Balsam of Peru	Myroxylon perubrae Klotzsch.
Basil	Ocimum basilicum L.
Bay leaves	Laurus nobilis L.
Bay (myrcia oil)	Pimenta racemosa (Mill.) J. W. Moore.
Bitter almond (free from prussic acid)	Prunus amygdalus Batsch, Prunus armeniaca L., or Prunus persica (L.) Batsch.
Bois de rose	Aniba roseodora Ducke.
Cananga	Cananga odorata Hook. f. and Thoms.
Capsicum	Capsicum frutescens L. and Capsicum annuum L.
Caraway	Carum carvi L.
Cardamon seed (cardamon)	Elettaria cardamomum Maton.
Carob bean	Ceratonia siliqua L.
Cascarilla bark	Croton eluteria Benth.
Cassia bark, Chinese	Cinnamomum cassia Blume.
Cassia bark, Padang or Batavia	Cinnamomum burmanni Blume.
Cassia bark, Saigon	Cinnamomum loureirii Nees.
Celery seed	Apium graveolens L.

Common name	Botanical name of plant source	Common name	Botanical name of plant source
Chamomile flowers, Hungarian (camomile)	Maticaria chamomilla L.	Mustard	Brassica spp.
Chamomile flowers, Roman or English (camomile)	Anthemis nobilis L.	Maringin	Citrus paradisi Macf.
Cherry, wild, bark	Prunus serotina Ehrh.	Neroli, bigarade	Citrus aurantium L.
Chicory	Chicorium intybus L.	Nutmeg	Myristica fragrans Houtt.
Cinnamon bark, Ceylon	Cinnamomum zeylanicum Nees.	Onion	Allium cepa L.
Cinnamon bark, Chinese	Cinnamomum cassia Blume.	Orange, bitter, flowers	Citrus aurantium L.
Cinnamon bark, Saigon	Cinnamomum loureirii Nees.	Orange leaf	Citrus sinensis (L.) Osbeck.
Cinnamon leaf, Ceylon	Cinnamomum zeylanicum Nees.	Orange, bitter, peel	Citrus aurantium L.
Cinnamon leaf, Chinese	Cinnamomum cassia Blume.	Orange, sweet	Citrus sinensis (L.) Osbeck.
Cinnamon leaf, Saigon	Cinnamomum loureirii Nees.	Organum	Organum spp.
Citronella	Cymbopogon nardus Rendle.	Palmrosa	Cymbopogon martinii Stapf.
Citrus peels	Citrus spp.	Paprika	Capsicum annuum L.
Clary (clary sage)	Salvia sclarea L.	Parsley	Petroselinum crispum (Mill.) Mansf.
Clove leaf	Eugenia caryophyllata Thunb.	Pepper, black	Piper nigrum L.
Clove leaf	Do.	Pepper, white	Piper nigrum L.
Clove stem	Eugenia caryophyllata Thunb.	Peppermint	Mentha piperita L.
Coca (decocted)	Erythroxylum coca Lam. and other.	Peruvian balsam	Myroxylon perirae Klotzsch.
Coffee	Coffea spp. spp. of Erythroxylum.	Petitgrain	Citrus aurantium L.
Cola nut	Cola acuminata Schott and Endl., and other spp. of Cola.	Petitgrain lemon	Citrus limon (L.) Burm. f.
Coriander	Coriandrum sativum L.	Pettigrain mandarin or tangerine	Citrus reticulata Blanco.
Cumin (cumin)	Cuminum cyminum L.	Pimenta	Pimenta officinalis Lindl. Do.
Cusparia bark	Calipea officinalis Hanceck.	Pipsissewa leaves	Chimaphila umbellata Nutt.
Dill	Anethum graveolens L.	Pomegranate	Punica granatum L.
Estragole (esdragol, esdragon, taragon)	Artemisia dracunculus L.	Prickly ash bark	Xanthoxylum (or Zanthoxylum) Americanum Mill. or Xanthoxylum clava-herculis L.
Fennel, sweet	Foeniculum vulgare Mill.	Rose absolute	Rosa alba L., Rosa centifolia L., Rosa damascena Mill., Rosa gallica L., and vars. of these spp. Do.
Fenugreek	Trigonella foenum-graecum L.	Rose (otto of roses, attar of roses)	Rose geranium
Garlic	Allium sativum L.	Rose geranium	Rose geranium
Geranium, East Indian	Cymbopogon martinii Stapf.	Rosemary	Rosmarinus officinalis L.
Geranium, rose	Pelargonium graveolens L'Her.	Rue	Ruta graveolens L.
Ginger	Zingiber officinale Rosc.	Saffron	Crocus sativus L.
Glycyrrhiza	Glycyrrhiza glabra L. and other spp. of Glycyrrhiza.	Sage	Salvia officinalis L.
Grapefruit	Citrus paradisi.	Sage, Spanish	Salvia lavandulaefolia Vahl.
Guava	Psidium spp.	St. John's bread	Ceratonia siliqua L.
Hoarhound	Marrubium vulgare L.	Schinus molle	Schinus molle L.
Hops	Humulus lupulus L.	Spanish sage	Salvia lavandulaefolia Vahl.
Jasmine	Jasminum officinale L. and other spp. of Jasminum.	Spearmint	Mentha spicata L.
Juniper (berries)	Juniperus communis L.	Spike lavender	Lavandula latifolia Vill.
Kola nut	Cola acuminata Schott and Endl., and other spp. of Cola.	Tangerine	Citrus reticulata Blanco.
Laurel leaves	Laurus nobilis L.	Tarragon	Artemisia dracunculus L.
Lavender	Lavandula officinalis Chaix.	Tea	Thea sinensis L.
Lavender, spike	Lavandula latifolia Vill.	Thyme	Thymus vulgaris L. and Thymus zygis var. gracilis Boiss. Do.
Lavandin	Hybrids between Lavandula officinalis Chaix and Lavandula latifolia Vill.	Thyme, white	Do.
Lemon	Citrus Limon (L.) Burm. f.	Tuberose	Pollianthes tuberosa L.
Lemon grass	Cymbopogon citratus DC. and Cymbopogon flexuosus Stapf.	Turneric	Curcuma longa L.
Licorice	Glycyrrhiza glabra L. and other spp. of Glycyrrhiza.	Vanilla	Vanilla planifolia Andr. or Vanilla tahitensis J. W. Moore.
Lime	Citrus aurantifolia Swingle.	Violet leaves absolute	Viola odorata L.
Locust bean	Ceratonia siliqua L.	Wild cherry bark	Prunus serotina Ehrh.
Mace	Myristica fragrans Houtt.	Ylang-ylang	Cananga odorata Hook. f. and Thoms.
Mandarin	Citrus reticulata Blanco.	Zedoary bark	Curcuma zedoaria Rosc.
Marjoram, sweet	Majorana hortensis Moench.		
Maté	Ilex paraguayensis St. Hil.		

## (3) MISCELLANEOUS

Common name	Derivation
Civet (zibeth, zibet, zibetum)	Civet cats, Viverra civetta Schreber and Viverra zibetha Schreber.
Cognac oil, white and green	Ethyl oenanthate, so-called.
Musk (Tonquin musk)	Musk deer, Moschus moschiferus L.

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

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interpret or apply sec. 409, 72 Stat. 1785; 21 U.S.C. 348)

Dated: January 11, 1960.

GEO. P. LARRICK,  
*Commissioner of  
Food and Drugs.*

[F.R. Doc. 60-391; Filed, Jan. 18, 1960; 8:45 a.m.]

## Title 31—MONEY AND FINANCE: TREASURY

### Chapter II—Fiscal Service, Department of the Treasury

#### SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

[1959 Dept. Circular 750, Revised, Supp. 1]

### PART 321—PAYMENT BY BANKS AND OTHER FINANCIAL INSTITUTIONS IN CONNECTION WITH THE REDEMPTION OF UNITED STATES SAVINGS BONDS

#### Miscellaneous Amendments

The following sections of Department Circular No. 750, Revised, dated June 30, 1945, as amended (31 CFR Part 321), are hereby amended as follows:

#### §§ 321.1, 321.2, 321.4 [Amendments]

a. Sections 321.1, 321.2 and 321.4(a) are hereby amended by adding the words "and redemption-exchange" after the word "redemption" in (a) the last sentence of § 321.1, (b) the next to the last sentence of § 321.2, and (c) the first sentence of § 321.4(a).

b. Section 321.2 is amended by adding paragraph (b), as follows:

(b) An agent duly qualified to act under Department Circular No. 750, Revised, may act in connection with the redemption-exchange of Series E, F and J bonds under the provisions of Department Circular No. 1036, and in so acting, it is bound by and must comply with the provisions of this supplement.

c. Section 321.4(b) is hereby amended to read:

(b) "Bond(s)" shall include only United States Savings Bonds of Series A, B, C, D or E presented for cash payment, and Series E, F and J bonds presented for redemption-exchange for Series H bonds under the provisions of Department Circular No. 1036. Savings bonds of Series G, H and K, and bonds of Series F ineligible for redemption-exchange under Department Circular No. 1036 are not included.

2. A new section, § 321.8a, is hereby added as follows:

#### § 321.8a Redemption-exchange of Series E, F and J bonds for Series H bonds.

Subject to the terms of the bonds, the provisions of the regulations governing them (Treasury Department Circular No. 530 as currently in effect on the date

of the redemption-exchange), and the provisions of this circular, an agent may accept for redemption-exchange Series E, F and J bonds under the provisions of Department Circular No. 1036.

(Sec. 22, 49 Stat. 41, as amended; 31 U.S.C. 757c)

Compliance with the notice, public procedure, and effective date requirements of the Administrative Procedure Act (60 Stat. 237, as amended) is found to be unnecessary with respect to this amendment.

[SEAL] ROBERT B. ANDERSON,  
*Secretary of the Treasury.*

[Filed Doc. 60-495; Filed, Jan. 18, 1960; 8:49 a.m.]

[1959 Dept. Circular 888, Revised, Supp. 1]

### PART 330—REGULATIONS GOVERNING THE SPECIAL ENDORSEMENT OF UNITED STATES SAVINGS BONDS OF ANY SERIES AND THE PAYMENT OF MATURED SERIES F AND G BONDS BY ELIGIBLE PAYING AGENTS

#### Payment or Exchange of Bonds

Paragraph (a) of § 330.8 of Department Circular No. 888, Revised, dated April 8, 1953 (31 CFR 1951 Supp. Part 330), is hereby amended to read as follows:

#### § 330.8 Payment or exchange of bonds.

(a) *Payment of Series A-F and J bonds by paying agents*—(1) *Payment of Series A-E bonds inclusive for cash.* Bonds of Series A to E, inclusive, bearing the special endorsement (see §§ 330.3 and 330.6) may be paid by a paying agent pursuant to the authority and subject, in all other respects, to the provisions and conditions of Department Circular No. 750, Revised, and the instructions issued pursuant thereto. Series A to E bonds, inclusive, which bear the special endorsement and which are thereafter paid by the paying agent under Department Circular No. 750, Revised, will be combined with other Series A to E bonds paid under that circular and forwarded to the Federal Reserve Bank of the District.

(2) *Payment of Series E, F and J bonds on redemption-exchange for Series H bonds.* All outstanding Series E and J bonds and all Series F bonds with issue dates on and after January 1, 1948, provided that such Series F bonds are received not later than six months from the month of maturity, presented for redemption-exchange under the provisions of Department Circular No. 1036, which bear the special endorsement (see §§ 330.3 and 330.6), may be paid by a paying agent pursuant to the authority and subject, in all other respects, to the provisions and conditions of Department Circular No. 750, Revised, and the instructions issued pursuant thereto.

(Sec. 22, 49 Stat. 21, as amended; 31 U.S.C. 757c)

Compliance with the notice, public procedure, and effective date require-

ments of the Administrative Procedure Act (60 Stat. 237, as amended) is found to be unnecessary with respect to this amendment.

[SEAL] ROBERT B. ANDERSON,  
*Secretary of the Treasury.*

[F.R. Doc. 60-496; Filed, Jan. 18, 1960; 8:50 a.m.]

[1959 Dept. Circular 1036]

### PART 339—EXCHANGE OFFERING OF UNITED STATES SAVINGS BONDS SERIES H

#### 1959 Department Circular No. 1036

- Sec.  
339.0 Exchange offering of Series H bonds for certain Series E, F and J bonds.  
339.1 Exchange of certain Series E, F and J bonds with the privilege of deferral of Federal income tax.  
339.2 Exchanges without tax deferral.  
339.3 General provisions.

AUTHORITY: §§ 339.0 to 339.3 issued under sec. 22, 49 Stat. 21, as amended, sec. 25, Pub. Law 86-348; 31 U.S.C. 757c.

#### § 339.0 Exchange offering of Series H bonds for certain Series E, F and J bonds.

The Secretary of the Treasury pursuant to the authority of the Second Liberty Bond Act, as amended, hereby offers to the people of the United States, effective as of January 1, 1960, Series H bonds in exchange for United States Savings Bonds of Series E, F and J, without regard to the annual limitation on holdings for Series H bonds, as herein-after set forth. The Series H bonds offered hereunder are identical in all respects with the Series H bonds offered in Department Circular No. 905, Second Revision, dated September 23, 1959 (and reference should be made to that circular for the terms of these bonds) except as otherwise specifically provided in this circular. This offering will continue until terminated by the Secretary of the Treasury.

#### § 339.1 Exchange of certain Series E, F and J bonds with the privilege of deferral of Federal income tax.

(a) *Applicability.* This section shall apply only to taxpayers who have not reported the increment in value (which will hereinafter be referred to as interest) on the bonds described in paragraph (c) (1) of this section for Federal income tax purposes.

(b) *Deferral of income tax.* Pursuant to the provisions of section 1037(a) of the Internal Revenue Code of 1954 the Secretary of the Treasury hereby grants the owners of bonds to whom this section is applicable the privilege of exchanging them for Series H bonds and of continuing to defer the reporting of the interest on the bonds exchanged (except interest referred to in paragraph (d) (5)) of this section for Federal income tax purposes to the taxable year in which the Series H bonds received in exchange are disposed of, are redeemed,

or have reached final maturity, which-ever is earlier.<sup>1</sup>

(c) *Description of bonds and definitions*—(1) *Description of bonds.* This section shall apply to:

(i) All outstanding Series E and J bonds; and

(ii) All Series F bonds with issue dates on and after January 1, 1948, provided that such bonds are received not later than six months from the month of maturity by an agency authorized to accept subscriptions for exchange.

(2) *Definitions.* (i) "Owner(s)" means an owner of any of the above described bonds, except commercial banks in their own right (as distinguished from a representative or fiduciary capacity) and nonresident aliens who are residents of an area with respect to which the Treasury Department restricts or regulates delivery of checks drawn against funds of the United States or any agency or instrumentality thereof. The term includes a registered owner whether or not a natural person, either co-owner (but only the "principal co-owner" if Series H bonds in a different form of registration are requested), a surviving beneficiary, or any other person who would be entitled to reissue under the regulations governing United States Savings Bonds,<sup>2</sup> such as, but not limited to, any person entitled to succeed to the estate of a deceased owner.

(ii) "Commercial banks" means banks accepting demand deposits.

(iii) "Principal coowner" means a co-owner who purchased the bonds (submitted for exchange) with his own funds, or received the bonds as a gift, legacy or inheritance or as a result of judicial proceedings and had them reissued in coownership form, provided he has received no contribution in money or money's worth from the other coowner for designating him on the bonds.

(d) *Rules governing the exchange.*

(1) Subscriptions for exchange properly completed and duly executed in accordance with the instructions on exchange subscription form PD 3253, together with the bonds, any cash difference (see subparagraph (4) of this paragraph), and any supporting evidence which may be required under the regulations governing United States Savings Bonds,<sup>3</sup> may be presented or forwarded to any authorized agency.<sup>4</sup>

<sup>1</sup> The interest paid semiannually by check on all Series H bonds, whether issued in exchange under this or any other section, or otherwise, is subject to the Federal income tax for the taxable year in which it is received.

<sup>2</sup> The regulations are set forth in Department Circular No. 530, current revision.

<sup>3</sup> For example, a beneficiary named on Series E, F or J bonds would have to submit proof of the death of the registered owner in order to exchange such bonds for Series H bonds.

<sup>4</sup> Paying agents authorized to pay Series E bonds have been authorized by the Secretary of the Treasury to accept and handle exchange subscriptions submitted by natural persons whose names are inscribed on the face of the Series E, F or J bonds as owners or coowners in their own right. However, as agents of subscribers they may forward any exchange subscription to a Federal Reserve

(2) A Series H bond issued upon exchange will be registered in the name of the owner of the bond submitted in any authorized form of registration, provided the "principal coowner", as defined in subparagraph (c) (2) of this section, is named as owner or coowner.

(3) The only authorized denominations of Series H bonds, which are the same as their issue prices and maturity values, are \$500, \$1,000, \$5,000 and \$10,000. Accordingly, the total current redemption value of the bonds submitted for exchange in any one transaction must amount to \$500 or more.

(4) If the bonds submitted for exchange have a total current redemption value in an even multiple of \$500, Series H bonds must be requested in that exact amount. If the total current redemption value is in excess of \$500, but not an even multiple of \$500, the owner has the option of furnishing cash necessary to obtain Series H bonds of the next higher \$500 multiple, or of receiving payment of the difference between the total current redemption value and the next lower multiple of \$500. For example, under the rules prescribed in this circular, if the bonds submitted for exchange in one transaction have a total current redemption value of \$4,253.33, the owner may elect to:

(i) Receive \$4,000 in Series H bonds and the amount of the difference, \$253.33, or

(ii) Pay the difference, \$246.67, necessary to obtain \$4,500 in Series H bonds.<sup>5</sup>

(5) Any amount paid to the owner as a cash adjustment (as in (i) of the above example) must be treated as income for Federal income tax purposes for the year in which it is received up to an amount not in excess of the total interest on the bonds exchanged.<sup>6</sup>

(6) Each Series H bond issued under this section will be stamped "EX" or "EXCH" to show that it was issued upon exchange and will bear a legend showing how much of the issue price thereof represents interest on the Series E, F or J bonds exchanged therefor, which must be treated as income for Federal income tax purposes for the year in which the Series H bond is redeemed, is disposed of or finally matures, whichever is earlier.

(7) The Series H bonds (which only the Federal Reserve Banks or Branches or the Office of the Treasurer of the United States are authorized to issue) will be dated as of the first day of the

Bank or Branch or the Office of the Treasurer of the United States, Washington 25, D. C., for acceptance and handling.

<sup>5</sup> If a paying agent accepts a subscription solely for the purpose of forwarding it, or if the owner forwards it direct, to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, the remittance for the amount of the difference, by check or other form of exchange (which will be accepted subject to collection), should be drawn to the order of the Federal Reserve Bank or the Treasurer of the United States, as the case may be, and must accompany the subscription and the bonds to be exchanged.

<sup>6</sup> The amount, if any, paid to the owner in excess of the interest is a repayment on account of the purchase price of the bonds exchanged, not income.

month in which the bonds, together with the subscription and any necessary cash difference and supporting evidence, are accepted for exchange by an authorized agency.

### § 339.2 Exchanges without tax deferral.

Owners of Series E, F and J bonds who (a) have reported the increment in value (interest) on their bonds for Federal income tax purposes, or (b) are tax exempt under the provisions of the Internal Revenue Code of 1954 and the regulations issued thereunder, may exchange their bonds for Series H bonds without regard to the annual limitation on holdings for the latter. These exchanges will be handled in the same manner and will be governed by the rules prescribed for exchanges under § 339.1, except that any amount of interest received as a cash adjustment which has been previously reported for Federal income tax purposes need not be accounted for, and the Series H bonds may be registered in the name of the owner or coowner of the bonds submitted in exchange in any authorized form of registration, and will not bear the legend referred to in paragraph (d) (6) of § 339.1.<sup>7</sup> No Federal income tax deferral of any kind will result from exchanges under this section.

### § 339.3 General provisions.

(a) *Regulations.* All Series H bonds issued under this circular shall be subject to the regulations prescribed from time to time by the Secretary of the Treasury to govern United States Savings Bonds, except as otherwise provided hereunder. The present regulations are set forth in Treasury Department Circular No. 530, current revision, copies of which may be obtained on application to the Treasury Department or to any Federal Reserve Bank or Branch.

(b) *Reservation as to issue of bonds.* The Secretary of the Treasury reserves the right to reject any exchange subscription for Series H bonds in whole or in part and to refuse to issue or permit to be issued hereunder any such bonds in any case or any class or classes of cases if he deems such action to be in the public interest, and his action in any such respect shall be final.

(c) *Previous circulars; preservation of existing rights.* The provisions of Treasury Department Circulars Nos. 530, 653 and 905 as currently revised are hereby modified and amended to the extent that they are not in accordance with this circular: *Provided, however,* That nothing contained in this circular shall limit or be construed to limit or restrict any existing rights which owners of United States Savings Bonds have acquired under such circulars.

(d) *Fiscal agents.* Federal Reserve Banks and Branches, as fiscal agents of

<sup>7</sup> Series F bonds matured prior to January 1, 1960 (which are not eligible for exchange under this circular under any conditions), and Series F bonds which become ineligible for exchange under this circular because of failure to present them for that purpose not later than six months from the month of maturity, may be exchanged under the provisions of § 332.7(b) of Department Circular No. 905, Second Revision.

the United States, are authorized to perform such services as may be requested of them by the Secretary of the Treasury in connection with exchanges under this circular.

(e) *Reservation as to terms of circular.* The Secretary of the Treasury may at any time or from time to time supplement or amend the terms of this circular, or of any amendments or supplements thereto.

Compliance with the notice, public procedure, and effective date requirements of the Administrative Procedure Act (60 Stat. 237, as amended) is found to be unnecessary with respect to this amendment.

ROBERT B. ANDERSON,  
Secretary of the Treasury.

[F.R. Doc. 60-494; Filed, Jan. 18, 1960; 8:49 a.m.]

## Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

### Chapter I—Veterans Administration PART 3—VETERANS CLAIMS

#### Presumption of Service Connection for Hansen's Disease (Leprosy) Under 38 U.S.C. 312, as Amended by Public Law 86-188

Part 3, Chapter I of Title 38 of the Code of Federal Regulations is amended by adding a new § 3.1538 as follows:

#### § 3.1538 Presumption of service connection for Hansen's disease (leprosy) under 38 U.S.C. 312, as amended by Public Law 86-188.

(a) *Provisions of the law.* The law amends section 312 of Title 38, United States Code by adding after paragraph (4) of the section, a paragraph (5). Thus, section 312 reads in pertinent part:

For the purposes of section 310 of this title, and subject to the provisions of section 313 of this title, in the case of any veteran who served for ninety days or more during a period of war—

(5) Hansen's disease developing a 10 per centum degree of disability or more within three years from the date of separation from such service;

shall be considered to have been incurred in or aggravated by such service, notwithstanding there is no record of evidence of such disease during the period of service.

(b) *Effect of the act.* The law extends the presumptive period for service connection from 1 year to 3 years in cases of war veterans. It is applicable to both disability and death claims. The amendment applies only to war service. It does not amend 38 U.S.C. 333, or change the rule as to peacetime service connections.

(c) *Effective date.* The date of enactment of this act was August 25, 1959. No benefit based solely on the liberalizing provisions of this law may be made effective prior to date of enactment.

(1) *Pending claims.* The effective date of an award as to a claim pending on the date of enactment will be August 25, 1959, if evidence otherwise establishes

entitlement on that date. Pending claims will include:

(i) A claim not previously adjudicated.  
(ii) A previously disallowed claim pending consideration on appeal.

(iii) A previously disallowed claim reopened by the receipt of any claim, evidence or inquiry on which action was pending on date of enactment.

(iv) A previously disallowed claim reopened by the receipt of any claim, evidence or inquiry after date of enactment but within the appeal period.

(2) *New claims.* All other claims, formal or informal, received on or after August 25, 1959, will be considered initial claims for the purpose of this law and the effective date will be determined under applicable laws and regulations relating to original claims but not earlier than August 25, 1959.

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

This regulation is effective January 19, 1960.

[SEAL] BRADFORD MORSE,  
Deputy Administrator.

[F.R. Doc. 60-497; Filed, Jan. 18, 1960; 8:50 a.m.]

## Title 43—PUBLIC LANDS: INTERIOR

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

#### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2043]

#### CALIFORNIA AND NEVADA

#### Partly Revoking Public Land Order No. 27 of August 12, 1942, Revoking Public Land Orders No. 28 of August 12, 1942, No. 76 of January 4, 1943, and No. 101 of March 27, 1943

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 27 of August 12, 1942, which withdrew lands in Nevada for use in connection with the prosecution of the war, is hereby revoked so far as it affects the following-described lands:

1883220

NEVADA

MOUNT DIABLO MERIDIAN

T. 12 N., R. 36 E.,  
Sec. 21, All;  
Sec. 22, E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 23, All;  
Sec. 27, E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , and S $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 28, W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ , and W $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
Sec. 33, S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , and NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ , and S $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 34, E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$  and SE $\frac{1}{4}$ NW $\frac{1}{4}$ .

The areas described aggregate approximately 2,500 acres. The major portion of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ , section 27, is patented.

2. Public Land Orders No. 28 of August 12, 1942, No. 76 of January 4, 1943, and No. 101 of March 27, 1943, which withdrew the following-described lands in California and Nevada in connection with the prosecution of the war, are hereby revoked:

Public Land Order No. 28:

1883220

CALIFORNIA

SAN BERNARDINO MERIDIAN

T. 18 N., R. 5 E. (partly unsurveyed),  
Sec. 20, SE $\frac{1}{4}$ ;  
Secs. 21 and 22;  
Sec. 26, W $\frac{1}{2}$ ;  
Secs. 27 and 28;  
Sec. 29, E $\frac{1}{2}$ .

T. 17 N., R. 6 E. (partly unsurveyed),  
Secs. 4, 5, 8, and 9.

The areas described, including both public and nonpublic lands aggregate approximately 5,920 acres.

Public Land Order No. 76:

1940383

CALIFORNIA

SAN BERNARDINO MERIDIAN

T. 9 N., R. 6 W.,  
Sec. 10, SE $\frac{1}{4}$ SW $\frac{1}{4}$  and SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 14;  
Sec. 15, E $\frac{1}{2}$  and E $\frac{1}{2}$ W $\frac{1}{2}$ ;  
Sec. 24, N $\frac{1}{2}$ N $\frac{1}{2}$ .

The areas described aggregate approximately 1,360 acres.

Public Land Order No. 101:

1883220

NEVADA

MOUNT DIABLO MERIDIAN

T. 21 S., R. 62 E.,  
Sec. 25, SW $\frac{1}{4}$ SW $\frac{1}{4}$ .

The area described contains 40 acres.

3. The areas described, including both public and nonpublic lands total in the aggregate approximately 9,820 acres. The public lands covered by Public Land Order No. 28 are located in San Bernardino County, California, on the northern edge of the Avawatz Mountain Range. The lands covered by Public Land Order No. 76 are located approximately 22 miles north of Adelanto, California. The topography ranges from steep to rough and mountainous. The SW $\frac{1}{4}$ SW $\frac{1}{4}$ , sec. 25, T. 21 S., R. 62 E., M.D.M., is located near Whitney, in Clark County, Nevada. The lands in Public Land Order No. 27 are located in western Nye County, in and around Gabbs, Nevada. Vegetation consists of sage brush, shadscale, and annual weeds and grasses.

4. No applications for the lands may be allowed under the homestead, desert land, small tract, or any other non-mineral public land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

5. Subject to any valid existing rights and the requirements of applicable law, the unreserved, unappropriated public lands released from withdrawal by this order are hereby opened to filing of applications, selections and locations in accordance with the following, the unsurveyed lands being opened to such applications, selections, and locations as are allowable on unsurveyed lands:

a. As to the California lands, until 10:00 a.m. on July 13, 1960, the State of California shall have a preferred right of application to select the lands in accordance with and subject to the provisions of subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and the regulations in 43 CFR. All valid applications under the nonmineral public land laws other than any presented by the State of California, presented at or before 10:00 a.m. on July 13, 1960, will be considered as simultaneously filed at that hour. Any rights under such applications filed thereafter will be governed by the time of filing.

b. As to the Nevada lands, all valid applications and selections under the nonmineral public land laws, and applications and offers under the mineral leasing laws presented prior to 10:00 a.m. on February 18, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections, and offers filed after that hour will be governed by the time of filing.

6. Applications by persons having prior existing valid settlement rights, preference rights conferred by existing law, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications from persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

7. The lands will be open to applications and offers under the mineral

leasing laws, and to location under the United States mining laws beginning at 10:00 a.m. on July 13, 1960, as to the California lands, and at 10:00 a.m. on February 18, 1960, as to the Nevada lands.

8. Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Los Angeles, California, or Reno, Nevada, depending upon the State wherein the lands are located.

ROGER ERNST,

*Assistant Secretary of the Interior.*

JANUARY 13, 1960.

[F.R. Doc. 60-474; Filed, Jan. 18, 1960; 8:46 a.m.]

## Title 49—TRANSPORTATION

### Chapter I—Interstate Commerce Commission

#### SUBCHAPTER A—GENERAL RULES AND REGULATIONS

#### PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

#### Annual Report Form B-1 (Persons Furnishing Cars or Protective Services)

At a session of the Interstate Commerce Commission, division 2, held at its office in Washington, D.C., on the 31st day of December A.D. 1959.

It appearing that the matter of annual reports of persons furnishing cars or protective service being under further consideration, and the changes to be effectuated by this order being minor changes in the data to be furnished, rule-making procedures under section 4(a) of the Administrative Procedure Act, 5 U.S.C. 1003, being deemed unnecessary:

*It is ordered*, That § 120.70 of the order of December 29, 1958, in the matter of Annual Report Form B-1, be, and it is

hereby, modified and amended with respect to annual reports for the year ended December 31, 1959, and subsequent years, to read as shown below.<sup>1</sup>

*It is further ordered*, That 49 CFR 120.70, be, and it is hereby, modified and amended to read as follows:

#### § 120.70 Annual reports of persons furnishing cars or protective service and owning 1,000 cars or more.

Commencing with the year ended December 31, 1959, and for subsequent years thereafter, until further order, all persons furnishing cars or protective service to or on behalf of carriers by railroad or express companies, within the scope of section 20, part I of the Interstate Commerce Act, and owning 1,000 cars or more, are required to file annual reports in accordance with Annual Report Form B-1 (Persons Furnishing Cars or Protective Service), which is attached to and made a part of this section. Such report shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D.C., on or before March 31 of the year following the one to which it relates.

(Sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12. Interpret or apply sec. 20, 24 Stat. 386, as amended; 49 U.S.C. 20.)

*And it is further ordered*, That a copy of this order and of Annual Report Form B-1 shall be served on every person subject to the terms of such order, and that notice thereof shall be given to the general public by posting a copy thereof in the office of the Secretary of the Commission in Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. McCoy,  
*Secretary.*

[F.R. Doc. 60-488; Filed, Jan. 18, 1960; 8:48 a.m.]

## PROPOSED RULE MAKING

### DEPARTMENT OF THE TREASURY

Internal Revenue Service

[ 26 CFR (1954) Part 1 ]

#### INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

#### Foreign Tax Credit for United Kingdom Income Tax Paid With Respect to Royalties, etc.

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which

are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] DANA LATHAM,  
*Commissioner of Internal Revenue.*

In order to conform the Income Tax Regulations (26 CFR Part 1) to the

amendment of section 905(b) of the Internal Revenue Code of 1954 made by section 103(b) of the Technical Amendments Act of 1958 (72 Stat. 1675), relating to foreign tax credit for United Kingdom income tax paid with respect to royalties, etc., such regulations are amended as follows:

#### § 1.905 [Amendment]

PARAGRAPH 1. Section 1.905 is amended—  
(A) By adding at the end of subsection (b) of section 905 the following new sentence: "For purposes of this subpart, the recipient of a royalty or other amount paid or accrued as consideration for the use of, or for the privilege of using, copyrights, patents, designs, secret processes and formulas, trademarks, and other like property, and derived from sources within the United Kingdom of Great Britain and Northern Ireland,

<sup>1</sup> Form filed as part of original document.

shall be deemed to have paid or accrued any income, war-profits and excess-profits taxes paid or accrued to the United Kingdom with respect to such royalty or other amount (including the amount by which the payor's United Kingdom tax was increased by inability to deduct such royalty or other amount) if such recipient elects to include in its gross income the amount of such United Kingdom tax."

(B) By adding at the end thereof the following historical note:

[Sec. 905 as amended by sec. 103(b), Technical Amendments Act 1958 (72 Stat. 1675)]

§ 1.901-1 [Amendment]

PAR. 2. Paragraph (a) of § 1.901-1 is amended—

(A) By inserting "(or deemed paid or accrued under section 905(b))" after "paid or accrued" in subparagraph (1) (i) thereof;

(B) By inserting "(or accrued under section 902 or 905(b))" in lieu of "under section 902" in subparagraph (2) (ii) thereof;

(C) By inserting "(or deemed paid or accrued under section 905(b))" after "paid or accrued" in subparagraph (3) (ii) thereof; and

(D) By inserting "(or deemed paid or accrued under section 905(b))" after "paid or accrued" in subparagraph (3) (iii) thereof.

§ 1.902-1 [Amendment]

PAR. 3. Section 1.902-1 is amended by adding at the end thereof the following new paragraph:

(e) *United Kingdom income taxes paid with respect to royalties.* Under section 902 a taxpayer shall not be deemed to have paid any taxes with respect to which a credit is allowable to such taxpayer or any other taxpayer by virtue of the provisions of section 905(b).

PAR. 4. There is inserted immediately following § 1.905-4 the following new section:

§ 1.905-5 Credit for United Kingdom income taxes paid with respect to royalties.

(a) *General rule.* (1) The taxes deemed to have been paid or accrued under subparagraph (2) of this paragraph by a taxpayer are taxes for which a credit is allowable under section 901.

(2) A taxpayer who has received a royalty (as defined in paragraph (b) of this section) derived from sources within the United Kingdom of Great Britain and Northern Ireland is deemed to have paid or accrued any income, war-profits, or excess-profits taxes paid or accrued to the United Kingdom with respect to such royalty (including the amount by which the payor's United Kingdom tax was increased by inability to deduct such royalty), but only if the taxpayer elects to include in his gross income the amount of such United Kingdom tax. The election provided for in section 905 (b) and this subparagraph shall apply only to amounts that are not otherwise includible in gross income under chapter 1.

(3) The credit under this section for taxes deemed paid or accrued with respect to a royalty is allowable in the

taxable year in which, under the method of accounting used by the taxpayer, the royalty is includible in his gross income.

(4) No interest shall be allowed or paid on any overpayment resulting from the application of the last sentence of section 905(b) and this section.

(b) *Definition of "royalty".* For purposes of this section, the term "royalty" means a royalty or other amount paid or accrued as consideration for the use of, or for the privilege of using, copyrights, patents, designs, secret processes and formulas, trademarks, and other like property.

(c) *Illustrations.* This section may be illustrated by the following examples:

*Example (1).* A, a resident of the United Kingdom, has agreed to pay B, a resident of the United States, a royalty of \$1,000 per year for the use in the United Kingdom of a patent. At all pertinent times, B is engaged in a trade or business in the United Kingdom through a permanent establishment therein. B computes his taxable income under the cash receipts and disbursements method and files his Federal income tax returns on the calendar year basis. Assume that the United Kingdom standard tax rate is 42.5 percent and assume further that in 1957 A pays the yearly royalty to B and that such royalty is payable wholly out of profits or gains brought into charge to tax within the meaning of the United Kingdom law. Under such circumstances, A is not entitled to a deduction for the royalty in computing his United Kingdom income taxes but may withhold the amount of \$425 from the royalty as reimbursement for being denied a deduction. Although B will receive only \$575 in 1957, he may include in his gross income for that year the full \$1,000 on account of the royalty, instead of just the \$575 received and, subject to the limitations contained in section 904, may obtain a credit for the \$425 withheld by A. Furthermore, the result would be the same if, under United Kingdom law, the \$425 was withheld as tax payable to the United Kingdom by reason that the royalty was not payable out of profits or gains brought into charge to tax.

*Example (2).* Assume the same facts as stated in example (1), except that the \$575 is received by B in 1957 under a "net royalty" agreement. Under such circumstances, B may include in his gross income \$1,000 on account of the royalty and, subject to the limitations contained in section 904, may obtain a credit for \$425.

[F.R. Doc. 60-493; Filed, Jan. 18, 1960; 8:49 a.m.]

## DEPARTMENT OF LABOR

### Division of Public Contracts

[ 41 CFR Part 50-202 ]

### PHOTOGRAPHIC AND BLUEPRINTING EQUIPMENT AND SUPPLIES INDUSTRY

#### Hearing To Determine Prevailing Minimum Wages

Pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), notice is hereby given that a hearing to determine the prevailing minimum wages in the photographic and blueprinting equipment and supplies industry under section 1(b) of the Walsh-Healey Public Contracts Act (49 Stat. 2036, as amend-

ed; 41 U.S.C. 35 et seq.) will be held before a Hearing Examiner on February 17, 1960, beginning at 10 o'clock a.m. in Room 5223, United States Department of Labor Building, 14th Street and Constitution Avenue NW., Washington, D.C.

For the purpose of this hearing the photographic and blueprinting equipment and supplies industry is defined as that industry which manufactures or furnishes photographic or blueprinting equipment and supplies.

(1) Photographic equipment and supplies, for the purpose of this definition, include all types of still and motion-picture cameras; projection apparatus, including screens; lenses; shutters; photocopy and microfilm equipment; developing and dark-room equipment, including developing tanks and machines, enlargers, plates and film holders, and prepared developers, toners and fixers; lighting equipment, such as studio-type or other floodlighting and flash units; tripods; film reels; and sensitized film, paper and plates.

Expressly excluded are the making, processing, or finishing of photographs or photographic reproductions of any kind, including still or motion pictures; photographic meters; photoflash, power pack and other batteries; and photographic bulbs, tubes, and related light sources.

(2) Blueprinting equipment and supplies, for the purpose of this definition, include machines and other apparatus and equipment used in blueprinting, the diazotype process (whiteprinting), and other related processes; sensitized blueprint paper and cloth, diazotype sensitized paper, cloth, film, and other similarly sensitized materials; and specially prepared developing solutions intended for use with such sensitized materials, but excluding the manufacture of blueprints or diazoprints (whiteprints).

Interested persons may appear at the time and place specified herein and submit evidence, views, and arguments as to the following subjects and issues: (1) The appropriateness of the proposed definition of the industry; (2) what are the prevailing minimum wages in the industry; (3) whether a single determination for all the area in which the industry operates or separate determinations for smaller geographic areas (including the appropriate limits for such areas) should be determined for this industry; and (4) whether there should be included in any determination for this industry provision for the employment of beginners or probationary workers at wages lower than the prevailing minimum wages and on what terms or limitations, if any, such employment should be permitted.

Employment and wage data in the photographic equipment and supplies branch of this industry for the payroll period ending January 15, 1959 and in the blueprinting equipment and supplies branch of this industry for the payroll period ending February 15, 1959, have been gathered by the Department of Labor. Data relating to the competition in this industry for Government contracts have also been collected. This

information will be submitted for consideration at the hearing and is now available to interested persons on request.

Written statements may be filed with the Chief Hearing Examiner at any time prior to the hearing by persons who cannot appear personally. An original and three copies of any such statement shall be filed and shall include the reason or reasons for non-appearance. Such statement shall be under oath or affirmation and will be offered in evidence at the hearing. If objection is made to the admission of any such statement, the Presiding Officer shall determine whether it will be received in evidence.

To the extent possible, the evidence of each witness and the sworn or affirmed statements of persons who cannot appear personally, should permit evaluation on a plant-by-plant basis, and state: (1) (a) The number and location of establishments in the industry to which the testimony of such witness or such written statement is applicable, (b) the number of workers in each such establishment, (c) the minimum rates paid to covered workers, the number of covered workers at each such establishment receiving such rates and the occupations in which they are employed, (d) the minimum wages paid to beginners or probationary workers in each such establishment, the scale of wages paid during probationary periods, the length of such periods, the number of workers receiving such wages, and the occupations in which they are employed; (2) the identity of any product not now included in the definition of the industry which should be included and of any product now included which should not be included; (3) the geographic area or areas of competition for Government contracts within this industry; and (4) the change in the minimum wages paid since January, 1959, to persons employed in the photographic equipment and supplies branch of this industry, and since February, 1959, to persons employed in the blueprinting equipment and supplies branch of this industry.

The hearing will be conducted pursuant to the rules of practice for minimum wage determinations under the Walsh-Healey Public Contracts Act codified in 41 CFR Part 203.

Signed at Washington, D.C., this 14th day of January 1960.

JAMES P. MITCHELL,  
Secretary of Labor.

[F.R. Doc. 60-506; Filed, Jan. 18, 1960;  
8:51 a.m.]

**Wage and Hour Division**  
**[ 29 CFR Parts 614, 615 ]**

[Administrative Order No. 529]

**VARIOUS INDUSTRIES IN PUERTO RICO**

**Appointment To Investigate Conditions and Recommend Minimum Wages; Notice of Hearing**

Pursuant to authority contained in the Fair Labor Standards Act of 1938

(52 Stat. 1060, as amended; 29 U.S.C. 201 et seq.), and Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165), I hereby appoint, convene, and give notice of the hearings of Industry Committee No. 46-A for the Corsets, Brassieres, and Allied Garments Industry in Puerto Rico and Industry Committee No. 46-B for the Men's and Boys' Clothing and Related Products Industry in Puerto Rico.

Industry Committee No. 46-A is composed of the following representatives.

For the public:

David W. Louisell, Chairman, New Haven, Conn.

Edward John J. Harper, San Juan, P.R.

Charles H. Morin, Boston, Mass.

For the employees:

David Dubinsky, New York, N.Y.

Robert Gladnick, Santurce, P.R.

Richard J. Brazier, St. Louis, Mo.

For the employers:

Morris M. Scheinberg, New York, N.Y.

Bernard Rashkin, San Juan, P.R.

Stanley L. Mayer, Roosevelt, P.R.

For the purpose of this order, the Corsets, Brassieres, and Allied Garments Industry in Puerto Rico is defined as follows:

The manufacture of corsets, brassieres, brassiere pads, girdles, foundation garments, sanitary belts, surgical or abdominal supports, and all similar body-supporting garments.

Industry Committee No. 46-B is composed of the following representatives.

For the public:

David W. Louisell, Chairman, New Haven, Conn.

Edward John J. Harper, San Juan, P.R.

Charles H. Morin, Boston, Mass.

For the employees:

Richard J. Brazier, St. Louis, Mo.

Wilbur Daniels, New York, N.Y.

Alberto E. Sanchez, Santurce, P.R.

For the employers:

Morris M. Scheinberg, New York, N.Y.

Josef S. Weinberger, Rio Piedras, P.R.

Edwin A. Pearlman, Caguas, P.R.

For the purpose of this order the Men's and Boys' Clothing and Related Products Industry is defined as follows:

The manufacture from any material of men's and boys' clothing, furnishings, accessories, and related products: *Provided, however,* That the industry shall not include the manufacture of hand-made straw hats, gloves, hosiery, footwear, belts (except fabric), sweaters, handkerchiefs, scarves, mufflers, or any product or activity included in the children's dress and related products industry in Puerto Rico (29 CFR Part 610) or in the women's and children's underwear and women's blouse and neckwear industry in Puerto Rico (29 CFR Part 609).

I hereby refer to each of the above named industry committees the question of the minimum wage rate or rates to be fixed under the provisions of section 6(c) of the Act in the particular industry with which it is concerned. Each industry committee shall investigate conditions in its industry, and the committee, or any authorized sub-committee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the Act.

Industry Committee No. 46-A shall convene at 10:00 a.m. on February 15,

1960, in the Office of the Wage and Hour Division, United States Department of Labor, New York Department Store Building, Fortaleza and San Jose Streets, San Juan, Puerto Rico, to conduct its investigation and shall commence its hearings at 2:00 p.m. on the same date at the same place. Following this hearing, Industry Committee No. 46-B shall convene in the same place at an hour designated by the committee chairman to conduct its investigation and to hold its hearing.

In order to reach as rapidly as is economically feasible the objective of the minimum wage prescribed in paragraph (1) of section 6(a) of the Act, each industry committee shall recommend to the Administrator the highest minimum wage rate or rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry, and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands, and American Samoa. Where an industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in the industry, the industry committee shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein which will not substantially curtail employment in such classifications and will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within the industry, in making such classifications, and in determining the minimum wage rates for such classifications, the committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) the wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) the wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare an economic report for such committee containing such data as he is able to assemble pertinent to the matters referred to that committee. Copies of each such report may be obtained at the national and Puerto Rican offices of the United States Department of Labor as soon as they are completed and prior to the hearings. Each committee will take official notice of the facts stated in the economic report to the extent they are not refuted at the hearings.

The procedure of these industry committees will be governed by Part 511 of Title 29, Code of Federal Regulations. As a prerequisite to participation as wit-

nesses or parties these regulations require, among other things, that interested persons in the present matters shall file pre-hearing statements containing certain specified data, not later than February 5, 1960.

Signed at Washington, D.C., this 14th day of January 1960.

JAMES P. MITCHELL,  
Secretary of Labor.

[F.R. Doc. 60-507; Filed, Jan. 18, 1960;  
8:51 a.m.]

Executive Order No. 10647 of November 28, 1955, the following changes have taken place as of January 1, 1960 in my financial interests as reported in the FEDERAL REGISTER, July 22, 1959.

A. Deletions: Commercial Banking Corporation, Philadelphia, Pa., Director.  
B. Additions: Standard Fire Alarm and Signal, Inc., Jenkintown, Pa., Director; Secretary.

Dated: January 1, 1960.

ALBERT W. GILMER.

[F.R. Doc. 60-501; Filed, Jan. 18, 1960;  
8:50 a.m.]

**NOTICES**

**DEPARTMENT OF THE TREASURY**

Bureau of Customs

[445.87]

**CERTAIN COLUMBIUM  
CONCENTRATES**

**Change of Tariff Classification**

JANUARY 13, 1960.

The Bureau of Customs published a notice in the FEDERAL REGISTER dated August 1, 1959, that there was under review the practice of admitting free of duty under paragraph 1719, Tariff Act of 1930, as minerals, crude or not advanced in condition or value by grinding, refining, or other process of manufacture, not specially provided for, certain so-called columbium concentrates obtained by subjecting raw ore to crushing, grinding, tabling, flotation, and magnetic separation, and treating the resultant product by leaching with nitric acid. The Bureau by its letter to the collector of customs, New York, New York, dated January 13, 1960, ruled that this product is properly classifiable under the provision in paragraph 214, for earthy or mineral substances, wholly or partly manufactured, and articles, wares, and materials (crude or advanced in condition), composed wholly or in chief value of earthy or mineral substances, not specially provided for, whether susceptible of decoration or not, not decorated in any manner, dutiable at the rate of 15 percent ad valorem under that paragraph, as modified.

As this ruling will result in the assessment of duty when heretofore under a uniform and established practice no duty has been assessed, it shall be applied to such or similar merchandise only when entered, or withdrawn from warehouse, for consumption after 90 days after the date of publication of an abstract of this decision in the weekly Treasury Decisions.

RALPH KELLY,  
Commissioner of Customs.

[F.R. Doc. 60-492; Filed, Jan. 18, 1960;  
8:49 a.m.]

duction Act of 1950, as amended, and Executive Order No. 10647 of November 28, 1955, the following changes have taken place as of January 2d, 1960 in my financial interests as reported in the FEDERAL REGISTER, July 22d, 1959.

A. Deletions:  
Stockholder:  
Gerber Products Co.  
Great American Life Underwriters.  
National Screw & Mfg. Co.  
Ohio Oil Co.  
Standard Oil of N.J.  
Travelers Insurance Co.  
B. Additions:  
Director: Cleveland Twist Drill Co.,  
Stockholder:  
Akron, Canton & Youngstown R.R. Co.  
First Charter Financial Corp.  
Inland Homes Co.  
Scott & Fetzer Co.  
Cleveland Twist Drill Co.

Dated: January 4, 1960.

RALPH M. BESSE.

[F.R. Doc. 60-499; Filed, Jan. 18, 1960;  
8:50 a.m.]

**KENNETH B. COATES**

**Statement of Changes in Financial  
Interests**

In accordance with the requirements of section 710 of the Defense Production Act of 1950, as amended, and Executive Order No. 10647 of November 28, 1955, the following changes have taken place as of January 1, 1960, in my financial interests, as reported in the FEDERAL REGISTER, August 11, 1959.

A. Deletions:  
J. C. Penny Company—Stockholder.  
B. Additions:  
Standard Oil Corporation, Indiana—Stockholder.  
Michigan Plating & Stamping Co., wholly owned subsidiary of Gulf & Western Corp., Grand Rapids, Mich., Director and Stockholder; Formerly, Gulf & Western Corp., Grand Rapids, Mich., Director and Stockholder.

Dated: January 1, 1960.

KENNETH B. COATES.

[F.R. Doc. 60-500; Filed, Jan. 18, 1960;  
8:50 a.m.]

**DEPARTMENT OF DEFENSE**

Department of the Army

RALPH M. BESSE

**Statement of Changes in Financial  
Interests**

In accordance with the requirements of section 710(b) of the Defense Pro-

**ALBERT W. GILMER**

**Statement of Changes in Financial  
Interests**

In accordance with the requirements of section 710(b) of the Defense Production Act of 1950, as amended, and

**BYRON C. HEACOCK**

**Statement of Changes in Financial  
Interests**

In accordance with the requirements of section 710(b) of the Defense Production Act of 1950, as amended, and Executive Order No. 10647 of November 28, 1955, the following changes have taken place as of January 7, 1960 in my financial interests as reported in the FEDERAL REGISTER, July 29, 1959.

A. Deletions: No change.  
B. Additions: No change.

Dated: January 7, 1960.

BYRON C. HEACOCK.

[F.R. Doc. 60-502; Filed, Jan. 18, 1960;  
8:50 a.m.]

**EDWARD F. McCROSSIN**

**Statement of Changes in Financial  
Interests**

In accordance with the requirements of section 710(b) of the Defense Production Act of 1950, as amended, and Executive Order No. 10647 of November 28, 1955, the following changes have taken place as of January 1, 1960 in my financial interests as reported in the FEDERAL REGISTER, July 22, 1959.

A. Deletions:  
1. Corporations of which I am an officer or director: No change.  
2. Corporations of which I am a stockholder: Seaboard Fire & Marine Insurance Company.  
B. Additions:  
1. Corporations of which I am an officer or director: No change.  
2. Corporations of which I am a stockholder: No change.

Dated: January 1, 1960.

EDWARD F. McCROSSIN.

[F.R. Doc. 60-503; Filed, Jan. 18, 1960;  
8:51 a.m.]

**JOHN S. PFEIL**

**Statement of Changes in Financial  
Interests**

In accordance with the requirements of section 710(b) of the Defense Production Act of 1950, as amended, and Executive Order No. 10647 of November 28, 1955, the following changes have

taken place as of January 1, 1960 in my financial interests as reported in the FEDERAL REGISTER, July 22, 1959.

- A. Deletions: No change.
- B. Additions: No change.

Dated: January 1, 1960.

JOHN S. PFEIL.

[F.R. Doc. 60-504; Filed, Jan. 18, 1960; 8:51 a.m.]

**HARRY S. ROBINSON**

**Statement of Changes in Financial Interests**

In accordance with the requirements of section 710(b) of the Defense Production Act of 1950, as amended, and Executive Order No. 10647 of November 28, 1955, the following changes have taken place as of January 1, 1960 in my financial interests as reported in the FEDERAL REGISTER, July 22, 1959.

- A. Deletions: Monarch Machine Tool Co.
- B. Additions: None.

Dated: January 1, 1960.

HARRY S. ROBINSON.

[F.R. Doc. 60-505; Filed, Jan. 18, 1960; 8:51 a.m.]

**DEPARTMENT OF AGRICULTURE**

**Commodity Stabilization Service; Commodity Credit Corporation**

**GRAINS AND RELATED COMMODITIES UNDER WAREHOUSE-STORAGE LOANS MADE UNDER 1959 PRICE SUPPORT PROGRAMS**

**Notice of Final Date for Redemption**

Unless earlier demand is made by CCC, warehouse-storage loans under 1959 Price Support Programs on the agricultural commodities designated in the table below mature and are due and payable on the dates indicated. Unless on or before the final date for repayment specified below such loans are repaid or the producer notifies the ASC county committee in writing that the funds have been placed in the mail, title to the unredeemed collateral shall immediately vest in CCC without a sale thereof, on the date next succeeding the final date for repayment specified below. CCC shall have no obligation to pay for any market value which such collateral may have in excess of the loan indebtedness, i.e., the unpaid amount of the note plus interest and charges. Nothing herein shall preclude making payment to a producer of any amount by which the settlement value of the pledged commodity may exceed the principal amount of the loan. The settlement value as used herein is the price support value of the pledged commodity determined on the basis of the weight, grade, and other quality factors shown on the warehouse receipts or accompanying documents in accordance with the applicable support rate provided in the

Program Bulletin. Notwithstanding the foregoing provisions, if the producer has made a fraudulent representation in obtaining the loan, the producer shall remain personally liable for the amounts specified in the Note and Loan Agreement.

Amounts due to the producer will be paid to the producer by the appropriate ASC county office.

Commodity	Maturity date	
	1960	1960
Barley in Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia.....	Feb. 29	Feb. 29
Arizona and California.....	Mar. 10	Mar. 10
In all other States.....	Apr. 30	May 2
Corn—In all States.....	July 31	Aug. 1
Dry edible beans in Michigan, New York, and Pennsylvania.....	Feb. 29	Feb. 29
In all other States.....	Apr. 30	May 2
Flaxseed in Arizona and California.....	Jan. 31	Feb. 1
In all other States.....	Mar. 31	Mar. 31
Grain Sorghums—In all States.....	Mar. 31	Mar. 31
Oats in Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia.....	Feb. 29	Feb. 29
In all other States.....	Apr. 30	May 2
Rice—In all States.....	Mar. 14	Mar. 14
Rye in Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia.....	Feb. 29	Feb. 29
In all other States.....	Apr. 30	May 2
Soybeans—In all States.....	May 31	May 31
Wheat in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia.....	Feb. 29	Feb. 29
In all other States.....	Mar. 31	Mar. 31

(Sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 301, 401, 405; 63 Stat. 1031 as amended; 15 U.S.C. 714c, 7 U.S.C. 1441, 1447, 1421, 1425)

Done at Washington, D.C., this 13th day of January 1960.

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

[F.R. Doc. 60-518; Filed, Jan. 18, 1960; 8:53 a.m.]

**Office of the Secretary  
MASSACHUSETTS**

**Designation of Area for Production Emergency Loans**

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in the entire State of Massachusetts a production disaster has caused a need for agricultural credit to cranberry growers not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named State after June 30, 1960, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 13th day of January 1960.

MARVIN L. MCLAIN,  
Acting Secretary.

[F.R. Doc. 60-482; Filed, Jan. 18, 1960 8:47 a.m.]

**DEPARTMENT OF COMMERCE**

**Federal Maritime Board**

[Docket Nos. 886-888]

**ORDERS TO SHOW CAUSE WHY CERTAIN CONFERENCE AGREEMENTS SHOULD NOT BE CANCELLED**

**Assignment of Docket Numbers**

Notice of orders to show cause why certain conference agreements should not be cancelled appeared in the FEDERAL REGISTER issue of January 7, 1960 (25 F.R. 126).

Notice is hereby given that the following docket numbers have been assigned to each conference as set forth below:

Name of conference	Agreement No.	Docket No.
U.S.A./South Africa.....	3578 and 3578-B...	886
South Africa/U.S.A.....	3579 and 3579-A...	887
Gulf/South and East African.	7780.....	888

Dated: January 14, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,  
Secretary.

[F.R. Doc. 60-489; Filed, Jan. 18, 1960; 8:48 a.m.]

**Office of the Secretary**

**R. CHESTER REED**

**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: Curtiss-Wright Corp.—Common.
- B. Additions: American Telephone and Telegraph—Common.

This statement is made as of January 7, 1960.

Dated: January 7, 1960.

R. CHESTER REED.

[F.R. Doc. 60-498; Filed, Jan. 18, 1960; 8:50 a.m.]

# ATOMIC ENERGY COMMISSION

[Docket No. 50-150]

## OHIO STATE UNIVERSITY

### Notice of Proposed Issuance of Construction Permit

Please take notice that the Atomic Energy Commission proposes to issue to The Ohio State University, Columbus, Ohio, a construction permit substantially as set forth below unless within fifteen days after the filing of this notice with the Office of the Federal Register a request for a formal hearing is filed with the Commission as provided by the Commission's rules of practice (10 CFR Part 2). Such request should be addressed to the Secretary at the AEC's office in Germantown, Maryland, or at the AEC's Public Document Room, 1717 H Street NW., Washington, D.C. For further details see (1) the application submitted by The Ohio State University and amendment thereto, and (2) a hazards analysis prepared by the Hazards Evaluation Branch, Division of Licensing and Regulation, both on file at the AEC's Public Document Room. A copy of item (2) above may be obtained at the AEC's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 13th day of January 1960.

For the Atomic Energy Commission.

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

1. By application dated October 30, 1959, and amendment thereto dated December 9, 1959, (hereinafter together referred to as "the application") The Ohio State University requested a Class 104 license, defined in § 50.21 of Part 50, "Licensing of Production and Utilization Facilities", Title 10 Chapter 1 CFR, authorizing construction and operation at power levels not exceeding 10 kilowatts (thermal) on its campus in Columbus, Ohio, of a pool-type nuclear reactor utilizing highly enriched uranium as fuel (hereinafter referred to as "the reactor").

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

A. The reactor will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter 1 CFR Part 50, "Licensing of Production and Utilization Facilities";

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

C. The Ohio State University is financially qualified to construct and operate the reactor in accordance with the regulations contained in Title 10 Chapter 1 CFR to assume financial responsibility for the payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time;

D. The Ohio State University is technically qualified to design and construct the reactor;

E. The Ohio State University has submitted sufficient information to provide reasonable assurance that a reactor of the general type proposed can be constructed and operated at

the proposed location without undue risk to the health and safety of the public, and that omitted information necessary to complete the application will be supplied; and

F. The issuance of a construction permit to The Ohio State University will not be inimical to the common defense and security or to the health and safety of the public.

3. Pursuant to the Act and Title 10 CFR Chapter 1 Part 50, "Licensing of Production and Utilization Facilities", the Commission hereby issues a construction permit to The Ohio State University to construct the reactor in accordance with the application. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. The earliest completion date of the reactor is February 29, 1960. The latest date for completion of the reactor is June 30, 1960. The term "completion date", as used herein, means the date on which construction of the reactor is completed except for the introduction of the fuel material; and

B. The reactor shall be constructed and located on The Ohio State University's campus in Columbus, Ohio, as specified in the application.

4. This permit is provisional to the extent that a license authorizing operation of the reactor will not be issued by the Commission unless The Ohio State University has submitted to the Commission, by amendment of the application, additional data to complete the hazards analysis of operating the proposed reactor and the Commission has found that the final design provides reasonable assurance that the health and safety of the public will not be endangered by operation of the reactor in accordance with the specified procedures.

5. Upon completion (as defined in paragraph 3.A above) of the construction of the reactor in accordance with the terms and conditions of this permit, upon the filing of the additional information needed to bring the original application up-to-date, and upon finding that the reactor authorized has been constructed and will operate in conformity with the application, as amended, and in conformity with the provisions of the Act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the Act, the Commission will issue a Class 104 license to The Ohio State University pursuant to section 104c of the Act, which license shall expire five years after the date of this construction permit.

For the Atomic Energy Commission.

[F.R. Doc. 60-470; Filed, Jan. 18, 1960; 8:45 a.m.]

[Docket No. 50-153]

## WESTINGHOUSE ELECTRIC CORP.

### Notice of Application for Utilization Facility License

Please take notice that Westinghouse Electric Corporation, Pittsburgh, Pennsylvania, under section 104c of the Atomic Energy Act of 1954, has submitted an application for a license to construct and operate a critical experiments facility for the performance of nuclear experiments relating to the Carolinas Virginia Tube Reactor at the Westing-

house Reactor Evaluation Center located near Waltz Mill, in Westmoreland County, Pennsylvania. A copy of the application is available for public inspection in the AEC Public Document Room, located at 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 13th day of January 1960.

For the Atomic Energy Commission.

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

[F.R. Doc. 60-471; Filed, Jan. 18, 1960; 8:45 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 11088; Order No. E-14825]

### EASTERN AIR LINES, INC.

#### Order of Investigation and Suspension

JANUARY 13, 1960.

In the matter of surcharges proposed by Eastern Air Lines, Inc. for first-class and coach service in jet equipment, Docket No. 11088.

By tariff revisions filed on December 10,<sup>1</sup> and 14,<sup>2</sup> 1959, and marked to become effective on January 15, 1960, Eastern Air Lines, Inc. (Eastern), proposes one-way jet surcharges for travel on DC-8 and B-707 equipment, as follows:

	First class	Coach
Boston-Miami.....	\$10	\$7
Chicago-Miami.....	10	7
Cleveland-Miami.....	10	6
Detroit-Miami.....	10	6
Houston-New York/Newark.....	10	7
Miami-New York/Newark.....	10	6
New Orleans-New York/Newark.....	10	6
New York/Newark-San Juan.....	10	8

While the first-class surcharge proposed between Miami and New York/Newark is somewhat higher than the general pattern of the industry, both it and the proposed coach surcharge between these points are the same as those now in effect for National and Northeast between these points. Between Boston and Miami, Eastern has also proposed the same first-class surcharge, and a slightly higher coach surcharge, than it has proposed between New York/Newark and Miami. In view of the surcharges now in effect between New York and Miami and the geographic relationship of New York and Boston we will not investigate Eastern's proposed New York/Newark-Miami or Boston-Miami surcharges. Similarly, we do not find necessary an investigation of the other coach surcharges proposed by Eastern since these surcharges are substantially within the prevailing industry pattern and do not appear unreasonable or otherwise unlawful.

We find, however, that the first-class surcharges proposed between Chicago-Miami, Detroit-Miami, Houston-New York/Newark, New Orleans-New York/

<sup>1</sup> Issued by Agent C. C. Squire, CAB No. 44.

<sup>2</sup> Eastern Air Lines Local and Joint Fares Tariff, CAB No. 62.

Newark, Cleveland-Miami, and New York/Newark—San Juan may be unlawful. We base this conclusion on the fact that these proposed surcharges relative to the basic fares are substantially higher than surcharges for similar jet services which we have permitted to become effective for other carriers. Thus, Eastern's proposed surcharge of \$10 for first-class service between Chicago and Miami, is higher than Delta's first-class surcharge of \$6. The proposed first-class surcharge of \$10 between Detroit and Miami, between Houston and New York/Newark and between New Orleans and New York/Newark are \$3 to \$4 higher than the first-class surcharges of other carriers serving these markets. Eastern's proposed first-class surcharge between Cleveland and Miami would yield 0.923 cents a mile, an amount higher than the yield per mile under any other jet surcharge now in effect in the industry. Similarly, the yield per mile under the proposed first-class surcharge between New York/Newark and San Juan would be 0.623 cents whereas for similar distances the first-class surcharge yields of other carriers vary from 0.401 cents a mile to 0.500 cents a mile.

Eastern has submitted no justification for these high surcharges, nor can we find, with the data and information available to us, any lawful basis for surcharges as high as these. In view of these facts the Board finds that the first-class surcharge proposed between Chicago-Miami, between Detroit-Miami, Houston-New York/Newark, New Orleans-New York/Newark, Cleveland-Miami, and New York/Newark—San Juan may be unlawful and, as herein-after ordered, should be investigated and suspended.

The Board however, would not suspend surcharges to be added to Eastern's presently effective fares applicable to B-707 and DC-8 service between these points if such surcharges did not exceed the following amounts:

Between	First-class one-way surcharge
Chicago-Miami.....	\$7
Detroit-Miami.....	6
Houston-New York/Newark.....	7
New Orleans-New York/Newark.....	6
Cleveland-Miami.....	6
New York/Newark-San Juan.....	8

These suggested surcharges are regarded as consistent with those now prevailing in the industry.

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 be instituted to determine whether the first-class, one-way, jet charges between Miami, on the one hand, and Chicago, Cleveland, and Detroit, on the other, between Houston and New Orleans, on the one hand, and New York and Newark, on the other, appearing on Original Page 130-C of Agent C. C. Squire's CAB No. 44; the first-class, one-way jet surcharges, via EA (Eastern

Air Lines, Inc.) between Miami, on the one hand, and Chicago, Cleveland, and Detroit, on the other, between Houston and New Orleans, on the one hand, and New York and Newark, on the other, and between New York and Newark, on the one hand, and San Juan, on the other, appearing on Original Page 10-A and Original Page 10-B of Eastern Air Lines, Inc.'s CAB No. 62; are, or will be, unjust or unreasonable, unjustly discriminatory, or unduly preferential, or unduly prejudicial or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful charges.

2. Pending such investigation, hearing, and decision by the Board, the jet charges and jet surcharges described in ordering Paragraph 1, so far as applicable to interstate and overseas air transportation, are suspended and their use deferred to and including, April 13, 1960, unless otherwise ordered by the Board, and no changes whatsoever be made therein during the period of suspension, except by order or special permission of the Board.

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

4. Copies of this order be filed with Agent C. C. Squire's CAB No. 44, and with Eastern Air Lines, Inc.'s, CAB No. 62, and a copy be served upon Eastern Air Lines, Inc., which is hereby made a party to this proceeding. This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL McCART,  
Acting Secretary.

[F.R. Doc. 60-508; Filed, Jan. 18, 1960; 8:51 a.m.]

[Docket No. 11087; Order No. E-14824]

**NORTHERN CONSOLIDATED AIRLINES, INC.**

**Order of Investigation and Suspension**

JANUARY 13, 1960.

In the matter of reduced fares of Northern Consolidated Airlines, Inc., Docket No. 11087.

Northern Consolidated Airlines, Inc. (NCA), by tariff revision to become effective January 18, 1960, proposes to reduce passenger fares between Anchorage and several points within Alaska.<sup>1</sup> The reductions proposed are the Anchorage-Fairbanks fare via McGrath and Lake Minchumina from \$60 to \$30; the Anchorage-Lake Minchumina fare via McGrath from \$45 to \$30; the Anchorage-Clear fare via McGrath and Lake Minchumina from \$50 to \$30; and the Anchorage-Tanana fare direct or via Galena from \$65 to \$50.

With the exception of the proposed Anchorage-Clear fare of \$30, each of the foregoing reductions was proposed by NCA in April of last year to become ef-

fective May 7, 1959. At that time we ordered these proposals, as well as others then proposed by the carrier, to be investigated and their effectiveness suspended.<sup>2</sup> The grounds that we found for investigating and the reasons for suspending the reductions in May 1959 apply equally to the present proposals of NCA, including its proposed Anchorage-Clear fare. There is substantial circuitry in NCA's operation between Anchorage and Fairbanks or Clear as compared to the direct service offered by Alaska Airlines, Inc. On the other hand, NCA proposes the same fare to Clear, Fairbanks, or Lake Minchumina as the present fare to McGrath from Anchorage, although the distance to the former points is much greater; similarly NCA proposes the same fare between Anchorage and Tanana as it charges between Anchorage and Galena, although the distance to Tanana is substantially greater than the distance to Galena.

After consideration of NCA's proposed fares and the complaint of Alaska Airlines, Inc. in Docket 11063, the Board finds that these fares may be unjust and unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful, and has determined to investigate these proposals and to suspend their effectiveness pending such investigation.

The Board finds that its action herein is necessary and appropriate 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 be and hereby is instituted to determine whether the fares and provisions between Anchorage, on the one hand, and Fairbanks and Lake Minchumina, on the other, appearing on 12th Revised Page 4, and the fare and provisions between Anchorage and Clear appearing on 12th Revised Page 10 and between Anchorage and Tanana appearing on 10th Revised Page 10A, of Northern Consolidated Airlines, Inc.'s C.A.B. 9, are or will be unjust and unreasonable, unjustly discriminatory, unduly preferential or prejudicial or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful fares and provisions.

2. Pending investigation, hearing, and decision by the Board, the fares and provisions described in paragraph 1. above be and hereby are suspended and their use deferred to and including April 16, 1960, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension, except by order or special permission of the Board.

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

4. The proceeding assigned Docket 11063 be consolidated with the proceeding ordered herein in Docket 11087, and to the extent the Alaska Airlines, Inc.

<sup>2</sup> Order E-13829 of May 5, 1959. The proceeding ordered therein was dismissed by Order E-14212 of July 13, 1959, following the cancellation of the fares in question by NCA pursuant to special tariff permission.

<sup>1</sup> Northern Consolidated Airlines, Inc., C.A.B. 9, revisions to pages 4, 10, and 10A.

Complaint and Request for Suspension in Docket 11063 is not herein granted, be hereby dismissed.

5. A copy of this order be filed with the aforesaid tariff and copies served upon Alaska Airlines, Inc., and Northern Consolidated Airlines, Inc., which are made parties to this proceeding. This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL McCART,  
Acting Secretary.

[F.R. Doc. 60-509; Filed, Jan. 18, 1960; 8:51 a.m.]

## OFFICE OF CIVIL AND DEFENSE MOBILIZATION

GERHARD D. BLEICKEN

### Appointee's Statement of Business Interests

The following statement lists the names of concerns required by section 710(b)(6) of the Defense Production Act of 1950, as amended.

Vice President and Secretary, John Hancock Mutual Life Insurance Co., Boston, Mass.

Director, Robinson Technical Products, Inc., Teterboro, N.J.

Director, High Vacuum Equipment Corporation, Hingham, Mass.

Director, Kinetics Corporation, Hingham, Mass.

Trustee, B & M Real Estate Trust, Hingham, Mass.

This amends statement published July 23, 1959 (24 F.R. 5926).

Dated: January 9, 1960.

GERHARD D. BLEICKEN.

[F.R. Doc. 60-472; Filed, Jan. 18, 1960; 8:45 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13065 etc.; FCC 60M-93]

### CONSOLIDATED BROADCASTING INDUSTRIES, INC., ET AL.

#### Order Continuing Hearing

In re applications of Consolidated Broadcasting Industries, Inc., Natick, Massachusetts, Docket No. 13065, File No. BP-11677; Charles A. Bell, George J. Helmer III, Wayne H. Lewis and Edward Bleier, d/b as Newton Broadcasting Company, Newton, Massachusetts, Docket No. 13067, File No. BP-12884; Transcript Press, Inc., Dedham, Massachusetts, Docket No. 13068, File No. BP-12901; Berkshire Broadcasting Corporation, Hartford, Connecticut, Docket No. 13069, File No. BP-12917; United Broadcasting Co., Inc., Beverly, Massachusetts, Docket No. 13070, File No. BP-13103; Grossco, Inc., West Hartford, Connecticut, Docket No. 13071, File No. BP-13141; for construction permits.

The Hearing Examiner having under consideration a petition for continuance

filed by Grossco, Inc., on January 11, 1960;

It appearing that counsel for all parties have agreed to the grant of this petition and have consented to its immediate consideration;

It is ordered, This 13th day of January 1960, that the above petition is granted, and the dates designated for various procedural steps herein are postponed as follows:

Date for exchange of exhibits from January 11, 1960, to February 2, 1960.

Hearing date from January 25, 1960, to February 16, 1960.

Released: January 14, 1960.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 60-510; Filed, Jan. 18, 1960; 8:52 a.m.]

[Docket Nos. 13072-13075; FCC-60-22]

### JEFFERSON STANDARD BROADCASTING CO. ET AL.

#### Memorandum Opinion and Order Amending Issues

In re applications of Jefferson Standard Broadcasting Company Greensboro, North Carolina, Docket No. 13072, File No. BPCT-2549; High Point Television Company, High Point, North Carolina, Docket No. 13073, File No. BFCT-2560; Southern Broadcasters, Inc., High Point, North Carolina, Docket No. 13074, File No. BPCT-2579; Hargrove Bowles, Jr., James G. W. MacLamroch, Robert Hamilton Nutt and Ralph C. Price, d/b as TriCities Broadcasting Company, Greensboro, North Carolina, Docket No. 13075, File No. BPCT-2605; for construction permits for television broadcast stations.

1. There are before the Commission (1) motion to enlarge issues, filed August 31, 1959, by High Point Television Company (High Point); (2, 3 and 4) oppositions to Item 1, filed September 14, 1959, by the Commission's Broadcast Bureau; by Jefferson Standard Broadcasting Company (Jefferson); and Hargrove Bowles, Jr., James G. W. MacLamroch, Robert Hamilton Nutt and Ralph C. Price, d/b as TriCities Broadcasting Company (TriCities); (5) High Point's reply to the three oppositions, filed September 21, 1959; (6) Statement in the matter of a correction, filed September 22, 1959, by High Point; and (7) the matters of record in the above-entitled proceeding.

2. By Order released August 11, 1959 (FCC 59-826), the Commission designated for hearing in a consolidated proceeding the applications of Jefferson Standard Broadcasting Company, Hargrove Bowles, Jr., James G. W. MacLamroch, Robert Hamilton Nutt and Ralph C. Price, d/b as TriCities Broadcasting Company, High Point Television Company, and Southern Broadcasters, Inc. Each of the applicants requests a construction permit for a new television broadcast station to operate on Channel 8, assigned to Greensboro-High Point-Winston-Salem, North Carolina.

3. The following issues have been designated for hearing in this proceeding: (1) Whether the applications of Jefferson and TriCities should be dismissed pursuant to the provisions of §§ 1.308 and/or 1.310 of the Commission's rules; (2) whether a grant of TriCities application would be consistent with the provisions of § 3.636(a) (1) of the Commission's rules; (3) whether the antenna system and site proposed by TriCities would constitute a hazard to air navigation; and, (4) the standard comparative issue.

4. High Point requests that the issues be enlarged by adding the following two issues:

(1) To determine in the light of section 307(b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-entitled applications would provide the more fair, equitable and efficient distribution of television service.

(2) To determine whether there would result a concentration of control of television broadcasting stations in a manner inconsistent with the public interest, convenience and necessity if the application of Jefferson Standard Broadcasting Company were to be granted.

5. In support of its view, High Point urges that the record in the rule making proceeding,<sup>1</sup> amending the Table of Assignments to assign Channel 8 to Greensboro-High Point-Winston-Salem, North Carolina, demonstrates that Greensboro and High Point are separate and distinct communities. Hence, it is asserted, the issues should be enlarged to determine whether High Point or Greensboro should be assigned the station. It is High Point's position that the 307(b) issue must be added " \* \* \* even though the entire Greensboro-High Point-Winston-Salem trading area may be found to constitute a single market in the eyes of national advertisers and even though all of the applicants propose a transmission to the entire three-city area." TriCities, on the other hand, alleges that there is sufficient evidence before the Commission to support a holding that as a matter of law, 307(b) considerations are not applicable in this proceeding. It argues that although Greensboro and High Point are separate and distinct cities, they constitute one "integrated community", within the contemplation of 307(b).<sup>2</sup>

6. On the basis of the facts alleged, the Commission does not feel warranted in making a determination either that,

<sup>1</sup> Amendment of § 3.606, Table of Assignments, Television Broadcast Stations (Florence-Charleston, South Carolina; Greensboro-High Point-Winston-Salem North Carolina), 17 FR 1645 (1958). The Commission notes that in that proceeding we stated that " \* \* \* there is little basis to conclude that the purposes of section 307(b) of the Communications Act and the public interest warrant preferring one of these cities over the other \* \* \*"

<sup>2</sup> In support of this view, it is alleged: (1) the cities are both in the same county and the city limits are eight and one-half miles apart; (2) the area is treated as a whole by both national advertisers and sales agencies; (3) the networks all classify these cities as one area for purposes of television; and, (4) all of the applicants propose a service to the High Point-Greensboro area, irrespective of where their main studios may be located.

as High Point urges, Greensboro and High Point are separate communities for purposes of 307(b), or that, as TriCities urges, 307(b) is not applicable. The Commission concludes that under these circumstances an issue such as the one added in St. Louis Telecasting, Inc., 10 RR 1000 (1954) should be included in the instant proceeding. This issue will permit a determination as to whether 307(b) is applicable, and, if so, whether a choice can reasonably be made thereon.

7. As noted above, High Point in this motion seeks an additional issue.<sup>3</sup> As a result of our determination to enlarge the issues to include an issue similar to the one High Point proposes, in the companion Memorandum Opinion and Order in this docket (FCC 60- ), adopted the same date as the instant Memorandum Opinion and Order, we shall dismiss this part of its motion as moot.

8. Accordingly, it is ordered, This 13th day of January 1960, that the motion of High Point Television Company is denied to the extent indicated herein and is otherwise dismissed as moot; the issues in this proceeding are amended to renumber Issue 6 as Issue 7; and, on the Commission's own motion, the following Issue 6 is added: "To determine whether considerations with respect to section 307(b) of the Communications Act of 1934, as amended, are applicable, and, if so, whether a choice between the applications herein can be reasonably based thereon and, if so, whether a grant to one or the other of the applicants would provide the more fair, efficient and equitable distribution of television service to the communities involved."

Released: January 14, 1960.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 60-511; Filed, Jan. 18, 1960;  
8:52 a.m.]

[Docket Nos. 13072-13075; FCC 60-24]

**JEFFERSON STANDARD BROADCASTING CO. ET AL.**

**Memorandum Opinion and Order  
Amending Issues**

In re applications of Jefferson Standard Broadcasting Company, Greensboro, North Carolina, Docket No. 13072, File No. BPCT-2549; High Point Television Company, High Point, North Carolina, Docket No. 13073, File No. BPCT-2560; Southern Broadcasters, Inc., High Point, North Carolina, Docket No. 13074, File No. BPCT-2579; Hargrove Bowles, Jr., James G. W. MacLamroch, Robert Hamilton Nutt, and Ralph C. Price, d/b as TriCities Broadcasting Company, Greensboro, North Carolina, Docket No. 13075, File No. BPCT-2605; for construction permits.

1. There is before the Commission TriCities Broadcasting Company's (TriCities) alternative petition to dismiss the application of Southern Broadcast-

ers, Inc. (Southern), or to enlarge the hearing issues, filed August 31, 1959; opposition filed by Southern on September 11, 1959; reply filed by Broadcast Bureau on September 14, 1959; Southern's response to Bureau's reply filed September 17, 1959; TriCities' reply to opposition filed September 21, 1959; Southern's motion for leave to file a response to the reply of TriCities, filed September 28, 1959, and the various pleadings addressed to said motion.

2. TriCities alleges that the Order released August 11, 1959 (FCC 59-826) designating the applications for hearing, was erroneous in that the application of Southern Broadcasters, Inc., should have been dismissed for being incomplete, and that said Order was not proper in finding that Southern Broadcasters, Inc., was "legally, financially and technically qualified." In support of its allegations TriCities states: (a) That Southern will have a deficit of \$60,000 after 12 months of operation; (b) that it is questionable whether a \$600,000 loan which Southern proposed to obtain from a bank will in fact be available to it; and (c) that Southern's application is deficient in that the only information it provides as to its studio is that it is "to be leased."

3. Southern, in opposing the petition, alleges that its application shows that it will have \$1,097,210 in capital available to it and that the construction costs will total \$441,358.82, thus leaving an excess of \$550,000 with which to meet operating costs. Since the application further shows that the estimated cost of operating for the first year would be \$1,100,000, there will be sufficient funds to cover the prorated expenses for a reasonable period of time. Southern avers that to meet the Commission's financial requirement, applicant must show that it is able to construct the station and operate the same for a reasonable period of time without the benefit of any revenue.

4. In answer to TriCities claim that no arrangements have been made for securing the loan from the Wachovia Bank or that the individual stockholders could or would act in such capacity, Southern points to the Wachovia Bank letter on file evidencing its willingness to extend the loan for \$600,000 to the applicant and setting forth the terms of repayment and the rate of interest to be paid.

5. TriCities states that the site specified by Southern for its studio is a vacant lot and therefore under the circumstances the term "to be leased" in the application is insufficient in the absence of evidence to show who will construct the studio and the financial ability of lessor and the terms of lease.

6. In its opposition Southern disagrees with TriCities contention that any more need be shown than that the property is to be leased and that the cost of leasing is included in the "cost of operation"; but to forestall further argument and to avoid delay it attaches to its opposition a letter from "Earl Slick, Slick Enterprises", advising that he "Shall be glad" to purchase the property on which Southern holds an \$8,000 option and build the main studio which

according to a contractor's estimate should cost \$339,812, making a total investment of \$347,852, and that for such purpose he commits himself to making a total investment not to exceed \$375,000, and agrees to lease the property to applicant for a 15-year period with an annual rental of \$40,500. Southern also attaches to its opposition an affidavit by Mr. Earl F. Slick, dated April 27, 1959, showing his net worth to be in excess of \$3,000,000 and liquid assets to exceed liabilities by \$1,000,000.

7. TriCities in reply points out that it did not have ample opportunity to investigate and challenge the information contained in the opposition, and that had this information been set forth in the application petitioner would have had time to determine the financial status of Mr. Slick and "Slick Enterprises" (which was the signature used in the signing of the letter evidencing the willingness to construct and lease). In the short time allowed it before its reply had to be filed, TriCities states, it was able to ascertain that Slick Airways, Incorporated, which it believes to be the substantial source of Mr. Slick's assets, is in fact in sad financial straits. TriCities claims that by withholding this information, Southern prevented its opponents from checking on its resources.

8. The Commission's Broadcast Bureau agrees that this new information with respect to the Building and leasing of the Studio, without clear explanation in the Southern application, substantially rekindles the question of financial ability and warrants opening the proceeding for the taking of evidence on that point.

9. TriCities has not alleged sufficient facts to warrant enlarging the issues with regard to Southern's financial qualifications. The showing made by Southern as to the availability of the bank loan is adequate and sufficient funds will be available to enable Southern to operate for a reasonable period of time. However, the Commission does feel that the uncertainty surrounding the lease of Southern's main studio and the financial ability of Mr. Earl F. Slick or Slick Enterprises to construct it, is sufficient to warrant the enlarging of the issues in the manner stated below.

10. The Commission after considering the motion for leave to File Response to Reply and the pleadings addressed to the motion, finds that there is nothing contained therein to warrant a waiver of the rules and the same is therefore denied.

Accordingly, it is ordered, This 13th day of January 1960, that the petition of TriCities Broadcasting Company, filed August 31, 1959, is granted to the extent indicated herein and in all other respects is denied; and that the following issue is added: "To determine whether the main studio proposed by Southern Broadcasters, Inc., will be available."

Released: January 14, 1960.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 60-512; Filed, Jan. 18, 1960;  
8:52 a.m.]

<sup>3</sup> See paragraph 4, supra.

[Docket Nos. 13298, 13299; FCC 60M-94]

**WILLIAM P. LEDBETTER AND  
E. O. SMITH**

**Order Following Prehearing  
Conference**

In re applications of William P. Ledbetter, Tolleson, Arizona, Docket No. 13298, File No. BP-11951; E. O. Smith, Tolleson, Arizona, Docket No. 13299, File No. BP-13137; for construction permits.

A prehearing conference in the above proceeding having been held on January 12, 1960, and it appearing that certain agreements and understandings, of a procedural nature, made therein among counsel and approved by the Hearing Examiner should be formalized in an order and govern the conduct of the hearing;

*It is ordered*, This 13th day of January 1960, as follows:

(1) The parties will endeavor to reach agreement on the basic facts in regard to engineering (issue 1), but failing to do so, the affirmative engineering presentations will be in written exhibit form, complete drafts of these exhibits will be exchanged among the parties by February 26, 1960, and these exhibits in final form will be exchanged among the parties (with copies thereof to be furnished to the Hearing Examiner) by March 21, 1960;

(2) In the event that an engineering stipulation is reached (which contemplates agreement that there is no significant difference between the proposals on proposed coverage) a joint engineering exhibit setting forth the basic facts on which this proposed agreement is to be predicated, will be prepared and exchanged among the parties (with a copy thereof to the Hearing Examiner) by March 21, 1960;

(3) To the extent that the parties may decide to make any part of their non-engineering direct presentations in writing, these exhibits will be prepared in affidavit form by a person or persons having knowledge of the facts and exchanged among all parties (with copies to the Hearing Examiner) by March 21, 1960;

(4) On or before March 25, 1960, each counsel will notify the others orally concerning the witnesses whose presence is desired for cross-examination;

(5) Each party is free to determine for himself the extent to which the respective presentations of non-engineering evidence will be oral or in written form;

(6) On specific representation by counsel on the record that other commitments make it impossible or impracticable for them to proceed on the presently scheduled date for commencement of the hearing (February 25, 1960) the date for commencement of the hearing is to be postponed, in accordance with the agreement of all the parties, to April 4, 1960, with the further understanding that the parties will do everything possible to proceed expeditiously on that date so that the direct presentations may then be completed without interruption;

(7) Any depositions which may be taken in support of the direct presenta-

tions are to be obtained sufficiently prior to the rescheduled date for commencement of the hearing so as to be available for introduction into evidence when the hearing commences;

(8) The Commission's Hearing Manual for Comparative Broadcast Proceedings is to be followed closely in the preparation and presentation of evidence, with particular reference, though not exclusively, to the sections thereof which deal with programming evidence;

(9) Between now and the rescheduled date for commencement of the hearing the parties are to work towards the attainment of such other and further agreements, in regard to the elimination of unessentials, as will conduce to the orderly and expeditious progress of the hearing;

(10) The transcript of the prehearing conference is incorporated by reference herein in its entirety, and to the extent that it may reflect understandings or agreement on matters not mentioned explicitly herein, it as well as this order shall be deemed to govern the conduct of the hearing.

*It is further ordered*, That the hearing heretofore scheduled to commence on February 25, 1960, is hereby continued to April 4, 1960, at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: January 14, 1960.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 60-513; Filed, Jan. 18, 1960;  
8:52 a.m.]

[Docket Nos. 12586-12589; FCC 60M-94]

**M.V.W. RADIO CORP. ET AL.**

**Order Continuing Hearing**

In re applications of M.V.W. Radio Corporation, San Fernando, California, Docket No. 12586, File No. BP-10888; KGB, Incorporated (KGB), San Diego, California, Docket No. 12587, File No. BP-11103; Robert S. Marshall, Newhall, California, Docket No. 12588, File No. BP-11705; William H. Wilson and Shirley Ann Wilson, d/b as Wilson Broadcasting Company, Oxnard, California, Docket No. 12589, File No. BP-11911; for construction permits.

The Hearing Examiner having before him a Motion for Additional Time filed by M.V.W. Radio Corporation on January 7, 1960, in the above-entitled proceeding; and

It appearing that M.V.W. has engaged new engineering counsel who has indicated that 30 days additional time will be needed to complete engineering studies; and

It further appearing that all other parties to this proceeding have no objection to grant of the additional time requested;

*It is ordered*, This 13th day of January 1960, that the above-described Motion for Additional Time is granted; and additional time in the calendar of future events is granted as follows:

Exchange of direct case extended from January 15, 1960, to February 17, 1960;

Informal engineering conference extended from January 29, 1960, to March 2, 1960;

Submission of corrections and supplemental information (direct cases frozen as of this date) extended from February 29, 1960, to March 30, 1960;

Further pre-hearing conference extended from March 14, 1960, to April 13, 1960;

Hearing extended from April 1, 1960, to April 27, 1960.

Released: January 14, 1960.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 60-514; Filed, Jan. 18, 1960;  
8:52 a.m.]

[Docket No. 13355]

**JOHN A. AND EDWIN R. SAARINEN**

**Order To Show Cause**

In the matter of John A. and Edwin R. Saarinen, 5104 Harbor Drive, San Diego 6, California, Docket No. 13355; order to show cause why there should not be revoked the license for Radio Station WA 5478, aboard the vessel "Hermes II".

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that pursuant to § 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows:

Official Notice of Violation dated September 25, 1959, alleging that on August 27, 1959, the subject radio station was observed in violation of Commission rules as follows:

Section 8.178—Transmitting superfluous or unnecessary communications.

Section 8.366(b)(2)—Transmitting on the frequency 2638 kc without first establishing contact on 2182 kc.

It further appearing that the above-named licensee received said Official notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated October 26, 1959, and sent by Certified Mail, Return Receipt Requested (No. 878810), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that his failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the licensee's agent,

June Mitchell, on October 27, 1959, to a Post Office Department return receipt; and

It further appearing that although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing that in view of the foregoing, the licensee has willfully violated § 1.61 of the Commission's rules;

*It is ordered*, This 12th day of January 1960, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and § 0.291(b) (8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned radio station should not be revoked and appear and give evidence in respect thereto at a hearing<sup>1</sup> to be held at a time and place to be specified by subsequent order; and

*It is further ordered*, That the Secretary send a copy of this Order by Certified Mail, Return Receipt Requested, to the said licensee.

Released: January 14, 1960.

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

[F.R. Doc. 60-515; Filed, Jan. 18, 1960;  
8:52 a.m.]

[Docket No. 13353]

JOHN VELLA

#### Order To Show Cause

In the matter of John Vella, 2042 Stockton Street, San Francisco, California, Docket No. 13353; order to show cause why there should not be revoked the license for Radio Station WD-6772 aboard the vessel "Kathrine M".

<sup>1</sup>Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that pursuant to § 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows:

Official Notice of Violation dated July 30, 1959, alleging that on June 25, 1959, the subject radio station was observed in violation of Commission rules as follows:

Section 8.366(a) (1)—Transmitting a general call to all stations within range for purposes other than distress, urgency or safety.

Section 8.366(b) (2)—Transmitting on the frequency 2638 kc without first establishing contact on 2182 kc.

It further appearing that the above-named licensee received said Official notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated August 31, 1959, and delivered in person to the licensee's agent Mrs. Mary Vella, brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that his failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the licensee's agent, Mrs. Mary Vella, on October 28, 1959, on a Federal Communications Commission receipt form; and

It further appearing that although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing that in view of the foregoing, the licensee has willfully violated § 1.61 of the Commission's rules;

*It is ordered*, This 12th day of January, 1960, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b) (8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked and appear and give evidence in respect thereto at a hearing<sup>1</sup> to be held at a time and place to be specified by subsequent order; and

*It is further ordered*, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee.

Released: January 14, 1960.

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

[F.R. Doc. 60-516; Filed, Jan. 18, 1960;  
8:53 a.m.]

## U.S. STUDY COMMISSION, SOUTH-EAST RIVER BASINS

### STATEMENT OF ORGANIZATION AND FUNCTIONS

NOTE: In the first sentence of the paragraph *Organization and authority* of F.R. Doc. 59-10389, appearing at page 9957 of the issue for Wednesday, December 9, 1959, the word "Interior" was inadvertently omitted from the list of Federal agencies and should follow the word "Agriculture";

## SECURITIES AND EXCHANGE COMMISSION

[File No. 24D-1510]

ARTIMINAS, INC.

### Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JANUARY 12, 1960.

I. Artiminas, Inc., (issuer), a Nevada corporation, P.O. Box 1025, Silver City, New Mexico, filed with the Commission on November 19, 1954 a notification and offering circular and subsequently filed amendments thereto relating to a proposed public offering of 3,300 shares of its 25 cents par value common stock and 3,300 shares of its 75 cents par value preferred stock in units consisting of one share of common stock and one share of preferred stock at \$4.00 per unit for an aggregate of \$13,200 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder; and

II. The Commission has reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that the issuer has failed to file a report on Form 2-A as required by Rule 224 of Regulation A, despite requests of the Commission's staff for such filing.

III. *It is ordered*, Pursuant to Rule 223(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that within 20 days after receipt of such request, the Commission will, or any time upon its own motion, may set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for

said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 60-476; Filed, Jan. 18, 1960;  
8:46 a.m.]

[File No. 1-384]

**A. M. BYERS CO.**

**Notice of Application To Strike From Listing and Registration, and of Opportunity for Hearing**

JANUARY 13, 1960.

In the matter of A. M. Byers Company, 7 percent Preferred Stock, File No. 1-384.

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

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

As of November 5, 1959, there were only 241 holders of 4,792 outstanding preferred shares.

Upon receipt of a request, on or before January 29, 1960, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 60-477; Filed, Jan. 18, 1960;  
8:46 a.m.]

[File No. 1-1520]

**GENERAL TIRE AND RUBBER CO.**

**Notice of Application To Strike From Listing and Registration, and of Opportunity for Hearing**

JANUARY 13, 1960.

In the matter of the General Tire & Rubber Company, 4½ percent Preference Stock, 4¼ percent Preferred Stock, File No. 1-1520.

New York Stock Exchange has made application, pursuant to section 12(d)

of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

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

As of October 27, 1959, there were only 60 holders of 2,613 outstanding shares of 4½ percent preference stock, and only 130 holders of 4,195 outstanding shares of 4¼ percent preferred stock.

Upon receipt of a request, on or before January 29, 1960, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 60-478; Filed, Jan. 18, 1960;  
8:46 a.m.]

[File No. 24D-2010]

**PARK ENTERPRISES, INC.**

**Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing**

JANUARY 13, 1960.

I. Park Enterprises, Inc. (issuer), a South Dakota corporation, Aberdeen, South Dakota, filed with the Commission on January 17, 1956, a notification and offering circular relating to a proposed public offering of 7,500 shares of no par, Class B common stock at \$10.00 per share for an aggregate of \$75,000 for the purpose of obtaining an exemption from registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that the issuer has failed to file reports of sales on Form 2-A.

III. *It is ordered*, Pursuant to Rule 223(a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A, be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that within 20 days after receipt of such request, the Commission will, or any time upon its own motion, may set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given, by the Commission.

By the Commission.

ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 60-479; Filed, Jan. 18, 1960;  
8:46 a.m.]

**INTERSTATE COMMERCE  
COMMISSION**

[No. 33303]

**PETITION OF NORTHERN PACIFIC  
RAILWAY CO. FOR A DECLARATORY  
ORDER**

**Direction of Modified Procedure**

By the petition dated December 8, 1959 (filed December 10, 1959), the Northern Pacific Railway Company requests the issuance of a declaratory order pursuant to sec. 5(d) of the Administrative Procedure Act, to determine the applicable tariff governing the shipments of millet and sunflower seed from Oakes, North Dakota to points in New York and Connecticut; and that suit has been filed in the U.S. District Court for the District of North Dakota, Southeastern Division, which suit has been stayed pending administrative determination by the Commission of the issues to be presented by said petition:

*It is ordered*, That the said petition be, and it is hereby, docketed with the number and title set forth above.

*It is further ordered*, That this proceeding be handled under modified procedure; that petitioner and any interested person subsequently permitted to intervene herein comply with Rules 1.45 to 1.54, inclusive, of the Commission's general rules of practice, the filing and service of pleadings to be as follows: (a) Not later than February 8, 1960, opening statement of facts and argument by any party supporting an affirmative answer to the legal question above stated; (b) 30 days thereafter statement of facts and argument by any party supporting a negative answer to the said legal question, or taking a neutral position with respect thereto; and (c) 10 days thereafter reply by party described in (a).

*It is further ordered*, That any pleadings filed responsive to this order shall be served upon all parties subsequently permitted to intervene herein, and also upon—

Mr. H. B. Krengel, 1018 Northern Pacific Building, St. Paul 1, Minn.

from whom a copy of the said petition may be obtained.

*It is further ordered.* That the above-entitled matter be, and it is hereby, referred to Examiner L. H. Dishman for appropriate proceedings, and for the recommendation of an appropriate order thereon accompanied by the reasons therefor.

*And it is further ordered.* That a copy of this order be filed with the Director, Division of the Federal Register.

Dated at Washington, D.C., this 6th day of January A.D. 1960.

By the Commission, Chairman Winchell.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 60-486; Filed, Jan. 18, 1960;  
8:47 a.m.]

#### FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 14, 1960.

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. 35956: *Commodity rates east of the Rocky Mountains.* Filed jointly by O. E. Schultz (TEA-ER No. 2523), T. H. Maguire, R. E. Boyle, Jr. (SFA No. A-3887), and R. G. Raasch (IFA No. 86), Agents, for interested rail carriers. Rates on various commodities, in carloads between points in the United States east of the Rocky Mountains.

Grounds for relief: Operation through higher-rated territories.

FSA No. 35957: *Liquefied petroleum gas to Colorado and Wyoming points.* Filed by Southwestern Freight Bureau, Agent (No. B-7716), for interested rail carriers. Rates on liquefied petroleum gas, in tank-car loads from points in Arkansas, Kansas, Louisiana, Missouri, New Mexico, and Texas to points in Colorado and Wyoming.

Tariff: Supplement 138 to Southwestern Freight Bureau tariff I.C.C. 4066.

FSA No. 35958: *Anhydrous ammonia from Canada to Western Trunk Line territory.* Filed by Western Trunk Line Committee, Agent (No. A-2106), for interested rail carriers. Rates on anhydrous ammonia, in tank-car loads from Calgary, Fort Saskatchewan, and Medicine Hat, Alberta, Canada to points in western trunk line territory.

Grounds for relief: Modified short-line distance formula, grouping and operation through higher-rated territory.

Tariffs: Canadian National Railways tariff I.C.C. W-716, Canadian Pacific Railway Company's tariff I.C.C. W-1071.

By the Commission.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 60-483; Filed, Jan. 18, 1960;  
8:47 a.m.]

#### MOTOR CARRIER TRANSFER PROCEEDINGS

[Notice 249]

JANUARY 14, 1960.

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 62561. By order of January 12, 1960, the Transfer Board approved the transfer to Continental Transfer & Storage Co., Inc., Dallas, Tex., of that portion of the operating rights in Certificate No. MC 57986 Sub 1, issued September 12, 1958, to Myrtle E. Carpenter and Roy T. Carpenter, a Partnership, doing business as Ted Carpenter & Son, Fort Collins, Colo., authorizing the transportation, over irregular routes, of household goods, between Lyons, Colo., on the one hand, and, on the other, points in Iowa, Kansas, Minnesota, Missouri, Nebraska, New Mexico, and Wyoming. John W. Carlisle, 4608 South Main Street, Houston 2, Tex.

No. MC-FC 62562. By order of January 12, 1960, the Transfer Board approved the transfer to Continental Transfer & Storage Co., Inc., Dallas, Tex., of the operating rights in Certificate No. MC 53693, issued March 30, 1956, to Hawkes Transfer & Storage Co., Inc., authorizing the transportation, over irregular routes, of household goods, between points in Idaho, on the one hand, and, on the other, points in Montana and Washington. John W. Carlisle, 4608 South Main Street, Houston 2, Tex.

No. MC-FC 62643. By order of January 12, 1960, the Transfer Board approved the transfer to J. J. Casey & Son, Inc., Watertown, Massachusetts, of a Certificate in No. MC 65668 issued March 5, 1956, to John F. Curtin, Somerville, Massachusetts, authorizing the transportation over irregular routes of kitchen fixtures, from Boston, Mass., to points in New Hampshire, Rhode Island, and Connecticut, and household goods, as defined by the Commission, between Boston, Massachusetts, on the one hand, and, on the other, points in New Hampshire, Rhode Island, and Connecticut. Francis E. Barrett, 7 Water Street, Boston 9, Mass.

No. MC-FC 62688. By order of January 12, 1960, the Transfer Board approved the transfer to James E. Hall & Son, Inc., Yonkers, N.Y.; of Certificates in Nos. MC 46857 and MC 46857 Sub 1, issued November 12, 1940 and April 29, 1947, respectively, to James E. Hall, doing business as Hall's Moving Co., Yonkers, N.Y.; authorizing the trans-

portation of: Household goods, between specified points in New York, on the one hand, and, on the other, points in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and the District of Columbia. David Brodsky, 1776 Broadway, New York 19, N.Y.; for applicants.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 60-484; Filed, Jan. 18, 1960;  
8:47 a.m.]

[Taylor's I.C.C. Order 111; Rev. S.O. 562;  
Amdt. 1]

#### DETROIT AND TOLEDO SHORE LINE RAILROAD CO.

##### Diversion or Rerouting of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 111 (The Detroit and Toledo Shore Line Railroad Company and its connections) and good cause appearing therefor:

*It is ordered.* That: Taylor's I.C.C. Order No. 111 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., January 25, 1960, unless otherwise modified, changed, suspended or annulled.

*It is further ordered.* That this amendment shall become effective at 11:59 p.m., January 15, 1960, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 12, 1960.

INTERSTATE COMMERCE  
COMMISSION,  
CHARLES W. TAYLOR,  
Agent.

[F.R. Doc. 60-487; Filed, Jan. 18, 1960;  
8:47 a.m.]

[No. 33303 Sub No. 1]

#### GREAT NORTHERN RAILWAY CO.

##### Petition for a Declaratory Order

In the matter of directing modified procedure; Present: John H. Winchell, Chairman, to whom the above-entitled matter has been assigned for action thereon.

By petition dated December 15, 1959 (filed December 16, 1959), the Great Northern Railway Company requests the issuance of a declaratory order pursuant to section 5(d) of the Administrative Procedure Act, to determine the applicable tariff governing the shipment of millet seed from Fargo, North Dakota



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