

# FEDERAL REGISTER

THE NATIONAL ARCHIVES  
OF THE UNITED STATES  
1934

VOLUME 25

NUMBER 94

Washington, Friday, May 13, 1960

## Contents

### THE PRESIDENT

#### Proclamations

Mother's Day, 1960.....	4273
World Trade Week, 1960.....	4273

### EXECUTIVE AGENCIES

#### Agricultural Marketing Service

PROPOSED RULE MAKING:	
Carrots grown in South Texas; hearing on proposed marketing agreement and order.....	4285
RULES AND REGULATIONS:	
Irish potatoes grown in certain counties in Idaho and Malheur County, Oreg.; shipments limitation.....	4274

#### Agriculture Department

See Agricultural Marketing Service; Commodity Credit Corporation.

#### Atomic Energy Commission

NOTICES:	
General Dynamics Corp.; issuance of utilization facility license amendment.....	4308

#### Civil Aeronautics Board

NOTICES:	
Trans Caribbean Airways non-subsidy mail authorization; oral argument.....	4293

#### Commodity Credit Corporation

RULES AND REGULATIONS:	
Price supported field crops in surplus supply; \$50,000 limitation of nonrecourse support for 1960 crop; amounts per person and final date for filing applications for exemption.....	4274

#### Federal Aviation Agency

PROPOSED RULE MAKING:	
Airworthiness directive; Vickers Viscount 745D and 810 Series aircraft.....	4289
Control areas; modification.....	4291

Federal airways; modification.....	4290
Federal airways and associated control areas; designations (3 documents).....	4290, 4291

#### RULES AND REGULATIONS:

Airworthiness directives:	
Lockheed 1049 Series aircraft.....	4275
Piper aircraft.....	4275
Coded jet route; revocation.....	4280
Control zone, modification; and control area extension, designation.....	4279

Federal airways; modifications (5 documents).....	4276
---	------

Federal airways and associated control areas:	
Designation.....	4277
Modifications (3 documents).....	4277, 4278

Federal airway segment and associated control areas; revocation.....	4279
--	------

Federal airway, associated control areas and reporting points; modification.....	4279
--	------

VOR Federal airways; modifications; changes in effective dates (2 documents).....	4277
---	------

#### Federal Communications Commission

NOTICES:	
<i>Hearings, etc.:</i>	
Alexandria Broadcasting Corp. (KXRA) et al.....	4293
Booth Broadcasting Co. (WIOU) et al.....	4294
Chronicle Publishing Co. (KRON-TV) et al.....	4295
Clarke Broadcasting Corp. (WGAU) et al.....	4295
Concord Kannapolis Broadcasting Co.....	4296
Ionia Broadcasting Co. (WION).....	4297
Kurtz, David L.....	4297
O'Keefe Broadcasting Co., Inc.....	4297
Radio Station WESB and Canandaigua Broadcasting Co., Inc.....	4298
Shushan, Lawrence, and United Broadcasting Co. (KEEN-FM).....	4299

Suburban Broadcasting Co., Inc., and Camden Broadcasting Co.....	4299
--	------

Voice of the New South, Inc. (WNSL) and Mid-America Broadcasting Co., Inc. (WGVM).....	4300
Walley, James E., et al.....	4300
Warren, Kenneth F.....	4305

#### RULES AND REGULATIONS:

Stations on shipboard in the maritime service; miscellaneous amendments.....	4283
--	------

#### Federal Power Commission

NOTICES:	
<i>Hearings, etc.:</i>	
Mendota Oil Co. et al.....	4306
Southern Natural Gas Co.....	4307
Sunray Mid-Continent Oil Co.....	4307

#### Immigration and Naturalization Service

RULES AND REGULATIONS:	
Arrival-departure manifests and lists, supporting documents; through-flight passengers.....	4275

#### Internal Revenue Service

RULES AND REGULATIONS:	
Income tax; taxable years beginning after:	
Dec. 31, 1941, and Dec. 31, 1951.....	4280
Dec. 31, 1953; foreign tax credit for United Kingdom income tax paid with respect to royalties, etc.....	4282

#### Interstate Commerce Commission

NOTICES:	
Fourth section applications for relief.....	4308
Motor carrier transfer proceedings.....	4309

#### Justice Department

See Immigration and Naturalization Service.

#### Labor Department

See Wage and Hour Division.

(Continued on next page)

### Saint Lawrence Seaway Development Corporation

#### NOTICES:

American Newspaper Publishers Association, Inc., et al.; newsprint, hearing on reclassification..... 4308

### Treasury Department

See Internal Revenue Service.

### Wage and Hour Division

#### PROPOSED RULE MAKING:

Industry committee; resignation and appointment of employer member..... 4289

## Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

### 3 CFR

#### PROCLAMATIONS:

3345..... 4273  
3346..... 4273

### 6 CFR

477..... 4274

### 7 CFR

957..... 4274

#### PROPOSED RULES:

1032..... 4285

### 8 CFR

231..... 4275

### 14 CFR

507 (2 documents)..... 4275  
600 (13 documents)..... 4276-4279  
601 (9 documents)..... 4277-4279  
602..... 4280

#### PROPOSED RULES:

507..... 4289  
600 (4 documents)..... 4290, 4291  
601 (4 documents)..... 4290, 4291

### 26 (1939) CFR

29..... 4280  
39..... 4280

### 26 (1954) CFR

1..... 4282

### 29 CFR

#### PROPOSED RULES:

671..... 4289

### 47 CFR

8..... 4283

### 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  
Title 37, Revised..... 3.50  
Title 39..... 1.50

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 (\$1.50 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).

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



REpublic 7-7500

Extension 3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B); under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.50 per month or \$15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

# Presidential Documents

## Title 3—THE PRESIDENT

### Proclamation 3345

#### MOTHER'S DAY, 1960

By the President of the United States  
of America

#### A Proclamation

WHEREAS the character of America reflects the total character of her individual citizens; and

WHEREAS the mothers of our Nation, responsible in large measure for the physical, intellectual, and spiritual nurture of their offspring, play a vital role in forming the character of each new generation; and

WHEREAS we are grateful to every American mother who instills in her children an eagerness for knowledge and a vision of high achievement, together with devotion to their country, love of their fellow men, and faith in Almighty God; and

WHEREAS, in recognition of the services rendered by American mothers, the Congress, by a joint resolution approved May 8, 1914 (38 Stat. 770), designated the second Sunday in May of each year as Mother's Day and provided that it should be the duty of the President to request the observance of that day:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby request that Sunday, May 8, 1960, be observed as Mother's Day; and I direct the appropriate officials of the Government to display the flag of the United States on all Federal buildings on that day.

I urge the people of the United States to give expression on that day to their love and gratitude for their mothers, publicly by display of the flag at their homes or other suitable places and pri-

vately through prayer and thoughtful acts of affection and devotion.

I call upon all mothers to be ever mindful of their responsibility for the growth of their children into mature men and women, able and willing to participate effectively in the duties and privileges of American citizenship.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fifth day of May in the year of our Lord nineteen hundred and sixty, and [SEAL] of the Independence of the United States of America the one hundred and eighty-fourth.

DWIGHT D. EISENHOWER

By the President:

DOUGLAS DILLON,  
*Acting Secretary of State.*

[F.R. Doc. 60-4361; Filed, May 11, 1960;  
1:12 p.m.]

### Proclamation 3346

#### WORLD TRADE WEEK, 1960

By the President of the United States  
of America

#### A Proclamation

WHEREAS the world has entered a new decade of increasing international development which promises to surpass all prior periods in economic progress and prosperity; and

WHEREAS this development creates an opportunity for our Nation and our friends abroad to share the mutual benefits from expanding world trade; and

WHEREAS expanded United States exports are essential to our healthy economic growth, add substantially to

the millions of jobs already generated for our people by export trade, and contribute significantly to our capacity to sustain our international investment, travel, and trade; and

WHEREAS the Government has inaugurated a national Export Expansion Program to increase the sale of United States products abroad and to improve the capacity of American business for international competition through the full application of the dynamic forces of our free-enterprise system:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby proclaim the week beginning May 15, 1960, as World Trade Week; and I request the appropriate Federal, State, and local officials to cooperate in the observance of that week.

I also urge business, labor, agricultural, educational, and civic groups, as well as the people of the United States generally, to observe World Trade Week with gatherings, discussions, exhibits, ceremonies, and other appropriate activities designed to emphasize the importance of world trade to our economy and to our relations with other nations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this sixth day of May in the year of our Lord nineteen hundred and [SEAL] sixty, and of the Independence of the United States of America the one hundred and eighty-fourth.

DWIGHT D. EISENHOWER

By the President:

DOUGLAS DILLON,  
*Acting Secretary of State.*

[F.R. Doc. 60-4362; Filed, May 11, 1960;  
1:12 p.m.]

# Rules and Regulations

## Title 6—AGRICULTURAL CREDIT

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

[Amdt. 3]

#### PART 477—PRICE SUPPORT LIMITATION

##### Subpart—Regulations Relating to the \$50,000 Limitation of Nonrecourse Price Support for the 1960 Crop of Price Supported Field Crops in Surplus Supply

###### DETERMINATION OF AMOUNTS PER PERSON AND FINAL DATE FOR FILING APPLICATION FOR EXEMPTION

*Basis and purpose.* The purpose of this amendment is (1) to provide that any storage and other charges deducted from the support rate in computing the amount of a nonrecourse loan advance or purchase price paid to a person or his designee, where such charges are required to be assumed by the person and have not been paid by him, and any additional amount of price support paid to a person or his designee in the settlement of a nonrecourse loan will be included as price support in applying the \$50,000 limitation of nonrecourse price support, and (2) to change the final calendar date for filing applications for exemption from October 1, 1960, to October 31, 1960, and to remove the requirement that applications for exemption be filed before harvest.

The Regulations Relating to the \$50,000 Limitation of Nonrecourse Price Support for the 1960 Crop of Price Supported Field Crops in Surplus Supply are amended as follows:

1. Section 477.104 is amended to read as follows:

###### § 477.104 Determination of amounts per person.

For the purpose of applying the \$50,000 limitation on the amount of nonrecourse price support which may be received by any person for any one commodity, the following amounts shall be included as price support received by such person:

(a) In the case of any nonrecourse loan to or purchase from a person, there shall be included (1) the amount of the loan advance or the amount of the purchase price, whichever is applicable, paid to such person or his designee with respect to the commodity, (2) any storage and other charges deducted from the support rate in computing the amount of the loan advance or purchase price, and (3) any additional amount of price support paid to such person or his designee in the settlement of the loan.

(b) In the case of any loan to, or purchase from, a cooperative marketing organization, or with regard to price support on any agricultural commodity extended by purchases of a product of such commodity from, or by loans on such product to, persons other than the producer of such commodity, such limitation shall not apply to the amount of price support received by the cooperative marketing organization, or other persons, but the amount of price support made available to any person on his 1960 production of a surplus agricultural commodity through such cooperative marketing organization or other person shall be included.

2. Section 477.106 is amended to read as follows:

###### § 477.106 Application for exemption.

Any person who, on the basis of a reduction in his production, desires to qualify for an exemption from the \$50,000 limitation on the amount of nonrecourse price support which any one person may receive on an agricultural commodity shall file an application for such exemption. Such application shall be filed on Form CCC-112 with the ASC county committee of a county in which one or more of the farms in which he shares in the crop is located. Separate applications shall be filed for each commodity, and only one application may be filed with respect to a commodity. Application forms may be obtained from the office of the State or county committee or from the Deputy Administrator. Applications must be filed in sufficient time for the 1960 acreage devoted to the commodity in each county to be determined or verified by the county committee of such county, and in no event later than October 31, 1960.

(Pub. Law 86-80)

Done at Washington, D.C., this 10th day of May 1960.

TRUE D. MORSE,  
Acting Secretary.

[F.R. Doc. 60-4327; Filed, May 12, 1960; 8:48 a.m.]

## Title 7—AGRICULTURE

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

[957.318, Amdt. 4]

#### PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

##### Limitation of Shipments

*Findings.* (a) Pursuant to Marketing Agreement No. 98, as amended, and Order No. 57, as amended (7 CFR Part 957)

regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), it is hereby found and determined that the amendment to the limitation of shipments, as hereinafter provided, will establish and maintain such minimum standards of quality and maturity and such grading and inspection requirements as will tend to effectuate such orderly marketing as will be in the public interest and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under said act. It is hereby further found and determined that the estimated season average price to growers for potatoes for the 1959-60 marketing season will be in excess of the parity level specified in section 2(1) of the said act.

(b) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment for 30 days or any other period beyond the date hereinafter specified (5 U.S.C. 1001-1011) in that (1) the minimum standards of quality and maturity, as set forth herein, will provide more orderly marketing of potatoes regulated under the provisions of Order No. 57 than would otherwise prevail, and (2), compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date.

*Order.* In § 957.318 (24 F.R. 5413, 6184, 7353, 10140) delete the introductory paragraph and paragraph (a) and substitute in lieu thereof a new introductory paragraph and a new paragraph (a) as set forth below.

##### § 957.318 Limitation of shipments.

During the period May through June 30, 1960, no person shall handle any lot of potatoes or cause any such potatoes to be handled unless such potatoes meet the requirements of paragraphs (a) and (b) of this section or unless such potatoes are handled in accordance with paragraphs (c), (d), and (e) of this section.

(a) *Minimum quality requirements—*  
(1) *Grade, all varieties.* U.S. No. 2, or better, grade.

(2) *Size—*(i) *Long varieties.* 2 inches minimum diameter or 4 ounces minimum weight;

(ii) *Round varieties.* 1 7/8 inches minimum diameter.

(3) *Cleanliness—*(i) *Kennebec variety.* Not more than "slightly dirty";

(ii) *All other varieties.* At least "generally fairly clean".

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

Dated: May 10, 1960, to become effective May 11, 1960.

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

[F.R. Doc. 60-4325; Filed, May 12, 1960;  
8:47 a.m.]

## Title 8—ALIENS AND NATIONALITY

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

#### PART 231—ARRIVAL-DEPARTURE MANIFESTS AND LISTS; SUPPORTING DOCUMENTS

##### Through-Flight Passengers

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

1. The second sentence of § 231.1 *Arrival manifests for passengers* is amended to read as follows: "For aircraft, or such vessels as are given advance permission to use the procedure, the manifest shall be in the form of a separate arrival-departure card (Form I-94) prepared for and presented by each passenger, except that an arrival-departure card is not required for an arriving, through-flight, air passenger at a United States port from which he will depart directly to a foreign place on the same flight, provided the number of such through-flight passengers is noted on Customs Form 7507 and such passengers remain during ground time in a separate area under the direction and control of the Service."

2. The second sentence of § 231.2 *Departure manifests for passengers* is amended to read as follows: "For aircraft, or such vessels as are given advance permission to use the procedure, the manifest shall be in the form of a separate arrival-departure card (Form I-94) for each passenger, except a through-flight passenger for whom an arrival-departure card was not prepared upon arrival."

(Sec. 103, 86 Stat. 173; 8 U.S.C. 1103)

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

Dated: May 10, 1960.

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

[F.R. Doc. 60-4323; Filed, May 12, 1960;  
8:47 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter III—Federal Aviation Agency

#### SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 383; Amdt. 149]

#### PART 507—AIRWORTHINESS DIRECTIVES

##### Piper Aircraft

Several accidents have occurred involving Piper PA-20 and PA-22 aircraft as a result of wrong positioning of the fuel selector handle because of a lack of detent action in the fuel selector valve. This can result in fuel starvation and forced landings. Since safety is affected by this type of malfunction, inspection of the valve for positive detent engagement is required.

In the interest of safety the Administrator finds that notice and public procedure hereon are impracticable and that good cause exists for making this amendment 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:

PIPER. Applies to all PA-22, PA-20, PA-18 airplanes equipped with two wing tanks. Compliance required prior to July 15, 1960, and every 100 hours' time in service thereafter.

Several accidents have occurred involving engine fuel starvation attributed to a lack of detent action in the fuel selector valve (P/N 11383), causing the pilot to position the selector improperly.

If the detent pin in the valve shaft is improperly centered or if the spring retaining washer is installed upside down, the pin will not engage the slotted detent washer. Therefore, the fuel selector valve in the above listed models must be thoroughly cycled to determine whether or not detent engagement is positive. There should be four distinct detents in one complete cycle. If detent engagement is not positive, the valve must be replaced prior to further flight.

Also, determine if the position of the fuel valve handle at detent engagement coincides with the proper markings on the indicator plate. If the handle does not coincide with the markings, the plate must be repositioned accordingly.

(Piper Service Bulletin No. 141 covers this subject.)

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

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

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

JAMES T. PYLE,  
Acting Administrator.

[F.R. Doc. 60-4294; Filed, May 12, 1960;  
8:45 a.m.]

[Reg. Docket No. 384; Amdt. 150]

#### PART 507—AIRWORTHINESS DIRECTIVES

##### Lockheed 1049 Series Aircraft

As a result of two fatigue failures of the main landing gear drag strut cylin-

der on Lockheed 1049 aircraft, permitting the landing gear to fold resulting in serious damage to the aircraft and jeopardizing the safety of the occupants, special inspections of the cylinder threads to detect early stages of cracking is necessary.

In the interest of safety the Administrator finds that notice and public procedure hereon are impracticable and that good cause exists for making this amendment 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:

LOCKHEED. Applies to all Model 1049 Series aircraft equipped with drag strut assemblies with ground Acme threads, P/N 469080-5 and -6, Serial Numbers 6001 through 6363 and 10001 through 10036, manufactured by Sargent Engineering Corporation.

Compliance required as indicated.

As a result of two failures of the main landing gear drag strut cylinder, P/N 471035-3, the following inspections and rework are required, unless already accomplished:

(a) Within the next 425 hours' time in service inspect the root of the 6 $\frac{1}{16}$ -inch diameter thread and thread relief area in the cylinder, P/N 471035-3, for cracks using one of the following inspection methods:

- (1) Dye penetrant method.
- (2) Magnetic particle method (liquid suspension only).
- (3) Eddy current method.

(b) If no cracks are found, reinspection is required as follows, except that such reinspection will not be required if the parts are reworked in accordance with the rework instructions in (c).

- (1) If inspection method (a)(1) or (a)(2) is employed, reinspection is required every 1,000 hours' time in service.
- (2) If inspection method (a)(3) is employed, reinspection is required every 4,000 hours' time in service.

(c) Rework instructions:

- (1) Remove 0.020-inch material by re-machining new Acme threads and new thread relief in the cylinder, taking care to prevent heating of the cylinder material which may affect its strength. Grinding or rolling processes must not be used for making the threads.
- (2) Cadmium plate the machine surfaces in accordance with aircraft practices for heat-treated steel.
- (3) A new nut, Lockheed P/N 557466-1, or equivalent, must be used to replace the existing nut.
- (4) Reassemble the strut assembly and proof test to 12,300 p.s.i.

(Lockheed 1049 Service Bulletin 3112 covers these rework instructions.)

(d) Parts found cracked must be replaced prior to further flight. Parts in which a heat affected zone is indicated by inspection method (a)(3) must be reworked in accordance with (c) within 1000 hours' time in service.

(Lockheed Service Letter FS/240867L covers this same subject.)

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 6, 1960.

JAMES T. PYLE,  
Acting Administrator.

[F.R. Doc. 60-4295; Filed, May 12, 1960;  
8:45 a.m.]

## RULES AND REGULATIONS

[Airspace Docket No. 60-WA-12]

**PART 600—DESIGNATION OF FEDERAL AIRWAYS****Modification**

On March 1, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 1802) stating that the Federal Aviation Agency proposed to modify VOR Federal airway No. 298 between Dubois, Idaho, and Boysen Reservoir, Wyo., by redesignating the airway segment via DuNoir, Idaho.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, the following action is taken:

In the text of § 600.6298 (25 F.R. 2199), "Dubois, Idaho, VOR; Boysen Reservoir, Wyo., VORTAC;" is deleted and "Dubois, Idaho, VOR; DuNoir, Idaho, VOR; Boysen Reservoir, Wyo., VORTAC;" is substituted therefor.

This amendment shall become effective 0001 e.s.t., June 30, 1960.

(Secs. 307(a), 313(a), 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. 60-4298; Filed, May 12, 1960; 8:45 a.m.]

[Airspace Docket No. 59-WA-221]

**PART 600—DESIGNATION OF FEDERAL AIRWAYS****Modification**

On March 1, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 1801) stating that the Federal Aviation Agency proposed the modification of VOR Federal airway No. 214 between Zanesville, Ohio, and Pittsburgh, Pa.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, the following action is taken:

In the text of § 600.6214 (24 F.R. 10522), "INT of the Zanesville, Ohio, VOR 088° and the Pittsburgh VOR 244° radials;" is deleted and "Bellaire, Ohio, VOR;" is substituted therefor.

This amendment shall become effective 0001 e.s.t., June 30, 1960.

(Secs. 307(a), 313(a), 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. 60-4299; Filed, May 12, 1960; 8:45 a.m.]

[Airspace Docket No. 60-FW-8]

**PART 600—DESIGNATION OF FEDERAL AIRWAYS****Modification**

On March 12, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 2107) stating that the Federal Aviation Agency proposed to modify VOR Federal airway No. 74 between Little Rock, Ark., and Pine Bluff, Ark.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, the following action is taken:

In the text of § 600.6074 (24 F.R. 10513) "intersection of the Little Rock omnirange 141° and the Pine Bluff omnirange 007° radials;" is deleted.

This amendment shall become effective 0001 e.s.t. June 30, 1960.

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

Issued in Washington, D.C., on May 9, 1960.

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

[F.R. Doc. 60-4301; Filed, May 12, 1960; 8:46 a.m.]

[Airspace Docket No. 59-WA-182]

**PART 600—DESIGNATION OF FEDERAL AIRWAYS****Modification**

On October 31, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 8096) stating that the Federal Aviation Agency proposed to modify the segment of VOR Federal airway No. 11 between the Indianapolis, Ind., VOR and the Fort Wayne, Ind., VOR.

On March 25, 1960, a modification of proposal was published in the FEDERAL REGISTER (25 F.R. 2544) stating that the Federal Aviation Agency proposed to modify the west alternate to Victor 11 between the Indianapolis VORTAC and the Fort Wayne VORTAC rather than the main airway segment of Victor 11 between these two points as proposed in the notice. It was further proposed to modify a segment of Victor 96 to coin-

cide with realigned Victor 11 west. The period for submitting written data, views or arguments was extended to April 15, 1960.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator, and for the reasons stated in the notice and the modification of proposal, the following actions are taken:

1. In the text of § 600.6011 (24 F.R. 10505), "and also a west alternate via the INT of the Indianapolis VOR 022° and the Fort Wayne VORTAC 232° radials;" is deleted and "and also a west alternate via the INT of the Indianapolis VORTAC 022° True and the Fort Wayne VORTAC 233° True radials;" is substituted therefor.

2. In the text of § 600.6096 (24 F.R. 10514), "From the intersection of the Indianapolis, Ind., omnirange 022° and the Fort Wayne VORTAC 232° radials" is deleted and "From the INT of the Indianapolis, Ind., VORTAC 022° True and the Fort Wayne VORTAC 233° True radials" is substituted therefor.

These amendments shall become effective 0001 e.s.t., June 30, 1960.

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

Issued in Washington, D.C., on May 9, 1960.

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

[F.R. Doc. 60-4303; Filed, May 12, 1960; 8:46 a.m.]

[Airspace Docket No. 59-FW-81]

**PART 600—DESIGNATION OF FEDERAL AIRWAYS****Modification**

On January 23, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 611) stating that the Federal Aviation Agency proposed to modify the segment of VOR Federal airway No. 94 between Gregg County, Tex., and Monroe, La., and the south alternate to VOR Federal airway No. 18 between Shreveport, La., and Monroe.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, the following actions are taken:

1. In the text of § 600.6094 (24 F.R. 10514, 25 F.R. 2884) "INT of the Gregg County VOR 092° and the Monroe VOR

267° radials; to the Monroe, La., VOR." is deleted and "INT of the Gregg County VOR 091° True and the Monroe VORTAC 268° True radials; to the Monroe, La., VORTAC." is substituted therefor.

2. In the text of § 600.6018 (24 F.R. 10507, 25 F.R. 2525, 3814) "Shreveport, La., VOR; Monroe, La., VOR, including a north alternate and also a south alternate via the INT of the Shreveport VOR 117° and the Monroe VOR 267° radials;" is deleted and "Shreveport, La., VORTAC; Monroe, La., VORTAC, including a N alternate and also a S alternate via the INT of the Shreveport VORTAC 117° True and the Monroe VORTAC 268° True radials;" is substituted therefor.

These amendments shall become effective 0001 e.s.t., July 28, 1960.

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

Issued in Washington, D.C., on May 9, 1960.

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

[F.R. Doc. 60-4310; Filed, May 12, 1960;  
8:46 a.m.]

[Airspace Docket No. 59-FW-40]

#### PART 600—DESIGNATION OF FEDERAL AIRWAYS

#### PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEG- MENTS

#### Modification of VOR Federal Airway and Associated Control Areas; Change of Effective Date

On April 16, 1960, there were published in the FEDERAL REGISTER (25 F.R. 3317) amendments to §§ 600.6134 and 601.6134 of the regulations of the Administrator. These amendments, to be effective June 2, 1960, modified VOR Federal airway No. 134, and its associated control areas, between Evergreen, Ala., and Atlanta, Ga.

This modification to Victor 134 is part of the rearrangement of the airway structure in the Atlanta terminal area. This action is one of several associated with the commissioning of the Talladega, Ga., VOR and should be made effective concurrently with the commissioning thereof. Therefore, it is considered desirable to amend the effective date of the above-mentioned amendments to September 22, 1960.

Since this action does not impose a burden on the public, compliance with the notice, public procedure and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530),

effective immediately, Airspace Docket No. 59-FW-40 is hereby modified as follows:

Delete "effective 0001 e.s.t. June 2, 1960." and substitute therefor "effective 0001 e.s.t. September 22, 1960."

(Secs. 307(a), 313(a), 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. 60-4296; Filed, May 12, 1960;  
8:45 a.m.]

[Airspace Docket No. 59-FW-60]

#### PART 600—DESIGNATION OF FEDERAL AIRWAYS

#### PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEG- MENTS

#### Modification of VOR Federal Airway and Associated Control Areas; Change in Effective Date

On April 9, 1960, there were published in the FEDERAL REGISTER (25 F.R. 3067) amendments to §§ 600.6241 and 601.6241 of the regulations of the Administrator. These amendments, to be effective June 2, 1960, modified VOR Federal airway No. 241, and its associated control areas, between Columbus, Ga., and Atlanta, Ga.

This modification to Victor 241 is part of the rearrangement of the airway structure in the Atlanta terminal area. This action is one of several associated with the commissioning of the Talladega, Ga., VOR and should be made effective concurrently with the commissioning thereof. Therefore, it is considered desirable to amend the effective date of the above-mentioned amendments to September 22, 1960.

Since this action does not impose a burden on the public, compliance with the notice, public procedure and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), effective immediately, Airspace Docket No. 59-FW-60 is hereby modified as follows:

Delete "effective 0001 e.s.t. June 2, 1960." and substitute therefor "effective 0001 e.s.t. September 22, 1960."

(Secs. 307(a), 313(a), 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. 60-4297; Filed, May 12, 1960;  
8:45 a.m.]

[Airspace Docket No. 59-WA-205]

#### PART 600—DESIGNATION OF FEDERAL AIRWAYS

#### PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEG- MENTS

#### Designation of Federal Airway and Associated Control Areas

On March 1, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 1804) stating that the Federal Aviation Agency proposed to designate VOR Federal airway No. 457 and its associated control areas from Norwich, Conn., to Boston, Mass.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, the following actions are taken:

1. In Part 600 (24 F.R. 10487), the following is added:

§ 600.6457 VOR Federal airway No. 457 (Norwich, Conn., to Boston, Mass.).

From the Norwich, Conn., VORTAC via the Providence, R.I., VOR; INT of the Providence VOR 017° True and the Boston, Mass., VOR 223° True radials; to the Boston, Mass., VOR.

2. In Part 601 (24 F.R. 10530), the following is added:

§ 601.6457 VOR Federal airway No. 457 control areas (Norwich, Conn., to Boston, Mass.).

All of VOR Federal airway No. 457.

These amendments shall become effective 0001 e.s.t., June 30, 1960.

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

Issued in Washington, D.C., on May 9, 1960.

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

[F.R. Doc. 60-4304; Filed, May 12, 1960;  
8:46 a.m.]

[Airspace Docket No. 59-WA-222]

#### PART 600—DESIGNATION OF FEDERAL AIRWAYS

#### PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS AND POSITIVE CONTROL ROUTE SEG- MENTS

#### Modification of Federal Airway and Associated Control Areas

On March 1, 1960, a notice of proposed rule making was published in the Fed-

FEDERAL REGISTER (25 F.R. 1803) stating that the Federal Aviation Agency proposed to modify the segment of VOR Federal airway No. 443 and its associated control areas between Glen Dale, W. Va., and Newcomerstown, Ohio.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, §§ 600.6443 (25 F.R. 583) and 601.6443 (25 F.R. 583) are amended to read:

**§ 600.6443 VOR Federal airway No. 443 (Bellaire, Ohio, to Cleveland, Ohio).**

From the Bellaire, Ohio, VOR via the Newcomerstown, Ohio, VOR; Tiverton, Ohio, VOR; to the Cleveland, Ohio, VOR, including an E alternate via the INT of the Tiverton VOR 017° True and the Cleveland VOR 138° True radials.

**§ 601.6443 VOR Federal airway No. 443 control areas (Bellaire, Ohio, to Cleveland, Ohio).**

All of VOR Federal airway No. 443, including an E alternate.

These amendments shall become effective 0001 e.s.t. June 30, 1960.

(Secs. 307(a), 313(a), 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. 60-4300; Filed, May 12, 1960; 8:45 a.m.]

[Airspace Docket No. 60-LA-4]

**PART 600—DESIGNATION OF FEDERAL AIRWAYS**

**PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS AND POSITIVE CONTROL ROUTE SEGMENTS**

**Modification of Federal Airway and Associated Control Areas**

On March 1, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 1803) stating that the Federal Aviation Agency proposed to modify VOR Federal airway No. 257 between Promontory Point, Utah, and Malad City, Idaho.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, the following actions are taken:

**§ 600.6257 [Amendment]**

1. In the text of § 600.6257 (24 F.R. 10524), "Malad City, Idaho, VOR;" is deleted and "Malad City, Idaho, VOR including a west alternate from the INT of the Malad City VOR 179° True and the Ogden, Utah, VOR 276° True radials via the INT of the Salt Lake City, Utah, VORTAC 320° True and the Malad City VOR 200° True radials;" is substituted therefor.

2. Section 601.6257 (24 F.R. 10604) is amended to read:

**§ 601.6257 VOR Federal airway No. 257 control areas (Phoenix, Ariz., to Great Falls, Mont.).**

All of VOR Federal airway No. 257 including west alternates, but excluding the airspace between the main airway and its west alternate from the Bryce Canyon, Utah, VOR to the Delta, Utah, VOR.

These amendments shall become effective 0001 e.s.t. July 28, 1960.

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

Issued in Washington, D.C., on May 9, 1960.

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

[F.R. Doc. 60-4311; Filed, May 12, 1960; 8:46 a.m.]

[Airspace Docket No. 59-FW-37]

**PART 600—DESIGNATION OF FEDERAL AIRWAYS**

**PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS**

**Modification of Federal Airway and Associated Control Areas**

On December 9, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 9936) stating that the Federal Aviation Agency proposed to designate a segment of VOR Federal airway No. 66, and its associated control areas, from Tuscaloosa, Ala., to McDonough, Ga., via a VOR to be commissioned approximately April 1, 1960, near Talladega, Ala. Subsequent to publication of the notice, the commissioning date of the VOR was extended to August 25, 1960.

The Air Transport Association did not object to the proposed amendments but recommended the segment of airway be further extended from Tuscaloosa to Columbus, Miss. The Federal Aviation

Agency will obtain current traffic figures between Tuscaloosa, and Columbus, and upon receipt of recommendations from the Atlanta and Memphis Air Route Traffic Control Centers, the Air Transport Association recommendation will be given further study. Additionally, although the notice indicated that the segment of Victor 66 between the Talladega VOR and the McDonough VOR would be designated direct, station-to-station, it is being designated via the Talladega VOR 092° True and the McDonough VOR 256° True radials. This is necessary to provide separation between Victor 66 and VOR Federal airway No. 18 and will permit simultaneous use of these airways at the same altitude. The dog-legging of this segment of Victor 66 will move the center line approximately 8 miles south of a direct line between the Talladega VOR and the McDonough VOR, but will involve no additional airspace.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons set forth in the notice, §§ 600.6066 (24 F.R. 10512) and 601.6066 (24 F.R. 10600) are amended as follows:

1. Section 600.6066 VOR Federal airway No. 66 (San Diego, Calif., to Sulphur Springs, Tex.):

(a) In the caption delete "(San Diego, Calif., to Sulphur Springs, Tex.);" and substitute therefor "(San Diego, Calif., to Sulphur Springs, Tex., and Tuscaloosa, Ala., to McDonough, Ga.)."

(b) In the text delete "to the Sulphur Springs, Tex., VOR." and substitute therefor "to the Sulphur Springs, Tex., VOR. From the Tuscaloosa, Ala., VOR via the Talladega, Ala., VOR; INT of the Talladega VOR 092° True and the McDonough VOR 256° True radials; to the McDonough, Ga., VOR."

2. In the caption of § 601.6066 VOR Federal airway No. 66 control areas (San Diego, Calif., to Sulphur Springs, Tex.), delete "(San Diego, Calif., to Sulphur Springs, Tex.);" and substitute therefor "(San Diego, Calif., to Sulphur Springs, Tex., and Tuscaloosa, Ala., to McDonough, Ga.)."

These amendments shall become effective 0001 e.s.t. September 22, 1960.

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

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

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

[F.R. Doc. 60-4319; Filed, May 12, 1960; 8:47 a.m.]

[Airspace Docket No. 59-LA-14]

**PART 600—DESIGNATION OF  
FEDERAL AIRWAYS****PART 601—DESIGNATION OF THE  
CONTINENTAL CONTROL AREA,  
CONTROL A R E A S, CONTROL  
ZONES, REPORTING POINTS, AND  
POSITIVE CONTROL ROUTE SEG-  
MENTS****Revocation of Segment of Federal  
Airway and Associated Control  
Areas**

On January 21, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 516) stating that the Federal Aviation Agency proposed to revoke VOR Federal airway No. 247 and its associated control areas in its entirety between Scottsbluff, Nebr., and Crazy Woman, Wyo. Subsequent to publication of the notice, it was determined that the segment of Victor 247 between Douglas, Wyo., and Crazy Woman was required for air traffic management purposes. Accordingly, a modification of the proposal was published in the FEDERAL REGISTER (25 F.R. 3086) amending the original notice by revoking only that segment of Victor 247 and its associated control areas between Scottsbluff and Douglas.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice and the modification of proposal, the following actions are taken:

1. Section 600.6247 (24 F.R. 10523) is amended to read:

§ 600.6247 VOR Federal airway No. 247 (Douglas, Wyo., to Crazy Woman, Wyo.).

From the Douglas, Wyo., VOR, to the Crazy Woman, Wyo., VOR.

2. Section 601.6247 (24 F.R. 10604) is amended to read:

§ 601.6247 VOR Federal airway No. 247 control areas (Douglas, Wyo., to Crazy Woman, Wyo.).

All of VOR Federal airway No. 247.

These amendments shall become effective 30 days after the date of publication in the FEDERAL REGISTER.

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

No. 94—2

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

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

[F.R. Doc. 60-4316; Filed, May 12, 1960;  
8:46 a.m.]

[Airspace Docket No. 59-NY-54]

**PART 600—DESIGNATION OF  
FEDERAL AIRWAYS****PART 601—DESIGNATION OF THE  
CONTINENTAL CONTROL AREA,  
CONTROL A R E A S, CONTROL  
ZONES, REPORTING POINTS, AND  
POSITIVE CONTROL ROUTE SEG-  
MENTS****Modification of Federal Airway, As-  
sociated Control Areas and Report-  
ing Points**

On March 1, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 1803) stating that the Federal Aviation Agency proposed to revoke the segment of Blue Federal airway No. 40, and its associated control areas, from Concord, N.H., to Lebanon, N.H.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reason stated in the notice, §§ 600.640 (24 F.R. 10501), 601.640 (24 F.R. 10546) and 601.4640 (24 F.R. 10596) are amended to read:

§ 600.640 Blue Federal airway No. 40 (Lebanon, N.H., to Burlington, Vt.).

From a point at latitude 43°38'00" N., longitude 72°20'00" W., via a point at latitude 44°12'00" N., longitude 72°34'00" W.; to the Burlington, Vt. R.R.

§ 601.640 Blue Federal airway No. 40 control areas (Lebanon, N.H., to Burlington, Vt.).

All of Blue Federal airway No. 40.

§ 601.4640 Blue Federal airway No. 40 (Lebanon, N.H., to Burlington, Vt.).

No reporting point designation.

These amendments shall become effective 0001 e.s.t. June 30, 1960.

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

Issued in Washington, D.C., on May 9, 1960.

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

[F.R. Doc. 60-4302; Filed, May 12, 1960;  
8:46 a.m.]

[Airspace Docket No. 59-AN-4]

**PART 601—DESIGNATION OF THE  
CONTINENTAL CONTROL AREA,  
CONTROL A R E A S, CONTROL  
ZONES, REPORTING POINTS, AND  
POSITIVE CONTROL ROUTE SEG-  
MENTS****Modification of Control Zone and  
Designation of Control Area Ex-  
tension**

On December 16, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 10162) stating that the Federal Aviation Agency was considering amendments to Part 601 and § 601.1984 of the regulations of the Administrator which would modify the control zone and designate a control area extension at Kenai, Alaska.

As stated in the notice, the present Kenai control zone is designated within a 5-mile radius of the Kenai airport. A control zone extension within 2 miles either side of the northeast course of the Kenai radio range extending from the 5-mile radius zone to a point 12 miles northeast of the Kenai radio range is required to provide protection for aircraft executing a standard instrument approach based on the Kenai radio range. An additional control zone extension 2 miles either side of the 025° True radial of the Kenai VOR from the 5-mile radius zone to a point 12 miles northeast of the VOR is required to provide protection for aircraft conducting a standard instrument approach based on this VOR. A control area extension within a 25-mile radius of the Kenai airport is required to provide protection for aircraft executing missed approach procedures and jet-penetration approaches. Establishment of the Kenai VOR has been rescheduled, and will now be commissioned approximately June 15, 1960, rather than April 15, 1960, as stated in the notice.

The Aircraft Owners and Pilots Association objected to proposed control zone extensions. The two points in the objection are:

1. The need for flight of aircraft at an altitude below 1000 feet above ground at a distance beyond 5 (statute) miles is not established in this proposal.

2. A control zone of such size is not in accordance with the Administrator's circular letter of 10 October 1958 which sets forth principles to be followed in establishing control zones.

In accordance with the prescribed radio range approach (and similarly the VOR approach) the procedure turn is completed at 1,400 feet MSL (1307 feet above the surface of the airport) within 10 nautical miles (12 statute miles) and descent can then be made to cross the radio range at 800 feet MSL (707 feet above the surface of the airport). The point at which aircraft would reach 1000 feet above the surface is indefinite, and protective airspace must be provided out to the point of the procedure turn, or 10 nautical miles (12 statute miles).

In respect to the second point of the objection, the Federal Aviation Agency policy in regard to the establishment of control zones is that normally the control zone will be a designated area of five mile radius centered on the airport. However, this basic circular area is then modified when necessary by extending the control zone two miles on either side of the low approach path out to a point where aircraft are authorized to descend below 1000 feet above terrain and, therefore, the action taken herein is in conformance with the above policy.

No other adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), Part 601 (24 F.R. 10530) and § 601.1984 (24 F.R. 10570) are amended as follows:

1. Section 601.2456 is added to read:

§ 601.2456 Kenai, Alaska, control zone.

Within a 5-mile radius of the geographical center of the Kenai, Alaska, Airport (latitude 60°33'50" N., longitude 151°15'00" W.); within 2 miles either side of the NE course of the Kenai RR from the 5-mile radius zone to a point 12 miles NE of the RR, and within 2 miles either side of the 025° True radial of the Kenai VOR, from the 5-mile radius zone to a point 12 miles NE of the VOR.

2. Section 601.1473 is added to read:

§ 601.1473 Control area extension (Kenai, Alaska).

The airspace within a 25-mile radius of the geographical center of the Kenai, Alaska, Airport (latitude 60°33'50" N., longitude 151°15'00" W.).

§ 601.1984 [Amendment]

3. In the text of § 601.1984 "Kenai, Alaska: Kenai Airport," is deleted.

These amendments shall become effective 0001 e.s.t., July 28, 1960.

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

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

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

[F.R. Doc. 60-4320; Filed, May 12, 1960; 8:47 a.m.]

[Airspace Docket No. 60-WA-17]

## PART 602 — ESTABLISHMENT OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN THE CONTINENTAL CONTROL AREA

### Revocation of Coded Jet Route

On March 11, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 2086) stating that the Federal Aviation Agency proposed to revoke VOR/VORTAC jet route No. 14 in its entirety.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, Part 602 (14 CFR, 1958 Supp., Part 602) is amended as follows:

Section 602.514 VOR/VORTAC jet route No. 14 (Oakland, Calif., to New York, N.Y.) is revoked.

This amendment shall become effective 0001 e.s.t. June 30, 1960.

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

Issued in Washington, D.C., on May 9, 1960.

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

[F.R. Doc. 60-4312; Filed, May 12, 1960; 8:46 a.m.]

## Title 26—INTERNAL REVENUE

### Chapter I—Internal Revenue Service, Department of the Treasury

#### SUBCHAPTER A—INCOME AND EXCESS AND PROFITS TAXES

[T.D. 6465]

[Regs. 111]

#### PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

[Regs. 118]

#### PART 39—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1951

##### Miscellaneous Amendments

On January 15, 1960, notice of proposed rule making regarding amendments to conform Regulations 118 (26 CFR (1939) Part 39), for taxable years beginning after December 31, 1951, and Regulations 111 (26 CFR (1939) Part 29), for taxable years beginning after December 31, 1941, to sections 92 and 103 (a) and (c) of the Technical Amendments Act of 1958 (72 Stat. 1667, 1675), to the Act of January 28, 1956 (Public Law 397, 84th Cong., 70 Stat. 7), and to the Act

of June 29, 1956 (Public Law 629, 84th Cong., 70 Stat. 405), was published in the FEDERAL REGISTER (25 F.R. 350). 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.

(53 Stat. 32, 467; 26 U.S.C. 62, 3791)

[SEAL] DANA LATHAM,  
Commissioner of Internal Revenue.

Approved: May 9, 1960.

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

#### REGULATIONS 118

PARAGRAPH 1. The following is inserted immediately after paragraph (c) (3) of § 39.22(o)-1:

#### § 39.22(p) Statutory provisions; income taxes paid under contract.

Sec. 22. Gross income. \* \* \*

(p) *Income taxes paid under contract by one corporation for another corporation.* If—

(1) A contract was entered into before January 1, 1952,

(2) Under the contract, one party (hereinafter referred to as the "payor") is obligated to pay, or to reimburse another party (hereinafter referred to as the "payee") for any part of the tax imposed by this chapter on the payee with respect to the income derived under the contract by the payee from the payor, and

(3) Both the payor and the payee are corporations,

then gross income of the payee shall not include any such payment or reimbursement other than the payment or reimbursement of the tax imposed by this chapter on the payee with respect to the income derived under the contract by the payee from the payor, determined without the inclusion of any such payment or reimbursement in gross income, and a deduction for all such payments or reimbursements shall be allowed to the payor but only to the extent that any such payment or reimbursement is attributable to an amount paid by the payor to the payee under the contract (other than any payment or reimbursement of the tax imposed by this chapter) which is allowable as a deduction to the payor. For purposes of this subsection, a contract shall be considered to have been entered into before January 1, 1952, if it is a renewal or continuance of a contract entered into before such date and if such renewal or continuance was made in accordance with an option contained in the contract on December 31, 1951. For purposes of this subsection, a contract includes a lease.

[Sec. 22(p) as added by sec. 92, Technical Amendments Act of 1958 (72 Stat. 1667)]

Sec. 92. *Income taxes paid under contract [Technical Amendments Act of 1958, approved September 2, 1958]—(a) Amendment of 1939 Code.* Section 22 of the Internal Revenue Code of 1939 is amended by adding after subsection (o) the following new subsection:

(p) *Income taxes paid under contract by one corporation for another corporation.* \* \* \*

(b) *Effective date, etc.* The amendment made by subsection (a) shall apply with respect to taxable years beginning after December 31, 1951, to which the Internal Revenue Code of 1939 applies. If refund or credit of any overpayment resulting from the application of the amendment made by subsection (a) of this section is prevented

on the date of the enactment of this Act, or within 6 months from such date, by the operation of any law or rule of law (other than section 3760 of the Internal Revenue Code of 1939 or section 7121 of the Internal Revenue Code of 1954, relating to closing agreements, and other than section 3761 of the Internal Revenue Code of 1939 or section 7122 of the Internal Revenue Code of 1954, relating to compromises), refund or credit of such overpayment may, nevertheless, be made or allowed if claim therefor is filed within 6 months from such date. No interest shall be paid on any overpayment resulting from the application of the amendment made by subsection (a) of this section.

PAR. 2. The following is inserted immediately after paragraph (c) (2) of § 39.115(m)-1:

**§ 39.115(n) Statutory provisions; certain distributions in kind.**

**SEC. 115. Distributions by corporations.**

(n) *Certain distributions in kind.* (1) Notwithstanding any other provision of this section, a distribution of property by a corporation to its stockholders, with respect to its stock, shall be (except as provided in paragraph (2)) considered to be a distribution which is not a dividend (whether or not otherwise a dividend) to the extent that the fair market value of such property exceeds the earnings and profits of such corporation accumulated after February 28, 1913, and the earnings and profits of the taxable year (computed as of the close of the taxable year without diminution by reason of any distributions, except those described in subparagraphs (A), (B), and (C) of paragraph (3), made during the taxable year) without regard to the amount of the earnings and profits at the time the distribution was made. The preceding sentence shall not prevent the application of subsection (d) to any such distribution.

(2) If any portion of a distribution of property by a corporation to its stockholders, with respect to its stock, is a dividend solely by reason of the last sentence of subsection (a), then—

(A) Paragraph (1) shall not apply to such distribution, but

(B) Such distribution shall be considered to be a distribution which is not a dividend (whether or not otherwise a dividend) to the extent that the fair market value of such property exceeds the Subchapter A net income referred to in the last sentence of subsection (a), adjusted as provided in such sentence.

In applying this paragraph, distributions described in subparagraphs (A), (B), and (C) of paragraph (3) shall be taken into account before other distributions.

(3) This subsection shall apply to any distribution of property other than—

(A) Money,

(B) Inventory assets, as defined in section 312(b)(2) of the Internal Revenue Code of 1954, or

(C) Distributions described in section 312(j) of the Internal Revenue Code of 1954.

[Sec. 115(n) as added by sec. 3, Pub. Law 629, 84th Cong. (70 Stat. 405)]

SEC. 3. *Certain distributions in kind* [Act of June 29, 1956 (Pub. Law 629, 84th Cong., 70 Stat. 405)]. (a) Section 115 of the Internal Revenue Code of 1939 (relating to distributions by corporations) is hereby amended by adding at the end thereof the following new subsection:

(n) *Certain distributions in kind.* \* \* \* (b) The amendment made by this section to section 115 of the Internal Revenue Code of 1939 shall be effective as if it were a part of such section on the date of enactment of the Internal Revenue Code of 1939, except

that it shall not apply to any taxable year of a shareholder which was a corporation and which filed a return for such year reporting dividends in accordance with publicly announced litigation policies of the Secretary or his delegate which had not been revoked at the time such return was filed. No interest shall be allowed or paid in respect of any overpayment of tax resulting from the amendment made by this section.

**§ 39.131(b)-1 [Amendment]**

PAR. 3. The parenthetical clause in the first sentence of paragraph (a) of § 39.131(b)-1 is amended to read as follows: "(including the taxes which, in accordance with the provisions of section 131 (e) and (f), are deemed to have been paid or accrued)".

**§ 39.131(e) [Amendment]**

PAR. 4. Section 39.131(e) is amended by adding at the end of subsection (e) of section 131 the following new sentence and historical note:

For the purposes of this section, the recipient of a royalty or other amount paid or accrued as consideration for the use of, or for the privilege of using, copyrights, patents, designs, secret processes and formulas, trademarks, and other like property, and derived from sources within the United Kingdom of Great Britain and Northern Ireland, shall be deemed to have paid or accrued any income, war-profits, and excess-profits taxes paid or accrued to the United Kingdom with respect to such royalty or other amount (including the amount by which the payor's United Kingdom tax was increased by inability to deduct such royalty or other amount) if such recipient elects to include in its gross income the amount of such United Kingdom tax.

[Sec. 131(e) as amended by sec. 103(a), Technical Amendments Act 1958 (72 Stat. 1875)]

PAR. 5. There is inserted immediately following § 39.131(e)-1 the following new section:

**§ 39.131(e)-2 Credit for United Kingdom income taxes paid with respect to royalties.**

(a) *General rule.* (1) For taxable years beginning before January 1, 1954, and for taxable years beginning after December 31, 1953, but ending before August 17, 1954, the taxes deemed to have been paid or accrued under subparagraph (2) of this paragraph by a taxpayer are taxes for which a credit is allowable under section 131.

(2) A taxpayer who has received a royalty (as defined in paragraph (b) of this section) derived from sources within the United Kingdom of Great Britain and Northern Ireland is deemed to have paid or accrued any income, war-profits, or excess-profits taxes paid or accrued to the United Kingdom with respect to such royalty (including the amount by which the payor's United Kingdom tax was increased by inability to deduct such royalty), but only if the taxpayer elects to include in his gross income the amount of such United Kingdom tax. The election provided for in section 131(e) and this subparagraph shall apply only to amounts that are not otherwise includible in gross income under chapter 1.

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

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

(4) Under section 131(f) a taxpayer shall not be deemed to have paid any taxes with respect to which a credit is allowable to such taxpayer or any other taxpayer by virtue of the provisions of section 131(e).

(5) No interest shall be allowed or paid on any overpayment resulting from the application of section 131(e).

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

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

*Example (1).* A, a resident of the United Kingdom, has agreed to pay B, a resident of the United States, a royalty of \$1,000 per year for the use in the United Kingdom of a patent. At all pertinent times, B is engaged in a trade or business in the United Kingdom through a permanent establishment therein. B computes his taxable income under the cash receipts and disbursements method and files his Federal income tax returns on the calendar year basis. Assume that the United Kingdom standard tax rate is 45 percent and assume further that in 1952 A pays the yearly royalty to B and that such royalty is payable wholly out of profits or gains brought into charge to tax within the meaning of the United Kingdom law. Under such circumstances, A is not entitled to a deduction for the royalty in computing his United Kingdom income taxes but may withhold the amount of \$450 from the royalty as reimbursement for being denied a deduction. Although B will receive only \$550 in 1952, he may include in his gross income for that year the full \$1,000 on account of the royalty, instead of just the \$550 received and, subject to the limitations contained in section 131, may obtain a credit for the \$450 withheld by A. Furthermore, the result would be the same if, under United Kingdom law, the \$450 was withheld as tax payable to the United Kingdom by reason that the royalty was not payable out of profits or gains brought into charge to tax.

*Example (2).* Assume the same facts as stated in example (1), except that the \$550 is received by B in 1952 under a "net royalty" agreement. Under such circumstances, B may include in his gross income \$1,000 on account of the royalty and, subject to the limitations contained in section 131, may obtain a credit for \$450.

PAR. 6. Section 39.311 is amended—

(A) By inserting "(A)" after "(4)" in subsection (b) (4) thereof.

(B) By adding at the end of subsection (b) (4) thereof the following:

(B) For the purpose of determining the period of limitation on credit or refund to the transferee or fiduciary of—

(1) Overpayments of tax made by such transferee or fiduciary, or

(ii) Overpayments of tax made by the transferor of which the transferee or fiduciary is legally entitled to credit or refund,

the agreement referred to in subparagraph (A) and any extension thereof shall be deemed an agreement and extension thereof referred to in section 322(b) (3).

(C) If the agreement referred to in subparagraph (A) is executed after the expiration of the period of limitation for assessment against the taxpayer with reference to

whom the liability of such transferee or fiduciary arises, then, in applying the limitations under section 322(b)(3) on the amount of the credit or refund, the periods specified in section 322(b)(3) shall be increased by the period from the date of such expiration to the date of the agreement.

(C) By adding at the end thereof the following:

[Sec. 311 as amended by Pub. Law 367, 84th Cong. (70 Stat. 7)]

Sec. 2. [Act of Jan. 28, 1956 (Pub. Law 397, 84th Cong., 70 Stat. 7).] This Act shall be effective in all circumstances in which it would have been effective if it had been enacted on August 17, 1954.

#### REGULATIONS 111

PAR. 7. There is inserted immediately preceding § 29.115-1 the following:

SEC. 3. CERTAIN DISTRIBUTIONS IN KIND. [ACT OF JUNE 29, 1956 (PUB. LAW 629, 84TH CONG., 70 STAT. 405)]

(a) Section 115 of the Internal Revenue Code of 1939 (relating to distributions by corporations) is hereby amended by adding at the end thereof the following new subsection:

(n) *Certain distributions in kind*—(1) Notwithstanding any other provision of this section, a distribution of property by a corporation to its stockholders, with respect to its stock, shall be (except as provided in paragraph (2)) considered to be a distribution which is not a dividend (whether or not otherwise a dividend) to the extent that the fair market value of such property exceeds the earnings and profits of such corporation accumulated after February 28, 1913, and the earnings and profits of the taxable year (computed as of the close of the taxable year without diminution by reason of any distributions, except those described in subparagraphs (A), (B), and (C) of paragraph (3), made during the taxable year) without regard to the amount of the earnings and profits at the time the distribution was made. The preceding sentence shall not prevent the application of subsection (d) to any such distribution.

(2) If any portion of a distribution of property by a corporation to its shareholders, with respect to its stock, is a dividend solely by reason of the last sentence of subsection (a), then—

(A) Paragraph (1) shall not apply to such distribution, but

(B) Such distribution shall be considered to be a distribution which is not a dividend (whether or not otherwise a dividend) to the extent that the fair market value of such property exceeds the Subchapter A net income referred to in the last sentence of subsection (a), adjusted as provided in such sentence.

In applying this paragraph, distributions described in subparagraphs (A), (B), and (C) of paragraph (3) shall be taken into account before other distributions.

(3) This subsection shall apply to any distribution of property other than—

(A) Money,

(B) Inventory assets, as defined in section 312(b)(2) of the Internal Revenue Code of 1954, or

(C) Distributions described in section 312(j) of the Internal Revenue Code of 1954.

(b) The amendment made by this section to section 115 of the Internal Revenue Code of 1939 shall be effective as if it were a part of such section on the date of enactment of the Internal Revenue Code of 1939, except that it shall not apply to any taxable year of a shareholder which was a corporation and which filed a return for such year reporting dividends in accordance with publicly an-

nounced litigation policies of the Secretary or his delegate which had not been revoked at the time such return was filed. No interest shall be allowed or paid in respect of any overpayment of tax resulting from the amendment made by this section.

PAR. 8. There is inserted immediately preceding § 29.131-1 the following:

SEC. 103. FOREIGN TAX CREDIT FOR UNITED KINGDOM INCOME TAX PAID WITH RESPECT TO ROYALTIES, ETC. [TECHNICAL AMENDMENTS ACT OF 1958, APPROVED SEPTEMBER 2, 1958]

(a) *Credit under 1939 Code*. Section 131 (e) of Internal Revenue Code of 1939 (relating to the foreign tax credit) is hereby amended by adding at the end thereof the following new sentence: "For the purposes of this section, the recipient of a royalty or other amount paid or accrued as consideration for the use of, or for the privilege of using, copyrights, patents, designs, secret processes and formulas, trademarks, and other like property, and derived from sources within the United Kingdom of Great Britain and Northern Ireland, shall be deemed to have paid or accrued any income, war-profits, and excess-profits taxes paid or accrued to the United Kingdom with respect to such royalty or other amount (including the amount by which the payor's United Kingdom tax was increased by inability to deduct such royalty or other amount) if such recipient elects to include in its gross income the amount of such United Kingdom tax."

(c) *Effective date*. The amendment made by subsection (a) of this section shall apply for all taxable years beginning on or after January 1, 1950, as to which section 131 of the Internal Revenue Code of 1939 is the applicable provision. \* \* \* No interest shall be allowed or paid on any overpayment resulting from the amendments made by subsections (a) and (b) of this section.

#### § 29.131-3 [Amendment]

PAR. 9. Section 29.131-3, as amended by Treasury Decision 6041, approved September 9, 1953, is further amended by adding at the end thereof the following new paragraphs:

For taxable years beginning after December 31, 1949, the taxes deemed to have been paid or accrued under the next paragraph are taxes for which a credit is allowable under section 131.

A taxpayer who has received a royalty derived from sources within the United Kingdom of Great Britain and Northern Ireland is deemed to have paid or accrued any income, war-profits, or excess-profits taxes paid or accrued to the United Kingdom with respect to such royalty (including the amount by which the payor's United Kingdom tax was increased by inability to deduct such royalty), but only if the taxpayer elects to include in his gross income the amount of such United Kingdom tax. The election provided for in section 131(e) and the preceding sentence shall apply only to amounts that are not otherwise includible in gross income under chapter 1.

The credit under this section for taxes deemed paid or accrued with respect to a royalty is allowable in the taxable year in which, under the method of accounting used by the taxpayer, the royalty is includible in his gross income.

Under section 131(f) a taxpayer shall not be deemed to have paid any taxes with respect to which a credit is allowable to such taxpayer or any other tax-

payer by virtue of the provisions of section 131(e).

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

The rules of this section relating to taxes deemed to be paid or accrued with respect to a royalty may be illustrated by the following examples:

*Example (1)*. A, a resident of the United Kingdom, has agreed to pay B, a resident of the United States, a royalty of \$1,000 per year for the use in the United Kingdom of a patent. At all pertinent times, B is engaged in a trade or business in the United Kingdom through a permanent establishment therein. B computes his taxable income under the cash receipts and disbursements method and files his Federal income tax return on the calendar year basis. Assume that the United Kingdom standard tax rate is 45 percent, and assume further that in 1950 A pays the yearly royalty to B and that such royalty is payable wholly out of profits or gains brought into charge to tax within the meaning of the United Kingdom law. Under such circumstances, A is not entitled to a deduction for the royalty in computing his United Kingdom income taxes but may withhold the amount of \$450 from the royalty as reimbursement for being denied a deduction. Although B will receive only \$550 in 1950, he may include in his gross income for that year the full \$1,000 on account of the royalty instead of just the \$550 received and, subject to the limitations contained in section 131, may obtain a credit for the \$450 withheld by A. Furthermore, the result would be the same if, under United Kingdom law, the \$450 was withheld as tax payable to the United Kingdom by reason that the royalty was not payable out of profits or gains brought into charge to tax.

*Example (2)*. Assume the same facts as stated in example (1), except that the \$550 is received by B in 1950 under a "net royalty" agreement. Under such circumstances, B may include in his gross income \$1,000 on account of the royalty and, subject to the limitations contained in section 131, may obtain a credit for \$450.

[F.R. Doc. 60-4344; Filed, May 12, 1960; 8:50 a.m.]

## Title 26—INTERNAL REVENUE, 1954

### Chapter I—Internal Revenue Service, Department of the Treasury

#### SUBCHAPTER A—INCOME TAX

[T.D. 6466]

### PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DE- CEMBER 31, 1953

#### Foreign Tax Credit for United King- dom Income Tax Paid With Re- spect to Royalties, Etc.

On January 19, 1960, notice of proposed rule making regarding the regulations for taxable years beginning after December 31, 1953, and ending after August 16, 1954, under section 905(b) of the Internal Revenue Code of 1954, as amended by section 103(b) of the

Technical Amendments Act of 1958 (72 Stat. 410) (relating to foreign tax credit for United Kingdom income tax paid with respect to royalties, etc.), was published in the FEDERAL REGISTER (25 F.R. 410). After consideration of all such relevant matter as was presented by interested persons, the regulations as proposed are hereby adopted.

(68A Stat. 917; 26 U.S.C. 7805)

[SEAL] DANA LATHAM,  
Commissioner of Internal Revenue.

Approved: May 9, 1960.

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

### § 1.905 [Amendment]

PARAGRAPH 1. Section 1.905 is amended—

(A) By adding at the end of subsection (b) of section 905 the following new sentence:

For purposes of this subpart, the recipient of a royalty or other amount paid or accrued as consideration for the use of, or for the privilege of using, copyrights, patents, designs, secret processes and formulas, trademarks, and other like property, and derived from sources within the United Kingdom of Great Britain and Northern Ireland, shall be deemed to have paid or accrued any income, war-profits and excess-profits taxes paid or accrued to the United Kingdom with respect to such royalty or other amount (including the amount by which the payor's United Kingdom tax was increased by inability to deduct such royalty or other amount) if such recipient elects to include in its gross income the amount of such United Kingdom tax.

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

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

### § 1.901-1 [Amendment]

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

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

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

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

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

### § 1.902-1 [Amendment]

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

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

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

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

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

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

(3) The credit under this section for taxes deemed paid or accrued with respect to a royalty is allowable in the taxable year in which, under the method of accounting used by the taxpayer, the royalty is includible in his gross income.

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

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

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

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

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

[F.R. Doc. 60-4345; Filed, May 12, 1960; 8:50 a.m.]

## Title 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

#### PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

##### Miscellaneous Amendments

The Commission having under consideration the desirability of making certain editorial changes in Part 8 of its rules;

It appearing that the amendments adopted herein, for the purpose of correcting certain printing errors that appear in the Code of Federal Regulations and making certain minor changes in Part 8, are editorial in nature thus making compliance with the public notice and rule making procedures prescribed by section 4 (a) and (b) of the Administrative Procedure Act unnecessary, and for the same reason, compliance with the effective date provisions of section 4(c) of the Administrative Procedure Act is not required; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in section 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and section 0.341(a) of the Commission's Statement of Organization, Delegations of Authority and Other Information;

It is ordered, This 6th day of May 1960, that effective May 16, 1960, Part 8 of the Commission's rules is revised as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U.S.C. 303, 155)

Released: May 9, 1960.

FEDERAL COMMUNICATIONS  
COMMISSION,  
BEN F. WAPLE,  
Acting Secretary.

Part 8, Stations on Shipboard in the Maritime Services, is amended as follows:

1. Section 8.2(m) is amended to correct the reference to addresses and inspection areas of Commission engineers in charge. As amended, paragraph (m) reads as follows:

##### § 8.2 General.

(m) *Radio district.* A prescribed geographic area within the United States which, for the purpose of official inspection of radio stations in behalf of the Commission, is under the jurisdiction of a Commission engineer in charge

## RULES AND REGULATIONS

whose official address and the specific area of inspection associated therewith are designated in section 0.49 of the Commission's Statement of Organization, Delegations of Authority and Other Information.

2. Section 8.555(c) (5) (iii) is edited to read as follows:

§ 8.555 Requirements for automatic-alarm-signal keying device.

\* \* \* \* \*

(c) \* \* \*

(5) \* \* \*

(iii) The automatic-alarm-signal keying device shall be capable of properly operating the keying circuit of an approved radiotelegraph transmitter so as to transmit the alarm signal for a continuous period of one hour, under any condition which may be expected on board ships while being navigated during extreme weather and sea conditions. For this purpose the following tests are

prescribed in addition to the test prescribed in subdivision (ii) of this subparagraph.

§ 8.557 [Amendment]

3. The second column in the table in § 8.557(b) (1) is amended by changing the second entry in the column from 5 to .5 and by changing the third entry in the column from 2 to .02.

[F.R. Doc. 60-4342; Filed, May 12, 1960; 8:49 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### [ 7 CFR Part 1032 ]

[Docket No. AO-321]

### CARROTS GROWN IN SOUTH TEXAS

#### Hearing With Respect to Proposed Marketing Agreement and Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the County Court Room, District Courthouse, Edinburg, Texas, at 9:30 a.m., c.s.t., May 31, 1960, with respect to a proposed marketing agreement and order regulating the handling of carrots grown in designated counties of South Texas. The proposed marketing agreement and order have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the provisions of the proposed marketing agreement and order hereinafter set forth, and to any appropriate modifications thereof.

The South Texas Carrot Committee, supported by the Valley Farm Bureau and the Texas Citrus and Vegetable Growers and Shippers Association, jointly submitted and requested the hearing on the proposed marketing agreement and order, of which the terms and conditions are as set forth below.

#### DEFINITIONS

##### § 1032.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

##### § 1032.2 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

##### § 1032.3 Person.

"Person" means an individual, partnership, corporation, association or any other business unit.

##### § 1032.4 Production area.

"Production area" means the counties of Pecos, Terrell, Reeves, Val Verde, Kinney, Uvalde, Medina, Bexar, Wilson, Karnes, Goliad, Victoria, Calhoun,

Maverick, Zavala, Frio, Atascosa, Dimmit, La Salle, McMullen, Live Oak, Bee, Refugio, Webb, Duval, Jim Wells, San Patricio, Mueces, Zapata, Jim Hogg, Brooks, Kenedy, Kleberg, Starr, Comal, Hays, Bastrop, Caldwell, Guadalupe, Gonzales, Fayette, Colorado, Lavaca, Aransas, De Witt, Jackson, Wharton, Matagorda, Hildalgo, Willacy and Cameron, in the State of Texas.

##### § 1032.5 Carrots.

"Carrots" means all varieties of *Daucus carota* commonly known as carrots and grown within the production area.

##### § 1032.6 Handler.

"Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of carrots owned by another person) who handles carrots or causes carrots to be handled.

##### § 1032.7 Handle.

"Handle" or "ship" means to package, sell, transport, or in any way to place carrots in the current of the commerce within the production area or between the production area and any point outside thereof: *Provided*, That such terms shall not include the transportation, sale, or delivery of carrots by a producer to a handler who is registered as such with the committee.

##### § 1032.8 Producer.

"Producer" means any person engaged in a proprietary capacity in the production of carrots for market.

##### § 1032.9 Grading.

"Grading" is synonymous with "preparation for market" and means the sorting or separation of carrots into grades, sizes, and packs for market purposes.

##### § 1032.10 Grade and size.

"Grade" means any of the established grades of carrots and "size" means any of the established sizes of carrots as defined and set forth in all U.S. Standards for fresh carrots (§§ 51.2360 to 51.2381; 51.2455 to 51.2471; 51.2485 to 51.2498, inclusive of this title), or U.S. Consumer Standards for fresh carrots (§§ 51.495 to 51.513, inclusive of this title), both issued by the United States Department of Agriculture, or amendments thereto, or modifications thereof, or variations based thereon, recommended by the committee and approved by the Secretary.

##### § 1032.11 Pack.

"Pack" means a quantity of carrots in any type of container and which falls within specific weight limits, numerical limits, grade limits, size limits, or any combination of these recommended by the committee and approved by the Secretary.

##### § 1032.12 Container.

"Container" means a box, bag, crate, hamper, basket, package, bulk load or any other receptacle used in the packaging, transportation, sale, or shipment of carrots.

##### § 1032.13 Varieties.

"Varieties" means and includes all classifications, subdivisions, or types of carrots according to these definitive characteristics now or hereafter recognized by the United States Department of Agriculture or recommended by the committee, and approved by the Secretary.

##### § 1032.14 Committee.

"Committee" means the South Texas Carrot Committee, established pursuant to § 1032.22.

##### § 1032.15 Fiscal period.

"Fiscal period" means the annual period beginning and ending on such dates as may be approved by the Secretary pursuant to recommendations of the committee.

##### § 1032.16 District.

"District" means each of the geographic divisions of the production area initially established pursuant to § 1032.25 or as reestablished pursuant to § 1032.26.

##### § 1032.17 Export.

"Export" means to ship carrots to any destination which is not within the 48 contiguous States, or the District of Columbia, of the United States.

#### COMMITTEE

##### § 1032.22 Establishment and membership.

(a) The South Texas Carrot Committee, consisting of fifteen members, ten of whom shall be producers and five shall be handlers, is hereby established. For each member of the committee there shall be an alternate.

(b) Each person selected as a producer member or alternate shall be an individual who is a producer, or an officer or an employee of a producer, in the district for which selected. Each person selected as a handler member or alternate shall be an individual who is a handler or an officer or an employee of a handler in the district for which selected. Members and alternates shall be residents of the production area.

##### § 1032.23 Selection.

The Secretary shall select members and respective alternates from districts as established pursuant to § 1032.25 or § 1032.26. Initial selections shall be as follows:

District No. 1—2 producer members and alternates, 1 handler member and alternate.

District No. 2—2 producer members and alternates, 2 handler members and alternates.

District No. 3—6 producer members and alternates, 2 handler members and alternates.

**§ 1032.24 Term of office.**

(a) The term of office of committee members and their respective alternates shall be for two years and shall begin as of August 1 and end as of July 31. The terms shall be so determined that about one-half of the total committee membership shall terminate each year.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during such term of office and continuing until the end thereof, and until their successors are selected and have qualified.

**§ 1032.25 Districts.**

For the purpose of determining the basis for selecting committee members the following districts of the production area are hereby initially established:

*District No. 1.* The Counties of Medina, Bexar, Atascosa, Wilson, Hays, Karnes, Comal, Bastrop, Caldwell, Guadalupe, Gonzales, Fayette, Colorado, Lavaca, and De Witt in the State of Texas.

*District No. 2.* The Counties of Pecos, Terrell, Reeves, Val Verde, Kinney, Maverick, Zavala, Frio, Dimmit, La Salle, Webb, Duval, Zapata, McMullen, Uvalde, Jim Hogg and Live Oak, in the State of Texas.

*District No. 3.* The Counties of Bee, Goliad, Victoria, Calhoun, Refugio, San Patricio, Jim Wells, Nueces, Kleberg, Brooks, Kenedy, Aransas, Starr, Hidalgo, Willacy, Cameron, Jackson Wharton, Matagorda, in the State of Texas.

**§ 1032.26 Reestablishment.**

The committee may recommend, and pursuant thereto, the Secretary may approve, the reapportionment of members among districts, and the reestablishment of districts within the production area. In recommending any such changes, the committee shall give consideration to: (a) Shifts in carrot acreage within districts and within the production area during recent years; (b) the importance of new production in its relation to existing districts; (c) the equitable relationship of committee membership and districts; (d) economies to result for producers in prompting efficient administration due to redistricting or reapportionment of members within districts; and (e) other relevant factors. No change in districting or in apportionment of members within districts may become effective less than 30 days prior to the date on which terms of office begin each year and no recommendations for such redistricting or reapportionment may be made less than six months prior to such date.

**§ 1032.27 Nomination.**

The Secretary may select the members of the committee and alternates from nominations which may be made in the following manner:

(a) A meeting or meetings of producers and handlers shall be held for each district to nominate members and alternates for the committee. For nominations to the initial committee, the meetings may be sponsored by the United States Department of Agriculture or by any agency or group requested to do so by the Department. For nominations for

succeeding members and alternates on the committee, the committee shall hold such meetings or cause them to be held prior to June 15 of each year, after the effective date of this subpart;

(b) At each such meeting at least one nominee shall be designated for each position as member and for each position as alternate member on the committee.

(c) Nominations for committee members and alternates shall be supplied to the Secretary in such manner and form as he may prescribe, not later than July 1 of each year;

(d) Only producers may participate in designating producer nominees and only handlers may participate in naming handler nominees. In the event a person is engaged in producing or handling carrots in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees; and

(e) Regardless of the number of districts in which a person produces carrots, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives in designating nominees for committee members and alternates. An eligible voter's privilege of casting only one vote as aforesaid shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

**§ 1032.28 Failure to nominate.**

If nominations are not made within the time and in the manner specified in § 1032.27, the Secretary may, without regard to nominations, select the committee members and alternates, which selection shall be on the basis of the representation provided for in § 1032.22 through § 1032.26, inclusive.

**§ 1032.29 Acceptance.**

Any person selected as a committee member or alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

**§ 1032.30 Vacancies.**

To fill committee vacancies, the Secretary may select such members or alternates for unselected nominees on the current nominee list from the district involved, or from nominations made in the manner specified in § 1032.27. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, which selection shall be made on the basis of the representation provided for in § 1032.22 through § 1032.26, inclusive.

**§ 1032.31 Alternate members.**

An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence, or when designated to do so by the member for whom he is an alternate. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified.

**§ 1032.32 Procedure.**

(a) Ten members of the committee shall be necessary to constitute a quorum. Eight concurring votes or two-thirds of votes cast whichever is greater shall be required to pass any motion or approve any committee action. At assembled meetings all votes shall be cast in person.

(b) The committee may meet by telephone, telegraph, or other means of communication, and any vote cast at such a meeting shall be promptly confirmed in writing. At any unassembled meeting unanimous vote of all committee members will be required to approve any action.

**§ 1032.33 Expenses and compensation.**

Committee members and alternates when acting on committee business shall be reimbursed for reasonable expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this part. In addition they may receive compensation at a rate to be determined by the committee and approved by the Secretary, not to exceed \$10 for each day, or portion thereof, spent in attending to committee business. The committee may request the attendance of alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members.

**§ 1032.34 Powers.**

The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms and provisions;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

**§ 1032.35 Duties.**

It shall be, among other things, the duty of the committee:

(a) As soon as practicable after the beginning of each term of office, to meet and organize, to select a chairman and such other officers as may be necessary, to select subcommittees of committee members, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(b) To act as intermediary between the Secretary and any producer or handler;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person, and to protect the handling of committee funds through fidelity bonds;

(e) To investigate from time to time and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to carrots;

(f) To prepare a marketing policy;

(g) To recommend marketing regulations to the Secretary;

(h) To recommend rules and procedures for, and to make determinations in connection with, issuance of certificates of privilege;

(i) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books and records shall be subject to examination at any time by the Secretary or by his authorized agent or representative. Minutes of each committee meeting shall be reported promptly to the Secretary;

(j) At the beginning of each fiscal period, to prepare a budget of its expenses for such fiscal period, together with a report thereon;

(k) To cause the books of the committee to be audited by a competent accountant at least once each fiscal period, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part. A copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers; and

(l) To consult, cooperate, and exchange information with other marketing order committees and other individuals or agencies in connection with all proper committee activities and objectives under this part.

#### EXPENSES AND ASSESSMENTS

##### § 1032.40 Expenses.

The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred during each fiscal period for its maintenance and functioning, and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Handlers shall share expenses on the basis of a fiscal period. Each handler's share of such expense shall be proportionate to the ratio between the total quantity of carrots under regulation handled by the first handler thereof during a fiscal period and the total quantity of carrots under regulation handled by all handlers as first handlers thereof during such fiscal period.

##### § 1032.41 Budget.

As soon as practicable after the beginning of each fiscal period and as may be necessary thereafter, the committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The committee may recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

##### § 1032.42 Assessments.

(a) The funds to cover the committee's expenses shall be acquired by the levying of assessments upon handlers as provided in this subpart. Each handler who first handles carrots, which are regulated under this part, shall pay assess-

ments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of the committee's expenses.

(b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of the committee's recommendations and other available information. Such rates may be applied to specified containers used in the production area.

(c) At any time during, or subsequent to, a given fiscal period the committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendations, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all carrots which were regulated under this part and which were handled by the first handler thereof during such fiscal period.

(d) The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

##### § 1032.43 Accounting.

(a) Assessments collected in excess of expenses incurred shall be accounted for in accordance with one of the following:

(1) Excess funds not retained in a reserve, as provided in subparagraph (2) of this paragraph, shall be refunded proportionately to the persons from whom they were collected.

(2) The committee, with the approval of the Secretary, may carry over excess funds into subsequent fiscal periods as reserves: *Provided*, That funds already in reserves do not equal approximately one fiscal period's expenses. Such reserve funds may be used (i) to defray expenses during any fiscal period prior to the time assessment income is sufficient to cover such expenses, (ii) to cover deficits incurred during any fiscal period when assessment income is less than expenses, (iii) to defray expenses incurred during any period when any or all provisions of this part are suspended or are inoperative, and (iv) to cover necessary expenses of liquidation in the event of termination of this part. Upon such termination, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate. To the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purpose specified in this part and shall be accounted for in the manner provided for in this part. The Secretary may at any time require the committee and its members to account for all receipts, and disbursements.

(c) Upon the removal or expiration of the term of office of any member of the committee, such member shall ac-

count for all receipts and disbursements and deliver all property and funds in his possession to the committee, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in the committee full title to all of the property, funds, and claims vested in such member pursuant to this part.

(d) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods of suspension of this subpart, or during any period or periods when regulations are not in effect and if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the committee.

#### RESEARCH AND DEVELOPMENT

##### § 1032.48 Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of carrots. The expenses of such projects shall be paid from funds collected pursuant to § 1032.42.

#### REGULATION

##### § 1032.50 Marketing policy.

(a) At the beginning of each season, and as the Secretary may require, the committee shall prepare a marketing policy. Such policy shall indicate the data on carrot supplies and demand on which the committee bases its judgments and recommendations. It shall indicate also the kind or types of regulations contemplated during the ensuing season, and, to the extent practical, shall include recommendations for specific regulations. Notice of such marketing policy shall be given to producers, handlers, and other interested parties by bulletins, newspapers, or other appropriate media, and copies thereof shall be submitted to the Secretary and shall be available generally.

(b) Marketing policy statements relating to recommendations for regulations shall give appropriate consideration to carrot supplies for the remainder of the season, with special consideration to:

(1) Estimates of total supplies including grade, size, and quality thereof, in the production area;

(2) Estimates of supplies in competing areas;

(3) Market prices by grades, sizes, containers, and packs;

(4) Estimates of supplies of competing commodities;

(5) Anticipated marketing problems;

(6) Level and trend of consumer income; and

(7) Other relevant factors.

##### § 1032.51 Recommendations for regulations.

Upon complying with the requirements of § 1032.50, the committee may recommend regulations to the Secretary whenever it finds that such regulations as are

provided for in this subpart will tend to effectuate the declared policy of the Act.

#### § 1032.52 Issuance of regulations.

(a) The Secretary shall limit by regulations the handling of carrots whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulations would tend to effectuate the declared purpose of the Act.

(b) Such regulations may:

(1) Limit in any or all portions of the production area the handling of particular grades, sizes, qualities or packs or any combination thereof, of any or all varieties of carrots during any period;

(2) Limit the handling of particular grades, sizes, qualities, or packs of carrots differently for different varieties, for different markets, for different containers, for different portions of the production area, or any combination of the foregoing, during any period;

(3) Limit the handling of carrots by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity;

(4) Fix the size, capacity, weight, dimensions, or pack of the container or containers which may be used in the packaging, transportation, sale, preparation for market, shipment, or other handling of carrots;

(5) Establish shipping holidays by prohibiting the handling of carrots during a specified period or periods. No regulation issued pursuant hereto shall be effective for more than 72 hours, and not less than 72 hours shall elapse between the termination of any such shipping holiday and the beginning of the next such period;

(c) Regulations issued hereunder may be amended, modified, suspended, or terminated whenever it is determined:

(1) That such action is warranted upon recommendation of the committee or other available information;

(2) That such action is essential to provide relief from inspection, assessment, or regulations under paragraph (b) of this section, for minimum quantities less than customary commercial transactions; or

(3) That regulations issued hereunder no longer tend to effectuate the declared policy of the Act.

#### § 1032.53 Handling for special purposes.

Regulations in effect pursuant to § 1032.42, § 1032.52 or § 1032.60 may be modified, suspended, or terminated to facilitate handling of carrots for (a) relief or charity; (b) experimental purposes; (c) other purposes which may be recommended by the committee and approved by the Secretary.

#### § 1032.54 Safeguards.

The committee, with the approval of the Secretary, may establish through rules requirements with respect to proof that shipments made pursuant to § 1032.53 were handled and used for the purpose stated.

#### § 1032.55 Notification of regulation.

The Secretary shall promptly notify the committee of regulations issued or of any modification, suspension, or termination thereof. The committee shall give reasonable notice thereof to handlers.

#### INSPECTION

#### § 1032.60 Inspection and certification.

(a) Whenever the handling of carrots is regulated pursuant to § 1032.52, or at other times when recommended by the committee and approved by the Secretary, no handler shall handle carrots unless such carrots are inspected by an authorized representative of the Federal or Federal-State Inspection Service and are covered by a valid inspection certificate, except when relieved from such requirements pursuant to § 1032.52(c) or § 1032.54, or paragraph (b) of this section.

(b) Regrading, resorting, or repacking any lot of carrots shall invalidate any prior inspection certificate insofar as the requirements of this section are concerned. No handler shall handle carrots after they have been regraded, resorted, repacked or in any way additionally prepared for market, unless such carrots are inspected by an authorized representative of the Federal or Federal-State Inspection Service. Such inspection requirements on regraded, resorted, or repacked carrots may be modified suspended, or terminated upon recommendation by the committee, and approval of the Secretary.

(c) Upon recommendation of the committee and approval by the Secretary, any or all carrots so inspected and certified shall be identified by appropriate seals, stamps, or tags to be affixed to the containers by the handler under the direction and supervision of a Federal or Federal-State Inspector or the committee. Master containers may bear the identification instead of the individual containers within said master container.

(d) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary.

(e) When carrots are inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available to the committee by the inspection service.

(f) The committee may recommend and the Secretary may require that no handler shall transport or cause the transportation of carrots by motor vehicle or by other means unless such shipment is accompanied by a copy of the inspection certificate issued thereon, or other document authorized by the committee to indicate that such inspection has been performed. Such certificate or document shall be surrendered to such authority as may be designated.

#### REPORTS

#### § 1032.80 Reports.

Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and at such time as it

may prescribe, such reports and other information as may be necessary for the committee to perform its duties under this part.

(a) Such reports may include, but are not necessarily limited to, the following: (1) The quantities of carrots received by a handler; (2) the quantities disposed of by him segregated as to the respective quantities subject to regulation and not subject to regulation; (3) the date of each such disposition and the identification of the carrier transporting such carrots; and (4) identification of the inspection certificates relating to the carrots which were handled pursuant to §§ 1032.52 or 1032.53, or both.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers is authorized, subject to the prohibition of disclosure of individual handlers' identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the carrots received, and of carrots disposed of, by such handler as may be necessary to verify the reports he submits to the committee pursuant to this section.

#### COMPLIANCE

#### § 1032.81 Compliance.

Except as provided in this subpart, no handler shall handle carrots, the handling of which has been prohibited by the Secretary in accordance with provisions of this subpart, or the rules and regulations thereunder, and no handler shall handle carrots except in conformity to the provisions of this subpart.

#### MISCELLANEOUS PROVISIONS

#### § 1032.82 Right of the Secretary.

The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

#### § 1032.83 Effective time.

The provisions of this subpart, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

#### § 1032.84 Termination.

(a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by

means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers who, during a representative period, have been engaged in the production of carrots for market: *Provided*, That such majority has, during such representative period, produced for market more than fifty percent of the volume of such carrots produced for market.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the Act authorizing them cease to be in effect.

#### § 1032.85 Proceeding after termination.

(a) Upon the termination of the provisions of this subpart the then functioning members of the committee shall continue as joint trustees for the purpose of liquidating the affairs of the committee of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such persons full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

#### § 1032.86 Effect of termination or amendments.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulation issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

#### § 1032.87 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

#### § 1032.88 Agents.

The Secretary may, by designation in writing, name any person, including any officer or employee of the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

#### § 1032.89 Derogation.

Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

#### § 1032.90 Personal liability.

No member or alternate of the committee nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee, except for acts of dishonesty, willful misconduct, or gross negligence.

#### § 1032.91 Separability.

If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

#### § 1032.92 Amendments.

Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

#### § 1032.93 Counterparts.

This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.<sup>1</sup>

#### § 1032.94 Additional parties.

After the effective date hereof, any handler who has not previously executed this agreement may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.<sup>1</sup>

<sup>1</sup> Applicable only to the proposed agreement.

#### § 1032.95 Order with marketing agreement.

Each signatory handler favors and approves the issuance of an order by the Secretary regulating the handling of carrots in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the Act, such an order.<sup>1</sup>

Copies of this notice of hearing may be procured from the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D.C., or may be there inspected.

Dated: May 10, 1960.

ROY W. LENNARTSON,  
Deputy Administrator,  
Marketing Services.

[F.R. Doc. 60-4326; Filed, May 12, 1960;  
8:47 a.m.]

## DEPARTMENT OF LABOR

### Wage and Hour Division

[ 29 CFR Part 671 ]

[Administrative Order No. 532]

### INDUSTRY COMMITTEE NO. 47-B

#### Resignation and Appointment of Employer Member

Anthony Chemel has become too ill to serve and has resigned as an employer representative on Committee No. 47-B. Under the authority of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U.S.C. 201 et seq.), and Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165), I hereby appoint Oscar Castro-Rivera to serve on said committee as an employer representative.

Signed at Washington, D.C., this 10th day of May 1960.

JAMES P. MITCHELL,  
Secretary of Labor.

[F.R. Doc. 60-4324; Filed, May 12, 1960;  
8:47 a.m.]

## FEDERAL AVIATION AGENCY

[ 14 CFR Part 507 ]

[Reg. Docket No. 386]

### AIRWORTHINESS DIRECTIVES

#### Vickers Viscount 745D and 810 Series Aircraft

Pursuant to the authority delegated to me by the Administrator, (§ 405.27, 24 F.R. 2196), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator by amending Amendment 97, 25 F.R. 902. The amendment consists of adding a modification of the main landing gear uplock release mechanism which, when installed, will eliminate the need for continuing special inspections.

Interested persons may participate in the making of the proposed rule by sub-

mitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue, NW., Washington 25, D.C. All communications received on or before June 15, 1960 will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

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

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

Amendment 97, Vickers Viscount 745D and 810 Series aircraft, as it appeared in 25 F.R. 902 is amended by adding a new paragraph (d) as follows:

(d) Prior to August 1, 1961, incorporate the following parts or equivalent in the main landing gear uplock mechanism in accordance with Vickers Modification Bulletin D-2954 and FG. 1745, Issue 2:

- (1) Strengthened steel uplock lever.
- (2) Spring loaded actuating rod.
- (3) Hydraulic release for uplock.

The inspections required by (a), (b), and (c) are no longer required after accomplishing this modification.

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

OSCAR BAKKE,  
Director, Bureau of  
Flight Standards.

[F.R. Doc. 60-4321; Filed, May 12, 1960;  
8:47 a.m.]

#### [ 14 CFR Part 600 ]

[Airspace Docket No. 60-FW-27]

### 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 and 600.6070 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airways No. 20 and 70 presently extend, in part, and are coincident from Corpus Christi, Tex., to Palacios, Tex. The Federal Aviation Agency has under consideration the modification of Victor 20 by designating a north alternate to Victor 20 from the Corpus Christi VOR to the Palacios VOR via the intersection of the Corpus Christi VOR 039° and the Palacios VOR 241° True radials. This modification would facilitate air traffic management by providing an additional departure and arrival route for aircraft operating to and from the Corpus Christi terminals. It is also proposed to realign the segment of Victor 20 and Victor 70 from Corpus

Christi to Palacios, via the Corpus Christi VOR 054° and the Palacios VOR 226° True radials. This modification would provide sufficient divergence between Victor 20/70 and the proposed north alternate to permit optimum use of these airways. The control areas associated with Victor 20 and Victor 70 are so designated that they would automatically conform to the modified airway segments. Accordingly, no amendment relating to such control areas would be necessary.

If these actions are taken, the segment of VOR Federal airways No. 20 and 70 from Corpus Christi, Tex., to Palacios, Tex., would be realigned via the Corpus Christi VOR 054° and the Palacios VOR 226° True radials. A north alternate to VOR Federal airway No. 20 would be designated from Corpus Christi to Palacios via the Corpus Christi VOR 039° and the Palacios VOR 241° True radials.

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 9, 1960.

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

[F.R. Doc. 60-4306; Filed, May 12, 1960;  
8:46 a.m.]

#### [ 14 CFR Parts 600, 601 ]

[Airspace Docket No. 60-NY-33]

### FEDERAL AIRWAYS AND CONTROL AREAS

#### Designation

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

24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration designation of VOR Federal airway No. 488 and its associated control areas from a VOR to be commissioned approximately June 2, 1960, near Slate Run, Pa., at latitude 41°30'46" N., longitude 77°58'13" W.; via the Milton, Pa., VOR to the Shenandoah, Pa., intersection (intersection of the Selinsgrove, Pa., VOR 083° and the Tower City, Pa., VOR 040° True radials) where it would terminate. This designation of Victor 488 would provide a bypass route northeast of the Selinsgrove VOR for southeast bound aircraft en route to La Guardia Airport from the Detroit Terminal area, thereby relieving traffic congestion at the Selinsgrove VOR.

If this action is taken, VOR Federal airway No. 488 and its associated control areas would be designated from Slate Run, Pa., via Milton, Pa., to the Shenandoah, Pa., intersection.

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, Federal Building, New York International Airport, Jamaica 30, N.Y. 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 9, 1960.

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

[F.R. Doc. 60-4307; Filed, May 12, 1960;  
8:46 a.m.]

## [ 14 CFR Parts 600, 601 ]

[Airspace Docket No. 60-NY-41]

## FEDERAL AIRWAYS AND CONTROL AREAS

## Designation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration designation of VOR Federal airway No. 483 and its associated control areas from the Rockdale, N.Y., VOR to the Syracuse, N.Y., VOR via the intersection of the Rockdale VOR 325° and the Syracuse VOR 100° True radials. The designation of this VOR airway would provide an additional arrival and departure route for the Syracuse terminal area which would facilitate the air traffic management of the high volume of air traffic operating between the Syracuse and New York City terminals.

If this action is taken, VOR Federal airway No. 483 and its associated control areas would be designated from Rockdale, N.Y., to Syracuse, N.Y., via the intersection of the Rockdale VOR 325° and the Syracuse VOR 100° True radials.

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, Federal Building, New York International Airport, Jamaica 30, N.Y. 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 9, 1960.

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

[F.R. Doc. 60-4308; Filed, May 12, 1960; 8:46 a.m.]

## [ 14 CFR Parts 600, 601 ]

[Airspace Docket No. 60-NY-42]

## FEDERAL AIRWAYS AND CONTROL AREAS

## Designation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration designation of VOR Federal airway No. 464 and its associated control areas from the Dunkirk, N.Y., VOR to the Geneseo, N.Y., VOR. The designation of this VOR airway would facilitate air traffic management by providing the completing segment of a bypass route south of the Buffalo, N.Y., and Rochester, N.Y., terminal areas for the high volume of air traffic operating between the Cleveland, Ohio, and the Albany, N.Y., terminals.

If this action is taken VOR Federal airway No. 464 and its associated control areas would be designated from Dunkirk, N.Y., to Geneseo, N.Y.

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, Federal Building, New York International Airport, Jamaica 30, N.Y. 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 9, 1960.

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

[F.R. Doc. 60-4309; Filed, May 12, 1960; 8:46 a.m.]

## [ 14 CFR Part 601 ]

[Airspace Docket No. 60-WA-41]

## CONTROL AREAS

## Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 601.6002 and 601.6014 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 2 extends, in part, from the Grafton, N.Y., Intersection (intersection of the Albany, N.Y., VOR 099° and the Chester, Mass., VOR 318° True radials), to the Greenfield, Mass., Intersection (intersection of the Keene, N.H., VOR 231° and the Gardner, Mass., VOR 279° True radials). A segment of VOR Federal airway No. 14 coincides with this segment of Victor 2. The control areas associated with these segments of Victor 2 and Victor 14 are presently designated to extend upward from 700 feet above the surface to but not including 24,000 feet MSL.

To implement, in part, Civil Air Regulation, Part 60 Air Traffic Rules, Amendment 60-14 (24 F.R. 6, 11078), the Federal Aviation Agency is considering redesignating the control areas associated with these segments of Victor 2 and Victor 14 to extend upward from 3,500 feet to but not including 24,000 feet MSL. This would make additional airspace available underneath these airways for conducting flight outside of control area, and would not adversely affect the management of air traffic along these airways. This modification of control areas would not affect the designation of the associated airways. Accordingly, no amendment relating to such airways would be necessary.

If this action is taken, the control areas associated with the segments of VOR Federal airway No. 2 and No. 14 between the Grafton, N.Y., Intersection and the Greenfield, Mass., Intersection would be designated to extend upward from 3,500 feet MSL (approximately 2,000 feet above highest terrain), to but not including 24,000 feet MSL.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. 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 rec-

## PROPOSED RULE MAKING

ord 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 9, 1960.

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

[F.R. Doc. 60-4305; Filed, May 12, 1960;  
8:46 a.m.]

# Notices

## CIVIL AERONAUTICS BOARD

[Docket 9812]

### TRANS CARIBBEAN AIRWAYS NON-SUBSIDY MAIL AUTHORIZATION

#### Notice of Oral Argument

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be held on May 25, 1960, at 10:00 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., May 10, 1960.

[SEAL] FRANCIS W. BROWN,  
Chief Examiner.

[F.R. Doc. 60-4343; Filed, May 12, 1960;  
8:49 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13489 etc.; FCC 60-490]

### ALEXANDRIA BROADCASTING CORP. (KXRA) ET AL.

#### Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Alexandria Broadcasting Corporation (KXRA), Alexandria, Minnesota, Docket No. 13489, File No. BP-12287; has: 1490 kc, 250 w, U; requests: 1230 kc, 250 w, 1 kw-LS, U; Clifford L. Hedberg, tr/as Western Minnesota Broadcasting Co. (KMRS), Morris, Minnesota, Docket No. 13499, File No. BP-12347; has: 1570 kc, 1 kw, Day; requests: 1230 kc, 250 w, U; KISD, Inc. (KISD), Sioux Falls, South Dakota, Docket No. 13500, File No. BP-13366; has: 1230 kc, 250 w, U; requests: 1230 kc, 250 w, 1 kw-LS, U; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 4th day of May 1960;

The Commission having under consideration the above-captioned and described applications;

It appearing that except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated March 10, 1960, and incorporated herein by reference, notified the instant applicants, and any

other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that the Commission's letter of March 10, 1960, advised the Western Minnesota Broadcasting Co. that the proposed operation of Station KMRS would cause objectionable interference to Station KYSM, Mankato, Minnesota; but that a further study of the KMRS proposal indicates that the area which would be under interference from the KMRS proposal is already under interference from the existing operation of Station KISD and, accordingly, the Southern Minnesota Supply Co. is being made a party only with respect to the proposed operation of KISD; and

It further appearing that after consideration of the foregoing, and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations of each of the instant applicants and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

3. To determine whether the instant proposal of Station KXRA would involve objectionable interference with Station KOTE, Fergus Falls, Minnesota, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations af-

ected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the instant proposal of Station KMRS would involve objectionable interference with Station KISD, Sioux Falls, South Dakota, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether the instant proposal of Station KISD would involve objectionable interference with KICD's proposed operation (BP-12386), and also with Stations KICD, Spencer, Iowa; KYSM, Mankato, Minnesota; and KHAS, Hastings, Nebraska, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

6. To determine whether the interference received by each instant proposal from any of the other proposals herein and any existing stations would affect more than ten percent of the population within its normally protected primary service area in contravention of § 3.28 (c) (3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said Section.

7. To determine whether the transmitter sites of Stations KMRS and KISD are satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna systems which would distort the proposed antenna radiation patterns.

8. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

9. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered, That Northland Broadcasting Corp.; Southern Minnesota Supply Co.; Iowa Great Lakes Broadcasting Co., and The Nebraska Broadcasting Co., licensees of Stations KOTE, KYSM, KICD and KHAS, respectively, are made parties to the proceeding.

It is further ordered, That, KISD, Inc., licensee of Station KISD, is made a party to the proceeding with respect to its existing operation.

It is further ordered, That, to avail themselves of the opportunity to be heard, each of the instant applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing

and present evidence on the issues specified in this order.

*It is further ordered.* That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: May 9, 1960.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
*Acting Secretary.*

[F.R. Doc. 60-4328; Filed, May 12, 1960;  
8:48 a.m.]

[Docket Nos. 13491-13498; FCC 60-489]

**BOOTH BROADCASTING CO. (WIOU)  
ET AL.**

**Order Designating Applications for  
Consolidated Hearing on Stated  
Issues**

In re applications of Booth Broadcasting Company (WIOU), Kokomo, Indiana, has: 1350 kc, 1 kw, DA-2, U; requests: 1350 kc, 1 kw, 5 kw-LS, DA-2, U; Docket No. 13491, File No. BP-12036; Clinton Broadcasting Corporation (KROS), Clinton, Iowa, has: 1340 kc, 250 w, U; requests: 1340 kc, 250 w, 1 kw-LS, U; Docket No. 13492, File No. BP-12665; Truth Radio Corporation (WTRC), Elkhart, Indiana, has: 1340 kc, 250 w, U; requests: 1340 kc, 250 w, 1 kw-LS, U; Docket No. 13493, File No. BP-12842; Illinois Broadcasting Company (WSOY), Decatur, Illinois, has: 1340 kc, 250 w, U; requests: 1340 kc, 250 w, 1 kw-LS, U; Docket No. 13494, File No. BP-12916; WJOL, Inc. (WJOL), Joliet, Illinois, has: 1340 kc, 250 w, U; requests: 1340 kc, 250 w, 1 kw-LS, U; Docket No. 13495, File No. BP-13054; Tri-City Radio Corporation (WLBC), Muncie, Indiana, has: 1340 kc, 250 w, U; requests: 1340 kc, 250 w, 1 kw-LS, U; Docket No. 13496, File No. BP-13102; Radio Milwaukee, Inc. (WRIT), Milwaukee, Wisconsin, has: 1340 kc, 250 w, U; requests: 1340 kc, 250 w, 1 kw-LS, U; Docket No. 13497, File No. BP-13158; Stevens-Wismer Broadcasting, Inc. (WLAV), Grand Rapids, Michigan, has: 1340 kc, 250 w, U; requests: 1340 kc, 250 w, 1 kw-LS, U; Docket No. 13498, File No. BMP-8430; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 4th day of May 1960;

The Commission having under consideration the above-captioned and described applications;

It appearing that on the basis of the information before us, each of the instant applicants is legally, technically, financially, and otherwise qualified, except as may appear from the issues specified below, to construct and operate its proposal; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated January 7, 1960, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant application filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring an evidentiary hearing on the particular issues as hereinafter specified; and in which the applicants stated that they would appear at a hearing on the instant applications; and

It further appearing that on December 23, 1958, WKAN, Kankakee, Illinois, was granted a construction permit (BP-11287) to change transmitter location and install a directional antenna for nighttime operation (1320 kc, 500 w, 1 kw-LS, DA-N, U); that, in the Commission's letter dated January 7, 1960, WJOL, Inc. was advised that the daytime power increase proposed by WJOL may involve a problem of 2 and 25 mv/m overlap with WKAN; that a question of 2 and 25 mv/m overlap was not raised when WKAN was granted a construction permit to change site since the new site would be farther removed from WJOL and therefore any problem of 2 and 25 mv/m overlap that then existed would be reduced; that, on January 26, 1960, WJOL, Inc. submitted field intensity measurements made on the present operation of WJOL and on WKAN operating on program tests from its new site which indicates that the 2 mv/m contour of WKAN overlaps the present and proposed 25 mv/m contour of WJOL and the proposed 2 mv/m contour of WJOL would overlap the 25 mv/m contour of WKAN; that WJOL, Inc. has requested a waiver of § 3.37 of the Commission rules regarding 2 and 25 mv/m overlap; and

It further appearing that by letter of January 25, 1960, WJOL expressed the "opinion that WKAN's present interference to WJOL is in contravention of § 3.37 of the Commission's rules and non-conformance with filings of their request for license to cover their construction permit (BP-11287), should be gone into"; but that the newly authorized transmitter site of WKAN is farther removed from the WJOL site than the former site and the presently authorized operation of WKAN reduces radiation in the direction of WJOL and that, therefore, the presently authorized operation of WKAN results in an improvement over the situation that formerly obtained; and

It further appearing that the Truth Radio Corporation and WJOL, Inc., have agreed to accept any interference that would result from a mutual increase in power of Stations WTRC and WJOL; and that the Illinois Broadcasting Company

and WJOL, Inc., have agreed to accept any interference that would result from a mutual increase in power of Stations WSOY and WJOL; and

It further appearing that in the event of a grant of the application of Stevens-Wismer Broadcasting, Inc. (WLAV), the permittee will be required to eliminate any adverse problems of interaction between the proposed antenna system and the antenna systems of Stations WMAX and WFUR; and

It further appearing that after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

*It is ordered.* That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations of each of the instant applicants and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

3. To determine whether the instant proposal of Booth Broadcasting Company (WIOU) would involve objectionable interference with Stations WLBC, Muncie, Indiana, and WHMI, Howell, Michigan, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the instant proposal of Clinton Broadcasting Corporation (KROS) would involve objectionable interference with Stations KMAQ, Maquoketa, Iowa; WRAM, Monmouth, Illinois; WJOL, Joliet, Illinois; WSOY, Decatur, Illinois and WRIT, Milwaukee, Wisconsin or any other existing standard broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether the instant proposal of Truth Radio Corporation (WTRC) would involve objectionable interference with Stations WLBC, Muncie, Indiana; WCSR, Hillsdale, Michigan; WLAV, Grand Rapids, Michigan, and WIOU, Kokomo, Indiana, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected

thereby, and the availability of other primary service to such areas and populations.

6. To determine whether the instant proposal of Illinois Broadcasting Company (WSOY) would involve objectionable interference with Stations WJPF, Herrin, Illinois; KXEO, Mexico, Missouri; KROS, Clinton, Iowa; WBIW, Bedford, Indiana and WAAP, Peoria, Illinois, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

7. To determine whether the instant proposal of WJOL, Inc. (WJOL) would involve objectionable interference with Stations WRIT, Milwaukee, Wisconsin; KROS, Clinton, Iowa, and WKAN, Kan-kakee, Illinois, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

8. To determine whether the instant proposal of Tri-City Radio Corporation (WLBC) would involve objectionable interference with Stations WIOU, Kokomo, Indiana; WTRC, Elkhart, Indiana; WIZE, Springfield, Ohio; WBIW, Bedford, Indiana; WCSR, Hillsdale, Michigan, and WNCO, Ashland, Ohio, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

9. To determine whether the instant proposal of Radio Milwaukee, Inc. (WRIT) would involve objectionable interference with Stations WHBL, Sheboygan, Wisconsin; WJOL, Joliet, Illinois; KROS, Clinton, Iowa; WLAV, Grand Rapids, Michigan; WMTE, Manistee, Michigan, and WAGN, Menominee, Michigan, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

10. To determine whether the instant proposal of Stevens-Wismer Broadcasting, Inc. (WLAV) would involve objectionable interference with Stations WCSR, Hillsdale, Michigan, and WEXL, Royal Oak, Michigan, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

11. To determine whether the interference received from any of the other proposals herein and any existing stations would affect more than ten percent of the population within the normally protected primary service area of any one of the instant proposals in contravention of § 3.28(c)(3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said section.

12. To determine whether overlap of the 2 mv/m and 25 mv/m contours would occur between the instant pro-

posal of the Clinton Broadcasting Corporation (KROS) and Station KMAQ in contravention of § 3.37 of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said section.

13. To determine whether overlap of the 2 mv/m and 25 mv/m contours would occur between the instant proposal of WJOL, Inc. (WJOL) and Station WKAN in contravention of § 3.37 of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said section.

14. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

15. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the instant applications should be granted.

*It is further ordered,* That Wirth Broadcasting Company, Jackson County Broadcasting Company, Prairieland Broadcasters, Baw Beese Broadcasters, Inc., Egyptian Broadcasting Company, "Voice of Egypt", Audrain Broadcasting Corporation, Bedford Broadcasting Co., Peoria Broadcasting Co., WKAN Radio, Inc., Radio Voice of Springfield, Inc., Radio Ashland, Inc., WHBL Incorporated, Manistee Radio Corporation, Men-Mar Broadcasting Corp., and Sparks Broadcasting Co., licensees of Stations WHMI, KMAQ, WRAM, WCSR, WJPF, KXEO, WBIW, WAAP, WKAN, WIZE, WNCO, WHBL, WMTE, WAGN, and WEXL, respectively, are made parties to the proceeding.

*It is further ordered,* That Booth Broadcasting Company, Clinton Broadcasting Corporation, Truth Radio Corporation, Illinois Broadcasting Company, WJOL, Inc., Tri-City Radio Corporation, Radio Milwaukee, Inc., and Stevens-Wismer Broadcasting, Inc., are made parties to the proceeding with respect to their existing operations.

*It is further ordered,* That, in the event of a grant of the application of Stevens-Wismer Broadcasting, Inc., the construction permit shall contain a condition that the permittee shall be required to eliminate any adverse problems of interaction between the proposed antenna system of WLAV and the antenna systems of WMAX and WFUR.

*It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

*It is further ordered,* That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the

funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: May 10, 1960.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Acting Secretary.

[F.R. Doc. 60-4329; Filed, May 12, 1960;  
8:48 a.m.]

[Docket Nos. 12865, 12866; FCC 60M-793]

**CHRONICLE PUBLISHING CO. (KRON-TV) AND AMERICAN BROADCASTING-PARAMOUNT THEATRES, INC. (KGO-TV)**

**Order Continuing Hearing**

In re applications of Chronicle Publishing Company (KRON-TV), San Francisco, California, Docket No. 12865, File No. BPCT-2168; American Broadcasting-Paramount Theatres, Inc. (KGO-TV), San Francisco, California, Docket No. 12866, File No. BPCT-2401; for construction permits to increase antenna height.

Due to the informal classified conference in this proceeding now scheduled for June 10, 1960, in the office of the Army Judge Advocate General: *It is ordered,* This 9th day of May 1960, that the prehearing conference herein presently scheduled for May 23, 1960 is continued indefinitely.

Released: May 9, 1960.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Acting Secretary.

[F.R. Doc. 60-4330; Filed, May 12, 1960;  
8:48 a.m.]

[Docket Nos. 13485-13487; FCC 60-486]

**CLARKE BROADCASTING CORP. (WGAU) ET AL.**

**Order Designating Applications for Consolidated Hearing on Stated Issues**

In re applications of Clarke Broadcasting Corporation (WGAU), Athens, Georgia, has: 1340 kc, 250 w, U; requests: 1340 kc, 250 w, 1 kw-LS, U; Docket No. 13485, File No. BP-12186; Wake Broadcasters, Inc. (WAKE), Atlanta, Georgia, has: 1340 kc, 250 w, U; requests: 1340 kc, 250 w, 1 kw-LS, U; Docket No. 13486, File No. BP-12477; Savannah Valley Broadcasting Company (WBBQ), Augusta, Georgia, has: 1340 kc, 250 w, U; requests: 1340 kc, 250 w, 1 kw-LS, U; Docket No. 13487, File No. BP-13455; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 4th day of May 1960;

The Commission having under consideration the above-captioned and described applications;

It appearing that on the basis of the information before us, each of the in-

stant applicants is legally, technically, financially, and otherwise qualified, except as may appear from the issues specified below, to construct and operate its proposal; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated December 15, 1959, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring an evidentiary hearing on the particular issues as hereinafter specified; and in which the applicants stated that they would appear at a hearing on the instant applications; and

It further appearing that, after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory findings that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

*It is ordered*, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations of each of the instant applicants and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

3. To determine whether the interference received by each instant proposal from any of the other proposals herein and any existing stations would affect more than ten percent of the population within its normally protected primary service area in contravention of § 3.28 (c) (3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said section.

4. To determine whether the instant proposal of Station WGAU would involve objectionable interference with Stations WAKE, Atlanta, Georgia, and WBBQ,

Augusta, Georgia, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether the instant proposal of Station WAKE would involve objectionable interference with Stations WGAA, Cedartown, Georgia, and WGAU, Athens, Georgia, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

6. To determine whether the instant proposal of Station WBBQ would involve objectionable interference with Stations WBBT, Lyons, Georgia, and WGAU, Athens, Georgia, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

7. To determine whether the roof-top antenna system proposed by Station WAKE is in compliance with § 3.188(d) of the rules, and, if not, whether circumstances exist which would warrant a waiver of said section.

8. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

9. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the instant applications should be granted.

*It is further ordered*, That, Polk County Broadcasting Co., and Collins Corporation of Georgia, licensees of Station WGAA and WBBT, respectively, are made parties to the proceeding.

*It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

*It is further ordered*, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: May 9, 1960.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Acting Secretary.

[F.R. Doc. 60-4331; Filed, May 12, 1960;  
8:48 a.m.]

[Docket No. 13501; FCC 60-491]

**CONCORD KANNAPOLIS  
BROADCASTING CO.**

**Order Designating Application for  
Hearing on Stated Issues**

In re application of Concord Kannapolis Broadcasting Company, Concord, North Carolina, Req.: 97.9 Mc, #250; 3.35 kw; 104 ft., Docket No. 13501, File No. BPH-2826; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 4th day of May 1960;

The Commission having under consideration the above-captioned and described application;

It appearing that except as indicated by the issues specified below, the applicant is legally, technically, and otherwise qualified to construct and operate its instant proposal, but may not be financially qualified; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated January 5, 1960, and incorporated herein by reference, notified the applicant and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of the application would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the applicant's reply to the aforementioned letter has not entirely eliminated the grounds and reasons precluding a grant of the said application and requiring a hearing on the particular issues hereinafter specified; and

It further appearing that in the Commission's letter of January 5, 1960, the applicant was requested to submit a showing by the equipment manufacturer that it was extending credit and upon what terms, but that such information has not been submitted; and

It further appearing that the Concord Kannapolis Broadcasting Company proposes to mount the FM antenna on a 203-foot tower 300 feet southwest of the present tower of WEGO (AM), same licensee, and that, in the event of a grant of this application it should contain the condition hereinafter ordered; and

It further appearing that after consideration of the foregoing and the applicant's reply, the Commission is still unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity; and is of the opinion that the application must be designated for hearing on the issues specified below;

*It is ordered*, That pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether Concord Kannapolis Broadcasting Company is financially qualified to construct and operate the proposed station.

2. To determine, in the light of the evidence adduced, pursuant to the foregoing issue, whether the instant application should be granted.

*It is further ordered.* That in the event of a grant of the application of Concord Kannapolis Broadcasting Company, the construction permit shall contain a condition that prior to the authorization of program tests there shall be submitted sufficient measurements to show that the FM antenna structure has not distorted the antenna pattern of Station WEGO.

*It is further ordered.* That to avail itself of the opportunity to be heard, the instant applicant, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: May 10, 1960.

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

[F.R. Doc. 60-4332; Filed, May 12, 1960;  
8:48 a.m.]

[Docket No. 13490; FCC 60-488]

**IONIA BROADCASTING CO. (WION)**  
**Order Designating Application for  
Hearing on Stated Issues**

In re application of Monroe MacPherson, tr/as Ionia Broadcasting Company (WION), Ionia, Michigan, has: 1430 kc, 500 W, D; requests: 1430 kc, 5 KW, DA, Day; Docket No. 13490; File No. BP-12445; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 4th day of May 1960;

The Commission having under consideration the above-captioned and described application;

It appearing that, except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing, that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated February 19, 1960, and incorporated herein by reference, notified the applicant, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of the application would serve the public interest, convenience and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the applicant filed a timely reply to the aforementioned letter, which reply has not, however, entirely eliminated the grounds and reasons precluding a grant of the

application and requiring an evidentiary hearing on the particular issues herein-after specified; and

It further appearing that by letter dated February 23, 1960, the applicant advised the Commission that additional data would be supplied, that the applicant's consultant would make field intensity measurements to establish that the 2 and 25 mv/m contours of the proposed operation of WION and of Station WGRD would not overlap and that additional site photographs would be submitted; but that the additional data and site photographs have not been received.

It further appearing that after consideration of the foregoing and the applicant's reply, the Commission is still unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity; and is of the opinion that the application must be designated for hearing on the issues specified below;

*It is ordered.* That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WION and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of WION would involve objectionable interference with Station WGRD, Grand Rapids, Michigan, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the WION transmitter site is satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern.

4. To determine whether overlap of the 2 mv./m. and 25 mv./m. contours would occur between the instant proposal of WION and Station WGRD in contravention of § 3.37 of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

*It is further ordered.* That Regional Broadcasters of Michigan, Inc., licensee of Station WGRD, Grand Rapids, Michigan, is made a party to the proceeding.

*It is further ordered.* That, to avail themselves of the opportunity to be heard, applicant and party respondent, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for

the hearing and present evidence on the issues specified in this order.

Released: May 9, 1960.

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

[F.R. Doc. 60-4333; Filed, May 12, 1960;  
8:48 a.m.]

[Docket Nos. 13346, 13347; FCC 60M-795]

**DAVID L. KURTZ AND BRANDYWINE  
BROADCASTING CORP.**

**Order Continuing Hearing**

In re applications of David L. Kurtz, Philadelphia, Pennsylvania, Docket No. 13346, File No. BPH-2774; Brandywine Broadcasting Corporation, Media, Pennsylvania, Docket No. 13347, File No. BPH-2803; for construction permits.

Upon oral request of Brandywine Broadcasting Corporation and with the consent of all other parties to the above entitled proceeding: *It is ordered.* This 9th day of May 1960, that the exchange of exhibits presently scheduled for May 10, 1960, be, and the same is, hereby extended to July 11, 1960, and that the hearing presently scheduled for May 17, 1960, be, and the same is, hereby continued to July 18, 1960.

Released: May 9, 1960.

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

[F.R. Doc. 60-4334; Filed, May 12, 1960;  
8:48 a.m.]

[Docket No. 13502; FCC 60-492]

**O'KEEFE BROADCASTING CO., INC.**  
**Order Designating Application for  
Hearing on Stated Issues**

In re application of O'Keefe Broadcasting Company, Inc., Levittown-Fairless Hills, Pennsylvania, req.: 100.1 Mc, #261; 1 kw.; 134 feet; Docket No. 13502, File No. BPH-2913; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 4th day of May 1960;

The Commission having under consideration the above-captioned and described application;

It appearing that except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated February 29, 1960, and incorporated herein by reference, notified the applicant and any other known parties of interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of

the application would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection in the Commission's offices; and

It further appearing that the applicant filed a timely reply to the aforementioned letter, which reply has not, however, entirely eliminated the grounds and reasons precluding a grant at this time and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that the applicant proposes to mount the FM antenna on the tower of Station WBCB(AM), Levittown-Fairless Hills, Pennsylvania, and that, in the event of a grant of this application it should contain the condition hereinafter ordered; and

It further appearing that after consideration of the foregoing and the applicant's reply, the Commission is still unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity; and is of the opinion that the application must be designated for hearing on the issues specified below;

*It is ordered*, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant application is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the area and population within the 1 mv/m contour, the area and population therein which would be served by the proposed station, and the availability of other FM services (at least 1 mv/m) to such proposed service area.

2. To determine whether the proposed station at Levittown-Fairless Hills, Pennsylvania, would cause interference to BPH-2774, Docket No. 13346, and, if so, the nature and extent thereof, the area and population affected thereby and the availability of other FM service to such area and population.

3. To determine in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the above-described application of the O'Keefe Broadcasting Company, Inc., would serve the public interest, convenience, and necessity.

*It is further ordered*, That David L. Kurtz, applicant of BPH-2774, Docket No. 13346, Philadelphia, Pennsylvania, is made a party to the proceeding.

*It is further ordered*, That, in the event of a grant of the application, the construction permit shall contain a condition stating that WBCB shall receive permission from the Commission to determine power of WBCB by the indirect method during installation of the FM antenna and checking resistance of the tower after the installation has been completed, and that prior to the authorization of program tests resistance measurements and Forms 302 must be submitted for WBCB.

*It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.140 of the

Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: May 9, 1960.

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

[F.R. Doc. 60-4335; Filed, May 12, 1960;  
8:48 a.m.]

[Docket Nos. 13483, 13484; FCC 60-485]

### RADIO STATION WESB AND CANANDAIGUA BROADCASTING CO., INC.

#### Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of: Thomas R. Bromeley, Mary Ann Satterwhite, Charlotte E. Anderson and Joyce L. Edwards, d/b as Radio Station WESB, Canandaigua, New York, requests: 1550 kc, 250 w, Day; Docket No. 13483, File No. BP-12400; Canandaigua Broadcasting Company, Inc., Canandaigua, New York, requests: 1550 kc, 250 w, Day; Docket No. 13484, File No. BP-13031; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 4th day of May 1960;

The Commission having under consideration the above-captioned and described applications;

It appearing that except as indicated by the issues specified below, each of the instant proposals is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated March 1, 1960, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that due to the proximity of each of the proposed sites to the Commission's monitoring station to be located in the vicinity of Canan-

daigua, New York, any construction permit which may be granted to either applicant shall contain the condition hereinafter specified; and

It further appearing that after consideration of the foregoing, and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

*It is ordered*, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, on a comparative basis, which of the instant proposals would better serve the public interest, convenience and necessity in light of the evidence adduced and the record made with respect to the significant differences between the applicants as to:

a. The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

b. The proposals of each of the applicants with respect to the management and operation of the proposed station.

c. The programming service proposed in each of the said applications.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue which, if either, of the instant applications should be granted.

*It is further ordered*, That, any construction permit which may be granted to either applicant shall contain the following condition: "The permittee shall take steps to maintain radiation of radio frequency harmonics and other spurious emissions to very low levels, particularly those occurring on frequencies above 1605 kc. Upon being advised by the engineer-in-charge of the monitoring station that such emissions are causing interference to monitoring operations, the permittee shall take immediate action to further reduce the strength of extraneous emissions to a point where they are no longer objectionable."

*It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance, stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

*It is further ordered*, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals

set forth in the application will be effectuated.

Released: May 9, 1960.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Acting Secretary.

[F.R. Doc. 60-4336; Filed, May 12, 1960;  
8:49 a.m.]

[Docket Nos. 13504, 13505; FCC 60-494]

**LAWRENCE SHUSHAN AND UNITED  
BROADCASTING CO. (KEEN-FM)**

**Order Designating Applications for  
Consolidated Hearing on Stated  
Issues**

In re applications of Lawrence Shushan, Albany, California, req.: 100.5 Mc, #263; 1 kw; 85.5 ft; Docket No. 13504, File No. BPH-2799; United Broadcasting Company (KEEN-FM), San Jose, California, has: 100.3 Mc, #262; 3 kw; -150 ft; req.: 100.3 Mc, #262; 16.23 kw; 2,582 ft; Docket No. 13505, File No. BMPH-6068; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 4th day of May 1960;

The Commission having under consideration the above-captioned and described applications;

It appearing that except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially and otherwise qualified to construct and operate its instant proposal; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, by letter dated November 27, 1959, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of either of the applications would serve the public interest, convenience and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant and requiring an evidentiary hearing on the particular issues as hereinafter specified; and

It further appearing that after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below:

*It is ordered*, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a con-

solidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the area and population within the 1 mv/m contour, the area and population therein which would be served by the proposed station in BPH-2799, and the availability of other FM services (at least 1 mv/m) to such proposed service areas.

2. To determine the area and population within the 1 mv/m contour which may be expected to gain or lose service from the proposed operation of Station KEEN-FM and the availability of other such FM broadcast service to such area and population.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing FM broadcast stations, the areas and populations affected thereby, and the availability of other FM service to the areas and populations affected by interference from either of the instant proposals.

4. To determine whether the instant proposal of KEEN-FM would involve objectionable interference with Station KNBC-FM, San Francisco, California, or any other existing FM broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other FM service to such areas and populations.

5. To determine the antenna height above average terrain of the proposed operation of KEEN-FM.

6. To determine whether considerations with respect to section 307(b) of the Communications Act of 1934, as amended, are applicable to the instant proceeding, and, if so, whether a choice between the applications herein can be reasonable based thereon, and, if so, whether a grant to one or the other of the applicants would provide the more fair, efficient and equitable distribution of radio service.

7. To determine in the event it is concluded that a choice between the instant applications cannot be made on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

a. The background and experience of each having a bearing on the applicant's ability to own and operate the proposed station.

b. The proposals of each of the instant applicants with respect to the management and operation of the proposed station.

c. The programming service proposed in each of the instant applications.

8. To determine, in the light of the evidence adduced, pursuant to the foregoing issues, which, if either, of the instant applications should be granted.

*It is further ordered*, That the National Broadcasting Company, Inc., licensee of Station KNBC-FM, San

Francisco, California, is made a party to the proceeding.

*It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

*It is further ordered*, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: May 10, 1960.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] BEN F. WAPLE,  
Acting Secretary.

[F.R. Doc. 60-4337; Filed, May 12, 1960;  
8:49 a.m.]

[Docket Nos. 12991, 12992; FCC 60M-791]

**SUBURBAN BROADCASTING CO.,  
INC., AND CAMDEN BROADCAST-  
ING CO.**

**Order Following Prehearing  
Conference**

In re applications of Suburban Broadcasting Company, Inc., Mount Kisco, New York, Docket No. 12991, File No. BPH-2620; Donald Jerome Lewis, tr/as Camden Broadcasting Co., Newark, New Jersey, Docket No. 12992, File No. BPH-2624; for construction permits for new FM broadcast stations.

A prehearing conference in the above entitled matter was held on April 28, 1960, and it appearing that from the record made therein that certain agreements were made which should be formalized in an order: *It is ordered*, This 5th day of May 1960, that the following table shall govern future proceedings:

(1) Exhibits under the issues added by the Commission by an order dated February 24, 1960, shall be exchanged on or before May 26, 1960; and

(2) The hearing in this matter presently continued without date shall be held in the offices of the Commission, Washington, D.C., on Tuesday, June 14, 1960.

Released: May 9, 1960.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Acting Secretary.

[F.R. Doc. 60-4338; Filed, May 12, 1960;  
8:49 a.m.]

[Docket Nos. 12814, 13488; FCC 60-487]

**VOICE OF THE NEW SOUTH, INC.  
(WNSL) AND MID-AMERICA  
BROADCASTING CO., INC.  
(WGVM)**

**Order Designating Applications for  
Consolidated Hearing on Stated  
Issues**

In re applications of Voice of the New South, Inc. (WNSL), Laurel, Mississippi, has: 1260 kc, 1 kw, Day; requests: 1260 kc, 5 kw, Day; Docket No. 12814, File No. BP-11916; Mid-America Broadcasting Company, Inc. (WGVM), Greenville, Mississippi, has: 1260 kc, 1 kw, Day; requests: 1260 kc, 5 kw, Day; Docket No. 13488, File No. BP-13245; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 4th day of May 1960;

The Commission having under consideration the above-captioned and described applications;

It appearing that except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated November 27, 1959, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that in the event of a grant to Voice of the New South, Inc. (BP-11916), the construction permit shall contain the condition that the permittee shall submit a non-directional antenna proof-of-performance to establish that radiation has been reduced to essentially 175 mv/m/kw, as proposed.

It further appearing that after consideration of the foregoing and the applicant's replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below:

*It is ordered*, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and

place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations of each of the instant applicants and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

3. To determine whether the instant proposal of Station WNSL would involve objectionable interference with Stations WGVM, Greenville, Mississippi, and WXOK, Baton Rouge, Louisiana, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the instant proposal of Station WGVM would involve objectionable interference with Stations WNSL, Laurel, Mississippi, and KADL, Pine Bluff, Arkansas, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the instant applications should be granted.

*It is further ordered*, That WXOK, Incorporated and Jefferson County Broadcasting Company, licensees of Stations WXOK and KADL, respectively, are made parties to the proceeding.

*It is further ordered*, That both of the instant applicants are made parties to the proceeding with respect to their existing operations.

*It is further ordered*, That, in the event of a grant of the application of Voice of the New South, Inc., the construction permit shall contain a condition that the permittee shall submit non-directional antenna proof-of-performance to establish that radiation has been reduced to essentially 175 mv/m/kw as proposed.

*It is further ordered*, That, to avail themselves of the opportunity to be heard, each of the instant applicants and parties respondent herein, pursuant to Section 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

*It is further ordered*, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: May 9, 1960.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Acting Secretary.

[F.R. Doc. 60-4339; Filed, May 12, 1960;  
8:49 a.m.]

[Docket No. 12651 etc.; FCC 60-477]

**JAMES E. WALLEY ET AL.**

**Memorandum Opinion and Order  
Designating Application for Con-  
solidated Hearing and Amending  
Issues**

In re applications of James E. Walley, Oroville, California, Docket No. 12651, File No. BP-11655; Robert L. Stoddard, tr/as Sierra Broadcasting Company (KBET), Reno, Nevada, Docket No. 12819, File No. BP-12299; Finley Broadcasting Company (KSRO), Santa Rosa, California, Docket No. 12820, File No. BP-12313; Gene V. Mitchell and Robert T. McVay, d/b as Sanval Broadcasters, Oroville, California, Docket No. 12821, File No. BP-12381; Western States Radio (KIST), Santa Barbara, California, Docket No. 13281, File No. BP-12664; KATY, Sweetheart of San Luis Obispo, Inc., (KATY), San Luis Obispo, California, Docket No. 13282, File No. BP-12760; KOMY, Inc. (KOMY), Watsonville, California, Docket No. 13283, File No. BP-12853; McMahan Broadcasting Co. (KMAK), Fresno, California, Docket No. 13284, File No. BP-12979; for construction permits;<sup>1</sup> KCRA, Inc., Sacramento, California, Docket No. 13482, File No. BP-1121; for renewal of license.

1. The Commission has before it for consideration (1) a petition to enlarge issues, filed April 23, 1959 by KCRA, Inc., (KCRA); (2) statement of Broadcast Bureau (Bureau) in support of subject petition, filed May 4, 1959; (3) opposition to petition to enlarge issues and petition for other relief by James E. Walley (Walley), filed May 7, 1959;<sup>2</sup> (4) opposition to petition to enlarge issues and petition for other relief by Gene V. Mitchell and Robert T. McVay, d/b as Sanval Broadcasters (Sanval), filed May 6, 1959; (5) reply of Broadcast Bureau to

<sup>1</sup> See Commission Order released November 12, 1958 (FCC 58-1041); Order of Chief Hearing Examiner released December 19, 1958 (FCC 58M-1467); Commission Order released April 6, 1959 (FCC 59-276); Commission Order released April 24, 1959 (FCC 59-381) and Commission Order released December 2, 1959 (FCC 59-1189).

<sup>2</sup> By Commission Order released May 18, 1959, Walley's filing time was extended to May 7, 1959 (FCC 59M-633).

oppositions, filed May 27, 1959; (6) reply to Walley's opposition filed by KCRA, Inc., on May 27, 1959;<sup>3</sup> (7) reply to Sanval's opposition, filed May 27, 1959 by KCRA;<sup>4</sup> (8) answer to replies to petition for other relief, filed by Walley on June 3, 1959;<sup>5</sup> (9) answer to replies to petition for other relief, filed by Sanval on June 8, 1959; (10) petition for waiver of § 3.37 of Commission Rules, filed August 5, 1959 by Walley; (11) opposition of Broadcast Bureau to petition for waiver, filed August 31, 1959; (12) statement in support of petition for waiver, filed September 4, 1959 by Sanval; (13) opposition to petition for waiver, filed September 4, 1959, by KCRA; (14) reply to KCRA's opposition by Walley, filed September 8, 1959; (15) reply to Broadcast Bureau's opposition, filed September 8, 1959 by Walley; (16) petition to designate for hearing application of KCRA, Inc., for renewal of license of Station KCRA, Sacramento, California, filed October 14, 1959 by Walley; (17) statement in support of Walley's October 14th petition filed October 27, 1959 by Sanval; (18) opposition to Walley's October 14th petition, filed October 27, 1959 by KCRA, and (19) the matters of record in the subject proceeding.<sup>6</sup>

2. Since the filing of KCRA's petition to enlarge issues, passage of time has mooted certain of the requests for relief now before us (see, *infra*, as to Walley's petition, filed May 7, 1959; Sanval's petition, filed May 6, 1959, etc.). Intervening Commission action on the modification application of WMRO, Aurora, Illinois (July 29, 1959 grant without hearing) as well as the September 1, 1959 filing of KCRA's application for renewal of license have occasioned the submission of additional requests and pleadings (see paragraph 1, (9)-(18), *supra*). In spite of their many ram-

ifications, the separate petitions (calling for institution of proceedings pursuant to sections 312(a)(1) and (a)(2) and 316(a) of the Act focus on the Commission's interpretation of § 3.37 of its rules. The significance of the latter in this proceeding is best illustrated by a statement of the factual matters giving rise to its invocation.

3. Oroville Broadcasters (KMOR) began operation of standard broadcast station KMOR, Oroville, California in 1948 (1340 kc, 250 w, U). On September 17, 1956, it filed an application for renewal of license. On February 1, 1957, KCRA, Inc., licensee of standard broadcast station KCRA (1320 kc, 5 kw-LS (DA-2), 1 kw-N (DA-2)) filed an application for increase of its effective radiated power (daytime directional antenna radiation pattern). This application showed that the KCRA 2 mv/m contour would completely overlap the city of Oroville. The contour prediction was based on some measurements that had been made by KCRA and not on the conductivities suggested by the Commission's M-3 map. KCRA did not mention that its proposal might be in violation of § 3.37 of Commission rules, nor did it show any interference to KMOR or, for that matter, consider it at all. The Commission granted (without hearing) KCRA's application on September 19, 1957. From October 1957, to approximately January 1958, KCRA adjusted its celled until January 1959.

4. On October 23, 1957, Walley had filed an application requesting operation on 1340 kc (the facilities then licensed to KMOR<sup>7</sup> and up for renewal) with a power of 250 w, U, at Oroville, California. Station KMOR went silent (as authorized) on November 2, 1957. As noted in par. 12, *infra*, its license was not cancelled until January, 1959.

5. On January 6, 1958, KCRA filed an application for license of its new daytime directional antenna radiation pattern (BL-7000). This application, as well as subsequent amendments thereto, showed that the 2 mv/m contour of Station KCRA overlapped the city of Oroville.

6. On May 26, 1958, while the Commission's staff was studying KCRA's pending license application, the Commission sent a McFarland letter to applicants Walley and KMOR. With regard to KCRA the letter only referred to the possibility of some interference to KCRA's signal within approximately a 4-mile radius of the Oroville transmitter, involving a population of 400. On the same date, a letter pointing out the possibility of such interference was also sent to KCRA.

7. On August 27, 1958, KCRA was granted (without hearing) a license to cover its new daytime directional antenna radiation pattern.

8. On September 16, 1958, Sanval filed an application requesting operation on 1340 kc (the facilities then licensed to KMOR), with a power of 250 w, U, at Oroville, California.

<sup>3</sup>The following statement appears therein: "This application requests the facilities of KMOR, Oroville, California, but is not contingent upon a denial of the renewal of license of KMOR."

9. On November 5, 1958, the Commission designated for hearing the renewal application of Oroville Broadcasters and the application for construction permit of Walley. No issue in that order was directed to a question of overlap in violation of § 3.37. KCRA was made a party to this proceeding.

10. On December 18, 1958, the application of Oroville Broadcasters for renewal of license was dismissed by the Chief Hearing Examiner for lack of prosecution (FCC 58M-1467).

11. On January 16, 1959, the Commission sent a new McFarland letter to Sanval and the other parties to the proceeding as then constituted. The question of possible overlap with KCRA was not raised therein.

12. On January 30, 1959, the call letters KMOR were deleted and the license of Oroville Broadcasters was cancelled.

13. By Order of April 1, released April 6, 1959, the Commission consolidated for hearing the application of Sanval with the applications of Walley; Sierra Broadcasting Company; and Finley Broadcasting Company. On April 23, 1959, KCRA filed the instant petition for enlargement of issues. By Order released April 24, 1959, the Commission amended its April 6th Order (FCC 59-381).

14. On September 1, 1959, KCRA, Inc. filed an application for renewal of license of Station KCRA, Sacramento, California.

15. By Order of November 25, 1959, released December 2, 1959 (FCC 59-1189) the Commission further consolidated for hearing (with the applications heretofore designated) the applications of Mojave Broadcasters; Western States Radio; KATY, Sweetheart of San Luis Obispo, Inc.; KOMY, Inc.; and McMahon Broadcasting Co. The application of Mojave Broadcasters was dismissed by Order released January 14, 1960.

16. The proposals of Walley and Sanval for construction permits for new standard broadcast stations (1340 kc, 250 w, U) in Oroville, California, are mutually exclusive. With its subject petition to enlarge issues KCRA, Inc., licensee of Station KCRA, Sacramento, California, approximately 60 miles due South of Oroville, seeks to determine whether the operations proposed for Oroville "will comply with the requirements of § 3.37 of the rules and regulations" of the Commission. In support of this request an engineering exhibit by Serge Bergen of Jansky and Bailey, Consulting Engineers, is attached. It shows that the city of Oroville is wholly contained within the KCRA 2 mv/m contour. Since either the Sanval or Walley proposal would have to place a signal of 25 mv/m over the center of Oroville, KCRA contends that there must be an overlap of its 2 mv/m contour on 1320 kc (daytime operation) and the 25 mv/m con-

<sup>7</sup>Rule 3.37 provides in pertinent part that a license will not "be granted for the operation of a station on a frequency  $\pm 20$  kc from the frequency of another station if the area enclosed by the 25 mv/m groundwave contour of either one overlaps the area enclosed by the 2 mv/m groundwave contour of the other."

<sup>3</sup>By Commission Order, released May 20, 1959, KCRA's filing time for its Reply to Oppositions of Walley and Sanval was extended to May 27, 1959 (FCC 59M-654).

<sup>4</sup>On June 8, 1959 KCRA filed a motion that this answer be stricken on the grounds that it was in fact a further opposition to KCRA's petition to enlarge issues and thus in violation of § 1.13 of the rules (this section contemplates three stages of pleading) and further, that it added nothing to the statements already made by Walley. As the Bureau and Walley correctly point out in their oppositions to this motion, the motion must be denied, and we herewith so deny it because under § 1.13 of the rules three separate rounds of pleadings are contemplated and KCRA has ignored the fact that the oppositions filed by Walley (and Sanval) to the KCRA petition to enlarge also embodied petitions for other relief. KCRA, in replying to the oppositions to its petition to enlarge, also addressed itself to and opposed the requests for other relief, and because of this, the "answers" filed by Walley (and Sanval) are replies to an opposition to an original petition, pleadings contemplated under § 1.13 of our rules.

<sup>5</sup>A joint petition to withdraw the foregoing pleadings, filed on February 17, 1960, by James E. Walley, applicant, Gene V. Mitchell and Robert T. McVay, d/b as Sanval Broadcasters, applicant, and KCRA, Inc., party respondent, is denied in a separate Memorandum Opinion and Order being released simultaneously with this document.

tour on 1340 kc in violation of § 3.37 of the rules.

17. The Bureau, noting that KCRA's petition is substantiated by competent engineering data, supports the addition of a § 3.37 issue.

18. Granting the existence of overlap of KCRA's 2 mv/m contour and their 25 mv/m contours,<sup>8</sup> both Walley and Sanval request the Commission take any of the following courses of action:

(a) Revoke KCRA's license and construction permit as modified; or

(b) Order KCRA to show cause why its license should not be modified to reduce slightly the daytime radiation of KCRA towards Oroville or the efficiency of the daytime directional antenna array; or

(c) Order KCRA to file within 30 days an application for renewal of its license;<sup>9</sup> or

(d) Grant a waiver of § 3.37 of the Commission rules. Walley's request for waiver has been modified in that his later (August 5, 1959) petition requests grant of such a waiver "prior to commencement of hearing". Sanval supports the latter petition urging that favorable action taken thereon equally be applied to its pending petition for waiver.

19. Walley and Sanval base their request for revocation and issuance of a show cause order, in substance, on the following: (a) the engineering report submitted with KCRA's February 1, 1957 application (seeking change in its radiation pattern (daytime) showed, inter alia, (1) the proposed 2 mv/m contour of KCRA falling about four miles north of Oroville, and (2) adjacent channel interference of Station KWBR, Oakland, California (1310 kc), but was silent concerning such interference with Station KMOR, Oroville, California (1340 kc) (amendments to KCRA's application only revising the showing of interference problems with Station KWBR; (b) the adjacent channel interference showing as to Station KMOR was required by Form 301 (Section V-A, pars. 12 and 14) and by §§ 1.304 (Contents of applications), 3.150 (Data required with applications for directional antenna systems), and 3.182<sup>10</sup> of the Commis-

sion's rules because the transmitter site of KMOR was located within KCRA's proposed 0/5 mv/m contour; (c) the Commission's hearing order herein of November 5, 1958 (as to Walley's application and that of KMOR for renewal) raised no § 3.37 issue and KCRA, a party-respondent, did not seek inquiry into possible overlap; (d) the fact that the measurements submitted with KCRA's subject petition to enlarge issues show the KCRA 2 mv/m contour falling at almost the exact spot shown with KCRA's February 1, 1957 application proves that KCRA had measurements which were not submitted to the Commission; (e) the construction permit granted to KCRA in September, 1957 was invalid, null and void because, as proven now by KCRA, the proposed operation violated § 3.37 and no waiver of said rule was ever granted; (f) if the January 1959 deletion of Station KMOR did validate the KCRA construction permit, such action was unlawful because Walley, an applicant for the frequency formerly assigned to KMOR, was not given notice of this action and was not afforded an opportunity to participate in or object to said action, (g) the KCRA construction permit was invalid because KCRA misled the Commission into making such grant in violation of sections 308<sup>11</sup> and 312<sup>12</sup> of the Communications Act of 1934, as amended; and (h) KCRA's dilatoriness in raising the § 3.37 issue can only be attributed to either gross negligence or willful concealment of facts which would have barred its grant.

20. Walley and Sanval argue the applicability of section 312 of the Act<sup>13</sup> on the ground that even if the Commission is of the view that KCRA did not make false statements or suppress facts required to be disclosed, KCRA "recklessly" failed to ascertain the facts and bring them to the Commission's attention, Seaco, Inc., 15 RR 519, 536 (1957) and its construction permit or license may therefore be revoked under section 312(a)(1). Because of matters (see supra) having come to the Commission's attention which would have warranted refusal of KCRA's permit or license, revocation is, in the opinion of Walley and Sanval, also warranted under section 312(a)(2).<sup>14</sup> To establish the status

August 6, 1959 pursuant to Order released July 30, 1959). A 1 to 30 ratio will always occur if the 0.5 mv/m normally protected daytime contour of one station (e.g., KCRA) encompasses the transmitter site of the other station (e.g., KMOR).

<sup>11</sup> Section 308(b) in pertinent part requires that "all applications \* \* \* shall set forth such facts as the Commission \* \* \* may prescribe as to \* \* \* such \* \* \* information as it may require."

<sup>12</sup> Section 312(a) reads: "Any station license or construction permit may be revoked—(1) for false statements knowingly made either in the application or in any statement of fact which may be required pursuant to section 308; (2) because of conditions coming to the attention of the Commission which would warrant it in refusing to grant a license or permit on an original application; \* \* \*"

<sup>13</sup> See footnote 12, supra.

<sup>14</sup> See footnote 12, supra.

quo (at the time KCRA sought authority to change its daytime directional pattern), opponents urge application of the modification procedure embodied in section 316(a) of the Act<sup>15</sup> in reliance upon Miners Broadcasting Service, 3 RR 343 (1946). In support of the request for waiver of § 3.37 (as sought with the petitions filed May 6 and May 7, 1959, respectively), they argue that the existing equities in favor of the Oroville applicants justify grants of such waivers.

21. The Bureau contends, in reply, that as mere applicants, neither Walley nor Sanval can be subrogated to the rights against KCRA which might have been exercised by KMOR if it were still a licensee, and that concerning their requests for the institution of revocation and modification proceedings, no grounds have been advanced to justify the argument that KCRA has abused the Commission's processes.

22. Lack of standing to challenge the grant of modification permit on September 19, 1957 or of the license on August 27, 1958 is urged by KCRA (reply) in reliance upon The Cerritos Broadcasting Co., 13 RR 1112, 14 RR 1229 (1957).<sup>16</sup> As to the failure to raise either the overlap question in relation to KMOR or the interference issue in relation to that station, KCRA claims "oversight in the preparation of the engineering exhibit and \* \* \* not \* \* \* intentional exclusion"; that "the first time that this matter was noted \* \* \* was when [Rohrer] studied Walley's application requesting the KMOR facilities", and that the study of Walley's application was made "after the grant of the KCRA construction permit" (affidavit of Raymond E. Rohrer, Consulting Engineer, who prepared the February 1, 1957 modification application); that the modification grant was in full accord with Commission rules and regulations is argued (by KCRA) on the ground that the location of the KCRA 2 mv/m contour was determined by the conductivities shown by the 1951 proof of performance of KCRA and by an interpolation of certain unfiled measurements made by KCRA's Chief Engineer in the vicinity of KCRA's 0.5 mv/m contour at bearings other than in the direction of Oroville; that, at the time KCRA's modification application was granted, computations made in the manner prescribed by Commission rules would have shown that there would be no overlap of the 2 and 25 mv/m contours of Station KCRA and (then) Station KMOR and that, consequently, the Commission's September 19, 1957 grant was in full accord with the rules and regulations; that while certain spot measurements were made during 1958 it was not until completion of the measurements made in March, 1959 (sub-

<sup>15</sup> Section 316(a) empowers the Commission to modify any station license or construction permit if in its judgment "such action will promote the public interest, convenience and necessity," but requires that reasonable opportunity be given the holder of such license or construction permit to show cause why such order of modification should not issue.

<sup>16</sup> But see also The Cerritos Broadcasting Co., 15 RR 458a, 458(b) and 455/6 (par. 24).

<sup>8</sup> Walley accepts the KCRA engineering measurements for the purpose of its reply. Sanval's challenge as to the timeliness of KCRA's petition of April 23, 1959 on the ground that the original hearing order (as to the Walley and Oroville Broadcasters' applications) was published in the FEDERAL REGISTER on November 15, 1958 and that § 1.141 of the Commission rules (in the absence of a showing of good cause) requires the filing of said petition within 15 days "of the date the hearing order is published", is rejected because the Commission's order consolidating Sanval's application with those of Walley and the other parties to the proceeding as then constituted, was published in the FEDERAL REGISTER on April 9, 1959 (at page 2755).

<sup>9</sup> KCRA's September 1, 1959 filing of an application for renewal of license has mooted this request.

<sup>10</sup> Section 3.182(w) of the Commission's rules provides that interference will occur between stations separated by 20 kc if the ratio of the desired signal to the undesired signal is 1 to 30 (see amended text, effective

mitted with the KCRA petition), that KCRA was in possession of information sufficient to refute the presumption of conductivities set forth in the Commission's conductivity map.

23. In rebuttal of KCRA's and the Bureau's replies, Walley and Sanval refute the challenge to standing to request revocation by contending inter alia, that Walley's application specifically requested the facilities of KMOR;<sup>17</sup> that with respect to the other requests, the fact that Walley's application was filed after KCRA's application for construction permit was granted is not controlling because (a) any one may request the issuance of a show cause order, (b) a hearing on KCRA's application for renewal of license will be required by law, (c) any one may request waiver of a rule; that KCRA's license was never legally granted; that grant of a construction permit does not guarantee the granting of a license (citing *Independent Broadcasting Co. v. FCC*, 193 F. (2d) 900, 89 U.S. App. D.C. 396, 7 RR 2066 (1951, as amended 1952); that since KCRA's license was not valid and since its application for modified permit proposed a violation of Commission rules, KCRA has no better standing than applicants Walley or Sanval which are entitled to be heard on a comparative basis. *Ashbacker Radio Corporation v. FCC* (326 U.S. 327, 66 S. CT 148, 90 L.E.d. 108); that it is immaterial whether or not Sanval has "legal standing" to object to the grant of KCRA's license since revocation, modification, or waiver proceedings are at the discretion of the Commission; that Walley's and Sanval's argument with regard to KCRA's intentions was not that coverage of Oroville was not shown, but that overlap of the KCRA 2 mv/m and the KMOR 25 mv/m contours and interference by KMOR to KCRA in violation of § 3.37 as well as the explicit requirements of Form 301<sup>18</sup> were either intentionally or through gross negligence not revealed; that KCRA's assertion of its inability to refute the presumption of conductivities set forth in the Commission's conductivity map before the making of actual measurements in March, 1959 is ill founded in view of the fact that in determining the distances to the proposed contours<sup>19</sup> in its application for modification of its facilities, KCRA used conductivities higher than those shown on the Commission's conductivity map.

24. In seeking waivers of § 3.37 "prior to commencement of hearing", Walley<sup>20</sup> (and Sanval<sup>21</sup>) point to the Commission's July 29, 1959 grant without hearing of the modification application of Station WMRO, Aurora, Illinois. Walley (and

Sanval) argue that such action reflects a radical change in interpretation of and policy concerning § 3.37. A map attached to Walley's petition shows that approximately 80 percent of the proposed (on July 29th granted) modification application's 25 mv/m contour of WMRO would be overlapped by the present 2 mv/m contour of WTAQ (compared with an overlap of approximately 50 percent of the pre-grant 25 mv/m contour of WMRO with the 2 mv/m contour of WTAQ).<sup>22</sup> Walley asserts that since the Commission until its July 29th WMRO grant "never knowingly granted an application which would violate the 2 and 25 mv/m overlap provisions of § 3.37" it must be presumed that it knew of the violation before making the grant and, therefore, its policy heretofore maintained was changed, a change which in Walley's opinion requires a grant of the requested waiver prior to hearing.<sup>23</sup> In the Bureau's view important factual distinctions impel a denial of the request for waiver (prior to commencement of hearing); they are: (a) even prior to the July 29th grant of the Aurora application substantial overlap within the meaning of § 3.37 existed so that, while the July 29th grant may actually have increased the area of overlap, this action in no way created a situation precluded by § 3.37 "which did not already prevail"; (b) until the July 29th grant, Station WMRO was operating as a Class IV station on a regional frequency (1280 kc); and (c) the July 29th grant which authorized operation as a Class III station will result in "improved use of the facility". KCRA's opposition relies upon the purpose of the rule as requiring adherence to rigid application thereto. In *Re Home News Publishing Co., New Brunswick, New Jersey*, 6 RR 1036 f, in particular paragraph 5, pages 1037-8.

25. In replying to the Bureau's statement that "even prior to the grant of the WMRO application substantial overlap already occurred", Walley points out that no waiver of the rule had been requested by WMRO and that no waiver was granted by the Commission on its own motion; that § 3.37 was adopted in 1947; that the § 3.37 overlap of WMRO existing prior to July 29th grant, was created on July 7, 1954 when the Commission granted without hearing WTAQ's modification application (1300 kc, LaGrange, Illinois); that the Commission did not know then (July 7, 1954) that WTAQ's then existing as well as its proposed 2 mv/m contour fell some 4 to 5 miles short of the WMRO 25 mv/m contour; and that not until WMRO filed its modification application of July 1, 1958 (granted July 29, 1959) the interdiction of § 3.37 became involved. The Bureau's argument based on allegedly more efficient use of the frequency involved (1280 kc) is challenged by Walley on the ground that WMRO's authorization was granted on August 2, 1938; that the Bureau's allusion to operating as a Class III station on

a frequency intended therefor stems from reliance upon the Commission's Standards which became effective August 1, 1939; and that even though a grant of the Aurora application may result "in an improved usage of the facility" (1280), grant of petitioner Walley's Oroville application would provide that city with its only station and transmission service, and that providing a community with its first station is far more important than "providing an improved usage" of an existing facility. Addressing himself to KCRA's engineering statement of April 23, 1959 which shows that the signal of KCRA at point 53, which almost coincides with Walley's 25 mv/m contour closest to KCRA, was 2.14 mv/m (assuming the accuracy of KCRA's measurements), Walley contends that the minimum ratio of the 2 mv/m (KCRA) and 25 mv/m (Walley's proposed Oroville station) contours would be 1 to 11.7, far closer to the 1 to 12.5 ratio specified by § 3.37 than the present 1 to 10.12 ratio of WMRO and WTAQ and the 1 to 7.35 ratio approved by the Commission by its July 29, 1959 grant.<sup>24</sup> Walley argues that as the signal strength increases and the ratio of the signals decreases, the cross modulation (see § 3.37) problems become far more severe.

26. Walley's October 14th request for a consolidated hearing (on issues involving the application of section 307(b) of the Act) of KCRA's application for renewal of license of Station KCRA, filed September 1, 1959, proceeds on the premise that there exists overlap of the present 2 mv/m contour of KCRA (daytime) and the 25 mv/m contour of his proposed station and that the request for waiver of section 3.37 will not be granted. Walley claims mutual exclusivity of KCRA's operation on 1320 kc and his proposed operation on 1340 kc, *Ashbacker Radio Corporation v. FCC*, (see par. 23 supra). Sanval joins in Walley's request on the grounds stated by Walley.

27. KCRA argues denial of Walley's hearing request because of the overlap in violation of § 3.37. It argues that mutual exclusivity as claimed by Walley does not exist, on the ground, inter alia, that the Commission has authority under the Act to establish rules such as § 3.37 (*U.S. v. Storer Broadcasting Co.* 351 U.S. 192, NBC v. U.S., 319 U.S. 190; *FCC v. ABC*, 347 U.S. 284); that this authority is not subordinate to the "demand" provisions of section 307(b) of the Act (*Logansport Broadcasting Corp. v. U.S.*, 310 F. 2d 24), and that the Commission may dismiss without hearing applications in conflict with rules. KCRA supports its argument in reliance upon the changes made in section 307(d) of

<sup>17</sup> See footnote 6 supra.

<sup>18</sup> See par. 19 supra.

<sup>19</sup> Specific reference is made to Figure 8 of the engineering report dated January 10, 1957, "Contours for Proposed Operation Based on Measurements."

<sup>20</sup> See petition referred to in paragraph 1 (9), supra; see also pleading cited under (11) therein.

<sup>21</sup> In its supporting statement Sanval requests that any action taken on Walley's request equally be applied to Sanval's pending application.

<sup>22</sup> The computations apply to daytime operations only.

<sup>23</sup> WMRO's modification application was as follows: from 1280 kc 250 w. D, Class IV— to 1280 kc 500 w. 1 kw—LS, DA—3, U, Class III A.

<sup>24</sup> The minimum ratio of signals referred to is a nomenclature, devised by the petitioner, defining the ratio of the weak desired signal to the strong undesired signal and evolving from the question of the overlap of contours with reference to § 3.37. Taking the ratio of 2 mv/m over the 25 mv/m (1:12.5) as the permissible ratio where the two contours touch each other, any increase in the ratio denotes the extent of overlap, such as 1:7.35 where at a point on the 25 mv/m contour of one station the signal strength of the other station is 3.4 mv/m.

the Act in 1952, making reference to legislative history (1 RR, par. 10:36). Should, however, Walley be found entitled to have KCRA's renewal application designated for hearing because of the requirements of section 307(b) of the Act, KCRA argues that it is entitled to establish in a hearing on the question of the fair and efficient allocation of broadcast facilities that any determination as to proposed deletion of Station KCRA cannot lawfully be made unless it is established that said station's renewal of license prevents the allocation of any standard broadcast facility to Oroville.

28. The following problems require resolution:

1. Does the 2 mv/m contour of Station KCRA and the 25 mv/m contour of the proposed Oroville station's overlap?

2. In the event it is established that overlap as indicated in 1 exists, should KCRA's application for renewal of license be granted as requested or should the license to be issued authorize an operation which will eliminate such overlap?

3. In the event overlap as indicated is found to exist and the question as to whether KCRA's operation should be changed to eliminate such overlap, is answered in the negative, should a waiver of § 3.37 be granted KCRA and/or the Oroville applications?

4. Should proceedings be instituted looking toward (a) revocation of KCRA's license or construction permit as modified or (b) issuance of a show cause order why KCRA's license should not be modified to reduce either the daytime radiation towards Oroville or the efficiency of the daytime directional antenna radiation pattern?

29. The order in which we have stated the questions raised by the subject petitions determines disposition of these petitions. It is our view that the September 1, 1959 filing of KCRA's renewal application has made it unnecessary to invoke the provisions of section 312(a) (1) or (2) or of section 316(a) of the Act as requested by Walley and Sanval in their petitions for other relief, filed May 7 and May 6, respectively. We have, nevertheless, set forth the petitioners' allegations and arguments in support and refutation thereof because they point to the nature of the hearing which must be held on KCRA's renewal application. The showing in support of KCRA's request for enlargement of issues clearly invokes the prohibition of § 3.37 of our rules in that on the basis of data now available during daytime hours the present KCRA 2 mv/m contour and the proposed 25 mv/m contours of the operations sought by Walley and Sanval will overlap. Disposition of this problem is essential. It will serve no practical purpose, at this point, to speculate whether the Commission's September 19, 1957 grant (without hearing) to KCRA should not have been made because of the then pending (since September 17, 1956) application of Oroville Broadcasters for renewal of license of Station KMOR (1340 kc, 250 w U) and the preclusion of such simultaneous operations because of the proscription of § 3.37. Admittedly, had the overlap situation been discov-

ered prior to the issuance of license to KCRA in 1958 (August), that license would not have been granted because it effectively deprived Walley whose application was pending since October, 1957, and sought the facilities of KMOR, of the rights to a comparative hearing as a party whose application was co-pending with that of KCRA, The Cerritos Broadcasting Co., 14 RR 1229, 1232 (1957). With the question of overlap under § 3.37 at issue, and KCRA's application for renewal as well as those of Walley and Sanval for operations in Oroville now before us, the matters raised by petitioners must be fully explored in a hearing so as to resolve the questions more specifically set forth in paragraph 28, supra. The issues thus to be specified will provide an adequate and reasonable basis for resolution of the problems presented. Accordingly, we believe it unnecessary, at this time, to add a section 307(b) issue as to KCRA's renewal application, on the one hand, and the Oroville applications, on the other, see The Cerritos Broadcasting Co., supra on the remote possibility that such a determination may ultimately become necessary.

30. In view of the position stated in paragraph 29, supra, the issues will be further enlarged to determine whether Walley and Sanval's Oroville proposals will comply with the requirements of § 3.37. As to these proposals the further determination is necessary as to whether, should § 3.37 be applicable, circumstances exist which would warrant a waiver thereof. Walley and Sanval will thus have every opportunity to show in reliance upon their allegations more specifically set forth in paragraph 19, supra, what action should be taken on KCRA's renewal application.

31. Insofar as the requests of Walley and Sanval are for waivers "prior to commencement of hearing" and are based on the ground of alleged "radical change in interpretation of and policy concerning" said section, the following observations are pertinent.

32. The history which led to the adoption of the present § 3.37 (minimum separation rule) shows that the Commission recognizes the fact that in many cases stations assigned on channels from 10 to 30 kc apart may be operated with antenna systems side-by-side or otherwise in proximity of each other without any indications of interference if the interference is defined only in terms of permissible ratios (as previously adopted). As a practical matter, however, serious interference problems may arise when two or more stations with the same general service area are operated on channels 10, 20, and 30 kcs apart. Interference may result from non-selectivity of receivers, external cross-modulation, and internal cross-modulation within the transmitters. It is generally accepted that interference due to cross-modulation usually occurs in areas of high field intensity. In view of the difficulty in predicting the interference of the types involved, a set of restrictive provisions were included in our Standards of Good Engineering Practice to insure undeteriorated service to the public.

In its Report and Order amending Part 3 of the rules and the Standard of Good Engineering Practice, 12 RR 1525 (1955) the Commission stated that the shift of certain provisions from the Standards to the rules was not an intention to modify its allocation policy and practices (see in particular statements appearing on pages 1527-8, pars. 4 and 5).

33. KCRA, in support of its petition to enlarge, as well as Walley and Sanval, in support of their request for waiver, direct attention to past Commission emphasis on the necessity for rigid application of the provisions of § 3.37 as "essential to the preservation of the standard broadcast allocation pattern", reflected in a "policy of holding the line firmly against the 2 mv/m and 25 mv/m overlap". Home News Publishing Co., 4 RR 144; 6 RR 1036(f) (1950). The Cerritos Broadcasting Co., 14 RR 1229 (1957) and Courier Times, Inc., 14 RR 817, 824e (1957). The strictness with which the rule against overlap of the 2 and 25 mv/m contours has in the past been applied does not and cannot foreclose us from considering if, where circumstances exist which invoke application of the rule as an allocation tool within the framework of our policy, inquiry is warranted into possible waiver of the rule. Though such an inquiry evidences a relaxation of our past policy of strict adherence to the proscription of § 3.37, it is warranted within the purview of "the \* \* \* objective thought \* \* \* [which] is to require a sufficient physical separation of such stations \* \* \* [to] prevent an allocation \* \* \* conducive to [the] type of interference \* \* \* the Standards<sup>25</sup> [seek to] preclude \* \* \*". See cases cited above (in this paragraph). This, in turn, is based on the theory that a "determination of interference solely in accordance with the appropriate ratio does not realistically portray the potential interference that might well result when the signal intensities of two such stations at some common point attain the magnitude set forth in the Standards". See Home News Publishing Co., supra, at 1036(f), 1037. It is on the basis of these underlying considerations that we granted on July 29th the here challenged operation of Station WMRO, Aurora, Illinois with increased power and hours from a different transmitter site, in spite of non-compliance with § 3.37, an action to which we adhered in denying on November 27, 1959 reconsideration thereof. (See Memorandum opinion and Order released December 2, 1959, FCC 59-1200)<sup>26</sup> The question of

<sup>25</sup> Incorporated in § 3.37 of the rules.

<sup>26</sup> We noted that in the WMRO case the 2 and 25 mv/m overlap already existed and we, thusly, considered that station licensee's request for change of operation in light of whether a grant would increase the probability of cross modulation occurring; that no problem of cross modulation between WMRO (and WTAQ involved) had been reported; that WMRO could make no changes in its operation to eliminate a 2 and 25 mv/m overlap of WTAQ; and that the change in the transmitter site appeared desirable in describing the possibility of cross modulation problems occurring.

whether in a situation such as here present, circumstances exist which would warrant a waiver of § 3.37 is one to be determined on the basis of a record permitting considerations of all relevant factors.<sup>27</sup> The subject requests for waiver, in general and prior to commencement of hearing, will therefore be denied.

34. The Commission also has under consideration the application (BR-1121) of KCRA, Inc., for renewal of license of standard broadcast station KCRA, Sacramento, California. Pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated January 20, 1960, notified KCRA, Inc., and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of the KCRA application would serve the public interest, convenience and necessity; that, accordingly, it appeared that said application must be designated for hearing; and that KCRA, Inc., was being afforded the opportunity to reply. KCRA, Inc., replied, setting forth the facts and reasons why it believed that said application should be granted. Upon due consideration of the KCRA application, the above-referenced letter and reply, and the proceeding herein, the Commission is unable to find that a grant of said renewal application would serve the public interest. Therefore, a hearing is required. No questions exist as to the qualifications of applicant KCRA, Inc., except as to the matters involved in the issues set forth below.

Accordingly, it is ordered, This 4th day of May 1960, That the petition to enlarge issues filed April 23, 1959 by KCRA, Inc., is granted in the form hereinafter indicated;

It is further ordered, That the petitions for other relief filed on May 7 and May 6, 1959, respectively, by James E. Walley and Sanval Broadcasters, insofar as they seek institution of revocation proceedings pursuant to the provisions of section 312(a)(1) and (2) of the Act, as amended, and issuance of a show cause order looking toward modification of KCRA, Inc.'s outstanding license pursuant to section 316(a) of the Act, as amended are dismissed as moot; insofar as they seek waivers of § 3.37 of the Commission's rules are denied; and insofar as they request that KCRA, Inc., file, within thirty days, application for renewal of license, are dismissed as moot;

It is further ordered, That the petition for waiver of § 3.37 prior to commencement of hearing filed August 5, 1959, by James E. Walley, is denied; that the request of Sanval Broadcasters for waiver of § 3.37 prior to commencement of hearing made in its Statement filed September 4, 1959, is denied;

It is further ordered, That the petition to designate for hearing the application (BR-1121) of KCRA, Inc., for renewal of license of Station KCRA,

filed by James E. Walley on October 14, 1959, and the request to the same effect made by Sanval Broadcasters in his Statement filed October 27, 1959, are granted to the extent indicated herein-after; and,

It is further ordered, That pursuant to section 309(b) of the Communications Act of 1934, as amended, the application of KCRA, Inc., for renewal of license, is designated for hearing in this proceeding at a time and place to be specified in a subsequent order, upon the additional issues specified below; and

It is further ordered, That the issues in the Commission's Order, released December 2, 1959, as corrected by Errata, released December 9, 1959, are amended by renumbering issues 12 and 13 as issues 15 and 16 and inserting the following issues:

12. To determine whether the 2 mv/m contour of Station KCRA and the 25 mv/m contours of the proposed Oroville stations overlap.

13. To determine whether, in the event it is established that overlap as indicated in Issue 12 exists, KCRA's application for renewal of license should be granted as requested or whether a license should be issued to KCRA which authorizes an operation which will eliminate such overlap.

14. To determine whether, in the event overlap as indicated is found to exist and the question as to whether KCRA's operation should be changed to eliminate such overlap, is answered in the negative, a waiver of § 3.37 should be granted KCRA and/or the Oroville applicants.

Released: May 10, 1960.

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

[F.R. Doc. 60-4340; Filed, May 12, 1960;  
8:49 a.m.]

[Docket No. 13503; FCC 60-493]

### KENNETH F. WARREN

#### Order Designating Application for Hearing on Stated Issues

In re application of Kenneth F. Warren, Monterey, California, requests: 96.9 Mc, No. 245; 10.85 kw; 2,495 ft., Docket No. 13503, File No. BPH-2867; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 4th day of May 1960;

The Commission having under consideration the above-captioned and described application;

It appearing that except as indicated by the issues specified below, the instant applicant is legally, technically, and otherwise qualified, but may not be financially qualified to construct and operate the instant proposal; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated April 1, 1960, and

incorporated herein by reference, notified the applicant and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of the application would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the Commission's letter of April 1, 1960, advised the applicant that his proposal to broadcast 126 hours per week with six employees at an estimated cost of operation during the first year of \$13,000 did not appear to be realistic and that a detailed showing in support of his estimate should be submitted; that the applicant's reply dated April 11, 1960, stated that the applicant would be general manager and chief engineer, that the other members of the staff would be two part-time announcers and that the proposed studio would be located at the transmitter locations; but that substantial questions obtain as to whether the station can be operated 18 hours a day as proposed with only one full-time and two part-time employees; whether, therefore, the applicant's estimated cost of operation, \$13,000 per year, is realistic and, if not, whether the applicant has sufficient funds to construct and operate the proposed station; and

It further appearing that after consideration of the foregoing and the applicant's reply, the Commission is still unable to make the statutory finding that a grant of the application would serve the public interest, convenience and necessity; and is of the opinion that the application must be designated for hearing on the issues specified below;

It is ordered, That pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant application is designated for hearing at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether the applicant's staffing plans and estimated annual cost of operation for the proposed station are realistic, and, if not, whether the applicant is financially qualified to construct and operate his proposed station.

2. To determine, in the light of the evidence adduced, pursuant to the foregoing issue, whether the instant application should be granted.

It is further ordered, That to avail himself of the opportunity to be heard, the applicant, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: May 10, 1960.

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

[F.R. Doc. 60-4341; Filed, May 12, 1960;  
8:49 a.m.]

<sup>27</sup> See also Order In re application of the Marin Broadcasting Co., adopted September 30, 1959, released October 5, 1959 (FCC 59-1014).

**FEDERAL POWER COMMISSION**

[Docket Nos. RI60-314—RI60-333]

**MENDOTA OIL CO. ET AL.**

**Order Providing for Hearing on and Suspension of Proposed Changes in Rates<sup>1</sup>**

MAY 6, 1960.

Mendota Oil Company, Docket No. RI60-314; William L. McKnight, d.b.a. LaGorce Oil Company, et al., Docket No. RI60-315; McGrath & Smith (Oper-

ator), et al., Docket No. RI60-316; Standard Oil Company of Texas, Docket No. RI60-317; Cabot Carbon Company, Docket No. RI60-318; Gulf Oil Corporation, Docket No. RI60-319; Joseph I. O'Neill, Jr., et al., Docket No. RI60-320; John L. Cox, Docket No. RI60-321; Delhi-Taylor Oil Corporation, Docket No. RI60-322; The Bradley Producing Corporation, Docket No. RI60-323; H. L. Hunt, Docket No. RI60-324; Texas National Petroleum Company, Docket No. RI60-325; Texaco Inc., (Operator), et al., Docket No. RI60-326; Messman-Rinehart Oil Company, Docket No. RI60-327; Leonard Latch, et al.,

Docket No. RI60-328; Ashland Oil & Refining Company, Docket No. RI60-329; Rio Bravo Oil Company, Docket No. RI60-330; W. H. Hunt, Docket No. RI60-331; N. B. Hunt, Docket No. RI60-332; Lamar Hunt, Docket No. RI60-333.

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 produced at 14.65 psia. The proposed changes are designated as follows:

Docket No.	Respondent	Rate Schedule No.	Supplement No.	Purchaser and producing area	Notice of change dated—	Date tendered	Effective date unless suspended <sup>1</sup>	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in Docket Nos.
									Rate in effect	Proposed increased rate	
RI60-314...	Mendota Oil Co.....	8	10	El Paso Natural Gas Co. (Jack Herbert Field, Upton County, Tex.)	4-5-60	4-7-60	5-8-60	10-8-60	10.6008	15.70925	-----
RI60-315...	William L. McKnight d.b.a. La Gorce Oil Co., et al.	1	2	El Paso Natural Gas Co. (Spraberry Field, Reagan County, Tex.)	4-5-60	4-7-60	5-8-60	10-8-60	11.0	17.2295	-----
RI60-316...	McGrath & Smith (Operator), et al.	1	5	El Paso Natural Gas Co. (Spraberry Field, Upton County, Tex.)	4-7-60	4-8-60	5-9-60	10-9-60	11.1056	17.1632	-----
RI60-317...	Standard Oil Co. of Texas.	21	5	Texas Gas Corp. (E. Mayes and N.E. Jackson Pasture Fields, Chambers County, Tex.)	Undated.	4-11-60	5-12-60	10-12-60	11.1056	17.25	-----
RI60-318...	Cabot Carbon Co.....	22	6	Natural Gas P/L Co. of America (Camrick Southeast Field, Beaver County, Okla.)	4-7-60	4-11-60	5-12-60	10-12-60	16.6	16.8	G-18415
				16	1	Fahndle Eastern, P/L Co. (Hugoton Field, Seward County, Kans.)	4-6-60	4-11-60	5-12-60	10-12-60	11.0
RI60-319...	Gulf Oil Corp.....	46	4	Natural Gas P/L Co. of America (Camrick Southeast Field, Beaver County, Okla.)	Undated.	4-1-60	5-10-60	10-10-60	16.2	16.8	G-12055
RI60-320...	Joseph I. O'Neill, Jr., et al.	1	7	El Paso Natural Gas Co. and Hunt Oil Co. (Jack Herbert Field, Upton County, Tex.)	4-5-60	4-11-60	6-1-60	11-1-60	8.108	13.68225	-----
RI60-321...	John L. Cox.....	4	3	El Paso Natural Gas Co. (Spraberry Field, Upton County, Tex.)	4-6-60	4-11-60	6-1-60	11-1-60	10.6008	15.6488	-----
				El Paso Natural Gas Co. (Spraberry Field, Upton County, Tex.)	4-8-60	4-11-60	5-12-60	10-12-60	11.1056	17.2295	-----
RI60-322...	Delhi-Taylor Oil Corp.	22	3	El Paso Natural Gas Co. (S. Andrews and Wamac Fields, Andrews County, Tex.)	4-6-60	4-11-60	5-12-60	10-12-60	10.3072	13.6823	G-19728
RI60-323...	The Bradley Producing Corp.	2	4	Natural Gas P/L Co. of America (Camrick Field, Beaver County, Okla.)	4-8-60	4-11-60	5-12-60	10-12-60	16.6	16.8	G-19612
				3	4	do.	4-8-60	4-11-60	5-12-60	10-12-60	16.6
RI60-324...	H. L. Hunt.....	22	2	El Paso Natural Gas Co. (Amacker-Tippett Field, Upton County, Tex.)	Undated	4-11-60	5-12-60	10-12-60	8.108	13.68225	-----
RI60-325...	Texas National Petroleum Co.	7	1	El Paso Natural Gas Co. (Levelland Field, Cochran County, Tex.)	4-7-60	4-11-60	5-12-60	10-12-60	10.6418	15.70925	-----
				8	1	El Paso Natural Gas Co. (Spraberry Field, Midland County, Tex.)	4-11-60	4-13-60	5-14-60	10-14-60	11.0
RI60-326...	Texaco Inc. (Operator), et al.	133	24	Natural Gas P/L Co. of America (Camrick Southeast Field, Texas and Beaver Counties, Okla.)	Undated	4-12-60	5-13-60	10-13-60	16.6	16.8	G-18413
RI60-327...	Messman-Rinehart Oil Co.	2	2	Cities Service Gas Co. (Barber County, Kans.)	4-4-60	4-13-60	5-14-60	10-14-60	12.0	13.0	-----
RI60-328...	Leonard Latch, et al..	1	1	El Paso Natural Gas Co. (Levelland Field, Cochran County, Tex.)	Undated	4-8-60	6-1-60	11-1-60	10.64176	15.70925	-----
RI60-329...	Ashland Oil & Refining Co.	44	1	El Paso Natural Gas Co. (Spraberry Field, Reagan County, Tex.)	do.	4-13-60	5-14-60	10-14-60	10.0	17.0	-----
RI60-330...	Rio Bravo Oil Co.....	2	4	Tennessee Gas Trans. Co. (Edinburg Field, Hidalgo County, Tex.)	4-12-60	4-14-60	5-15-60	10-15-60	15.0952	17.24347	G-20060
RI60-331...	W. H. Hunt.....	2	10	Tennessee Gas Trans. Co. (S. Sinton Field, San Patricio County, Tex.)	Undated	4-11-60	5-12-60	10-12-60	15.0952	17.24347	G-19870
RI60-332...	N. B. Hunt.....	2	10	Tennessee Gas Trans. Co. (S. Sinton Field, San Patricio County, Tex.)	do.	4-11-60	5-12-60	10-12-60	15.0952	17.24347	G-19868
RI60-333...	Lamar Hunt.....	2	10	Tennessee Gas Trans. Co. (S. Sinton Field, San Patricio County, Tex.)	do.	4-11-60	5-12-60	10-12-60	15.0952	17.24347	G-19867

<sup>1</sup> The stated effective dates are those requested by respondents or the first day after expiration of the required 30 days' notice.

<sup>2</sup> Requests waiver of notice.

<sup>3</sup> Rate of 16.4 cents per Mcf was suspended in Docket No. G-15127 until Oct. 26, 1955, but was never put in effect.

<sup>4</sup> Low pressure gas.

<sup>5</sup> High pressure gas.

Mendota Oil Company, William L. McKnight, McGrath & Smith, Joseph I. O'Neill, Jr., John L. Cox, Delhi-Taylor Oil Corporation, H. L. Hunt, Texas National Petroleum Company, Leonard Latch, and Ashland Oil & Refining Company have tendered for filing proposed renegotiated increased rates resulting from contract amendments entered into pursuant to El Paso's contract renegotiation program in the Permian Basin Area.

In support thereof Mendota Oil Company and William L. McKnight state that their contract amendments were negotiated at arm's-length, and they agreed to extend the term of their contracts and delete therefrom the favored-nation clauses. Additionally, they submitted cost data limited to the particular leases involved.

McGrath & Smith state that their contract amendment was negotiated at arm's-length; seller surrendered its rights under the favored-nation clause; the increased rate is in line with current natural gas prices in the area; and the increase is necessary to meet increased

production, drilling, and exploration costs.

Joseph I. O'Neill, Jr. states he agreed to extend the term of the contract and to delete the favored-nation clause, and the proposed rate is an arm's-length rate not in excess of the rates provided by other gas sales contracts in the area.

Delhi-Taylor Oil Corporation mentions arm's-length bargaining and the elimination of the favored-nation clause and states that the proposed rate does not exceed the present market value of the gas in the area.

H. L. Hunt states that the new pricing arrangement is in the public interest in that it makes possible the long-term

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

dedication of reserves and assures the public of a fixed price for the gas for at least ten years, except for one escalation after five years.

Texas National Petroleum Company states that in return for the renegotiated rate, it has given up the favored-nation clause and extended the term of the contract; the proposed rate is the result of arm's-length bargaining; and such rate is in line with other contractual prices in the same area.

John L. Cox and Leonard Latch did not submit supporting statements.

Ashland Oil & Refining Company states that the contract amendment eliminates the favored-nation clause, thus helping to stabilize the price of gas, that Ashland's cost per Mcf is expected to increase as a result of declining production, and that the proposed rate is not unreasonable in view of the prevailing rates for natural gas sold in the area.

Cabot Carbon Company and The Bradley Producing Corporation, in support of their proposed periodic increased rates for gas sold to Natural Gas Pipe Line Company of America, state that the proposed rates are an integral part of the initial rate filings; the periodic pricing arrangement is common in long-term contracts in order to permit initial delivery at a price lower than the contemplated average price for the life of the contract; and such arrangement is economically desirable to the buyer, the seller, and the public.

Gulf Oil Corporation, in support of its proposed periodic increased rate, states that its contract was negotiated at arm's-length. Gulf also incorporates by reference certain exhibits presented by Gulf in the Section 5(a) proceeding in Docket No. G-9520, purporting to show a cost of service of 28.92 cents per Mcf for jurisdictional sales in 1957, higher exploration and development costs, and a declining production on a per foot drilled basis.

Texaco Inc., in support of its proposed periodic increased rate, states that the rate increase is one of several periodic adjustments, all comprising one overall contract price, to partially compensate seller for increasing costs of development, operation, and maintenance, and that the proposed rate is below the price paid by Transwestern Pipeline Company and Michigan Wisconsin Pipe Line Company for gas produced in the same general area.

Rio Bravo Oil Company, in support of its proposed favored-nation increased rate, states that its contract was negotiated at arm's-length; the cost of producing gas has materially increased during recent years; and the proposed rate will help to provide the incentive and capital with which to replace depleting gas supplies.

W. H. Hunt, N. B. Hunt, and Lamar Hunt, in support of their favored-nation increased rates, state that the pricing provision responsible for the increased rates is an integral part of the initial rate schedules; such provision is neces-

sary to justify the long-term commitment of natural gas reserves; and such pricing arrangement is common to many long-term contracts in use in the gas industry.

Standard Oil Company of Texas, in support of its proposed favored-nation increased rate, states that the proposed rate is a matter of contractual obligation arising from an arm's-length contract, and that it would be inequitable, unfair, and confiscatory not to approve such rate.

Cabot Carbon Company, in support of its proposed renegotiated increased rate for gas sold to Panhandle Eastern Pipe Line Company, states that the rate increase was arrived at by arm's-length bargaining; such rate is below the going price for gas in the area; the annual amount of the increase is deminimus; and seller agreed to delete the indefinite pricing clause from his contract.

Messman-Rinehart Oil Company, in support of its proposed renegotiated increased rate, states that the proposed rate is, in effect, the prevailing price for gas in the area, and that the increased rate will enable seller to produce gas from the leases involved for a longer period of time.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, 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 increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, each of the above-designated supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Rate Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate 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.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 60-4313; Filed, May 12, 1960;  
8:46 a.m.]

[Docket No. G-16134]

### SUNRAY MID-CONTINENT OIL CO.

#### Postponement of Hearing

MAY 6, 1960.

Upon consideration of the request filed May 5, 1960, by Counsel for Sunray Mid-Continent Oil Company for postponement of the hearing now scheduled for May 17, 1960 in the above-designated matter;

The hearing now scheduled for May 17, 1960, is hereby postponed to a date to be hereafter fixed by further notice.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 60-4315; Filed, May 12, 1960;  
8:46 a.m.]

[Docket No. CP60-41]

### SOUTHERN NATURAL GAS CO.

#### Application and Date of Hearing

MAY 6, 1960.

Take notice that on February 23, 1960, Southern Natural Gas Company (Applicant), filed in Docket No. CP60-41 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon by sale certain facilities to Alabama Gas Corporation, all as more fully described in the application.

Applicant sells natural gas to the purchaser for distribution and sale to consumers in Selma, Alabama and these facilities used to deliver said gas consist of 0.955 miles of a 6-inch pipeline segment looping the Selma lateral which is attached to the 6-inch pipeline of Alabama Gas Corporation. This segment extends from the regulating station. Another property to be sold by Applicant to this purchaser is the old Selma metering station, the site on which it stands and 53 feet of 6-inch pipeline.

There will be no interruption of service caused by the transfer of ownership and the price of \$25,795.03 approximates the depreciated original cost as of December 31, 1959.

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 6, 1960 at 9:30 a.m., e.d.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 application: *Provided, however*, That the Commission

## NOTICES

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 Applicant to appear or be represented at the hearing.

Protest 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 (19 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. 60-4314; Filed, May 12, 1960;  
8:46 a.m.]

## SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

Joint Tolls Advisory Board

[Notice No. 2-A]

### AMERICAN NEWSPAPER PUBLISHERS ASSOCIATION ET AL.

#### Notice of Hearing Upon Reclassification of Newsprint

Pursuant to the Act of May 13, 1954 as amended (33 U.S.C. 981 et seq.), and the agreement executed by the Saint Lawrence Seaway Development Corporation and The St. Lawrence Seaway Authority of Canada, dated January 29, 1958, and approved by the Governments of the United States and Canada on March 9, 1959, the St. Lawrence Seaway Joint Tolls Advisory Board, having received applications in accordance with its Rule of Procedure from:

American Newspaper Publishers Association, 750 Third Avenue, New York 17, N.Y.  
Pittston Stevedoring Corp., 17 Battery Place, New York 4, N.Y.

Commercial Marine Terminal, Inc., 3801 West Jefferson Avenue, Detroit, Mich.

Commercial Terminals Co., 4473 West Jefferson Avenue, Detroit, Mich.

The Bowater Corporation of North America Ltd., 1980 Sherbrooke Street West, Montreal 25, Province of Quebec, Canada.

requesting a change in the classification of newsprint from "general cargo" to "bulk cargo"; hereby announces that a hearing will be held in Washington, D.C., on June 16, 1960, at Room 5042, Department of Commerce Building, 15th and Constitution Avenue, at 10:00 a.m., to receive the representation of complainants.

Interested parties other than the aforementioned, who may wish to appear at the hearing and submit representation on the matter, are required to file with the Board ten (10) days prior to the hearing date twelve (12) copies of their brief or a summary of such evidence as they intend to present.

Such interested parties resident in Canada shall file their briefs or summaries with The St. Lawrence Seaway Joint Tolls Advisory Board, Hunter Building, Ottawa, Ontario. Those resident in the United States of America shall file their briefs and summaries with The St. Lawrence Seaway Joint Tolls Advisory Board, Massena, New York. Others may file their briefs or summaries with the Board at either address.

By order of the Board.

E. REECE HARRILL,  
*Vice Chairman.*

[F.R. Doc. 60-4271; Filed, May 12, 1960;  
8:45 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-89]

### GENERAL DYNAMICS CORP.

#### Notice of Issuance of Utilization Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 7, set forth below, to License No. R-38. The amendment provides an additional authorization to General Dynamics Corporation to conduct experiments in its TRIGA reactor located at Torrey Pines Mesa, California, using certain thermoelectric devices containing special nuclear material as requested in the Corporation's application for license amendment dated April 30, 1960. The Commission has found that operation of the reactor in accordance with the terms and conditions of the license, as amended, will not present any undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

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

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within thirty days after issuance of the license amendment. Petitions for leave to intervene shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street, Washington, D.C. For further details see (1) the application for license amendment dated April 30, 1960, submitted by General Dynamics Corporation, and (2) a hazards analysis of the proposed operation prepared by the Hazards Evaluation Branch of the

Division of Licensing and Regulation, both on file at the AEC's Public Document Room. A copy of item (2) above may be obtained at the AEC's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 6th day of May 1960.

For the Atomic Energy Commission.

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

[License No. R-38; Amdt. 7]

#### AMENDMENT TO UTILIZATION FACILITY LICENSE

License No. R-38, as amended, issued to General Dynamics Corporation, is hereby amended in the following respects:

In addition to the activities previously authorized by the Commission in License No. R-38, as amended, General Dynamics Corporation is authorized to conduct experiments in its TRIGA reactor located at Torrey Pines Mesa, California, using certain thermoelectric devices containing special nuclear material as described in its application for license amendment dated April 30, 1960. The conduct of the experiments shall be in accordance with the procedures and subject to the limitations contained in License No. R-38, as amended, except paragraph 3.J., and in the application for license amendment dated April 30, 1960. In addition, the total curie strength of irradiated materials created by the experiments shall not exceed the amount authorized by General Dynamics Corporation's Byproduct License No. 4-1611-11(J-60).

This amendment is effective as of the date of issuance and shall expire at 12:01 a.m. on the thirty-first day thereafter.

Date of issuance: May 6, 1960.

For the Atomic Energy Commission.

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

[F.R. Doc. 60-4293; Filed, May 12, 1960;  
8:45 a.m.]

## INTERSTATE COMMERCE COMMISSION

### FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 10, 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. 36225: *Cement—Central territory to points in Kentucky and West Virginia.* Filed by Traffic Executive Association—Eastern Railroads, Agent (CTR No. 2434), for interested rail carriers. Rates on cement and related articles, in carloads, from specified points in Indiana, New York, and Ohio, to speci-

fied points in Kentucky and West Virginia.

Grounds for relief: Market competition, short-line distance formula, and grouping.

Tariff: Supplement 30 to Traffic Executive Association-Eastern Railroads tariff I.C.C. C-56.

FSA No. 36226: *Bituminous coal—Alabama to Boykin, Fla.* Filed by O. W. South, Jr., Agent (SFA No. A3947), for the St. Louis-San Francisco Railway Company and the Louisville and Nashville Railroad Company. Rates on bituminous coal, in carloads, as described in the application, from L&NRR and St. L-SFRy. mines in Alabama, to Boykin, Fla.

Grounds for relief: Grouping.

Tariff: Supplement 32 to Southern Freight Association tariff I.C.C. S-39.

FSA No. 36227: *Methylene chloride—Freeport, Tex., to the south.* Filed by Southwestern Freight Bureau, Agent (No. B-7786), for interested rail carriers. Rates on methylene chloride (dichloromethane), in carloads, from Freeport, Tex., to points in southern territory, also Mississippi River crossings, Memphis, Tenn., and south.

Grounds for relief: Market competition, short-line distance formula, and grouping.

Tariffs: Supplement 42 to Southwestern Freight Bureau tariff I.C.C. 4331 and supplement 46 to Southwestern Freight Bureau tariff I.C.C. 4333.

FSA No. 36228: *Insecticides—Southwest to Illinois and southern territories.* Filed by Southwestern Freight Bureau, Agent (No. B-7787), for interested rail carriers. Rates on agricultural insecticides and fungicides, in carloads, or

tank-car loads, as described in the application, from points in southwestern territory, also Wichita, Kans., to points in Illinois and southern territories, also Mississippi River crossings, Memphis, Tenn., and south.

Grounds for relief: Market competition, short-line distance formula, and grouping.

Tariffs: Supplement 42 to Southwestern Freight Bureau tariff I.C.C. 4331, and 4 other schedules listed in the application.

FSA No. 36229: *Iron and steel articles—Kansas City, Mo.—Kans., to Weco, Nebr.* Filed by Western Trunk Line Committee, Agent (No. A-2132), for interested rail carriers. Rates on iron and steel articles, in carloads, as described in the application, from Kansas City, Mo.—Kans., to Weco, Nebr.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 28 to Western Trunk Line Committee tariff I.C.C. A-4257.

FSA No. 36230: *Bituminous fine coal—Alabama to Yates and McManus, Ga.* Filed by O. W. South, Jr., Agent (SFA No. A3946), for interested rail carriers. Rates on bituminous fine coal, in carloads, as described in the application, from L&NRR mines in Alabama, to Yates and McManus, Ga.

Grounds for relief: Grouping.

Tariff: Supplement 32 to Southern Freight Association tariff I.C.C. S-39.

By the Commission.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 60-4317; Filed, May 12, 1960; 8:46 a.m.]

[Notice 311]

**MOTOR CARRIER TRANSFER PROCEEDINGS**

May 10, 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 general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. 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 62457. By order of May 6, 1960, Division 4, acting as an Appellate Division, approved the transfer to Edwin L. Morton, doing business as Morton Truck Lines, Perry, Iowa, of Certificate in No. MC 84184, issued September 5, 1956, to Loren Dobson, Coon Rapids, Iowa, authorizing the transportation of: Livestock, seed, corn, building materials, hay, straw, mill feeds, farm machinery, steel and iron fencing, and tanks, from, to, or between specified points in Iowa and Nebraska. Stephen Robinson, 1020 Savings & Loan Building, Des Moines, Iowa, for applicants.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 60-4318; Filed, May 12, 1960; 8:46 a.m.]

**CUMULATIVE CODIFICATION GUIDE—MAY**

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during May.

3 CFR	Page	7 CFR—Continued	Page	10 CFR	Page
<b>PROCLAMATIONS:</b>		301.....	4127	8.....	4075
3345.....	4273	362.....	4073	<b>14 CFR</b>	
3346.....	4273	718.....	4129	26.....	3849
<b>EXECUTIVE ORDERS:</b>		719.....	4129	40.....	3850
4225.....	4150	723.....	3927	41.....	3850
10075.....	4150	725.....	3935	46.....	3850
<b>5 CFR</b>		728.....	4130	241.....	4130
1.....	3925	922.....	3849, 4074, 4159	406.....	3946
6.....	3849, 4067	953.....	3835, 4074, 4130	507.....	3836, 3850, 3851,
25.....	3925	957.....	4274	600.....	3883, 4076, 4131, 4132, 4237, 4275
325.....	4233	1102.....	4237	601.....	3947, 4077, 4160, 4276-4279
<b>6 CFR</b>		1103.....	4237	602.....	3947, 4077-4079, 4160, 4277-4279
50.....	3835	1104.....	4237	602.....	3851, 3883, 3948, 4160, 4280
306.....	4157	1105.....	4237	608.....	3836
371.....	4157	<b>PROPOSED RULES:</b>		609.....	3884, 3888
421.....	3915, 3920, 4067, 4233	51.....	3986, 4183	610.....	4132
477.....	4274	727.....	4137	617.....	3852
481.....	3835	922.....	4089	<b>PROPOSED RULES:</b>	
482.....	3835	936.....	4184	60.....	4082, 4083, 4202
502.....	3883	937.....	4184	296.....	3856
517.....	4071	968.....	4089	297.....	3856
<b>7 CFR</b>		1028.....	4093	507.....	3858, 4085, 4289
1.....	3925	1030.....	4184	514.....	4139
68.....	3926	1032.....	4285	600.....	3858, 4260, 4290, 4291
		<b>8 CFR</b>		601.....	3858,
		231.....	4275		4085-4089, 4204, 4290, 4291

	Page		Page		Page
<b>14 CFR—Continued</b>		<b>26 (1939) CFR—Continued</b>		<b>36 CFR</b>	
PROPOSED RULES—Continued		306.....	3954	311.....	4080
602.....	3898, 4261	312.....	3954	<b>39 CFR</b>	
608.....	4204	<b>26 (1954) CFR</b>		168.....	4180
<b>15 CFR</b>		1.....	3955, 4238, 4282	PROPOSED RULES:	
372.....	3836	46.....	3955	12.....	3855
373.....	3836	148.....	4166	21.....	3855
380.....	3836	PROPOSED RULES:		24.....	3855
381.....	3852	170.....	4003, 4244	27.....	3855
<b>16 CFR</b>		171.....	4003	<b>41 CFR</b>	
13.....	4238	172.....	4182	50-202.....	3853
PROPOSED RULES:		182.....	4003	51-1.....	4240
303.....	4205	201.....	4003	<b>42 CFR</b>	
<b>19 CFR</b>		216.....	4003	305.....	3899
3.....	4079	220.....	4003	<b>43 CFR</b>	
4.....	4079	221.....	4003	191.....	4081
10.....	4136	225.....	4003	PUBLIC LAND ORDERS:	
14.....	3948	230.....	4003	576.....	3892
16.....	3948	235.....	4003	724.....	3892
<b>21 CFR</b>		240.....	4244	795.....	3892
120.....	3837	250.....	3974	2084.....	3892
121.....	3837, 3838, 4079, 4161	251.....	3980	<b>46 CFR</b>	
141c.....	3838	<b>29 CFR</b>		12.....	3967
146.....	4161	PROPOSED RULES:		74.....	3967
146c.....	3838	671.....	4289	92.....	3968
PROPOSED RULES:		<b>32 CFR</b>		97.....	4240
17.....	3840	590.....	4167	136.....	3968
27.....	3987	591.....	4167	157.....	3969
51.....	4114	592.....	4167	171.....	3969, 4181
120.....	3988, 4201	594.....	4167	292.....	4080
121.....	3898, 4201	595.....	4167	365.....	3839
<b>22 CFR</b>		596.....	4167	<b>47 CFR</b>	
11.....	4238	599.....	4167	3.....	3892, 4240
<b>23 CFR</b>		600.....	4167	8.....	4283
1.....	4162	601.....	4167	12.....	3893
<b>24 CFR</b>		602.....	4167	16.....	3895
221.....	3852	605.....	4167	33.....	3969
261.....	3853	606.....	4167	PROPOSED RULES:	
292a.....	3853	1701.....	4179, 4180	3.....	4255, 4257
<b>26 (1939) CFR</b>		<b>32A CFR</b>		<b>50 CFR</b>	
29.....	4280	PROPOSED RULES:		178.....	3895
39.....	4280	OIA (Ch. X):		PROPOSED RULES:	
149.....	3954	OI Reg. 1.....	4137	182.....	4114
160.....	3954	<b>33 CFR</b>			
		202.....	4180		
		204.....	3883		