



# FEDERAL REGISTER

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### CFR SUPPLEMENTS

(As of January 1, 1960)

The following Supplements are now available:

Title 33.....	\$1.75
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Previously announced: Title 3 (\$0.60); Titles 4-5 (\$1.00); Title 7, Parts 1-50 (\$0.45); Parts 51-52 (\$0.45); Parts 53-209 (\$0.40); Title 8 (\$0.40); Title 9 (\$0.35); Titles 10-13 (\$0.50); Title 18 (\$0.55); Title 20 (\$1.25); Titles 22-23 (\$0.45); Title 25 (\$0.45); Title 26 (1939), Parts 1-79 (\$0.40); Parts 80-169 (\$0.35); Parts 170-182 (\$0.35); Parts 300 to End (\$0.40); Title 26, Part 1 (§§ 1.01-1.499) (\$1.75); Parts 1 (§ 1.500 to End)-19 (\$2.25); Parts 20-169 (\$1.75); Parts 170-221 (\$2.25); Part 300 to End (\$1.25); Titles 28-29 (\$1.75); Titles 30-31 (\$0.50); Title 32, Parts 700-799 (\$1.00); Parts 800-999, Revised (\$3.75); Part 1100 to End (\$0.60); Title 36, Revised (\$3.00); Title 38 (\$1.00); Title 46, Parts 146-149, Revised (\$6.00); Part 150 to End (\$0.65); Title 49, Parts 1-70 (\$1.75); Parts 91-164 (\$0.45); Part 165 to End (\$1.00).

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# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

#### PART 36—POSITION CLASSIFICATION

Effective June 11, 1960, the present Part 36 is replaced by a new Part 36, which reads as follows:

##### Subpart A—General Provisions

Sec.

36.101 Definitions.

##### Subpart B—Effective Dates of Position Classification Actions or Decisions

36.201 Effective dates generally.

36.202 Retroactive effective date.

##### Subpart C—Appeals to the U.S. Civil Service Commission Under the Classification Act of 1949, as Amended

###### APPLICABILITY OF REGULATIONS

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###### COMMISSION ACTION—APPELLATE REVIEW

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**AUTHORITY:** §§ 36.101 through 36.313 issued under authority of section 1101, 63 Stat. 971, as amended, 5 U.S.C. 1072. Other statutory provisions interpreted or applied are cited to text in parentheses.

##### Subpart A—General Provisions

###### § 36.101 Definitions.

As used in this part, the term:

(a) "Act" means the Classification Act of 1949, as amended.

(b) "Coverage" means the inclusion of a position under or the exclusion of a position from the Act.

(c) "Classification" means the analysis and identification of a position and placing it in a class under the position-classification plan established by the Commission under the Act.

(d) "Position" means the work, consisting of the duties and responsibilities, assigned by competent authority for performance by an officer or employee.

(e) "Grade" means all classes of positions which (although different with respect to kind or subject-matter of work) are sufficiently equivalent as to (1) level of difficulty and responsibility, and (2) level of qualification requirements of the work, to warrant the inclu-

sion of such classes of positions within one range of rates of basic compensation.

(f) "Class" means all positions which are sufficiently similar, as to (1) kind or subject-matter of work, (2) level of difficulty and responsibility, and (3) the qualification requirements of the work, to warrant similar treatment in personnel and pay administration.

(g) "Commission" means the U.S. Civil Service Commission.

(h) "Department" includes:

(1) The Executive departments;

(2) The independent establishments and agencies in the executive branch, including corporations wholly owned by the United States;

(3) The Administrative Office of the United States Courts;

(4) The Library of Congress;

(5) The Botanic Garden;

(6) The Government Printing Office;

(7) The General Accounting Office;

(8) The Office of the Architect of the Capitol except as indicated in § 36.303; and

(9) The municipal government of the District of Columbia.

##### Subpart B—Effective Dates of Position Classification Actions or Decisions

###### § 36.201 Effective dates generally.

(a) *Department's classification action.* The effective date of a classification action taken by a department will be the date the action is approved in the department or a subsequent date specifically stated.

(b) *Commission's classification decision.* All classification decisions made by means of a certificate issued by the Commission shall take effect not earlier than the date of receipt of the certificate in the department and not later than the beginning of the fourth pay period following the receipt of the certificate in the Department, unless a subsequent date is specifically stated in the certificate. The filing of an appeal against such action shall not delay its effective date.

(c) *Department's or Commission's classification decision on appeal.* The effective date of a change in the classification of a position resulting from an appeal to either a department or the Commission will not be earlier than the date of decision on the appeal and not later than the beginning of the fourth pay period following the date of decision, unless a subsequent date is specifically stated in the decision by the department or the Commission.

###### § 36.202 Retroactive effective date.

(a) *Downgrading or loss of compensation.* The effective date of a classification action resulting from an appeal decision reversing in whole or in part either a downgrading or other classification action that resulted in a reduction of compensation shall be made retroactive to the date of adverse action when the

initial appeal to either the department or the Commission was submitted within thirty calendar days after receipt of written notice of adverse action. However, when the appeal decision raises the grade of the position above its grade immediately preceding the downgrading, retroactivity will apply only to the extent of restoration to the grade immediately preceding the downgrading. The right to a retroactive effective date provided by this section will be preserved upon subsequent appeal from a department classification decision to the Commission provided such appeal is filed not later than thirty calendar days following receipt of written notification of final administrative decision or thirty calendar days after effective date of the classification action whichever is later.

(b) *Grade change based on new duties and responsibilities.* Retroactivity may be based only on duties and responsibilities existing at the time of downgrading or loss of compensation and not on the basis of duties and responsibilities later assigned.

(c) *Retroactivity when time limits are extended.* The right to a retroactive effective date provided by this section will be preserved, in the discretion of the Commission, upon a showing by the employee that he was not notified of the applicable time limit and was not otherwise aware of the limit or that circumstances beyond his control prevented him from filing an appeal within the prescribed time limit.

##### Subpart C—Appeals to the U.S. Civil Service Commission Under the Classification Act of 1949, as Amended

###### APPLICABILITY OF REGULATIONS

###### § 36.301 Applicability of regulations.

The regulations in this subpart apply to appeals from an employee or a department for the Commission to review the classification of a position subject to the Act, or for the Commission to determine whether a position is subject to the Act.

###### NOTICE TO EMPLOYEE

###### § 36.302 Notification of classification decision.

The incumbent of a position, which is the subject of a classification decision, who suffers a loss of grade or compensation which is based in whole or in part on that decision, shall be notified by his department promptly in writing of the classification decision. In addition, in the same notification he shall be advised of his right to appeal the classification decision either to his department or to the Commission as provided in this subpart. He must also be advised in the same notification that to preserve any retroactive benefits under § 36.202, in the event of an appeal to the Commission the appeal must be submitted not later

than thirty calendar days following receipt of written notification of final administrative decision or of the effective date of the classification action, whichever is later.

### § 36.303 Right of appeal.

(a) *Employee appeal.* An employee, or his representative designated in writing, may appeal and request a Commission decision as to:

(1) The appropriate class or grade of his position.

(2) The inclusion under or exclusion from the Act of his position by his department or the Commission, except in the case of the incumbent of a position in the Office of the Architect of the Capitol.

(b) *Department appeal.* The head of a department or his authorized representative may appeal any classification decision made by the Commission with respect to any position in the department.

### § 36.304 Time limit.

A classification appeal may be submitted at any time. However, the time limits of § 36.202 must be met in order to receive the benefits of that section.

### § 36.305 Filing appeal.

(a) *Employee.* An employee may file an appeal with the Commission directly or through his department.

(b) *Submission of employee appeal to the Commission.* Within 30 calendar days of receipt a department must submit an employee appeal filed through it to the Commission:

(1) When the employee has directed his appeal to the Commission through his department, and the department does not act favorably on it, or

(2) When the department is not authorized to act on the employee appeal, or

(3) When the department chooses to refer the appeal without action to the Commission.

### § 36.306 Contents of appeal.

(a) *Employee appeal.* An employee's appeal must be in writing and should contain the reasons why he believes his position is erroneously classified, or should be brought under or excluded from the Act. The department, when forwarding the appeal of an employee or when requested by the Commission, must furnish the Commission with all relevant facts concerning the position and the department's justification for its decision. It should also comment on the information submitted by the appellant.

(b) *Inspection of appeal file.* The employee and the department will be permitted to inspect the appeal file upon request.

(c) *Department appeal.* A department's appeal must be in writing, and must contain its reasons and justification for requesting a review of the Commission's decision.

### § 36.307 Cancellation of employee appeal.

An employee appeal will be cancelled and the employee so notified in the following circumstances:

(a) Upon receipt of the appellant's written request.

(b) Upon failure to prosecute, when the appellant does not furnish requested information and duly proceed with the advancement of his appeal. In lieu of cancellation for failure to prosecute, an appeal may be adjudicated if the information is sufficient for that purpose. A cancelled appeal will not be reopened except in the discretion of the Commission upon a showing that circumstances beyond the control of the appellant prevented him from prosecuting the appeal.

(c) Upon notice that the appellant has left the position, except where he would be entitled to the retroactive benefits of § 36.202 including an appeal pending at the death of an appellant.

#### COMMISSION ACTION ON INITIAL APPEAL

### § 36.308 Ascertainment of facts.

The employee and the department must furnish such facts as may be requested by the Commission. Such facts shall be in writing when so requested. Investigation or audit will be made in the discretion of the Commission.

### § 36.309 Notification of appeal decision.

The Commission will notify the appellant in writing of its decision.

### § 36.310 Finality of decision.

A decision made by the Bureau of Inspections and Classification Audits is final. There is no further right to appeal.

### § 36.311 Decision mandatory.

Unless further appeal from a regional office decision is filed in accordance with this subpart, the Commission's decision on appeal shall constitute a certificate which is mandatory and binding on all administrative, certifying, payroll, disbursing, and accounting officers of the Government.

#### COMMISSION ACTION—APPELLATE REVIEW

### § 36.312 Further appeal.

(a) *Where filed.* An appeal decision made by a Commission regional office may be appealed to the Bureau of Inspections and Classification Audits, U.S. Civil Service Commission, Washington 25, D.C.

(b) *Time for filing.* An appeal under paragraph (a) of this section must be filed within seven calendar days following receipt of the regional office decision. This time limit may be extended in the discretion of the Bureau of Inspections and Classification Audits upon a showing that circumstances beyond the control of the employee or the department prevented the filing of a further appeal within the prescribed seven calendar days.

(c) *Form and content.* An appeal under paragraph (a) of this section shall be in writing and shall contain the reasons for disagreeing with the decision on the initial appeal.

(d) *Finality of decision.* A decision upon review by the Bureau of Inspections and Classification Audits is final. There is no further right to appeal. The appeal decision shall constitute a certificate which is mandatory and binding on all

administrative, certifying, payroll, disbursing, and accounting officers of the Government.

### § 36.313 The Commissioners.

The Commissioners may, in their discretion, reopen and reconsider any previous decision.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,  
Executive Assistant.

[F.R. Doc. 60-3713; Filed, Apr. 22, 1960; 8:48 a.m.]

## Title 6—AGRICULTURAL CREDIT

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

#### SUBCHAPTER C—EXPORT PROGRAM REGULATIONS

[Announcement CN-EX-10]

### PART 482—COTTON PRODUCTS EXPORT PROGRAM

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AUTHORITY: §§ 482.351 to 482.367 issued under sec. 4, 5, 62 Stat. 1070, as amended; 15 U.S.C. 714b, 714c.

### § 482.351 General statement.

Commodity Credit Corporation (referred to in this part as "CCC") will, upon the terms and conditions stated in this announcement, carry out during the 1960-61 cotton marketing year a Cotton Products Export Program (referred to in this part as "the program") under which equalization payments will be made to exporters in connection with the exportation of cotton products which are made from upland cotton grown and wholly processed in the United States and which have not been previously exported and returned to the United States. The program is administered through the CSS Cotton Products and Export Operations Office, 50 Lafayette Street, New York 13, New York (referred to in this part as the "New York office"). Additional information pertaining to the operation of the program may be obtained from the Director of the New York office.

§ 482.352 Definitions.

(a) *Cotton products.* "Cotton products," as used herein, means any cotton textiles or spinnable cotton waste as defined in paragraphs (b) and (c) of this section. No payment will be made hereunder on cotton products purchased by United States Government agencies with appropriated funds.

(b) *Cotton textiles.* "Cotton textiles," as used herein, means any new product or article which contains not less than 50 percent by weight of American upland cotton (not including cotton linters) and is processed or manufactured from lint cotton, card strips, or comber noil, including slivers, laps, rovings, yarns, fabrics, and manufactured articles processed or manufactured from any processed form thereof. Fabrics must be at least one yard in length. The term "cotton textiles," as used herein includes such products only when exported as the principal product and does not include such products when used as containers, wrappers, packing, or protective coverings, or for similar purposes.

(c) *Spinnable cotton waste.* "Spinnable cotton waste," as used herein, means only card strips, comber noil, spinners laps, and roving waste processed from American upland cotton. (Since reworked waste is made in whole or in part from cotton waste rather than American upland cotton, any cotton waste containing reworked waste or other similarly reprocessed waste is not eligible hereunder.)

(d) *Exporter.* "Exporter" shall mean the individual, partnership, corporation, association, or other business entity whose sale caused the export to be made even though he does not make arrangements for shipment of the cotton products. Exporters must be regularly engaged in the business of exporting cotton products, and for this purpose must maintain a bona fide business office in the continental United States, and therein have a person, principal, or resident agent upon whom service of process may be had.

§ 482.353 Registration of sales.

All export sales of cotton products, to be eligible for payments hereunder, shall be registered by the exporter with the New York office by submitting, in triplicate, a properly executed Notice of Export Sale, CCC Cotton Form 32 (referred to in this part as "Form 32"). Form 32 must be submitted not later than ten business days after the date of export sale, except that for sales made after March 15, 1960, and prior to publication of this announcement in the FEDERAL REGISTER, Form 32 must be submitted within ten business days of such publication. (Form 32 postmarked within such ten-day period will be accepted.) An extension of the period for registration may be granted by the Director of the New York office if he determines that additional time in which to submit the Form 32 is required by the exporter. Sales entered into prior to March 16, 1960, are not eligible to be registered hereunder. Upon receipt of an acceptable Form 32, a registration number will be assigned by the New York office, and

a copy showing such number will be returned to the exporter. The exporter shall promptly notify the New York office of any error in a Form 32 or of any amendment to an export sale contract. However, any such notice shall be effective to change the exporter's rights and obligations hereunder only if the Director of the New York office approves the amendment or correction. All correspondence relating to a sale previously registered with CCC for which a registration number has been assigned shall refer to the registration number.

§ 482.354 Exporter's agreement with the CCC.

The submission of a Form 32 by the exporter and the assignment of a registration number by CCC shall constitute an agreement by the exporter to export to eligible destinations the quantity of cotton products shown on such Form 32 and to submit satisfactory evidence of such exportation in accordance with this part in consideration of the undertaking by CCC to make an equalization payment hereunder.

§ 482.355 Cancellation of sale or failure to export.

(a) The exporter shall notify the New York office promptly in every case where, after filing Form 32 as required in § 482.353, a sale is canceled by the exporter or by the importer, stating fully the reason for such cancellation. The exporter shall also notify the New York office promptly when, for any reason, it becomes apparent to him that he will not be able to fulfill his obligation under this part by making shipment within the prescribed period.

(b) If CCC determines that the exporter is prevented from exporting cotton products because of Acts of God, Acts of Governments, unavailability of exchange, or other causes occurring without his fault or negligence, the sales registration may be canceled in whole or in part.

(c) If an exporter files Form 32 and fails to file satisfactory evidence of exportation to eligible destinations, in accordance with this part, of the quantity of cotton products specified in such Form 32 (except to the extent that the sales contract or trade rules under which the sale was made provide for tolerances, or as otherwise approved by CCC), and if the sales registration is not canceled by CCC, as provided in paragraph (b) of this section, such exporter and its subsidiaries and affiliates may be denied the right to continue participating in this or any subsequent program for such period as CCC may determine or until the exporter has complied with such terms as the Director of the New York office may prescribe. Such terms, among other things, may:

(1) Require the refund of payments previously made to the exporter in an amount equivalent to forty (40) percent of the payment applicable to the quantity of cotton products with respect to which the exporter has failed to fulfill his obligation; or

(2) Require the making of future shipments not in excess of such quantity

at a payment rate which is reduced by an amount equal to the difference between the rate in effect at the time the sale was registered and the highest rate thereafter prior to the date the exporter gives notice of cancellation of the sale or the final date for export, whichever is earlier; or

(3) Require a combination of subparagraphs (1) and (2) of this paragraph.

§ 482.356 Determination of base equalization payment rate.

The base equalization payment rate in connection with sales for export made during the period from March 16, 1960, through July 31, 1960, will be six cents per pound. For sales for export made during each calendar month thereafter, the base equalization payment rate will be determined and announced by CCC prior to the beginning of such month and will be based on the export payment rate in effect for cotton under the 1960-61 Cotton Export Program—Payment-in-Kind (Announcement CN-EX-9). The rate so announced for each calendar month will be in effect throughout that month.

§ 482.357 Classes of cotton products and related equalization payment rates.

The classes of cotton products eligible for payment under this part and the percentage of the base equalization payment rate applicable to each such class are shown below. This percentage will be used in calculating the rate of payment for each class.

Class	Principal item of export	Percent of base equalization payment
A	Card strips, comber noil, spinners laps, and roving waste.	90.0
B	Picker laps and cotton batting <sup>1</sup>	106.0
C	Silver, sliver laps, ribbon laps, roving and drawing sliver.	112.0
D	Yarn, thread, twine, cordage, and rope <sup>1</sup> .	114.0
E	Gray fabrics and absorbent cotton <sup>2,3</sup> .	112.0
F	Knitted articles <sup>1</sup>	119.0
G	Finished fabrics (printed, dyed, bleached, mercerized, or similar full finish, including fabric woven from colored yarn). <sup>2,3</sup>	118.0
H	Articles (excluding bags) manufactured from finished fabrics. <sup>2</sup>	135.0
I	Coated, rubberized, and impregnated yarns and coated, rubberized, and impregnated fabrics, absorbent cotton, yarn, thread, twine, cordage, and rope, and fabrics, containing not less than 50 percent by weight of cotton, whether consisting of a mixture of fibers or wholly of cotton and not elsewhere provided for under any other class. <sup>2</sup>	70.0
J	Coated, rubberized, and impregnated articles, articles manufactured from fabrics, knitted articles, and mops, containing not less than 50 percent by weight of cotton, whether consisting of a mixture of fibers or wholly of cotton and not elsewhere provided for under any other class. <sup>2</sup>	83.0
K	Gray or finished fabrics 1 yard or more but less than 10 yards in length. <sup>4</sup>	85.0
L	Coated, rubberized, and impregnated fabrics, and fabrics, containing not less than 50 percent by weight of cotton, whether consisting of a mixture of fibers or wholly of cotton and not elsewhere provided for under any other class, 1 yard or more but less than 10 yards in length.	63.0

See footnotes at end of table.

Class	Principal item of export	Percent of base equalization payment
M	Articles manufactured from gray fabrics; bags; and mops. <sup>3</sup>	120.0
N	Finished fabrics (printed, dyed, bleached, mercerized, or similar full finish, including fabric woven from colored yarn). <sup>3,4</sup>	111.0

<sup>1</sup> Can have (a) a noncotton or non-American upland cotton content (i.e., manmade fibers, cotton linters, buttons, fasteners, etc.), other than material used in sizing and finishing, of not to exceed five percent, and (b) a total noncellulosic content (i.e., sizing, finishing, the noncellulosic content of cotton, etc.), other than anything contained in (a) above, of not to exceed 8 percent.

<sup>2</sup> No payment will be made on any fabric less than ten yards in length, except as provided in Classes K and L.

<sup>3</sup> Can have (a) a noncotton or non-American upland cotton content (i.e., manmade fibers, cotton linters, buttons, fasteners, etc.), other than material used in sizing and finishing, of not to exceed five percent, and (b) a total noncellulosic content (i.e., sizing, finishing, the noncellulosic content of cotton, etc.), other than anything contained in (a) above, of not to exceed 13 percent.

<sup>4</sup> Can have (a) a noncotton or non-American upland cotton content (i.e., manmade fibers, cotton linters, buttons, fasteners, etc.), other than material used in sizing and finishing, of not to exceed five percent, and (b) a total noncellulosic content (i.e., sizing, finishing, the noncellulosic content of cotton, etc.), other than anything contained in (a) above, of not to exceed 20 percent.

If an article contains two or more cotton products, it shall be considered as being within the class of the cotton product constituting the largest portion by weight of such article. No payments will be made in connection with any products containing less than 50 percent by weight of American upland cotton, and except as otherwise provided, all cotton products must be composed entirely of American upland cotton.

#### § 482.358 Equalization payment rates and amounts due exporters.

The equalization payment rates in cents per pound for each class of cotton products will be announced by CCC, and lists containing such rates will be available from the New York office. The amount due the exporter will be determined by multiplying the rate of payment for the applicable class of cotton product in effect on the date of the export sales contract by the net weight of the cotton textiles or by gross weight of the spinnable cotton waste exported under the sales contract. Payment will not be made for any quantity of cotton products exported in excess of the number of units sold as shown on the Form 32, except to the extent that the sales contract or the trade rules under which the sale was made provide for tolerances, or as otherwise approved by CCC. No payments will be made on cotton products exported by mail. If more than one class of cotton products are exported in one package or container, the equalization payment will be made on the basis of the class having the lowest rate of payment. No payment will be made if packages contain a combination of cotton products and other than cotton products.

#### § 482.359 Export conditions.

(a) *Eligible destinations.* Payments will be made in connection with cotton products exported to a destination outside the continental United States, other than Alaska, Hawaii, or Puerto Rico, and

other than a country specified in paragraph (d) of this section. It is the policy of CCC not to make equalization payments on the export of cotton products to countries or areas for which general or specific export licenses will not be issued by the Bureau of Foreign Commerce. Accordingly, in making application for an export payment under this announcement, the exporter makes the warranty contained in paragraph (d) of this section. No payments will be made in connection with cotton products exported for reentry into the continental United States, Hawaii, Alaska, or Puerto Rico.

(b) *Time for export.* To be eligible for payment hereunder, cotton products must be exported on or after August 1, 1960, and not later than July 31, 1961. If cotton products are exported, they shall be deemed to have been "exported" when loaded on board an ocean vessel, or if shipment to destination country is by other than ocean carrier, when the shipment clears United States Customs.

(c) *Evidence of exportation.* The exporter must submit to the New York office satisfactory evidence (as provided in § 482.361) of the exportation of cotton products in accordance with this part.

(d) *Warranty.* In making application for an equalization payment, the exporter represents and warrants that the cotton products exported pursuant to this announcement have not and will not be exported by anyone or transshipped by the exporter or caused to be transshipped by the exporter:

(1) To any country or area listed as Subgroup A of Group R of the Comprehensive Export Schedule issued by the Bureau of Foreign Commerce, U.S. Department of Commerce, unless a license for such exportation or transshipment thereto has been obtained from such Bureau; or

(2) To Hong Kong or Macao if a specific license for such exportation or transshipment is required by regulations of the U.S. Department of Commerce under the Export Control Act of 1949, unless such specific license for such exportation or transshipment thereto has been obtained from the Bureau of Foreign Commerce, U.S. Department of Commerce.<sup>1</sup>

#### § 482.360 Inspection.

CCC reserves the right to examine at any time the contents of each package of cotton products delivered for export under the program. The New York office must receive, at least 24 hours prior to delivery of any such cotton products to carrier, a properly executed Notice of Intended Delivery to Carrier, CCC Cotton Form 33 (referred to in this part as "Form 33"), so that the necessary arrangements for inspection may be made.

<sup>1</sup> Information to exporters: The Department of Commerce regulations prohibit exportation or re-exportation by anyone, including a foreign exporter, of the cotton products exported pursuant to the terms of this announcement, to Soviet Bloc countries and other prohibited areas. The attention of the exporter is invited to the "Notice to Exporters" which accompanies this announcement.

Form 33 must specify the location of the cotton products, and such products must be available for inspection at such location during the entire 24-hour period. If the cotton products are to be shipped by ocean carrier, Form 33 must be received at least 24 hours in advance of inauguration of movement to pier, unless the cotton products will be available for inspection at the pier for such period. Notice of intended delivery may be given by telegram provided it is immediately confirmed by submitting an executed Form 33. Such telegram must be received at least 24 hours prior to delivery of cotton products to carrier. The exporter shall notify the New York office of any change or correction which necessitates an amendment or correction to a Form 33. The exporter shall affix to each package of cotton products to be exported, except for spinnable cotton waste, a notice in form and size acceptable to CCC and containing substantially the following words:

*Notice.* The contents of this package are being exported under the Cotton Products Export Program (CN-EX-10) and may be inspected by any officer of the United States Customs Service or any authorized agent of CCC. Registration No. ----- Class -----

(CCC Cotton Form 34 may be used for this purpose.)

If the exporter fails to submit a Form 33 to the New York office within the prescribed period or to affix the above notice to each package of cotton products to be exported as required, except for a cause beyond the exporter's control as determined by the Director of the New York office, CCC shall have the right to refuse to make payments to the exporter under the program with respect to such cotton products.

#### § 482.361 Satisfactory evidence of exportation.

Evidence of exportation of the cotton products, to be satisfactory hereunder, must meet the following requirements unless otherwise approved by the Director of the New York office:

(a) Separate documents must be submitted to the New York office for each export shipment, and all documents covering any one shipment must be submitted at the same time. Each document must be identified with the registration number assigned by the New York office. Where exportation or transshipment has been made to one or more of the countries or areas described in § 482.359 under license issued by the U.S. Department of Commerce, Bureau of Foreign Commerce, evidence of exportation shall identify by licence number, in addition to the name and address of the consignee, the license issued by that Bureau. In the case of an exportation or transshipment to Hong Kong or Macao not requiring a specific license, the documents evidencing exportation shall contain a statement by the purchaser that a specific license was not required.

(b) The exporter shall furnish a certified copy of the documents which constitute the sales for export contract. This may be a formal contract, exchange of cables, letters, or such other documents used in making the offer and ac-

ceptance, and must show a date prior to the dates on documents submitted as evidence of exportation. (If more than one shipment is made under a sale, the document constituting the contract need be submitted only on the first shipment.)

(c) The exporter shall furnish one copy of the Shipper's Export Declaration authenticated by the appropriate U.S. Customs official.

(d) For shipments by ocean carrier, there shall be submitted one nonnegotiable copy of either the ocean bill of lading or port of custody bill of lading, which must show date of loading on board vessel and signature of steamship representative. Such copy of the bill of lading must properly identify the lot of cotton products being exported, and show destination of shipment, names of consignor and consignee, name of vessel, and other pertinent data.

(e) For shipments by other than ocean carrier, there shall be submitted:

(1) One certified copy of the railroad, truck, or air bill of lading properly identifying the cotton products being exported, and showing destination of shipment, names of consignor and consignee, and other pertinent data; and

(2) A landing certificate or similar document issued by an official of the Government of the country to which the cotton products are exported identifying the cotton products and showing the destination of shipment, the names of the consignor and consignee, and date and place of entry.

(f) The exporter shall also furnish promptly any additional evidence of exportation which may be requested by the Director of the New York office.

(g) If cotton products are loaded on board a vessel for shipment to a destination, other than Alaska, Hawaii, or Puerto Rico, outside the continental United States, except for countries designated in § 482.359(d) and are destroyed or damaged while on board such vessel, and if the cotton products or salvage therefrom does not reenter the continental United States or does not enter Alaska, Hawaii, or Puerto Rico, or countries designated in § 482.359(d), for the purpose of fulfilling the export requirements of this announcement, the cotton products shall be regarded as having been exported.

(h) Failure of the exporter to furnish satisfactory evidence of exportation within 30 days after the final date for exportation, determined in accordance with § 482.359, shall constitute prima facie evidence of failure to export.

#### § 482.362 Application for payment.

(a) *Application.* An Application for Equalization Payment, CCC Cotton Form 35, must be executed by the exporter and must be submitted to the New York office, in triplicate, together with evidence of exportation as prescribed in § 482.361. The application contains a certification under which the exporter certifies that the cotton products exported were eligible under the program for the payment claimed.

(b) *Determination of payee.* Payments will be made to the person or firm registering the sale, and no assignment of amounts due exporters will be per-

mitted. If the shipper or consignor named in the bill of lading or the Shipper's Export Declaration covering cotton products exported is other than the exporter named in the Form 32, waiver by such shipper or consignor of any interest in the claim in favor of such exporter is required. Such waiver must clearly identify the bill of lading or Shipper's Export Declaration submitted to evidence exportation. If the shipper or consignor is neither the exporter named in the Form 32 nor the consignee identified with the sales contract, the exporter must submit, in addition to the waiver, a certification by such shipper or consignor that he acted only as a freight forwarder, agent of exporter, or agent of consignee, and not as a seller or purchaser of the cotton products shown on the documents submitted to evidence exportation.

(c) *Minimum claim.* No payments will be made in connection with any one shipment of cotton products under an export sale unless the exporter is entitled to at least \$30 on such shipment. For purposes of this subsection, one shipment shall mean that part of the cotton products in one registered sale covered by one bill of lading.

(d) *Ineligible shipments.* No payment will be made on shipments supported by documents in contravention of the warranty in § 482.359(d), and any amounts paid to the exporter pursuant to this announcement on cotton products which it is determined later move in contravention of such warranty must be repaid to CCC.

#### § 482.363 Cotton products returned to the United States.

(a) The exporter shall not be entitled to an equalization payment on any cotton products which have been returned in the same or different form to the continental United States or which have entered Alaska, Hawaii, or Puerto Rico, as a principal item of import.

(b) In all cases in which cotton products on which an equalization payment has been made hereunder reenter the continental United States, or enter Alaska, Hawaii, or Puerto Rico, in the same or different form as a principal item of import, the exporter shall immediately notify the New York office that the cotton products have been returned to the continental United States or have entered Alaska, Hawaii, or Puerto Rico giving full details of the reasons for the reentry or entry and shall promptly refund to CCC any amounts paid in connection with the export of such cotton products unless the exporter ships within the period specified in § 482.359, and without benefit of an equalization payment, as replacement for such cotton products, an amount of cotton products which would have entitled him to an equalization payment at least equal to the amount of equalization payment made on the cotton products returned to the United States. Full information and documentation as prescribed by CCC shall be furnished the New York office for any cotton products shipped as replacement for cotton products returned to the United States.

(c) If any cotton products on which the exporter has claimed an equalization payment have been returned to the continental United States or have entered Alaska, Hawaii, or Puerto Rico, in the same or different form as the principal item of import with the exporter's knowledge or consent, and the exporter has not notified the New York office promptly of such reentry, the exporter shall thereafter not be entitled to any payments under this program until he has presented evidence satisfactory to the Director of the New York office that he did not intend to violate the terms of this announcement and has complied with any requirements established by the Director of the New York office for reinstatement of eligibility under the program.

#### § 482.364 Records and reports.

The exporter shall make available to CCC from time to time, upon CCC's request, such information and reports, and such of the exporter's and such of his affiliates' and subsidiaries' books, records, and accounts, and other documents and papers, as CCC may deem pertinent to any transaction hereunder. Such records shall be maintained for a period of at least three years after date of last payment under any sales registration. Specific reporting requirements subsequently prescribed shall be subject to approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

#### § 482.365 Amendment or termination.

CCC reserves the right to amend or terminate any and all of the provisions of this announcement at any time by giving public notice thereof: *Provided, however,* That such amendment or termination shall not apply to export sales of cotton products made before the effective date of such amendment or termination.

#### § 482.366 Good faith.

If CCC, after affording the exporter an opportunity to present evidence, determines that such exporter has not acted in good faith in connection with any transaction under the program, such exporter may be denied the right to continue participating in the program or the right to receive payments in connection with sales previously registered or both. Such exporter may also be required to refund any payment received by him in connection with the transaction in which he is determined not to have acted in good faith. Any such action shall not affect any other right of CCC by way of the premises.

#### § 482.367 Persons not eligible.

No Member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any benefit that may arise from the program, but this provision shall not be construed to extend to a payment made to a corporation for its general benefit.

Issued this 19th day of April 1960.

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

## NOTICE TO EXPORTERS

(Revision of October 21, 1958)

The Department of Commerce, Bureau of Foreign Commerce (BFC), pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities under this program to the Soviet Bloc, or Communist-controlled areas of the Far East including Communist China, North Korea, and the Communist-controlled areas of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of Foreign Commerce. A validated license is also required for shipment to Hong Kong or Macao unless the commodity is included on the General License GHK list.

These regulations generally require that exporters, in or in connection with their contracts with foreign purchasers, where the contract involves \$10,000 or more and exportation is to be made to a Group R country, obtain from the foreign purchaser a written acknowledgment of his understanding of (1) U.S. Commerce Department prohibitions (Comprehensive Export Schedule, 15 CFR 371.4 and 371.8) against sales or resale for re-export of said commodities, or any part thereof, without express Commerce Department authorization, to the Soviet Bloc, Communist China, North Korea, or the Communist-controlled area of Vietnam or to Hong Kong or Macao unless the commodity is on the general License GHK list (CES 15 CFR 371.23), and (2) the sanction of denial of future U.S. export privileges that may be imposed for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by that agency. Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC, the original purchaser should inform the exporter in writing of the requirement for obtaining the signed acknowledgment from the foreign purchaser.

For all exportations, one of the destination control statements specified in BFC Regulation (Comprehensive Export Schedule, 15 CFR 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of Foreign Commerce or one of the field offices of the Department of Commerce.

[F.R. Doc. 60-3716; Filed, Apr. 22, 1960; 8:48 a.m.]

## Title 7—AGRICULTURE

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

#### PART 28—COTTON CLASSING, TESTING, AND STANDARDS

##### Subpart D—Cotton Classification and Market News Services for Organized Groups of Producers

###### CHANGES IN COTTON IMPROVEMENT PROGRAM

On March 29, 1960, a notice of proposed rule making was published in the

FEDERAL REGISTER (25 F.R. 2622) regarding the proposed amendment of the regulations governing Cotton Classification and Market News Services for Organized Groups of Producers (7 CFR 28.901-28.919). After consideration of all relevant matters presented pursuant to the notice, the regulations are hereby amended as follows, pursuant to authority contained in the Cotton Statistics and Estimates Act of March 3, 1927, as amended April 13, 1937 (50 Stat. 62; 7 U.S.C. 473 a, b, and c) and the United States Cotton Standards Act, as amended (42 Stat. 1517; 7 U.S.C. 51 et seq.).

##### § 28.903 [Amendment]

1. The last sentence in § 28.903 is deleted.

2. Section 28.905 is amended to read as follows:

##### § 28.905 Organized groups.

Groups of producers organized to promote the improvement of cotton may be recognized as such within the meaning of the act if they meet the following requirements:

(a) The organized group is composed of bona fide cotton producers.

(b) The organized group has as its primary purpose the improvement of cotton. Each organized group is encouraged to work with federal and state agencies interested in the improvement of cotton, particularly the Extension Service.

(c) The organized group shall assume responsibility for obtaining, identifying, and shipping samples to be classified and for posting market information furnished to it in accordance with the regulations in this subpart; shall see that samples are drawn, handled, and shipped in accordance with instructions furnished from time to time by representatives of the Director; and shall designate a responsible representative and alternate representative to act for members of the group in matters pertaining to compliance with the regulations in this subpart. Such representative or alternate representative need not be a producer or a member of the group.

##### § 28.908 [Amendment]

3. Paragraph (b) of § 28.908 is amended by inserting a colon in place of the period at the end of the paragraph and adding the following clause: "Provided, That each sample from a bale of American Egyptian cotton shall be approximately 10 ounces in weight, not less than 5 ounces of which are to be drawn from each side of the bale."

4. Paragraph (c) of § 28.908 is amended to read as follows:

(c) *Mechanical sampling.* Samples may be drawn in gins equipped with mechanical samplers approved by the Division and operated according to sampling instructions furnished by the Director or his representatives. Such samples shall be not less than 6 ounces in weight.

5. Sections 28.909 to 28.919 are deleted and the following substituted therefor:

##### § 28.909 Costs.

Costs incident to sampling, tagging, and identification of samples and transporting samples to points of shipment shall be without expense to the Government, but tags and containers for the shipment of samples may be furnished and shipping charges via Post Office Department or duly authorized common carrier paid by the Service. After classification the samples shall become the property of the Government.

##### CLASSIFICATION

##### § 28.910 Classification of samples.

The samples submitted as provided in this subpart shall be classified by employees of the Division and a classification memorandum showing the grade and staple length of each sample according to the official cotton standards of the United States will be mailed or made available to the producer whose name appears on the tag accompanying the sample, or to a representative designated by the producer or the organized group to receive the classification memorandum.

##### § 28.911 Review classification.

A producer may request one review classification for each bale of eligible cotton. The fee for review classification is 25 cents per sample. Samples for review classification may be drawn by samplers bonded pursuant to § 28.906, or by samplers at warehouses which issue negotiable warehouse receipts, or by employees of the United States Department of Agriculture. Each sample for review classification shall be taken, handled, and submitted according to § 28.908 and to supplemental instructions issued by the Director or his representatives. Costs incident to sampling, tagging, identification, containers, and shipment for samples for review classification shall be without expense to the Government.

##### APPLICATIONS

##### § 28.912 Applications for service.

Applications for the classing and market news services from organized groups of producers shall be made on forms furnished by the Division. Each application shall include (a) the date; (b) the name and location of the organized group; (c) objectives of the cotton improvement program of the group; (d) the names and post office addresses of the president, representative, and alternate representative of the group; and (e) other information that may be required by the Director.

##### § 28.913 Time limitation.

Application shall be filed with an authorized representative of the Division or mailed to such representative within a period of time to be announced by the Division for the receipt of applications for services during the year to which such application relates. To receive consideration, any such application submitted by mail shall have been post-marked before midnight of the last day of such announced period.

**§ 28.914 Rejection.**

Applications may be rejected for non-compliance with the act or the regulations in this subpart.

**§ 28.915 Withdrawal.**

An organized group may withdraw its application at any time.

**§ 28.916 Renewal.**

Applications shall be subject to renewal from year to year in accordance with a procedure to be prescribed by the Director or his authorized representatives.

**LIMITATION OF SERVICES****§ 28.917 Limitation of services.**

The Director, or his authorized representatives, may suspend, terminate, or withhold cotton classing and market news services to any organized group upon its request, or upon its failure to comply with the act or these regulations.

(Sec. 10, 42 Stat. 1519, sec. 3c, 50 Stat. 62; 7 U.S.C. 61, 473c)

The additional amendment of paragraph (b) of § 28.908 reflects current practice as to the weight of samples of American Egyptian cotton that are submitted for classification. Ten ounces is the normal weight of such samples and the amendment will not impose any hardship or require advance preparation by any affected person.

**Effective date.** To be of maximum benefit to organized groups of cotton producers, this amendment should be made effective for applications for classification and market news services submitted for the 1960 season and compliance with the effective date requirements of section 4 of the Administrative Procedure Act is hereby found to be contrary to the public interest. Therefore, this amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 20th day of April 1960.

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

[F.R. Doc. 60-3714; Filed, Apr. 22, 1960; 8:48 a.m.]

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

[Valencia Orange Reg. 194]

**PART 922 — VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA**

**Limitation of Handling**

**§ 922.494 Valencia Orange Regulation 194.**

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the ap-

plicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 21, 1960.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., April 24, 1960, and ending at 12:01 a.m., P.s.t., May 1, 1960, are hereby fixed as follows:

- (i) District 1: 300,000 cartons;
- (ii) District 2: 130,949 cartons;
- (iii) District 3: 75,000 cartons.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

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

Dated: April 22, 1960.

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

[F.R. Doc. 60-3771; Filed, Apr. 22, 1960; 11:11 a.m.]

[Lemon Reg. 843]

**PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA**

**Limitation of Handling**

**§ 953.950 Lemon Regulation 843.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based becomes available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the

part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 19, 1960.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., April 24, 1960, and ending at 12:01 a.m., P.s.t., May 1, 1960, are hereby fixed as follows:

- (i) District 1: 4,650 cartons;
  - (ii) District 2: 325,500 cartons;
  - (iii) District 3: Unlimited movement.
- (2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

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

Dated: April 21, 1960.

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

[F.R. Doc. 60-3749; Filed, Apr. 22, 1960; 8:49 a.m.]

## Title 8—ALIENS AND NATIONALITY

### Chapter I—Immigration and Naturalization Service, Department of Justice

#### PART 212—DOCUMENTARY REQUIREMENTS; NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

##### Nonimmigrant Documentary Waiver

The first sentence of paragraph (a) *Canadian nationals and British subjects* of § 212.1 *Documentary requirements for nonimmigrants* is deleted, and, in lieu thereof, the following two sentences are inserted: "A visa is not required of a Canadian national, and a passport is not required of such a national except after a visit outside of the Western Hemisphere. A visa is not required of a British subject who has his residence in Canada or Bermuda, and a passport is not required of such a subject except after a visit outside of the Western Hemisphere."

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

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rule prescribed by the order is editorial in nature.

Dated: April 20, 1960.

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

[F.R. Doc. 60-3748; Filed, Apr. 22, 1960; 8:49 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter II—Civil Aeronautics Board

#### SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-301]

#### PART 221—CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND OF FOREIGN AIR CARRIERS

##### Appointment of Corporate Tariff Agents

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of April 1960.

A Notice of Proposed Rule Making, published in the FEDERAL REGISTER on December 8, 1959 (24 F.R. 9913) and circulated to the industry as Docket 11026, proposed amendment of Part 221 so as to permit carriers to authorize corporations to act as their tariff agents.

This proceeding was initiated upon a rule-making petition which alleged that difficulties arise in the case of death or incapacitation of an individual tariff agent; that the succession of an alternate agent in such a contingency is administratively awkward and to some degree unworkable; that, in contrast with the uncertainties of human existence and capacity, a corporation has continuity of existence and competence; that an individual would be imprudent to invest substantial capital in this purely personal service, since there is no assurance that upon his death or disability the powers would not be revoked, and then granted to another agent; and that, therefore, the necessary financing to provide up-to-date equipment such as IBM office machines and for other capital expenses, required to develop and properly perform tariff services for a substantial number of carriers, can more readily be obtained by a corporation, because its continuity of existence and authority is an assurance to lending institutions. The rules of the Interstate Commerce Commission permit corporate tariff agents.

All comments received favor the proposed amendment, and the Board finds that it is consistent with applicable law, will result in economic benefit to the industry, and is in the public interest.

It has also been suggested that the scope of the amendment of Part 221 be enlarged to include associations of air carriers. The Board sees no basis for expanding the scope of Part 221 to authorize an association to act as tariff agent.

The amendment to paragraph (b) (6) of § 221.22, as proposed, has been modified by the addition of the sentence, "The title of such designee shall not contain the term 'Agent.'" Equivalent modifications have been made in paragraph (a) (12) of § 221.31 and paragraph (b) (9) of § 221.112 as proposed, and in the proposed new paragraph (b) of § 221.220. This is to make clear that the corporation, and not the person designated to act for it in issuing and filing tariffs, is the tariff agent.

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

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 221 of the Economic Regulations (14 CFR Part 221) effective May 23, 1960, by:

1. Amending the first sentence of § 221.11 to read: "An agent may issue and file, in his or its own name, tariff publications naming local rates or fares and/or joint rates or fares, and provisions governing such rates or fares, for account of carriers participating in such tariff publications, under authority of their powers of attorney given to such issuing agent as provided in § 221.220."

2. Amending paragraph (b) (6) of § 221.22 by adding the following text: "If the tariff is issued by a corporate agent, the name, title and business address of the person designated by the corporation to issue and file tariffs in the corporation's name shall also be shown directly above the name, title and address of the corporate agent. The title of such designee shall not contain the term 'Agent'."

3. Amending paragraph (a) (12) of § 221.31 by striking out the second sentence and substituting the following text: "If the tariff is issued by a corporate agent, the name, title and business address of the person designated by the corporation to issue and file tariffs in the corporation's name shall also be shown. The issuing officer or employee of a carrier or the person designated by a corporate tariff agent to issue and file tariffs shall not use the title 'Agent' or 'Alternate Agent'."

4. Amending paragraph (b) (9) of § 221.112 by striking out the second sentence and substituting the following text: "If the supplement is issued by a corporate agent, the name, title and business address of the person designated by the corporation to issue and file tariffs in the corporation's name shall also be shown. The issuing officer or employee of a carrier or the person so designated by a corporate tariff agent shall not use the title 'Agent' or 'Alternate Agent'."

5. Redesignating paragraphs (b) and (c) of § 221.220 as (c) and (d), respectively, amending paragraph (a), and inserting a new paragraph (b), to read:

(a) *Prescribed form of power of attorney.* A power of attorney prepared in accordance with the applicable form set forth in § 221.244 shall be used by a carrier to give authority to an agent and (in the case of the agent being an individual) such agent's alternate to issue and file with the Board tariff publications which contain local or joint rates, fares, or charges, including provisions governing such rates, fares or charges, applicable via and for account of such carrier. Agents may be only natural persons or corporations (other than incorporated associations of air carriers). The authority conferred in a power of attorney may not be delegated to any other person.

(b) *Designation of tariff issuing person by corporate agent.* When a corporation has been appointed as agent it

shall forward to the Board a certified excerpt of the minutes of the meeting of its Board of Directors designating by name and title the person responsible for issuing tariffs and filing them with the Board. Only one such person may be designated by a corporate agent, and the title of such designee shall not contain the word "Agent". When such a designee is replaced the Board shall be immediately notified in like manner of his successor. An officer or employee of an incorporated tariff-publishing agent may not be authorized to act as tariff agent in his individual capacity. Every tariff issued by a corporate agent shall be issued in its name as agent.

6. Amending paragraph (a)(1)(v) of § 221.224 by adding a second sentence to read: "A new corporate agent shall also file with the Board a certified excerpt of the minutes of the meeting of its Board of Directors showing the name and title of the persons designated to issue and file tariffs in the corporation's name."

7. Amending paragraph (b)(6) of § 221.240 by adding a second sentence to read: "In the case of a corporate agent the signature of the designee of the corporation authorized by it to issue and file tariffs with the Board in its name shall appear at this point."

8. Amending paragraph (b)(9) of § 221.241 by adding a second sentence to read: "In the case of a corporate agent the signature of the designee of the corporation authorized by it to issue and file tariffs with the Board in its name shall appear at this point."

9. Amending paragraph (b)(6) of § 221.244 by adding a fourth sentence to read: "In the case of a corporate agent this entire paragraph of the form shall be omitted."

10. Amending paragraph (b)(5) of § 221.245 by adding a second sentence to read: "In the case of a corporate agent all reference to an alternate attorney as agent shall be omitted."

(Sec. 204(a), 72 Stat. 743, 49 U.S.C. 1324. Interpret or apply sec. 403(a), 72 Stat. 758, 49 U.S.C. 1373)

By the Civil Aeronautics Board.

[SEAL] MABEL McCART,  
Acting Secretary.

[F.R. Doc. 60-3712; Filed, Apr. 22, 1960; 8:47 a.m.]

## Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission  
[Docket 7690 c.o.]

### PART 13—PROHIBITED TRADE PRACTICES

#### Duke Records and Don D. Robey

Subpart—Bribing customers' employees: § 13.315 *Employees of private concerns.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Duke

Records, et al., Houston, Tex., Docket 7690, March 8, 1960]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging Houston, Tex., distributors of phonograph records to independent distributors for resale to retail outlets and jukebox operators with giving concealed "payola" to disk jockeys of television and radio programs to induce them to broadcast the seller's records in order to increase sales.

Following acceptance of a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on March 8 the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered*, That respondents Duke Records, Inc., a corporation, and its officers, and Don D. Robey, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with phonograph records which have been distributed in commerce, or which are used by radio or television stations in broadcasting programs in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Giving or offering to give, without requiring public disclosure, any sum of money or other material consideration, to any person, directly or indirectly, to induce that person to select, or participate in the selection of, and the broadcasting of, any such records in which respondents, or either of them, have a financial interest of any nature;

(2) Giving or offering to give, without requiring public disclosure, any sum of money, or other material consideration, to any person, directly or indirectly, as an inducement to influence any employee of a radio or television broadcasting station, or any other person, in any manner, to select, or participate in the selection of, and the broadcasting of, any such records in which respondents, or either of them, have a financial interest of any nature.

There shall be "public disclosure" within the meaning of this order, by any employee of a radio or television broadcasting station, or any other person, who selects or participates in the selection and broadcasting of a record when he shall disclose, or cause to have disclosed, to the listening public at the time the record is played, that his selection and broadcasting of such record are in consideration for compensation of some nature, directly or indirectly, received by him or his employer.

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

*It is ordered*, That respondents Duke Records, Inc., a corporation, and Don D. Robey, individually and as an officer of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail

the manner and form in which they have complied with the order to cease and desist.

Issued: March 8, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,  
Secretary.

[F.R. Doc. 60-3696; Filed, Apr. 22, 1960; 8:46 a.m.]

[Docket 7691 c.o.]

### PART 13—PROHIBITED TRADE PRACTICES

#### Marnel Distributing Co., Inc., and Nelson Verbit

Subpart—Bribing customers' employees: § 13.315 *Employees of private concerns.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Marnel Distributing Co., Inc., et al., Philadelphia, Pa., Docket 7691, March 12, 1960]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging an independent Philadelphia distributor of phonograph records for several manufacturers to retail outlets and jukebox operators in and around the area of eastern Pennsylvania, southern New Jersey, and Delaware with giving concealed "payola" to disk jockeys of television and radio programs to induce them to "expose" and promote the payer's records in order to increase sales.

Based on a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on March 12 the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered*, That respondents, Marnel Distributing Company, Inc., a corporation, and its officers, and Nelson Verbit, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with phonograph records which have been distributed in commerce, or which are used by radio or television stations in broadcasting programs in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Giving or offering to give, without requiring public disclosure, any sum of money or other material consideration, to any person, directly or indirectly, to induce that person to select, or participate in the selection of, and broadcasting of, any such records in which respondents, or any of them, have a financial interest of any nature;

2. Giving or offering to give, without requiring public disclosure, any sum of money, or other material consideration, to any person, directly or indirectly, as an inducement to influence any employee of a radio or television broadcasting station, or any other person, in any manner, to select, or participate in the selection of, and the broadcasting of, any such

records in which respondents, or any of them, have a financial interest of any nature.

There shall be "public disclosure" within the meaning of this order by any employee of a radio or television broadcasting station, or any other person, who selects or participates in the selection and broadcasting of a record, when he shall disclose, or cause to have disclosed, to the listening public at the time the record is played, that his selection and broadcasting of such record are in consideration for compensation of some nature, directly or indirectly, received by him or his employer.

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

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

Issued: March 11, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,  
Secretary.

[F.R. Doc. 60-3697; Filed, Apr. 22, 1960;  
8:46 a.m.]

## Title 17—COMMODITY AND SECURITIES EXCHANGES

### Chapter II—Securities and Exchange Commission

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

##### Form 9-K; Semi-Annual Reports

The Securities and Exchange Commission has adopted certain clarifying amendments to Form 9-K (§ 249.309). This form is used for semi-annual reports required to be filed by certain issuers having securities registered on a national securities exchange and certain issuers which have registered securities under the Securities Act of 1933.

Many of the semi-annual reports filed on Form 9-K are deficient because of a failure to follow the instructions contained in the form. In order to give greater prominence to the instructions and bring them to the attention of persons preparing the report, the general instructions have been placed ahead of the form and the instructions as to particular captions have been placed under the respective captions to which they apply. In addition, certain minor changes have been made in the form and instructions. A copy of the form as amended is attached hereto.<sup>1</sup>

Since the changes made are formal in character and do not represent any change with respect to either the classes of persons who must file reports on the form or the amount of information required in such reports, the Commission

finds that notice and procedure with respect to the amendments pursuant to the Administrative Procedure Act is not necessary.

The amendments referred to above were adopted pursuant to the Securities Exchange Act of 1934, particularly sections 13, 15(d) and 23(a) thereof, and shall become effective May 18, 1960.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

APRIL 18, 1960.

[F.R. Doc. 60-3699; Filed, Apr. 22, 1960;  
8:46 a.m.]

## Title 32—NATIONAL DEFENSE

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

#### SUBCHAPTER C—MILITARY PERSONNEL

#### PART 65c—RECOUPMENT OF REEN- LISTMENT BONUS (MILITARY)

The Secretary of Defense approved the following on April 14, 1960:

Sec.  
65c.1 Purpose.  
65c.2 Policy.

**AUTHORITY:** §§ 65c.1 and 65c.2 issued under Pub. Law 217, 82d Congress (37 U.S.C. 238); Pub. Law 506, 83d Congress (37 U.S.C. 239)

§ 65c.1 Purpose.

The purpose of this part is to furnish policy guidance to the Military Departments for conforming to the provisions of Public Law 217, 82d Congress, approved October 26, 1951, and Public Law 506, 83d Congress, approved July 16, 1954, as they relate to the recovery by the Government of portions of reenlistment bonuses in cases where the individual does not complete the term of enlistment for which the bonus was paid.

§ 65c.2 Policy.

For the purpose of complying with the provisions of Public Law 217, 82d Congress and Public Law 506, 83d Congress, the following is submitted for guidance: (a) No individual shall be retained in the service beyond the date he would otherwise be discharged solely for the purpose of recoupment of reenlistment bonus, and (b) in applying the term "who voluntarily or as a result of his own misconduct" a pro rata portion of the reenlistment bonus shall be, upon the determination of the Secretary concerned, recovered for:

(1) *Separation by reason of transfer to the Fleet Reserve, Fleet Marine Corps Reserve, or Army or Air Force Reserve.* This item deals with only those cases where an individual is transferred to the Fleet Reserve, Fleet Marine Corps Reserve, or to the Army or Air Force Reserve and placed on the retired list of the Regular Army or Air Force. In the case of personnel so retired or transferred and retained on continuous active duty, such active duty shall be considered as a part of the enlistment being served in at the time of transfer and shall not be used in computing the pro rata share of the reenlistment bonus to be recouped. Re-

tirement by reason of disability is not included under this section.

(2) *Separation for the purpose of reenlistment.* This entry concerns the following:

(i) Individuals granted discharges for the purpose of reenlistment for an unspecified period, and

(ii) Individuals granted discharges for the purpose of reenlistment for a specific reason, i.e., to attend a service school, to complete a tour of duty or for filling own vacancy.

(3) *Separation by reason of marriage.* This item concerns those enlisted women given discharges by reason of marriage.

(4) *Separation by reason of resignation.* This item concerns those individuals who are discharged by reason of acceptance of their resignations.

(5) *Separation as a result of Writ of Habeas Corpus.* This entry concerns those individuals who are discharged from the service as a result of their application, or an application submitted in their behalf, to the civil courts for a Writ of Habeas Corpus.

(6) *Separation by reason of reduction to permanent grade.* This entry concerns those individuals who are erroneously reenlisted in a higher temporary grade rather than in their permanent grade, and who elect discharge, or transfer to a reserve component if required by law, after being reduced to the lower grade and subsequently promoted to a temporary grade.

(7) *Separation by reason of disability resulting from misconduct, wilful neglect, or incurred during a period of unauthorized absence.* Included herein are those individuals discharged for disability as a result of the individual's intentional misconduct or wilful negligence or incurred during a period of unauthorized absence.

(8) *Separation by reason of a sentence of a court-martial.* This entry concerns those individuals discharged as a result of the approved sentences of courts-martial.

(9) *Separation by reason of unfitness or misconduct.* This provision concerns those individuals who are discharged administratively by reason of unfitness or misconduct as defined in section VII, Paragraphs I. and J. of DoD Directive 1332.14 (24 F.R. 1707, Part 44 of this Subchapter).

(10) *Separation by reason of disloyalty or subversive activities.* This provision concerns those individuals who are discharged administratively for disloyalty or subversive activities of the types set forth in section VIII, Paragraphs C, 2 a through i, of DoD Directive 5210.9, "Military Personnel Security Program".

(11) *Separation directed by the Secretary of the Service concerned in individual cases.* This entry concerns those individuals whose discharge, or transfer to a reserve component, if required by law, is directed for the convenience of the Government by authority of the Secretary of the Service concerned, upon the application and in the interest of the individual, because of special or unusual circumstances, including discharges on account of erroneous enlistment for various reasons; to permit attendance at a

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

civilian school; to permit enlistment in another service; and to permit enlistment of aliens in the armed forces of their native country.

MAURICE W. ROCHE,  
*Administrative Secretary.*

APRIL 19, 1960.

[F.R. Doc. 60-3701; Filed, Apr. 22, 1960;  
8:46 a.m.]

## Title 43—PUBLIC LANDS: INTERIOR

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

#### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2081]

[Fairbanks 023813]

#### ALASKA

### Partially Revoking Air Navigation Site Withdrawal No. 189 of September 24, 1942

By virtue of the authority contained  
in Section 4 of the act of May 24, 1928

(45 Stat. 728; 49 U.S.C. 214), it is ordered  
as follows:

1. The departmental order of September 24, 1942, reserving lands for use of the Department of Commerce in the maintenance of air navigation facilities, is hereby revoked so far as it affects the following-described lands:

#### FAREWELL AIRFIELD

From the point of beginning of Air Navigation Site Withdrawal No. 189, U.S. Survey 2640, and following the boundary of said A.N.S., go N. 75°36' W., 18,480.00 feet, thence S. 14°20' W., 5,270.76 feet to the point of beginning;

S. 14°20' W., 5,280.00 feet to the SW corner of the A.N.S.;

S. 75°36' E., 11,880.00 feet along the South boundary of the A.N.S.;

N. 14°20' E., 5,280.00 feet;

N. 75°36' W., 11,880.00 feet to the point of beginning.

The tract described contains approximately 1,440 acres.

2. The land is located on the northern base of the Alaska Range in the vicinity of the south fork of the Kuskokwim River and approximately 62 miles southeast of the settlement of McGrath. The

topography is quite flat with a slight regional gradient to the north. The soil consists of silts and muck underlain at shallow depths by glacial ground moraine. The vegetation of this type site is typically a tundra type containing mostly grasses, lichens, and small, often prostrate, shrubs.

3. The lands are hereby opened to settlement and to filing of such applications, selections, and locations as are allowable on unsurveyed lands, subject to valid existing rights, the requirements of applicable laws, and the 91-day preference right filing period granted to the State of Alaska by section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b).

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska.

ROGER ERNST,  
*Assistant Secretary of the Interior.*

APRIL 19, 1960.

[F.R. Doc. 60-3698; Filed, Apr. 22, 1960;  
8:46 a.m.]

# Proposed Rule Making

## FEDERAL AVIATION AGENCY

[ 14 CFR Parts 40, 41, 42 ]

[Reg. Docket No. 349; Draft Release No. 60-7]

### PILOTS WITH LESS THAN 100 HOURS AS PILOT IN COMMAND IN A PARTICULAR TYPE OF AIRPLANE

#### IFR Landing Minimums

Pursuant to the authority delegated to me by the Administrator (§ 405.27, 24 F.R. 2196), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Parts 40, 41, and 42 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received by June 20, 1960, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comment received. All comments submitted will be available for examination by interested persons in the Docket Section when the prescribed date for return of comments has expired.

Under present operating procedures certain airport authorizations and limitations are set forth in the scheduled air carrier operations specifications issued by the Administrator pursuant to the authority contained in §§ 40.19, and 41.1, of the Civil Air Regulations. One of these limitations concerns higher landing minimums for a pilot who has not served 100 hours as pilot in command in scheduled air carrier operations in the particular type of aircraft. This limitation reads as follows:

*IFR landing minimums for pilots with less than 100 hours as pilot in command in a particular type of aircraft. The ceiling and visibility minimums prescribed in these Operations Specifications for regular, provisional, or refueling airports shall be increased by 100½ whenever the pilot in command has not served 100 hours as pilot in command in scheduled air carrier operations in the particular type of aircraft being operated by him, or until such time as the pilot in command is certified for the aircraft by a company check pilot as being qualified to operate at the landing minimums prescribed in the Forms ACA-511. The ceiling and visibility minimums need not be increased above those applicable to the airport when used as an alternate airport. The sliding scale shall not be applied.*

This limitation has not been included in the operations specifications for air carriers operating under Part 42.

Under the limitations quoted above, a pilot in command may be permitted to operate at the lower IFR landing minimums before he has served 100 hours in a particular type of airplane in air carrier operations if a company check pilot certifies that he is so qualified. Investigation of this practice among air carrier operators indicate wide variation in the procedures used to determine qualifications of the pilot in command in the new type of airplane and in the amount of experience he has received before certification for the lower minimums.

The Federal Aviation Agency believes that, in the interest of safety, all pilots in command should be required to use the higher IFR landing minimums presently prescribed in the operations specifications until they obtain the full 100 hours of air carrier experience in the particular type of airplane. The experience gained by a pilot in command operating at the higher minimum provides for a reasonable period of adjustment to the new equipment, and ensures a high degree of aircraft familiarity which is an important safety factor in establishing the lowest landing minimums for a particular type of airplane at a given airport. In view of the foregoing, the "write-off" privileges of the operations specifications are not included in the proposed rule. It is further believed that this requirement should be a uniform standard applicable to the air carriers conducting their operations under Parts 40, 41 and 42 of the Civil Air Regulations.

Since the proposed regulation is a uniform standard, it is considered appropriate to place the requirement in the Civil Air Regulations rather than in the individual air carrier operations specifications.

In consideration of the foregoing, it is proposed to amend Parts 40, 41, and 42 of the Civil Air Regulations as follows:

1. By adding a new paragraph: (e) to § 40.406 to read as follows:

§ 40.406 Take-off and landing weather minimums; IFR.

(e) The ceiling and visibility landing minimums prescribed for regular, provisional, or refueling airports for a particular type airplane shall be increased by 100 feet ceiling and ½ mile visibility whenever the pilot in command has not served 100 hours as pilot in command in air carrier operations in the particular type of airplane being operated by him. The ceiling and visibility minimums need not be increased above those applicable to the airport when used as an alternate airport. The sliding scale authorized in the air carrier's operations specifications shall not be used until the pilot in command has served 100 hours as pilot in command in air carrier operations in the particular type of airplane being operated by him.

2. By adding new paragraphs to §§ 41.119 and 42.55 to read similar to that proposed in paragraph 1 above.

These amendments are proposed under the authority of sections 313(a), 601, and 604 of the Federal Aviation Act of 1958 (72 Stat. 752, 755, 778; 49 U.S.C. 1354(a), 1421, 1424).

Issued in Washington, D.C., on April 18, 1960.

OSCAR BAKKE,  
Director,  
Bureau of Flight Standards.

[F.R. Doc. 60-3754; Filed, Apr. 22, 1960; 10:11 a.m.]

[ 14 CFR Part 507 ]

[Reg. Docket 262]

### AIRWORTHINESS DIRECTIVES

#### Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (§ 405.27, 24 F.R. 2196), a Notice of Proposed Rule Making to amend Part 507 of the regulations of the Administrator to include an airworthiness directive for modification of fuel dump chutes on Boeing 707-100 and -200 Series aircraft was published in 25 F.R. 879. Subsequent to publication of the notice, the aircraft manufacturer made improvement changes in the modification and it was determined that the 707-300 Series also should be included. In addition, a functional test is being required.

Because of the substantive changes made, this proposal will replace the Notice of Proposed Rule Making, 25 F.R. 879, which is hereby withdrawn.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before May 23, 1960, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

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

In consideration of the foregoing, it is proposed to amend § 507.10(a), (14 CFR Part 507), by adding the following airworthiness directive:

**BOEING.** Applies to the following 707-100, -200, -300, and VC-137A aircraft only: Serial numbers 17586 through 17605, 17609 through 17616, 17623 through 17625, 17628 through 17652, 17658 through 17680, 17692 through 17702, 17925 through 17927.

Compliance required by September 30, 1960.

When the fuel dump chutes are in the stowed position, the dump chute roller may not be fully engaged and the dump chute not locked in position. This has resulted in thirteen incidents of the fuel dump chutes inadvertently extending in flight. In five cases all or part of the chute and/or door was lost. In eight cases some damage was done to the chute and/or door. In order to eliminate this problem a new uplatch assembly has been designed which incorporates a position lock for the dump chute roller and a mechanism to indicate the position of the latch when the dump chute is stowed. As a result of the above, the following modifications shall be accomplished as indicated:

(a) Remove the fuel dump chute uplatch assembly and rework or install new uplatch assemblies in accordance with Boeing Service Bulletin No. 689 (R-1) dated January 12, 1960 and 689 (R-1) A dated February 1, 1960.

(b) After completion of item (a) conduct the pressure check-out procedure as outlined in item (al) of Boeing Service Bulletin No. 689 (R-1) dated January 12, 1960. This pressure check procedure must be conducted each time the fuel dump chute is removed and reinstalled.

(c) A placard must be added on the exterior side of the dump chute closure panel adjacent to the indicator hole. For nomenclature and method of fabricating this placard follow procedure outlined in item (am) of Boeing Service Bulletin No. 689 (R-1) dated January 12, 1960.

(d) Perform functional test as outlined in Boeing Service Bulletin Nos. 689 (R-1) dated January 12, 1960, and 689 (R-1) A dated February 1, 1960.

Issued in Washington, D.C., on April 18, 1960.

OSCAR BAKKE,  
Director, Bureau of  
Flight Standards.

[F.R. Doc. 60-3691; Filed, Apr. 22, 1960; 8:45 a.m.]

## [ 14 CFR Part 514 ]

[Reg. Docket 348]

### TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS PARTS, PROCESSES, AND APPLIANCES

#### Fuel and Engine Oil System Hose Assemblies

Pursuant to the authority delegated to me by the Administrator (§ 405.27, 24 F.R. 2196) notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 514 of the regulations of the Administrator by amending the Technical Standard Order set forth in § 514.52 (23 F.R. 7374) which establishes minimum performance standards for fuel and engine oil system hose assemblies used in civil aircraft of the United States.

This proposal establishes a new fire test procedure for Type C and Type D

hose assemblies, and incorporates more recent military specifications. The new test procedure requires the use of a standard burner, and markedly increased fluid pressures during the fire test, as well as use of a heat transfer device for standardizing the intensity of the flame.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before June 6, 1960, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. The proposal will not be given further publication as a draft release.

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

In consideration of the foregoing it is proposed to amend Part 514 as follows:

By amending § 514.52 as follows:

§ 514.52 Fuel and engine oil system hose assemblies (rubber or tetrafluoroethylene tube and wire braid construction)—TSO-C53a.

(a) *Applicability.* (1) *Minimum performance standards.* Minimum performance standards are hereby established for new models of fuel and engine oil system hose assemblies<sup>1</sup> of the following types manufactured on or after the effective date of this section, which are to be used on civil aircraft of the United States. Fuel and engine oil system hose assemblies of the following types approved prior to the effective date of this section may continue to be manufactured under the provisions of their original approval.

(i) *Type A.* Non-fire-resistant "normal" temperature hose assemblies which are intended to be used in locations outside fire zones where the fluid and ambient air temperatures do not exceed 250° F.

(ii) *Type B.* Non-fire-resistant "high" temperature hose assemblies which are intended to be used in locations outside fire zones where the fluid and ambient air temperatures do not exceed 450° F.

(iii) *Type C.* Fire-resistant "normal" temperature hose assemblies which are intended to be used in locations within fire zones where the fluid and ambient air temperatures do not exceed 250° F.

(iv) *Type D.* Fire-resistant "high" temperature hose assemblies which are intended to be used in locations within fire zones where the fluid and ambient air temperatures do not exceed 450° F.

(a) New models shall comply with the following minimum requirements. Three samples of each size shall be tested.

<sup>1</sup> Hose assemblies for use in propeller feathering lines are covered in TSO-C42.

(1) Type A hose assemblies shall comply with the "3.3 Performance" section requirements of Specification MIL-H-8795A, dated July 25, 1958,<sup>2</sup> except as noted in subparagraph (2) of this paragraph. The hose incorporated therein shall conform to "3.6 Performance" section of Specification MIL-H-8794A, dated July 25, 1958,<sup>2</sup> except as noted in subparagraph (2) of this paragraph.

(2) Type B hose assemblies shall comply with the "3.6 Performance" section of Specification MIL-H-25579 (USAF) Amendment 2, dated March 19, 1959,<sup>2</sup> except as noted in subparagraph (2) of this paragraph.

(3) Type C hose assemblies shall comply with the above requirements for Type A hose assemblies and in addition shall pass the fire test described in subparagraph (3) of this paragraph.

(4) Type D hose assemblies shall comply with the above requirements for Type B hose assemblies and in addition shall pass the fire test described in subparagraph (3) of this paragraph.

(2) *Exceptions.* (i) Type A hose assemblies are not required to comply with sections 3.6.1.2 and 3.6.2.7 of Specification MIL-H-8794A. The operating and proof pressures referred to in Table 1 of that specification shall be those values listed in the "Fuel" column thereof. The burst pressures to be utilized shall be twice the proof pressures listed in the "Fuel" column in Table 1. The foregoing shall likewise apply in showing compliance with Specification MIL-H-8795A.

(ii) Type B hose assemblies are not required to comply with sections 3.6.5, 3.6.7 and 3.6.10 of Specification MIL-H-25579 (USAF). The burst pressures to be utilized shall be twice the proof pressures listed in Table 1 of that specification.

(3) *Fire test procedure and requirements.* A description of the standard fire test apparatus and its use is in FAA "Standard Fire Test Apparatus and Procedure" (Power Plant Engineering Report No. 3).<sup>3</sup> The use of a protective sleeve over the hose and/or end fittings is permitted to facilitate compliance with the fire test requirements. Sleeves or covers shall be secured to the hose assembly so that fire-resistant properties will be maintained.

(i) Oil pressure during fire test: Type C hose assemblies—the operating pressure specified in the "Fuel" column of Table 1 in Specification MIL-H-8795A. Type D hose assemblies—the operating pressure specified in Table 1 of Specification MIL-H-25579 (USAF).

(ii) Oil flow rate:  $5 \times (\text{Hose assembly actual ID in inches})^2$ . (Example: Flow rate for  $-16$  size =  $5 \times (7/8)^2 = 3.8$  GPM).

(iii) Duration: 5 minutes.

<sup>2</sup> Copies of these specifications may be obtained by addressing a request to: Commander, USAF, Administrative Services Office, Attention EWBFE, Wright-Patterson Air Force Base, Ohio.

<sup>3</sup> Copies of Power Plant Engineering Report No. 3, may be obtained by addressing a request to Aeronautical Reference Branch, Correspondence Inquiry Section, Federal Aviation Agency, Washington 25, D.C.

(iv) Criteria for acceptability: The hose assembly shall be considered acceptable if it complies with these test conditions without evidence of leakage.

(b) *Marking.* The markings required are specified in § 514.3 with the following exceptions:

(1) Trademark may be used in lieu of name, and manufacturer's address is not required.

(2) In lieu of the weight specified in paragraph (c) of § 514.3, the size of the hose assembly shall be shown.

(3) The applicable TSO number shall be followed immediately by the appropriate type designation, as TSO-C53-Type B. Where a protective sleeve is employed, the information should be legibly stamped on a steel (or other fire-proof) band securely affixed to the hose assembly.

(c) *Data requirements.* The following information and data should be submitted with the letter of conformance:

(1) One copy of drawing showing the hose assembly construction, materials, part numbers and the recommended maximum and minimum fluid and ambient temperatures for continuous operation. The following data should be shown for each size: Proof and burst pressure (minimum), Operating pressure (maximum), Bending radius (minimum).

(2) One copy of any installation instructions and/or other pertinent information (may be shown on drawing).

Issued in Washington, D.C., on April 18, 1960.

OSCAR BAKKE,  
Director,

Bureau of Flight Standards.

[F.R. Doc. 60-3692; Filed, Apr. 22, 1960;  
8:45 a.m.]

## DEPARTMENT OF THE TREASURY

Bureau of Narcotics

[ 21 CFR Part 305 ]

### DIAMPROMID (N-[2-([METHYL]-PHENETHYLAMINO)-PROPYL]-PROPIONANILIDE); AND PHENAMPROMID (N-(1-METHYL-2-PIPERIDINOETHYL)-PROPIONANILIDE)

#### Addiction-Forming or Addiction-Sustaining Liability

Notice is hereby given pursuant to the provisions of the Act of March 8, 1946 (60 Stat. 38; 26 U.S.C. 4731), section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1103), and by virtue of the authority vested in me by the Secretary of the Treasury (12 F.R. 1480), that a determination is proposed to be made that each of the following named new drugs has an addiction-forming or addiction-sustaining liability similar to morphine and is an opiate.

1. Diampromid (N-[2-([Methyl]-phenethylamino)-propyl]-propionanilide).
2. Phenampromid (N-(1-Methyl-2-piperidinoethyl)-propionanilide).

Consideration will be given to any written data, views or arguments, pertaining to the addiction-forming or ad-

dition-sustaining liability of the above-named drugs, which are received by the Commissioner of Narcotics prior to May 27, 1960. Any person desiring to be heard on the addiction-forming or addiction-sustaining liability of the above-named drugs will be accorded the opportunity at a hearing in the office of the Commissioner of Narcotics, 1300 E Street NW., Washington 25, D.C., at 10:00 o'clock a.m., May 27, 1960, provided that such person furnishes written notice of his desire to be heard, to the Commissioner of Narcotics, Washington 25, D.C., not later than 20 days from the publication of this notice in the FEDERAL REGISTER. If no written notice of a desire to be heard shall be received within 20 days from the date of publication of this notice in the FEDERAL REGISTER, no hearing shall be held, but the Commissioner of Narcotics shall proceed to make a recommendation to the Secretary of the Treasury for a finding under section 1 of the Act of March 8, 1946.

(60 Stat. 38; 26 U.S.C. 4731)

[SEAL] H. J. ANSLINGER,  
Commissioner of Narcotics.

[F.R. Doc. 60-3710; Filed, Apr. 22, 1960;  
8:47 a.m.]

## SMALL BUSINESS ADMINISTRATION

[ 13 CFR Part 107 ]

### SMALL BUSINESS INVESTMENT COMPANIES

#### Notice of Proposed Rule Making

Notice is hereby given that, pursuant to authority contained in section 308, Public Law 85-699, 72 Stat. 694, it is proposed to amend, as set forth below, § 107.308-8 of Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations. Part 107, Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations, governing the establishment and operation of small business investment companies chartered or licensed by the Small Business Administration to operate under the Small Business Investment Act of 1958, and to carry out the provisions of said Act, was published in the FEDERAL REGISTER on December 4, 1958 (23 F.R. 9383), and became effective upon publication in the FEDERAL REGISTER.

Prior to final adoption of proposed amendment of the Regulation, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in triplicate, to the Investment Division, Small Business Administration, Washington 25, D.C., within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

The amendment under consideration changes the provisions of present § 107.308-8 by adding thereto a new paragraph (b) relating to minimum fidelity bond requirements for Licensees.

Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regu-

lations is amended by deleting § 107.308-8 and substituting in lieu thereof the following new § 107.308-8:

#### § 107.308-8 Insurance.

(a) A Licensee shall maintain fidelity or such other types of bonds or insurance as shall be required by SBA.

(b) Each Licensee shall provide and maintain a fidelity bond in form acceptable to SBA covering each director, officer, or employee who has control over or access to cash or securities of the Licensee. Such bond shall cover all such persons and shall be approved by the board of directors of the Licensee for the exclusive protection of the Licensee. Brokers Blanket Bond, Standard Form No. 14, or other bond containing equivalent surety provisions, will be acceptable to SBA. Each such bond must be executed by a surety holding a certificate of authority from the Secretary of the Treasury under the act of Congress approved July 30, 1947 (6 U.S.C., secs. 6-13) as an acceptable surety on Federal bonds in the State or jurisdiction concerned. The minimum amount of fidelity bond for each Licensee acceptable to the SBA shall be based upon the assets of the Licensee plus the unpaid balance of loans which the Licensee has contracted to service for others, as follows:

Assets	Minimum coverage
Up to \$300,000.....	\$20,000
\$300,001 to \$400,000.....	25,000
\$400,001 to \$500,000.....	30,000
\$500,001 to \$750,000.....	40,000
\$750,001 to \$1,000,000.....	50,000
\$1,000,001 to \$2,000,000.....	75,000
\$2,000,001 to \$3,000,000.....	100,000
\$3,000,001 to \$4,000,000.....	125,000
\$4,000,001 to \$5,000,000.....	150,000
\$5,000,001 to \$7,500,000.....	175,000
\$7,500,001 to \$10,000,000.....	200,000
\$10,000,000 and over.....	( <sup>1</sup> )

<sup>1</sup> \$225,000 plus \$10,000 for each \$1,000,000 or fraction thereof over \$15,000,000, except that no Licensee shall be required to provide and maintain a fidelity bond in an amount greater than \$1,000,000.

Dated: April 14, 1959.

PHILIP MCCALLUM,  
Administrator.

[F.R. Doc. 60-3700; Filed, Apr. 22, 1960;  
8:46 a.m.]

## FEDERAL RESERVE SYSTEM

[ 12 CFR Part 220 ]

[Reg. T]

### CREDIT BY BROKERS, DEALERS, AND MEMBERS OF NATIONAL SECURITIES EXCHANGES

#### Notice of Proposed Rule Making

The Board of Governors of the Federal Reserve System recently has considered situations arising under paragraph (d) of § 220.6 of Part 220 (Regulation T), relating to the transfer of general accounts between customers. In order to eliminate possible ambiguities and to make clearer what situations are covered by that provision, and what situations are not, it is proposed to amend paragraph (d) of § 220.6 to read as follows:

§ 220.6 Certain technical details.

(d) *Transfer of accounts*—(1) In the event of the transfer of a general account from one creditor to another, such account may be treated for the purposes of this part as if it had been maintained by the transferee from the date of its origin: *Provided*, That the transferee accepts in good faith the signed statement of the transferor that no cash or securities need be deposited in the account in connection with any transaction that has been effected in the account or, in case he finds that it is not practicable to obtain such a statement from the transferor, accepts in good faith such a signed statement from the customer.

(2) In the event of the transfer of a general account from one customer to another (or to others) as a bona fide incident to a legal succession, each such transferee account may be treated by the creditor for the purposes of this part as if it had been maintained for the transferee from the date of its origin. Examples of such successions are: Trustees in bankruptcy and receiver, in place of bankrupts and other insolvents; executors, administrators; successor trustees in place of decedents; successor trustees or other fiduciaries, in place of their predecessors; beneficiaries, in place of trustees or other fiduciaries.

This notice is published pursuant to section 4 of the Administrative Procedure Act and section 2 of the rules of procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.2). The proposed change is authorized under the authority cited at 12 CFR Part 220.

To aid in the consideration of the foregoing matter the Board will be glad to receive from interested persons any relevant data, views, or arguments. Al-

though such material may be sent directly to the Board, it is preferable that it be sent to the Federal Reserve Bank of the district, which will forward it to the Board for consideration. All such material should be submitted in writing to be received not later than May 16, 1960.

Dated at Washington, D.C., this 18th day of April 1960.

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

[F.R. Doc. 60-3694; Filed, Apr. 22, 1960;  
8:45 a.m.]

[ 12 CFR Part 221 ]

[Reg. U]

**LOANS BY BANKS FOR THE PURPOSE  
OF PURCHASING OR CARRYING  
REGISTERED STOCKS**

**Notice of Proposed Rule Making**

The Board of Governors of the Federal Reserve System recently has considered situations arising under paragraph (e) of § 221.3 of Part 221 (Regulation U), relating to the transfer of loans between borrowers. In order to eliminate possible ambiguities and to make clearer what situations are covered by that provision, and what situations are not, it is proposed to amend paragraph (e) of § 221.3 to read as follows:

§ 221.3 Miscellaneous provisions.

(e) A bank may (1) accept the transfer of a loan from another bank or (2) permit the transfer of a loan between borrowers as a bona fide incident to a legal succession, without following the requirements of this part as to the mak-

ing of a loan, provided the loan is not increased and the collateral for the loan is not changed; and, after such transfer, a bank may permit such withdrawals and substitutions of collateral as the bank might have permitted if it had been the original maker of the loan or had originally made the loan to the new borrower. Examples of successions referred to in the preceding sentence are: Trustees in bankruptcy and receivers, in place of bankrupts and other insolvents; executors, administrators, and beneficiaries, in place of decedents; successor trustees or other fiduciaries, in place of their predecessors; beneficiaries, in place of trustees or other fiduciaries.

This notice is published pursuant to section 4 of the Administrative Procedure Act and section 2 of the rules of procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.2). The proposed change is authorized under the authority cited at 12 CFR Part 221.

To aid in the consideration of the foregoing matter the Board will be glad to receive from interested persons any relevant data, views, or arguments. Although such material may be sent directly to the Board, it is preferable that it be sent to the Federal Reserve Bank of the district, which will forward it to the Board for consideration. All such material should be submitted in writing to be received not later than May 16, 1960.

Dated at Washington, D.C., this 18th day of April 1960.

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

[F.R. Doc. 60-3695; Filed, Apr. 22, 1960;  
8:45 a.m.]

# Notices

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[P. & S. Docket No. 1146]

#### LICENSEES OPERATING AS COMMISSION MERCHANTS IN THE DESIGNATED AREA OF NEW YORK CITY, NEW YORK

##### Notice of Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on September 18, 1959 (18 A.D. 1025), continuing in effect to and including September 23, 1961, an order issued on September 17, 1957 (16 A.D. 895), authorizing the respondents, the licensees operating as commission merchants in the Designated Area of New York City, New York, to assess the current commission charges.

On April 4, 1960, a petition was filed on behalf of the respondents requesting that the order of September 17, 1957, as continued in effect by the order of September 18, 1959, be modified so as to authorize the respondents to add to their current tariff and assess a charge of one cent per basket on all baskets of poultry unloaded by them in the Designated Area of New York City, New York.

Such modification would result in additional revenue for the respondents and increased costs of marketing live poultry. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., within 15 days after the publication of this notice.

Done at Washington, D.C., this 18th day of April 1960.

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

[F.R. Doc. 60-3702; Filed, Apr. 22, 1960; 8:47 a.m.]

### Agricultural Research Service

#### DIRECTOR, FOREIGN RESEARCH AND TECHNICAL PROGRAMS DIVISION ET AL.

##### Delegation of Authority To Make and Execute Research Contracts and Grants

Pursuant to the authority vested in the Administrator, Agricultural Research Service, by the Secretary of Agriculture,

under Secretary's Order of December 24, 1953 (19 F.R. 74), as amended, the prior delegation of authority contained in 23 F.R. 3460 with respect to grants and contracts is revised to read as follows: (a) Authority to make grants and execute contracts under section 104 of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456; 7 U.S.C. 1704) is delegated to the Director or Acting Director, Foreign Research and Technical Programs Division, Agricultural Research Service and (b) Authority to execute all research contracts (including RMA Contracts) other than those specified in (a) above is delegated to the Director or Acting Director, Administrative Services Division, Agricultural Research Service.

The authority herein delegated may not be redelegated.

This delegation of authority amends "Notice of Organization, Functions, and Authorities of the Agricultural Research Service", effective February 21, 1957 (22 F.R. 2679), as amended, and is to be exercised in connection with general administrative aspects of the research programs assigned to the Agricultural Research Service as outlined therein.

Done at Washington, D.C., this 19th day of April 1960.

B. T. SHAW,  
*Administrator,  
Agricultural Research Service.*

[F.R. Doc. 60-3715; Filed, Apr. 22, 1960; 8:48 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-29]

### YANKEE ATOMIC ELECTRIC CO.

#### Notice of Hearing

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in 10 CFR Part 2, Rules of Practice, notice is hereby given that a hearing will be held to consider the issuance of a facility license for a utilization facility to the above-named applicant under sections 104.b and 185 of the Atomic Energy Act of 1954, as amended. The hearing will commence at 10:30 a.m. on Wednesday, May 25, 1960, and will be held in the Auditorium of the AEC Headquarters, Germantown, Md. Construction Permit No. CPPR-5, the license application, and the record of prior proceedings in this docket are available for public inspection at the AEC Public Document Room, 1717 H Street NW., Washington 25, D.C.

The issues to be considered at the hearing will be the following:

1. Whether the changes in design and operating procedures set forth in Amendments No. 19 and 20 to the license application, dated February 24, 1960, and April 6, 1960, respectively, should be approved and, if so, whether a further amendment of Construction Permit No.

CPPR-5 is necessary or appropriate to reflect such approval;

2. Whether the utilization facility authorized for construction by Construction Permit No. CPPR-5, as amended, has been constructed and will operate in conformity with the license application as amended, the provisions of the Atomic Energy Act, of 1954, as amended, and of the rules and regulations of the Commission;

3. Whether a license should be issued authorizing the operation of said facility and, if so, upon what terms and conditions;

4. Whether the processes to be performed, the operating procedures, the facility and equipment, the use of the facility and the technical specifications, collectively, provide reasonable assurance that the health and safety of the public will not be endangered by the proposed operation of the facility;

5. Whether Yankee Atomic Electric Company is technically and financially qualified to operate the facility, to assume financial responsibility for payment of Commission charges for special nuclear material, to undertake and carry out the proposed use of such material for a reasonable period of time, and to engage in the proposed activities in accordance with the Commission's regulations;

6. Whether Yankee Atomic Electric Company has furnished to the Commission proof of financial protection in accordance with 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements";

7. Whether issuance of a license to operate the facility will be inimical to the common defense and security or to the health and safety of the public.

The report of the Advisory Committee on Reactor Safeguards in this matter will be available for public inspection in the AEC Public Document Room, 1717 H Street NW., Washington, D.C., prior to the hearing herein scheduled. Copies of such report may be obtained by request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation. If the report is not published and made available prior to the scheduled date of hearing, the hearing will be re-scheduled.

Petitions for leave to intervene must be received in the Office of the Secretary, Atomic Energy Commission, Germantown, Md., or in the AEC Public Document Room, 1717 H Street NW., Washington 25, D.C., not later than May 24, 1960, or in the event of a postponement of the hearing date specified above at such time as the Presiding Officer may provide. Yankee Atomic Electric Company shall file an answer to this notice pursuant to § 2.736 of the Commission's rules of practice on or before May 18, 1960.

Papers required to be filed with the AEC in this proceeding shall be filed by mailing to the Secretary, Atomic Energy

Commission, Washington 25, D.C., or may be filed in person at the Office of the Secretary, Atomic Energy Commission, Germantown, Md., or at the AEC Public Document Room, 1717 H Street NW., Washington, D.C. Pending further order of the Presiding Officer, parties shall file twenty copies of each such paper with the AEC and where service of papers is required on other parties shall file five copies of each.

The Commission designated Samuel W. Jensch, Esq., as the Presiding Officer to conduct the hearing and to render a decision pursuant to § 2.751(a) of the Commission's rules of practice.

Dated at Germantown, Md., this 21st day of April 1960.

For the Atomic Energy Commission.

H. L. PRICE,  
Director, Division of  
Licensing and Regulation.

[F.R. Doc. 60-3753; Filed, Apr. 22, 1960;  
8:49 a.m.]

## DEPARTMENT OF COMMERCE

### Federal Maritime Board

#### IVARAN LINES ET AL.

#### Notice of Agreements Filed With the Board for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

(1) Agreement No. 57-73, between the member lines of the Pacific Westbound Conference and Aktieselskapet Ivarans Rederi, Aktieselskapet Lise and Skibsaktieselskapet Awilco, the carriers comprising the new Ivaran Lines—Far East Service joint service, as provided by Agreement No. 7866-2, is a new associate membership agreement of that joint service which, upon approval, will supersede and cancel associate membership Agreement No. 57-47, between the conference and Aktieselskapet Ivarans Rederi, Aktieselskapet Lise and Skibsaktieselskapet Igadi, the carriers presently comprising the joint service. As an associate member, Ivaran Lines—Far East Service will be obligated to abide by all the rates, rules, regulations and decisions of the conference; will have no vote in conference affairs; will be permitted to participate in conference contracts with shipper; and will be exempt from posting of the usual surety bond required of regular members.

(2) Agreement No. 6130-2, between the member lines of the Pacific Coast—Puerto Rican Conference, modifies the basic agreement of that conference (No. 6130, as amended), with respect to voting and apportionment of conference expenses.

(3) Agreement No. 7200-4, between the member lines of the River Plate & Brazil/United States Reefer Conference, modifies the basic agreement of that conference, (No. 7200, as amended), which covers the transportation of refrigerated cargo from ports in Uruguay, Brazil, and

Argentina to U.S. Atlantic and Gulf ports. The purpose of the modification is to provide that no party to the agreement shall represent, or permit their agents to represent, any vessel in the trade other than those operated for account of a signatory party, except as may be unanimously approved by the Conference.

(4) Agreement No. 8408-1, between Young Brothers Division of Oahu Railway and Land Company, Consolidated Freightways Inc., and Consolidated Freightways Corporation of Delaware, modifies approved Agreement No. 8408, between Young Brothers Division of Oahu Railway and Land Company and Consolidated Freightways, Inc., covering an arrangement for the transportation of cargo in containers between points in the Hawaiian Islands. The purpose of the modification is to substitute Consolidated Freightways Corporation of Delaware in place of Consolidated Freightways, Inc., as a party to the agreement.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER written statements with reference to any of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: April 19, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,  
Secretary.

[F.R. Doc. 60-3689; Filed, Apr. 22, 1960;  
8:45 a.m.]

### Maritime Administration

[Docket No. S-110]

#### PACIFIC FAR EAST LINE, INC.

#### Notice of Application and of Hearing

Notice is hereby given of the application of Pacific Far East Line, Inc., for written permission of the Maritime Administrator, under section 805(a) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1223, for Long Island Tankers, Inc., as a subsidiary of the said Applicant, to charter its owned vessel, the "SS Kaimana" to Matson Navigation Company for one round voyage between the West Coast of the United States and British Columbia and the Hawaiian Islands, delivery to be effected on or about May 1, 1960, at San Francisco, California, with an option by Matson Navigation Company for a second like voyage to be declared no later than the arrival of the vessel in the Hawaiian Islands on the first voyage. This application may be inspected by interested parties in the Hearing Examiners' Office, Federal Maritime Board.

A hearing on the application has been set before the Maritime Administrator for April 29, 1960, at 9:30 a.m., e.s.t., in Room 4519, General Accounting Office Building, 441 G Street NW., Washington 25, D.C. Any person, firm, or corporation having any interest (within the

meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) must, before April 28, 1960, notify the Secretary, Maritime Administration, in writing, in triplicate, and file petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Notwithstanding anything in Rule 5(n) of the rules of practice and procedure, Maritime Administration, petitions for leave to intervene received after April 28, 1960, will not be granted in this proceeding.

Dated: April 21, 1960.

JAMES L. PIMPER,  
Secretary.

[F.R. Doc. 60-3746; Filed, Apr. 22, 1960;  
8:49 a.m.]

### Office of the Secretary

#### HAROLD LARSEN

#### 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 during the last six months.

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

This statement is made of April 11, 1960.

Dated: April 11, 1960.

HAROLD LARSEN.

[F.R. Doc. 60-3703; Filed, Apr. 22, 1960;  
8:47 a.m.]

#### CARL W. HASEK, JR.

#### 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 during the last six months.

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

This statement is made as of April 9, 1960.

Dated: April 9, 1960.

CARL W. HASEK, JR.

[F.R. Doc. 60-3704; Filed, Apr. 22, 1960;  
8:47 a.m.]

#### JOHN H. SPRAGGON

#### 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 during the last six months.

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

This statement is made as of April 11, 1960.

Dated: April 11, 1960.

JOHN H. SPRAGGON.

[F.R. Doc. 60-3705; Filed, Apr. 22, 1960; 8:47 a.m.]

## FEDERAL RESERVE SYSTEM

### BANCOHIO CORP.

#### Order Changing Place of Hearing

On April 1, 1960, the Board of Governors of the Federal Reserve System issued a Notice of Order on Request for Hearing (published in the FEDERAL REGISTER on April 7, 1960 (25 F.R. 3015)) ordering that a public hearing be conducted with respect to the application of Bancohio Corporation, Columbus, Ohio, filed pursuant to section 3(a) of the Bank Holding Company Act of 1956, for prior approval of the acquisition of a minimum of 80 percent of the 1,000 voting shares of The Hilliard Bank, Hilliards, Ohio. The hearing was ordered to be held commencing May 31, 1960, at 10 a.m. at the offices of the Federal Reserve Bank of Cleveland, Cleveland, Ohio.

Subsequent to the publication of this order, Applicant requested that the place of hearing be changed to Columbus, Ohio. It appearing to the Board of Governors that, if this request is granted, the convenience of the Applicant and others would be served and the public interest would not be adversely affected,

*It is hereby ordered,* That the hearing on this application be held at the offices of the Applicant, 51 North High Street, Columbus 15, Ohio, commencing at 10 a.m. on May 31, 1960.

*It is further ordered,* That, in all other respects, the Board's Order of April 1, 1960, be, and the same hereby is, affirmed.

Dated at Washington, D.C., this 15th day of April 1960.

[SEAL] MERRITT SHERMAN,  
Secretary.

[F.R. Doc. 60-3693; Filed, Apr. 22, 1960; 8:45 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket 10754]

### EASTERN AIR LINES, INC., AND NATIONAL AIRLINES, INC.

#### Notice of Postponement of Hearing

Eastern Air Lines, Inc., vs. National Airlines, Inc., enforcement; Docket 10754.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, that the hearing in the above-entitled proceeding,

now assigned for April 26, 1960, is hereby postponed until May 12, 1960, at 10:00 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Curtis C. Henderson, Hearing Examiner.

Dated at Washington, D.C., April 20, 1960.

[SEAL] FRANCIS W. BROWN,  
Chief Examiner.

[F.R. Doc. 60-3739; Filed, Apr. 22, 1960; 8:48 a.m.]

[Docket 10077]

### BROWNSVILLE, TEXAS/TAMPICO, MEXICO, SUSPENSION CASE

#### Notice of Postponement of Hearing

In the matter of the Board investigation to determine whether Pan American World Airways' certificate insofar as it authorizes service to Brownsville, Texas, and Tampico, Mexico, should be altered, amended, modified, or suspended.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding, now assigned for April 27, 1960, is postponed to May 10, 1960, at 10:00 a.m. (local time) in Stillman Town Hall in the Fort Brown Memorial Center, Brownsville, Texas, before Examiner Thomas L. Wrenn.

Dated at Washington, D.C., April 20, 1960.

[SEAL] FRANCIS W. BROWN,  
Chief Examiner.

[F.R. Doc. 60-3740; Filed, Apr. 22, 1960; 8:48 a.m.]

## INTERSTATE COMMERCE COMMISSION

### FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 20, 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. 36169: *Grain and related products—Western points to Corpus Christi, Tex.* Filed by the Chicago, Rock Island and Pacific Railroad Company, Agent (No. 889), for interested rail carriers. Rates on barley, corn, oats, rye, soybeans and wheat, in bulk, in carloads from CRI&P stations in Iowa and Minnesota to Corpus Christi, Tex. (for export).

Grounds for relief: Restore port relationships, disrupted by depressed rates based on combination rates to New Orleans, La., made over Chicago or Peoria, Ill., from the same origins.

Tariff: Supplement 16 to Chicago, Rock Island and Pacific Railroad tariff I.C.C. C-13604.

FSA No. 36170: *Substituted service—C&O for McLean Trucking Company.* Filed by Central and Southern Motor Freight Tariff Association, Incorporated, Agent (No. 10), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Cincinnati, Ohio, on the one hand, and Lynchburg and Richmond, Va., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 1 to Central and Southern Motor Freight Tariff Association, Incorporated tariff MF-I.C.C. 219.

FSA No. 36171: *Substituted service—Wabash for Midwest Haulers, Inc., et al.* Filed by Midwest Haulers, Inc. (No. 22), for itself, and other interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Buffalo, N.Y., on the one hand, and Chicago, Ill., East St. Louis, Ill., and Kansas City, Mo., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 2 to Midwest Haulers, Inc., tariff MF-I.C.C. 22.

FSA No. 36172: *Substituted service—Wabash for Midwest Haulers, Inc., et al.* Filed by Midwest Haulers, Inc. (No. 23), for itself and other interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Detroit, Mich., on the one hand, and Chicago, East St. Louis, Ill., and Kansas City, Mo., on the other, also between Chicago, Ill., and East St. Louis, Ill., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 2 to Midwest Haulers, Inc., tariff MF-I.C.C. 22.

FSA No. 36173: *Naphtha—Catlettsburg, Ky, to United, Fla.* Filed by O. W. South, Jr., Agent (SFA No. A3936), for interested rail carriers. Rates on naphtha, in tank-car loads from Catlettsburg, Ky., to United, Fla.

Grounds for relief: Barge-truck competition.

Tariff: Supplement 19 to Southern Freight Association tariff I.C.C. S-85.

FSA No. 36174: *Petroleum coke—West Lake, La., to Listerhill, Ala., and Natco, Tenn.* Filed by Southwestern Freight Bureau, Agent (No. B-7779), for interested rail carriers. Rates on petroleum coke, in carloads from West Lake, La., to Listerhill, Ala., and Natco, Tenn.

Grounds for relief: Market competition.

Tariff: Supplement 2 to Southwestern Freight Bureau tariff I.C.C. 4349.

By the Commission.

[SEAL] HAROLD D. MCCOY,  
Secretary.

[F.R. Doc. 60-3706; Filed, Apr. 22, 1960; 8:47 a.m.]

[Notice No. 301]

**MOTOR CARRIER TRANSFER PROCEEDINGS**

APRIL 20, 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 63038. By order of April 18, 1960, the Transfer Board approved the transfer to Ernest Torberson, Canton, S. Dak., of Certificate in No. MC 96298, issued December 13, 1949, to Ernest Torkelson, Canton, S. Dak., authorizing the transportation of: Grain, livestock, and farm implements, from and to specified points in Iowa and South Dakota. Laird Rasmussen, 131 North Main Avenue, Sioux Falls, S. Dak., for applicants.

No. MC-FC 63085. By order of April 18, 1960, the Transfer Board approved the transfer to Vincent M. McLeod, doing business as Budway Express, Los Angeles, Calif., of Certificates Nos. MC 33051 and MC 33051 Sub 1 issued April 23, 1941 and June 19, 1952, in the name of Clyde Storey, doing business as Storey Auto Express, Los Angeles, Calif., authorizing the transportation of automobile parts, accessories and supplies over irregular routes, between Los Angeles Harbor, Calif., and Los Angeles, Calif.; and truck parts, accessories and supplies; garden seed; grafting wax and shears, over irregular routes, from Los Angeles, Calif., to the port of Wilmington, Calif. R. Y. Schureman, 639 South Spring Street, Los Angeles 14, Calif., for applicants.

No. MC-FC 63108. By order of April 18, 1960, the Transfer Board approved the transfer to Orienta Bus Lines, Inc., White Plains, N.Y., of a Certificate in No. MC 103210 issued April 9, 1954 to William Gauthier, doing business as Orienta Bus Company, White Plains, N.Y., authorizing the transportation of

passengers and their baggage, in round trip charter operations, over irregular routes, beginning and ending at Harrison, Rye, Mamaroneck, Port Chester, and White Plains, N.Y., and extending to points in Fairfield County, Conn., and Bergen and Hudson Counties, N.J. Grant Reynolds, 20 Depot Plaza, White Plains, N.Y., for applicants.

No. MC-FC 63116. By order of April 18, 1960, the Transfer Board approved the transfer to Alex Georgiathis, doing business as Thompson Towing, Chicago, Illinois, of a Certificate in No. MC 109071 issued February 19, 1957, to James Kuesis and Maxine Kuesis, a partnership, doing business as Thompson Towing, Chicago, Illinois, authorizing the transportation of wrecked and disabled motor vehicles, over irregular routes, between points in Indiana and Wisconsin, on the one hand, and, on the other, points in Illinois. George S. Mullins, 4704 West Irving Park Road, Chicago 41, Ill., for applicants.

No. MC-FC 63145. By order of April 18, 1960, the Transfer Board approved the transfer to Leavitts Freight Service, Inc., Lane, Oregon, of a Permit in No. MC 116474 issued March 12, 1958, to P. J. Leavitt, D. C. Leavitt, D. J. Leavitt, and Dean Leavitt, a partnership, doing business as P. J. Leavitt and Sons authorizing the transportation of pressure-treated forest products, from Eugene, Oregon, and points within five miles thereof, to points in specified counties in California, and points in specified counties in Nevada. Wolf D. von Otterstedt, Husband & Johnson, 72 West Broadway, Eugene, Oreg., for applicants.

No. MC-FC 63150. By order of April 18, 1960, the Transfer Board approved the transfer to The Mid-West Publishing Company, Inc., 120 North Main Street, P.O. Box 216, Yates Center, Kansas; of a Certificate in No. MC 11143 issued February 17, 1950 to Fred Bishop, Rose, Kansas, authorizing the transportation over irregular routes of building materials, hardware, farm machinery, and livestock, from, to, and between specified points in Missouri and Kansas.

No. MC-FC 63152. By order of April 18, 1960, the Transfer Board approved the transfer to David K. Hershey, Hanover, Pa., of Certificates Nos. MC 602 and MC 602 Sub 1, both issued December 6, 1949, in the name of Russell E. Kehr, Hanover, Pa., authorizing the transportation over irregular routes of lime and stone, from Hanover, Pa., and points within 5 miles of Hanover, to points in Maryland within 50 miles of Hanover;

fertilizer, from Baltimore, Bruceville, and Westminster, Md., to Hanover, Pa., and points in Pennsylvania within 25 miles of Hanover; fertilizer, insecticides, spray material, grain, feed, seed, binder twine, and charcoal, from Baltimore, Md., to points in Adams, Franklin, Cumberland, Juniata, Mifflin, York, and Dauphine Counties, Pa., and agricultural commodities, from points in the above-specified Pennsylvania counties to Baltimore, Md. John M. Musselman, State Street Building, Harrisburg, Pa., for applicants.

No. MC-FC 63158. By order of April 18, 1960, the Transfer Board approved the transfer to Inez E. Girard, doing business as John Girard Motor Express, Uniontown, Pennsylvania, of a Certificate in No. MC 405 issued January 8, 1946 to John Girard, doing business as John Girard Motor Expressway, Uniontown, Pennsylvania, authorizing the transportation of general commodities, except household goods, as defined by the Commission, commodities in bulk, and other specific commodities, between Pittsburgh, Pa., and Clarksburg, W. Va., serving specified intermediate and off-route points. Michael J. O'Malley, Seif, Frost, Gunst & Thompson, Suite 1111 Berger Building, Pittsburgh 19, Pa., for applicants.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 60-3707; Filed, Apr. 22, 1960;  
8:47 a.m.]

**FEES FOR COPYING, CERTIFICATION, AND RELATED SERVICES**

APRIL 20, 1960.

Paragraphs 5, 6, and 7 of the Commission's notice of July 15, 1958, as amended, in the matter of fees for copying, certification and services in connection therewith (23 F.R. 5642, 23 F.R. 10577, and 24 F.R. 5590), are hereby renumbered paragraphs 6, 7, and 8 respectively, and the notice is further amended to add the following new paragraph 5:

5. Photocopy prints (positives) at 60 cents per page. This process of reproduction is used solely at the convenience and discretion of the Commission as an alternative to photostating and is limited to the records to be found in the Docket File Rooms.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 60-3708; Filed, Apr. 22, 1960;  
8:47 a.m.]

## CUMULATIVE CODIFICATION GUIDE—APRIL

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