



FEDERAL REGISTER

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Announcement

CFR SUPPLEMENTS

(As of January 1, 1960)

The following Supplements are now available:

| | |
|---------------------------------------|--------|
| Title 7, Parts 210-399, Revised | \$4.00 |
| Title 21 | 1.50 |
| Title 32, Parts 1-399 | 2.00 |
| Parts 400-699 | 2.00 |
| Title 35, Revised | 3.50 |
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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 33 (\$1.75); Title 36, Revised (\$3.00); Title 38 (\$1.00); Title 43 (\$1.00); Title 46, Parts 1-145 (\$1.00); Parts 146-149, Revised (\$6.00); Part 150 to End (\$0.65); Title 47, Parts 1-29 (\$1.00); Part 30 to End (\$0.30); Title 49, Parts 1-70 (\$1.75); Parts 91-164 (\$0.45); Part 165 to End (\$1.00); Title 50 (\$0.70).

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.431]

PART 325—ADDITIONAL COMPEN- SATION IN FOREIGN AREAS

Miscellaneous Amendments

Part 325 is amended as follows, effective as of the dates indicated:

§ 325.10 [Amendment]

a. Effective as of August 21, 1959, § 325.1 (d) and (e) is deleted and the following is substituted in lieu thereof:

(d) (1) "United States" means the States, the District of Columbia, and the areas enumerated in paragraph (e) of this section.

(2) "Continental United States" means the 48 States (existing prior to statehood of Alaska and Hawaii) and the District of Columbia.

(e) "Territories and possessions of the United States" means the Commonwealth of Puerto Rico, the possessions of the United States including Canton and Enderbury Islands in the Phoenix Group; and also the Trust Territory of the Pacific Islands and the Panama Canal Zone.

b. Effective as of the beginning of the first pay period following January 1, 1960, § 325.1 (c) and (e) is deleted and the following paragraph is substituted in lieu thereof:

(c) "Foreign areas" means all areas not included in the United States and means also, with respect to teachers appointed under the Defense Department Overseas Teachers Pay and Personnel Practices Act (73 Stat. 213), the Trust Territory of the Pacific Islands and Midway Islands.

(e) "Territories and possessions of the United States" means the Commonwealth of Puerto Rico, the possessions of the United States including Canton and Enderbury Islands in the Phoenix Group; and also the Trust Territory of the Pacific Islands and the Panama Canal Zone; except that with respect to teachers appointed under the Defense Department Overseas Teachers Pay and Personnel Practices Act (73 Stat. 213), the Trust Territory of the Pacific Islands and Midway Islands are considered to be foreign areas.

§ 325.15 [Amendment]

C. Effective on the dates indicated, § 325.15 *Designation of differential posts* is amended as follows:

1. Effective as of the beginning of the first pay period following March 5, 1960,

paragraph (a) is amended by the deletion of the following:

Brazil, all posts in states and territories of Acre, Amapa, Amazonas, Goiás (except Goiânia), Guapore, Maranhao, Mato Grosso, Para, Piaui, and Rio Branco.

2. Effective as of the beginning of the first pay period following April 30, 1960, paragraph (a) is amended by the deletion of the following:

Eleuthera Island, Bahamas.
Grand Bahama Island, Bahamas.
Grand Turk Island, T.W.I.
Mayaguana Island, Bahamas.
San Salvador Island, Bahamas.

3. Effective as of the beginning of the first pay period following April 30, 1960, paragraph (b) is amended by the deletion of the following:

Yaounde, Cameroun.

4. Effective as of the beginning of the first pay period following March 5, 1960, paragraph (c) is amended by the deletion of the following:

Brazil, all posts in states and territories other than those named above except Belo Horizonte, Brasilia, Curitiba, Porto Alegre, Recife (Pernambuco), Rio de Janeiro, Salvador (Bahia), Santos, Sao Paulo and Vicosa.

5. Effective as of the beginning of the first pay period following March 5, 1960, paragraph (a) is amended by the addition of the following:

Brazil, all posts in states and territories of Acre, Amapa, Amazonas, Goiás (except Goiânia and Brasilia), Guapore, Maranhao, Mato Grosso, Para, Piaui, and Rio Branco.
Quezaltenango, Guatemala.

6. Effective as of the beginning of the first pay period following April 30, 1960, paragraph (a) is amended by the addition of the following:

Madriz Province, Nicaragua.
Yaounde, Cameroun.

7. Effective as of the beginning of the first pay period following March 5, 1960, paragraph (b) is amended by the addition of the following:

Brasilia, Brazil.

8. Effective as of the beginning of the first pay period following April 30, 1960, paragraph (b) is amended by the addition of the following:

Eleuthera Island, Bahamas.
Grand Bahama Island, Bahamas.
Grand Turk Island, T.W.I.
Mayaguana Island, Bahamas.
San Salvador Island, Bahamas.

9. Effective as of the beginning of the first pay period following March 5, 1960, paragraph (c) is amended by the addition of the following:

Brazil, all posts in states and territories other than those named above, except Belo Horizonte, Curitiba, Porto Alegre, Recife (Pernambuco), Rio de Janeiro, Salvador (Bahia), Santos, Sao Paulo and Vicosa.

d. Effective as of the beginning of the first pay period following January 1, 1960, the following section is added:

§ 325.16 Designation of differential posts (applicable to Defense teachers).

The following places are classified at the rate of 25 percent of basic compensation, applicable only to teachers (except substitute teachers) appointed under the Defense Department Overseas Teachers Pay and Personnel Practices Act (73 Stat. 213):

Midway Islands.
Trust Territory of the Pacific Islands.

(Secs. 102, 401, E.O. 10000, 13 F.R. 5453, 3 CFR, 1948 Supp., E.O. 10623, E.O. 10636, 20 F.R. 5297, 7025, 3 CFR, 1955 Supp.)

Dated: April 28, 1960.

For the Acting Secretary of State.

LANE DWINELL,
Assistant Secretary.

[F.R. Doc. 60-4272; Filed, May 11, 1960; 8:46 a.m.]

Title 6—AGRICULTURAL CREDIT

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

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1960 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Oats]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1960-Crop Oats Loan and Purchase Agreement Program

The 1960 C.C.C. Grain Price Support Bulletin 1 (25 F.R. 2380), issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1960 was supplemented by 1960 C.C.C. Grain Price Support Bulletin 1, Supplement 1, Oats (25 F.R. 3615), containing specific requirements applicable to price support operations on the 1960 oats crop. These regulations are further supplemented as follows:

§ 421.5287 Support rates.

(a) *Basic county support rates.* (1) Basic county support rates for oats placed under loan and for oats delivered under purchase agreement are set forth in this paragraph. Farm-storage and warehouse-storage loans, and purchases of oats under purchase agreements, will be made at the support rate established

RULES AND REGULATIONS

for the county in which the oats are produced.

(2) Basic county support rates for oats grading No. 3 are set forth below:

| ALABAMA | | Rate per bushel | |
|--------------|-----------------|-----------------|-----------------|
| County | | | |
| All counties | | \$0.60 | |
| ALASKA | | Rate per bushel | |
| All counties | | \$0.64 | |
| ARIZONA | | Rate per bushel | |
| All counties | | \$0.65 | |
| ARKANSAS | | Rate per bushel | |
| All counties | | \$0.57 | |
| CALIFORNIA | | | |
| County | Rate per bushel | County | Rate per bushel |
| Alameda | \$0.61 | Placer | \$0.58 |
| Alpine | .59 | Plumas | .57 |
| Amador | .59 | Riverside | .61 |
| Butte | .58 | Sacramento | .59 |
| Calaveras | .59 | San Benito | .60 |
| Colusa | .59 | San Bernar- | |
| Contra Costa | .61 | dino | .61 |
| Del Norte | .57 | San Diego | .61 |
| El Dorado | .59 | San Francisco | .61 |
| Fresno | .60 | San Joaquin | .60 |
| Glenn | .58 | San Luis | |
| Humboldt | .59 | Obispo | .60 |
| Imperial | .61 | San Mateo | .61 |
| Inyo | .61 | Santa Barbara | .60 |
| Kern | .61 | Santa Clara | .61 |
| Kings | .60 | Santa Cruz | .60 |
| Lake | .59 | Shasta | .56 |
| Lassen | .56 | Sierra | .57 |
| Los Angeles | .62 | Siskiyou | .55 |
| Madera | .60 | Solano | .61 |
| Marin | .61 | Sonoma | .60 |
| Mariposa | .60 | Stanislaus | .60 |
| Mendocino | .59 | Sutter | .59 |
| Merced | .60 | Tehama | .57 |
| Modoc | .55 | Trinity | .59 |
| Mono | .60 | Tulare | .60 |
| Monterey | .60 | Tuolumne | .59 |
| Napa | .60 | Ventura | .61 |
| Nevada | .57 | Yolo | .60 |
| Orange | .61 | Yuba | .58 |
| COLORADO | | | |
| All counties | | | \$0.52 |
| CONNECTICUT | | | |
| All counties | | | \$0.60 |
| DELAWARE | | | |
| All counties | | | \$0.59 |
| FLORIDA | | | |
| All counties | | | \$0.64 |
| GEORGIA | | | |
| All counties | | | \$0.60 |
| IDAHO | | | |
| County | Rate per bushel | County | Rate per bushel |
| Ada | \$0.52 | Gem | \$0.52 |
| Adams | .50 | Gooding | .51 |
| Bannock | .50 | Idaho | .49 |
| Bear Lake | .50 | Jefferson | .48 |
| Benewah | .50 | Jerome | .51 |
| Bingham | .48 | Kootenal | .50 |
| Blaine | .50 | Latah | .51 |
| Boise | .52 | Lemhi | .48 |
| Bonner | .48 | Lewis | .50 |
| Bonneville | .48 | Lincoln | .51 |
| Boundary | .48 | Madison | .48 |
| Butte | .48 | Minidoka | .51 |
| Camas | .51 | Nez Perce | .51 |
| Canyon | .52 | Oneida | .50 |
| Caribou | .49 | Owyhee | .52 |
| Cassia | .51 | Payette | .52 |
| Clark | .48 | Power | .50 |
| Clearwater | .50 | Shoshone | .48 |
| Custer | .48 | Teton | .48 |
| Elmore | .52 | Twin Falls | .51 |
| Franklin | .50 | Valley | .50 |
| Fremont | .48 | Washington | .51 |

| ILLINOIS | | | |
|-------------|-----------------|-------------|-----------------|
| County | Rate per bushel | County | Rate per bushel |
| Adams | \$0.50 | Lee | \$0.50 |
| Alexander | .53 | Livingston | .50 |
| Bond | .51 | Logan | .50 |
| Boone | .50 | McDonough | .50 |
| Brown | .50 | McHenry | .50 |
| Bureau | .50 | McLean | .50 |
| Calhoun | .51 | Macon | .50 |
| Carroll | .50 | Macoupin | .51 |
| Cass | .50 | Madison | .52 |
| Champaign | .50 | Marion | .52 |
| Christian | .50 | Marshall | .50 |
| Clark | .51 | Mason | .50 |
| Clay | .52 | Massac | .53 |
| Clinton | .52 | Menard | .50 |
| Coles | .50 | Mercer | .50 |
| Cook | .52 | Monroe | .53 |
| Crawford | .52 | Montgomery | .51 |
| Cumberland | .51 | Morgan | .50 |
| De Kalb | .50 | Moultrie | .50 |
| De Witt | .50 | Ogle | .50 |
| Douglas | .50 | Peoria | .50 |
| Du Page | .50 | Perry | .53 |
| Edgar | .50 | Platt | .50 |
| Edwards | .53 | Pike | .50 |
| Effingham | .51 | Pope | .54 |
| Fayette | .51 | Pulaski | .53 |
| Ford | .50 | Putnam | .50 |
| Franklin | .53 | Randolph | .53 |
| Fulton | .50 | Richland | .52 |
| Gallatin | .54 | Rock Island | .50 |
| Greene | .51 | Saint Clair | .53 |
| Grundy | .50 | Saline | .54 |
| Hamilton | .53 | Sangamon | .50 |
| Hancock | .50 | Schuyler | .50 |
| Hardin | .54 | Scott | .50 |
| Henderson | .50 | Shelby | .50 |
| Henry | .50 | Stark | .50 |
| Iroquois | .50 | Stephenson | .50 |
| Jackson | .53 | Tazewell | .50 |
| Jasper | .52 | Union | .53 |
| Jefferson | .53 | Vermilion | .50 |
| Jersey | .51 | Wabash | .53 |
| Jo Davless | .50 | Warren | .50 |
| Johnson | .53 | Washington | .53 |
| Kane | .50 | Wayne | .53 |
| Kankakee | .50 | White | .53 |
| Kendall | .50 | Whiteside | .50 |
| Knox | .50 | Will | .51 |
| Lake | .51 | Williamson | .53 |
| La Salle | .50 | Winnebago | .50 |
| Lawrence | .52 | Woodford | .50 |
| INDIANA | | | |
| Adams | \$0.51 | Huntington | \$0.51 |
| Allen | .51 | Jackson | .53 |
| Bartholomew | .52 | Jasper | .50 |
| Benton | .50 | Jay | .51 |
| Blackford | .51 | Jefferson | .54 |
| Boone | .51 | Jennings | .54 |
| Brown | .53 | Johnson | .51 |
| Carroll | .51 | Knox | .53 |
| Cass | .51 | Kosciusko | .51 |
| Clark | .53 | Lagrange | .52 |
| Clay | .51 | Lake | .51 |
| Clinton | .51 | La Porte | .52 |
| Crawford | .53 | Lawrence | .53 |
| Davless | .53 | Madison | .51 |
| Dearborn | .54 | Marion | .51 |
| Decatur | .52 | Marshall | .51 |
| De Kalb | .51 | Martin | .53 |
| Delaware | .51 | Miami | .51 |
| Dubois | .53 | Monroe | .53 |
| Elkhart | .52 | Montgomery | .51 |
| Fayette | .51 | Morgan | .51 |
| Floyd | .53 | Newton | .50 |
| Fountain | .50 | Noble | .51 |
| Franklin | .53 | Ohio | .54 |
| Fulton | .51 | Orange | .53 |
| Gibson | .53 | Owen | .51 |
| Grant | .51 | Parke | .50 |
| Greene | .53 | Perry | .53 |
| Hamilton | .51 | Pike | .53 |
| Hancock | .51 | Porter | .51 |
| Harrison | .53 | Posey | .53 |
| Hendricks | .51 | Pulaski | .51 |
| Henry | .51 | Putnam | .51 |
| Howard | .51 | Randolph | .51 |

| INDIANA—Continued | | | |
|-------------------|-----------------|-------------|-----------------|
| County | Rate per bushel | County | Rate per bushel |
| Ripley | \$0.54 | Union | \$0.51 |
| Rush | .51 | Vanderburgh | .53 |
| Saint Joseph | .52 | Vermillion | .50 |
| Scott | .54 | Vigo | .51 |
| Shelby | .51 | Wabash | .51 |
| Spencer | .53 | Warren | .50 |
| Starke | .51 | Warrick | .53 |
| Steuben | .52 | Washington | .53 |
| Sullivan | .52 | Wayne | .51 |
| Switzerland | .54 | Wells | .51 |
| Tippecanoe | .51 | White | .51 |
| Tipton | .51 | Whitley | .51 |
| IOWA | | | |
| Adair | \$0.49 | Jefferson | \$0.50 |
| Adams | .49 | Johnson | .50 |
| Allamakee | .50 | Jones | .50 |
| Appanoose | .49 | Keokuk | .49 |
| Audubon | .48 | Kossuth | .48 |
| Benton | .49 | Lee | .50 |
| Black Hawk | .49 | Linn | .50 |
| Boone | .48 | Louisa | .50 |
| Bremer | .49 | Lucas | .49 |
| Buchanan | .49 | Lyon | .46 |
| Buena Vista | .48 | Madison | .49 |
| Butler | .48 | Mahaska | .49 |
| Balhoun | .48 | Marion | .49 |
| Carroll | .48 | Marshall | .48 |
| Cass | .49 | Mills | .49 |
| Cedar | .50 | Mitchell | .48 |
| Cerro Gordo | .48 | Monona | .47 |
| Cherokee | .47 | Monroe | .49 |
| Chickasaw | .49 | Montgomery | .49 |
| Clarke | .49 | Muscatine | .50 |
| Clay | .48 | O'Brien | .47 |
| Clayton | .50 | Osceola | .46 |
| Clinton | .50 | Page | .49 |
| Crawford | .47 | Palo Alto | .48 |
| Dallas | .48 | Plymouth | .47 |
| Davis | .50 | Pocahontas | .48 |
| Decatur | .49 | Polk | .48 |
| Delaware | .50 | Pottawat- | |
| Des Moines | .50 | tamie | .49 |
| Dickinson | .47 | Poweshiek | .53 |
| Dubuque | .50 | Ringgold | .49 |
| Emmet | .47 | Sac | .48 |
| Fayette | .50 | Scott | .50 |
| Floyd | .48 | Shelby | .48 |
| Franklin | .48 | Sloux | .46 |
| Fremont | .49 | Story | .48 |
| Greene | .48 | Tama | .48 |
| Grundy | .48 | Taylor | .49 |
| Guthrie | .48 | Union | .49 |
| Hamilton | .48 | Van Buren | .50 |
| Hancock | .48 | Wapello | .49 |
| Hardin | .48 | Warren | .49 |
| Harrison | .48 | Washington | .50 |
| Henry | .50 | Wayne | .49 |
| Howard | .49 | Webster | .48 |
| Humboldt | .48 | Winnebago | .48 |
| Ida | .47 | Winneshiek | .50 |
| Iowa | .49 | Woodbury | .47 |
| Jackson | .50 | Worth | .48 |
| Jasper | .48 | Wright | .48 |
| KANSAS | | | |
| Allen | \$0.52 | Doniphan | \$0.52 |
| Anderson | .52 | Douglas | .52 |
| Atchison | .52 | Edwards | .53 |
| Barber | .55 | Elk | .53 |
| Barton | .53 | Ellis | .52 |
| Bourbon | .53 | Ellsworth | .52 |
| Brown | .51 | Finney | .54 |
| Butler | .54 | Ford | .54 |
| Chase | .53 | Franklin | .52 |
| Chautauqua | .54 | Geary | .52 |
| Cherokee | .54 | Gove | .53 |
| Cheyenne | .52 | Graham | .52 |
| Clark | .55 | Grant | .54 |
| Clay | .51 | Gray | .54 |
| Cloud | .51 | Greeley | .53 |
| Coffey | .52 | Greenwood | .53 |
| Comanche | .55 | Hamilton | .54 |
| Cowley | .54 | Harper | .55 |
| Crawford | .53 | Harvey | .53 |
| Decatur | .51 | Haskell | .54 |
| Dickinson | .52 | Hodgeman | .53 |

KANSAS—Continued

| County | Rate per bushel | County | Rate per bushel |
|-------------|-----------------|--------------|-----------------|
| Jackson | \$.52 | Pottawatomie | \$.51 |
| Jefferson | .52 | Pratt | .54 |
| Jewell | .50 | Rawlins | .52 |
| Johnson | .53 | Reno | .53 |
| Kearny | .54 | Republic | .50 |
| Kingman | .54 | Rice | .53 |
| Kiowa | .54 | Riley | .51 |
| Labette | .54 | Rooks | .51 |
| Lane | .53 | Rush | .53 |
| Leavenworth | .53 | Russell | .52 |
| Lincoln | .51 | Saline | .52 |
| Linn | .52 | Scott | .53 |
| Logan | .53 | Sedgwick | .54 |
| Lyon | .52 | Seward | .55 |
| McPherson | .53 | Shawnee | .52 |
| Marion | .53 | Sheridan | .52 |
| Marshall | .51 | Sherman | .52 |
| Meade | .55 | Smith | .50 |
| Miami | .52 | Stafford | .53 |
| Mitchell | .51 | Stanton | .54 |
| Montgomery | .54 | Stevens | .55 |
| Morris | .52 | Sumner | .55 |
| Morton | .55 | Thomas | .52 |
| Nemaha | .51 | Trego | .52 |
| Neosho | .53 | Wabaunsee | .52 |
| Ness | .53 | Wallace | .53 |
| Norton | .51 | Washington | .50 |
| Osage | .52 | Wichita | .53 |
| Osborne | .51 | Wilson | .53 |
| Ottawa | .51 | Woodson | .52 |
| Pawnee | .53 | Wyandotte | .53 |
| Phillips | .50 | | |

KENTUCKY

All counties..... \$0.60

LOUISIANA

All counties..... \$0.59

MAINE

All counties..... \$0.60

MARYLAND

All counties..... \$0.59

MASSACHUSETTS

All counties..... \$0.60

MICHIGAN

| County | Rate per bushel | County | Rate per bushel |
|------------|-----------------|--------------|-----------------|
| Alcona | \$.51 | Kalkaska | \$.52 |
| Alger | .53 | Kent | .53 |
| Allegan | .53 | Keweenaw | .52 |
| Alpena | .51 | Lake | .53 |
| Antrim | .52 | Lapeer | .51 |
| Arenac | .51 | Leelanau | .52 |
| Baraga | .52 | Lenawee | .52 |
| Barry | .53 | Livingston | .52 |
| Bay | .51 | Luce | .53 |
| Benzle | .52 | Mackinac | .53 |
| Berrien | .52 | Macomb | .52 |
| Branch | .52 | Manistee | .53 |
| Calhoun | .52 | Marquette | .52 |
| Cass | .52 | Mason | .53 |
| Charlevoix | .52 | Mecosta | .52 |
| Cheboygan | .52 | Menominee | .52 |
| Chippewa | .53 | Midland | .51 |
| Clare | .52 | Missaukee | .52 |
| Clinton | .52 | Monroe | .52 |
| Crawford | .51 | Montcalm | .52 |
| Delta | .52 | Montmorency | .51 |
| Dickinson | .52 | Muskegon | .53 |
| Eaton | .52 | Newaygo | .53 |
| Emmet | .52 | Oakland | .52 |
| Genesee | .51 | Oceana | .53 |
| Gladwin | .51 | Ogemaw | .51 |
| Gogebic | .52 | Ontonagon | .52 |
| Grand | | Osceola | .52 |
| Traverse | .52 | Oscoda | .51 |
| Gratiot | .52 | Otsego | .52 |
| Hillsdale | .52 | Ottawa | .53 |
| Houghton | .52 | Presque Isle | .51 |
| Huron | .51 | Roscommon | .51 |
| Ingham | .52 | Saginaw | .51 |
| Ionia | .52 | Saint Clair | .52 |
| Iosco | .51 | Saint Joseph | .52 |
| Iron | .52 | Sanilac | .51 |
| Isabella | .52 | Schoolcraft | .53 |
| Jackson | .52 | Shiawassee | .51 |
| Kalamazoo | .53 | Tuscola | .51 |

MICHIGAN—Continued

| County | Rate per bushel | County | Rate per bushel |
|-----------|-----------------|---------|-----------------|
| Van Buren | \$.53 | Wayne | \$.52 |
| Washtenaw | .52 | Wexford | .53 |

MINNESOTA

| County | Rate per bushel | County | Rate per bushel |
|-------------------|-----------------|--------------|-----------------|
| Aitkin | \$.45 | Marshall | \$.39 |
| Anoka | .47 | Martin | .45 |
| Becker | .41 | Meeker | .45 |
| Beltrami | .40 | Mille Lacs | .45 |
| Benton | .45 | Morrison | .44 |
| Big Stone | .42 | Mower | .46 |
| Blue Earth | .46 | Murray | .43 |
| Brown | .45 | Nicollet | .46 |
| Carlton | .46 | Nobles | .44 |
| Carver | .47 | Norman | .40 |
| Cass | .43 | Olmsted | .46 |
| Chippewa | .43 | Otter Tail | .42 |
| Chisago | .47 | Pennington | .40 |
| Clay | .41 | Pine | .46 |
| Clearwater | .41 | Pipestone | .43 |
| Cook | .47 | Polk | .40 |
| Cottonwood | .44 | Pope | .43 |
| Crow Wing | .44 | Ramsey | .47 |
| Dakota | .47 | Red Lake | .40 |
| Dodge | .46 | Redwood | .44 |
| Douglas | .43 | Renville | .45 |
| Faribault | .46 | Rice | .46 |
| Fillmore | .47 | Rock | .44 |
| Freeborn | .46 | Roseau | .39 |
| Goodhue | .46 | Saint Louis | .46 |
| Grant | .42 | Scott | .47 |
| Hennepin | .47 | Sherburne | .46 |
| Houston | .47 | Sibley | .46 |
| Hubbard | .42 | Stearns | .45 |
| Isanti | .46 | Steele | .46 |
| Itasca | .43 | Stevens | .42 |
| Jackson | .45 | Swift | .43 |
| Kanabec | .46 | Todd | .44 |
| Kandiyohi | .45 | Traverse | .41 |
| Kittson | .39 | Wabasha | .46 |
| Koochiching | .42 | Wadena | .43 |
| Lac Qui Parle | .43 | Waseca | .46 |
| Lake | .47 | Washington | .47 |
| Lake of the Woods | .40 | Watonwan | .45 |
| Le Sueur | .46 | Wilkin | .41 |
| Lincoln | .43 | Winona | .47 |
| Lyon | .43 | Wright | .46 |
| McLeod | .46 | Yellow Medi- | |
| Mahnomen | .40 | cine | .43 |

All counties..... \$0.59

MISSOURI

| County | Rate per bushel | County | Rate per bushel |
|----------------|-----------------|------------|-----------------|
| Adair | \$.52 | De Kalb | \$.52 |
| Andrew | .51 | Dent | .54 |
| Atchison | .50 | Douglas | .54 |
| Audrain | .51 | Dunklin | .54 |
| Barry | .54 | Franklin | .54 |
| Barton | .53 | Gasconade | .54 |
| Bates | .52 | Gentry | .51 |
| Benton | .52 | Greene | .53 |
| Bollinger | .54 | Grundy | .51 |
| Boone | .53 | Harrison | .51 |
| Buchanan | .53 | Henry | .52 |
| Butler | .54 | Hickory | .52 |
| Caldwell | .53 | Holt | .51 |
| Callaway | .53 | Howard | .53 |
| Camden | .53 | Howell | .55 |
| Cape Girardeau | .53 | Iron | .54 |
| Carroll | .52 | Jackson | .52 |
| Carter | .54 | Jasper | .53 |
| Cass | .52 | Jefferson | .53 |
| Cedar | .52 | Johnson | .52 |
| Chariton | .52 | Knox | .51 |
| Christian | .54 | Laclede | .53 |
| Clark | .50 | LaFayette | .52 |
| Clay | .53 | Lawrence | .53 |
| Clinton | .53 | Lewis | .50 |
| Cole | .53 | Lincoln | .52 |
| Cooper | .53 | Linn | .52 |
| Crawford | .54 | Livingston | .52 |
| Dade | .52 | McDonald | .54 |
| Dallas | .53 | Macon | .52 |
| Davless | .52 | Madison | .54 |
| | | Maries | .54 |

MISSOURI—Continued

| County | Rate per bushel | County | Rate per bushel |
|-------------|-----------------|---------------|-----------------|
| Marion | \$.50 | Reynolds | \$.54 |
| Mercer | .51 | Ripley | .55 |
| Miller | .53 | Saint Charles | .52 |
| Mississippi | .53 | Saint Clair | .52 |
| Moniteau | .53 | St. Francois | .54 |
| Monroe | .51 | Sainte Gene- | |
| Montgom- | | vieve | .53 |
| ery | .53 | Saint Louis | .53 |
| Morgan | .53 | Saline | .52 |
| New Madrid | .54 | Schuyler | .51 |
| Newton | .53 | Scotland | .50 |
| Nodaway | .50 | Scott | .53 |
| Oregon | .55 | Shannon | .54 |
| Osage | .54 | Shelby | .51 |
| Ozark | .55 | Stoddard | .54 |
| Pemiscot | .54 | Stone | .54 |
| Perry | .53 | Sullivan | .51 |
| Pettis | .53 | Taney | .55 |
| Phelps | .54 | Texas | .53 |
| Pike | .50 | Vernon | .52 |
| Platte | .53 | Warren | .53 |
| Polk | .52 | Washington | .54 |
| Pulaski | .53 | Wayne | .54 |
| Putnam | .51 | Webster | .53 |
| Ralls | .50 | Worth | .50 |
| Randolph | .52 | Wright | .53 |
| Ray | .53 | | |

MONTANA

| County | Rate per bushel | County | Rate per bushel |
|-----------------|-----------------|--------------|-----------------|
| Beaverhead | \$.47 | McCone | \$.39 |
| Big Horn | .43 | Madison | .45 |
| Blaine | .39 | Meagher | .43 |
| Broadwater | .43 | Mineral | .47 |
| Carbon | .43 | Missoula | .46 |
| Carter | .42 | Musselshell | .42 |
| Cascade | .43 | Park | .43 |
| Chouteau | .40 | Petroleum | .41 |
| Custer | .41 | Phillips | .39 |
| Daniels | .39 | Pondera | .41 |
| Dawson | .39 | Powder River | .42 |
| Deer Lodge | .45 | Powell | .45 |
| Fallon | .41 | Prairie | .40 |
| Fergus | .41 | Ravalli | .46 |
| Flathead | .45 | Richland | .39 |
| Gallatin | .43 | Rosevelt | .39 |
| Garfield | .39 | Rosebud | .41 |
| Glacier | .42 | Sanders | .47 |
| Golden | | Sheridan | .39 |
| Valley | .42 | Silver Bow | .45 |
| Granite | .46 | Stillwater | .43 |
| Hill | .40 | Sweet Grass | .43 |
| Jefferson | .44 | Teton | .41 |
| Judith Basin | .42 | Toole | .41 |
| Lake | .46 | Treasure | .43 |
| Lewis and Clark | .44 | Valley | .39 |
| Liberty | .41 | Wheatland | .42 |
| Lincoln | .47 | Wibaux | .40 |
| | | Yellowstone | .43 |

NEBRASKA

| County | Rate per bushel | County | Rate per bushel |
|-----------|-----------------|-----------|-----------------|
| Adams | \$.49 | Douglas | \$.49 |
| Antelope | .46 | Dundy | .51 |
| Arthur | .47 | Fillmore | .49 |
| Banner | .47 | Franklin | .49 |
| Blaine | .46 | Frontier | .49 |
| Boone | .47 | Furnas | .50 |
| Box Butte | .47 | Gage | .50 |
| Boyd | .45 | Garden | .47 |
| Brown | .46 | Garfield | .46 |
| Buffalo | .48 | Gosper | .49 |
| Burt | .47 | Grant | .46 |
| Butler | .48 | Greeley | .47 |
| Cass | .49 | Hall | .48 |
| Cedar | .46 | Hamilton | .48 |
| Chase | .50 | Harlan | .49 |
| Cherry | .46 | Hayes | .50 |
| Cheyenne | .48 | Hitchcock | .51 |
| Clay | .49 | Holt | .46 |
| Colfax | .48 | Hooker | .46 |
| Cuming | .47 | Howard | .47 |
| Custer | .47 | Jefferson | .49 |
| Dakota | .47 | Johnson | .50 |
| Dawes | .47 | Kearney | .49 |
| Dawson | .48 | Keith | .48 |
| Deuel | .48 | Keya Paha | .45 |
| Dixon | .47 | Kimball | .48 |
| Dodge | .48 | Knox | .45 |

RULES AND REGULATIONS

NEBRASKA—Continued

| County | Rate per bushel | County | Rate per bushel |
|------------|-----------------|--------------|-----------------|
| Lancaster | \$.49 | Rock | \$.46 |
| Lincoln | .48 | Saline | .49 |
| Logan | .47 | Sarpy | .49 |
| Loup | .46 | Saunders | .49 |
| McPherson | .47 | Scotts Bluff | .47 |
| Madison | .47 | Seward | .48 |
| Merrick | .47 | Sheridan | .47 |
| Morrill | .47 | Sherman | .47 |
| Nance | .47 | Sioux | .47 |
| Nemaha | .50 | Stanton | .47 |
| Nuckolls | .49 | Thayer | .49 |
| Otoe | .49 | Thomas | .46 |
| Pawnee | .50 | Thurston | .47 |
| Perkins | .49 | Valley | .47 |
| Phelps | .49 | Washington | .48 |
| Pierce | .46 | Wayne | .46 |
| Platte | .47 | Webster | .49 |
| Polk | .47 | Wheeler | .46 |
| Red Willow | .50 | York | .48 |
| Richardson | .50 | | |

NEVADA

All counties.....\$0.62

NEW JERSEY

All counties.....\$0.60

NEW MEXICO

All counties.....\$0.59

NEW YORK

All counties.....\$0.59

NORTH CAROLINA

All counties.....\$0.60

NORTH DAKOTA

| County | Rate per bushel | County | Rate per bushel |
|-------------|-----------------|-----------|-----------------|
| Adams | \$.40 | McKenzie | \$.38 |
| Barnes | .41 | McLean | .38 |
| Benson | .39 | Mercer | .38 |
| Billings | .39 | Mountrail | .37 |
| Bottineau | .38 | Morton | .39 |
| Bowman | .40 | Nelson | .40 |
| Burke | .37 | Oliver | .39 |
| Burleigh | .40 | Pembina | .39 |
| Cass | .41 | Pierce | .38 |
| Cavalier | .39 | Ramsey | .39 |
| Dickey | .41 | Ransom | .41 |
| Divide | .37 | Renville | .38 |
| Dunn | .38 | Richland | .41 |
| Eddy | .40 | Rolette | .38 |
| Emmons | .40 | Sargent | .41 |
| Foster | .40 | Sheridan | .39 |
| Golden | | Sioux | .40 |
| Valley | .39 | Slope | .39 |
| Grand Forks | .40 | Stark | .39 |
| Grant | .39 | Steele | .40 |
| Griggs | .40 | Stutsman | .41 |
| Hettinger | .39 | Towner | .39 |
| Kidder | .40 | Traill | .40 |
| La Moure | .41 | Walsh | .39 |
| Logan | .40 | Ward | .38 |
| McHenry | .38 | Wells | .39 |
| McIntosh | .40 | Williams | .37 |

OHIO

| County | Rate per bushel | County | Rate per bushel |
|------------|-----------------|-----------|-----------------|
| Adams | \$.57 | Erie | \$.54 |
| Allen | .53 | Fairfield | .54 |
| Ashland | .54 | Fayette | .54 |
| Ashtabula | .58 | Franklin | .54 |
| Athens | .58 | Fulton | .58 |
| Auglaize | .53 | Gallia | .58 |
| Belmont | .59 | Geauga | .57 |
| Brown | .56 | Greene | .54 |
| Butler | .53 | Guernsey | .58 |
| Carroll | .58 | Hamilton | .54 |
| Champaign | .54 | Hancock | .53 |
| Clark | .54 | Hardin | .53 |
| Clermont | .55 | Harrison | .58 |
| Clinton | .55 | Henry | .53 |
| Columbiana | .58 | Highland | .56 |
| Coshocton | .56 | Hocking | .56 |
| Crawford | .54 | Holmes | .56 |
| Cuyahoga | .56 | Huron | .54 |
| Darke | .52 | Jackson | .57 |
| Defiance | .52 | Jefferson | .59 |
| Delaware | .54 | Knox | .54 |

OHIO—Continued

| County | Rate per bushel | County | Rate per bushel |
|------------|-----------------|------------|-----------------|
| Lake | \$.57 | Pike | \$.57 |
| Lawrence | .57 | Portage | .57 |
| Licking | .54 | Preble | .52 |
| Logan | .54 | Putnam | .53 |
| Lorain | .55 | Richland | .54 |
| Lucas | .53 | Ross | .55 |
| Madison | .54 | Sandusky | .54 |
| Mahoning | .58 | Scioto | .57 |
| Marion | .54 | Seneca | .54 |
| Medina | .56 | Shelby | .53 |
| Meigs | .58 | Stark | .57 |
| Mercer | .52 | Summit | .56 |
| Miami | .53 | Trumbull | .58 |
| Monroe | .59 | Tuscarawas | .57 |
| Montgomery | .53 | Union | .54 |
| Morgan | .58 | Van Wert | .52 |
| Morrow | .54 | Vinton | .57 |
| Muskingum | .57 | Warren | .54 |
| Noble | .58 | Washington | .59 |
| Ottawa | .54 | Wayne | .56 |
| Faulding | .52 | Williams | .53 |
| Perry | .56 | Wood | .53 |
| Pickaway | .54 | Wyandot | .54 |

OKLAHOMA

All counties.....\$0.56

OREGON

| County | Rate per bushel | County | Rate per bushel |
|------------|-----------------|------------|-----------------|
| Baker | \$.52 | Lake | \$.54 |
| Benton | .57 | Lane | .56 |
| Clackamas | .57 | Lincoln | .57 |
| Clatsop | .57 | Linn | .56 |
| Columbia | .57 | Malheur | .52 |
| Coos | .56 | Marion | .57 |
| Crook | .55 | Morrow | .54 |
| Curry | .56 | Multnomah | .57 |
| Deschutes | .55 | Polk | .57 |
| Douglas | .56 | Sherman | .55 |
| Gilliam | .55 | Tillamook | .57 |
| Grant | .54 | Umatilla | .53 |
| Harney | .53 | Union | .53 |
| Hood River | .57 | Wallowa | .52 |
| Jackson | .56 | Wasco | .55 |
| Jefferson | .55 | Washington | .57 |
| Josephine | .56 | Wheeler | .55 |
| Klamath | .54 | Yamhill | .57 |

PENNSYLVANIA

All counties.....\$0.59

RHODE ISLAND

All counties.....\$0.60

SOUTH CAROLINA

All counties.....\$0.60

SOUTH DAKOTA

| County | Rate per bushel | County | Rate per bushel |
|-------------|-----------------|------------|-----------------|
| Armstrong | \$.41 | Hamlin | \$.42 |
| Aurora | .42 | Hand | .41 |
| Beadle | .42 | Hanson | .42 |
| Bennett | .42 | Harding | .40 |
| Bon Homme | .43 | Hughes | .41 |
| Brookings | .43 | Hutchinson | .43 |
| Brown | .41 | Hyde | .41 |
| Brule | .42 | Jackson | .41 |
| Buffalo | .42 | Jerauld | .42 |
| Butte | .40 | Jones | .41 |
| Campbell | .40 | Kingsbury | .42 |
| Charles Mix | .42 | Lake | .42 |
| Clark | .41 | Lawrence | .40 |
| Clay | .45 | Lincoln | .44 |
| Codington | .41 | Lyman | .41 |
| Corson | .40 | McCook | .42 |
| Custer | .43 | McPherson | .40 |
| Davison | .42 | Marshall | .41 |
| Day | .41 | Meade | .40 |
| Deuel | .43 | Mellette | .42 |
| Dewey | .40 | Miner | .42 |
| Douglas | .42 | Minnehaha | .43 |
| Edmunds | .40 | Moody | .43 |
| Fall River | .43 | Pennington | .41 |
| Faulk | .40 | Perkins | .40 |
| Grant | .42 | Potter | .40 |
| Gregory | .42 | Roberts | .41 |
| Haakon | .41 | Sanborn | .42 |

SOUTH DAKOTA—Continued

| County | Rate per bushel | County | Rate per bushel |
|---------|-----------------|------------|-----------------|
| Shannon | \$.43 | Union | \$.45 |
| Spink | .41 | Walworth | .40 |
| Stanley | .41 | Washabaugh | .42 |
| Sully | .41 | Washington | .41 |
| Todd | .42 | Yankton | .44 |
| Tripp | .42 | Ziebach | .40 |
| Turner | .44 | | |

TENNESSEE

All counties.....\$0.60

TEXAS

All counties.....\$0.58

UTAH

All counties.....\$0.59

VIRGINIA

All counties.....\$0.59

WASHINGTON

| County | Rate per bushel | County | Rate per bushel |
|-----------|-----------------|--------------|-----------------|
| Adams | \$.52 | Klickitat | \$.55 |
| Asotin | .52 | Lewis | .57 |
| Benton | .54 | Lincoln | .52 |
| Chelan | .55 | Mason | .57 |
| Clallam | .57 | Okanogan | .55 |
| Clark | .57 | Pacific | .57 |
| Columbia | .52 | Pend Oreille | .50 |
| Cowlitz | .57 | Pierce | .57 |
| Douglas | .54 | San Juan | .57 |
| Ferry | .53 | Skagit | .57 |
| Franklin | .52 | Skamania | .57 |
| Garfield | .52 | Snomish | .57 |
| Grant | .53 | Spokane | .51 |
| Grays | | Stevens | .51 |
| Harbor | .57 | Thurston | .57 |
| Island | .57 | Wahkiakum | .57 |
| Jefferson | .57 | Walla Walla | .52 |
| King | .57 | Whatcom | .57 |
| Kitsap | .57 | Whitman | .51 |
| Kittitas | .55 | Yakima | .55 |

WEST VIRGINIA

All counties.....\$0.60

WISCONSIN

| County | Rate per bushel | County | Rate per bushel |
|-------------|-----------------|-------------|-----------------|
| Adams | \$.50 | Marathon | \$.50 |
| Ashland | .50 | Marquette | .51 |
| Barron | .48 | Marquette | .50 |
| Bayfield | .49 | Milwaukee | .52 |
| Brown | .49 | Monroe | .50 |
| Buffalo | .48 | Oconto | .50 |
| Burnett | .48 | Oneida | .51 |
| Calumet | .49 | Outagamie | .49 |
| Chippewa | .49 | Ozaukee | .51 |
| Clark | .49 | Pepin | .48 |
| Columbia | .50 | Pierce | .48 |
| Crawford | .51 | Polk | .48 |
| Dane | .51 | Portage | .50 |
| Dodge | .50 | Price | .50 |
| Door | .49 | Racine | .52 |
| Douglas | .48 | Richland | .51 |
| Dunn | .49 | Rock | .51 |
| Eau Claire | .49 | Rusk | .49 |
| Florence | .51 | Saint Croix | .48 |
| Fond du Lac | .49 | Sauk | .51 |
| Forest | .51 | Sawyer | .49 |
| Grant | .51 | Shawano | .50 |
| Green | .51 | Sheboygan | .50 |
| Green Lake | .50 | Taylor | .50 |
| Iowa | .52 | Trempealeau | .49 |
| Iron | .51 | Vernon | .50 |
| Jackson | .50 | Vilas | .51 |
| Jefferson | .51 | Walworth | .51 |
| Juneau | .50 | Washington | .48 |
| Kenosha | .52 | Washington | .51 |
| Kewaunee | .49 | Waukesha | .52 |
| La Crosse | .49 | Waupaca | .50 |
| Lafayette | .52 | Waushara | .50 |
| Langlade | .50 | Winnebago | .49 |
| Lincoln | .50 | Wood | .50 |
| Manitowoc | .49 | | |

WYOMING

All counties.....\$0.49

(b) *Premiums and discounts*—(1) *Farm storage*. In the case of eligible oats placed under farm-storage loan the discounts in this paragraph shall be applicable to the basic rate at the time the loan is completed. Applicable premiums for grade and test weight shall not be applied until time of settlement. In the case of eligible oats delivered from farm storage under purchase agreement, the applicable premiums and discounts shall be applied to the basic rate at the time of settlement.

(2) *Warehouse storage*. In the case of warehouse-storage loans, the applicable premiums and discounts for eligible oats, shall be applied to the basic rate at the time the loan is completed. In the case of eligible oats represented by warehouse receipts tendered to CCC under purchase agreements, the applicable premiums and discounts shall be applied to the basic rate at the time of settlement.

(3) *Schedule of premiums and discounts*.

| | <i>Cents per bushel</i> |
|--|-------------------------|
| Premiums: | |
| Grade No. 2 or better----- | 1 |
| Test Weight: | |
| Heavy----- | 1 |
| Extra Heavy----- | 2 |
| Discounts: | |
| Grade No. 4 on the factor of test weight only but otherwise No. 3 or better----- | 1 |
| Garlicky----- | 3 |

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 105, 401, 63 Stat. 1051, as amended, Title II, 73 Stat. 178, 15 U.S.C. 714c; 7 U.S.C. 1421, 1441, 1442)

Issued this 9th day of May 1960.

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

[F.R. Doc. 60-4292; Filed, May 11, 1960; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

[ACP-1960-P.R., Supp. 1]

PART 1102—AGRICULTURAL CONSERVATION; PUERTO RICO

Subpart—1960

RESPONSIBILITY FOR TECHNICAL PHASES OF PRACTICES

Pursuant to the authority vested in the Secretary of Agriculture under sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended, the 1960 Agricultural Conservation Program for Puerto Rico, approved November 25, 1959 (24 F.R. 9568), is amended as follows:

Paragraph (a) of § 1102.1004 is amended by deleting the period after the words "certification of performance" in the second sentence and adding the following: "for all requirements of the practice except those for which a certification by the farmer is to be accepted in accordance with instructions issued by the Administrator, ACPS."

(Sec. 4, 49 Stat. 164, secs. 7-17, 49 Stat. 1148, as amended; 16 U.S.C. 590d, 590g-590q)

Done at Washington, D.C., this 9th day of May 1960.

E. L. PETERSON,
Assistant Secretary.

[F.R. Doc. 60-4289; Filed, May 11, 1960; 8:49 a.m.]

[ACP-1960-V.I., Supp. 1]

PART 1103—AGRICULTURAL CONSERVATION; VIRGIN ISLANDS

Subpart—1960

RESPONSIBILITY FOR TECHNICAL PHASES OF PRACTICES

Pursuant to the authority vested in the Secretary of Agriculture under sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended, the 1960 Agricultural Conservation Program for the Virgin Islands, approved October 29, 1959 (24 F.R. 8964), is amended as follows:

Paragraph (a) of § 1103.904 is amended by deleting the period after the words "certification of performance" in the second sentence and adding the following: "for all requirements of the practice except those for which a certification by the farmer is to be accepted in accordance with instructions issued by the Administrator, ACPS."

(Sec. 4, 49 Stat. 164, secs. 7-17, 49 Stat. 1148, as amended; 16 U.S.C. 590d, 590g-590q)

Done at Washington, D.C., this 9th day of May 1960.

E. L. PETERSON,
Assistant Secretary.

[F.R. Doc. 60-4290; Filed, May 11, 1960; 8:49 a.m.]

[ACP-1960-Alaska, Supp. 1]

PART 1104—AGRICULTURAL CONSERVATION; ALASKA

Subpart—1960

RESPONSIBILITY FOR TECHNICAL PHASES OF PRACTICES

Pursuant to the authority vested in the Secretary of Agriculture under sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended, the 1960 Agricultural Conservation Program for Alaska, approved October 5, 1959 (24 F.R. 8162), is amended as follows:

Paragraph (a) of § 1104.909 is amended by deleting the period after the words "certification of performance" in the second sentence and adding the following: "for all requirements of the practice except those for which a certification by the farmer is to be accepted in accordance with instructions issued by the Administrator, ACPS."

(Sec. 4, 49 Stat. 164, secs. 7-17, 49 Stat. 1148, as amended; 16 U.S.C. 590d, 590g-590q)

Done at Washington, D.C., this 9th day of May 1960.

E. L. PETERSON,
Assistant Secretary.

[F.R. Doc. 60-4287; Filed, May 11, 1960; 8:49 a.m.]

[ACP-1960-Hawaii, Supp. 4]

PART 1105—AGRICULTURAL CONSERVATION; HAWAII

Subpart—1960

PROGRAM YEAR AND TECHNICAL AID

Pursuant to the authority vested in the Secretary of Agriculture under sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended, the 1960 Agricultural Conservation Program for Hawaii, approved September 16, 1959 (24 F.R. 7571), as amended October 16, 1959 (24 F.R. 8543), March 22, 1960 (25 F.R. 2525), and April 8, 1960 (25 F.R. 3154), is further amended as follows:

Paragraph (b) of § 1105.909 is amended by deleting the period after the words "certification of performance" in the second sentence and adding the following: "for all requirements of the practice except those for which a certification by the farmer is to be accepted in accordance with instructions issued by the Administrator, ACPS."

(Sec. 4, 49 Stat. 164, secs. 7-17, 49 Stat. 1148, as amended; 16 U.S.C. 590d, 590g-590q)

Done at Washington, D.C., this 9th day of May 1960.

E. L. PETERSON,
Assistant Secretary.

[F.R. Doc. 60-4288; Filed, May 11, 1960; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 385; Amdt. 151]

PART 507—AIRWORTHINESS DIRECTIVES

Brantly B-2 Helicopters

As a result of chordwise skin cracks occurring during flight in the inboard one-third of the outboard rotor blade from the trailing edge to the spar, the service life retirement times on the 248-40 and 248-46 blades installed on Brantly B-2 helicopters were reduced to 50 hours of time in service by Amendment 143, 25 F.R. 3883. Structural and flight tests have shown the retirement time may be increased to 500 hours of time in service provided frequent inspections are accomplished. Accordingly, Amendment 143 is being superseded by a new directive incorporating the increased retirement life and inspection provision.

Since this amendment grants relief, notice and public procedure hereon are unnecessary and the amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing § 507.10(a) (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

BRANTLY. Applies to all B-2 helicopters with 248-40 and 248-46 main rotor blades installed.
Compliance required as indicated.

As a result of chordwise skin cracks occurring during flight in the inboard one-third of the outboard rotor blade from the trailing edge to the spar, the retirement time on 248-40 and 248-46 blades is increased from 50 hours of time in service specified in Amendment 143 of Part 507, to 500 hours of time in service, provided the following inspection is performed prior to flight subsequent to each refueling:

(a) Inspect upper and lower skin for cracks with a 10-power glass in the vicinity of rivet heads on the inboard one-third of the outboard rotor blades. If cracks are found the blade shall be removed and replaced prior to further flight.

This supersedes Amendment 143, 25 F.R. 3883.

This amendment shall become effective upon date of its publication in the FEDERAL REGISTER.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on May 10, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60-4922; Filed, May 11, 1960; 8:50 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7647 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Adams Quilting Corp. et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition*; § 13.1185-90 *Wool Products Labeling Act*.

(Sec. 6, 38 Stat. 722; U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68-68(c)) [Cease and desist order, Adams Quilting Corp., et al., Long Island City, N.Y., Docket 7647, March 24, 1960]

In the Matter of Adams Quilting Corp., a Corporation, and Harry Adams, Salvatore Jacaruso, and Natalie Jacaruso, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging manufacturers in Long Island City, N.Y. with violating the Wool Products Labeling Act by labeling as "100% reprocessed wool", and "80% reused wool, 20% other fibers", quilted interlinings which contained substantially less wool than thus indicated.

Based on a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on March 24 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent, Adams Quilting Corporation, a corporation, and its officers (except Natalie Jacaruso) Harry Adams, and Salvatore Jacaruso, individually and as officers of said corporation, and respondents' representa-

tives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of wool quilted innerlining or other "wool products" as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool", or "reused wool", do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein;

2. Failing to affix labels to wool products showing each element of information required to be disclosed by section 4(a) (2) of the Wool Products Labeling Act of 1939.

It is further ordered, That the complaint herein, insofar as it relates to respondent Natalie Jacaruso, be, and the same hereby is, dismissed without prejudice to the right of the Commission to take such action in the future as the facts may then warrant.

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

It is ordered, That respondents Adams Quilting Corp., a corporation, and Harry Adams and Salvatore Jacaruso, individually and as officers 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 24, 1960.

By the Commission.

[SEAL] ROBERT M. FARRISH,
Secretary.

[F.R. Doc. 60-4264; Filed, May 11, 1960; 8:45 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

SUBCHAPTER B—PERSONNEL

[Dept. Reg. 108.432]

PART 11—APPOINTMENT OF FOREIGN SERVICE OFFICERS

Miscellaneous Amendments

Part 11 is revised as shown below. The last sentence of § 11.18 is deleted from that section and is added to § 11.17(b).

Section 11.3(c) is amended by adding at the end thereof the following: "Determinations of duly constituted panels of deputy examiners are final, unless modified by specific action of the Board of Examiners for the Foreign Service."

Section 11.4(b) is amended by adding at the end thereof the following: "The Executive Director of the Board of Examiners for the Foreign Service, with the concurrence of the Medical Director, may make such exceptions to these physical requirements as are in the interest of the Service. All such exceptions shall be reported to the Board of Examiners for the Foreign Service at its next meeting."

Section 11.17(c) is amended to read as follows:

(c) The physical examination will be designed to determine the candidate's physical fitness to perform the duties of a Foreign Service officer and to determine the presence of any physical, nervous, or mental disease or defect of such a nature as to make it unlikely that he would become a satisfactory officer. The applicant's physical condition will be evaluated in relation to his age. The Executive Director of the Board of Examiners for the Foreign Service, with the concurrence of the Medical Director, may make such exceptions to these physical requirements as are in the interest of the Service. All such exceptions shall be reported to the Board of Examiners for the Foreign Service at its next meeting.

Section 11.24 is amended by inserting after the second sentence the following: "The oral examination is given by a panel of deputy examiners. Determinations of duly constituted panels of deputy examiners are final, unless modified by specific action of the Board of Examiners for the Foreign Service."

(Secs. 212, 302, 516, and 517, 60 Stat. 1001 and 1008, as amended; 22 U.S.C. 827, 842, 911, and 912)

Dated: April 26, 1960.

For the Secretary of State.

LANE DWINELL,
Assistant Secretary.

[F.R. Doc. 60-4273; Filed, May 11, 1960; 8:46 a.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6464]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Miscellaneous Amendments

On February 16, 1960, notice of proposed rule making regarding the regulations for taxable years beginning after December 31, 1957, under section 40 of the Technical Amendments Act of 1958 (72 Stat. 1638) (relating to tax on non-resident aliens) and section 41 of such Act (72 Stat. 1639) (relating to credits for dividends received and for partially tax-exempt interest in case of nonresi-

dent aliens), was published in the FEDERAL REGISTER (25 F.R. 1363). No objections to the rules proposed having been received during the 30-day period prescribed in the notice, the regulations as so published are hereby adopted.

[SEAL] CHARLES I. FOX,
Acting Commissioner.

Approved: May 6, 1960.

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

§ 1.35 [Amendment]

PARAGRAPH 1. Section 1.35 is amended:

(A) By redesignating subsection (c) of section 35 as subsection (d) and inserting after subsection (b) the following new subsection:

(c) *Certain nonresident aliens ineligible for credit.* No credit shall be allowed under subsection (a) to a nonresident alien individual with respect to whom a tax is imposed for the taxable year under section 871(a).

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

[Sec. 35 as amended by sec. 41(b), Technical Amendments Act 1958 (72 Stat. 1639)]

PAR. 2. There is inserted immediately after § 1.35-1 the following new section:

§ 1.35-2 Taxpayers not entitled to credit.

For taxable years beginning after December 31, 1957, no credit shall be allowed under section 35 to a nonresident alien individual with respect to whom a tax is imposed for such taxable year under section 871(a).

§ 1.871 [Amendment]

PAR. 3. Section 1.871 is amended:

(A) By inserting "section 403(a) (2)," after "section 402(a) (2)," in paragraph (1) of section 871(a).

(B) By inserting a period in lieu of the semicolon at the end of paragraph (2) of section 871(b).

(C) By striking out paragraph (3) of section 871(b).

(D) By adding at the end of subsection (b) of section 871 the following new sentences:

If (without regard to this sentence) the amount of the taxes imposed in the case of such an individual under section 1 or under section 1201(b), minus the sum of the credits under sections 34 and 35, is an amount which is less than 30 percent of the sum of—

(A) The aggregate amount received from the sources specified in subsection (a) (1), plus

(B) The amount, determined under subsection (a) (2), by which gains from sales or exchanges of capital assets exceed losses from such sales or exchanges,

then this subsection shall not apply and subsection (a) shall apply. For purposes of this subsection, the term "aggregate amount received from the sources specified in subsection (a) (1)" shall be applied without any exclusion under section 116.

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

[Sec. 871 as amended by secs. 40(a) and 41(a), Technical Amendments Act 1958 (72 Stat. 1638, 1639)]

§ 1.871-7 [Amendment]

PAR. 4. Section 1.871-7 is amended:

(A) By striking "and section 1235" in the first sentence of paragraph (b) (3) (i) and inserting in lieu thereof "section 1235, and for taxable years ending after September 2, 1958, section 403(a) (2)".

(B) By revising the second sentence of paragraph (b) (3) (i) to read as follows: "Thus, the tax applies to gain recognized on certain distributions by a qualified employees' trust where the total distributions, with respect to any employee, are paid to the distributee within one taxable year; to the gain recognized on certain payments under annuity contracts purchased by an employer for an employee under certain qualified annuity plans where the total payments are paid to the payee within one taxable year; to gain recognized under specified circumstances on the disposal of timber and coal and considered in accordance with section 1231 to be gain from the sale or exchange of a capital asset; and to gain recognized on certain transfers of patent rights by an individual."

(C) By inserting "section 403(a) (2) for taxable years ending after September 2, 1958," after "section 402(a) (2)," in paragraph (b) (4) (viii);

(D) By revising paragraph (b) (6) to read as follows:

(6) *Credits against tax.* The credits allowed by section 31 (relating to tax withheld on wages), by section 32 (relating to tax withheld at source on nonresident aliens), and for taxable years beginning before January 1, 1958, by section 35 (relating to partially tax-exempt interest) shall be allowed against the tax computed in accordance with this paragraph.

(E) By revising paragraph (c) (4) to read as follows:

(4) *Minimum tax*—(i) *Taxable years beginning before January 1, 1958.* Notwithstanding the provisions of subparagraph (1) of this paragraph, and except as otherwise provided by paragraph (e) of this section, the tax for a taxable year beginning before January 1, 1958, of a nonresident alien individual within class 2 shall in no case be less than 30 percent of the aggregate of the amounts determined under paragraph (b) (2), (3), and (4) of this section and received during the taxable year from sources within the United States.

(ii) *Taxable years beginning after December 31, 1957.* Notwithstanding the provisions of subparagraph (1) of this paragraph, and except as otherwise provided by paragraph (e) of this section, if the tax for a taxable year beginning after December 31, 1957, of a nonresident alien individual within class 2 minus the sum of the credits under sections 34 and 35 would be an amount which is less than 30 percent of the aggregate of the amounts determined under paragraph (b) (2) (determined without regard to the section 116 exclusion), (3), and (4) of this section and received during the taxable year from sources within the United States, then this paragraph

shall not apply but paragraph (b) of this section shall apply. The provisions of this subdivision may be illustrated by the following example:

Example. A nonresident alien individual during the taxable year 1959 receives from sources within the United States a total income consisting of \$15,450 in dividends from a domestic corporation not disqualified by sections 34(c) and 116(b). He is not engaged in trade or business within the United States during the taxable year, and the United States has no tax convention with the country of which he is a resident. His tax for the taxable year is \$4,635 computed as follows:

| | |
|---|----------|
| Gross income (for purposes of determining whether section 871(b) applies) | \$15,450 |
| Less: Section 116(a) exclusion | 50 |
| Gross income (for purposes of determining tax under section 1) | \$15,400 |
| Less: Deduction for personal exemption | 600 |
| Taxable income | 14,800 |
| Tax computed under section 1 | 4,636 |
| Less: Dividends-received credit under section 34, that is, the smallest of the following: | |
| 4 percent of dividends included in gross income (\$15,400 x 4 percent) | \$616 |
| The tax for the taxable year | 4,636 |
| 4 percent of taxable income for the taxable year (\$14,800 x 4 percent) | 592 |
| | 592 |
| Balance of tax | 4,044 |
| Minimum limitation under section 871(b) (30% of \$15,450) | 4,635 |
| Tax for the taxable year as imposed by section 871(a) and computed without the allowance of the dividends-received credit and exclusion | 4,635 |

(F) By revising paragraph (c) (5) to read as follows:

(5) *Credits against tax.* The credits allowed by section 31 (relating to tax withheld on wages), section 32 (relating to tax withheld at source on nonresident aliens), section 34 (relating to dividends received by individuals), and section 35 (relating to partially tax-exempt interest) shall be allowed against the tax computed in accordance with this paragraph, even though, for taxable years beginning before January 1, 1958, such tax is computed in accordance with subparagraph (4) (i) of this paragraph. For taxable years beginning after December 31, 1957, if, by reason of subparagraph (4) (ii) of this paragraph, paragraph (b) of this section applies, the credits under sections 34 and 35 are not allowed.

(G) By adding at the end of Example (1) of paragraph (e) (4) the following sentence:

Under the facts of this example, for taxable years beginning after December 31, 1957, the minimum tax prescribed by section 871 upon nontreaty gross income shall be \$6,015 (\$20,050 x 30 percent).

§ 1.1441 [Amendment]

PAR. 5. Section 1.1441 is amended:

(A) By inserting "section 403(a)(2)," after "section 402(a)(2)," in subsections (b) and (c)(5) of section 1441; and

(B) By amending the historical note at the end thereof to read as follows:

[Sec. 1441 as amended by sec. 544(f), Mutual Security Act 1954 added by sec. 11(a), Mutual Security Act 1956 (70 Stat. 563) and amended by sec. 11(b), Mutual Security Act 1957 (71 Stat. 365); and as amended by sec. 40(b), Technical Amendments Act 1958 (72 Stat. 1638)]

§ 1.1441-2 [Amendment]

PAR. 6. Paragraph (b) of § 1.1441-2 is amended to read as follows:

(b) *Amounts considered to be gains from the sale or exchange of capital assets.* Withholding is also required on the gross amount of the items described in section 402(a)(2), relating to treatment of total distributions from certain employees' trusts; in section 631 (b) and (c), relating to treatment of gain on disposal of timber or coal with a retained economic interest; in section 1235, relating to treatment of gain on sale or exchange of patents; and after September 2, 1958, in section 403(a)(2), relating to treatment of payments under certain employee annuities, each of which items is considered to be gain from the sale or exchange of capital assets.

(Sec. 7805, I.R.C. 1954, 68A Stat. 917; 26 U.S.C. 7805)

[F.R. Doc. 60-4274; Filed, May 11, 1960; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 51—Committee on Purchases of Blind-Made Products

PART 51-1—PURCHASES OF BLIND-MADE PRODUCTS

Reports

Section 51-1.7 (formerly designated as § 301.7) is hereby deleted and in its stead the following § 51-1.7 is inserted:

§ 51-1.7 Reports.

National Industries for the Blind shall furnish a comprehensive annual report to the Committee on Purchases of Blind-made Products containing information concerning all of its operations and including a financial report, a report of significant accomplishments and developments, and such other information as National Industries for the Blind considers appropriate or the Committee may request.

(Sec. 2, 52 Stat. 1196; 41 U.S.C. 47)

Dated: April 22, 1960.

ROBERT LEFEVRE,
Executive Secretary.

[F.R. Doc. 60-4256; Filed, May 11, 1960; 8:45 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 60-32]

SUBCHAPTER I—CARGO AND MISCELLANEOUS VESSELS

PART 97—OPERATIONS

Stowage of Bulk Ore Cargoes

Pursuant to the notice of proposed rule making published in the FEDERAL REGISTER on February 18, 1960 (25 F.R. 1440-1448), and Merchant Marine Council Public Hearing Agenda dated April 4, 1960 (CG-249), the Merchant Marine Council held a Public Hearing on April 4, 1960, for the purpose of receiving comments, views and data. The proposals considered were identified as Items I through XII, inclusive, and Item X contained proposed requirements regarding the stowage of bulk ore cargoes.

This document is the third of a series covering the regulations and actions considered at the April 4, 1960 Public Hearing and annual session of the Merchant Marine Council. The first document, CGFR 60-30, contains the requirements based on Item I regarding radar observers required on radar equipped vessels. The second document, CGFR 60-31, contains the requirements based on Item XII regarding commitment of employment and stability standards for passenger vessels of unusual designs.

This document contains the final actions taken with respect to Item X regarding stowage of bulk ore cargoes. No changes were made in the text of the proposals, as set forth in Item X which are adopted and included in this document.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167-14, dated November 26, 1954 (19 F.R. 8026), and CGFR 56-28, dated July 24, 1956 (21 F.R. 5659), to promulgate regulations in accordance with the statutes cited with the regulations below, Part 97 is amended by inserting a new Subpart 97.12 immediately before Subpart 97.13, which shall become effective 90 days after date of publication in the FEDERAL REGISTER, and this new Subpart reads as follows:

Subpart 97.12—Cargo Stowage

Sec.

97.12-1 Bulk ores and similar cargoes.
97.12-5 Manual.

AUTHORITY: §§ 97.12-1 and 97.12-5 issued under R.S. 4405, as amended, and 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4453, as amended, secs. 1, 2, 49 Stat. 1544, as amended, and sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 435, 367, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.

§ 97.12-1 Bulk ores and similar cargoes.

(a) The owners or operators of general cargo vessels which carry bulk car-

goes such as ore, ore concentrates, and similar cargoes shall furnish to the masters of such vessels guidance information pertaining to the safe stowage of such cargoes.

§ 97.12-5 Manual.

(a) The manual on the "Stowage of Bulk Cargoes Such as Ore, Ore Concentrates, and Similar Cargoes when carried in General Cargo Vessels," 1959,¹ printed and distributed by the National Cargo Bureau, Inc., 99 John Street, New York 38, N.Y., is endorsed and recognized by the Coast Guard for use in compliance with the requirements of § 97.12-1(a).

Dated: May 4, 1960.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 60-4276; Filed, May 11, 1960; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 12517; FCC 60-497]

PART 3—RADIO BROADCAST SERVICES

FM Broadcast Stations; Permission To Engage in Specified Non-Broadcast Activities on Multiplex Basis

1. On March 22, 1955, the Commission released a Report and Order in Docket No. 10832 (FCC 55-340) which adopted rules providing for the issuance of Subsidiary Communications Authorizations (SCA's to FM broadcasters—§ 3.293, et seq. Among other things, these rules provided for the rendition of multiplex background music and storecasting services by FM broadcasters as a means of bolstering station operating revenues. Approximately 240 SCA's have been issued during the past five years. The bulk of these authorizations specify one or two multiplex sub-carrier frequencies which are normally programmed separately from the main channel. Assigned sub-carrier frequencies fall within the range 20 to 75 kilocycles removed from the main carrier, in accordance with § 3.319.

2. After the adoption of the SCA rules it became increasingly evident that multiplex techniques could be successfully employed for a variety of purposes above and beyond the limited "news, music, time, weather, and other similar programming" format prescribed in these rules. Accordingly, a Notice of Inquiry in Docket No. 12517 (FCC 58-636; 23 F.R. 5284) was released by the Commission on July 8, 1958, for the purpose of exploring possible additional uses of FM multiplexing, including slow-scan video transmission of advertisements, stock

¹ A copy of this manual has been filed with the Office of the Federal Register. Copies are also on file with the various Coast Guard District Commanders for reference purposes.

market reports, doctor paging, and traffic light control. The specific issues on which comments were invited were as follows:

(a) What limitation, if any, should the Commission impose upon the types of subsidiary communications which an FM station may provide?

(b) Should an FM station be permitted to use subsidiary communications for relay purposes?

(c) Should the number of subsidiary communications channels employed by a single FM broadcast station be limited, and, if so, what should be the limit?

(d) To what extent, if any, should subsidiary communications be permitted to affect the quality of the broadcast channel?

(e) Should specific sub-channel frequencies be allocated for subsidiary purposes? What quality and performance standards should be applied to the sub-channels?

(f) Should an FM broadcast station be permitted to transmit subsidiary communications at times when it is not providing a broadcast service on its main channel?

(g) To what extent should we permit a license holder to enter into contracts or arrangements with other parties to provide program material for subsidiary communications or to lease the rights to the multiplex channels?

3. A preliminary analysis of the comments submitted in response to above-mentioned Notice of Inquiry demonstrated a widespread interest in the related subject of FM multiplex stereophonic transmission. Accordingly, on March 12, 1959, the Commission released a Further Notice of Inquiry (FCC 59-211) which enlarged the scope of proceedings under Docket No. 12517 in order to afford interested persons an opportunity to submit further data and opinions directed specifically to the matter of FM stereophonic "broadcasting". The extended deadline for submission of comments in Docket No. 12517 was March 15, 1960. This Report and Order deals only with the issues raised in the original Notice of Inquiry. FM stereophonic "broadcasting" is the subject of a companion Notice of Proposed Rule Making being issued concurrently with this document. Related questions stemming from the decision of the United States Court of Appeals, D.C. Circuit, in *Functional Music, Inc. v. USA & FCC*, Case Nos. 14,374 and 14,375, will be treated in a separate Notice of Proposed Rule Making to be issued in the near future.

4. The more than 160 comments received in response to the Notice of Inquiry (paragraph 2, *supra*) are discussed below.

5. Limitations, if any, which should be imposed upon multiplex operation: The majority of comments were submitted by FM enthusiasts and "audiophiles" who expressed concern that any enlargement in the permissible scope of SCA services would tend to encourage a proliferation of non-broadcast multiplexing, thereby compromising main channel quality and eventually undermining the development of wide-band FM stereophonic "broadcasting". This viewpoint was opposed by

most of the 40 broadcast respondents, their general position being that no absolute limitation should be placed on the types of subsidiary communications which an FM station may provide. The Sun Dial Broadcasting Corporation, Charles River Broadcasting Company, Northeast Radio Network, Westinghouse Broadcasting Company, Metropolitan Broadcasting Corporation, and Pacifica Foundation expressed an interest in the following uses to which FM multiplexing might be put: Transmission of news photographs by facsimile, slow-scan TV, paging signals, servo-mechanism control pulses, musical A pitch, stock market quotations, detailed weather reports, remote pickup and cueing intelligence, studio-transmitter administrative messages, transmitter telemetry and radio teletype. Additionally, Pacifica Foundation and others urged that non-commercial educational FM broadcast stations be permitted to render subsidiary communications services on the same basis as commercial FM stations. The telephone interests, notably the American Telephone and Telegraph Company, registered opposition to any expansion of subsidiary undertakings on the part of FM broadcasters. Various licensees in the Domestic Public Radio Services reinforced this opposition, citing their generally low operating revenues and the allegedly ruinous effect of additional competition from a new source. In this connection, organizations providing radio paging and communications services for hire emphasized their status as common carriers under Title II of the Communications Act, and their responsibility to service the public without discrimination pursuant to published tariffs. It would be grossly unfair, they argue, to be placed in competition vis-a-vis unregulated operators who could "skim the cream" off the existing market for radio paging and related services. Traffic light control as a subsidiary service to be provided by FM broadcasters was supported by the International Municipal Signal Association. On the other hand, the General Electric Company voiced opposition to non-broadcast operations in the FM broadcast band as a matter of allocations principle. By the same token, the Electronic Industries Association concluded that "if there is sufficient FM frequency space available to permit FM broadcasters to use that valuable space [for] non-broadcast activities, it would appear that a basic question of frequency allocation is raised which can only be treated properly in a comprehensive study such as that now underway in Docket No. 11997". To summarize, further expansion of non-broadcast sub-carrier operations by FM broadcast stations was generally opposed by listeners, telephone interests, communications services, and by a broad segment of the electronic manufacturing industry, while the only substantial endorsement of such expansion came from the broadcast industry itself.

6. Use of multiplex sub-carriers for relay purposes: The proposal to use multiplex sub-carriers for relay purposes is but one facet of the larger question of expanded uses discussed in the preceding

paragraph; hence, respondents' reactions followed the same general pattern, i.e., multiplex relaying was opposed by the telephone interests and supported by the broadcast industry. The broadcasters' main interest in multiplex relaying focused on the program relay services which have been and are being rendered by a few FM stations under temporary authorizations issued by the Commission. For example, Radio Station KDKA-FM (Westinghouse Broadcasting Company) originates play-by-play descriptions of the Pittsburgh "Pirates" baseball games and transmits them to numerous standard and FM broadcast stations within its primary service area on a sub-carrier frequency of 67 kilocycles without disturbing the serious music programming on its own main channel. The Northeast Radio Network distributes WQXR-FM musical programs throughout north-central New York State in much the same manner. The WGBH Educational Foundation asserted that educational networks could be developed on the same principle if non-commercial educational FM stations were permitted to engage in multiplexing. Many comments favorable to multiplex relaying suggested that it should be limited to the relaying of programs of a broadcast nature.

7. Limitations, if any, which should be imposed upon the number of multiplex sub-channels employed by a single FM broadcast station: While the record discloses some sentiment for limiting the number of available sub-channels to three or less, the majority of comments addressed to this issue (most of which came from FM broadcasters) disapproved of any limitation on the theory that the types of programming provided on the sub-channels would automatically limit the number which could be successfully used at any given installation.

8. The extent, if any, to which multiplex sub-carrier operation should be permitted to affect main channel operation: Most respondents disapproved of any reduction in main channel quality, although the proponents of wide-band FM stereophonic systems recognized that some degradation of main channel quality would be an inevitable by-product of accommodating such systems.

9. Allocation of specific sub-channels for FM multiplexing: Broadcast interests were generally opposed to a sub-channel allocations plan and to the application of performance standards to such sub-channels. Those favoring such measures were, for the most part, seeking the allocation of a single stereophonic channel which, it was contended, would standardize the manufacture of stereophonic adapters and indirectly discourage the "pirating" of functional music programs.

10. Sub-carrier operation during periods of main channel inactivity: Under Section 3.310(i) and other applicable provisions of the Commission's Rules sub-channel operation is proscribed during periods of main channel inactivity. Some FM broadcasters who derive substantial revenue from their subsidiary operations would like to schedule such operations beyond the required 36 hour

weekly main channel minimum without incurring an obligation to program the main channel during the extended hours. A few broadcasters and others branded the idea a misuse of frequencies allocated to FM broadcasting.

11. Propriety of multiplex sub-channel leasing arrangements: The only substantial interest in this issue was expressed by FM broadcasters, most of whom advocated the continuance of such arrangements in view of the existing requirement that each licensee be responsible for, and in control of, all activities conducted on its authorized sub-channels.

12. The major issue posed by the Notice of Inquiry is whether, on balance, the public interest would be served by permitting an expansion of multiplex subcarrier operations by FM broadcasters, and if so, to what extent. In our Report and Order adopting the present SCA rules (Docket No. 10832), we expressed the belief that " * * * the character of the specialized operation [should] not run completely counter to that of a broadcast operation."

13. In light of the comments herein, and other relevant considerations, we adhere to the same position. The economic plight of the FM industry, which was one of the chief factors leading to the original adoption of the SCA rules, has somewhat improved recently as a result of increased interest in FM as a broadcast medium.¹ In any event, such economic considerations are not a valid basis for permitting in the FM band operations which are completely unrelated to and different from broadcast activities. To permit use of the FM broadcast band for such operations would amount to a de facto reallocation of broadcast frequencies, an unsound approach to a matter which could appropriately be considered only in a frequency reallocation proceeding. Moreover, it has been shown to our satisfaction that the rendition by FM broadcast stations of radio paging and other services of a completely non-broadcast character would cause serious and unwarranted financial hardship to many licensees in the Domestic Public Radio Services which have been duly authorized to provide common carrier services in portions of the spectrum reserved therefor. As an additional consideration, it appears that such a very substantial expansion of permissible SCA uses would, by encouraging FM broadcasters in large numbers to provide such services on their sub-channels, tend to foreclose in many

¹ The number of applications for commercial FM broadcast stations received in calendar year 1959 was approximately 500 percent greater than the number received in 1956. The sharp increase in public interest in FM as a broadcast medium is further attested to by statistics supplied by the Electronics Industries Association to the effect that 329,274 FM receivers were produced during the first eight months of 1958, but that 593,952 sets were produced during the corresponding months of 1959. In the New York, Los Angeles, and other large metropolitan markets, the demand for FM channels already exceeds the supply, in view of which many applications have been set for comparative hearing.

communities the future development of FM stereophonic "broadcasting". With respect to one of the non-broadcast services proposed as an appropriate SCA use—traffic light control—we note that suitable fixed service frequencies are available to interested municipalities in other portions of the radio spectrum.

14. We conclude that the public interest would not be served by allowing FM broadcasters to provide any signalling, control, telemetering or communications service basically unrelated to broadcast operation. The following uses remain:

(a) Those involving programming which is of a broadcast nature but which is of interest primarily to limited segments of the public desiring to subscribe thereto. The following categories are illustrative of such services: background music and storecasting; detailed weather forecasts; special time signals; and other material of a broadcast nature expressly designed and intended for any business, professional, educational, religious, trade, labor, agricultural or other group engaged in any lawful activity.

(b) Those involving services which are directly related to the operation of FM broadcast stations, but for which provision is not made in Part 4—(Experimental, Auxiliary, and Special Broadcast Services), or which could be performed with separate transmitting equipment licensed under that part but which for reasons of convenience or economy can be accomplished as well or better by multiplexing techniques. Examples include: relaying of broadcast material to other FM and standard broadcast stations; remote cueing and order circuits; remote control telemetering functions associated with authorized STL operation; and similar uses.

We find that the public interest would be served by expanding the permissible scope of FM multiplexing to the limited extent indicated in subparagraphs (a) and (b), supra, and as reflected in § 3.293, as amended herein. It is our view that this limited expansion will not create a substantial barrier to the adequate future development of FM stereophonic "broadcasting" and that the types of additional operations so permitted need not materially impair the quality of main channel operation. In approving this modest expansion, however, we do not attempt to spell out precise standards of eligibility. As in the past, FM broadcast licensees and permittees must, in their SCA applications, fully describe the purpose or purposes for which multiplexing will be used. Marginal applications will continue to be judged on a case-by-case basis. If an SCA application is granted, the licensee will be limited to those purposes or uses specified in the application, and must apply for and obtain a modified SCA if additional uses are desired.

15. Fordham University, Pacifica Foundation, and the WGBH Educational Foundation have urged that non-commercial educational FM broadcast stations also be permitted to engage in multiplex operation. While sympathetic with the objectives expressed in these comments, we feel that this issue goes beyond the scope of our Notice of In-

quiry in this proceeding, and would more properly be considered in connection with formal petitions for rule amendment now pending before the Commission. By the same token, the question of remote pickup facsimile by means of multiplex will be considered at a later date in connection with a petition for rule amendment now pending filed by WSTP, Inc.

16. Turning to the technical issues raised in the Notice of Inquiry,² we find the existing engineering standards to be adequate for SCA purposes, and discern no compelling reason to modify those standards at this time.³ This finding, however, is without prejudice to the possible allocation, at a later date, of a specific sub-carrier frequency for stereophonic "broadcasting" together with related performance standards.

17. With respect to sub-carrier operation during periods of main channel inactivity—Issue (f), we are of the opinion that such use either with or without periodic main channel identification would be basically incompatible with the concept of SCA operation as an adjunct to regular FM broadcasting. We therefore decline to amend existing requirements in this regard. We are herein amending § 3.293 to clarify the requirements of the rules in this respect.

18. Concerning the propriety of sub-channel leasing arrangements—Issue (g), we note that § 3.295(c) of the Commission's rules already provides in part that "in all arrangements entered into under the SCA with outside parties, the licensee or permittee must pass on all material to be transmitted over the station's facilities, with the right to reject any material which it deems inappropriate or undesirable * * *". Additionally § 1.342(d) requires that contracts relating to SCA operation be filed with the Commission within 30 days of the execution thereof. If no written contract is involved, the substance of the oral agreement must be reported in the same manner. A number of sub-channel leasing arrangements are in force and have been reported pursuant to these rules. We find the existing provisions sufficient to satisfy the control requirements of the Communications Act, and without excluding the possibility of future modification, we are not persuaded that these provisions should be changed at this time.

19. A number of FM broadcasters providing background music services complained that their transmissions are being "pirated" by non-subscribers who have purchased or assembled suitable multiplex adapters. In this connection, we adhere to the view that section 605 of the Communications Act is contravened by the unauthorized reception of FM

² Issue (c) Should the number of subsidiary communications channels employed by a single FM broadcast station be limited, and, if so, what should be the limit?

(d) To what extent, if any, should subsidiary communications be permitted to affect the quality of the broadcast channel?

(e) Should specific sub-channel frequencies be allocated for subsidiary purposes? What quality and performance standards should be applied to the sub-channels?

³ Section 3.319.

multiplex programs intended solely for reception by industrial, mercantile and other subscribers. At the same time, we are constrained to observe that this agency does not exercise licensing jurisdiction over the manufacture, sale or use of radio receivers, as such, including tuners capable of receiving multiplex signals, nor are we responsible for the enforcement of section 605 of the Communications Act. Since the Department of Justice has the ultimate responsibility for the enforcement of section 605, the only assurance we can offer in this regard is that we will, in appropriate cases, continue to refer such matters to the Department of Justice for prosecution or for such other corrective measures as may be warranted.

20. As noted in paragraph 3, supra, this Report and Order is dispositive only of the issues raised in the original Notice of Inquiry. The more controversial aspects of multiplexing (notably FM stereophonic "broadcasting" and the future status of FM stations still providing background music services on a simplex basis) are being or will be handled separately under appropriate Notices of Proposed Rule Making. However, with respect to the issues here involved, we feel that sufficient data is before us to justify the adoption of this Report and Order, and therefore that no useful purpose would be served by the issuance of still another Notice of Proposed Rule

Making. Moreover, inasmuch as the effect of the amendment herein ordered is to relieve existing restrictions, it may be made effective less than 30 days from the publication thereof, pursuant to section 4(c) of the Administrative Procedure Act.

21. Authority for the adoption of this Report and Order and associated rule amendment is contained in sections 301, 303 (b), (g), and (r) of the Communications Act of 1934, as amended.

22. *It is ordered*, This 4th day of May 1960, that effective May 16, 1960, the Commission's rules be amended as set forth below; and

23. *It is further ordered*, That proceedings under Docket No. 12517 are hereby terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 301, 303, 48 Stat. 1081, 1082; 47 U.S.C. 301, 303)

Released: May 9, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Section 3.293 is amended to read as follows:

§ 3.293 Subsidiary communications authorizations.

(a) A FM broadcast licensee or permittee may apply for a Subsidiary Communications Authorization (SCA) to

provide limited types of subsidiary services on a multiplex basis. Permissible uses must fall within one or both of the following categories:

(1) Transmission of programs which are of a broadcast nature, but which are of interest primarily to limited segments of the public wishing to subscribe thereto. Illustrative services include: background music; storecasting; detailed weather forecasting; special time signals; and other material of a broadcast nature expressly designed and intended for business, professional, educational, religious, trade, labor, agricultural or other groups engaged in any lawful activity.

(2) Transmission of signals which are directly related to the operation of FM broadcast stations; for example: relaying of broadcast material to other FM and standard broadcast stations; remote cueing and order circuits; remote control telemetering functions associated with authorized STL operation, and similar uses.

(b) Applications for Subsidiary Communications Authorizations shall be submitted on FCC Form 318. An applicant for SCA shall specify the particular nature or purpose of the proposed use.

(c) SCA operations may be conducted without restriction as to time so long as the main channel is programmed simultaneously.

[F.R. Doc. 60-4285; Filed, May 11, 1960; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Parts 170, 240]

LIQUOR AND WINE

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Director within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

In order to (1) incorporate in permanent regulations the temporary regulations relating to the semimonthly return system for taxpayment of wine now in Subpart S of 26 CFR Part 170; (2) authorize the use of distillates containing aldehydes in the fermentation of wine for use as distilling material; (3) make certain clarifying, liberalizing, and simplifying changes; (4) provide for taking credit on tax returns of drawback allowed under section 5062, I.R.C.; (5) authorize the return to bond of certain wines withdrawn without payment of tax; and (6) in conformity with administrative decisions to incorporate into 26 CFR Part 252 all procedures relating to exportation of liquors, to remove from 26 CFR Part 240 those procedures relating to the exportation of wine, use on certain vessels and aircraft, transfers to customs manufacturing warehouses, class six, and transfer to and deposit in a foreign-trade zone, the regulations in 26 CFR Part 170, "Miscellaneous Regulations Relating to Liquor" and 26 CFR Part 240, "Wine", are amended as follows:

In Part 170, § 170.452 is amended to read:

§ 170.452 General.

Notwithstanding any other provision of Part 240 of this chapter relating to the payment of taxes on wines by proprietors of bonded wine cellars qualified under chapter 51, I.R.C., such taxes determined on and after June 24, 1959, and before July 1, 1960, shall be paid and collected on the basis of a semimonthly or prepayment return as provided in this subpart.

Part 240 is amended in the following respects:

Section 240.19a is amended to read:

§ 240.19a Distilled spirits plant.

"Distilled spirits plant" shall mean an establishment qualified under Part 201 of this chapter for the production, bonded storage, or bottling of spirits, or for rectification, or for any combination of such operations.

By inserting a new section immediately after § 240.21:

§ 240.21a Executed under penalties of perjury.

Signed with the prescribed declaration under the penalties of perjury as provided on or with respect to the return, claim, form, or other document or, where no form of declaration is prescribed, with the declaration: "I declare under the penalties of perjury that this ----- (insert type of document such as statement, report, certificate, application, claim, or other document), including the documents submitted in support thereof, has been examined by me and, to the best of my knowledge and belief, is true, correct, and complete."

Section 240.27 is amended to read:

§ 240.27 In bond.

When used with respect to wine spirits, "in bond" means such spirits possessed under bond to secure the payment of the internal revenue tax thereon and in respect to which the tax has not been determined as provided in this chapter, and includes such spirits withdrawn without payment of tax under section 5214(a) (5), I.R.C., and with respect to which relief from liability has not yet occurred. When used with respect to wine "in bond" means wine possessed under bond to secure the payment of the internal revenue tax thereon and in respect to which the tax thereon has not been determined as provided in this chapter, and includes such wines on the bonded premises of a bonded wine cellar, in transit to a bonded wine cellar, and such wine withdrawn without payment of tax under section 5362, I.R.C., and with respect to which relief from liability has not yet occurred.

Section 240.53 is amended to read:

§ 240.53 United States wine.

"United States wine" shall mean wine produced on bonded wine cellar premises in the United States.

Section 240.124 is amended to read:

§ 240.124 Bottling of taxpaid wine.

Every person desiring to bottle or re-bottle taxpaid wine at premises other than the bottling premises of a distilled spirits plant shall establish taxpaid wine bottling house premises in compliance with the provisions of regulations set forth in Part 231 of this chapter.

§ 240.140 [Amendment]

Section 240.140 is amended:

1. By changing the last sentence to read "Except for necessary openings for ventilation and for the passage of water, electric, sewer, or similar lines, the wine cellar must be separated from adjoining buildings or rooms by solid unbroken partition: *Provided*, That where a bonded wine cellar, a distilled spirits plant, a taxpaid wine bottling house, another bonded wine cellar, or a wine vinegar plant are located in contiguous buildings or rooms, pipelines may be installed for the transfer of wine or wine spirits, and, if approved by the assistant regional commissioner, doors may be placed in the partitions separating the bonded wine cellar from the production facility of a distilled spirits plant, taxpaid wine bottling house, wine vinegar plant, other bonded wine cellar, or a contiguous taxpaid room operated by the proprietor"; and

2. By changing the citation to read "(72 Stat. 1379; 26 U.S.C. 5357)".

Section 240.143 is amended to read:

§ 240.143 Office facilities.

Where wine spirits are to be used in the production of wine, other than use in small quantities for dosages or preparation of essences, the proprietor shall provide and maintain on the wine cellar premises in a convenient location suitable office facilities, including a desk, chair, file case, and such other office furniture as may be necessary for the keeping of Government records for the use of internal revenue officers: *Provided*, That where the proprietor operates a distilled spirits plant on adjacent premises, and a Government office conforming to the requirements specified in Part 201 of this chapter is provided on such premises, and such office is so located as to be suitable for the use of internal revenue officers assigned at the wine cellar, separate office facilities need not be provided on the wine cellar premises. There shall also be provided a metal cabinet of adequate strength and size, suitably equipped for locking with a Government seal lock, for use in safeguarding Government seals, keys, and other Government property. Each such cabinet shall contain shelving or compartments of proper size for the filing of Government records. Conveniently located toilet and lavatory facilities shall also be provided and made available for the use of internal revenue officers. Such facilities shall be subject to ap-

proval by the assistant regional commissioner.

(72 Stat. 1379; 26 U.S.C. 5357)

§ 240.144 [Revocation]

Section 240.144 is revoked.

§ 240.169 [Amendment]

Section 240.169 is amended:

1. By changing the first sentence to read, "Pipelines used for the conveyance of wine spirits from the bonded premises of a distilled spirits plant to wine spirits storage tanks, measuring tanks, weighing tanks, and wine spirits addition tanks shall be constructed in accordance with the requirements of regulations prescribed in Part 201 of this chapter"; and

2. By changing the citation to read "(72 Stat. 1395; 26 U.S.C. 5552)".

§ 240.171 [Amendment]

Section 240.171 is amended:

1. By changing the first sentence to read "The pipeline used to transfer tax-paid wine from the bonded wine cellar to the bottling premises of a distilled spirits plant or to a taxpaid wine bottling house shall be a fixed unbroken line of permanent character, securely constructed and connected, and so arranged as to be exposed to view throughout its entire length"; and

2. By changing the citation to read "(72 Stat. 1395; 26 U.S.C. 5552)".

§ 240.172 [Amendment]

Section 240.172 is amended:

1. By striking in the first sentence immediately after the words "bonded wine cellars" the words "fruit distilleries" and inserting in lieu thereof the words "distilled spirits plants"; and

2. By changing the citation to read "(72 Stat. 1379; 26 U.S.C. 5357)".

§ 240.174 [Amendment]

Section 240.174 is amended:

1. By striking in the first sentence immediately after the words "an adjacent" the words "distillery or internal revenue warehouse" and inserting in lieu thereof the words "distilled spirits plant"; and

2. By changing the citation to read "(72 Stat. 1395; 26 U.S.C. 5552)".

§ 240.193 [Amendment]

Section 240.193 is amended:

1. By changing the first sentence to read "If the activities to be conducted on the bonded wine cellar premises are such that a wine producer's basic permit is required under the Federal Alcohol Administration Act and regulations, the applicant may request on Form 698, for designation of the premises as a bonded winery."; and

2. By changing the citation to read "(72 Stat. 1378; 26 U.S.C. 5351)".

Section 240.197 is amended to read:

§ 240.197 Description of equipment.

All equipment, including tanks, crushing and pressing equipment, instruments and measures for testing and measuring wine must be described on the Form 698. Each tank shall be listed by serial number and capacity. Barrels or other readily portable containers under sixty

gallons capacity need not be listed but the approximate number of such containers used for the storage of wine shall be shown. Unless required by the assistant regional commissioner, hoses, filters, pumps, pasteurizers, coolers, and similar equipment need not be listed on the Form 698.

(72 Stat. 1379; 26 U.S.C. 5356)

Section 240.222 is amended to read:

§ 240.222 Tax deferral bond, Form 2053.

Each proprietor of a bonded wine cellar desiring to remove wine for consumption or sale, where the tax unpaid at any one time amounts to more than \$100, shall file a bond, Form 2053, to insure payment of the tax on such wine. The penal sum of a tax deferral bond, Form 2053 (or the total penal sums where original and strengthening bonds are filed), shall be in an amount equal to the tax on the maximum quantity of wine to be removed for consumption or sale during any semimonthly return period: *Provided*, That the maximum penal sum of such bond shall not exceed \$250,000, and in no case shall the penal sum be less than \$50.

(72 Stat. 1379; 26 U.S.C. 5354)

§ 240.223 [Revocation]

Section 240.223 is revoked.

§ 240.224 [Revocation]

Section 240.224 is revoked.

Section 240.251 is amended to read:

§ 240.251 Termination of bond, Form 1676.

Bond on Form 1676, covering the removal of wine for transfer to a wine vinegar plant, will be terminated as to future liability (a) pursuant to application by the surety as provided in § 240.252; (b) pursuant to approval of a superseding bond as provided in § 240.257; or (c) upon discontinuance of the business covered by the bond as provided in § 240.257.

(72 Stat. 1380; 26 U.S.C. 5362)

Section 240.255 is amended to read:

§ 240.255 Extent of relief, Form 1676.

If notice has been filed as provided in § 240.252 in respect to a bond on Form 1676 and is not in writing withdrawn, the surety shall be relieved of liability for tax on wine withdrawn for manufacture of vinegar, after the date stated in the notice. Where such withdrawal is made wholly on or before the date named in the notice, the surety shall remain liable for the tax on wine so withdrawn, until the wine is fully accounted for.

(72 Stat. 1380; 26 U.S.C. 5362)

Section 240.257 is amended to read:

§ 240.257 Release or termination, Form 1676.

When the principal on a bond, Form 1676, notifies the assistant regional commissioner that he has discontinued the withdrawal of wine without payment of tax for use in the manufacture of vinegar, the assistant regional commissioner

will issue Notice of Termination or Release of Bond, Form 1490. When a superseding bond on Form 1676 is approved by the assistant regional commissioner, he will issue Notice of Termination or Release of Bond, Form 1490, for the superseded bond.

(72 Stat. 1380; 26 U.S.C. 5362)

Section 240.259 is amended to read:

§ 240.259 Release of collateral, Form 1676.

Collateral pledged and deposited to support a bond on Form 1676 will ordinarily be released by the assistant regional commissioner upon issuance of Notice of Termination or Release of Bond, Form 1490, provided all liabilities under the bond have been satisfied.

(61 Stat. 646; 6 U.S.C. 15)

Section 240.273 is amended to read:

§ 240.273 Contiguous or adjacent premises.

Where a distilled spirits plant, tax-paid wine bottling house, wine vinegar plant, or another bonded wine cellar, is maintained on contiguous or adjacent premises, the relative position of such premises and the bonded wine cellar, communicating doors and other openings, and all pipeline connections for transfer of wine and wine spirits between the premises, must be shown on the plat. The pipeline used for conveying wine spirits from bonded premises of a distilled spirits plant to the bonded wine cellar, or for transfer of wine spirits within the bonded wine cellar premises shall be shown in blue on the plat. Pipelines for the conveyance of wine between noncontiguous portions of the bonded wine cellar will be shown.

§ 240.312 [Amendment]

Section 240.312 is amended:

1. By striking in the first sentence the word "triplicate" and inserting in lieu thereof the word "duplicate";

2. By changing the third sentence to read "Upon approval, the assistant regional commissioner will return one copy of the report to the proprietor for attachment to the copy of Form 698 retained at the bonded premises and retain one copy in his office for filing with Form 698."; and

3. By changing the citation to read "(72 Stat. 1379; 26 U.S.C. 5356)".

§ 240.320 [Amendment]

Section 240.320 is amended:

1. By changing the first sentence to read "When the proprietor desires to discontinue operation of the bonded wine cellar, all wine and wine spirits must (except as provided herein) be lawfully removed from the premises or destroyed, and any outstanding approved Forms 257 authorizing the transfer of wine spirits to the wine cellar shall be procured from the distilled spirits plant to which they were sent and returned to the assistant regional commissioner for cancellation."; and

2. By striking the period at the end of the last sentence and inserting "and, in lieu of the statement that all wine and wine spirits have been lawfully removed

from the premises or destroyed, that all wine and wine spirits will be transferred to the successor as of the date the discontinuance is to be effective. All wine and wine spirits so transferred shall be identified as "Transferred to successor" on the Form 702 filed by the outgoing proprietor (in accordance with § 240.321); and identified as "Received from predecessor" on the initial Form 702 filed by the successor."

§ 240.361 [Amendment]

Section 240.361 is amended:

1. By changing paragraph (c) to read:

(c) Yeast foods, sterilizing agents, or other fermentation adjuncts under the provisions of Subpart ZZ of this part.

2. By changing the citation to read "(72 Stat. 1383, 1384; 26 U.S.C. 5381, 5382, 5383)".

§ 240.364 [Amendment]

Section 240.364 is amended:

1. By changing the fourth sentence to read "If it is desired to use other acids, the requirements of § 240.1052 shall be followed."; and

2. By changing the citation to read "(72 Stat. 1383; 26 U.S.C. 5382)".

§ 240.365 [Amendment]

Section 240.365 is amended:

1. By striking in paragraph (b) "§§ 240.529 and 240.530" and inserting in lieu thereof "Subpart ZZ of this part"; and

2. By changing the citation to read "(72 Stat. 1384; 26 U.S.C. 5383)".

§ 240.376 [Amendment]

Section 240.376 is amended:

1. By striking in the first sentence immediately following the words "use from" the words "a distillery or warehouse" and inserting in lieu thereof the words "the bonded premises of a distilled spirits plant"; and

2. By changing the citation to read "(72 Stat. 1381; 26 U.S.C. 5367, 5368)".

§ 240.377 [Amendment]

Section 240.377 is amended:

1. By changing the third sentence to read "If the wine spirits are received by pipeline from adjacent bonded premises of a distilled spirits plant, and are run directly into the wine spirits addition tank, the gauge of the wine spirits made on the adjacent premises will be used."; and

2. By changing the citation to read "(72 Stat. 1381, 1382; 26 U.S.C. 5367, 5373)".

§ 240.378 [Amendment]

Section 240.378 is amended:

1. By changing the third sentence to read "If the packages have been received from contiguous bonded premises of a distilled spirits plant for immediate use, the packages need not be regauged in the bonded wine cellar unless there is some indication that the contents of the packages may not be in agreement with the withdrawal gauge."; and

2. By changing the citation to read "(72 Stat. 1381, 1382; 26 U.S.C. 5366, 5367, 5368, 5373)".

§ 240.385 [Amendment]

Section 240.385 is amended:

1. By changing the second sentence to read "A statement of process on Form 698—Supplemental, in triplicate, giving details of the production process, shall be filed with the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D.C., and approved prior to the commencement of production."; and

2. By changing the citation to read "(72 Stat. 1382, 1383; 26 U.S.C. 5373, 5382)".

§ 240.401 [Amendment]

Section 240.401 is amended:

1. By changing paragraph (b) to read:

(b) Yeast foods, sterilizing agents, or other fermentation adjuncts under the provisions of Subpart ZZ of this part.

2. By changing the citation to read "(72 Stat. 1383; 26 U.S.C. 5381)".

§ 240.404 [Amendment]

Section 240.404 is amended:

1. By changing the sixth sentence to read "If it is desired to use other acids, the requirements of § 240.1052 shall be followed."; and

2. By changing the citation to read "(72 Stat. 1383; 26 U.S.C. 5382)".

§ 240.405 [Amendment]

Section 240.405 is amended:

1. By striking in paragraph (b) "§§ 240.529 and 240.530" and inserting in lieu thereof "Subpart ZZ of this part"; and

2. By changing the citation to read "(72 Stat. 1385; 26 U.S.C. 5384)".

§ 240.441 [Amendment]

Section 240.441 is amended:

1. By changing the second sentence to read "The formula and process will be described on Form 698—Supplemental, which will be filed, in triplicate with the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D.C."; and

2. By changing the third sentence to read "Two $\frac{1}{2}$ quart samples of the base wine used and two $\frac{1}{2}$ quart samples of the finished special natural wine shall be submitted with the formula."; and

3. By changing the citation to read "(72 Stat. 1386; 26 U.S.C. 5386)".

§ 240.444 [Amendment]

Section 240.444 is amended by striking the fourth and fifth sentences and inserting in lieu thereof "Where vermouth is produced under this section the finished product shall contain not less than 80 percent by volume of natural wine."

Section 240.447 is amended to read:

§ 240.447 Essences made elsewhere.

Before an essence, not made on bonded wine cellar premises, may be used in the production of special natural wine, the manufacturer of such essence must secure approval from the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D.C.,

for its use in special natural wine. The manufacturer will file a statement, in duplicate, of the materials and processes used in the manufacture of the essence, with the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D.C. A sample, not less than four ounces in amount, will be submitted with the statement. The essence will be identified by the name of the manufacturer, and the name of the essence, or an identifying number. A separate statement and sample must be submitted for each essence to be used for special natural wine production. The required statement and sample shall be submitted for only those essences that are not manufactured pursuant to an approved formula on Form 1678, for a nonbeverage product. The Director, Alcohol and Tobacco Tax Division, will notify the manufacturer of approval or disapproval of the essence for use in wine production. If approved, the proprietor of a bonded wine cellar may describe the essence on Form 698—Supplemental by showing the name of the manufacturer, the manufacturer's nonbeverage drawback formula number, if any, and the date of approval by the Director; without submitting additional samples of the essence.

(72 Stat. 1386; 26 U.S.C. 5386)

§ 240.465 [Amendment]

Section 240.465 is amended:

1. By changing the last sentence to read "The formula and process will be described in detail on Form 698—Supplemental which will be filed in triplicate with the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D.C."; and

2. By changing the citation to read "(72 Stat. 1386; 26 U.S.C. 5387)".

§ 240.482 [Amendment]

Section 240.482 is amended by changing the second sentence to read "The formula will be filed on Form 698 Supplemental, in triplicate, with the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D.C."

§ 240.485 [Amendment]

Section 240.485 is amended:

1. By striking in the last sentence the words "assistant regional commissioner" and inserting in lieu thereof the words "Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D.C."; and

2. By changing the citation to read "(72 Stat. 1380, 1381, 1387; 26 U.S.C. 5361, 5364, 5388)".

§ 240.486 [Amendment]

Section 240.486 is amended:

1. By inserting, immediately after the second sentence, a new sentence reading, "Distillates containing aldehydes may be used in the fermentation of wine to be used as distilling material as provided in §§ 240.490 and 240.491 and Subpart YY of this part."; and

2. By changing the citation to read "(72 Stat. 1380, 1381, 1382; 26 U.S.C. 5361, 5364, 5373)".

§ 240.489 [Amendment]

Section 240.489 is amended:

1. By changing the parenthetical phrase in the second sentence to read "(49 Stat. 977; 27 U.S.C. 201)"; and

2. By changing the citation to read "(72 Stat. 1381, 1383; 26 U.S.C. 5364, 5381)".

By inserting immediately after § 240.489 an undesignated center heading and new §§ 240.490 and 240.491:

USE OF DISTILLATES CONTAINING
ALDEHYDES

§ 240.490 General.

Distillates containing aldehydes, withdrawn under the provisions of Part 201 of this chapter may be used in fermentation of wine to be used as distilling material at the distilled spirits plant from which such distillates were withdrawn. Distillates produced from one kind of fruit shall not be used in the fermentation of wine made from a different fruit.

(72 Stat. 1382; 26 U.S.C. 5373)

§ 240.491 Application.

Where a distillate containing aldehydes is to be used in fermentation of wine to be used as distilling material the proprietor of the bonded wine cellar, unless he is also the proprietor of the distilled spirits plant from which the distillates are to be withdrawn, shall submit an application, in duplicate, to the assistant regional commissioner, and state therein (a) the name, address, and registry number of the distilled spirits plant from which the distillate is to be withdrawn, (b) the kind of distillate, (c) the kind of wine in which the distillate will be used, and (d) a statement describing the method by which such distillate will be added in fermentation of wine to be used as distilling material. Where the proprietor of the bonded wine cellar is also the proprietor of the distilled spirits plant, the approval of the application required under Part 201 of this chapter will also authorize the receipt and use of the distillates at the bonded wine cellar. Distillates containing aldehydes will be procured under the provisions of Subpart YY of this part. Record of receipt and use of such distillates will be kept in accordance with Subpart UU of this part and reported on Form 702.

(72 Stat. 1381, 1382; 26 U.S.C. 5367, 5373)

Section 240.500 is amended to read:

§ 240.500 General.

Wine or wine lees may be refermented except that wine or wine lees in which sugar sweetening was used may not be refermented for use as distilling material at a distilled spirits plant for the production of brandy or wine spirits.

(72 Stat. 1382; 26 U.S.C. 5373)

§ 240.501 [Revocation]

Section 240.501 is revoked.

§ 240.510 [Amendment]

Section 240.510 is amended:

1. By striking the second sentence in its entirety; and

2. By changing the citation to read "(72 Stat. 1383; 26 U.S.C. 5382)".

§ 240.513 [Amendment]

Section 240.513 is amended:

1. By striking in the first sentence the words "assistant regional commissioner" and inserting in lieu thereof the words "Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D.C.";

2. By striking in the fifth sentence the word "quadruplicate" and inserting in lieu thereof the word "triplicate"; and

3. By changing the citation to read "(72 Stat. 1383, 1387; 26 U.S.C. 5382, 5387)".

§ 240.524 [Amendment]

Section 240.524 is amended:

1. By changing the last sentence to read "Specifically authorized materials are listed in Subpart ZZ of this part."; and

2. By changing the citation to read "(72 Stat. 1338, 1383; 26 U.S.C. 5082, 5382)".

§ 240.528 [Amendment]

Section 240.528 is amended:

1. By striking in the last sentence the numbers "§ 240.530" and inserting in lieu thereof "Subpart ZZ of this part"; and

2. By changing the citation to read "(72 Stat. 1383; 26 U.S.C. 5382)".

§ 240.529 [Revocation]

Section 240.529 is revoked.

§ 240.530 [Revocation]

Section 240.530 is revoked.

By inserting immediately after § 240.535 an undesignated center heading and new §§ 240.536 to 240.539:

REDUCTION OF ACID CONTENT

§ 240.536 General.

Standard wine may have the acid content reduced below 5 parts per thousand by use of authorized neutralizing materials or methods: *Provided*, That such neutralizing materials or methods does not change the character of the wine to an extent inconsistent with good commercial practice and does not result in any increase in the volume of the wine.

(72 Stat. 1383; 26 U.S.C. 5382)

§ 240.537 Application.

Where a proprietor desires to reduce the acid content of wine below 5 parts per thousand he shall file an application with the assistant regional commissioner. The application shall be filed in letter form and in triplicate. The application shall contain the following information:

- (a) Name, address, and registry number of the proprietor;
- (b) Statement of process or method to be used in effecting the acid reduction;
- (c) Gallons of wine to be treated; and
- (d) Kind of wine to be treated.

A one pint sample of the wine prior to treatment shall be submitted by the proprietor, direct to the regional laboratory at the same time the application is filed. The sample will be labeled and marked in a manner that it may be readily identified. The proprietor shall not pro-

ceed to reduce the acid content of the wine until he receives approval of the application by the assistant regional commissioner.

(72 Stat. 1383; 26 U.S.C. 5382)

§ 240.538 Sample of treated wine.

After completion of the acid reduction treatment a one pint sample of the wine shall be submitted by the proprietor to the regional laboratory. The sample will be labeled and marked in a manner that it may be readily identified and associated with the sample submitted prior to treatment.

(72 Stat. 1383; 26 U.S.C. 5382)

§ 240.539 Addition of acid.

Acid may be added only for stabilization of wine treated under §§ 240.536-240.538.

(72 Stat. 1383; 26 U.S.C. 5382)

§ 240.540 [Amendment]

Section 240.540 is amended:

1. By striking in the first sentence the word "still"; and

2. By changing the citation to read "(72 Stat. 1331; 26 U.S.C. 5042)".

§ 240.541 [Amendment]

Section 240.541 is amended:

1. By changing paragraph (d) to read: "Wine made by a partnership, except as provided in § 240.730, or produced at a bonded wine cellar by two or more heads of families jointly;"; and

2. By changing the citation to read: "(72 Stat. 1331; 26 U.S.C. 5042)".

Section 240.561 is amended to read:

§ 240.561 Serial numbers.

All containers used for removing wine shall be marked with a serial number at the time the containers are prepared for removal, except as provided herein. Serial numbers shall commence with "1" and continue in order until the number 1,000,000 is reached, when the series may start again with "1": *Provided*, That a new series may be commenced when 100,000 has been reached if no number will be used more than once during a 12-month period. If desired, separate series of numbers preceded by identifying letters may be used for bulk containers and for cases, or for cases filled on different bottling lines, or for removals from different loading docks. On filing a notice with the assistant regional commissioner the proprietor may, unless notified by the assistant regional commissioner to the contrary, (a) mark the serial numbers on the cases at the time of filling the cases or (b) mark the cases with the filling date in lieu of serially numbering the cases. The notice shall be filed in duplicate not less than 10 days prior to the date on which the proprietor intends to commence marking the serial numbers on the cases at the time of filling the cases or the date on which the proprietor intends to commence marking cases with the filling date. A proprietor who marks cases with the filling date shall maintain appropriate cellar records to identify the wine. A proprietor who marks serial numbers on the cases at the time of filling shall maintain a daily record of cases filled, by serial number,

and type of wine. A proprietor who marks serial numbers on containers at the time of removal shall maintain a daily record, by serial numbers, of containers removed. Where the assistant regional commissioner has approved the numbering of cases at the time of filling, such numbers need not be shown on Form 703 covering transfer of the cases in bond. A proprietor who has given notice of his intention to mark serial numbers on the cases at the time of filling the cases or to mark the filling dates on the cases shall use such procedure exclusively until the assistant regional commissioner requires or authorizes the cases to be marked as otherwise provided in this section. Where domestic or foreign wine is recased in the taxpaid room the proprietor shall mark such cases preparatory to shipment with the date of repackaging, preceded by the letter "R."

(72 Stat. 1381; 26 U.S.C. 5367, 5368)

§ 240.562 [Amendment]

Section 240.562 is amended:

1. By changing the first sentence to read "Each cask, barrel, keg, tank, tank truck, railroad tank car, or case, or other approved container, used to remove wine must be marked in a plain and durable manner with the serial number (or the alternate marks in lieu of a serial number authorized for cases), the name of the proprietor and the registry number and location (by State, or city or town and State) of the wine cellar, the kind (class and type), and the alcohol content of the wine, the contents of the container in wine gallons, and, except for cases, the date of removal or shipment.

2. By changing the period at the end of the last sentence to a colon followed by "Provided, That the serial number, or the alternate marks in lieu of a serial number, may be placed on a side other than the Government side as described in § 240.564 where such other side bears no marks in conflict with such serial numbers or alternate marks."; and

3. By changing the citation to read "(72 Stat. 1381, 1387, 1407; 26 U.S.C. 5368, 5388, 5662)".

Section 240.575 is amended to read:

§ 240.575 Remarkings, reshipping, or taxpaying containers received from other premises.

When wine received in bond from other premises is removed, in the containers in which received, for consumption or sale, the proprietor shall mark the containers with "Taxpaid" or "TP", followed by the registry number and State of the taxpaying premises on the same side of the container as the original marks. When containers of wine received in bond are reshipped in bond, the proprietor of the reshipping premises shall mark the containers with "Transferred", followed by the registry number and State of the bonded premises to which the wine is shipped on the same side of the container as the original marks. The transfer marks may be abbreviated, as "Trans. BW 100-NY".

Subpart AA consisting of §§ 240.590 through 240.597 is stricken and in lieu thereof a new Subpart AA consisting of §§ 240.590 through 240.600 is inserted:

Subpart AA—Taxpayment of Wine

§ 240.590 Time for determination of tax liability.

The tax on wine shall be determined at the time of removal from the bonded wine cellar premises (or transfer to a taxpaid room on the premises) for consumption or sale. Upon determination, the quantity of wine removed will be entered on the record prescribed by § 240.920.

(72 Stat. 1331; 26 U.S.C. 5041)

§ 240.591 Time for payment of tax.

The tax on wine shall be paid by return, Form 2050, which will be filed with remittance for the full amount of tax due as shown by the return. The quantities of wine by taxable grades removed daily for consumption or sale during the period covered by the return and the aggregate quantities thereof, shall be reported on the tax return, Form 2050, prepared in quadruplicate. All entries in the return shall be fully supported by accurate and complete records satisfactory to the assistant regional commissioner. The proprietor shall include for payment on his return, Form 2050, the full amount of tax required to be determined (and not prepaid) on all wine removed daily from the bonded wine cellar premises (or transferred to a taxpaid room on the premises) for consumption or sale during the period covered by the return. Prepayments of tax on wine during the period covered by the return shall be separately shown thereon. The proprietor shall file a tax return, Form 2050, with remittance for the full amount of tax due, semimonthly, covering the period from the 9th day of a month through the 23d day of the same month and the period from the 24th day of a month through the 8th day of the next succeeding month. The tax return shall be filed not later than the close of the 3d calendar day next succeeding the 8th or 23d calendar day of the month, as the case may be, excluding any Saturday, Sunday, or legal holiday of the District of Columbia or any statewide legal holiday of the State in which the return is required to be filed: *Provided*, That the return for the period ending on June 23d of each year shall be filed not later than the close of the 2d next succeeding calendar day after June 23d, excluding any Saturday, Sunday, or a legal holiday of the District of Columbia or a statewide legal holiday of the particular State in which the return is required to be filed. Except as provided in § 240.592 a return shall be filed covering each return period even though no wine was removed for consumption or sale during the period.

(68A Stat. 896, 72 Stat. 1335; 26 U.S.C. 5061, 7503)

§ 240.592 Exception.

Where a tax deferral bond is not given under the provisions of § 240.222 and the proprietor has notified the assistant regional commissioner in writing that,

until further notice, no wine in respect to which tax is required to be paid will be removed from the bonded wine cellar premises, and where no such wine is so removed, a proprietor will not be required to file a semimonthly return on Form 2050. This exception also applies where substandard wine only is removed for shipment to a vinegar plant for the production of vinegar. This exception shall not apply where intermittent removals subject to tax are made, but only where future removals subject to tax are not anticipated. Notices required under this section shall be filed in letter form, in duplicate.

§ 240.593 Failure to pay tax or file return at the time required.

The law provides penalties for failure to pay tax at the time required, for willful refusal to pay such tax and for fraudulent nonpayment of tax. In addition to such penalties, there is a penalty for the delinquent filing of tax returns imposed as an addition to the tax shown by such returns, amounting to 5 percent for each month or fraction thereof of delinquency, not exceeding 25 percent in the aggregate, unless it is shown that such delinquency is due to reasonable cause and not to willful neglect.

(68A Stat. 821, 72 Stat. 1407, 1410; 26 U.S.C. 5661, 5684, 6651)

§ 240.594 Prepayment of tax.

Where a proprietor is required to prepay tax under § 240.595, or the penal sum of any tax deferral bond, Form 2053 (or the total penal sums where original and strengthening bonds are filed), is insufficient for deferral of payment of tax on wine to be removed for consumption or sale, the proprietor shall, before removal of the wine, file with the district director a wine tax return, Form 2052, with remittance: *Provided*, That where an approved tax deferral bond is not on file the tax need not be prepaid where the total amount of tax unpaid does not exceed \$100. The return, with remittance, shall be filed by forwarding or delivering it to the district director before the wine is removed for consumption or sale. For the purpose of complying with this section, the term "forwarding" shall mean deposit in the United States mail, properly addressed to the district director.

(68A Stat. 777, 72 Stat. 1335; 26 U.S.C. 5061, 6311)

§ 240.595 Proprietor in default; prepayment of tax.

Where a check or money order tendered in payment of taxes on wine is not paid on presentment, or where the proprietor is otherwise in default in payment of tax under § 240.591, no wine shall be removed for consumption or sale until the tax has been paid as provided in § 240.594, for the period of such default and until the assistant regional commissioner finds the revenue will not be jeopardized by payment of tax as provided in § 240.591. Any remittance made during the period of such default shall be in cash, or shall be in the form of a certified, cashier's, or treasurer's check drawn on any bank or trust company

incorporated under the laws of the United States, or under the laws of any State, Territory, or possession of the United States, or money order, as provided in § 301.6311-1 of this chapter.

(68A Stat. 777, 72 Stat. 1335; 26 U.S.C. 5061, 6311)

§ 240.596 Date of mailing and delivering of returns.

Where the return, Form 2052 or Form 2050, as the case may be, and remittance are delivered by United States mail to the office of the district director, the date of the official postmark of the United States Post Office stamped on the cover in which the return and remittance were mailed shall be deemed to be the date of delivery of such return and remittance. Where the semimonthly return and remittance are delivered by United States mail to the office of the district director, the date of the official postmark of the United States Post Office stamped on the cover in which the return and remittance were mailed shall be deemed to be the date of delivery of such return and remittance: *Provided*, That where the postmark on the cover is illegible, the burden of proving when the postmark was made will be on the proprietor: *Provided further*, That where the return is sent by registered mail the date of registry, or where the return is sent by certified mail the date of the postmark on the sender's receipt shall be treated as the postmark date of the return and remittance.

§ 240.597 Tax on wine.

Section 5041, I.R.C., imposes a tax, at rates prescribed therein, on all wines (including imitation, substandard, or artificial wine, and compounds sold as wine, which contain 24 percent or less of alcohol by volume) in bond in, produced in, or imported into, the United States; such tax to be determined as of the time of removal for consumption or sale. Wine containing more than 24 percent of alcohol by volume shall be classed as distilled spirits and taxed accordingly. The tax shall be determined and paid on the quantity of wine required to be marked on the containers as provided in §§ 240.562 and 240.567, or (in case of pipeline removals) on the quantity determined as provided in § 240.600.

(72 Stat. 1331; 26 U.S.C. 5041)

§ 240.598 Marking of containers.

All containers of wine removed tax-paid, except cases, will be marked with the word "Taxpaid" in addition to the marks required by § 240.562; *Provided*, That cases must be so marked when required by § 240.575.

(72 Stat. 1381; 26 U.S.C. 5368)

REMOVAL OF TAX DETERMINED WINE BY PIPELINE

§ 240.599 General.

The assistant regional commissioner may authorize the removal of tax determined wine by pipeline from a bonded wine cellar to the bottling premises of a distilled spirits plant or to a taxpaid wine bottling house, contiguous to, or in the

immediate vicinity of the bonded wine cellar. Authorization will be given only if the proprietor has installed pipelines and tanks as prescribed by §§ 240.170 and 240.171.

(72 Stat. 1331; 26 U.S.C. 5041)

§ 240.600 Procedure for determination of tax.

When the proprietor desires to transfer wine to the taxpayment tank, he will make certain that the outlet valve is closed, and open the inlet valve of the taxpayment tank. When the tank is filled, or the desired quantity of wine has been run into the tank, the proprietor will close the inlet valve, accurately determine the quantity of wine in the tank, make entry in his cellar record showing the date, the wine taxpayment tank number; the kind, quantity, and alcohol content of the wine; and the plant to which the wine will be transferred. The proprietor shall close the outlet valve immediately after the tank has been emptied. The quantities of wine so removed will be shown in Form 2056 as taxable removals. The quantity of wine removed by pipeline will be recorded to the nearest whole gallon, 5 tenths gallon being converted to the next full gallon.

Section 240.611 is amended to read:

§ 240.611 Marking containers.

In addition to the marks required by § 240.562, each container, except cases, of wine transferred in bond from one bonded wine cellar to another shall be plainly marked "Transferred", followed by the registry number and state of the bonded premises to which the wine is shipped. The transfer marks may be abbreviated as "Trans. BW 100-N.Y.". Containers reshipped in bond shall be marked in accordance with § 240.575.

(72 Stat. 1381; 26 U.S.C. 5368)

§ 240.616 [Amendment]

Section 240.616 is amended:

1. By changing the last sentence to read: "Where there is a loss in transit from any shipment the consignee shall as required by § 240.785 file a claim for allowance of the loss."; and

2. By changing the citation to read "(72 Stat. 1381; 26 U.S.C. 5370)".

Section 240.630 is amended to read:

§ 240.630 General.

Still wine may be removed without payment of tax, under the provisions of this subpart, to the production facility of a distilled spirits plant for use as distilling material in the production of spirits. Form 703 will be prepared and handled in accordance with §§ 240.613 through 240.616 for all such removals.

(72 Stat. 1380; 26 U.S.C. 5362)

Section 240.631 is amended to read:

§ 240.631 Pipeline to production facility of a distilled spirits plant.

Where a bonded wine cellar and the production facilities of a distilled spirits plant are operated on adjacent premises, wine for use as distilling material may be transferred by fixed pipeline from the wine cellar to measuring or storage tanks in the plant. The quantity of distilling material may be determined at either

the bonded wine cellar or the distilled spirits plant. Short detachable hose connections may be used between the tank and pipeline.

(72 Stat. 1395; 26 U.S.C. 5552)

Section 240.632 is amended to read:

§ 240.632 Special natural wine.

Special natural wine may not be removed for use as distilling material at a distilled spirits plant for the production of wine spirits or brandy.

(72 Stat. 1364; 26 U.S.C. 5215)

§ 240.634 [Amendment]

Section 240.634 is amended:

1. By changing the last sentence to read "Where wine made with sugar other than the kinds, or fermented with sugar in excess of the quantities, authorized for a standard wine is removed for distilling material, the composition of the material must be marked on the containers and such wine may be transferred only to the production facilities of distilled spirits plants for the production of spirits other than wine spirits or brandy."; and

2. By changing the citation to read "(72 Stat. 1364, 1381; 26 U.S.C. 5215, 5368)".

Subpart EE consisting of §§ 240.670 through 240.681 is stricken and in lieu thereof a new Subpart EE consisting of §§ 240.670 through 240.672 is inserted:

Subpart EE—Withdrawal of Wine Without Payment of Tax for Exportation, Use on Vessels and Aircraft, Transfer to a Foreign-Trade Zone, or Transportation to a Manufacturing Bonded Warehouse Class Six

§ 240.670 General.

Wine may be removed from bonded wine cellars without payment of tax for exportation, for use on vessels and aircraft, for transportation to and deposit in a manufacturing bonded warehouse class six, and for transfer to and deposit in a foreign-trade zone for exportation or for storage pending exportation. Such removals shall be in accordance with the procedures in Part 252 of this chapter.

(72 Stat. 1380; 26 U.S.C. 5362)

RETURN OF WINE TO BONDED STORAGE

§ 240.671 General.

Wines which have been lawfully withdrawn without payment of tax under the provisions of Part 252 of this chapter may, subject to the provisions of Part 252 applicable thereto, be returned to the bonded wine cellar from which withdrawn for storage pending subsequent removal for lawful purposes.

(72 Stat. 1380; 26 U.S.C. 5362)

§ 240.672 Receipt and record of returned wine.

On return of wine to the bonded wine cellar under the provisions of § 240.671 and receipt of an approved application therefor as provided in Part 252 of this chapter, the proprietor shall record the receipt on the records required by this

part, showing the gallonage of each tax classification so received and returned to storage on the bonded wine cellar premises; and shall report such return in Part I of Form 702 for the month with an explanatory notation in Part X of Form 702. All provisions of this part applicable to wine in bond on the bonded premises of a bonded wine cellar and to removals thereof shall be applicable to such wine returned to such bonded premises.

(72 Stat. 1380; 26 U.S.C. 5362)

Subpart FF consisting of §§ 240.690 through 240.701 and Subpart GG consisting of §§ 240.710 through 240.715 are revoked.

§ 240.730 [Amendment]

Section 240.730 is amended:

1. By changing the first sentence to read: "Where the head of a family as defined in § 240.541, operates a bonded wine cellar as an individual owner, or in partnership solely with members of such family, wine of his own production not exceeding 200 gallons per year, may be removed without payment of tax for use of his family, the year to be reckoned as commencing on July 1."; and

2. By changing the citation to read "(72 Stat. 1331; 26 U.S.C. 5042)".

§ 240.760 [Amendment]

Section 240.760 is amended:

1. By striking in the last sentence immediately after the words "received on" the words "fruit distillery" and inserting in lieu thereof the words "distilled spirits plant"; and

2. By changing the citation to read "(72 Stat. 1380; 26 U.S.C. 5361)".

§ 240.771 [Amendment]

Section 240.771 is amended by adding at the end thereof, a new sentence, as follows: "The assistant regional commissioner may grant, until further notice, continuing authority to convert effervescent wine to still wine in amounts in excess of thirty gallons where he finds the revenue will not be jeopardized."

§ 240.780 [Amendment]

Section 240.780 is amended:

1. By changing the last sentence to read "Claim for allowance of losses by theft shall be filed as provided in this Subpart."; and

2. By changing the citation to read "(72 Stat. 1381; 26 U.S.C. 5370)".

§ 240.782 [Amendment]

Section 240.782 is amended:

1. By striking in the last sentence immediately after the words "to file" the words "an application" and inserting in lieu thereof the word "claim"; and

2. By changing the citation to read "(72 Stat. 1381; 26 U.S.C. 5370)".

§ 240.783 [Amendment]

Section 240.783 is amended:

1. By striking in the fourth sentence the word "application" and inserting in lieu thereof the word "claim"; and

2. By changing the citation to read "(72 Stat. 1381; 26 U.S.C. 5370)".

Section 240.785 is amended to read:

§ 240.785 Losses in transit.

Where the loss of wine in transit from any shipment in bond to another bonded wine cellar exceeds one percent (two percent on transcontinental shipments) of the quantity so shipped therein, the proprietor of the receiving wine cellar shall immediately notify the assistant regional commissioner or nearest designated internal revenue officer. A claim for allowance of the entire loss shall be prepared in accordance with § 240.787 and be attached to the report, Form 702, for the month in which the wine is received. If the loss does not exceed one percent (two percent on transcontinental shipments), claim for allowance of the loss will be required if there are circumstances indicating that the wine lost, or any part thereof, was diverted to an unlawful purpose.

(72 Stat. 1381; 26 U.S.C. 5370)

§ 240.786 [Amendment]

Section 240.786 is amended:

1. By striking in the last sentence the word "Application" and inserting in lieu thereof the word "Claim"; and

2. By changing the citation to read "(72 Stat. 1381; 26 U.S.C. 5370)".

The undesignated center heading preceding § 240.787 is amended to read "Claim for Allowance".

Section 240.787 is amended to read:

§ 240.787 Preparation and submission.

Claim for allowance of wine reported lost shall be prepared by the proprietor or his duly authorized agent on Form 2635 and, except in the case of losses in transit, by fire or other casualty, or any other extraordinary or unusual losses, the claim shall be attached to and submitted with report, Form 702, for the month of June, or in the case of discontinuance of the premises or change in proprietorship, attached to the final report. Where for a valid reason the required claim cannot be submitted with the Form 702, a statement must be attached to the report setting forth the reason the claim cannot be filed at that time, and specifying when it will be filed with the assistant regional commissioner.

(72 Stat. 1381; 26 U.S.C. 5370)

§ 240.788 [Amendment]

Section 240.788 is amended:

1. By changing the headnote to read "Form 2635, Claim—Alcohol and Tobacco Taxes.";

2. By changing the first sentence to read "Claim for allowance of losses of wine in bond shall be made on Form 2635, in duplicate, and shall set forth the following information:";

3. By striking in paragraphs (b), (c), and (f) the word "application" and inserting in lieu thereof the word "claim"; and

4. By changing the citation to read "(72 Stat. 1381; 26 U.S.C. 5370)".

§ 240.789 [Amendment]

Section 240.789 is amended:

1. By striking the word "Applications" and inserting in lieu thereof the word "Claims"; and

2. By changing the citation to read "(72 Stat. 1381; 26 U.S.C. 5370)".

§ 240.800 [Amendment]

Section 240.800 is amended by adding after the last sentence "Tax may not be refunded or credited under the provisions of this Subpart in respect to tax paid on unmerchable wine for which a claim has been or will be filed under Subpart O of Part 170 of this chapter."

Section 240.806 is amended to read:

§ 240.806 Claim for allowance of credit for tax.

A proprietor may file with the assistant regional commissioner a claim, Form 2635, Claim—Alcohol and Tobacco Taxes, for allowance of credit for the tax paid on unmerchable, taxpaid United States wine returned to bond. Such claim shall not be filed for a quantity on which credit of tax would be in an amount of less than \$10.00: *Provided*, That, as to any returned wine on which the 6 month period for filing a claim will expire, a claim for allowance of tax on a lesser quantity of wine may be filed. Any such claim shall be submitted in triplicate and executed by the proprietor under penalties of perjury. The proprietor shall state in the body of the claim that the wine covered by the claim was returned to bond and so recorded on the records required by this part. A copy of each notice filed under § 240.802, covering wine for which the claim is filed, shall be attached to the claim. When allowance of the credit or any part thereof is made by the assistant regional commissioner, the proprietor shall make a proper adjusting entry and explanatory statement in the next subsequent wine tax return (or returns) to the extent necessary to exhaust the credit.

(72 Stat. 1332; 26 U.S.C. 5044)

§ 240.807 [Amendment]

Section 240.807 is amended by changing the next to last sentence to read "The proprietor shall state in the body of the claim that the wine covered by the claim was returned to bond and so recorded on the records required by this part."

By inserting immediately after § 240.808 a new section:

§ 240.809 Insurance coverage.

The remission, abatement, or refund, or credit of, or other relief from, taxes on wine shall be allowed only to the extent that the proprietor is not indemnified or recompensed for such tax.

(72 Stat. 1382; 26 U.S.C. 5371)

§ 240.821 [Amendment]

Section 240.821 is amended:

1. By striking in the first sentence immediately after the word "from" the words "any registered fruit distillery or internal revenue bonded warehouse" and inserting in lieu thereof the words "the bonded premises of a distilled spirits plant"; and

2. By changing the citation to read "(72 Stat. 1382; 26 U.S.C. 5373)".

Section 240.822 is amended to read:
§ 240.822 Application, Form 257.

Where it is desired to withdraw wine spirits for wine production, from the bonded premises of a distilled spirits plant, application will be made by the proprietor on Form 257. The proprietor shall specify in the application the approximate desired date of receipt of wine spirits and whether the wine spirits are to be withdrawn in packages, railroad tank cars, tank trucks, or by pipeline, and (a) if the wine spirits are to be withdrawn in railroad tank cars, whether both the bonded wine cellar and the distilled spirits plant from which the wine spirits are to be withdrawn are equipped with suitable railroad siding facilities, pipelines, and tanks for gauging the wine spirits, (b) if the wine spirits are to be withdrawn in tank trucks, whether both the bonded wine cellar and the distilled spirits plant from which the wine spirits are to be withdrawn are equipped with suitable loading and unloading facilities and tanks for gauging the wine spirits, and (c) if the wine spirits are to be withdrawn by pipeline, whether the wine cellar and the distilled spirits plant from which the wine spirits are to be withdrawn are located on adjacent premises and are equipped with suitable tanks, and whether the pipeline has been inspected and approved as required by § 240.169. He shall state in the application the penal sum of the bond, Form 700 or Form 2601, whichever is applicable. The same application may not include wine spirits from more than one distilled spirits plant, nor two or more lots to be removed from the same bonded premises of a distilled spirits plant at different times, except where the bonded premises of the distilled spirits plant is adjacent to the bonded wine cellar, as provided in § 240.825.

(72 Stat. 1382; 26 U.S.C. 5373)

Section 240.823 is amended to read:
§ 240.823 Filing of Forms 257.

The application shall be filed in triplicate where the bonded wine cellar and the distilled spirits plant is in the same internal revenue region, and in quadruplicate where they are in different regions. Where the wine cellar and distilled spirits plant premises are located in the same region Form 257 will be submitted to the internal revenue officer if one is assigned to the wine cellar, or to an adjacent distilled spirits plant. If an internal revenue officer is not assigned to such premises, the application will be submitted to the assistant regional commissioner or to such officer as he may designate. The assistant regional commissioner will notify each designated internal revenue officer of the amount of the proprietor's bond. He will also notify each proprietor concerned where Forms 257 are to be submitted to a designated internal revenue officer. Forms 257 covering interregion withdrawals will be submitted direct to the assistant regional commissioner of the region in which applicant wine cellar is located and, on approval of Forms 257, the assistant regional

commissioner will forward the forms to the consignor distilled spirits plant.

(72 Stat. 1382; 26 U.S.C. 5372)

§ 240.824 [Amendment]

Section 240.824 is amended:

1. By striking the words "fruit distillery or the internal revenue bonded warehouse" wherever they appear and inserting in lieu thereof the words "distilled spirits plant"; and

2. By changing the citation to read "(72 Stat. 1382; 26 U.S.C. 5373)".

§ 240.825 [Amendment]

Section 240.825 is amended:

1. By striking the words "distillery or warehouse" wherever they appear and inserting in lieu thereof the words "distilled spirits plant"; and

2. By changing the citation to read "(72 Stat. 1382; 26 U.S.C. 5373)".

§ 240.826 [Amendment]

Section 240.826 is amended:

1. By striking in the parenthetical phrase in the first sentence the words "distillery or warehouse" and inserting in lieu thereof the words "distilled spirits plant"; and

2. By changing the citation to read "(72 Stat. 1381, 1382; 26 U.S.C. 5368, 5373)".

Section 240.827 is amended to read:

§ 240.827 General.

Where the distilled spirits plant and the bonded wine cellar are located on adjacent premises wine spirits may be transferred from the bonded premises of the distilled spirits plant to the wine cellar by pipeline for immediate use in wine production, or may be transferred to wine spirits tanks for subsequent use.

(72 Stat. 1360, 1362, 1382; 26 U.S.C. 5206, 5214, 5373)

§ 240.828 [Amendment]

Section 240.828 is amended:

1. By striking the words "distillery or the warehouse" wherever they appear and inserting in lieu thereof the words "bonded premises of the distilled spirits plant"; and

2. By changing the citation to read "(72 Stat. 1382; 26 U.S.C. 5373)".

§ 240.829 [Amendment]

Section 240.829 is amended:

1. By striking the words "distillery or warehouse" wherever they appear and inserting in lieu thereof the words "bonded premises of the distilled spirits plant"; and

2. By changing the citation to read "(72 Stat. 1382; 26 U.S.C. 5373)".

§ 240.830 [Amendment]

Section 240.830 is amended:

1. By changing the first sentence to read "Wine spirits may be withdrawn in railroad tank cars (where shipping and receiving premises have suitable railroad siding facilities) and tank trucks, provided appropriate weighing tanks or tanks suitable for measuring the spirits are provided in both the bonded premises of a distilled spirits plant and the bonded wine cellar for gauging the wine spirits, or the wine spirits are trans-

ferred in accurately calibrated tank cars or tank trucks with calibration charts available at the distilled spirits plant and the wine cellar, and a wine spirits storage tank (or tanks) of sufficient capacity to hold the wine spirits is provided in the wine cellar."; and

2. By changing the citation to read "(72 Stat. 1360, 1362, 1382; 26 U.S.C. 5206, 5214, 5373)".

Section 240.831 is amended to read:

§ 240.831 Tank car and tank truck requirements.

Railroad tank cars and tank trucks used to transport wine spirits for use in wine production must be constructed, marked, filled, labeled, and inspected, in the manner required by regulations in Part 201 of this chapter.

(72 Stat. 1360, 1362; 26 U.S.C. 5206, 5214)

§ 240.832 [Amendment]

Section 240.832 is amended:

1. By striking in the last sentence the words "distillery or warehouse" and inserting in lieu thereof the words "distilled spirits plant"; and

2. By changing the citation to read "(72 Stat. 1360, 1362, 1381; 26 U.S.C. 5206, 5214, 5366)".

§ 240.833 [Amendment]

Section 240.833 is amended:

1. By striking in the first sentence immediately after the words "received from the" the words "distillery or warehouse" and inserting in lieu thereof the words "distilled spirits plant"; and

2. By changing the citation to read "(72 Stat. 1360, 1362; 26 U.S.C. 5206, 5214)".

§ 240.834 [Amendment]

Section 240.834 is amended:

1. By striking in the second sentence immediately after the words "received from the" the words "distillery or warehouse" and inserting in lieu thereof the words "distilled spirits plant"; and

2. By changing the citation to read "(72 Stat. 1381; 26 U.S.C. 5368)".

§ 240.836 [Amendment]

Section 240.836 is amended:

1. By changing the headline to read "Withdrawal from distilled spirits plant."; and

2. By changing the citation to read "(72 Stat. 1381, 1383; 26 U.S.C. 5373, 5382)".

§ 240.838 [Amendment]

Section 240.838 is amended:

1. By changing the last sentence to read "All spirits produced at the same production facility of a distilled spirits plant on the same day, if received in the same shipment, will be considered as constituting a lot of spirits."; and

2. By changing the citation to read "(72 Stat. 1382; 26 U.S.C. 5373)".

§ 240.855 [Amendment]

Section 240.855 is amended:

1. By changing the first sentence to read "Where any loss by theft occurs, claim for remission of tax on Form 2635, Claim—Alcohol and Tobacco Taxes, shall be made by the proprietor."; and

2. By changing the citation to read "(72 Stat. 1381; 26 U.S.C. 5370)".

§ 240.857 [Amendment]

Section 240.857 is amended:

1. By changing the headnote to read "Form 2635, Claim—Alcohol and Tobacco Taxes.";

2. By changing the first sentence to read "Claim for remission of tax shall be made on Form 2635 and shall set forth the following information:";

3. By striking in paragraph (a) the word "Distillery" and inserting in lieu thereof the words "distilled spirits plant";

4. By striking in paragraph (f) the words "distiller, warehouseman" and inserting in lieu thereof the words "proprietor of a distilled spirits plant";

5. By changing the next to last sentence to read "The claim will be executed by the proprietor or his authorized agent under penalties of perjury.";

6. By striking the last sentence in its entirety; and

7. By changing the citation to read "(68A Stat. 649; 72 Stat. 1323; 26 U.S.C. 6065, 5008)".

Section 240.870 is amended to read:

§ 240.870 General.

Wine spirits withdrawn by the proprietor of a bonded wine cellar and not used in wine production may be disposed of by transfer to the bonded premises of a distilled spirits plant or another bonded wine cellar, or by taxpayment and removal to a person authorized to receive such spirits, or may be voluntarily destroyed without payment of tax as authorized in § 240.874: *Provided*, That packages from which a portion of the contents have been used may not be transferred to the bonded premises of a distilled spirits plant.

(72 Stat. 1323, 1382; 26 U.S.C. 5011, 5373)

§ 240.871 [Amendment]

Section 240.871 is amended:

1. By striking in the first sentence immediately after the words "wine spirits to" the words "an internal revenue bonded warehouse" and inserting the words "the bonded premises of a distilled spirits plant";

2. By striking in the last sentence immediately after the words "number of the" the word "distiller" and inserting in lieu thereof the words "distilled spirits plant"; and

3. By changing the citation to read "(72 Stat. 1382; 26 U.S.C. 5373)".

Section 240.872 is amended to read:

§ 240.872 Transfer to a distilled spirits plant or wine cellar.

When it is desired to transfer wine spirits to the bonded premises of a distilled spirits plant or to a bonded wine cellar the application shall specify the name, number and location of such premises, and the means or containers by or in which it is proposed to transfer the wine spirits thereto. The application shall also specify whether the proprietor of the designated distilled spirits plant or wine cellar has agreed to receive the wine spirits and file consent of surety on his bond, extending the terms of the

bond to cover transfer to his premises and storage thereat.

(72 Stat. 1382; 26 U.S.C. 5373)

§ 240.874 [Amendment]

Section 240.874 is amended:

1. By striking in the third sentence immediately after the words "bonded wine cellar or" the words "internal revenue bonded warehouse" and inserting in lieu thereof the words "bonded premises of a distilled spirits plant"; and

2. By changing the citation to read "(72 Stat. 1382; 26 U.S.C. 5373)".

§ 240.900 [Amendment]

Section 240.900 is amended:

1. By changing the first sentence to read "The proprietor of each bonded wine cellar shall prepare at the close of each month Form 702, in duplicate, verified and executed under penalties of perjury and, on or before the tenth day of the succeeding month, will forward the original of the report to the assistant regional commissioner."; and

2. By changing the citation to read "(72 Stat. 1381; 26 U.S.C. 5367)".

Section 240.901 is amended to read:

§ 240.901 Form 2050.

The proprietor of every bonded wine cellar removing wine subject to tax will prepare Form 2050, in quadruplicate, showing thereon the number of gallons of wine of each tax class so removed during the period covered by the return, the amount of tax due by tax class, and the total tax due. There shall also be shown any increases or decreases in tax due to errors in previous returns, Form 2050, or credit under the provisions of Subpart OO for unmerchantable wines returned to bond, or credit under the provisions of Part 252 of this chapter where such a credit is authorized by the assistant regional commissioner on Form 2639, and credit for the prepayment of tax as shown on Form 2052. Form 2050 will be serially numbered by the proprietor, commencing with "1" on January 1 of each year. Form 2050 shall be executed by the proprietor under penalties of perjury. The original and two copies of the Form 2050 shall be filed with the district director as provided in § 240.591, and at the same time, a copy shall be forwarded to the assistant regional commissioner.

Section 240.902 is amended to read:

§ 240.902 Form 2052.

When the proprietor is required to prepay tax, as provided in §§ 240.594 and 240.595, he shall first prepare Form 2052, in quadruplicate, covering a specific quantity of wine to be removed on that day. The original and two copies of Form 2052 shall be delivered to the district director of internal revenue or deposited in the United States mail properly addressed to him, together with a remittance as provided in § 240.594, prior to removal of the wine. At the same time a copy shall be forwarded to the assistant regional commissioner. Form 2052 will be serially numbered by the proprietor, commencing with "1" on January 1 of each year. Form 2052 shall be executed by the proprietor under penalties of perjury. Credit for the

amount prepaid on Form 2052 will be taken on the tax return, Form 2050, covering all removals for consumption or sale for the period covered by the return.

§ 240.906 [Amendment]

Section 240.906 is amended:

1. By inserting in the last sentence immediately after the word "sugar" the words "or ameliorating material"; and

2. By changing the citation to read "(72 Stat. 1381; 26 U.S.C. 5367)".

Section 240.912 is amended to read:

§ 240.912 Form 2621, Record of Bottled Wine.

Each proprietor who bottles wine or receives bottled wine, in bond, shall keep Form 2621, Record of Bottled Wine, showing the gallons of wine bottled, the gallons of bottled wine received in bond, and the gallons of bottled wine removed each day.

(72 Stat. 1381; 26 U.S.C. 5367)

§ 240.918 [Amendment]

Section 240.918 is amended:

1. By striking in the first sentence immediately after the words "treatment of wine" the words "as authorized in this part,";

2. By changing the last sentence to read "Record of use of all chemicals except filter aids, inert fining agents, sulphur dioxide compounds, oxygen, and the acids listed in § 240.917, shall be maintained, showing the kind, quantity, and date of use, and kind and quantity of wine in which used."; and

3. By changing the citation to read "(72 Stat. 1381; 26 U.S.C. 5367)".

Section 240.919 is amended to read:

§ 240.919 Record of wine baked.

Where wine is baked on bonded wine cellar premises, any claim for allowance of losses due to such baking shall be supported by a complete and up-to-date record maintained by the claimant showing (a) the serial number of each tank, (b) date wine is placed in the tank, (c) quantity and alcohol content of the wine, (d) date baking commenced, (e) date baking completed, (f) date wine removed from tank, and (g) quantity of wine removed and alcohol content thereof. In case wine is baked in barrels or puncheons, the record may be maintained on the basis of groups of such containers filled at one time, rather than for each individual container.

(72 Stat. 1381; 26 U.S.C. 5367)

§ 240.920 [Amendment]

Section 240.920 is amended:

1. By changing the second sentence to read "The record shall show the date of removal, the name and address of the person to whom shipped, the kind (class and type) and quantity of wine, alcohol content (taxable grade), and serial numbers of containers other than cases: *Provided*, That if the wine is not sold for resale or shipped for sale the name and address of the person to whom sold or shipped may be omitted from the record."; and

2. By changing the citation to read "(72 Stat. 1381; 26 U.S.C. 5367)".

Section 240.921 is amended to read:

§ 240.921 Taxpaid room record.

Where a taxpaid room has been provided in accordance with § 240.145, or is maintained off the bonded premises, the proprietor shall maintain records at such taxpaid room. Such records shall show, as to all wine received, the date of receipt, the quantities, kind, and alcohol content (taxable grade) of the wine. Also, such records shall show, as to all wine sold for resale or shipped for sale at another location, the date of removal, the quantities, kind, and alcohol content (taxable grade) of the wine, and the names and addresses of the consignees. The required record shall consist of (a) copies of invoices, or other commercial papers if the invoices or other commercial papers contain all of the required information or (b) a book record containing all of the required information. A daily record shall also be kept of the total gallons of wine of each tax class removed, and not required to be recorded in the detailed removal record prescribed in this section. Removals from the taxpaid room of packages of bottles containing two gallons or less need not be serially numbered or marked in accordance with §§ 240.561 and 240.562.

(72 Stat. 1381; 26 U.S.C. 5367)

The following new subparts, Subpart YY and Subpart ZZ, are added immediately following § 240.1029:

Subpart YY—Withdrawal of Distillates Containing Aldehydes

- Sec. 240.1041 Who may withdraw.
- 240.1042 Application, Form 257.
- 240.1043 Receipt and deposit of distillates containing aldehydes.
- 240.1044 Other provisions applicable.

§ 240.1041 Who may withdraw.

The proprietor of a bonded wine cellar may, as provided in this part, withdraw, without payment of tax, distillates containing aldehydes, for use in the fermentation of wine which is to be used as distilling material. Such withdrawals may be made only from an adjacent distilled spirits plant. Application for withdrawal of distillates containing aldehydes will not be approved unless facilities for the receipt, storage, and use of such distillates have been approved by the assistant regional commissioner. A proprietor of a bonded wine cellar who is operating under bond, Form 700, and who intends to receive and use distillates containing aldehydes, shall furnish a consent of surety, Form 1533, which consent shall contain the following statement of purpose:

To extend the terms and conditions of said bond to cover payment of all taxes imposed by law now or hereinafter in force (plus penalties, if any, and interest) for which the principal may become liable on all distillates containing aldehydes removed from the bonded premises of a distilled spirits plant to his bonded wine cellar.

Such facilities may include short detachable hose connections between pipelines and tanks on the bonded wine cellar premises. The proprietor shall notify

the assistant regional commissioner, or officer designated by him, sufficiently in advance of withdrawals so that an internal revenue officer may be designated to supervise the receipt of the distillates at the wine cellar.

(72 Stat. 1382; 26 U.S.C. 5373)

§ 240.1042 Application, Form 257.

A proprietor who intends to withdraw distillates containing aldehydes will make application on Form 257. The proprietor shall specify in the application the approximate desired date of receipt of the distillates and the method of conveyance, such as pipeline or packages. He shall state in the application the penal sum of the bond, Form 700 or Form 2601, whichever is applicable. The same application may not include distillates from more than one distilled spirits plant.

(72 Stat. 1382; 26 U.S.C. 5373)

§ 240.1043 Receipt and deposit of distillates containing aldehydes.

Distillates containing aldehydes which are received at the bonded wine cellar (if not immediately used) shall be placed under the proprietor's lock in a secure room or tank on the bonded premises. Distillates containing aldehydes shall not be mingled with wine spirits. If such distillates contain less than one-tenth of one percent of aldehydes, they shall be subject to such additional conditions relating to the receipt, storage, and use as the assistant regional commissioner shall

require to assure that such distillates will be properly used and accounted for. (72 Stat. 1382; 26 U.S.C. 5373)

§ 240.1044 Other provisions applicable.

The provisions of Subpart PP relative to the filing, execution, and disposition of Form 257, bond coverage, withdrawals (including monthly withdrawals) in packages, tank cars, tank trucks, and by pipeline, and the transfer, receipt, deposit in wine spirits addition tanks or stored on bonded wine cellar premises, and records and supervision (including waiver of supervision), in respect of wine spirits, shall, subject to the provisions of this subpart, be applicable in respect of distillates to be deposited in fermenters or stored on bonded wine cellar premises, as the case may be, for use under the provisions of this part.

Subpart ZZ—Materials Authorized for Treatment of Wine

- Sec. 240.1051 Materials authorized for treatment of wine.
- 240.1052 Notice.

§ 240.1051 Materials authorized for treatment of wine.

The following materials are approved, as being consistent with good commercial practice, for use by proprietors of bonded wine cellars in the production, cellar treatment, or finishing of wine, within the general limitations of § 240.524, or the specific limitations shown in the table, or given in the sections referred to:

| Materials | Use | Reference or limitation |
|---------------------------------------|--|--|
| Actiferm (Roviferm)..... | Fermentation adjunct..... | 2 pounds per 1,000 gallons. |
| Activated carbon..... | To assist precipitation during fermentation. | §§ 240.361, 240.366, 240.401, 240.405. |
| | To clarify and purify wine..... | § 240.524. |
| | To remove excess color in white wine..... | § 240.527. |
| Anion exchange resins: | | |
| Amberlite IR-45..... | To reduce the natural acidity of wine. | May be used in a continuous column process for reducing the natural acidity of wine provided the resins are essentially in the hydroxyl (OH) state; the inorganic anion content of the wine is not increased more than 10 mg. per liter (10 parts per million) calculated as chlorine, sulfur, phosphorous, etc.; the treatment does not remove color in excess of that normally contained in the wine; and the original character of the wine is not altered. Further, the natural or fixed acids may not be reduced below five parts per 1,000. |
| Duolite A-7 (Tartex 180). | | Restrictions (above) imposed on use of other approved anion exchange resins applicable. |
| Duolite A-30 (Tartex 181). | | |
| SAF. | | |
| Duolite A-6..... | Treatment of white wines..... | |
| AMA special gelatine solution. | To clarify wine. | |
| Antifoam "A" | To reduce the foam in fermenters. | |
| Antifoam AF emulsion. | To prevent darkening of color and deterioration in flavor of wines and wine materials, and the over oxidation of vermouth and other wines. | May be added to fruit, grapes, berries, and other materials used in wine production, to the juice of such materials, or to the wine, within limitations which do not alter the class or type of the wine. Its use need not be shown on labels. |
| Ascorbic acid..... | To clarify and purify wine..... | § 240.524. |
| Iso-ascorbic acid. | To stabilize and preserve..... | § 240.524. The natural or fixed acids may not be reduced below five parts per 1,000. |
| Bentonite (Wyoming clay). | To clarify wine..... | § 240.524. |
| Bentonite slurry..... | do..... | One pound of Bentonite to not more than two gallons of water. Total quantity of water not to exceed 1% of volume of wine treated. |
| Calcium carbonate..... | To reduce the excess natural acids in high acid wine. | § 240.524. The natural or fixed acids may not be reduced below five parts per 1,000. |
| Calcium sulphate (gypsum). | Production of Spanish type or Flor Sherry wine. | § 240.385. Finished wine may contain no more than 2 grams of gypsum per 1,000 ml. of wine. |
| Carbon..... | To clarify and purify wine..... | § 240.524. |
| Carbon Dioxide, CO ₂ | To stabilize and preserve..... | §§ 240.531 through 240.535. |
| Caseln..... | To clarify wine..... | § 240.524. |
| Cation exchange resins: | | |
| Amberlite MB-120-H..... | To stabilize wines..... | May be used in a continuous column process. The resin must be essentially in the sodium state so that certain of the metallic elements in the wine will be replaced with sodium ions. After regeneration and before reuse the resin must again be essentially in the sodium state. The overall change in the pH of the wine before and after treatment shall not be greater than 0.2 pH Units. The wine water eluate from the column during the "sweetening on" process of any wine contained in the wash water during the "sweetened off" process should be discarded or used solely for distilling material. |
| Amberlite IR-120..... | To exchange sodium ions for undesirable metallic ions..... | |
| Duolite C-3 Na (Tartex 160). | | |
| Duolite C-20 Na (Tartex 161). | | |
| Duolite C-25 Na (Tartex 162). | | |
| Permutit Q. | | |
| Permutit Q Spec 157. | | |
| SAF. | | |

| Materials | Use | Reference or limitation | Materials | Use | Reference or limitation | |
|--------------------------------------|---|---|--|---|---|------------|
| Citric acid | To increase the acidity of wine. | §§ 240.364, 240.404. | Protovac PV-7916. | To clarify wine. | Two pounds to 1,000 gallons of wine. | |
| Cufox. | To stabilize grape wine. To remove trace metals from wine. | §§ 240.526, 240.530. None of the residue in excess of one part per million may remain in the finished wine, and the basic character of the wine may not be changed by such treatment. May be used in a batch process employing no more than 4 pounds per 100 gallons of wine. | Sparkaloid No. 1. Sodium bisulfate. | As a sterilizing or preserving agent. To clarify wine. | § 240.523. § 240.523. § 240.523. | |
| Duolite C-3 (Tartex 160). | To stabilize table wines. | § 240.524. Not more than 2 pounds per 1,000 gallons of wine. | Sodium metabisulfite. | As a sterilizing and preservative agent and to inhibit mold growth and secondary fermentations. | Not more than 0.1% of the sorbic acid or salts thereof may be used in wine or in materials for the production of wine. | |
| Eggs (albumen or yolks). | To clarify wine. | § 240.524. | Sorbic acid. | Sterilizing and preserving wine. | § 240.523. | |
| Gelatin. | Yeast food in fermentation of wines. | Not more than 10 pounds per 1,000 gallons of wine. | Sulphur dioxide. | To extract a favorable yeast material. | § 240.486. | |
| Glycine (amino acetic acid). | To treat wines stored in redwood and concrete tanks. | None of the oil may remain in the finished wine when marketed. | Sulphuric acid. | Clarifying grape wine. | | |
| Granular cork. | To clarify wine. | § 240.524. | Tannin. | | | |
| Gypsum (see calcium sulphate). | To increase acidity of wine. | §§ 240.364, 240.404. | | | | |
| Isinglass. | On surface of wine in storage tanks to prevent the access of air to the wine. | May be used in a batch process employing no more than 4 pounds per 100 gallons of wine. | | | | |
| Mineral oil. | To maintain pressure during filtering and bottling of sparkling wine. To prevent oxidation of wine. | Not to be contained in sparkling or still wine. | | | | |
| Nitrogen gas. | | | | | | |
| Non-ionic and conditioning resins: | | | | | | |
| Duolite S-30 (Tartex 260). | For removing excessive oxidized color, foreign flavors and odors, and for stabilizing wines by the removal of heavy molecules and proteinaceous material. | May be used in a continuous column process after suitable conditioning and/or regeneration. Conditioning agents and regenerants consisting of fruit acids common to the wine, and inorganic acids and bases may be employed provided the conditioned or regenerated resin is rinsed with ion-free water until the pH of the effluent water is the same as that of the influent water. (Water equal in quality to water obtained by distillation will be considered to be ion-free water.) Tartaric acid may not be used as a conditioning agent when the resin is to be used in treating wines other than grape. The inorganic anions or cations may not be increased more than 10 mg. per liter; color may not be removed in excess of that normally contained in the wine; the pH of the wine may not be changed more than 0.2 pH units; per cent acidity more than 0.3 grams per liter; and the organoleptic character of the wine may not be altered. | Tartaric acid. | To increase acidity of grape wine. | When fining agents, such as gelatin and isinglass, which require the presence of a certain amount of tannin in grape juice in order to work effectively, are used in clarification of grape wine, and the wine to be clarified does not contain sufficient tannin to permit the fining agents to precipitate completely, a small amount of tannin may be added to the grape wine for the purpose of assisting the fining agents. Tannin may also be added to grape wine after clarification to the extent necessary to raise the tannin content of the wine to that normally contained therein. <i>Provided</i> , That white wines in which tannin is used shall not contain more than 0.08 gram of tannin per 100 ml. after clarification, and red grape wine in which tannin is used shall not contain more than 0.3 gram of tannin per 100 ml. after clarification, unless the assistant regional commissioner authorizes a higher tannin content, pursuant to a showing of necessity therefor. Only tannin of a yellowish white or very light brown color, which does not color the wine, may be used in the cellar treatment of wine. The records required by § 240.918 will be kept covering the use of tannin. | § 240.364. |
| Oak chips (uncharred and untreated). | To treat wines. | | Urea. | To facilitate fermentation of wine. | Not more than 2 pounds per 1,000 gallons of wine. | |
| Oak chips (charred). | To treat Spanish type blending Sherry. | | | | | |
| Oxygen. | In baking or maturing wine. | | | | | |
| Pectolytic Enzymes: | | | | | | |
| Pectinol 59L. | To clarify wine. | 0.3 pounds per 1,000 gallons of wine. | | | | |
| Klerzyme. | do. | One half pound per 1,000 gallons of wine. | | | | |
| Pectinol 1001D. | do. | 1 pound per 1,000 gallons of wine. | | | | |
| Pectinol 10M. | do. | | | | | |
| Pectinol R10. | do. | | | | | |
| Pectinase concentrate. | do. | | | | | |
| Pectinol A. | | | | | | |
| Pectinol M. | | | | | | |
| Pectinol O. | | | | | | |
| Pectinase Regular. | | | | | | |
| Pectinase D Regular. | | | | | | |
| Pectolase. | | | | | | |
| Phosphates. | To start secondary fermentation in manufacturing champagne and sparkling wines. | | | | | |
| Potassium metabisulfite. | Sterilizing and preserving wine. | | | | | |
| Potassium salt of sorbic acid. | As a sterilizing and preservative agent and to inhibit mold growth and secondary fermentations. | | | | | |

(72 Stat. 1383; 26 U.S.C. 5382)

§ 240.1052 Notice.

If the proprietor desires to use materials or methods not specifically authorized in § 240.1051 or elsewhere in this part, he must file notice, in triplicate, with the assistant regional commissioner. The notice will show the name and description of the material or method, the purpose, the manner and the extent to which it is to be used, together with any pertinent information in regard to the material or method. A sample of the material, if requested by the assistant regional commissioner, will be forwarded. There may be forwarded with the notice any data or written statements tending to show that the proposed use of the material or method is a cellar treatment consistent with good commercial practice. If the as-

stant regional commissioner has been advised by the Director, Alcohol and Tobacco Tax Division, that the use of the method or material is approved, he will so inform the proprietor and state limitations, if any, which must be observed. However, if the assistant regional commissioner has not been so advised, he will forward the notice, with pertinent data, to the Director, Alcohol and Tobacco Tax Division for a decision regarding the use of the method or material. The proprietor should not use the proposed method or material until receipt of advice that the Director, Alcohol and Tobacco Tax Division has found its use not to be contrary to the provisions of this part.
(72 Stat. 1383; 26 U.S.C. 5382)
[F.R. Doc. 60-4277; Filed, May 11, 1960; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 13340; FCC 60-499]

INTERIM POLICY ON VHF TELEVISION CHANNEL ASSIGNMENTS; TELEVISION ENGINEERING STANDARDS

Further Notice of Proposed Rule Making

1. The proposed Field Strength Charts issued with the original Notice of Proposed Rule Making inaugurating this proceeding (FCC 60-1, adopted January 4, 1960) have been extensively reviewed by the Radio Propagation Advisory Committee (RPAC), composed of industry and Government engineers. As a result of this study, RPAC has recommended that the Commission adopt only one set of Field Strength Charts, the set consisting of one chart to show the F (50,10) fields, one to show the F (50,50) fields and one to show the F (50,90) fields. As explained below, separate charts for the low VHF and high VHF bands are unnecessary.

2. RPAC reports that the assumption that there was a linear height gain when receiving antennas were raised from 10 to 30 feet (an assumption on which the charts in the present rules and the charts proposed in the original Notice in this proceeding were based), led to the erroneous conclusion that for average terrain median fields at 30 feet were higher in the upper VHF channels than in the lower VHF channels. The data have been reanalyzed and measurements were separated into three groups: i.e., low VHF (54-88 Mc), FM band (88-108 Mc), and high VHF (174-216 Mc). This analysis showed that the measured height gain used to convert measurements from 10 feet to 30 feet was 1.7 db above the linear height gain in the low VHF band, 1.3 db below the linear height gain factor in the FM band, and 3.4 db below the linear height gain factor in the high VHF band. This would indicate that the actual height gain factor decreases with increasing frequency. This trend appears to be more consistent with recent observations that height gain is less in rough terrain than in smooth terrain. Since terrain of a given topography appears rougher to high frequencies than to low frequencies, the relationship between frequency and height gain can be supported. When the data which provided the basis for the Commission's present rules are replotted using the revised height gain factors there is no appreciable difference between the low VHF and high VHF service fields. RPAC therefore concludes that separate curves for the low VHF and high VHF bands are unnecessary.

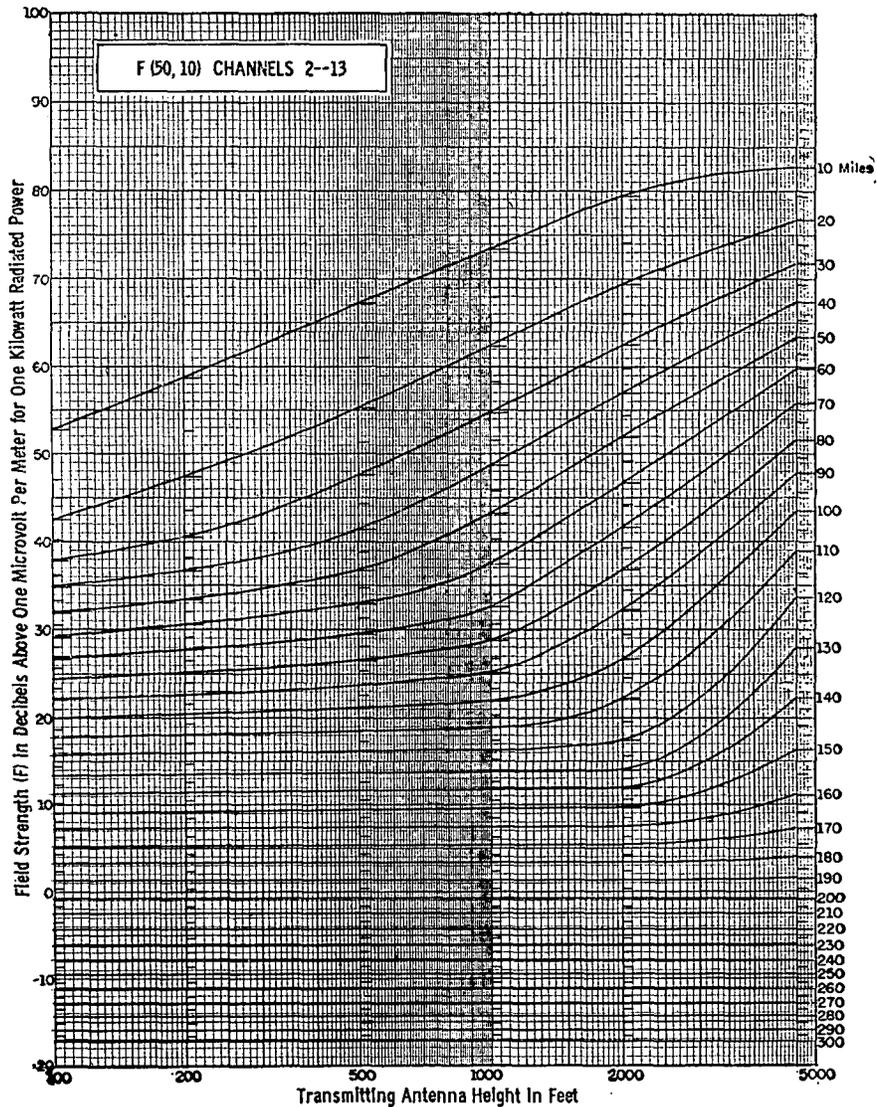
3. The Field Strength Charts set forth below have been prepared on the basis of the RPAC recommendation. Comments are invited on the charts below, which are to be substituted for the charts

appended to the notice of January 4, 1960.

4. These charts, like our present Field Strength Charts, are statistical curves empirically derived from measurements made upon a large number of stations, in a variety of locations, under a variety of conditions and the revision proposed herein is only an effort to refine the charts in the light of additional and more recent data. Individual measurements may be expected to vary—widely in some cases—from the median values represented by these curves; and even groups of measurements made of a single station would not be expected to agree substantially with the statistical medians of the curves. Nevertheless, as the best tools available for the purpose, we propose the use of standard field strength

charts for estimating the statistical service range of TV stations and the statistical probability of interference between TV stations. Until a practical method for predicting field strength can be developed for making more accurate estimates, we must rely upon statistical average curves for the most orderly and efficient administration of the television broadcast rules.

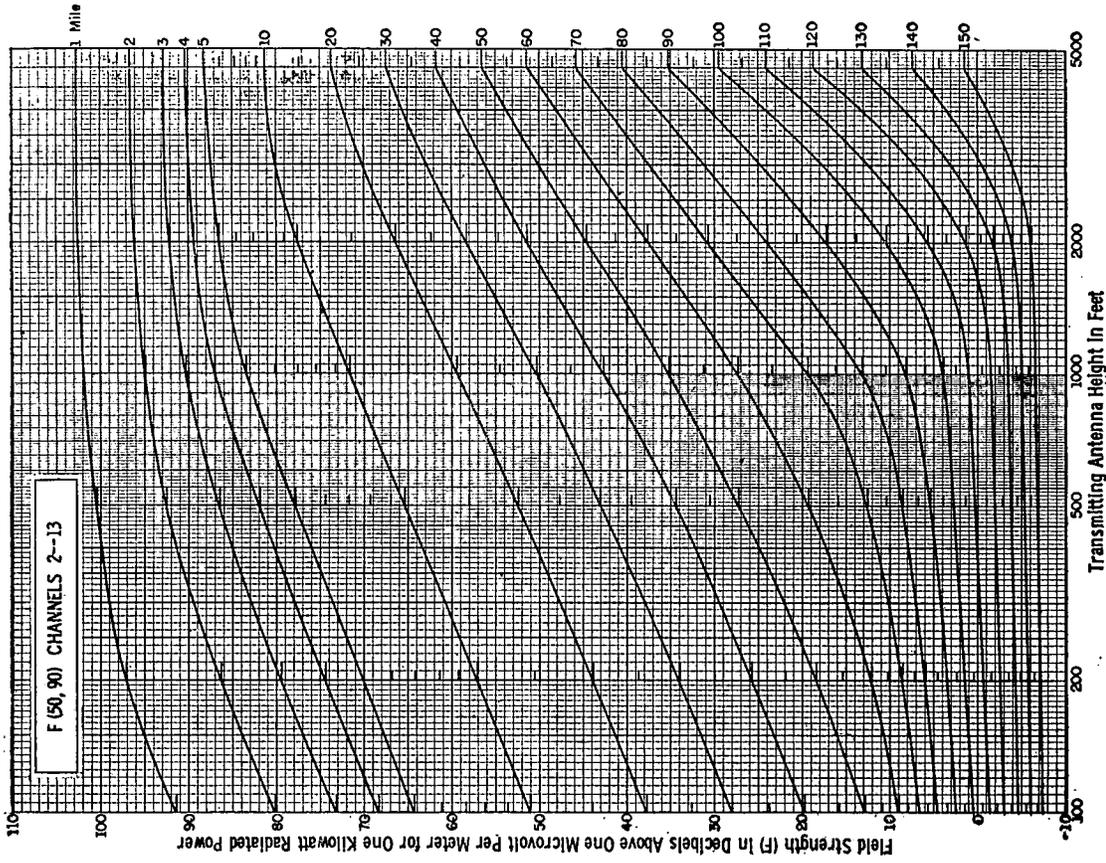
5. The original notice of proposed rule making in this proceeding did not make clear the status of existing TV stations insofar as compliance with the proposed new service field requirements over the principal city. It is proposed to permit existing stations to continue to operate with their present facilities, on condition that any subsequent changes in the facilities would not result in their providing



TELEVISION CHANNELS 2 - 13
ESTIMATED FIELD STRENGTH EXCEEDED AT 50 PERCENT OF THE POTENTIAL
RECEIVER LOCATIONS FOR AT LEAST 10 PERCENT OF THE TIME
AT A RECEIVING ANTENNA HEIGHT OF 30 FEET

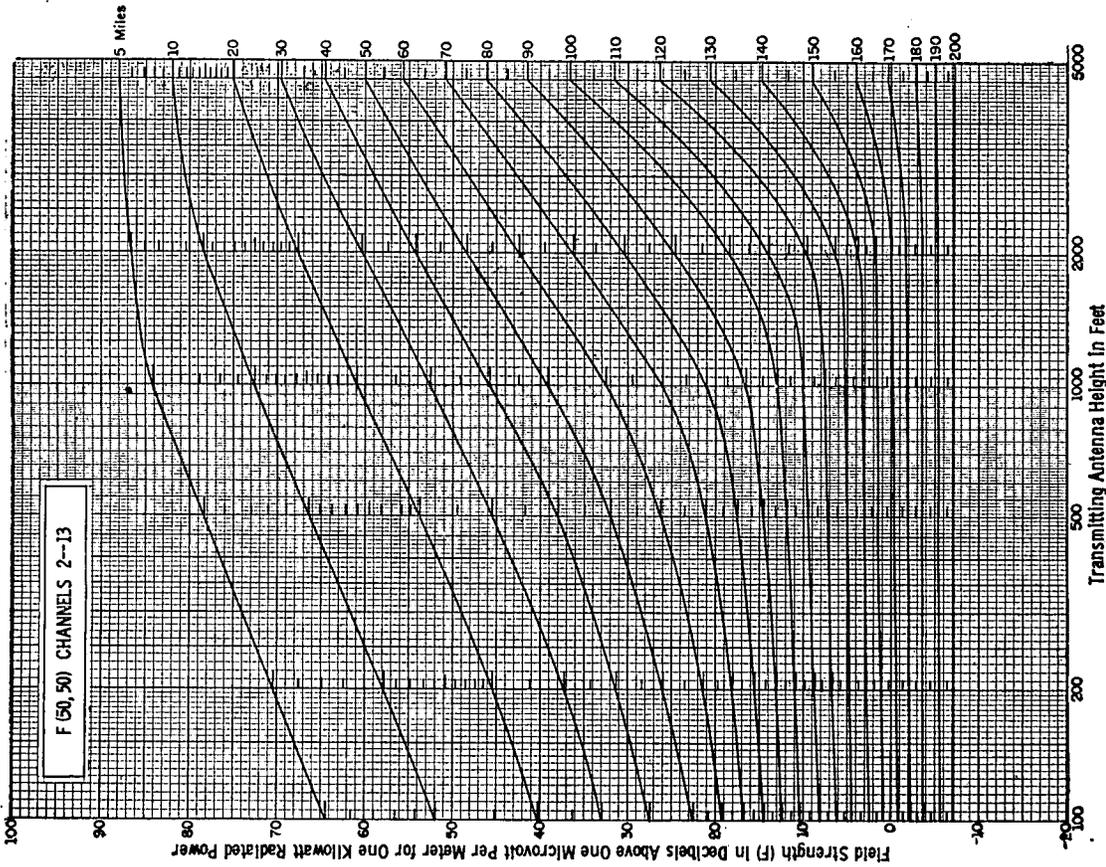
May 1, 1960

PROPOSED RULE MAKING



TELEVISION CHANNELS 2 - 13
ESTIMATED FIELD STRENGTH EXCEEDED AT 50 PERCENT OF THE POTENTIAL
RECEIVER LOCATIONS FOR AT LEAST 90 PERCENT OF THE TIME
AT A RECEIVING ANTENNA HEIGHT OF 30 FEET

May 1, 1960



TELEVISION CHANNELS 2 - 13
ESTIMATED FIELD STRENGTH EXCEEDED AT 50 PERCENT OF THE POTENTIAL
RECEIVER LOCATIONS FOR AT LEAST 50 PERCENT OF THE TIME
AT A RECEIVING ANTENNA HEIGHT OF 30 FEET

May 1, 1960

lesser service fields than they are now providing over the principal city. This policy would also apply to applicants who are in hearing at the time the proposed new requirements are adopted, if such action is taken by the Commission.

Adopted: May 4, 1960.

Released: May 5, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-4196; Filed, May 11, 1960;
8:45 a.m.]

[47 CFR Part 3]

[Docket No. 13506; FCC 60-498]

FM BROADCAST STATIONS

Transmission of Stereophonic Programs on Multiplex Basis.

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

2. On March 16, 1955 the Commission adopted a Report and Order (Docket No. 10832) amending certain of its rules and regulations to permit FM licensees to obtain Subsidiary Communications Authorizations (SCA) to engage in certain limited types of nonbroadcast services. These were described as involving specialized programming consisting of "news, music, time, weather, and other similar program categories". Subsequently, on July 2, 1958 the Commission adopted a Notice of Inquiry (Docket No. 12517) seeking the opinion of interested persons as to whether or not additional uses for multiplexing should be permitted in the FM broadcast band. A survey of the comments received revealed a widespread interest in FM stereophonic broadcasting and accordingly a Further Notice of Inquiry in Docket No. 12517 was adopted on March 11, 1959 seeking specific comments with regard to the subject of stereophonic broadcasting. The closing date for comments in proceedings under Docket No. 12517 was March 15, 1960.

3. As a token of the broad interest in stereophonic broadcasting, the Electronics Industries Association organized the National Stereophonic Radio Committee (NSRC) consisting of six panels membered by outstanding technical personnel in the industry and devoted to the purpose of developing and recommending to the Commission a set of standards for stereophonic radio. Fourteen proposals for compatible FM stereophonic systems were submitted to the NSRC by interested persons and organizations. As a result of the Committee's studies, seven systems were eliminated either because they were withdrawn by the proponent or rejected as impractical. The remaining seven systems were analyzed theoretically and the results submitted to the Commission on March 14, 1960 as comments in Docket No. 12517. While these systems were submitted by individuals or electronic organizations and therefore were originally identified by proponents' names, they have been identified in the

comments as NSRC systems 1, 2-a, 2-b, 3, 4, 4-a, and 5.

4. In addition to the seven systems on which comments were offered by NSRC, petitions for the institution of rule-making proposing FM stereophonic systems were submitted by Dwight Harkins and the Philco Corporation. The system proposed by Mr. Harkins is substantially identical to NSRC system No. 1 and Mr. Harkins' petition will be considered in relation to that system. Comments were submitted in Docket No. 12517 by Richard S. Svorec and Elwood W. Lippincott concerning their own individual systems. Both of these systems were submitted to the NSRC and rejected as being impractical. The Commission also rejects these two systems as being impractical within the general framework of its FM rules and allocation policies, because of excessive out-of-band radiation.

5. The Commission desires to consider further each of the seven systems reported by the NSRC as well as a proposal separately submitted by the Philco Corporation. Accordingly, the substance of proposed changes in the Commission rules to accommodate each of these systems is set forth below. For convenience, the numerical series used by NSRC is continued with the Philco system designated as system No. 6.

6. Although each of the systems is to be evaluated as a whole, the ultimate choice of technical standards may not necessarily lead to the adoption of any one of the systems in its entirety. Consideration must be given the varying objectives sought in the systems, such as relative simplicity of receiver design, low subcarrier noise level, conservation of spectrum space used for transmission of stereophonic information, compatibility with existing two-station stereophonic broadcasts, and others.

7. Comments, while not limited in scope, are desired specifically on: (1) the definitions set forth below; (2) the technical aspects of each of the proposals set forth below, supported insofar as possible by mathematical computations, engineering analysis, and the results of field tests and experience; (3) the need for or desirability of suitable frequency and modulation monitors for use with the respective systems and the technical specifications for such monitors; (4) the need for or desirability of increases in transmitter power output to offset reductions in main channel modulation; (5) the approximate cost and practicality of transmitter modifications; and (6) the cost and relative simplicity of stereophonic receivers or adaptations of existing receivers for the respective systems.

8. Further, the Commission desires that the proponents whose systems are set forth below submit information concerning the identity of persons or organizations applying for or holding patents on FM stereophonic broadcast transmission and reception systems and apparatus, and information with respect to the arrangements that will be employed for the licensing of patents for competitive distribution and use of such systems and apparatus.

9. The Commission is of the opinion that any stereophonic system adopted should be based upon standards capable of rendering as high a quality of service as the art can provide, consistent with economic and other factors involved, without significant degradation of the service now provided under existing FM rules. Accordingly, comments are desired on any increase in stereophonic quality which may result from a variation of system parameters (such as subcarrier frequency, frequency deviation of the subcarrier, percentage modulation of the main carrier by the subcarrier, etc.) of each of the systems proposed below.

10. Comments expressing personal preferences but unsupported by engineering analyses are not desired, since adequate provision was made for the submission of such comments in Docket No. 12517. Comments of an engineering nature concerning stereophonic broadcasting submitted in response to the Further Notice of Inquiry in Docket No. 12517 will be given appropriate consideration in this proceeding and need not be resubmitted.

11. The amendments herein proposed are issued under the authority of sections 301, 303 (a), (b), (e), (g), and (r) of the Communications Act of 1934, as amended.

12. Pursuant to applicable procedures set out in § 1.213 of the Commission rules, interested persons may file comments on or before July 29, 1960, and reply comments on or before August 8, 1960. In reaching its decision on the rules and standards of general applicability which are proposed herein, the Commission will not be limited to consideration of comments of record, but will take into account all relevant information obtained in any manner from informed sources.

13. In accordance with the provisions of § 1.54 of the Commission rules, an original and 14 copies of all written comments shall be filed with the Commission.

Adopted: May 4, 1960.

Released: May 9, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

A—DEFINITIONS¹

Cross-talk (general). The electrical signal appearing in one channel due to the presence of an electrical signal in another channel.

Stereophonic separation. The ratio of the audio signal in the right (left) stereophonic channel to the stereophonic cross-talk that signal produces in the left (right) stereophonic channel.

Left (or right) microphone signal. The electrical output of a microphone placed so as to convey the intensity, time and location of sounds originating predominantly to the left (or right) of the center of the performing area.

¹ These definitions are generally applicable to all systems proposed here, although certain substitutes and additional definitions are included under individual systems.

PROPOSED RULE MAKING

Left (or right) signal (general). The electrical signal comprised of the left (or right) microphone signal, or a derivation thereof, either exclusively or in part, such as to convey to the listener through suitable reproducing means the time, intensity and location of a sound or sounds predominantly to the left (or right) of center of the performing area.

Pilot carrier. A continuous control signal used to regenerate the correct frequency and phase of the reference subcarrier.

Stereophonic sound reproducing system. A sound reproducing system in which a plurality of microphones, transmission channels and loudspeakers is arranged so as to provide a sensation of spatial distribution of the sound sources to the listener to the reproduction.

Monophonic signal. A signal intended for non-stereophonic sound reproduction.

Compatible stereophonic radio signal. A signal which may be received with existing receivers so as to provide a satisfactory composite of the stereophonic signal sound and provide otherwise acceptable performance.

Main channel modulation. A signal having a frequency or frequencies in the range 50 to 15,000 cycles and which frequency modulates the main carrier.

Subcarrier. A signal having a frequency in the range 15 kc to 75 kc and which frequency modulates the main carrier.

Subcarrier channel modulation. A signal having a frequency or frequencies in the range of 50 to 15,000 cycles and which modulates the subcarrier.

B—STEREOPHONIC TRANSMISSION SYSTEMS PROPOSED FOR FM BROADCAST STATIONS

System 1: The sum of the left and right signals (L plus R) frequency modulates the main carrier, while the difference signal (L minus R) frequency modulates the subcarrier. In the receiver, which may be specially built, or an adapter used in conjunction with an existing receiver, the sum and difference signals are combined and the left and right signals (L and R) are separated and reproduced. The proposed operating conditions for this system do not leave subcarrier spectrum space for the transmission of additional subcarriers.

Technical Standards. (a) Frequency modulation of the subcarrier shall be used.

(b) The subcarrier frequency shall be 50 kc plus or minus 500 cycles.

(c) 100 percent modulation of the subcarrier shall be plus or minus 25 kc.

(d) The modulation of the main carrier by the subcarrier shall not exceed 50 percent.

(e) The total modulation of the main carrier, including the subcarrier shall meet the requirements of § 3.268.

(f) The subcarrier transmitting system shall be capable of transmitting the same modulation frequency band as the main carrier as given in § 3.317(a)(2). The pre-emphasis time constant shall have the same value, 75 microseconds, for the subcarrier channel as that of the main channel.

(g) At a frequency of 400 cycles and at modulation percentages of 25, 50 and 100 percent, the combined audio-frequency harmonics of the subcarrier systems shall not exceed a root-means-square value of 2.5 percent. Measurements shall be made employing 75 microsecond de-emphasis in the measuring equipment and 75 microsecond pre-emphasis in the transmitting equipment, and without compression if a compression amplifier is employed.

(h) Sum-and-difference matrixing shall be used with the sum combination applied to the main channel and the difference combination to the subcarrier channel.

(i) Time delay correction shall be applied to the main and subcarrier modulation input channels such that the received main channel output is delayed 32.5 plus or minus 1 microsecond with respect to the received subcarrier channel output.

(j) The difference in amplitude response between main channel (L plus R) audio and subcarrier audio (L minus R) shall be within plus or minus 0.4 db.

(k) The subcarrier output noise level (frequency modulation) shall be in accordance with § 3.317(a)(4) assuming a frequency swing of plus or minus 25 kc for 100 percent modulation.

(l) Cross modulation of the main channel into the subcarrier channel shall not be greater than 40 db down from 100 percent subcarrier modulation.

(m) 100 percent modulation of plus or minus 25 kc is on a peak-voltage peak-deviation basis. When program is substituted for full tone modulation at 400 cycles, a program crest factor of 10 db will be assumed so that, for the same VU meter reading as the tone, the program level will be attenuated 10 db for 100 percent modulation.

System 2A:

Technical Standards. (a) The modulating signal for the main channel shall consist of arithmetic sum of the left and right signals.

(b) The frequency of the stereophonic subcarrier shall be 29,500 cycles plus or minus 100 cycles. The frequency range 20,000 to 39,000 cycles shall be reserved for stereophonic use only.

(c) Modulation of the main carrier by the stereophonic subcarrier shall be not less than 15 nor more than 20 percent.

(d) Frequency modulation of the subcarrier shall be used.

(e) The audio frequency response on the stereophonic subcarrier shall be flat plus or minus 1 db to 7500 cycles, down 3 db at 8000 cycles and down at least 30 db at 9500 cycles. This restriction of audio frequency shall be accomplished by means of a filter which is phase linear to at least 7500 cycles.

(f) A total deviation of plus or minus 9.5 kilocycles on the subcarrier shall correspond to 100 percent modulation.

(g) The modulating signal for the subcarrier shall consist of the stereophonic right channel only.

(h) The pre-emphasis of the audio modulation applied to the subcarrier shall be in accordance with the impedance-frequency characteristic of a series inductance-resistance network having a time constant of 150 microseconds.

(i) A delay line shall be installed in the main carrier audio channel. This delay line shall not affect the amplitude response of the main channel audio, but shall delay all frequencies in the 50 to 7500 cycle range when received on a multiplex receiver having an excess time delay in the subcarrier receiver circuit of 40 microseconds, so that signals in the frequency range 50 to 7500 cycles which are broadcast simultaneously on the main carrier and subcarrier shall arrive at the main carrier and subcarrier detector outputs with a delay differential not to exceed 3 microseconds.

System 2B: An audio feed device at the transmitter mixes the left and right signals, (L and R), to produce the audio signal (L minus $\frac{1}{2}$ R) for frequency modulation of the main carrier and a signal (R minus $\frac{1}{2}$ L) to frequency modulate the subcarrier up to audio frequencies of approximately 8000 cycles. Space remains for transmission of other subcarriers. The composition of the main channel modulating signal (L minus $\frac{1}{2}$ R) may provide a measure of compatibility between multiplexed FM stereophonic broadcasting using this system and two-station stereophonic broadcasting, where the second station transmits the (R minus $\frac{1}{2}$ L) audio signal.

Technical standards. (a) Frequency modulation of the stereophonic subcarrier shall be used.

(b) The center frequency of the stereophonic subcarrier shall be 41 kilocycles, plus or minus 100 cycles.

Note: As an alternative subcarrier frequency, 29.5 kc is proposed.

(c) Modulation of the main carrier by the stereophonic subcarrier shall be within the range 15 to 20 percent, as measured by an approved FM station monitor or other approved means. During periods of multiplex transmission with one or more subcarriers under SCA, modulation of the main carrier by all subcarriers shall not total more than 30 percent as measured by an FM station monitor or other approved means.

(d) A total deviation of plus or minus 9.5 kilocycles by the stereophonic subcarrier shall correspond to 100 percent modulation.

(e) Audio-frequency response of the stereophonic subchannel modulator shall be within plus or minus 2 db between 50 cycles and 8000 cycles, as measured by multiplex station monitor or other approved means, and shall match within limits of plus or minus 1 db the response of the main-channel modulator over the same frequency range.

(f) Harmonic distortion of the transmitted subcarrier audio signals within the range 50 cycles to 8000 cycles shall be less than 3 percent, as measured with multiplex station monitor or other receiving means at the station, with 8 kc deviation.

(g) 150 microsecond pre-emphasis shall be employed in the audio input circuit of the stereophonic subchannel modulator.

(h) A low-pass filter shall be employed in the audio-input circuit of the stereophonic subchannel modulator to restrict the bandwidth occupied by the stereophonic subcarrier. This filter shall provide audio cut-off at 8 kilocycles, with response down at least 3 db at 8 kc; down at least 30 db at 10 kc.

(i) Noise, including power-supply hum, shall be held at least 60 db below 100 percent modulation, as measured at the output of a monitor receiver, with subcarrier modulation by a 400-cycle tone as reference.

(j) Audio signals from the left stereophonic program channel shall modulate the main carrier at a level not to exceed 70 percent on program peaks, as referred to oscilloscope measurement of peak level or reading of meter on a standard FM station monitor with correction for crest factor of ----- db. Audio signals from the right stereophonic channel shall modulate the stereophonic subcarrier at a level not to exceed 100 percent on program peaks, corresponding to deviation of plus or minus 9.5 kc of the subcarrier. In the event that licensee elects to simultaneously transmit stereophonic program signals by FM/AM or other simulcast method and FM multiplex method, the audio signals from the right stereophonic program channel shall be applied to the AM transmitter, or other associated simulcast transmitter, and to the subcarrier modulator.

(k) In the event that the licensee employs a transmitting matrix to attain improved monophonic reception of the main channel signals during transmission of stereophonic program signals, matrix configuration shall be such that predominantly left signals shall be applied to the main channel, and predominantly right signals applied to the multiplex subchannel. Mixed signals from the two stereophonic program channels shall be applied to the two transmission channels 180° out-of-phase with respect to each other and equal in amplitude to provide their cancellation, and stereophonic separation of left and right channels, at stereophonic receiving points without requirement of special dematrixing networks in receivers used by the public.

Definitions. (a) Compatible stereophonic radio signal—

(1) As related to monophonic reception by a listener to the FM main channel only during stereophonic transmission, a compatible stereophonic radio signal is one which will provide satisfactory reception of the

stereophonic signal source, and provide otherwise acceptable performance.

(2) As related to operational compatibility with respect to simultaneous transmission of stereophonic programs by FM/AM or other publicly-used simulcast method and a new, improved method, a compatible stereophonic radio signal is one which will provide satisfactory reception of a stereophonic broadcast program either by FM/AM or other simulcast receiver or by a receiver adapted to utilize the new method, as selected by the listener.

(b) FM stereophonic broadcast—Transmission of stereophonic sound employing the FM main channel and associated transmission means at an FM broadcast station employing a compatible stereophonic radio signal.

(c) Two-channel stereophonic broadcast system—A stereophonic sound system in which two transmission channels are used.

System 3: This system differs from others proposed here, in that no attempt is made to have the left and right output signals reproduce the left and right microphone signals for stereophonic reception. The subjective stereophonic effect is attained by producing variations of the instantaneous envelope amplitude in the left and right receiver output signals to produce what is called the "precedence effect". The necessary stereophonic information, which is referred to as a "directional signal", is transmitted on a subcarrier which is frequency modulated to a maximum of plus or minus 500 cycles. The sum of the left and right signals (L plus R) frequency modulates the main carrier. Additional space remains for other subcarriers.

Definitions. (a) Stereophonic sound—Reproduced acoustical energy which provides essentially the sense of auditory perspective in the listening environment that is inherent in the source environment.

(b) Stereophonic transmission—The simultaneous transmission of two related signals in such a way that existing monophonic receivers can receive a compatible program signal and that stereophonic receivers can receive the same program stereophonically.

(c) Compatible audio signal—An acceptable monophonic signal derived from a stereophonic transmission.

(d) Direction signal—A signal derived from the left and right channels of a two channel stereophonic transmission, which can be used to operate on the compatible audio signal to achieve stereophonic reproduction.

Technical standards. (a) For stereophonic transmission the response of the transmitting system (with pre-emphasis applied) between 21 and 23 kilocycles/second shall not be below that at 400 cycles/second.

(b) For stereophonic transmission, the transmitting system output noise level between 19 and 25 kilocycles/second shall be at least 40 db below 100 percent modulation.

(c) The modulating signal for the main channel shall be the compatible audio signal.

(d) A subcarrier shall be transmitted which shall cause the main carrier to deviate by plus or minus 7.5 kilocycles/second plus or minus 10 percent.

(e) The subcarrier frequency shall be 22 kilocycles/second plus or minus 0.1 percent.

(f) The subcarrier shall be frequency modulated by the direction signal so that when this has its maximum positive value, corresponding to a stationary source on the extreme left, the subcarrier frequency shall increase by 500 cycles/second plus or minus 2 percent. When the direction signal has its maximum negative value, the subcarrier frequency shall decrease by 500 cycles/second plus or minus 2 percent. Between these limits the subcarrier frequency shall be a linear function of the direction signal.

(g) The subchannel shall be capable of transmitting variations due to the direction signal down to zero frequency without attenuation, and up to 100 cycles/second with an attenuation of not more than 3 db. Such attenuation should increase very rapidly above 150 cycles/second.

(h) The total modulation of the main carrier, including that due to the subcarrier and any other multiplex signals authorized under § 3.293, shall be in accordance with § 3.268.

(i) The main channel signal and the subchannel signal shall not be subjected to differential time delays greater than 5 milliseconds.

(j) The amplitude of any components of the compatible audio signal, or of any distortion or intermodulation products due to it or any other multiplex signals, shall be at least 30 db below the level corresponding to peak deviation of the main carrier in the band 19 to 25 kc/seconds.

System 4: The main carrier is frequency modulated by the sum of the left and right signals (L plus R), and by a double sideband suppressed subcarrier signal. The audio modulation for the subcarrier is the difference signal (L minus R). The main carrier is also frequency modulated at a low percentage by a pilot carrier at the fundamental subcarrier frequency, or, alternatively, the first subharmonic of this frequency.² Space is left for additional subcarriers.

Specifications are as follows:

Technical Standards. (a) The deviation of the main carrier by (L plus R) audio with a left or right signal only shall be plus or minus 35 kc or 46½ percent modulation.

(b) The deviation of the main carrier by the 39 kc pilot subcarrier shall be 6½ percent of the maximum allowable (plus or minus 75 kc) deviation.

(c) The pilot subcarrier shall be in phase with the modulated subcarrier when a left signal only is used and is instantaneously deviating the main carrier downward in frequency.³

(d) The subcarrier shall be suppressed carrier amplitude modulated with (L minus R) audio.

(e) The deviation of the main carrier by (L minus R) subcarrier with a left or right signal only shall be plus or minus 35 kc or 46½ percent modulation.

(f) Total modulation of main carrier shall meet the requirements of § 3.268.

(g) The present § 3.317(a)(2) should be designated (2)(1) and should apply to stereophonic channel, main channel and subcarrier channel when transmitting system is referred to.

Add subparagraphs (2)(ii) and (2)(iii) as follows:

(ii) The difference in amplitude response between main channel (L plus R) audio and the subcarrier channel (L minus R) envelope shall be within 0.3 db.

(iii) The phase difference between the main channel (L plus R) audio and the subcarrier channel (L minus R) envelope shall be within 3° for all modulating frequencies using a left or right signal only.

NOTE: If the separation between left and right channels is better than 26 db it will be assumed that paragraph (2)(ii) and (2)(iii) have been complied with.

²In comments submitted in Docket No. 12517, Zenith Radio Corporation proposes a pilot subcarrier at 19.5 kc instead of 39 kc, and proposes slightly altered values of deviation and percentage modulation in paragraphs (a), (b) and (e). In the alternate proposal, paragraph (c) applies to the second harmonic of the 19.5 kc pilot subcarrier.

³See Footnote No. 2.

Definitions. (a) The term "multiplex transmission" means the simultaneous transmission of two or more signals within a single channel. For simultaneous stereophonic FM broadcasting and the transmission of facsimile or other signals, the subcarrier frequencies are a 39 kc double sideband amplitude modulated subcarrier with 6½ percent pilot carrier and a 67 kc, frequency-modulated subcarrier.

(b) Percentage modulation. For stereophonic FM broadcast stations a frequency swing of plus or minus 75 kc is defined as 100 percent modulation for the composite modulating signal which includes 6½ percent (plus or minus 5 kc deviation) pilot subcarrier, 83½ percent (plus or minus 70 kc deviation) main channel (L minus R) and 93½ percent (plus or minus 70 kc deviation) subcarrier channel (L minus R).

NOTE: When the main channel reaches its maximum value, the subcarrier channel simultaneously reaches its zero value.

System 4A: The main carrier is frequency modulated by the sum of the left and right signals (L plus R) and by a double sideband suppressed subcarrier signal. The audio modulation for the subcarrier signal is the difference signal (L minus R). The main carrier is also frequency modulated at a low percentage by a pilot carrier at 19 kc, which is the first subharmonic of the subcarrier frequency. Spectrum space remains for transmission of other subcarriers. Specifications are as follows:

Technical Standards. (a) The modulating signal for the main channel shall consist of the arithmetic sum of the left and right signals.

(b) A pilot carrier at 19,000 cycles plus or minus 5 cycles shall be transmitted that shall modulate the main carrier between maintained limits of 8 and 10 percent.

(c) The subcarrier shall be the second harmonic of the pilot carrier and shall cross the time axis with a positive slope simultaneous to each crossing of the time axis by the pilot carrier.

(d) Amplitude modulation of the subcarrier shall be used.

(e) The subcarrier shall be suppressed to a level less than 1 percent modulation of the main carrier.

(f) The subcarrier channel shall be capable of accepting audio modulating frequencies from 50 to 15,000 cycles.

(g) The modulating signal for the subcarrier shall be equal to the arithmetic difference of the left and right signals.

(h) The pre-emphasis of the audio modulation applied to the subcarrier shall be in accordance with § 3.317(a)(2).

(i) The sum of the sidebands resulting from amplitude modulation of the subcarrier shall not cause a peak deviation of the main carrier in excess of 45 percent when only the left (or right) signal exists; at the same time in the main carrier channel, the deviation when only the left (or right) signal exists shall not exceed 45 percent.

NOTE: The individual maximum modulation capabilities of the main carrier channel and the subcarrier channels is 90 percent since the former reaches a maximum when the latter is zero and vice versa.

(j) Total modulation of main carrier including pilot carrier shall meet the requirements of § 3.268.

(k) At the instant when only a positive left signal is impressed on the system, the L plus R main carrier channel shall cause an upward deviation in the main carrier frequency; and the L minus R sidebands signal and the subcarrier shall cross the time axis simultaneously and in the same direction.

(l) The ratio of peak main channel deviation to peak subchannel deviation when only a steady state left (or right) signal exists shall be within plus or minus 10 percent of

unity for all levels of this signal and all frequencies from 50 to 15,000 cycles.

(m) The phase difference between the zero points of the L plus R main carrier channel signal and the L minus R sidebands envelope on the subcarrier channel, when only a steady state left (or right) signal exists, shall not exceed plus or minus 3° from 50 to 12,000 cycles and plus or minus 10° from 12,000 to 15,000 cycles.

(n) Cross-talk into the main channel from the subchannel shall not exceed minus 30 db.

(o) Cross-talk into the subchannel from the main channel shall not exceed minus 30 db.

(p) For required transmitter performance all of the information in § 3.254 shall apply with the exception that the maximum modulation to be employed is 90 percent rather than 100 percent.

(q) For transmitters and associated equipment the relevant portions of this paragraph shall apply as well as all of § 3.317 with the following exceptions:

(1) In (a) (2) change "15,000 cycles" in the first sentence to "53,000 cycles".

(2) In (3) change first sentence to "Considering the system with only L plus R main carrier channel modulation for any frequency between 50 and 15,000 cycles and at modulation percentage of 25, 50 and 90 percent the combined audio frequency harmonics, etc., etc."

Also add new paragraph as follows:

Considering the system with only L minus R subcarrier channel modulation for any frequency between 50 and 15,000 cycles and at modulation percentages of 25, 50 and 90 percent the combined audio frequency harmonics measured in the output of the system shall not exceed the values given in the following table:

| Modulation frequency: | <i>Distortion (percent)</i> |
|-------------------------|-----------------------------|
| 50-100 cycles..... | 4.0 |
| 100-7500 cycles..... | 3.0 |
| 7500-15,000 cycles..... | 3.5 |

(3) In (4) change "15,000 cycles" in first sentence to "53,000 cycles".

(4) In (5) change "15,000 cycles" in first sentence to "53,000 cycles".

Definitions. (a) FM Stereophonic Broadcast—Transmission of stereophonic sound employing a compatible stereophonic radio signal.

(b) Subcarrier—The subcarrier is a frequency in the range of 18 to 75 kc which frequency modulates the radiated carrier.

System 5: The main carrier is frequency modulated by the sum of the left and right signals (L plus R) and by a subcarrier at 23.625 kc. The subcarrier is amplitude modulated by the difference audio signal (L minus R), with lower sideband components suppressed which would fall less than 15 kc from the main carrier frequency. Spectrum space remains for transmission of other subcarriers.

Technical Standards. (a) The modulating signal for the main channel shall consist of the arithmetic sum of the left and right signals.

(b) The frequency of the subcarrier shall be 23,625 cycles, plus or minus 5 cycles.

(c) The modulation of the main carrier by the subcarrier shall be 37.5 percent.

(d) Amplitude modulation of the subcarrier shall be used.

(e) The subcarrier channel shall be capable of accepting audio modulating frequencies from 50 to 15,000 cycles.

(f) The lower sideband of the subcarrier shall be attenuated for all frequencies below 15,000 cycles by at least 40 db.

(g) The modulating signal for the subcarrier shall be equal to the arithmetic difference of the left and right signals.

(h) The pre-emphasis of the audio modulation applied to the subcarrier shall be in accordance with the impedance-frequency

characteristics of a series inductance-resistance network having a time constant of 300 microseconds.

(i) The amplitude modulation index of the subcarrier shall be a maximum of 50 percent when only the left (or right) signal exists; at the same time in the main channel, the deviation when only the left (or right) signal exists shall not exceed 31.25 percent.

(j) The ratio of peak main channel deviation percentage to subchannel peak amplitude modulation percentage when only a steady state left (or right) signal exists shall be $\frac{31.25}{50}$ for all levels of this signal to be measured at 100 cycles.

(k) Except for the differential phase angle introduced by the different pre-emphases, the phase difference between the zero points of the L plus R main carrier channel signal and the L minus R sidebands envelope on the subcarrier channel, when only a steady state left (or right) signal exists, shall not exceed plus or minus 3° from 50 to 12,000 cycles and plus or minus 10° from 12,000 to 15,000 cycles.

(l) The total modulation of the main carrier including the subcarrier shall meet the requirements of section 3.268.

(m) Cross-talk into the main channel from the subchannel shall not exceed minus 30 db.

(n) Cross-talk into the subchannel from the main channel shall not exceed minus 30 db.

(o) For required transmitter performance all of the information in § 3.254 shall apply with the exception that the maximum modulation to be employed is 62.5 percent rather than 100 percent.

(p) For transmitters and associated equipment the relevant portions of this paragraph shall apply as well as all of § 3.317 with the following modifications.

(1) In (a) (2) change "15,000 cycles" in the first sentence to "39,000 cycles".

(2) In (3) change first sentence to "Considering the system with only L plus R main carrier channel modulation for any frequency between 50 and 15,000 cycles and at modulation percentages of 25, 50 and 62.5 percent the combined audio frequency harmonics, etc., etc."

Also add new paragraph as follows:

"Considering the system with only L minus R subcarrier channel modulation for any frequency between 50 and 7,500 cycles and at modulation percentages of 25, 50 and 75 percent the combined audio frequency harmonics measured in the output of the system shall not exceed the values given in the following table:

| Modulation frequency: | <i>Distortion (percent)</i> |
|-----------------------|-----------------------------|
| 50-100 cycles..... | 4.5 |
| 100-7,500 cycles..... | 3.0 |

(3) In (4) change "15,000 cycles" in first sentence to "39,000 cycles."

(4) In (5) change "15,000 cycles" in first sentence to "39,000 cycles."

System 6: The main carrier is frequency modulated by the sum of the left and right signals (L plus R). The 32 kc subcarrier is suppressed, single sideband, amplitude modulated by audio frequencies above 500 cycles in the difference signal (L minus R). Output signals of the two stereophonic channels are identical at audio frequencies below 500 cycles. The following technical specifications were furnished by the Philco Corporation in a petition to the Commission dated February 12, 1959:

(a) A modulation signal corresponding to the sum of the audio signals of the two stereophonic tracks shall fall in the frequency band 30 to 15,000 cycles.

(b) A modulation signal corresponding to the difference of the audio signals of the two stereophonic tracks shall fall in the frequency band 32,000 to 17,000 cycles ac-

ording to its difference frequency from a reference carrier signal.

(c) The reference carrier signal shall have a frequency of 32,000 cycles. It shall be added to the signals of paragraphs (a) and (b) at a level of 20 db below the peak level of the sum of the modulation signals of paragraphs (a) and (b). The phase of the added reference carrier signal shall be the same as the phase of the carrier component generated by the beat between the sum and difference modulation signals of paragraphs (a) and (b) when the right track only is modulated.

(d) No difference frequency signal shall exist except for audio track signals which will pass through a high pass RC filter with a low frequency cut-off of 500 cps.

(e) The FM sound transmitter shall have a constant deviation characteristic versus frequency. The sum and difference modulation signals (paragraphs (a) and (b)) shall have an amplitude characteristic versus frequency providing high frequency pre-emphasis corresponding to a 75 microsecond time constant characteristic.

[F.R. Doc. 60-4286; Filed, May 11, 1960; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 600]

[Airspace Docket No. 60-WA-125]

FEDERAL AIRWAYS

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.6020 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 20 presently extends in part from Lafayette, La., to New Orleans, La., including a south alternate from the Lafayette VOR via the intersection of the Lafayette VOR 119° and the New Orleans VOR 255° True radials. The Federal Aviation Agency has under consideration modifying this segment of Victor 20 by realigning the south alternate from the Lafayette VOR to the New Orleans VOR via the Thibodaux, La., VOR, to provide more precise navigational guidance on Victor 20-S. Concurrently with this action, the Thibodaux, La., VOR would be renamed the Tibby, La., VOR for simplification of pronunciation. The control areas associated with Victor 20 are so designated that they would automatically conform with the modified airway. Accordingly, no amendment relating to such control areas would be necessary.

If this action is taken, VOR Federal airway No. 20 south alternate from Lafayette, La., to New Orleans, La., would be redesignated from the Lafayette VOR to the New Orleans VOR via the Tibby, La., VOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action

is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on May 6, 1960.

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

[F.R. Doc. 60-4257; Filed, May 11, 1960;
8:45 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 60-WA-108]

CODED JET ROUTES

Modification and Revocation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24

F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 602.525 and 602.533 of the regulations of the Administrator, the substance of which is stated below.

VOR/VORTAC jet route No. 25 presently extends, in part, from Butler, Mo., to terminate at Kansas City, Mo. The Federal Aviation Agency has under consideration the modification of this segment of Jet Route 25V by realigning and extending it from the Butler VOR to the Minneapolis, Minn., VOR via the intersection of the Butler VOR 009° and the Des Moines, Iowa, VOR 196° True radials; the Des Moines VOR and the Mason City, Iowa, VOR. This would bypass the concentrated military air activity at Richards-Gebaur, Mo., Air Force Base, and would provide continuity of route structure for high altitude traffic operating between Dallas, Tex., and Minneapolis, Minn.

VOR/VORTAC jet route No. 33 presently extends, in part, from Kansas City to Minneapolis. The extension of Jet Route 25V, as proposed herein, would eliminate the requirement for the continued designation of Jet Route 33V north of Kansas City. Accordingly, the Federal Aviation Agency proposes to revoke the segment of Jet Route 33V from Kansas City to Minneapolis.

If these actions are taken, VOR/VORTAC jet route No. 25 would be redesignated from Butler, Mo., via the intersection of the Butler VOR 009° and the Des Moines, Iowa, VOR 196° True radials; Des Moines; Mason City, Iowa; to Minneapolis, Minn. The segment of VOR/VORTAC jet route No. 33 from Kansas City, Mo., to Minneapolis would be revoked.

Interested persons may submit such written data, views or arguments as they

may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on May 6, 1960.

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

[F.R. Doc. 60-4258; Filed, May 11, 1960;
8:45 a.m.]

Notices

CIVIL AERONAUTICS BOARD

[Docket 11327]

COMPAGNIE DE TRANSPORTS AERIENS INTERCONTINENTAUX (T.A.I.)

Notice of Hearing

In the matter of the application of Compagnie De Transports Aeriens Intercontinentaux (T.A.I.) in Docket No. 11327 for amendment of its foreign air carrier permit to engage in air transportation between the co-terminals New Caledonia/Tahiti/Bora-Bora on the one hand, and Honolulu, Hawaii/Los Angeles, California, on the other.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on May 17, 1960, at 10:00 a.m., e.d.s.t., in Room 701, Universal Building, Florida and Connecticut Avenues NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., May 6, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-4278; Filed, May 11, 1960;
8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13381, 13439; FCC 60M-786]

AMERICAN TELEPHONE AND TELE- GRAPH CO. ET AL.

Order Continuing Hearing Conference

In the matter of American Telephone and Telegraph Company, Docket No. 13381; regulations and charges for components of a distinctive tone and circuit assurance arrangement; American Telephone and Telegraph Company, et al., Docket No. 13439; regulations and charges for certain equipment on an 82-B-1 type relay system for use in connection with private line teletypewriter service.

The Hearing Examiner having under consideration a motion filed on May 4, 1960, by the Common Carrier Bureau, requesting that the further prehearing conference in the above-entitled proceeding now scheduled for May 5, 1960, be continued; and

It appearing that counsel for the Common Carrier Bureau is engaged in reviewing considerable financial material submitted in justification of the proposed rates and such review will not have been completed prior to the scheduled date for the prehearing conference; and

It further appearing that counsel for all parties to the proceeding have informally consented to such postponement;

It is ordered, This 4th day of May 1960, that the motion be and it is hereby granted and the further prehearing conference in the above-entitled proceeding be and it is hereby continued to May 19, 1960, at 10 a.m., in Washington, D.C.

Released: May 6, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-4280; Filed, May 11, 1960;
8:48 a.m.]

[Docket No. 13481; FCC 60M-788]

NATHAN FRANK (WNBE-TV)

Order Scheduling Prehearing Conference

In re proposal filed by Nathan Frank (WNBE-TV), New Bern, North Carolina, Docket No. 13481; for specification of transmitter and antenna site.

On the Hearing Examiner's own motion: *It is ordered*, This 6th day of May 1960, pursuant to the provisions of § 1.111 of the Commission's rules that the parties or their counsel in the above-entitled proceeding are directed to appear for a prehearing conference at the offices of the Commission, Washington, D.C. at 10:00 a.m., on June 1, 1960.

In order to conserve time counsel are requested to confer a day or two beforehand with a view to reaching advance agreement upon such routine details as the manner of presentation, dates for exchange of exhibits and such other dates as may be deemed necessary. In view of the design of the prehearing conference procedure to encourage the formulation of agreements by the parties looking towards the elimination of unessentials, so that hearing may proceed with proper dispatch, it is requested that the parties or their counsel attend this conference prepared fully to discuss—and to agree upon—such matters as will conduce materially to the attainment of this objective.

Released: May 6, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-4281; Filed, May 11, 1960;
8:48 a.m.]

[Docket No. 13410; FCC 60M-785]

IDAHO MICROWAVE, INC.

Order Scheduling Hearing

In re applications of Idaho Microwave, Inc., Docket No. 13410; for construction permit for new fixed radio station at

Kimport Peak, Idaho (KPL24), File No. 2672-C1-P-58; for construction permit for new fixed radio station at Rock Creek, Idaho (KPL25), File No. 2673-C1-P-58; for construction permit for new fixed radio station at Jerome, Idaho (KPL26), File No. 2674-C1-P-58.

It is ordered, This 4th day of May 1960, that a prehearing conference in the above-entitled matter is hereby scheduled to commence at 10:00 a.m., June 1, 1960, in the Commission's offices in Washington, D.C., and

It is further ordered, That the hearing in this matter heretofore postponed without date is hereby scheduled to commence at 10:00 a.m., June 15, 1960, in the Commission's offices in Washington, D.C.

Released: May 5, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-4282; Filed, May 11, 1960;
8:48 a.m.]

[Docket No. 13180; FCC 60M-784]

RODNEY F. JOHNSON (KWJJ)

Order Continuing Hearing

In re application of Rodney F. Johnson (KWJJ), Portland, Oregon, Docket No. 13180, File No. BP-12056; for construction permit.

The Hearing Examiner having under consideration "Applicant's Petition for Continuance of Hearing" filed April 4, 1960, which Petition requests that the hearing now scheduled to commence on May 4, 1960 be continued to Wednesday, May 25, 1960, and

It appearing that the request is justified because of the necessity for further engineering data to be supplied at the request of the Broadcast Bureau, and

It further appearing that the request of the Broadcast Bureau was a reasonable one, and

It further appearing that counsel for the Broadcast Bureau has no objection to granting the Petition, and

It further appearing that the Hearing Examiner's schedule will not permit a continuance to the 25th of May 1960, but that the earliest date the Hearing Examiner could accommodate the applicant is May 31, 1960,

It is ordered, This 4th day of May 1960, that the hearing now scheduled for May 4, 1960 be and it hereby is continued to 10:00 a.m., May 31, 1960, in the Commission's offices in Washington, D.C.

Released: May 5, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-4283; Filed, May 11, 1960;
8:48 a.m.]

[Docket Nos. 13318, 13319; FCC 60-484]

UNITED ELECTRONICS LABORATORIES, INC., AND KENTUCKIANA TELEVISION, INC.

Memorandum Opinion and Order Amending Issues

In re applications of United Electronics Laboratories, Inc., Louisville, Kentucky, Docket No. 13318, File No. BPCT-2640; Kentuckiana Television, Incorporated, Louisville, Kentucky, Docket No. 13319, File No. BPCT-2652; for construction permits for new television broadcast stations.

1. The Commission has before it for consideration (1) a motion to amend issues filed January 8, 1960, by Kentuckiana Television Incorporated (Kentuckiana); (2) opposition to the motion filed January 15, 1960, by the Broadcast Bureau (Bureau); and (3) a reply to opposition filed January 25, 1960, by Kentuckiana.

2. By Order, released December 21, 1959, the Commission designated for hearing the competing applications of United Electronics Laboratories, Inc. and Kentuckiana, each requesting a construction permit for a new television station to operate on UHF Channel 51 at Louisville, Kentucky. Kentuckiana requests the amendment of Issue No. 2, which calls for a determination of the financial qualifications of both applicants, so as to delete reference therein to Kentuckiana.

3. In support of its request, Kentuckiana states that in the Commission's 309(b) letter, dated August 3, 1959, it was noted that Kentuckiana has \$100,000 to construct and finance the early operation of its station, and that "cash in the amount of approximately \$115,900 will be required for the installation and initial operation of the proposed station. Therefore, it cannot be determined that you are financially qualified." Subsequent to its receipt of the 309(b) letter, Kentuckiana filed an amendment to its application showing the availability of an additional \$25,000 as witnessed by a letter from the Citizens Fidelity Bank and Trust Company of Louisville agreeing to lend it \$25,000. This loan, Kentuckiana observes, is more than sufficient to meet the deficiency as noted in the 309(b) letter.

4. The Bureau opposes the motion on the ground that the showing is considered deficient for failing to include the terms of repayment and the security required.

5. In reply to the Bureau's opposition, Kentuckiana quotes from the notarized bank letter, signed by the Vice President, to wit: "This letter is your assurance that credit in this amount [\$25,000] will be extended to you." Surely, says the petitioner, the Bureau does not suggest that the \$25,000 will not be available to Kentuckiana; that the Bureau's position will serve no useful purpose, will lengthen the record, prolong the hearing and waste the time of all concerned.

No. 93—5

6. The Commission has carefully considered the pleadings filed in this matter. On the basis of the material before us we are of the view that Issue No. 2 should be amended as requested. Obviously, the petitioner has not furnished the terms of repayment and security required as called for in the application form. In fact, the bank's letter states that these details are to be finalized on a mutually agreeable basis at the time the loan is consummated. However, since there is nothing to indicate that the bank commitment is not firm, we find that Kentuckiana will have sufficient funds to construct and operate the station for a reasonable period of time without the benefit of revenue and is therefore financially qualified.

Accordingly, it is ordered, This 4th day of May 1960, That the petition to amend the issues filed January 8, 1960 by Kentuckiana Television, Incorporated, is granted, and that Issue No. 2 is amended to read as follows:

(2) To determine whether United Electronics Laboratories, Incorporated is financially qualified to construct, own and operate the proposed television broadcast station.

Released: May 6, 1960.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, Acting Secretary.

[F.R. Doc. 60-4284; Filed, May 11, 1960; 8:48 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL DIRECTOR OF URBAN RENEWAL, REGION VII, PUERTO RICO AND VIRGIN ISLANDS

Redelegation of Authority With Respect to Slum Clearance and Urban Renewal Program, Demonstration Grant Program, and Urban Planning Grant Program

The Regional Director of Urban Renewal, Region VII Puerto Rico and Virgin Islands, Housing and Home Finance Agency, is hereby authorized within such Region to exercise all the authority delegated to the Regional Administrator by the Housing and Home Finance Administrator's delegation of authority effective December 23, 1954 (20 F.R. 428, Jan. 19, 1955), as amended, with respect to the slum clearance and urban renewal program authorized under Title I of the Housing Act of 1949, as amended (63 Stat. 414-421, as amended, 42 U.S.C. 1450-1460), and under section 312 of the Housing Act of 1954 (68 Stat. 629, 42 U.S.C. 1450 note), with respect to the demonstration grant program authorized under section 314 of the Housing Act of

1954 (68 Stat. 629, 42 U.S.C. 1452a), and with respect to the urban planning grant program authorized under section 701 of the Housing Act of 1954, as amended (68 Stat. 640, as amended, 40 U.S.C. 461), except those authorities which under paragraph 5 of such delegation may not be redelegated.

This redelegation supersedes the redelegation effective July 1, 1958 (24 F.R. 3309, April 28, 1959), as amended effective February 1, 1959 (24 F.R. 4153, May 22, 1959).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation, as amended)

Effective as of the 12th day of May 1960.

[SEAL] PAUL COSTE, Regional Administrator, Region VII.

[F.R. Doc. 60-4279; Filed, May 11, 1960; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI60-205]

FOREST OIL CORP.

Order Amending Order Providing for Hearing on and Suspension of Proposed Changes in Rate and Allowing Rate Change To Become Effective Upon Filing of Motion and Undertaking To Assure Refund of Excess Charges

MAY 3, 1960.

On March 23, 1960, the Commission issued an order suspending in the above-docketed proceeding and permitting the increased rate proposed therein to become effective upon the filing of a motion and undertaking. The order suspended as Supplement No. 2 to Forest Oil Corporation's FPC Rate Schedule No. 8 for one day from March 17, 1960, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

The above order is hereby amended to permit an effective date of March 28, 1960, thereby reflecting the thirty-days notice required under section 4(d) of the Natural Gas Act.

The Commission orders: The order of the Commission issued March 23, 1960, in Docket No. RI60-205 (25 F.R. 2683) is hereby changed and amended as follows:

1. In the first column on page 2684 Paragraph (B), line 5, change "March 18, 1960," to read "March 28, 1960," and in Paragraph (C), line 4, change "March 18, 1960," to read "March 28, 1960,".

2. In the second column on page 2684, Paragraph (D), line 15, change "March 18, 1960," to read "March 28, 1960,".

By the Commission.

JOSEPH H. GUTRIDE, Secretary.

[F.R. Doc. 60-4259; Filed, May 11, 1960; 8:45 a.m.]

[Docket No. RI60-334]

R. R. FRANKEL ET AL.**Order for Hearing, Suspending Proposed Change in Rate, and Allowing Increased Rate To Become Effective**

MAY 5, 1960.

On April 5, 1960, R. R. Frankel (Frankel) tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas produced in Happytown Field, St. Martin Parish, Louisiana, and sold subject to the jurisdiction of the Commission. The proposed change constitutes an increased rate and charge and stems from a contractual covenant which provides that should the buyer receive a favored-nations type rate increase in the resale of the gas, the entire increase shall inure to the benefit of the seller. The change is contained in the following-designated filing:

Notice of change: Dated, April 5, 1960.
Rate schedule designation: Supplement No. 4 to Frankel's FPC Gas Rate Schedule No. 1.

Purchaser: Gas Gathering Corp.
Effective date: May 6, 1960 (effective date is the first day following the required statutory notice).

Proposed rate level: 21.05 cents per Mcf at 15.025 psia.

In support of the proposed rate increase, Frankel submits three cost studies for the year ended September 30, 1959. The first utilizes Btu as basis for allocating joint costs, and the remaining two utilize reserve realization as a basis for allocating investments and sales realization as a basis for allocating operating costs. The two latter studies are similar except that one uses current gas prices to develop the allocation factors while the other utilizes proposed prices. In each instance claimed rate of return is 12 percent and Federal income tax is predicated on the 52 percent corporate rate.

Further, it is noted that Gas Gathering resells the gas to Transcontinental Gas Pipe Line Corporation under its FPC Gas Rate Schedule No. 2, and the related favored-nation rate increase under Gas Gathering's rate schedule was suspended until April 26, 1960. The proposed rate may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change and that Supplement No. 4 to Frankel's FPC Gas Rate Schedule No. 1, be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Frankel's proposed increased rate be made effective as hereinafter provided

and that Frankel be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 4 to Frankel's FPC Gas Rate Schedule No. 1.

(B) Pending hearing and decision thereon, Supplement No. 4 to Frankel's FPC Gas Rate Schedule No. 1 is hereby suspended and the use thereof deferred until May 7, 1960, and thereafter until such further time as it is made effective in the manner hereinafter prescribed.

(C) The rate, charge, and classification set forth in the aforementioned supplement shall be effective as specified in paragraph (B) above: *Provided, however*, That within 20 days from the date of this order, Frankel shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Frankel shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the portions of the increased rates and charges found by the Commission in these proceedings not justified, together with interest thereon at the rate of 7 percent per annum from the date of payment to Frankel until refunded, shall bear all costs of such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rate or charge allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission quarterly, or monthly if Frankel so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rate in effect immediately prior to the date upon which the increased rates allowed by this order become effective, and under the rates allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order within 20 days from the date of issuance thereof, Frankel shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, as follows:

Agreement and Undertaking of R. R. Frankel et al. To Comply With the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes

In conformity with the requirements of the order issued _____ (date), in Docket

No. RI60-334, R. R. Frankel et al. hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and for that purpose has caused this agreement and undertaking to be executed and sealed in its name by its partners.

Attest:

By _____

As further condition of this order, Frankel shall file with said agreement and undertaking a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Frankel is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Frankel shall, in conformity with the terms and conditions of paragraph (D) of this order make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.37(f)) on or before June 20, 1960.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-4260; Filed, May 11, 1960; 8:45 a.m.]

[Docket Nos. RI60-308—RI60-313]

HUMBLE OIL AND REFINING CO. ET AL.**Order Providing for Hearings on and Suspension of Proposed Changes in Rates¹**

MAY 4, 1960.

Humble Oil & Refining Company, Docket No. RI60-308; Shell Oil Company, Docket No. RI60-309; Kirby Production Company, Docket No. RI60-310; Kirby Production Company (Operator), et al., Docket No. RI60-311; N. B. Hunt, Docket No. RI60-312; Davis-Noland-Merrill Grain Company, Docket No. RI60-313.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. In each filing, the natural gas is sold at 14.65 psia, with the exception of the sales made by Shell Oil Company which gas is sold at 15.025 psia. The proposed changes are designated as follows:

¹ This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Notice of change dated— | Date tendered | Effective date unless suspended ¹ | Date suspended until— | Cents per Mcf | | Rate in effect subject to refund in Docket Nos. |
|-------------|---|-------------------|----------------|--|-------------------------|---------------|--|-----------------------|----------------|-------------------------|---|
| | | | | | | | | | Rate in effect | Proposed increased rate | |
| RI60-308... | Humble Oil & Refining Co. | 11 | 22 | Tennessee Gas Transmission Co. (Various Fields). | 4-4-60 | 4-7-60 | 5-8-60 | 10-8-60 | 15.0952 | 17.24347 | G-19429 |
| RI60-308... | do..... | 17 | 7 | Tennessee Gas Transmission Co. (Mariposa Field, Brooks County, Tex.). | 4-4-60 | 4-7-60 | 5-8-60 | 10-8-60 | 15.0952 | 17.24347 | G-19429 |
| RI60-309... | Shell Oil Co..... | 171 | 2 | Tennessee Gas Transmission Co. (Eugene Island, Block 18, Field, Offshore, La.). | 4-4-60 | 4-7-60 | 5-8-60 | 10-8-60 | 23.09167 | 23.6 | G-19432 |
| RI60-309... | do..... | 130 | 10 | Tennessee Gas Transmission Co. (Delta, et al., Fields Terrebonne and Plaquemines Parish, La.). | 4-4-60 | 4-7-60 | 5-8-60 | 10-8-60 | 23.09167 | 23.6 | G-19432 |
| RI60-309... | do..... | 186 | 2 | Tennessee Gas Transmission Co. (Atchalalaya Bay Field, Offshore, La.). | 4-4-60 | 4-7-60 | 5-8-60 | 10-8-60 | 23.09167 | 23.6 | G-19432 |
| RI60-310... | Kirby Production Co.... | 14 | 2 | Natural Gas P/L Co. of America (Camrick Southeast Field, Beaver County, Okla.). | 3-24-60 | 4-4-60 | 6-1-60 | 11-1-60 | 16.4 | 16.8 | G-18468 |
| RI60-310... | do..... | 13 | 1 | Natural Gas P/L Co. of America (Camrick Southeast Field, Texas County, Okla.). | 3-24-60 | 4-4-60 | 6-1-60 | 11-1-60 | 16.4 | 16.6 | |
| RI60-310... | do..... | 3 | 4 | Natural Gas P/L Co. of America (Camrick Southeast Field, Beaver County, Okla.). | 3-22-60 | 4-4-60 | 6-1-60 | 11-1-60 | 16.2 | 16.6 | |
| RI60-310... | do..... | 2 | 3 | Natural Gas P/L Co. of America (Camrick Southeast Field, Texas County, Okla.). | 3-22-60 | 4-4-60 | 6-1-60 | 11-1-60 | 16.2 | 16.6 | |
| RI60-310... | do..... | 4 | 4 | do..... | 3-24-60 | 4-4-60 | 6-1-60 | 11-1-60 | 16.4 | 16.8 | |
| RI60-310... | do..... | 10 | 4 | Natural Gas P/L Co. of America (Camrick Southeast Field, Beaver County, Okla.). | 3-22-60 | 4-4-60 | 6-1-60 | 11-1-60 | 16.4 | 16.6 | |
| RI60-311... | Kirby Production Co. (Operator), et al. | 9 | 4 | El Paso Natural Gas Co. (Lea County, N. Mex.). | 3-24-60 | 4-4-60 | 6-1-60 | 11-1-60 | 10.5 | 15.5 | G-13838 |
| RI60-312... | N. B. Hunt..... | 11 | 1 | West Lake Natural Gasoline Co. (Nolan County, Tex.). | Undated | 4-6-60 | 5-7-60 | 5-8-60 | 5.5 | 6.9918 | |
| RI60-313... | Davis-Noland-Merrill Grain Co. | 1 | 1 | Zenith Gas System, Inc. (Barber County, Kans.). | Undated ² | 4-4-60 | 5-5-60 | 10-5-60 | 10.0 | 12.0 | |

¹ The stated effective dates are those requested by respondent, or the first day after expiration of the required statutory notice, whichever is later.
² Contract 1-7-54.

In support of its proposed favored-nation increases, Humble Oil & Refining Company (Humble) cites its contract provisions and states that the increased rates are in line with area rates. Additionally Humble states that since the Commission staff has been investigating its books and records since 1956, there is no need to suspend the increased rates in order to allow time for an investigation, or in the alternative, if suspended, the suspension period should be for as short a time as possible.

Shell Oil Company (Shell), in support of its three favored-nation increases, cites its contract provisions and states that the proposed rates are currently the fair value for this gas.

Kirby Production Company and Kirby Production Company (Operator) et al., in support of their proposed increased rates both state that the proposed rates are just and reasonable and are necessary to permit return on investment commensurate with risks inherent in the industry.

In support of its proposed revenue-sharing type rate increase, N. B. Hunt cites its contract provisions and states that the proposed increase fulfils the contractual obligation agreed to by both parties.

In support of its proposed redetermined rate increase Davis-Noland-Merrill Grain Company cites its contract provisions and states that the proposed price is just and reasonable in relation to the price paid for similar gas in the area and is a fair value for the gas. It also states that operating costs have increased.

The proposed rate changes may be unjust, unreasonable, unduly discrimina-

tory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed changes in rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, each of the above-designated supplements is hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rates schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of

practice and procedure (18 CFR 1.8 and 1.37(f)) on or before June 20, 1960.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-4261; Filed, May 11, 1960; 8:45 a.m.]

[Docket No. G-11200]

UNITED GAS PIPE LINE CO.

Notice of Motion To Amend Order Issued February 21, 1957, and Date of Hearing

MAY 4, 1960.

Take notice that United Gas Pipe Line Company (Movant), a Delaware corporation, having its principal place of business in Shreveport, Louisiana, filed on December 21, 1959, a motion to amend the order of this Commission of February 21, 1957, issuing a certificate of public convenience and necessity authorizing Movant to construct and operate certain natural gas facilities for the transportation of natural gas for delivery to Mississippi Power Company in volumes not to exceed 22,000 Mcf per day. On February 23, 1960, a supplement to said motion was filed. By order issued February 20, 1959, Movant was authorized to increase said deliveries to 44,000 Mcf per day. By this motion, Movant requests herein that said order be further amended to authorize a total maximum daily delivery to said Mississippi Power Company of 77,000 Mcf per day, in accordance with an agreement between the parties dated December 9, 1959, all as more fully represented in said motion which is on file

with the Commission and open for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on June 8, 1960, at 9:30 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such motion: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Movant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 27, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-4263; Filed, May 11, 1960;
8:45 a.m.]

[Docket Nos. RI60-268, etc.]

TEXACO INC., ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, Terminating Proceeding, Permitting Substitution of Rate; Correction

MAY 4, 1960.

In the order providing for hearing on and suspension of proposed changes in rates, terminating proceeding, permitting substitution of rate, issued April 20, 1960 and published in the FEDERAL REGISTER on April 28, 1960 (25 F.R.; p. 3741): In Paragraph (F) under "The Commission orders" change the following to read "on or before June 4, 1960" instead of "on or before April 4, 1960".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-4262; Filed, May 11, 1960;
8:45 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

RALPH F. STARZ

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Pro-

duction 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 18, 1960.

Dated: April 29, 1960.

RALPH F. STARZ.

[F.R. Doc. 60-4275; Filed, May 11, 1960;
8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1297]

FUND MANAGEMENT CO.

Notice of Filing of Application for Determination That Proposed Issuance of Stock Does Not Represent Controlling Block

MAY 5, 1960.

Notice is hereby given that Troy V. Post, the owner of all the presently outstanding stock of Fund Management Company ("Fund Management"), the investment advisor and principal underwriter for American Investment and Income Fund, Inc. ("American Fund") and Life Insurance Stock Fund, Inc. ("Life Insurance Fund"), both registered, open-end, diversified investment companies, has filed an application pursuant to section 2(a) (9) of the Investment Company Act of 1940 ("Act") for a determination that a proposed sale by Fund Management of 50 percent of its authorized but unissued capital stock to American Life Insurance Company ("American Insurance"), an insurance company, will not constitute a transfer of a controlling block of stock pursuant to sections 2(a) (4) and 2(a) (9) of the Act.

Fund Management has outstanding 10 shares of Capital stock, all of which stock is held by Troy V. Post who acquired such stock in July 1958, for \$28,500. At that time, Fund Management had a cumulative operating deficit of approximately \$30,000, which has since increased to about \$42,000. Fund Management presently proposes to issue 10 shares of its authorized capital stock to American Insurance for \$28,500. Post owns about 82 percent of American Insurance and is its President and a member of the Board of Directors. The remaining stock is publicly held.

Section 15 of the Act in essence requires that a contract for investment advisory or principal underwriting services provide for its automatic termination upon assignment. Section 2(a) (4) defines an assignment of a contract as a transfer of a controlling block of the assignor's voting securities. Section 2 (a) (9), so far as here relevant, establishes a presumption, rebuttable only by order of the Commission, that the beneficial owner of 25 percent of the voting securities of a corporation shall be deemed to control the same. Fund

Management states that after the proposed issuance of 10 shares of common stock to American Insurance, Post will still be in control of Fund Management through his 50 percent ownership of Fund Management stock and his 82 percent ownership of American Insurance, which in turn will own 50 percent of the Fund Management stock. Fund Management concludes therefore that the issuance of stock proposed will not, in fact, be a controlling block.

Notice is further given that any interested person may, not later than May 20, 1960, at 5:30 p.m., e.d.s.t., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60-4269; Filed, May 11, 1960;
8:46 a.m.]

[File No. 24C-2227]

GENERAL AEROMATION, INC.

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

MAY 6, 1960.

I. General Aeration, Inc. (issuer), a corporation incorporated under the laws of the State of Ohio on December 19, 1958, with offices at 6011 Montgomery Road, Cincinnati, Ohio, filed with the Commission on March 3, 1960, a notification on Form 1-A and an offering circular and other material pertaining to a proposed offering by the Issuer of 84,450 shares of its common stock, no par value, at \$3 per share for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that the exemption provided by Regulation A is not available for the securities proposed to be offered in that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. The aggregate offering price of the securities to be offered, as computed in accordance with Rules 254 and 253(c), will exceed \$300,000.

2. The initial offering of the Issuer's securities was made prior to the expira-

tion of ten days (Saturdays and Sundays excluded) from the date the notification was filed with the Regional Office of the Commission in violation of Rule 255(a).

3. The financial statements of the Issuer incorporated in the offering circular were not prepared in accordance with Item 11(a) of Schedule I.

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The statement that the Issuer believes its Romatt developments will be successful, although it has no positive assurance of success.

2. The statement that the results of the Issuer's work have been checked by competent sources in the industry.

3. The statement that earnings are anticipated upon the demonstration of the Issuer's jet aircraft ground movement equipment and related equipment and the conclusion of negotiations for their lease or sale.

4. The statement that, as new jet aircraft come into operation in increasing numbers, the Issuer's equipment will be a requirement at major jet air terminals and in commercial and military jet operations throughout the world.

5. The statement that the Issuer knows of no direct competition to its method of moving heavy jet aircraft on the ground.

6. The statement that no adequate equipment for ground handling jets is now available.

7. The statement that the Issuer expects (based on the number of commercial jet aircraft now ordered) to market or lease a considerable number of its units as they are manufactured and field tested.

8. The statement that under certain conditions the Air Force is unable to move its B-52 aircraft on the ground and that more capable equipment that will move such aircraft is needed by the military forces.

9. The statement that information from military headquarters indicates requirements of up to 1,000 units for the Issuer's Romatt equipment.

10. The failure to disclose past and proposed material transactions by officers, directors, and promoters with the Issuer.

11. The statement, incorporated by reference into the Issuer's financial statements, that Henry J. Wiebe sold to the corporation, at cost, the entire right, title and interest to certain developments, designs and patentable inventions for \$80,000.

12. The failure to set forth adequately in the forepart of the offering circular certain factors regarding the speculative nature of the Issuer's proposed business.

13. The failure to disclose adequately in the forepart of the offering circular factors affecting the value of the securities being offered.

C. The offering has been and would be made in violation of section 17 of the Securities Act of 1933, as amended.

III. *It is ordered*, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 60-4270; Filed, May 11, 1960;
8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

PRESIDENT AND EXECUTIVE VICE PRESIDENT

Delegation of Authority To Execute Real Property Deeds

Whereas Commodity Credit Corporation acquires title to real property from time to time in connection with its several programs, and

Whereas the Corporation's needs with respect to such property vary and may change with time, and it may become desirable or necessary for the Corporation to dispose of such property or interests therein, and

Whereas it is desirable that authorization be granted to the President and Executive Vice President, Commodity Credit Corporation, to execute instruments of conveyance of real property or interests therein in connection with real property of the Corporation;

Now, therefore, be it resolved, that the President and Executive Vice President, Commodity Credit Corporation, are hereby severally authorized, pursuant to such policy and procedures as may be applicable, to execute deeds or other instruments of conveyance of real property of Commodity Credit Corporation and any interests therein, and, in their discretion, to include in such instruments such warranties and covenants as they may deem to be in the best interests of Commodity Credit Corporation.

The Secretary of the Corporation shall affix the seal of the Corporation to such instruments of conveyance.

Any grantee may accept any such instruments of conveyance as having been duly authorized by the Corporation.

I certify that the foregoing is a true and correct copy of a resolution adopted by the Board of Directors, Commodity Credit Corporation, August 31, 1959.

LIONEL C. HOLM,
Secretary,

Commodity Credit Corporation.

Dated: May 9, 1960.

Issued at Washington, D.C., this 9th day of May 1960.

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

[F.R. Doc. 60-4291; Filed, May 11, 1960;
8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Transfer of Jurisdiction of Interest

MAY 6, 1960.

By virtue of the authority contained in section 7 of the Public Works Act of August 24, 1949 (63 Stat. 629; 48 U.S.C. 486e), and pursuant to Departmental Order 2567 (15 F.R. 3988) and Bureau of Land Management Order 541, sec. 1.9(U) (5) (19 F.R. 2473), it is ordered as follows:

Jurisdiction of interest in and to the following described lands is hereby transferred to the office of the Territories, Department of the Interior:

SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 31, T. 3 N., R. 11 W., S.M. containing 10 acres, more or less.

In any subsequent conveyance which may be made of the lands to a public body under authority of the Act of August 24, 1949, supra, the instrument of conveyance shall contain a provision reserving a right-of-way for ditches and canals constructed under authority of the United States, and reserving also to the United States:

(1) All mineral deposits in the lands conveyed together with the right to mine and remove the same under applicable laws and regulations as the Secretary may prescribe;

(2) A provision for the reversion to the United States, during a period of no longer than twenty-five years from the date of such instrument, of title to the conveyed land upon a finding by the Secretary that the land has not been used by the grantee or its successor for the purpose for which it was conveyed for a period of five years or such lesser period as the Secretary may specify in the conveyance; and

(3) A right-of-way for the construction of railroads, telegraph and telephone lines in accordance with the Act of March 12, 1914 (38 Stat. 305; 48 U.S.C. 305);

(4) Such other reservations, covenants, terms and conditions as the Secretary may prescribe in the conveyance.

IRVING W. ANDERSON,
Manager.

[F.R. Doc. 60-4265; Filed, May 11, 1960;
8:45 a.m.]

WASHINGTON

Notice of Termination of Proposed Withdrawal and Reservation of Lands

APRIL 27, 1960.

Notice of an application Serial No. Washington-02210, for withdrawal and reservation of lands was published as Federal Register Document No. 56-1551 on page 1372 of the issue for March 1, 1956. The applicant agency has cancelled its application in its entirety. Therefore, pursuant to the regulations contained in 43 CFR Part 295, the lands described below will be at 10:00 a.m. on May 31, 1960, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

WASHINGTON-WILLAMETTE MERIDIAN

WENATCHEE NATIONAL FOREST

Washington Sunset Highway Project 9A10, B3
Quarry Site, Pit Site and Access Road

T. 21 N., R. 18 E., W. M., Washington,
Sec. 6: Lot 6, SE $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 10: S $\frac{1}{2}$ SW $\frac{1}{4}$.

A strip of land 100 feet on each side of the centerline of an access road into the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 10 through the following legal subdivision:

Sec. 3: W $\frac{1}{2}$ SW $\frac{1}{4}$;

Sec. 4: E $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 9: E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 10: SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$.

SNOQUALMIE NATIONAL FOREST

CARBON RIVER QUARRY SITE

T. 17 N., R. 7 E., W. M., Washington,
Sec. 4: S $\frac{1}{2}$ N $\frac{1}{2}$.

The total area aggregates approximately 343.63 acres.

FREMONT W. MERIWETHER,
Acting State Supervisor.

[F.R. Doc. 60-4266; Filed, May 11, 1960;
8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 9, 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. 36220: *Lumber and related articles—Southern territory to south-*

western territory. Filed by O. W. South, Jr., Agent (SFA No. A3945), for interested rail carriers. Rates on kindred or related lumber articles which may be added to the present list from time to time, from points in southern territory to points in southwestern territory, also Kansas and Missouri.

Grounds for relief: Short-line distance formula, and grouping.

FSA No. 36222: *Cement—Central territory to official territory.* Filed by Traffic Executive Association-Eastern Railroads, Agent (CTR No. 2417), for interested rail carriers. Rates on cement and related articles, in carloads, from specified points in Illinois, Indiana, and Ohio, to specified points in official territory in Kentucky, North Carolina, Virginia, and West Virginia.

Grounds for relief: Market competition, short-line distance formula, and grouping.

Tariffs: Supplement 100 to Traffic Executive Association-Eastern Railroads tariff I.C.C. 3826 (Hinsch series), and supplement to Norfolk and Western Railway tariff I.C.C. 9685.

FSA No. 36223: *Cement—Central territory to the South.* Filed by H. R. Hinsch, Agent (CTR No. 2435), for interested rail carriers. Rates on cement and related articles, in carloads, from points in central territory, to points in southern territory, also border points.

Grounds for relief: Market competition, short-line distance formula, and grouping.

Tariff: Supplement 37 to Traffic Executive Association-Eastern Railroads tariff I.C.C. 4688 (Hinsch series).

FSA No. 36224: *Plate or sheet—Fairfield, Ala., to Belton and Temple, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B-7794), for interested rail carriers. Rates on iron or steel plate, plates or sheets, in carloads, from Fairfield, Ala., to Belton and Temple, Tex.

Grounds for relief: Market competition.

Tariff: Supplement 105 to Southwestern Freight Bureau tariff I.C.C. 4308.

AGGREGATE-OF-INTERMEDIATES

FSA No. 36221: *Lumber and related articles—Between points in official and southern territories.* Filed by Traffic Executive Association-Eastern Railroads, Agent (ER No. 2537), for interested rail carriers. Rates on lumber and lumber articles, in carloads, as described in the application, between points in official (including Illinois) territory and points in southern territory.

Grounds for relief: Maintenance of present through one-factor rates from or to southern territory border points without observing truck competitive rates between points in southern territory as factors in constructing lower combination rates.

By the Commission.

[SEAL]

HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-4267; Filed, May 11, 1960;
8:46 a.m.]

[Notice 310]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 9, 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 62952. By order of May 5, 1960, the Transfer Board approved the transfer to Saia Motor Freight Line, Inc., Houma, La., of Certificate No. MC 87511 issued November 6, 1956, in the name of Louis Saia, doing business as Saia Motor Freight Line, Houma, La., authorizing the transportation of general commodities, excluding household goods, commodities in bulk, and various specified commodities, over regular routes, between New Orleans, La., and Lafayette, La., serving all intermediate points; between Gibson, La., and Golden Meadow, La., serving all intermediate points and the off-route point of Raceland, La.; between Thibodeaux, La., and Larose, La., serving all intermediate points; and between the Huey P. Long Bridge (near New Orleans), La., and Boutte, La., serving all intermediate points. A. Deutsche O'Neal, Houma, La., for applicants.

No. MC-FC 63023. By order of May 5, 1960, the Transfer Board approved the transfer to Joe Calabrese, doing business as Calabrese Trucking Service, Modesto, Calif., of a portion of Certificate No. MC 117503 Sub 3, issued February 2, 1960, to John Carlton Hatfield, doing business as Hatfield Trucking Service, Sacramento, Calif., authorizing the transportation of: Canned goods, from Manteca and Hershel, Calif., to Alameda and Oakland, Calif.; general commodities, excluding household goods, commodities in bulk, and other specified commodities, from the site of the Stockton General Depot at or near Lathrop and Lyoth, Calif., to Alameda, Oakland, Berkeley, Richmond, and San Francisco, Calif.; and lumber, lath, shingles, iron and steel casing, drill pipe, and oil well tools and machinery, between Stockton, Calif., on the one hand, and, on the other, points in California, within 175 miles of Stockton, except those in San Joaquin and Sacramento Counties. Pete H. Dawson, 1261 Drake Avenue, Burlingame, Calif., for applicants.

No. MC-FC 63125. By order of May 5, 1960, the Transfer Board approved the transfer to Randolph A. Sherwood, doing business as Sherwood's Van Lines, San Antonio, Tex., of Certificate No. MC

2283, issued October 10, 1940, to Whitehead Transfer and Storage Co., a corporation, Springfield, Mo., authorizing the transportation of: Household goods, between points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5, including points on the indicated portion of the highways specified, on the one hand, and, on the other, points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Nebraska, Ohio, Oklahoma, Tennessee, and Texas. Louis W. Cowan, 512 Woodruff Building, Springfield, Mo., for applicants.

No. MC-FC 63156. By order of May 5, 1960, the Transfer Board approved the transfer to Vanways Moving and Storage, Inc., Caldwell, Idaho, of a portion of Certificate No. MC 26373 issued April 6, 1949, in the name of Vanways, Inc., Caldwell, Idaho, authorizing the transportation of household goods, over irregular routes, between points in Idaho, on the one hand, and, on the other, points in Oregon and Washington; between points in Malheur and Harney Counties, Oreg., on the one hand, and, on the other, points in Washington; between points in Idaho; and between points in Malheur and Harney Counties, Oreg. Raymond D. Givens, P.O. Box 964, Boise, Idaho, for applicants.

No. MC-FC 63162. By order of May 5, 1960, the Transfer Board approved the transfer to Walsh Bros., Inc., Newark, N.J., of Certificates Nos. MC 30803 and MC 30803 Sub 3, issued August 17, 1949 and May 18, 1959, in the name of Thomas A. Walsh, doing business as Walsh Bros., Newark, N.J., authorizing the transportation of general commodities excluding household goods, commodities in bulk, and various specified commodities, between Newark, N.J., and points in New Jersey within 25 miles of Newark, on the one hand, and, on the other, points in the New York, N.Y., Commercial Zone; building materials and building contractors' supplies, between Newark, N.J., and points in New Jersey within 25 miles of Newark, on the one hand, and, on the other, points in that part of Connecticut, Pennsylvania and New York, as specified; wooden cases, set up, and carboys, from Newark, N.J., to points in Connecticut, New Jersey, New York, and Pennsylvania; printing machinery and materials and supplies used in the manufacture thereof, structural steel, and steel rails, pipe, rods, bars, plates, and billets, between

Newark, N.J., and points in Hudson County, N.J., on the one hand, and, on the other, points in New Jersey within 25 miles of Newark; and treated wood piling, between Carteret and Newark, N.J., on the one hand, and, on the other, points in New York, Connecticut, Rhode Island, and Massachusetts. Bernard F. Flynn, Jr., 1060 Broad Street, Newark 2, N.J., for applicants.

No. MC-FC 63200. By order of May 5, 1960, the Transfer Board approved the transfer to Florio's Express, Inc., New Haven, Conn., of the operating rights set forth in Certificate No. MC 32559, issued by the Commission March 14, 1949, to Nathan Florio, doing business as Florio's Express, New Haven, Conn., authorizing the transportation, over regular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between New Haven, Conn., and Danbury, Conn. Frank A. Piccolo, 109 Church Street, New Haven, Conn., for applicants.

No. MC-FC 63204. By order of May 5, 1960, the Transfer Board approved the transfer to Oliver Freel and Dale Freel, a partnership, doing business as Freel Bros., Adrian, Oreg., of the operating rights set forth in Certificate No. MC 21142, issued by the Commission November 29, 1941, to Frank A. Freel, Adrian, Oreg., authorizing the transportation, over irregular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Adrian, Oreg., and points within 25 miles thereof, on the one hand, and, on the other, points in Ada, Canyon, Owyhee, Payette, Gem, and Washington Counties, Idaho. Harold Henigson, 106 Main Street, Nyssa, Oreg., for applicants.

No. MC-FC 63209. By order of May 5, 1960, the Transfer Board approved the transfer to Beatrice Panzica, doing business as Panzica Bros., 2030 Second Avenue, New York, N.Y., of the operating rights set forth in Certificate No. MC 52900, issued by the Commission June 19, 1942, to Vincent Panzica, doing business as Panzica Bros., 2030 Second Avenue, New York, N.Y., authorizing the transportation, over irregular routes, of household goods, as defined by the Commission, between New York, N.Y., on the one hand, and, on the other, points in Connecticut, New Jersey, New York, and Pennsylvania.

No. MC-FC 63222. By order of May 6, 1960, the Transfer Board approved substitution of Osborn, Inc., Gadsden, Ala., as purchaser of the rights sought in Docket No. MC 118033 in lieu of Tennessee Exchange Distributing Company, Inc., Birmingham, Ala., for the right to transport bananas from Miami and Tampa, Fla., to Birmingham, Ala., under the "grandfather clause" of Section 7 of the Transportation Act of 1958. (72 Stat. 574) Robert E. Tate, 2031-9th Avenue, South, Traffic Building, Birmingham, Ala., for applicants.

No. MC-FC 63227. By order of May 5, 1960, the Transfer Board approved the transfer to Calvin Kaufman and Archie Kaufman, a partnership, doing business as Kaufman Grain Company, Cissna Park, Ill., of Permits Nos. MC 114621 and MC 114621 Sub 3, thereunder, issued October 26, 1955 and February 13, 1959, respectively, in the name of Calvin Kaufman, doing business as Kaufman Grain Elevator, Cissna Park, Ill., authorizing the transportation of cement, in bulk, and in bags, over irregular routes, from Buffington, Ind., to Cissna Park, Ill., with no transportation for compensation on return. Thomas A. Graham, 10 South La Salle Street, Suite 1149, Chicago 3, Ill., for applicants.

No. MC-63238. By order of May 5, 1960, the Transfer Board approved the transfer to Reigle Bros. Co., a corporation, Brunswick, Nebr., of Certificate No. MC 69060 issued May 24, 1950, in the name of Warren Reigle and Virgil R. Reigle, a partnership, doing business as Reigle Bros., Brunswick, Nebr., authorizing the transportation, over irregular routes, of general commodities, excluding household goods, and various specified commodities, between Brunswick, Nebr., and points in Nebraska within 25 miles of Brunswick, on the one hand, and, on the other, Sioux City, Iowa; household goods and hay, between points in the above-specified Nebraska territory, on the one hand, and, on the other, points in Iowa; livestock, between points in the above-specified Nebraska territory, on the one hand, and, on the other, Sioux City, Iowa; and between Bassett, Atkinson, and O'Neill, Nebr., on the one hand, and, on the other, Sioux City, Iowa. Thomas E. Brogan, P.O. Box 377, Norfolk, Nebr., for applicants.

[SEAL]

HAROLD D. McCoy,
Secretary.[F.R. Doc. 60-4268; Filed, May 11, 1960;
8:46 a.m.]

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